

**WORLEY HIGHWAY DISTRICT BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 11, 2019
9:00 A.M.**

MINUTES

Commissioner Corinne Johnson called the meeting to order at 9:00 a.m. with Commissioner George Miller and Commissioner Phil Cooper present. Also present were Supervisor Kevin Howard; District Clerk/Treasurer Carol Richel; Deputy Clerk Tomi Maynard; and:

Kevin Smith, JUB
Laura Ward, Ditches Unlimited

Morgan Watson, Watson Road

APPROVAL OF AGENDA

Cooper MOVED to approve the agenda as presented. Miller SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

CONFLICTS OF INTEREST ON AGENDA

Chairman Corinne Johnson asked if any Board member had a conflict of interest with any item on the agenda. Corinne Johnson, George Miller and Phil Cooper each indicated no conflicts.

APPROVAL OF MINUTES

Miller MOVED to approve the minutes of the November 27, 2019 regular meeting. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

PUBLIC COMMENTS

None.

Kootenai County Community Development

Unless desired by the board, projects that have seen no activity will not be read in the consideration of time.

1. Hager Estates, Minor, Status Report, Loffs Bay Rd.:
Susan Weeks has begun legal action to settle this matter. No additional information this month.
2. The Club at Rock Creek, Major Subdivision, Loffs Bay Rd.:
Before the board today is a Resolution accepting the finished Loffs Bay Road Phase II improvements. This past spring a list of corrections were made upon inspection. The corrections have been completed. Staff has no objection to the acceptance.
 - a. Resolution 2019-07 – Acceptance of Loffs Bay Road

***RESOLUTION 2019-07
LOFFS BAY ROAD IMPROVEMENTS PHASE II***

WHEREAS, The Club at Rock Creek, entered into a Road Development Agreement dated July 17, 2006, which provided for improvements to Loffs Bay Road. The Road Development Agreement was amended by the addendum to Road Development Agreement dated April, 21, 2008, a Second addendum to Road Development Agreement dated June 24, 2009, a Third Addendum to Road Development Agreement dated January 16, 2012, and a Fourth Addendum to Road Development Agreement dated August 15, 2017 to improve Loffs Bay Road.

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***WHEREAS**, Phase II (Station 80+00 to Station 116+00) of the improvements to Loffs Bay Road improved 0.68 miles of roadway, the improved portion of the road located in Sections 4, Township 48 N, Range 4W, BM, Kootenai County Idaho, and*

***WHEREAS**, The Club at Rock Creek spent \$795,853.00 for Phase II improvements to Loffs Bay Road.*

***WHEREAS**, Worley Highway District has inspected the Loffs Bay Road Improvement Project (Phase II) to ensure that it meets all of the requirements of the Highway Standards for the Associated Highway Districts Kootenai County, Idaho, and*

***WHEREAS**, the Loffs Bay Road Improvement Project (Phase II) is already in the Worley Highway District road system, and*

***NOW THEREFORE BE IT RESOLVED** the Worley Highway District Board of Commissioners hereby accepts 0.68 miles of improvement to Loffs Bay Road and hereby accepts the donation of \$795,853.00 in construction for the Loffs Bay Road Phase II Improvement Project.*

Miller MOVED to approve Resolution 2019-07 Acceptance of Loffs Bay Road. Maynard called the roll with the commissioners voting as follows: Cooper, aye; Johnson, aye; Miller, aye.

3. Ritz Ranch, Minor Subdivision, Loffs Bay Rd.:

Before the board today is the Final Plat (Mylars) for signature. All the district's concerns have been met and all fees are paid. Staff has no objection to the signing of the plat.

Miller MOVED to sign the plat for Ritz Ranch, minor subdivision, Loffs Bay Road. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

Johnson signed the plat.

4. Black Rock Flats PUD 19-0001U:

This PUD will not have a plat requiring a signature from the district's board until the developer applies for a Condominium Plat or equivalent. At that time this board will have signature authority. Therefore, the Road Development Agreement will be tied to the subsequent plat application. The agreement is currently being drafted. No additional information this month.

