



# CRITERIA WORKSHEET & APPLICATION SUMMARY

**Note:** This exhibit does not represent staff analysis of information provided by the applicant supporters, or opponents; however, staff has identified policies which may be applicable to this particular request. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. This worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information and to provide a juxtaposition of any conflicting testimony that has been presented.

## Type of request:

A variance to allow access for two residential lots created via a short plat to a state highway.

## Description of application:

A request by Martin & Darrel Haarr for a variance to allow an access for a lot created via a short plat to a state highway. The property is located south of State Highway 8 west of the City of Deary in Section 22, Township 40 North, Range 02 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP40N02W222412A.

## Applicable Code:

*Section 7.02 Variances*

*Section 8.02.0(5)*

A. An applicant for a short plat may request a hearing before the Zoning Commission, applying the general procedures set forth in Section 7.02 of this ordinance, excepting 7.02.02 and using the criteria set below, to ask for permission to use an existing residential access approach (existing residential access approach defined as approval from Idaho Transportation Department for a residential access approach given prior to the adoption of this section) to a state highway maintained by the Idaho Transportation Department if no reasonable lot configuration can meet the requirement and one of the following applies:

1. The original parcel from which a rezone was created does not touch any other public roadway.
2. An area rezoned prior to the adoption of this provision does not touch any other public roadway.
3. It is physically impractical for the new or existing parcel to gain access to a public roadway that is not a state highway maintained by the Idaho Transportation Department that touches that parcel.

If the Zoning Commission finds that a variance is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.

## Facts of application and the information submitted

### Site Characteristics:

Size of Parcel:

11.98 acre

Floodplain:

Zone "C" (FIRM Panel # 1600860280B)

### Land Use and Regulations:

Comprehensive Plan Designation:

Industrial, Commercial, Residential

Existing Zoning:

Rural Residential (RZ 847)

Existing Uses:

Agriculture,

Neighboring Zoning:

Agriculture Forest

Neighboring Uses:

Residential, Agriculture, Waste Water Treatment Facility Public Right of Way

### Infrastructure/Services:

Water:

Private Well

Sewer:

Private Septic

Access:

State Highway 9

Schools:

White Pine School District

Fire Protection:

Deary Fire District

Law Enforcement:

Latah County Sheriff

**APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:**

**Local Planning Act:** Idaho Code 67-6512

**Latah County Land Use Ordinance # 269, as amended:**

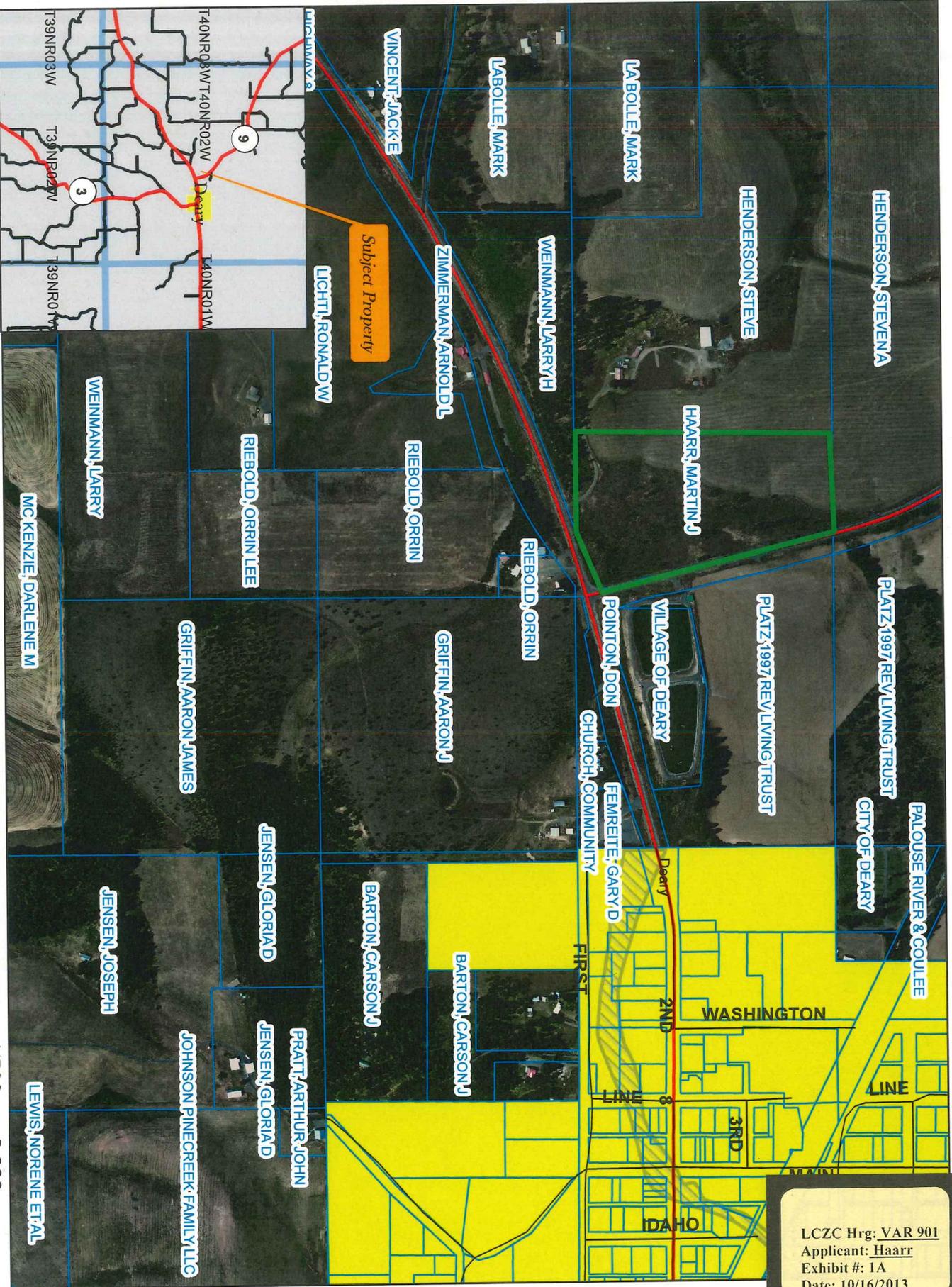
Article 7                      Variances

