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7000 LAND DEVELOPMENT REQUIREMENTS

7001 LEGISLATIVE AUTHORITY

7001.1 Land Development

The Ada County Highway District (ACHD), referred to as "the District" has authority to regulate the development of property in Ada County by Idaho Code, including the following:

7001.1.1 Title 40, Idaho Code

Title 40, Idaho Code gives the District exclusive general supervision and jurisdiction over all highways within Ada County.

7001.1.2 Idaho Code §40-1415 (1)

Idaho Code §40-1415 (1) gives the District responsibility and authority for design, construction, reconstruction and maintenance of rights-of-way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls.

7001.1.3 Idaho Code §40-1415 (4)

Idaho Code §40-1415 (4) gives the District responsibility and authority for planning and location of all rights-of-way within Ada County.

7001.1.4 Idaho Code §40-1415 (6)

Idaho Code §40-1415 (6) requires that the District review and accept all subdivision plats. The District must approve continuity of highway pattern, widths, drainage provisions, rights-of-way, construction standards, traffic flow, traffic volume, demand generated by the proposed subdivision (both within and outside the subdivision boundaries), and other matters pertaining to the District's function as a highway district.

7001.1.5 Idaho Code §50-1312

Idaho Code §50-1312 mandates that no plat shall be accepted for recording by the County Recorder unless the plat has been accepted by the District Commissioners and it is endorsed in writing.

7001.1.6 Idaho Code §50-1313

Idaho Code §50-1313 provides that no street, highway, or alley, in Ada County shall be a public street, highway, or alley unless the District Commissioners accept and confirm its dedication.

7001.1.7 Control and Regulate Development

The District has constitutional, statutory, and other authority as a municipal corporation to control and regulate development within Ada County when such development affects the transportation infrastructure.

7001.1.8 Other

This is not a comprehensive listing of all legal authority. There may be other legal authorities that the District may use from time to time.

7001.2 Legal Authority for Impact Fee

The District has the right to impose impact fees according to the authorities described in Section 7001.1 of this manual, and based upon the following:

7001.2.1 Idaho Constitution

Article 1, Section 2 of the Constitution of the State of Idaho.

7001.2.2 Idaho Code

Section §63-2201 A, Idaho Code.

7001.2.3 Idaho Development Impact Fee Act

The Idaho Development Impact Fee Act, Idaho Code Title 67, Chapter 82.

7002 SCOPE, PURPOSE AND OBJECTIVE

The following policy is established under Idaho Code, Title 40 to regulate street and drainage improvements dedicated to the District. This includes those facilities under District jurisdiction affected by subdivision and other development activity within Ada County. The primary goal of development design is to provide a safe, efficient access and circulation system including provisions for non-motorized travel, to connect homes, schools, playgrounds, parks, commercial areas, industrial areas, and other land uses.

Maximum livability, safe and efficient traffic movement, and economic construction and maintenance are compatible goals. There must be close cooperation and exchange of data among governmental units, developers and their professional representatives to plan effectively and gain maximum benefits.

These policies are based on review of existing local requirements; input from governmental agencies and the private sector; national recommendations; current practices; and experience. The policies should be used by those persons who review development layout and who plan and design developments that affect, or are affected by District facilities.

7003 DEFINITIONS

Certain words and terms used in this policy are defined as follows:

“ACCESS” - A means of ingress and egress to and from abutting property.

“ACHD” - The Ada County Highway District.

“ADT” - Average daily traffic.

“ALLEY” - A public way, other than a street or highway, providing a secondary means of access to abutting property.

“APPEAL” - An action contesting an interpretation of policy by District staff, or an objection to a condition not prescribed by policy that is placed on a development.

“BLOCK” - The space along one side of a street between the two nearest intersecting streets. A block also exists between an intersecting street and railroad right-of-way, waterway or other similar barrier. It is the shortest distance between such intersections, excluding alleys.

“CAPITAL IMPROVEMENT” - This includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisitions, engineering, and construction of all the necessary features for any road construction project, including but not limited to:

1. Construction of new roads;
2. Construction of new through lanes;
3. Construction of new turn lanes;
4. Construction of new bridges, or reconstruction of existing bridges to add capacity;
5. Construction of new drainage facilities with new roadway construction;
6. Purchase and installation of traffic signals (including new and upgraded signals);
7. Construction of curbs, gutters, sidewalks, medians, and shoulders;
8. Construction of mitigation facilities; and
9. Utility relocations or adjustments.

“CAPITAL IMPROVEMENT PLAN” - The most recent plan adopted by the Commission identifying system improvements for which impact fee revenues may be used.

“COMMISSION” - The Ada County Highway District Board of Commissioners.

“COMPREHENSIVE PLAN” - The master plan or development guideline program adopted or approved by a political entity of Ada County.

“COUNTY” - The County of Ada.

“CURB LINE” - The line dividing the traveled portion of the roadway from a planting strip or sidewalk.

“DEAD END STREET” - A non-continuous street.

“DEVELOPER” - A person, partnership, corporation or other legal entity developing land or making improvements on any parcel of land.

“DEVELOPMENT SERVICES” – shall mean the ACHD Development Services Department.

“DEVELOPMENT SERVICES Manager” – shall mean the Manager of the ACHD Development Services Department, or the Manager’s designee.

“DIRECTOR” - The Director of Ada County Highway District.

“DISTRICT” - The Ada County Highway District.

“DISTRICT ENGINEER” - The Manager of Engineering Services of the District or his authorized representative.

