



**TO: BOARD OF ADA COUNTY COMMISSIONERS**

**HEARING DATE:** April 9, 2014  
**STAFF:** Diana Sanders, Associate Planner  
**PROJECT NO.:** 201301823 S  
**APPLICANT:** Maverik

### **INTRODUCTION**

This is an application for a two lot commercial subdivision. The property contains approximately 2.549 acres and is within the Neighborhood Commercial (C1) District. The property is located at 6168 S. Cloverdale Road in Section 34, T. 3N, R. 1E.

### **EXECUTIVE SUMMARY**

The proposed subdivision consists of two (2) commercial lots on approximately 2.549 acres. The proposed commercial lots are 1.328 acres and 1.220 acres.

The property is currently zoned C1, therefore a rezone is not required. There is an existing cross access easement for the properties along Cloverdale Road to provide access to the existing Maverik store and the proposed lot to the north. Ada County Highway District stated that the existing driveways located on Cloverdale and Lake Hazel Roads are approved. With the development of the lot to the north, sewer and water connection will be required.

### **RECOMMENDATION**

Based upon Staff's review of the application, staff concludes that this application complies with the Ada County Code and recommends approval to the Board as set out in the proposed Findings of Fact and Conclusions of Law attached hereto. The Planning & Zoning Commission recommends approval of File 201301823 S.

The Commission should consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application. Should the Commission make positive Findings of Fact and vote to recommend approval of File #201301823 S, staff recommends that the approval of File #201301823 S be subject to the Conditions of Approval listed in Exhibit A attached to the proposed Findings of Fact and Conclusions of Law and Order.

### **EXHIBIT LIST – PROJECT NO.: 201301823 S**

1. Master Application Form and Checklists. (4 pages)
2. Detailed Letter. (2 pages)
3. Pre-application notes. (2 pages)
4. Preliminary Plat. (3 pages)
5. Subdivision Name Reservation. (2 pages)
6. Comment from Boise City Public Works Department received December 3, 2013 and March 3, 2014. (3 pages)
7. Comment from Ada County Building Official received December 4, 2013. (1 page)
8. Comment letter from Central District Health Department received December 4, 2014 and February 28, 2014. (2 pages)
9. Comment letter from Ada County Engineer received December 12, 2013. (1 page)
10. Comment letter from City of Boise received January 21, 2014. (5 pages)
11. Comment letter from Ada County Highway District received January 22, 2014. (16 pages)
12. Comment letter from Boise Project Board of Control received March 27, 2014. (2 pages)



# MASTER APPLICATION/PETITION REQUEST

ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, Idaho 83702. www.adaweb.net phone: (208) 287-7900 fax: (208) 287-7909

### TYPE OF ADMINISTRATIVE APPLICATION:

- ACCESSORY USE\*
- FARM DEVELOPMENT RIGHT
- FLOODPLAIN PERMIT
- HILLSIDE DEVELOPMENT\*
- HIDDEN SPRINGS ADMINISTRATIVE
- HIDDEN SPRINGS SPECIAL EVENT
- LIGHTING PLAN
- LANDSCAPE PLAN
- DRAINAGE PLAN
- MASTER SITE PLAN\*
- EXPANSION NONCONFORMING USE
- ONE TIME DIVISION
- PRIVATE ROAD
- PROPERTY BOUNDARY ADJUSTMENT
- PLANNED UNIT DEVELOPMENT (PUD)
- SIGN PLAN
- TEMPORARY USE\*

### TYPE OF HEARING LEVEL APPLICATION:

- CONDITIONAL USE
- DEVELOPMENT AGREEMENT
- SUBDIVISION, PRELIMINARY\*
- PLANNED COMMUNITIES\*
- SUBDIVISION, SKETCH PLAT\*
- VACATION
- VARIANCE
- ZONING MAP AMENDMENT
- ZONING TEXT AMENDMENT

### TYPE OF HEARING LEVEL PETITION:

- COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

### TYPE OF ADDENDA:

- APPEAL
- ADMINISTRATIVE MODIFICATION
- DEVELOPMENT AGREEMENT MODIFICATION
- FINAL PLAT
- TIME EXTENSION

### REQUIRED SUBMITTALS:

- CHECKLIST for applicable application(s). If multiple applications, do not duplicate submittals.
- \*SUPPLEMENTAL WORKSHEET REQUIRED

### SITE INFORMATION:

Section: 34 Township: 3N Range: 1E Total Acres: 2.548  
 Subdivision Name: MAVERIK CLOVERDALE Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Site Address: 6168 SOUTH CLOVERDALE RD. City: BOISE  
 Tax Parcel Number(s): R5120006835  
 Existing Zoning: C1 Proposed Zoning: C1 District(s): Southwest Overlay \_\_\_\_\_

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 ADA COUNTY  
 DEVELOPMENT SERVICES

OFFICE USE ONLY

*201301823-ENG  
PP*

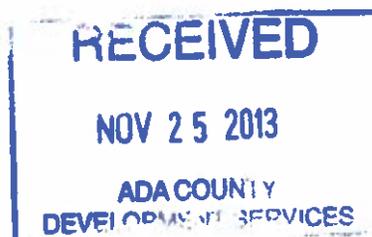
Project #: <u>201301823-S</u>	Planning Fees/GIS: <u>1209.00</u>	Engineering Fees: <u>110.00</u>
Received By: _____	Date: _____	Stamped <input type="checkbox"/>

<b>APPLICANT/AGENT: (Please print)</b>	<b>ADDITIONAL CONTACT if applicable: (Please Print)</b>
Name: <u>MAVERIK, INC</u>	Name: <u>DON LILYQUIST</u>
Address: <u>880 W. CENTER ST.</u>	Address: <u>880 W. CENTER ST.</u>
City: <u>NORTH SALT LAKE</u> State: <u>UT</u> Zip: <u>84054</u>	City: <u>NORTH SALT LAKE</u> State: <u>UT</u> Zip: <u>84054</u>
Telephone: _____ Fax: _____	Telephone: <u>801-335-3851</u> Fax: <u>801-936-1165</u>
Email: _____	Email: <u>don.lilyquist@maverik.com</u>
I certify this information is correct to the best of my knowledge.	<b>ENGINEER/SURVEYOR if applicable: (Please Print)</b>
	Name: <u>REEVE &amp; ASSOCIATES</u>
	Address: <u>920 CHAMBERS ST., SUITE 14</u>
	City: <u>OGDEN</u> State: <u>UT</u> Zip: <u>84403</u>
	Telephone: <u>801-621-9100</u> Fax: <u>801-621-2666</u>
	Email: <u>Dreeve@reeve-ASSOC.COM</u>
<u>Don Lilyquist</u> Signature: (Applicant) _____ Date _____	

<b>OWNER (S) OF RECORD: (Please Print)</b>	<b>OWNER (S) OF RECORD: (Please Print)</b>
Name: <u>MAVERIK, INC</u>	Name: _____
Address: <u>880 W. CENTER ST.</u>	Address: _____
City: <u>NORTH SALT LAKE</u> State: <u>UT</u> Zip: <u>84054</u>	City: _____ State: _____ Zip: _____
Telephone: <u>801-335-3851</u>	Telephone: _____
Fax: <u>801-936-1165</u>	Fax: _____
Email: <u>don.lilyquist@maverik.com</u>	Email: _____
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.	I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.
<u>Don Murray</u> Signature: All Owner (s) of Record _____ Date _____	Signature: All Owner (s) of Record _____ Date _____

**ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN (Additional Sheets are Available Online)**

**If the property owner(s) are a business entity, please include business entity documents, including those that indicate the person(s) who are eligible to sign documents.**



# ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, ID 83702. www.adaweb.net phone: (208)287-7900 fax: (208)287-7909



## PRELIMINARY PLAT CHECKLIST

A Subdivision request requires a public hearing.