Article 8.02                  Short Plats

**Latah County Comprehensive Plan**



# VAR #901 Aerial & Adjacent Propert Owner Map



NOTE: This Document is a representation only. Latah County bears no responsibility for errors or omissions.

\*Created on 10/09/2013 by JB

### Legend

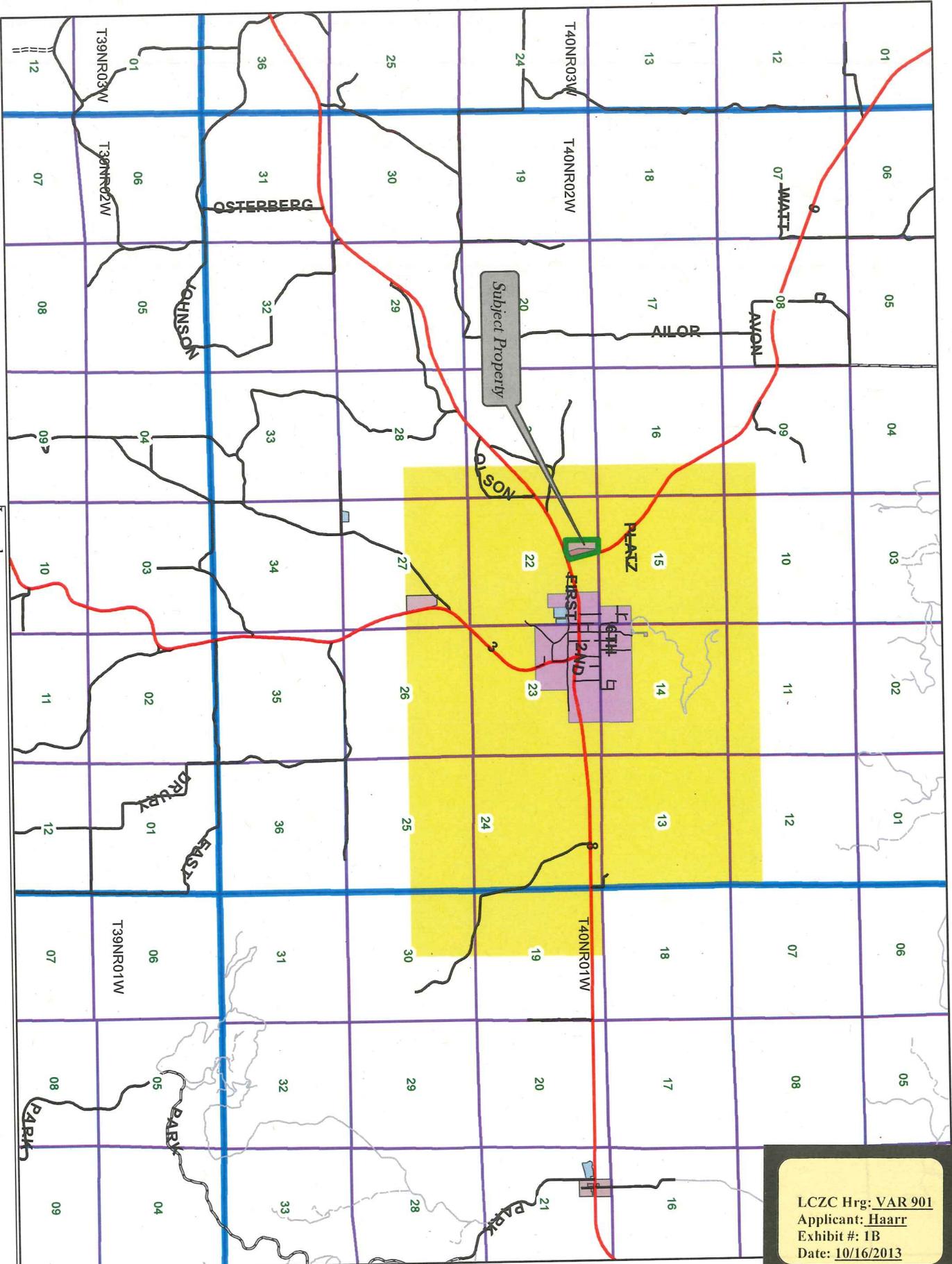
- Parcels
- Pottlatch
- Floodplain



LCZC Hrg: VAR 901  
 Applicant: Haarr  
 Exhibit #: 1A  
 Date: 10/16/2013



# VAR #901 Zoning Map



NOTE: This Document is a representation only.  
Latah County bears no responsibility for errors or omissions.