5. Tosi Estates, Minor Subdivision:

This is a two lot subdivision at the intersection of Meadowbrook Loop and Clemetson Road. The district's review is complete. The response to Kootenai County Community Development was that the district's concerns have been met on the plat and the district has no objection to the plat application moving forward. No additional information this month.

WHD Construction Projects

1. Rockford Bay Road/Loffs Bay Road (W) Intersection: Status Report

Discussion: shall the district try for STP-Rural funding again or shall staff explore other means of funding and/or construction? No additional information this month.

2. Kidd Island Road Project: Status Report

LHTAC has requested an indication of the boards willingness to complete the project area that will not be included in the current construction funding. By noting the unfinished portion on the Kidd Island Road Project and placing it on the district's CIP, LHTAC will move forward with the needed process for the current phase.

a. CIP Update

Miller MOVED to add the portion of Kidd Island Road that will still need funding and construction to the CIP. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

3. Finnebott, Bennion & Sun Up Intersections:

Attorney Weeks has located the Trustee of Paul Sterns estate. The district will be contacting her regarding the right-of-way acquisition.

4. Watson Road Slide:

The project has met substantial completion. Watson Road will be open to the public this winter. If there are corrections needed, they will be done in the spring. Additionally, staff is waiting for another quote to repair the compromised drain field. Once received and a decision made by the owner of the drain field, the repairs will be scheduled.

5. Hull Loop Project:

J-U-B has provided descriptions for right-of-way acquisition. I'll be making contact with the adjacent property owners late this month and December.

WHD Misc. Projects

1. Koth Road ROW Status:

Attorney Weeks has found that there is a specific process to ask for a replacement arbitrator as this is a change in contract between the parties. The process is referred to as "Blue Lining". She will begin the process. No additional information this month.

2. Validation of road #20:

This will be going to the Supreme Court for Oral Argument. Attorney Weeks is led to believe that the district will be noticed on a court date sometime next week. No additional information this month.

3. Arvistis McKinnie, Watson Road Request for compensation:

Howard consulted the district's attorney and was informed that compensation of this type is common and defendable.

Miller MOVED to pay this administrative adjustment to Ditches Unlimited. Cooper SECONDED. Johnson CONCURRED. The Motion PASSED UNANIMOUSLY.

4. Four Wheel Drive Road:

In the boards packet is a copy of an email from Attorney Weeks giving direction in the matter.

Miller MOVED to formally accept the Right-of-Way known as Four Wheel Drive Road. Cooper SECONDED. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

Howard will report the Boards decision to Attorney Weeks.

New Business

1. Ordinance 2019-01 Access Management:

**WORLEY HIGHWAY DISTRICT
ACCESS MANAGEMENT ORDINANCE
Ordinance No. 2019-001**

BY THE BOARD OF HIGHWAY DISTRICT COMMISSIONERS
OF
KOOTENAI COUNTY, IDAHO

AN ORDINANCE ADDRESSING ACCESS MANAGEMENT TO MAINTAIN A SAFE FLOW
OF TRAFFIC, REDUCE CONGESTION, REDUCE POINTS OF CONFLICT, IMPROVE
TRAVEL TIMES, PRESERVE HIGHWAY CAPACITY, AND
IMPROVE HIGHWAY SAFETY

Section I. Purpose

WHEREAS, the purpose of this ordinance is to formalize regulations for road approaches to highways and public rights-of-way within Worley Highway District's jurisdiction. The Board of Commissioners finds enactment of this ordinance is necessary to ensure uniform procedures for its access management regulations for highway and public right-of-way approaches, and to reduce road congestion or safety problems for users of highways and public rights-of-way.

WHEREAS, in accordance with the jurisdiction and authority of Worley Highway District, the Board of Commissioners of Worley Highway District finds that it is in the best interest of the owners of real property within Worley Highway District to provide clear and consistent access management regulations to owners of properties abutting highways and public rights-of-way, and to address and control access for properties which do not abut a highway or right-of-way.