### GENERAL INFORMATION:

Applicant	DESCRIPTION	Staff
	Three paper copies and one electronic copy of all required submittals.	
	Completed and signed Master Application	✓
	Completed Supplemental Information	✓
	Associated Forms:	
	Zoning Ordinance Map Amendment (Re-zone)	
	Development Agreement	
	Sketch Plat	
	Zoning Text Amendment	
	Private Road	
	Vacation	
	DETAILED LETTER by the applicant fully describing the request or project and address the following:	✓
	Explain the proposed use, and all uses associated with the request.	
	Any other supporting information.	
N/A	NATURAL FEATURES ANALYSIS (ACC 8-4E-4D) must include the following:	
	Three paper copies and one electronic copy.	
	Important features such as existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, Airport influence areas, existing easements, municipal boundaries, section lines, parks, schools and supplemental data as required.	
	HYDROLOGY ACC 8-4E-4D1	
	SOILS ACC 8-4E-4D2	
	TOPOGRAPHY ACC 8-4E-4D3	
	VEGETATION ACC 8-4E-4D4	
	SENSITIVE PLANT AND WILDLIFE SPECIES ACC 8-4E-4D5	
	HISTORIC RESOURCES ACC 8-4E-4D6	
	HAZARDOUS AREAS ACC 8-4E-4D7	
	IMPACT ON NATURAL FEATURES ACC 8-4E-4D8	
N/A	PHASING PLAN of proposed subdivision, if applicable, and timeline of phasing. (One full size copy and one electronic copy)	
	SUBDIVISION NAME APPROVAL from the County Engineer.	✓
NONE	RESTRICTIVE COVENANTS if proposed.	
N/A	IRRIGATION PLAN as required per Idaho Statute 31-3805.	
N/A	OPEN SPACE MANAGEMENT PLAN.	
	DEED ( or evidence of proprietary interest)	✓
✓	NEIGHBORHOOD MEETING CERTIFICATION	✓
✓	PRE-APPLICATION CONFERENCE NOTES	✓
	SUPPLEMENTAL DATA required by County Engineer	
	PRELIMINARY PLAT SPECIFICATIONS ACC 8-6-4-2 Submit 1 electronic copy, 2 full size copies, and one reduced copy to 8 1/2" X11".	
	METES AND BOUNDS LEGAL DESCRIPTION of the property to be subdivided including a Microsoft Word® electronic Word document.	✓
N/A	OVERLAY DISTRICT: May require a separate checklist or additional info for the following:	

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ADA COUNTY DEVELOPMENT SERVICES

SON ✓

SON? ✓

SON ✓

SON ELECTRONIC ✓

SON ✓

**SUPPLEMENTAL INFORMATION / PRELIMINARY PLAT**  
(to be completed by the applicant)

<b>DETAILED LETTER MUST INCLUDE:</b>	
Total number of dwellings:	
Dwelling units per acre:	
Zero lot line setbacks YES ( ) IDENTIFY NO ( )	
Water Provider:	
Method of Sewage Disposal:	
<b>PRELIMINARY PLAT SPECIFICATIONS:</b>	
Scale of not more than 100' to the inch. (Or written approval from the director)	
Limits extending 300' beyond the boundaries of the proposed development.	
Subdivision boundary based on actual field survey, stamped by a licensed professional land surveyor.	
Name of owner.	
Name of person or firm responsible for the drawing.	
Name of the proposed subdivision.	
Date, graphic scale, true north arrow, vicinity map, section, township, and range.	
Ties to all controlling corners.	
Names of neighboring subdivisions, according to the Assessor's files.	
Names and boundaries of owners of neighboring properties, according to the Assessor's files.	
Name, location, width, direction of slope, centerline and right of way of all <i>existing</i> and <i>proposed</i> public streets and private roads.	
Proposed off-site improvements pertaining to streets, water supply, sanitary sewer systems, storm water systems, fire protection facilities, and proposed utilities.	
Street sections and pathway sections.	
Lot layout with lot and <u>block</u> numbers, lot dimensions, and lot area in sq. ft.	
Graphically depict the minimum setbacks. (describe in legend)	
Areas of special interest labeled. (parks, schools, etc.)	
Identify zero lot line properties.	
Standard Subdivision: Table with number of lots and acreage for residential, commercial, industrial, Common (Landscape, utility, or other), Open Space lots and the total of all.	
<b>PLANNED UNIT DEVELOPMENT</b>	
Density bonus requested. YES ( ) EXPLAIN NO ( )	
Commercial Uses. YES ( ) LIST NO ( )	
Industrial Uses YES ( ) LIST NO ( )	
Deviation of Dimensional Standards. YES ( ) LIST NO ( )	
Dedicated open space shall abut any lots that have been reduced below the minimum property size and shall abut multi-family development.	
<b>BOISE AIR TERMINAL AIRPORT INFLUENCE AREAS</b>	
What Airport Influence District is the property is located in?	
<b>WILDLAND-URBAN FIRE INTERFACE</b>	
All non-farm subdivisions shall provide fire flow as adopted by the fire authority. Submit a written statement approving such fire flow. YES ( ) NO ( )	
<b>FLOOD HAZARD</b>	
Flood zone.	
Floodway YES ( ) NO ( )	
Foothill or other hillside tributary floodways. YES ( ) NO ( )	

EEVE ✓  
EEVE ✓  
EEVE ✓  
EEVE ✓  
EEVE ✓

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DEVELOPMENT SERVICES



880 WEST CENTER STREET  
NORTH SALT LAKE, UTAH 84054  
801-936-5557 | MAVERIK.COM

November 18, 2013

Ada County Development Services  
200 W. Front Street  
Boise, Idaho 83702

To Whom It May Concern:

Maverik, Inc. owns 2.548 acres of land at the Northeast corner of Lake Hazel Road and Cloverdale Road in Boise, Idaho. The Southern portion of the property is currently built out and occupied by a Maverik Convenience Store. Maverik proposes to subdivide the property into two lots for the purpose of selling the remainder parcel for commercial development. We are currently in negotiations with a developer who is interested in constructing an Anytime Fitness Center which will be approximately 5,000 square and about 6,000 square feet of retail space for future leasing.

After the subdivision, the Maverik parcel will be 1.22 acres and the Northern parcel that will be created will be 1.328 acres. The properties will share the access driveway on Lake Hazel Road. There will be one building on Parcel 1, the Maverik store and there will be two buildings on Parcel 2, the Anytime Fitness and the retail building. The Sewer for the additional buildings will connect into the existing sewer lateral that is being used by the Maverik convenience store. Water for the property is provided by United Water Idaho.

On or about November 13, 2013 I was advised by Mark Perfect that he had received complaints about the location of the neighborhood meeting that was held on November 6, 2013 and that we would need to have another neighborhood meeting at an indoor location. Mr. Perfect stated that Maverik could still submit the subdivision application based on the first neighborhood meeting but that we would need to hold the second neighborhood meeting before we would be scheduled for a planning commission meeting. Maverik is in the process of noticing a second neighborhood meeting to be held on December 4, 2013.