\*Created on 10/09/2013 by JB

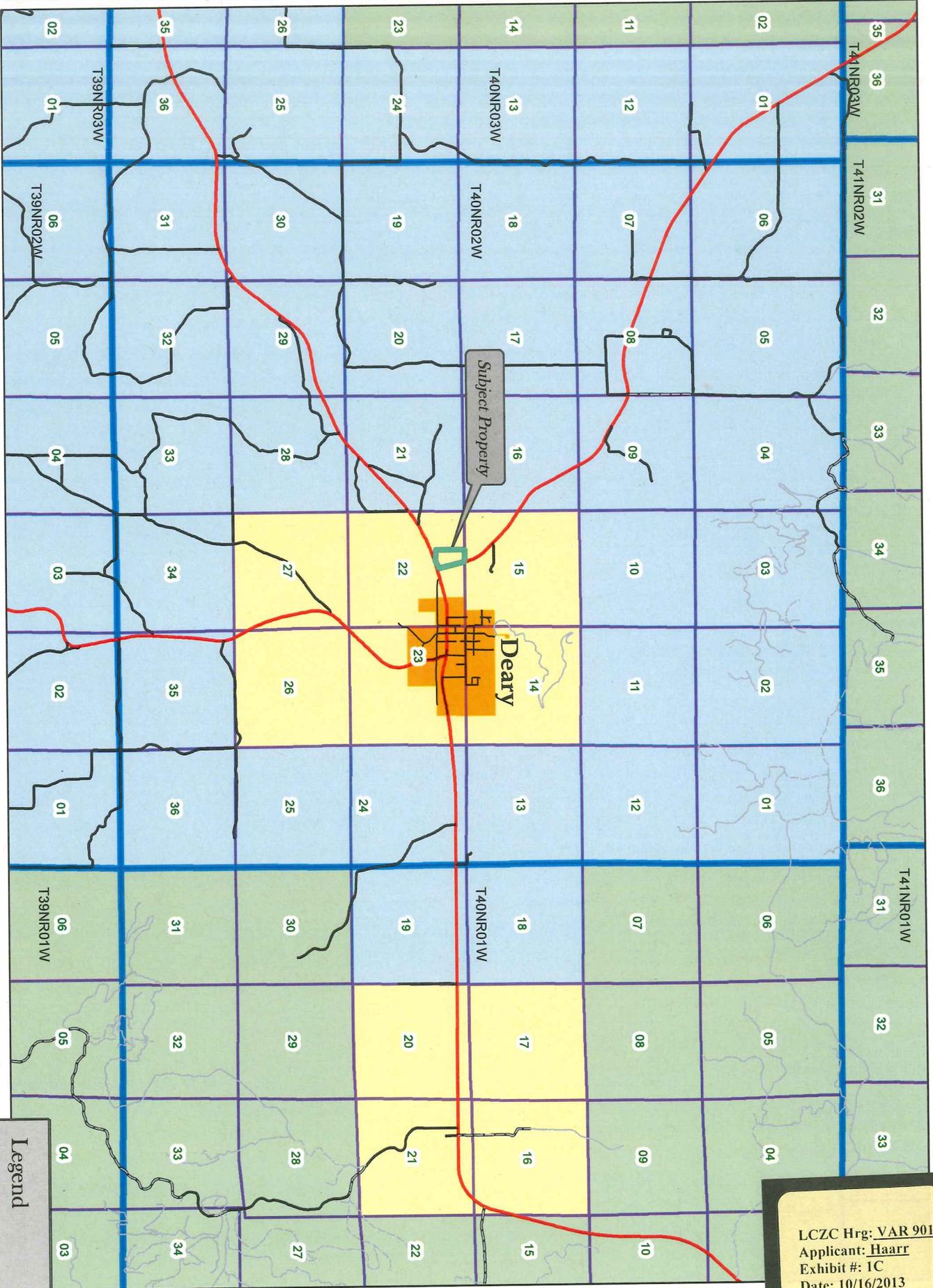


- Legend**
- Agriculture / Forest
  - Industrial
  - Multiple Family Residential
  - Rural Residential
  - Single-Family Residential (RI)
  - Single-Family Residential Suburban Residential
  - Areas of City Impact
  - Commercial
  - Motor Business Municipality

LCZC Hrg: VAR 901  
Applicant: Haarr  
Exhibit #: 1B  
Date: 10/16/2013



# VAR #901 Vicinity and Comprehensive Plan Map



NOTE: This Document is a representation only.  
 Latah County bears no responsibility for errors or omissions.

\*Created on 10/09/2013 by JB

0 2,4504,900 9,800 Feet



**Legend**

- AOI PRODUCTIVE
- ICR RURAL

LCZC Hrg: VAR 901  
 Applicant: Haarr  
 Exhibit #: IC  
 Date: 10/16/2013



# Application for Short Plat to Use Existing Residential Access Approach to a State Highway

## Instructions

Please complete the application and required attachments. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete. Please type or print plainly with dark ink.