NOW THEREFORE, BE IT ORDAINED by the Board of Highway District Commissioners of Worley Highway District as follows:

Section II. Applicability

This Ordinance shall apply to all properties abutting highways or rights-of-way or properties seeking direct access or common connections to highways or public rights-of-way within the boundaries of the Worley Highway District, and to properties that do not abut a highway or public right-of-way which seek access.

Section III. Conformance

The location and design of driveways and access management conditions shall conform to all federal, state, Kootenai County Associated Highway District Standards and Worley Highway District requirements, including and not limited to

those established in this Ordinance. Further, the requirements of this Ordinance are not a substitute or displacement of the zoning, subdivision and site plan approval requirements of Kootenai County, but are imposed to control access approaches to adjacent highways and public rights-of-ways which are within the exclusive jurisdiction of Worley Highway District.

Section IV. Definitions

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property onto the adjacent highway or public right-of-way, including any driveway, street, turnout or other means of providing for the movement of traffic to or from the highway or right-of-way.

Access Management: The process of providing and managing reasonable access to property while preserving the flow of traffic in terms of safety, capacity, and speed.

Driveway: Any entrance or exit used by vehicular traffic to or from land abutting a highway or public right-of-way which serves a lot or parcel.

Driveway, Shared: A driveway connecting two to four lots or parcels to the highway or public right-of-way.

Nonconforming Access: Features of the access of a property that existed prior to the effective date of this Ordinance and that do not conform with the requirements of this Ordinance.

Private Road: A private way which provides vehicular access to more than four parcels of land.

Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide access to and from a highway or public right-of-way, as consistent with the purpose and intent of this Ordinance.

Highway: As defined in Idaho Code § 40-109(5) or successor code section.

Public Right-of-Way: As defined in Idaho Code § 40-117(9) or successor code section.

Section V. Standards and Requirements

A. Access Requirements

1. Approach Permit

An approach permit from Worley Highway District is required for all accesses to a highway or public right-of-way within Worley Highway District. When property approaching a highway or public right-of-way changes from one use to another or expands the use, including but not limited to increasing the number of lots or parcel served by the access, application shall

be made to the Worley Highway District for approval of the change in use and issuance of a new approach permit. Permitted approaches shall be recorded and shall run with the land. The Director of Highways may impose reasonable conditions on the issuance of an approach permit, including but not limited to a right turn lane taper.

2. Access Requirements

- a. Driveways should be limited to one per property except as set forth herein for shared driveways. More than one driveway on a single parcel may be permitted if:
 - i. the additional driveway(s) does not degrade traffic operations and safety on highways and public rights-of-way; and
 - ii. the additional driveway(s) will improve the safe and efficient movement of traffic between the property and the highway or public right-of-way.
- b. Driveways to property with frontage on two or more roads shall be provided to the road with the lowest functional classification serving the proposed use of the property.
- c. Property with frontage on two or more roads does not have the right to driveways to all roads.
- d. Driveways may be required to be located so as to provide shared driveways with an abutting property or properties.
- e. Shared driveways shall be of sufficient width to accommodate two-way travel for automobiles and service and loading vehicles.
- f. A shared driveway or a private road requires a recorded easement or a recorded covenant running with the land which provides the right to use the shared driveway or the private road to the lots or parcels served by the shared driveway or private road. A recorded maintenance agreement is required for a shared driveway or a private road.
- g. Approach permits granted for access shall designate the type of use (residential, commercial or industrial) and identify the lots or parcels for which the approach is permitted. Additional lots or parcels may not utilize the

permitted approach unless a new approach permit is issued by Worley Highway District.

3. Driveway Spacing Standards

The Kootenai County Associated Highway District Standards addressing required driveway spacing establishes the minimum standard for driveway spacing. Worley Highway District may require approaches that meet or exceed this spacing standard.