“DWELLING” - Any house, mobile home, apartment, or other structure in which a person or persons live.

“EASEMENT” - A grant of the right to use land for specific purposes.

“ENGINEER” - A Professional Engineer registered in the State of Idaho.

“EXPANSION” - When referring to the capacity of a road, applies to all road and intersection capacity enhancements. It includes, but is not limited to, extensions, widening, intersection improvements, upgrading signals, and improvement of bridges.

“FEE SCHEDULE” - The schedule of impact fees described in EXHIBIT “A” of the Impact Fee Ordinance.

“FEE PAYER” - A person required to pay an impact fee according to the Impact Fee Ordinance.

“FRONTAGE” - That portion of a lot or parcel abutting a public right-of-way.

“FUNCTIONAL STREET CLASSIFICATION PLAN” - A street classification plan prepared by COMPASS and adopted by the general purpose governments of Ada County and Ada County Highway District.

“IMPACT FEE ADMINISTRATOR” - The District Director or the officials assigned to administer the Impact Fee Ordinance.

“IMPACT FEE” - A fee paid or to be paid by a feepayer to the District. It is based on the impact of a development and set according to the fee schedule.

“LEAD AGENCY” - The government agency that has primary jurisdiction over planning and zoning for the development proposal.

“LOOP STREET” - A roadway which departs from and returns to the same street.

“LOT” - A portion of a recorded subdivision intended for transfer of ownership or for development.

“MAY” - A permissive condition. No requirement is intended.

“MICRO-PATHWAY” - A route or way through a development specifically designed to facilitate pedestrian and bicycle travel.

“NON-CONTINUOUS STREET” - A dead end street.

“OFF-SITE IMPROVEMENTS” - Improvements required outside of and non-contiguous with the boundary of the land to be developed that are determined to be necessary by the Commission for the health, safety and welfare of the residents of the District.

“PAVEMENT WIDTH” - A width of an improved, paved street measured from edge-of-roadway surface to edge-of-roadway surface, or between concrete curbs with gutters.

“PERFORMANCE BOND OR SURETY INSTRUMENT” - A form of security, in an amount and form satisfactory to the District, which guarantees the District that required work will be performed according to the applicable regulations.

“PERSON” - Any individual, corporation, partnership, association, government agency, or other entity.

“PLAT, PRELIMINARY” - A map containing the elements and the requirements stated in these policies. It depicts the design of a proposed subdivision and the existing conditions in and around the development.

“PLAT, FINAL” - A map, intended to be recorded in the office of the County Recorder, prepared in according to these policies and all applicable provisions of State and local laws.

“PRIVATE ROAD” - A street that is privately owned and maintained. It is not dedicated as public.

“RESOLUTION” - A formal written policy, provision, procedure or requirement approved and adopted by action of the Commission.

“RIGHT-OF-WAY” - An area dedicated for public use. A strip of land on which a road, highway, railroad or transit line exists or may exist.

“ROADWAY” - The portion of right-of-way used for vehicular traffic.

“SERVICE AREA”- Means a defined geographic area identified in Section 7300 of this Policy in which the System provides service to Development within the area defined, on the basis of sound planning or engineering principles or both.
(Reference *Idaho Code*, section 67-8203(26).)

“SHALL” - A mandatory condition.

“SHELL PERMIT” - A building or structural permit to construct only the basic structure of a building for which the actual uses will be determined later.

“SHOULD” - An advisory condition. It is recommended, but not mandatory.

“SITE-RELATED IMPROVEMENT” - A capital improvement or right-of-way dedication for direct access to or within the proposed project or development. Site-related improvements include, but are not limited to, the following:

1. Access roads leading to or from the development;
2. Roads and driveways within the development;
3. Acceleration and deceleration lanes, and right and left turn lanes leading to and from those roads and driveways;

4. Traffic control measures for those roads and driveways;
5. Sidewalk, curbs, gutters, medians, shoulders, bicycle lanes and landscaping located on or along any site-related roads; and
6. All sidewalks constructed on roads next to or abutting the development.

“STANDARDS” - The approved design and/or construction requirements of the District.

“STREET, ARTERIAL” - Any public street, existing or proposed, with a primary purpose of carrying through traffic.

“STREET, COLLECTOR” - Any public street, existing or proposed, with a primary purpose to intercept traffic from intersecting local streets and carrying that traffic to an arterial street.

“STREET, LOCAL” - Any public street, other than an arterial or collector, which provides access to abutting property. It principally serves local traffic rather than through traffic.

“SUBDIVIDER” - Person, partnership, corporation or any other legal entity dividing land for themselves or for others according to the provisions of Idaho Code.

“SUBDIVISION” - A tract of land that is legally subdivided. The process of dividing a given area of land into sites, blocks and/or lots, that may include roads, streets, alleys and open spaces.

“SYSTEM IMPROVEMENT” - A capital improvement other than a site-related improvement that is a public facility designed to provide service to the community at large.

“THROUGH TRAFFIC” - Traffic that is unrelated to development or property adjacent to a particular street or within a particular neighborhood.

“TRAFFIC INDEX” - A calculated number based on existing and future traffic volumes and composition. It is used to determine the structural section of the roadbed.

“TURNAROUND” - The turnaround area located at the terminus of a non-continuous street.

“URBAN SERVICE PLANNING AREA” - The Urban Service Planning Area identified by agreement between Ada County and each of the incorporated cities.

“VARIANCE” - Modification of a development policy requirement.

“WAIVER” - Deletion of a development policy requirement.