Please submit to: **Latah County Department of Planning & Building**

**Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow, ID, 83843 (208) 883-7220**

### 1. Applicant Information

a. Applicant Name <b>Darrel and Martin Haarr</b>	b. Home Phone <b>208-651-1717</b>	c. Work Phone	
d. Mailing Address <b>720 W Davidson Ave</b>	e. City <b>Coeur d'Alene</b>	f. State ID	g. Zip code <b>83814</b>
h. Property Owner (if different than applicant)	i. Home Phone	j. Work Phone	
k. Mailing Address	l. City	m. State	n. Zip code

### 2. General Site Information

a. Assessor's Parcel Number(s) <b>RP40N02W-22-2412</b>	b. Site Address (if applicable) <b>NA</b>		
c. Road Used to Access Site <b>Existing common driveway off of Highway 8</b>	d. Floodplain designation(s) <b>Zone C</b>	e. FEMA Panel # <b>160086-0280B</b>	
f. Existing Uses <b>Undeveloped-Agricultural</b>			

*Note: Sites within an Area of City Impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.*

### 3. Short Plat Application Information

a. Short Plat Application in association with this application: <b>Junction Acres</b>	b. Number of lots of proposed Short Plat: <b>2 Lots</b>
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### 4. Adjacent Properties Information

a. Zoning of Adjacent Properties <b>Commercial/Ag</b>	b. Existing Uses of Adjacent Properties <b>Residential/Future Comm</b>
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### 5. Existing Residential Access Approach to State Highway Request Information

A. Existing Residential Access Approach Requested for Approval per Section 8.02.01 of the Latah County Land Use Ordinance	B. Explanation of Request <b>Access is from Hwy 8- instead of serving one lot we propose it to serve 2 lots</b>
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### 6. Authorization

The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.

a. Signature of Applicant <i>[Signature]</i>	b. Date <b>9-12-13</b>
c. Signature of Property Owner (if different than applicant)	d. Date

### 8. Attachments

All attachments should be reproducible in black and white at 8 1/2" x 11"

- Fee:** (\$150.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Attached Narrative Worksheet.
- Site Plan:** The site plan should include a north arrow, location of roads and rights-of-way, and existing buildings; the location and dimensions of proposed facilities, location of proposed access approach, improvements and operations; as well as any other details necessary for the Planning and Zoning Commission or Board of Adjustment to make a decision.
- Copy of ITD Permit:** Copy of permit from ITD for residential access approach for one or more homes dated December 23, 2008 or before or a letter from ITD that states that they recognized the approach on the subject property for residential use prior to December 23, 2008.
- Vicinity Map:** The map should show the site location in relation to the city or town nearest your location, outlying neighborhoods, highways and roads, and natural features.
- Other Attachments:** The Zoning Commission / Staff shall have the authority to require any additional information it feels is necessary to make a fair recommendation on the request.

### Office Use Only

Date Received by County <b>9/17/13</b>	Fee Amount <b>150.00</b>	Receipt No. <b>995029</b>	By <i>[Signature]</i>
SPAR # <b>901</b>	Date Determined Technically Complete <b>9/17/13</b>		By <i>[Signature]</i>
Hearing Date <b>10/16/13</b>			

### 7. Other Requirements

Per §8.02.02 of the Latah County Land Use Ordinance select which of the following applies to this request:

The original parcel from which a rezone was created does not touch any other public roadway (If applicable indicate Rezone # **817**)

An area rezoned prior to the adoption of this provision (12/23/2008) does not touch any other public roadway (If applicable indicate Rezone # \_\_\_\_\_ and date of rezone \_\_\_\_\_)

It is physically impractical for the new or existing parcel to gain access to a public roadway that is not a state highway maintained by the Idaho Transportation Department that touches the parcel. (If applicable additional documentation may be required as per the discretion of Staff or the Latah County Zoning Commission)

**LCZC Hrg: VAR 901**  
Applicant: **Haarr**  
Exhibit #: **2**  
Date: **10/16/2013**



## Short Plat Request to Use Existing Residential Access Approach to a State Highway Narrative Worksheet

### Application Information

Applicant's Name  
Darrel Haarr

Phone Number  
208-651-1717

**Purpose:** To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance

**Instructions:** Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

### Description of Request

Describe your request in detail.

Our hope is to divide our 11.98 acre rural residential parcel into two(2) parcels. The southern parcel would be 5.28 acres and the northern parcel would be 6.70 acres. Access is currently provided by a shared common driveway off of Highway 8. An easement across the western 50ft is proposed to access the northern parcel.  
The access in question is just west of the Highway 8 and Highway 9 intersection.

### Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

The property is undeveloped and is currently used agriculturally. It is currently leased for hay and will continue this until development of the lots.

### Relevant Criteria and Standards

Please respond to the criteria listed in Section 8.02.01.5.B of the Latah County Land Use Ordinance by explaining how your proposal meets the criteria. If the provided space is insufficient, please attach your responses to this packet.

The proposed access is not detrimental to the health or safety of those in the surrounding area or the safety of the public at large.

The existing approach has been there for many years and we assume it has been the same access for the mid 1900's farm house just west of this property. The access is also used by Pine Creek Logging LLC and has been well maintained, improved and meets applicable county standards. The proposed access is existing and will not be detrimental to the health or safety of any in the surrounding area or public at large. Thank you for your consideration of this request.

LCZC Hrg: VAR 901  
Applicant: Haarr  
Exhibit #: 2A  
Date: 10/16/2013

PUBLIC HEALTH - IDAHO NORTH CENTRAL DISTRICT  
Sanitary Restrictions as required by Idaho Code, Title 50 Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

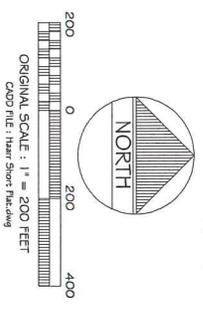
North Central District Date  
Latah County Treasurer Date  
Latah County Board of County Commissioners  
Examined and approved by action of the Latah County Commission at their regular meeting with a quorum present on \_\_\_\_\_ 2013.