4. Driveway Design

The Kootenai County Associated Highway District Standards addressing required driveway construction establishes the minimum standard for driveway construction. Shared approaches shall have a paved approach to the highway or public right-of-way which meets the Kootenai County Associated Highway District Standard for a “Typical Rural Road Section” unless the Director of Highways grants an exception to this requirement.

5. Driveway Movements

Driveway movements (cross, left turn in, left turn out, right turn in, and right turn out) may be restricted so as to provide for the safe and efficient movement of traffic between the highway or public right-of-way and the property.

Each driveway is to be designed and constructed to provide only the allowable movements and to physically discourage prohibited movements as determined by the Director of Highways.

6. Minor Subdivisions

Minor subdivisions of four or fewer lots approved by Kootenai County after the effective date of this Ordinance shall be permitted one reasonable access for the newly created lots to the adjacent highway or public right-of-way. The subdivision shall not be entitled to the maximum accesses based upon the number of lots abutting the highway or public right-of-way. The location of the access shall be as determined by the Worley Highway District, with weight given to locating the approach in a location to facilitate a shared approach with current or future approaches.

Access shall be provided to the road with the lowest functional classification serving the proposed subdivision unless otherwise approved by the Director of Highways.

7. Non-Conforming Access

Any existing driveway or private road access which exists as of the date of this ordinance may continue to serve the existing parcel(s) which existed at the time of this Ordinance. When a property owner of

a property whose access is provided by an existing, non-conforming driveway or driveways or private road as of the effective date of this Ordinance changes the use of the property, or increases the volume or character of traffic using an existing driveway or road approach, a new approach permit is required, and the approach shall be required to conform to this Ordinance. The new permit may require improvements or a change in location of the existing approach. Additional residences on a property or increased commercial use of an access is considered a change in use.

B. Submittal of Plans

Any person seeking a proposed subdivision of land whereby two, but not more than four, lots are created shall at the time of subdividing the property submit an approach permit application to Worley Highway District, together with all necessary plans required by Worley Highway District, indicating the proposed location and construction specifications for the proposed common access driveway. A road approach application review fee shall be paid in an amount as set forth by resolution of the Board of Commissioners.

C. Issuance or Denial of Permit; Appeal

1. If the applicant objects to the denial of a permit or the conditions of the permit, the applicant may appeal to the Board of Commissioners within twenty-one (21) days of the date of the denial or issuance the permit.
2. If the applicant does not appeal, the denial of the permit or the condition(s) of the permit are final.
3. No appeal will be considered after the applicant begins construction of the permitted approach.
4. The appeal shall be submitted to the Board of Commissioners and include the following:
 - a. an explanation of why the applicant seeks a change in the decision; and
 - b. any conditions for the approach permit proposed by the applicant.
5. The appeal shall be accompanied by an appeal fee as set forth by Board by separate resolution.

D. Savings Clause

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provisions and such holding shall not affect the validity of the remaining portions thereof.

E. Adoption

This Ordinance shall take effect and be in full force upon its passage, approval, and publication in summary in one (1) issue of the *Coeur d'Alene Press*.

Miller MOVED to approve Ordinance 2019-01 Access Management. Maynard called the roll with the commissioners voting as follows: Commissioner Cooper, aye; Commissioner Johnson, aye; Commissioner Miller, aye.

2. Bills Presented for Approval, and Discussion of Finances:

Miller MOVED that the bills be approved as presented on the A/P and Draw Payroll check registers. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

3. Upcoming Meetings:

Regular Meeting Wednesday, December 27, 2019

4. Commissioner Comments:

EXECUTIVE SESSION

None.

ADJOURNMENT

Miller MOVED to adjourn the meeting at 9:32 a.m. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

RESPECTFULLY SUBMITTED BY:

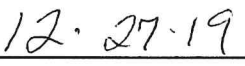


Tomi Maynard, Deputy Clerk

APPROVED BY:



Corinne Johnson, Chairman



Date