EXHIBIT 2  
201301823 S

Once the second neighborhood meeting is held I will submit another Neighborhood Meeting Certification with a list of attendees.

Respectfully,

A handwritten signature in blue ink that reads "Don Lilyquist". The signature is written in a cursive, flowing style.

Don Lilyquist  
Permits Manager, Maverik, Inc.



ADA COUNTY  
DEVELOPMENT SERVICES

200 W. FRONT STREET  
BOISE, IDAHO 83702-7300  
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

**Preapplication Number: 201300113 - PREAP - A**

Status: Active

Date Received: 10/15/2013

Date Closed:

Meeting Date: 10/22/2013 Date Assigned: 10/15/2013

Project Description:

Applicant's Name:

Wanting to discuss the possibilities of a Total Fitness  
Gymnasium.

DAVE EVANS CONSTRUCTION

No. of Lots/Units: 0

Total Acres: 2.549

Development Services Staff Assigned To Meeting:

Unique Features:

Staff Name:

Attended Meeting?

DIANA SANDERS

Sewer/Septic:

RICHARD BECK

Water/Well:

General Property Location:

Parcel Info:

Parcel Num:

Street Address:

City/State/Zip:

R5120006835

6168 S CLOVERDALE RD

Boise, ID 83709-0000

Zone Info:

Zone Type:

Zone:

Existing Zone

C1

TwN / Rng / Sec Info:

TwN: Rng: Sec: Qtr:

3N 1E 34

Overlay Areas Info:

Overlay Area: Overlay Value: Code Ref: Comments:

Impact Area Boise

SouthWest Yes

Article 8-3C

Comp Plan:

Agencies To Contact:

Agency Name:

Contact Person:

ADA COUNTY HIGHWAY DISTRICT/ PLANNING DEPT - (208)-387-6170

LITTLE CHRISTY

Comments:

CENTRAL DISTRICT HEALTH DEPARTMENT - (208)-327-8517

RENO MIKE

Comments:

IDAHO POWER COMPANY - (208)-388-2699

PHILLIPS RACHAEL

Comments:

Proposed Allowed Uses:

Office building

Required Applications:

App Type: Descriptive Name:

CU CONDITIONAL USE



# ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET  
BOISE, IDAHO 83702-7300  
PHONE (208) 287-7900

## PREAPPLICATION CONFERENCE NOTES

CU	CONDITIONAL USE
MSP	MASTER SITE PLAN
S	PRELIMINARY PLAT

**Notes:**

The property is currently zoned C1.

An indoor amusement facility requires a conditional use/master site plan.

See Article 8-4E of the Ada County Code for information on Master Site Plans.

A natural features analysis was submitted for the Maverick and will not be required for the new project. A natural features analysis was done with the Maverick Store.

A master site plan requires submittal of a parking plan. See Article 8-4G of the Ada County Code for information on Parking. The off-street parking and loading plan shall contain the location, size, and type of all proposed off-street parking and loading facilities. See Table 8-4G-1 for required automobile width and stall length by parking angle.

The applicant may submit a landscaping and screening plan at the time of application if a landscaping and screening plan is not submitted at the time of application, then it will be required to be submitted as a condition of approval. See Article 8-4F of the Ada County Code for information on landscaping and screening plans. There is a fee for the landscaping plan review of \$135. You can request a waiver of landscaping requirement for properties not adjacent to a roadway.

If any outdoor lighting is proposed or anticipated, the applicant shall submit a lighting plan. See Article 8-4H of the Ada County Code for information on lighting plans. There is a fee for the lighting plan review of \$100.

If any signs are proposed or anticipated, the applicant shall concurrently submit a sign plan. See Article 8-4I of the Ada County Code for information on sign plans. The landscaping, lighting, and sign plans can be conditions of approval.

See Article 8-5B of the Ada County Code for information on Conditional Uses.

A conditional use application will require a public hearing in front of the Planning and Zoning Commission.

A neighborhood meeting is required. The notification radius is 300 feet. The County can provide you with the mailing labels for the neighborhood meeting. There is \$26.50 fee for these labels. The neighborhood meeting needs to occur prior to application submittal. See Section 8-7A-3 of the Ada County Code for information on neighborhood meetings.

Applicants will be required to post the property for the public hearing. The property will need to be posted at least ten (10) days prior to the public hearing and the signed certification form and dated photos will be required to be submitted at least seven (7) days before the public hearing. See Subsection 8-7A-5F of the Ada County Code for information on Signposting Requirements.

The applicant is also proposing to split the property. It will need to go through the subdivision process. See ACC 8-6, 8-6A and 8-6B. This also requires a public hearing before the Planning & Zoning Commission and The BOCC.

### MEETING NOTES

**Additional Preap Conference:** Required

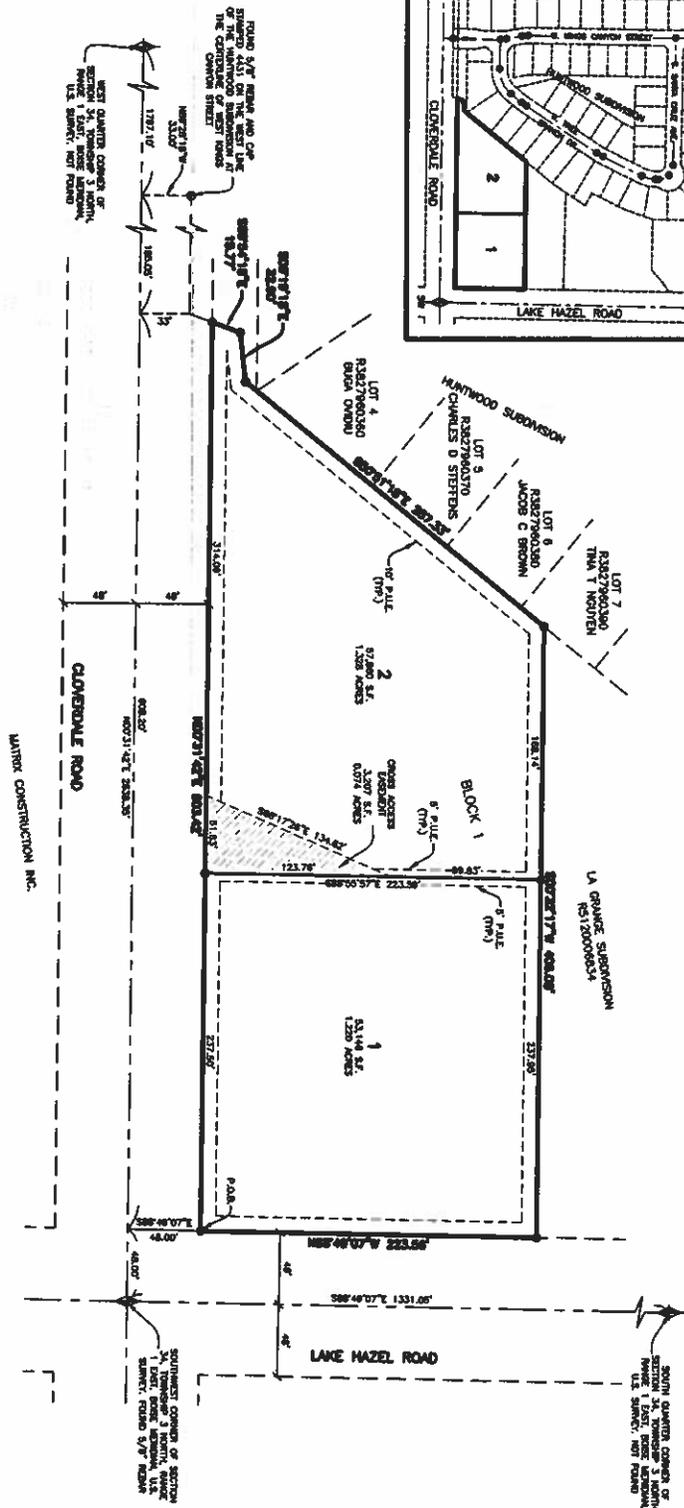
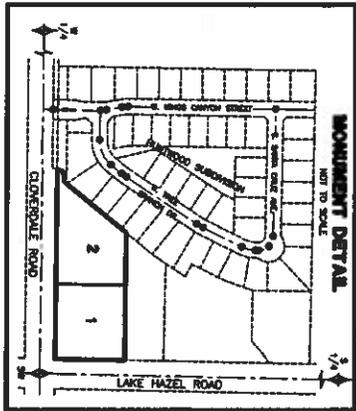
**Neighborhood Meeting Required?** Yes