LATAH COUNTY SURVEYOR  
I hereby certify that I have checked this Plat and find that it complies with the requirements of Title 50, Chapter 13, of the Idaho Code.  
day of \_\_\_\_\_ 2013.

IDAHO TRANSPORTATION DEPARTMENT  
Examined and approved by the Idaho Transportation Department  
day of \_\_\_\_\_ 2013.

LEGEND  
● Set 5/8" X 30" Long Rebar w/cap 1/2"  
○ Found Section or 1/4 Section Corner  
○ Calculated Position - Nothing Found or Set  
○ Found Section or 1/4 Section Corner

BASIS OF BEARINGS  
The Basis of Bearings for this survey is the Idaho Coordinate System, West Zone, NAD 83, as shown between the found northwest corner and the north quarter corner of Section 22, said bearing being N 89°05'39" E.



COUNTY RECORDER CERTIFICATE  
STATE OF IDAHO, COUNTY OF LATAH  
RECORDED AT THE REQUEST OF \_\_\_\_\_  
AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

RECORDER \_\_\_\_\_  
DEPUTY \_\_\_\_\_

DATE	STATE	COUNTY	PROJECT	DRAWN BY
MARCH, 2013	ID	LATAH	HAARR SHORT PLAT	MED

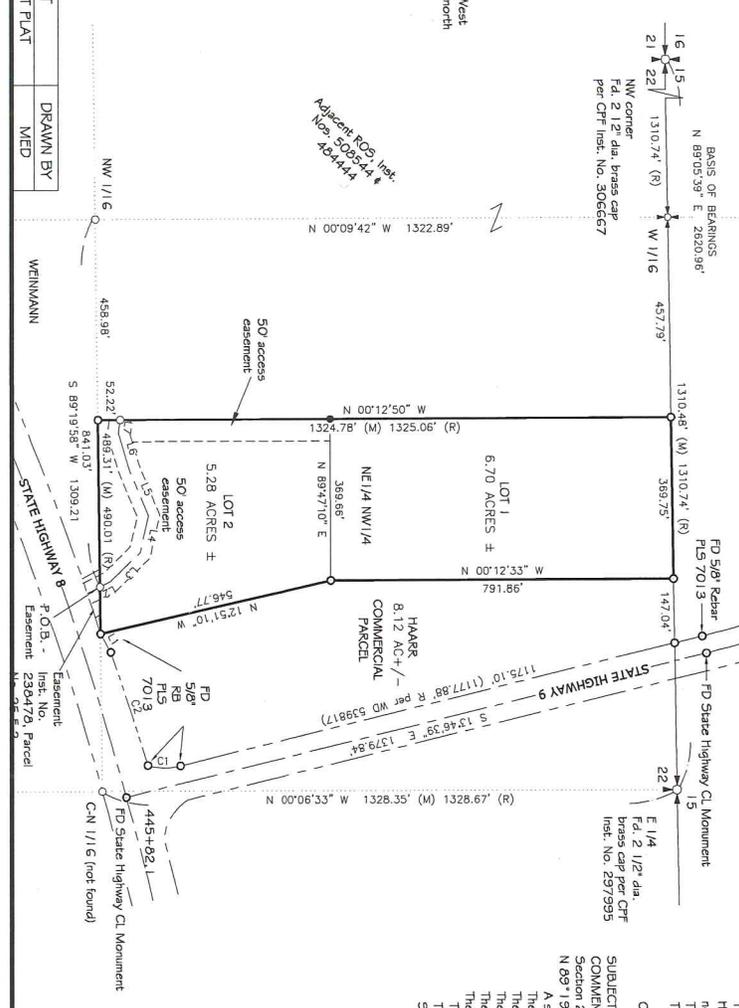
JUNCTION ACRES  
Sited in the NE 1/4 NW 1/4  
Section 22, T40N, R2W, Boise Meridian  
Latah County, Idaho



REFERENCES  
1) Record of Survey, Instrument No. 5089544, PLS 10152, 2006  
2) Record of Survey, Instrument No. 4694444, PLS 7013, 2004  
3) Warranty Deed, Instrument No. 551500, PLS 10152, 2012  
4) Warranty Deed, Instrument No. 539917

SURVEYORS NOTE  
1) Record of Survey, Instrument No. 5089544 was found to contain errors affecting the legal descriptions of the property and easement conveyed by Warranty Deed, Instrument No. 539917. This survey documents the correct boundary intended to be described and conveyed by the aforementioned documents.

LINE	BEARING	DISTANCE
1	S 60°06'54" W	48.56'
2	N 26°26'21" W	27.97'
3	N 44°00'46" W	93.76'
4	N 77°02'56" W	85.70'
5	S 77°16'53" W	118.63'
6	N 82°24'55" W	30.83'
7	S 71°40'55" W	153.54'
8	S 00°41'24" W	314.009'
9	S 00°41'24" W	314.009'



T 40 N, R 2 W, S 22

OWNERS DEDICATION CERTIFICATE  
Known all men by these presents, that I, Darrel Haarr, Melicia Haarr, Martin J. Haarr and Julie Krom all own and possess the land and premises included in this plat, have caused said land to be subdivided as shown hereon as an addition to Latah County, Idaho, to be known as Junction Acres. I also declare that this plat is in conformance with the Latah County Land Use Ordinance, Section 8.02 and in accordance with the Development Agreement recorded as Document No. 787777, Latah County Records. I also declare that the plat and lots will be served by an individual well in accordance with Section 50-1334, Idaho Code.

