

# **Section 200**

SECTION 200 - GENERAL CONDITIONS OF CONTRACT

## **General Conditions**

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### 201. Plat Approval

- 201.01. Care must be exercised by the developer/applicant in coordinating the preparation of plats with Kootenai County, any applicable municipality and the Highway District having jurisdiction in the area. The Highway District must review the preliminary plat, as well as the final plat, to make sure that all items conform to these Associated Highway Districts' Standards. Once the Highway District receives the applicant's information and comments from Kootenai County, the Plat will be placed on the Highway District regular meeting or workshop agenda. The Subdivision Review Fee/deposit must be paid in order to be placed on the Highway District meeting agenda. A Traffic Impact Study may be required by a Highway District for a plat, re-plat, or land use change. (See **Appendix**.)

The Highway District Board of Commissioners will review the Subdivision Plat at a regular meeting or workshop. The Board, in its sole discretion, may call a special meeting to review the Subdivision Plat if requested to do so by an applicant. If a special meeting is called, a minimum fee of \$500.00 will be required. The District will then respond to Kootenai County with a letter of the Highway District's requirements. A copy of this letter will be sent to the applicant/developer, surveyor, or engineer.

- 201.02. All Final Subdivision Plats within the Highway District's jurisdiction shall be submitted for review at the appropriate Highway District. The signature of the Chairman of the Highway District Board of Commissioners shall appear on all such Final Subdivision Plats prior to presentation for recording with the Kootenai County Recorder. Such signature shall signify the Highway District's review of the Final Plat and general acceptance of the Plat only, and such signature does not constitute acceptance of any roadway depicted on the Plat prior to its construction to these Standards and acceptance for maintenance and repair by the Highway District.

### 202. Road Right-of-Way and Easement Dedication

- 202.01. All rights-of-way that are intended for public use shall be dedicated to the public in the name of the Highway District. Easements shall be perpetual and exclusive roadway drainage and utility easements dedicated to the public in the name of the District.
- 202.02. Any public rights-of-way to be created, which are not within a recorded subdivision plat, shall be transferred to the appropriate Highway District by acceptable deed or easement, as defined by Idaho Code 40-202. A statement of acceptance of such right-of-way must appear in the official records of the Highway District. Upon acceptance of a deed or easement for a public right-of-way, such instrument shall be submitted to the Highway District for recording with the Kootenai County Recorder.
- 202.03. Rights-of-way for existing roads adjacent to the plat shall be dedicated or conveyed by easement to the public in the name of the Highway District from the centerline of the existing road or from the section line, whichever is greater. Centerlines of existing roads,

which do not coincide with the section line, must be shown by dimension and location on the plat.

- 202.04. The Highway District may require that all roads or portions thereof adjacent to the plat be constructed or reconstructed to current Associated Highway Districts' standards.
- 202.05. All utility relocation costs associated with subdivision road improvements, construction or reconstruction requirements shall be paid for by the developer.

## **203. Roadway Plans**

- 203.01. Roadway plans consisting of the plan and profile view of the roadway to be constructed shall be prepared by a Professional Engineer licensed in the State of Idaho and shall be of a scale sufficient to show the necessary details but shall in no case be to a scale less than 1" = 50' horizontally and 1" = 5' vertically. Under special design circumstances, cross sections of the roadway may be requested by the Highway District. The roadway plans must include provisions for proper drainage of both the natural watercourses and the roadway, and they must show any necessary easements, and any special design considerations necessary for the completion of the roadway structure. The developer, or his engineering representative, shall call to the attention of the Highway District any proposed deviations from these Standards.
- 203.02. Two (2) copies of all roadway plans requiring the Highway District's approval must be submitted to the Highway District no less than thirty (30) days prior to a regular or special meeting of the appropriate Highway District.
- 203.03. The applicable Highway District will review the plans at a regular or special meeting and will make the necessary comments or approval in writing to the developer or his engineering representative within two weeks after the review meeting.
- 203.04. The roadway cross section outside the paved area and inside the remaining right-of-way shall conform in all aspects with the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide, latest edition.

## **204. Development Construction Time Period**

- 204.01. The developer shall make every effort to complete the road construction in the development or phased development within a period of two (2) years from final plat approval. If after two years, the roads are not completed to these Standards, the development is subject to a review of the roadway plans and an upgrading of those plans to coincide with any new Standards adopted by the Highway District.

## **205. Financial Guarantee Agreements on Plat Infrastructure**

- 205.01. Prior to the approval of the final plat, the developer shall place with the appropriate Highway District or with Kootenai County a surety bond, cash deposit, certified check,

negotiable bond or irrevocable bank letter of credit in the amount of 150 percent of the total estimated cost of construction of the remaining and/or unfinished improvements as estimated by the Highway District and in accordance with the current Kootenai County Subdivision Ordinance. In the event the developer completes construction and does not bond for the improvements, the developer shall provide a two (2) year guarantee on completed work in an amount equivalent to 10% of the engineer's estimate of construction improvements prior to the Highway District signing the final plat. Any financial guarantee shall be in a form approved by the District. A bond placed with Kootenai County shall also name the Highway District.