**Cross References:**

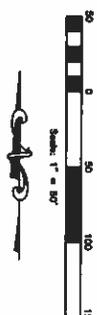


# MAVERIK CLOVERDALE SUBDIVISION

BEING PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE BOISE MERIDIAN, U.S. SURVEY  
CITY OF BOISE, COUNTY OF ADA, STATE OF IDAHO  
MONUMENT, 2013



- LEGEND**
- ◆ SECTION CORNER
  - SET STREET MONUMENT
  - SET 5/8" IRON AND BRASS CAP STAMPED WITH 'R & A' ASSOCIATES
  - BOUNDARY LINE
  - LOT LINE
  - ADJACENT PROPERTY
  - EASEMENTS
  - SECTION 34 LINE
  - ROAD CENTERLINE
  - CROSS ACCESS EASEMENT



**NOTE**

A 10' (10) FOOT WIDE REPAIRABLE PAVED UTILITY PROPERTY LINE IS SHOWN ON THIS PLAN. THE PROPERTY LINE IS TO BE EXERCISED ALONG ALL LOT LINES COMMON TO A PAIR OF ADJACENT LOTS. A 10' (10) FOOT WIDE REPAIRABLE PAVED UTILITY PROPERTY LINE IS SHOWN ON THE WEST SIDE OF INTERIOR LOT LINES. A 10' (10) FOOT WIDE REPAIRABLE PAVED UTILITY PROPERTY LINE IS SHOWN ON THE EAST SIDE OF INTERIOR LOT LINES.

**SUBDIVISION DESIGN**

TOTAL AREA: 11,000 S.F. OR 2.54 ACRES

**Reeve & Associates, Inc.**

2000 WEST 10TH AVENUE, SUITE 100, BOISE, IDAHO 83726  
 TEL: 208-333-7200 FAX: 208-333-7201  
 WWW.REEVEANDASSOCIATES.COM

**PROJECT LEADS**

Surveyor: A. KUNZ  
 Designer: R. ANDERSON  
 Design: 10-0-11  
 Planner: JAMES L. JOHNSON  
 Scale: 1"=50'  
 Number: 3728-88



## Don Lilyquist

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**From:** Jerry Hastings <jhastings@adaweb.net>  
**Sent:** Wednesday, November 13, 2013 10:56 AM  
**To:** Don Lilyquist  
**Subject:** RE: MAVERIK CLOVERDALE SUBDIVISION Name Reservation

Yes, you can. Also, make sure that whoever is preparing the plat, Reeves and Associates, Inc. Robert Kunz has obtained the Certificate of Authorization from the Idaho Board of Professional Engineers and Professional Land Surveyors. If it does not show up on the Idaho Secretary of States website, it can cause problems that may hold up the signing of the plat. Thanks, Jerry.

Jerry Hastings, P.L.S.  
County Surveyor  
Ada County, Idaho  
208-287-7912  
208-287-7909 Fax  
[jhastings@adaweb.net](mailto:jhastings@adaweb.net)

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**From:** Don Lilyquist [<mailto:Don.Lilyquist@maverik.com>]  
**Sent:** Wednesday, November 13, 2013 9:35 AM  
**To:** Jerry Hastings  
**Subject:** RE: MAVERIK CLOVERDALE SUBDIVISION Name Reservation

Thank you for your response Jerry. Todd and I work together in the Maverik Real Estate Department. Todd has asked me to process the subdivision so I'll be the contact person from this point forward. I assume I can use this email for my application as proof of name reservation?

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**From:** Jerry Hastings [<mailto:jhastings@adaweb.net>]  
**Sent:** Wednesday, November 13, 2013 9:29 AM  
**To:** Don Lilyquist  
**Subject:** RE: MAVERIK CLOVERDALE SUBDIVISION Name Reservation

Hi Don, if Todd Meyers is in your organization and reserved the name on its behalf, the reservation is still good. Will he be the contact person, or someone else? Let me know if you have any questions. I will be in this morning and out this afternoon and tomorrow, and out Friday morning at a Training Conference. Thanks, Jerry.

Jerry Hastings, P.L.S.  
County Surveyor  
Ada County, Idaho  
208-287-7912  
208-287-7909 Fax  
[jhastings@adaweb.net](mailto:jhastings@adaweb.net)

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**From:** Don Lilyquist [<mailto:Don.Lilyquist@maverik.com>]  
**Sent:** Monday, November 11, 2013 10:00 AM  
**To:** Jerry Hastings  
**Subject:** FW: MAVERIK CLOVERDALE SUBDIVISION Name Reservation

Jerry, please see the email below to Todd Meyer regarding a proposed subdivision of the Maverik property located at the Northeast corner of Lake Hazel Road and Cloverdale Road. We didn't go forward with that subdivision at that time because we are in the process of applying for the subdivision with Ada County Development Services. Can you please advise



whether the proposed subdivision name of "Maverik Cloverdale Subdivision" is still available and if we can reserve it again for our subdivision? Thank you for your assistance.

---

**From:** Jerry Hastings [<mailto:jhastings@adaweb.net>]  
**Sent:** Tuesday, May 22, 2012 3:49 PM  
**To:** Todd Meyers  
**Cc:** Mark Perfect  
**Subject:** MAVERIK CLOVERDALE SUBDIVISION Name Reservation

May 22, 2012

Todd Meyers  
Maverik, Inc.

RE: Subdivision Name Reservation: "MAVERIK CLOVERDALE SUBDIVISION"

Dear Todd,

At your request, I will reserve the name "MAVERIK CLOVERDALE SUBDIVISION" for your project. I can honor this reservation only as long as your project is in the approval process. Final approval can only take place when the final plat is recorded.

By Idaho law, companies working in the state are required to have a "Certificate of Authorization" for their business entity. This can be obtained from the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors. We also suggest that the out of area surveyors visit our website and peruse the Plat Review Information and Workshops that can be downloaded to help familiarize themselves with requirements and expectations. I would be glad to meet with them at anytime to help explain.

It would be good to contact the planning and zoning people to facilitate the planning process with them. Mark Perfect is the Planning and Zoning Administrator and his number is 208-287-7923.