In witness of this declaration, I set my hand:  
Darrel Haarr \_\_\_\_\_ Date \_\_\_\_\_ Melicia Haarr \_\_\_\_\_ Date \_\_\_\_\_  
Martin J. Haarr \_\_\_\_\_ Date \_\_\_\_\_ Julie C. Haarr \_\_\_\_\_ Date \_\_\_\_\_

ACKNOWLEDGEMENT  
I, \_\_\_\_\_ Sworn statement  
Notary Public in and for the State of Idaho  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

PROPERTY DESCRIPTION  
A parcel of land located in the northeast quarter of the northwest quarter of Section 22, Township 40 North, Range 2 West of the Boise Meridian, Latah County, Idaho described as follows:  
COMMENCING at the northwest corner of Section 22, thence along the north line of said section, N 89° 05' 39" E, 1766.26 feet to the POINT OF BEGINNING;  
thence continuing along said north line, N 89°05'39" E, 363.73 feet;  
thence S 00°12'33" W, 791.86 feet;  
thence S 12°51'10" E, 546.77 feet to a point on the north right of way line of State Highway 9, said point also being on the south line of the northeast quarter of Section 22;  
thence along said south line, S 69°19'58" W, 499.31 feet;  
thence along said south line, S 69°19'58" W, 1324.70 feet to the POINT OF BEGINNING.

SUBJECT TO: An easement for ingress and egress described as follows:  
COMMENCING at the southwest corner of the northeast quarter of the northwest quarter of Section 22, thence along the south line of said northeast quarter of the northwest quarter, N 89°19'58" E, 641.03 feet to the POINT OF BEGINNING;  
A strip of land lying 15 feet on each side of the following described line:  
Thence N 26° 26' 21" W, 27.97 feet;  
Thence N 44° 00' 46" W, 93.76 feet;  
Thence N 77° 02' 56" W, 85.70 feet;  
Thence N 77° 16' 53" W, 118.63 feet;  
Thence S 77° 16' 53" W, 30.83 feet;  
Thence S 71° 40' 55" W, 153.54 feet;  
Thence N 82° 24' 55" W, 314.009 feet to the termination of said easement.  
The width of said easement shall be lengthened or shortened to terminate on said South line of the NE 1/4 of the NW 1/4.

SURVEYORS CERTIFICATION  
This map correctly represents a survey made by me or under my direction in conformity with the Idaho Code, Title 50, Chapter 13 and Latah County Land Use Ordinance in March 2013, at the request of Darrel Haarr.

John L. Dunn - Idaho Professional Land Surveyor

**RIM ROCK CONSULTING, INC.**  
Land Surveying  
Site Planning  
Mapping

PROFESSIONAL LAND SURVEYOR  
REGISTERED  
STATE OF IDAHO  
10162  
JOHN L. DUNN

SHEET 1 OF 1

123 WEST 34th Street Boise, Idaho 83702-5008-883-2339 [www.rimrockconsulting.com](http://www.rimrockconsulting.com)

LCZC Hrg: VAR 901  
Applicant: Haarr  
Exhibit #: 2B  
Date: 10/16/2013

## **VAR #901 – Staff Introduction**

A request by Martin & Darrel Haarr for a variance to allow an access for a lot created via a short plat to a state highway. The property is located south of State Highway 8 west of the City of Deary in Section 22, Township 40 North, Range 02 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP40N02W222412A.

### **1. Section 7.02.01 requires that an application for a variance shall be made by the owner of the affected property**

The application was signed and submitted by the property owner Darrel Haarr, to the Planning and Building Department on September 17, 2013.

### **2. Section 8.02.01(5) requires that each lot shall have at least 25 feet of frontage on a public road or at least 50 feet of frontage onto one 50 foot easement that is a shared private driveway that accesses a public road. Each access onto the public road must be approved in writing by the jurisdiction maintaining the public road. No short plat may include new public roads or shared private driveways, unless required and approved in writing by the responsible highway district in the interest of public safety. As part of a development agreement via the rezone, the Board of Latah County Commissioners can require the private driveway be built to highway district standards for a public road. In addition to meeting the requirements of Section 9.01.02.4, all shared private driveways in a short plat shall have 20 feet of graveled surface. The shared private driveway meeting the previous requirements shall be built to completion prior to issuance of any building permit for said short plat.**

**Unless the following requirements are met, no short plat may include driveways entering directly onto state highways maintained by the Idaho Transportation Department. All new lots created via a short plat, and rezones which will ask for a subsequent subdivision, must be designed to meet this requirement.**

A. An applicant for a short plat may request a hearing before the Zoning Commission, applying the general procedures set forth in Section 7.02 of this ordinance, excepting 7.02.02 and using the criteria set below, to ask for permission to use an existing residential access approach (existing residential access approach defined as approval from Idaho Transportation Department for a residential access approach given prior to the adoption of this section) to a state highway maintained by the Idaho Transportation Department if no reasonable lot configuration can meet the requirement and one of the following applies:

1. The original parcel from which a rezone was created does not touch any other public roadway.
2. An area rezoned prior to the adoption of this provision does not touch any other public roadway.
3. It is physically impractical for the new or existing parcel to gain access to a public roadway that is not a state highway maintained by the Idaho Transportation Department that touches that parcel. The Zoning Commission may also approve applications not meeting the criteria listed above if the Commission finds that the variance is essential to the public health, safety, or welfare.

**Exhibits will now be entered into the record.**

The following exhibits were submitted with the staff packet:

**EXHIBITS:**

- Exhibit #1 :** Criteria Worksheet Application Summary
- Exhibit #1A :** Latah County Comprehensive Plan and Vicinity Map
- Exhibit #1B :** Zoning Map
- Exhibit #1C :** Aerial Photograph and Adjacent Property Owners Map
- Exhibit #2 :** Application Form (Submitted by Applicant)
- Exhibit #2A :** Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B :** Site Plan (Submitted by Applicant)
- Exhibit #3 :** Staff Introduction for Latah County Zoning Commission hearing on October 16, 2013.
- Exhibit #4 :** Access approval from ITD
- Exhibit #5 :** Letter from the City of Deary

**That is all staff has unless the Commission has questions.**



# Right-Of-Way Encroachment Application and Permit Approaches or Public Streets

ITD 2109 (Rev. 07-28-11)  
itd.idaho.gov

ITD Permit Application Number 02-14-022

**For ITD Use**

Project Number From ITD Highway Plan <b>S-4800 (10)</b>		Date Application Received		Date Application Determined Complete		In City Limits <b>n/a</b>	
Route <b>SH8</b>	Segment <b>001870</b>	C/L Milepost <b>25.469</b>	<input type="checkbox"/> Right <input checked="" type="checkbox"/> Left		C/L Station <b>441+15</b>	<input type="checkbox"/> Right <input checked="" type="checkbox"/> Left	
Traffic Impact Study Required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Appraisal Required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Median Type (Raised, Painted, etc.) <b>n/a</b>		Number of Lanes <b>2</b>	
Distance From Nearest Approach (Both sides, both directions of roadway) <b>See plans</b>				Approach Volume (From TIS or ITE Trip Generation Handbook) Vehicle Trips per Day <b>30</b>			
Site Distance Right <b>789</b> Left <b>790</b>		Reason if Restricted to Right Or Left <b>n/a</b>		Culvert Needed <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, Enter Size Dia. Length	

**Applicant Information (Please Print or Type)**

Applicant(s) Name (Printed) <b>Darrel and Martin Haarr</b>		Mailing Address or P.O. Box <b>720 W. Davidson Ave.</b>		City <b>Coeur d'Alene</b>		State <b>ID</b>		Zip Code <b>83814</b>	
E-Mail Address (If available) <b>darrel5@hotmail.com</b>				Daytime Phone Number <b>208-651-1717</b>		Alternate Phone Number <b>208-835-8794</b>			
Property Owner's Name (Printed) <b>Darrel and Martin Haarr</b>		Property Address and TAX ID Number <b>RP40N02W-22-2412</b>		City (If in city limits)		County <b>Latah</b>			
Nearest Public Street/Road <b>Highway 8</b>		Current Property Use <b>Residential/Agricultural</b>		Current Zoning <b>suburban Residential</b>		Proposed Property Use <b>Residential</b>		Proposed Zoning <b>same</b>	
How is Access Currently Gained? <b>Existing Access</b>			Property Owner Owns Adjacent Properties <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Describe We own the 20 acres at the junction of Hwy 8 and Hwy 9						

**Request Details**

Is this a new approach? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is this a temporary approach? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If this is a proposed modification to an existing approach, check all that apply <input type="checkbox"/> Location <input type="checkbox"/> Width <input checked="" type="checkbox"/> Use <input type="checkbox"/> Remove <input type="checkbox"/> Consolidate Multiple					
Desired Approach Width (Without flares at property line) <b>Same 28</b>		Type of Approach Requested <input type="checkbox"/> Agricultural <input checked="" type="checkbox"/> SF Residential (3) <input checked="" type="checkbox"/> Joint Use <input type="checkbox"/> MF Residential <input type="checkbox"/> Subdivision <input type="checkbox"/> Commercial <input type="checkbox"/> Public Street							
Additional information you would like ITD to be aware of - Attach additional sheets if necessary. <b>We have an application in with Latah County to create on additional parcel off of this existing access. No modifications or improvements are planned or needed.</b>									

**ITD District Review**

Section	Reviewer	Date	Recommendation		Section	Reviewer	Date	Recommendation	
			Approve	Deny				Approve	Deny
Design	<i>[Signature]</i>	9/10/13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Right-of-Way	<i>[Signature]</i>	9/10/13	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintenance			<input type="checkbox"/>	<input type="checkbox"/>	Traffic	<i>[Signature]</i>	9/10/13	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planner	<i>[Signature]</i>	9/10/13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dist. Engineer			<input type="checkbox"/>	<input type="checkbox"/>
List any conditions of approval									
List reason(s) for denial recommendation									

LCZC Hrg: **VAR 901**  
 Applicant: **Haarr**  
 Exhibit #: **4**  
 Date: **10/16/2013**