Sincerely,  
Jerry Hastings, P.L.S.  
County Surveyor  
Ada County, Idaho  
208-287-7912  
287-7909 Fax  
[jhastings@adaweb.net](mailto:jhastings@adaweb.net)

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**From:** Todd Meyers [<mailto:Todd.Meyers@maverik.com>]  
**Sent:** Tuesday, May 22, 2012 2:13 PM  
**To:** Jerry Hastings  
**Subject:** Subdivision Name Reservation

The proposed subdivision name is: Maverik Cloverdale

Project: To divide of exceed land that is location north of the existing store at 6168 S Cloverdale.

Parcel number: R5120006835

Surveyor: Reeves and Associates, Inc (Robert Kunz) 801-621-3100.

Owner: Maverik, Inc

Todd Meyers  
Maverik, Inc  
801-683-3605 (Office)

**BOISE CITY PUBLIC WORKS DEPARTMENT**

**DEPARTMENT CORRESPONDENCE**

Date: December 3, 2013

To: Ada County Planning & Zoning

Re: 201301823-S; 6168 S. Cloverdale Rd.

**CONDITIONS OF APPROVAL**

**SEWER CONDITIONS – MIKE SHEPPARD (384-3920)**

Upon development of the property, connection to central sanitary sewer is required. Sewers are available in W. Lane Hazel Rd.

Prior to granting of final sewer construction plan approval, all requirements by Boise City Planning and Development Services must be met.

**DRAINAGE / STORM WATER CONDITIONS – BRIAN MURPHY (384-3752)**

A drainage plan for this development must be submitted and approved by Ada County.

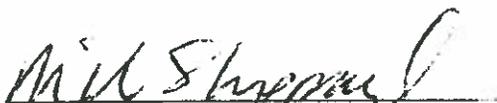
**STREET LIGHT CONDITIONS – MIKE HEDGE (388-4719)**

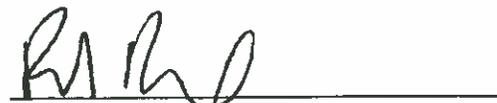
No comment.

**PERSON MAKING OTHER COMMENTS**

**OTHER COMMENTS**

ADA COUNTY  
DEC -3 2013  
DEVELOPMENT SERVICES

  
PUBLIC WORKS REPRESENTATIVE

  
PUBLIC WORKS REPRESENTATIVE

cc: Applicant

**BOISE CITY PUBLIC WORKS DEPARTMENT**

**DEPARTMENT CORRESPONDENCE**

Date: March 3, 2014

To: Ada County Planning & Zoning

Re: 201302032-S; 6168 S. Cloverdale Rd.

**CONDITIONS OF APPROVAL**

**SEWER CONDITIONS – MIKE SHEPPARD (384-3920)**

Upon development of the property, connection to central sanitary sewer is required. Sewers are available in Lake Hazel Rd.

Prior to granting final sewer construction plan approval, the Boise City Council recommendations of approval must be adopted.

**DRAINAGE / STORM WATER CONDITIONS – BRIAN MURPHY (384-3752)**

No comment.

**STREET LIGHT CONDITIONS – MIKE HEDGE (388-4719)**

No comment.

**PERSON MAKING OTHER COMMENTS**

**OTHER COMMENTS**

Mike  
Sheppard, P.E.

Digitally signed by Mike Sheppard, P.E.  
DN: cn=Mike Sheppard, P.E., o=Public  
Works, ou=Civil Engineer,  
email=mshppard@cityofboise.org,  
c=US  
Date: 2014.03.03 11:22:10 -0700

**PUBLIC WORKS REPRESENTATIVE**

Rob Bousfield

Digitally signed by Rob Bousfield  
DN: cn=Rob Bousfield, o, ou=First City  
Engineer,  
email=rbousfield@cityofboise.org, c=US  
Date: 2014.03.03 11:22:08 -0700

**PUBLIC WORKS REPRESENTATIVE**

cc: Applicant

I:\PWA\Subjects\Review Comments\CU\2014-CU\20130823-S.doc

**ADA COUNTY**

**MAR - 3 2014**

6.3

**DEVELOPMENT SERVICES**

# MEMORANDUM

---



DATE: 12/4/2013

RE: 201301823-S Maverik Sub

TO: Diana Sanders, Associate Planner

FROM: Mark Ferm, Ada County Building Official

---

## Summary of Project:

2 Lot commercial Subdivision located at 6168 S Cloverdale (Maverick Cloverdale Sub).

## Findings and Conditions:

The Building Division has no objection to the proposed development.

## Conclusion:

Approved as submitted.

Mark Ferm  
Ada County Building Official  
200 W Front Suite 2125  
Boise Idaho 83702  
Phone 287-7910

[markf@adaweb.net](mailto:markf@adaweb.net)



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

*Diana*

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Kuna
- Meridian
- Star

Rezone # \_\_\_\_\_

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat 201301823-S

Sect 34



- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - high seasonal ground water       waste flow characteristics
  - bedrock from original grade       other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
  - central sewage       community sewage system       community water well
  - interim sewage       central water
  - individual sewage       individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage       community sewage system       community water
  - sewage dry lines       central water
- 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 12. We will require plans be submitted for a plan review for any:
  - food establishment       swimming pools or spas       child care center
  - beverage establishment       grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. An application for subdivision must be submitted to CDHD Reviewed By: *Rowdy* Date: 11/29/13

EXHIBIT 8  
201301823 S  
MAVERIK



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Kuna
- Meridian
- Star

Rezone # \_\_\_\_\_

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat 201301823-S

Maverick Cloverdale  
Sub

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - high seasonal ground water       waste flow characteristics
  - bedrock from original grade       other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
  - central sewage       community sewage system       community water well
  - interim sewage       central water
  - individual sewage       individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage       community sewage system       community water
  - sewage dry lines       central water
- 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
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- 12. We will require plans be submitted for a plan review for any:
  - food establishment       swimming pools or spas       child care center
  - beverage establishment       grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. \_\_\_\_\_

Reviewed By: [Signature]  
 Date: 2/28/14

Sanders

# MEMORANDUM

---



**DATE:** December 12, 2013

**RE:** Recommendation Regarding File 201301823 S, Maverick Cloverdale Sub

**TO:** Diana Sanders, Associate Planner

**FROM:** Angela Gilman, Ada County Engineer

**CC:**

---

Diana,

Per your request I have reviewed the project referenced above. The documents reviewed include:

- Detailed Letter
- Master Application
- Preliminary Plat
- Site Plan

My comments and Conditions are as follows.

I recommend approval of these documents. Along with the Final Plat, a Drainage Study and Drainage Plan need to be submitted in accordance with Ada County Code 8-4A-11.

Please let me know if you need anything else from me.

Regards,

Angela Gilman, P.E.



# Planning & Development Services

**Derick O'Neill**  
Director

**Boise City Hall**  
150 N. Capital Boulevard

**Mailing Address**  
P. O. Box 500  
Boise, Idaho 83701-0500

**Phone**  
208/384-3830

**Fax**  
208/384-3814

**TDD/TTY**  
800/377-3529

**Web**  
[www.cityofboise.org/pds](http://www.cityofboise.org/pds)

**Mayor**  
David H. Bieter

**City Council**  
**President**  
Maryanne Jordan

**Council Pro Tem**  
David Eberle

Elaine Clegg  
Lauren McLean  
TJ Thomson  
Ben Quintana

**To:** Board of Ada County Commissioners  
**From:** Hal Simmons, Planning Director-City of Boise  
**Date:** January 2, 2014  
**Subject:** Ada County Referral #201301823-S Maverik Cloverdale Subdivision Preliminary Plat

This is an application for a two lot commercial subdivision at the southeast corner of Lake Hazel and Cloverdale Roads in the Southwest Planning area. The property is zoned C1 in Ada County and is comprised of 2.548 acres.