## General Requirements

ITD Permit Application Number 02-14-022

1. The original permit or a copy must be kept on the job site whenever work is taking place.
2. No work shall commence until the permittee is given notice to proceed by an authorized representative of ITD. The permittee shall notify ITD five (5) working days prior to commencing the permitted work if work does not commence immediately upon notice by ITD.
3. During the progress of all work, traffic control devices shall be erected and maintained as necessary or as directed. All traffic control devices shall conform to the most current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*, as adopted by the State. Equipment or materials left within the highway right-of-way when work is not taking place shall be delineated and protected with appropriate approved traffic control devices.
4. All work within the State Highway Right of Way shall comply with the requirements of the ITD Workzone Safety and Mobility Policy. Copies available from ITD upon request.
5. All work herein permitted shall conform to current government and industry standards, including Americans with Disabilities Act, and shall be performed and completed to the satisfaction of ITD. The expense of any required supervision of work performed under this permit shall be borne by the permittee.
6. Work done under this permit shall be constructed in a manner that shall not cause water to flow onto the roadway or shoulder, and shall not interfere with the existing drainage on the State Highway System or any adjacent drainage system.
7. The permittee shall furnish all material, labor, and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing drainage pipe, curb, gutter, concrete sidewalk, etc., where required.
8. ITD may inspect the materials and workmanship during construction and upon completion to determine that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, and/or that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.
9. ITD shall be reimbursed by the permittee for any additional inspection required to insure compliance with the conditions of this permit. Inspection fees will be based upon inspection time including travel from the ITD facility and charged at rates commensurate with industry standards.
10. Upon completion of the permitted work, any disturbance of the highway, right of way, and/or traffic control devices shall be restored to the satisfaction of ITD including the removal of all rubbish and debris and may include seeding, planting and grading.
11. Any encroachment that is found to be in non-compliance with the terms of the approved permit may be required to be modified, relocated, or removed at the sole expense of the permittee upon written notification by the District Engineer or his authorized representative.
12. The permittee shall maintain at its sole expense the encroachment for which this permit is granted.
13. Changes in the use as defined in I.D.A.P.A. 39.03.42, of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit. Any modification, relocation, or removal of an encroachment or subject granted by this permit shall require a new permit prior to commencement of such work.
14. ITD may revoke, amend, amplify, or terminate this permit or any of the conditions herein enumerated if the permittee fails to comply with any or all of its provisions, requirements, or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the approach, structure, or subject herein granted is not installed or operated and maintained in conformity herewith.

**Acceptance and Approval to Work**

ITD Permit Application Number 02-14-022

By signing this permit, the permittee or his authorized representative certify that they have been made aware of and agree with all requirements of the permit, including any and all restrictions and further agree to indemnify, save harmless, and defend regardless of outcome ITD from the expenses of and against all suits or claims, including costs, expenses, and attorney fees that may be incurred by reason of any act or omission, neglect, or misconduct of the permittee or its contractor in the design, construction, and maintenance of the work, which is the subject of this permit.

Property Owner/Authorized Representative's Signature X <i>[Signature]</i>	Company Name (If applicable)	Phone Number 208-651-1717	Date 8-27-13
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Subject to all terms, conditions, and provisions of this permit or attachments, permission is hereby granted to begin work within the State Highway Right of Way.

Idaho Transportation Department Authorized Representative's Signature X <i>[Signature]</i>	Title ADEM	Date 9/10/13
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**Attachments:**

<input checked="" type="checkbox"/> Special Provisions/Conditions of Approval	<input type="checkbox"/> Legal Description/Deed
<input type="checkbox"/> Traffic Control Plan	<input type="checkbox"/> Power of Attorney for Authorized Representative
<input checked="" type="checkbox"/> Standard Drawings	<input type="checkbox"/> Site Plans
<input type="checkbox"/> Construction Drawings	<input type="checkbox"/> TIS _____
<input type="checkbox"/> P&Z Approvals _____	<input type="checkbox"/> Copy of Letter of Incorporation _____
<input checked="" type="checkbox"/> Dept. Roadway Plansheets _____	<input type="checkbox"/> Letters of Recommendation/Denial _____
<input type="checkbox"/> Easements/Agreements _____	<input type="checkbox"/> Joint Access Agreements _____
<input type="checkbox"/> Property Appraisal _____	<input type="checkbox"/> Other _____

**Final Approval**

Subject to all terms, conditions, and provisions of this permit or attachments, **Final Inspection** has been completed and the permitted work within the State Highway Right of Way is hereby given final approval.

District Engineer or Assigns Signature X	Date
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Subject to all terms, conditions, and provisions of this permit or attachments, changes in access on the State Highway System have been completed and have been given final approval to be recorded against the property as described in the legal description shown in Attachment A.

District Engineer or Assigns Signature X	Date
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Subscribed and sworn before me this

\_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_

personally appeared before me \_\_\_\_\_, to me known to be the person(s) described in and who executed the within and forgoing instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed

Notary Public's Signature \_\_\_\_\_

SEAL

My Commission Expires \_\_\_\_\_

# CITY OF DEARY



PO BOX 236 ♦ DEARY, ID 83823  
Phone 208-877-1582 ♦ Fax 208-877-1662

10/8/13

To Whom It May Concern:

The City of Deary has no written or verbal comments on the matter of the Haarr Subdivision-Short Plat application presented to Latah Planning and Building.

Judy Heath  
City Clerk  
Deary, Idaho

LCZC Hrg: VAR 901  
Applicant: Haarr  
Exhibit #: 5  
Date: 10/16/2013