Given the minor nature of the subdivision, we are reviewing this at the staff level. Planning and Development Services recommends approval to Ada County subject to the following condition of approval:

- 1.) No new direct access onto Cloverdale shall be permitted

### Summary

Boise City is providing comment on the above-listed application relative to its consistency with the goals and policies of the Boise Comprehensive Plan and pursuant to the requirements of the Area of Impact Agreement. Ada County has not adopted *Blueprint Boise* in the Area of Impact; as such this project is being reviewed for compliance with the 1997 *Boise Comprehensive Plan*.

The Boise Planning and Development Services have reviewed this application and have found it in compliance with the *Boise Comprehensive Plan*.

### Analysis

The project is located in the Southwest planning area, and is designated Planned Community on the Land Use Map.

### Chapter 8 Land Use

**Objective 8.13** Land use and development policies specific to the Southwest shall include the following:

\*\*\*

**Policy 8.13.6** Throughout the Southwest area, particular attention shall be paid to new development to ensure compatibility with existing development including street system interconnections.

### Chapter 6-Transportation

**Policy 6.2.1** When reviewing land use amendments, zone changes, master plans, conditional uses and other significant entitlement requests, the City shall take into consideration the impact of the project on street levels of service. The City's preferred standards shall be those identified for new streets in ACHD's Development Policy manual, or its successor. Service level impacts shall be minimized through project modifications, traffic management plans, street improvement plans or other means.

ADA COUNTY

JAN 21 2014

DEVELOPMENT SERVICES

EXHIBIT 10  
201301823 S  
MAVERIK

\*\*\*

**Objective 6.1.3-** Encourage completion of the existing street system and creation of new links, within reasonable constraints, as the transportation system develops.

\*\*\*

**Policy 6.1.3.5** New developments shall be required to stub access to adjacent undeveloped parcels, where appropriate.

\*\*\*

**Policy 6.1.3.6-** All new development shall be reviewed for appropriate opportunities to connect to local roads and collectors in adjacent developments.

\*\*\*

**Objective 6.1.4-** Promote land use policies that limit access as necessary to maintain safe and efficient operation of the existing street system while allowing reasonable access to individual development parcels.

\*\*\*

**Policy 6.1.4.1** Support the access restriction policies of the Ada County Highway District.

\*\*\*

**Policy 6.1.4.4** Limit access to all arterial streets.

\*\*\*

**Policy 6.1.4.6-** Improve access control on existing streets through the review of new developments.

\*\*\*

## **Chapter 7- Community Quality**

### **Commercial Development**

**Objective 7.5** Achieve an environment through urban design that maintains and enhances the City's visual qualities within neighborhood, community and regional commercial areas.

\*\*\*

**Policy 7.5.2-** Require that neighborhood and community commercial uses be designed and developed to achieve a high level of quality, distinctive character and compatibility with adjacent uses and development. The following criteria, including the Design Guidelines should be used to evaluate all proposals:

- a) Incorporation of site landscape treatments, particularly along street frontages and in parking lots;
- b) Linkage of buildings by common architectural design, landscape and pedestrian systems to avoid the appearance of independent, freestanding structures surrounded by parking;
- c) Siting and design of structures to facilitate and encourage pedestrian activity;
- d) Siting of one or more buildings in proximity to the street frontage to convey a visual relationship to the street and sidewalks;
- e) Architectural treatment of larger buildings to minimize the visual sense of bulk and mass and promote compatibility with adjacent uses, by using such techniques as modulation of building mass and articulation of all elevations;
- f) Inclusion of consistent and well-designed signage integrated with the building's architectural character;
- g) Establish a minimum lot or parcel size within neighborhood and community commercial zoning districts;
- h) Include extensive landscape materials to visually extend the character of the adjacent neighborhood;



Table 8.1-3  
Definitions of Land Use Map Designations

Land Use	Applies To	Allowed Uses and/or Limitations	FAR
Planned Community	Vacant areas larger than 100 gross acres	Accommodates maximum flexibility in project design, within pre-established parameters. Master Plan required by applicant for review and approval by Planning and Zoning Commission before processing of development entitlement. Master Plan must depict general location of proposed land-uses, including roads, any shopping areas, schools, parks, fire stations or other facilities. Must follow area-specific policies in Comprehensive Plan Land Use Chapter for maximum densities, unit caps, type of land uses and other issues. Once the Master Plan is approved, development entitlement may proceed quickly. Master Plans may be amended by Planning and Zoning Commission as necessary to react to changing markets and community needs. Specific plans may be developed, or standard zoning may be used.	None

**Objective 8.3-** Achieve a compact city comprised of a central Downtown with surrounding neighborhoods that have a center focus combining residential, commercial, employment, civic, cultural and recreational uses.

\*\*\*

**Policy 8.3.4-** Development projects shall cumulatively form communities that have a center focus combining residential, commercial, employment, civic, cultural and recreational uses.

\*\*\*

**Objective 8.4** New commercial and office developments shall be located to be convenient to shoppers and employees and to minimize adverse impacts on the street system and adjacent uses.

\*\*\*

**Policy 8.4.2** Neighborhood and Community shopping centers are most appropriately located at the intersection of major arterials.

\*\*\*

**Policy 8.4.6** The creation of "single-use" commercial and office districts shall be discouraged, while uses that serve a variety of shopping, entertainment, work and dwelling needs, and have differing hours of operation, shall be encouraged.

\*\*\*

**Objective 8.8** The Planned Community land use designation shall be used to create cohesive developments that contain a combination of land uses, which protect unique land forms and provide creative designs and built environments.

\*\*\*

**Chapter 10-Growth Management**

**Goal 10.0-** Preserve, protect and enhance the overall quality of life in Boise and its Area of Impact by ensuring that growth occurs in an orderly manner and that public services are available along with development.

\*\*\*

**Objective 10.1-** Ensure that growth is planned and directed in a way that minimizes sprawl and creates a functional and pleasing community.

**Analysis**

The applicant is proposing to split a commercial parcel in order to facilitate development of a small fitness center and the potential for one additional retail tenant in the building. The parcel is zoned C1 in Ada County and the City previously recommended approval of the Maverik gas station in 2007 with the condition that the structure be relocated to front the intersection. The parcel was not subject to the city's sewer extension policy and the county chose not to adopt that recommended condition of approval. The pattern for development has been set at the intersection, and the City does not have the authority to require redesign of the site to bring the building to the front of the site as the applicant is not required to extend the sewer to the parcel. The opportunity to create a pedestrian scale at this intersection was lost with the standard service station design that the Maverik implemented. The fitness facility has parking in front of the building however the site plan is not subject to review at this time as only the subdivision has been submitted.

Staff recommends approval with the following condition:

- 1.) No new direct lot access onto Cloverdale shall be permitted



John S. Franden, President  
Mitchell A. Jaurena, Vice President  
Rebecca W. Arnold, Commissioner  
Sara M. Baker, Commissioner  
Jim D. Hansen, Commissioner

Date: January 22, 2014

To: Don Lityquist (sent via email)  
Maverik, Inc.  
880 W. Center St.  
North Salt Lake, UT 84054

Subject: 201301823-S  
6168 S. Cloverdale Rd.

On January 22, 2014 the Ada County Highway District Staff acted on your application for the above referenced project. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

If you have any questions, please feel free to contact me at (208) 387-6218.

Sincerely,

Lauren Watsek  
Planner I  
Development Services  
Ada County Highway District

CC: Project file  
Ada County Development Services (sent via email)  
Reeve & Associates (sent via email)

ADA COUNTY

JAN 22 2014

DEVELOPMENT SERVICES

EXHIBIT 11  
201301823 S  
MAVERIK



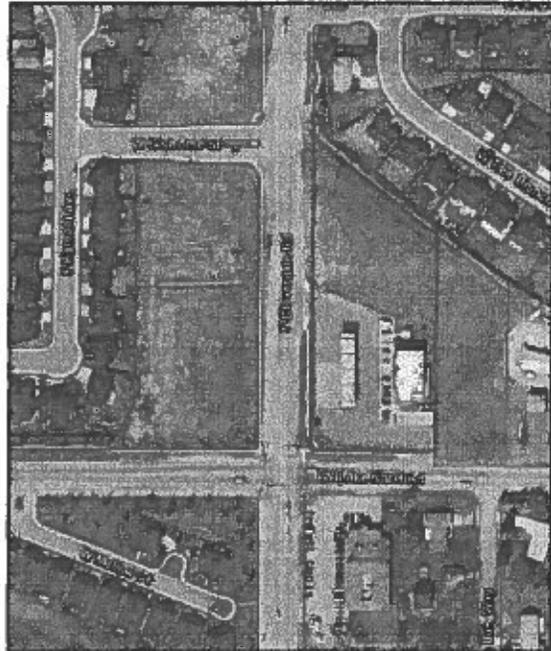
**Project/File:** 201301823-S  
 The applicant is requesting approval to subdivide a 2.5 acre site into 2 parcels with the purpose of selling one parcel for commercial development.

**Lead Agency:** Ada County  
**Site address:** 6168 S. Cloverdale Road

**Staff Approval:** January 22, 2014

**Applicant:** Don Lilyquist  
 Maverik, Inc.  
 880 W. Center St.  
 North Salt Lake, UT 84054

**Staff Contact:** Lauren Watsek  
 Phone: 387-6218  
 E-mail: [lwatsek@achdidaho.org](mailto:lwatsek@achdidaho.org)



## A. Findings of Fact

- Description of Application:** The applicant is proposing to subdivide a 2.5 acre parcel into 2 parcels with the purpose of selling one parcel to Anytime Fitness for commercial development. The property is currently zoned C-1.

The applicant's proposal is consistent with the comprehensive plan for Ada County.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Huntwood Subdivision	R6
South	Islamic Community of Bosniaks	C1
East	Commercial	C1
West	Rockhampton Subdivision	C1/LO

- Site History:** ACHD previously reviewed this site as 200700057-CU in June 2007.
- Transit:** Transit services are not available to serve this site.
- Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

**6. Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

- Lake Hazel Road is scheduled in the Five Year Work Plan for an asphalt path/extruded curb or concrete sidewalk to be constructed on both sides of the road from Cloverdale Road to Lowland View Way in 2017.
- Cloverdale Road is listed in the Capital Improvements Plan to be widened to 5 lanes from Columbia Road to Amity Road between 2017 and 2021.
- Lake Hazel Road is listed in the Capital Improvements Plan to be widened to 5 lanes from Eagle Road to Cloverdale Road between 2027 and 2031.
- Lake Hazel Road is listed in the Capital Improvements Plan to be widened to 5 lanes from Cloverdale Road to Five Mile Road between 2022 and 2026.
- The intersection of Lake Hazel Road and Cloverdale Road is listed in the Capital Improvements Plan to be widened to 7 lanes on the north leg, 7 lanes on the south, 7 lanes east, and 7 lanes on the west leg, and signalized between 2017 and 2021.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 488 additional vehicle trips per day (3,667 existing); 30 additional vehicle trips per hour in the PM peak hour (221 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> edition.
2. **Condition of Area Roadways**  
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
Lake Hazel Road	226 feet	Principal Arterial	345	Better than "E"	Better than "E"
Cloverdale Road	605 feet	Minor Arterial	516	Better than "D"	Better than "D"

\* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH).

\* Acceptable level of service for a two-lane minor arterial is "D" (550 VPH).

**3. Average Daily Traffic Count (VDT)**

*Average daily traffic counts are based on ACHD's most current traffic counts.*

- The average daily traffic count for Lake Hazel Road east of Eagle Road was 6,035 on July 17, 2013.
- The average daily traffic count for Cloverdale Road north of Lake Hazel Road was 8,553 on May 16, 2012.

**C. Findings for Consideration**

**1. Southwest Boise Transportation Study**

The Southwest Boise Transportation Study (SWBS) is a regional study that identifies future roadway improvements, collector roadway connections, intersection and corridor needs in Southwest Boise. The study helps ACHD plan for and accommodate future traffic demand in the Southwest Boise area. The study also includes a new Eagle Road/Cloverdale Road alignment to create a continuous north-south connection between Kuna-Mora Road and Interstate 84. The study was created in collaboration with the City of Boise and was adopted by the ACHD Commission in May of 2009.

The improvements on Lake Hazel Road and Cloverdale Road are consistent with the recommendations listed in the Southwest Boise Transportation Study.

## 2. Lake Hazel Road

- a. **Existing Conditions:** Lake Hazel Road is improved with 3 travel lanes, no curb or gutter, and 5 foot wide detached concrete sidewalk abutting the site. There is 80 feet of right-of-way for Lake Hazel Road (48 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.

Lake Hazel Road is listed in the Capital Improvements Plan to be widened to 5 lanes from Eagle Road to Cloverdale Road between 2027 and 2031 and from Cloverdale Road to Five Mile Road between 2022 and 2026.

**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.

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.

**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.

**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 Lake Hazel Road is designated in the MSM as a Residential/Mobility Arterial with 5 lanes and on-street bike lanes, a 72 foot street section within 100 feet of right-of-way.

- c. **Applicant Proposal:** The applicant is not proposing any improvements to Lake Hazel Road abutting the site.
- d. **Staff Comments/Recommendations:** The applicant should be required to dedicate right-of-way on Lake Hazel Road abutting the site to accommodate future widening, including a dedicated northbound right turn lane at the intersection. The applicant should dedicate 68 feet of right-of-way from centerline, from the intersection to the east to a point 100 feet east of the future stop bar; tapering to 56 feet from centerline for the next 100 feet to the east; then tapering to 50 feet from centerline for the remainder of the frontage. As the intersection of

Lake Hazel Road and Cloverdale Road is listed in the Capital Improvements Plan, the District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way.

The applicant should be required to correct deficiencies and replace deteriorated facilities on Lake Hazel Road abutting the site. These include sidewalk, curb, gutter, driveways, pedestrian ramps, etc.

### 3. Cloverdale Road

a. **Existing Conditions:** Cloverdale Road is improved with 2 travel lanes, no curb or gutter, and 5 foot wide detached concrete sidewalk on the southernmost 240 feet of the site. There is 96 feet of right-of-way for Cloverdale Road.

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.

Cloverdale Road is listed in the Capital Improvements Plan to be widened to 5 lanes from Columbia Road to Amity Road between 2017 and 2021.

**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.

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.

**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.

**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 Cloverdale 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 construct detached sidewalk on Cloverdale Road north of the existing driveway, abutting the site.

d. **Staff Comments/Recommendations:** The applicant should be required dedicate right-of-way on Cloverdale Road abutting the site to accommodate future widening. The right-of-way for the dedicated westbound right turn lane will come from the west side of the road. The

applicant should dedicate 53 feet of right-of-way from the centerline of Cloverdale Road, from the intersection to the north to a point 200 feet from the future stop bar; tapering to 48 feet from centerline for the remainder of the frontage. As the intersection of Lake Hazel Road and Cloverdale Road is listed in the Capital Improvements Plan, the District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way.

The applicant should be required to construct 5 foot wide concrete sidewalk a minimum of 42 feet from the centerline of Cloverdale Road abutting the site (only where sidewalk has not yet been constructed).

## **4. Driveways**

### **4.1 Lake Hazel Road**

a. **Existing Conditions:** There is one 36 foot wide driveway constructed from the site on to Lake Hazel Road located at the southeast corner of the site.

b. **Policy**

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

**Access Policy:** District policy 7205.4.7 states that direct access to principal arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1b under District policy 7205.4.7, unless a waiver for the access point has been approved by the District Commission. Driveways, when approved on a principal arterial shall operate as a right-in/right-out only, and the District will require the construction of a raised median to restrict the left turning movements.

**Driveway Location Policy:** District policy 7205.4.7 requires driveways located on principal arterial roadways to be located a minimum of 355-feet from the nearest intersection for a right-in/right-out only driveway. Full-access driveways are not allowed on principal arterial roadways.

**Successive Driveways:** District policy 7205.4.7 Table 1b, requires driveways located on principal arterial roadways with a speed limit of 35 MPH to align or offset a minimum of 355 feet from any existing or proposed driveway.

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

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

**Temporary Access Policy:** District Policy 7202.4.2 identifies a temporary access as that which "is permitted for use until appropriate alternative access becomes available". Temporary access may be granted through a development agreement or similar method, and the developer shall be responsible for providing a financial guarantee for the future closure of the driveway.

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

- c. **Applicant's Proposal:** The applicant is proposing to leave the existing driveway from the site on to Lake Hazel Road to remain.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Successive Driveway and Driveway Location Policies, however, staff recommends a modification of policy to allow the driveway to remain due to the fact that the driveway is already constructed and was previously approved by ACHD through the development application process.

#### 4.2 Cloverdale Road

- a. **Existing Conditions:** There is one 36 foot wide driveway constructed from the site on to Cloverdale Road located approximately 305 feet north of Lake Hazel Road (measured centerline to centerline).

- b. **Policy**

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

**Access Policy:** District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

**Driveway Location Policy:** District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a single left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 660-feet from the intersection for a full-movement driveway.

District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a dual left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 710-feet from the intersection for a full-movement driveway.

**Successive Driveways:** District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 45 MPH to align or offset a minimum of 380 feet from any existing or proposed driveway.

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

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

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

- c. **Applicant's Proposal:** The applicant is proposing to leave the existing driveway from the site in to Cloverdale Road to remain and serve as a shared access for both the parcels to the north and the south.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Driveway Location Policy, however, staff recommends a modification of policy to allow the driveway to remain due to the fact that it was previously approved by ACHD through the development application process, and the applicant is proposing cross access between the lots, so no new driveways will access Cloverdale Road.

## **5. 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.

## **6. Landscaping**

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

## **7. Other Access**

Lake Hazel Road is classified as a principal arterial roadway and Cloverdale Road is classified as a minor arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

## **D. Site Specific Conditions of Approval**

1. Dedicate right-of-way on Lake Hazel Road abutting the site to accommodate future widening, including a dedicated northbound right turn lane at the intersection. Dedicate 68 feet of right-of-way from centerline, from the intersection to the east to a point 100 feet east of the future stop bar; tapering to 56 feet from centerline for the next 100 feet to the east; then tapering to 50 feet from centerline for the remainder of the frontage. ACHD will provide compensation for additional right-of-way dedicated beyond the existing right-of-way.
2. Dedicate 53 feet of right-of-way from the centerline of Cloverdale Road, from the intersection to the north to a point 200 feet from the future stop bar; tapering to 48 feet from centerline for the remainder of the frontage. ACHD will provide compensation for additional right-of-way dedicated beyond the existing right-of-way.
3. Correct deficiencies and replace deteriorated facilities on Cloverdale Road and Lake Hazel Road abutting the site. These include sidewalk, curb, gutter, driveways, pedestrian ramps, etc.
4. Construct 5 foot wide concrete sidewalk on Cloverdale Road located a minimum of 42 feet from the centerline abutting the site (only where sidewalk has not yet been constructed).
5. The existing driveway on Cloverdale Road is approved.
6. The existing driveway on Lake Hazel Road is approved.

7. Cross access between the two lots shall be noted on the final plat.
8. Other than the access specifically approved with this application, direct lot access to Lake Hazel Road and Cloverdale Road is prohibited and shall be noted on the final plat.
9. Payment of impacts fees are due prior to issuance of a building permit.
10. Comply with all Standard Conditions of Approval.

## **E. Standard Conditions of Approval**

1. All irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## **F. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

## **G. Attachments**

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



# Ada County Utility Coordinating Council

## Developer/Local Improvement District Right of Way Improvements Guideline Request

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

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://iducc.com) for e-mail notification information.

# Development Process Checklist

## Items Completed to Date:

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

## Items to be completed by Applicant:

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

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

- Driveway or Property Approach(s)
  - Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.
- Working in the ACHD Right-of-Way
  - Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
    - a) Traffic Control Plan
    - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

#### *Construction (Subdivisions)*

- Sediment & Erosion Submittal
  - At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.
- Idaho Power Company
  - Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.
- Final Approval from Development Services is required prior to scheduling a Pre-Con.

## **Request for Appeal of Staff Decision**

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the ROWDS Manager when it is alleged that the ROWDS Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The ROWDS Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the ROWDS Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

## **Request for Reconsideration of Commission Action**

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

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

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

- b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
- c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
- d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
- e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
- f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

<b>TIME RECEIVED</b> March 27, 2014 8:07:10 AM MDT	<b>REMOTE CSID</b> 2083441437	<b>DURATION</b> 52	<b>PAGES</b> 2	<b>STATUS</b> Received
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03/27/2014 08:23 2083441437 BOISE PROJECT PAGE 01/02

**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**GRAHAM PATERSON**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2168 OVERLAND ROAD  
BOISE, IDAHO 83705-3158

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

21 March 2014

Ada County Development Services  
Courthouse  
200 West Front Street 2<sup>nd</sup> floor  
Boise, Idaho 83702

RE: **Maverick Inc.**  
6168 S. Cloverdale Rd.  
New York Irrigation District  
Hess Lateral 30+30  
Sec. 34, T3N, R1E, BM.

**RE: 201301823-S**  
  
**NY-048-003-01**

Diana Sanders, Associate Planner:

The United States' Hess Lateral lies within the boundary of the above-mentioned location. The easement for this lateral is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert this federal easement 25 feet northeasterly and 24 feet southwesterly of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

Fencing (as may be required) must be constructed just off the canal easement, to insure public safety and prevent encroachments.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the lateral is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

<b>EXHIBIT 12</b> Page 42 of 43 201301823 S
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**ADA COUNTY**  
**MAR 27 2014**  
**DEVELOPMENT SERVICES**