## **206. Street and Road Names**

- 206.01. All road names shall be submitted to and approved in accordance with the Kootenai County Road Naming and Addressing Ordinance, latest Ordinance.
- 206.02. Road name signs shall be installed at all new road intersections by the developer. All signs shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) or as modified by the Kootenai County Street and Road Naming and Addressing Ordinance, latest ordinance.

## **207. Construction Observation**

- 207.01. The observation of the construction work as outlined in these Highway Standards shall be accomplished by the applicable Highway District Road Supervisor or his agent. The Road Supervisor will be given a minimum 24-hour notice of the need for observation. Said 24-hour period and observation visit shall be included in the normal workweek of the applicable Highway District.
- 207.02. Those phases of construction requiring observation shall be as follows:
  - 207.02.a. After all erosion control measures are in place.
  - 207.02.b. After the topsoil has been stripped and all clearing has been completed.
  - 207.02.c. Immediately after all drainage, utilities and retaining structures have been completed, prior to their backfill and subsequently after their backfill.
  - 207.02.d. After the subgrade has been prepared and compacted to its finished grade.
  - 207.02.e. After the ballast has been placed and compacted to its finished grade.
  - 207.02.f. After the base material has been placed and compacted to its finished grade.
  - 207.02.g. During and after all asphalt surfacing operations.
  - 207.02.h. After final cleanup and seeding are completed.
  - 207.02.i. After final site stabilization is complete.

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## **208. Fees for Plan Reviews, Construction Observation and Fees in Lieu of Construction**

208.01. The developer/applicant will be charged for all fees related to the reviews of the preliminary plat, final plat, roadway plan and profile and for all construction observation. Charges for plan reviews and observation will be based on the Highway District's actual cost. The charges will include the Highway District engineer's fees, legal fees, the Highway District agent's hourly costs, mileage for the Highway District agent, material testing, compaction testing, and quality control testing required by the Highway District. Any testing required by the Highway District (other than Supplemental Testing) but not provided by the applicant may be completed by the Highway District, and all costs associated therewith shall be paid by the applicant. The fees shall be payable as billed and final acceptance of the roadway into the Highway District system will not be granted until all costs and fees are paid by the applicant.

Minor Subdivision Review Fees - The applicant is responsible for the actual cost for the District's Engineer to review the proposed subdivision. A \$350.00 deposit must be paid prior to review by the Highway District's Board of Commissioners. Any additional costs incurred by the District, will be billed to the applicant. All adjoining roads must be constructed to current Highway District Standards. In subdivisions with four or less lots, in lieu of actual construction of adjacent roadway improvements, at the discretion of the Highway District Board, a \$3,500 per lot fee may be accepted for each additional lot created.

Major Subdivision Review Fees and Inspection Fees - A \$1,000.00 deposit for Major Subdivisions will be required prior to Board review, with the balance of Highway District review fees to be paid, as billed, prior to the Highway District's acceptance of the roadway into the Highway District system. This deposit shall be remitted to the Highway District Office prior to any reviews or inspections. The applicant will be required to replenish the deposit when it becomes depleted prior to any additional inspections being done.

Private Roads – Kootenai County Subdivision Ordinance requires private roads in gated communities to be built to Associated Highway Districts Standards and the Highway District to verify the road construction meets its standards. Pursuant to a Memorandum of Understanding entered into between Kootenai County and the Highway Districts, the Highway Districts have agreed to provide this service. Therefore, a \$1,000.00 deposit must be submitted to the appropriate Highway District for plan reviews and construction observation, which will be conducted to verify roads are designed and constructed to Highway District Standards. This deposit shall be remitted to the Highway District Office prior to any reviews or construction observation. The applicant will be required to replenish the deposit when it becomes depleted prior to any further construction observations being done.

## 209. Special Permits

- 209.01. Idaho Code Section 50-1330 gives Highway Districts exclusive jurisdiction over public road rights-of-way. Any use of the rights-of-way for purposes other than vehicular travel along the roadway shall be by permit only, obtained from the appropriate Highway District. This will include, but not be limited to, driveways, approach roads, buried utilities, signs, utility poles, conduits, landscaping, etc. The use of rights-of-way for other than vehicular travel shall be in accordance with the Utility Coordination Policy adopted by the Associated Highway Districts and included in the **Appendix** of these Standards.
- 209.02. All new approaches to roads and rights-of-way must secure an Approach Permit from the respective Highway District. The approach permit or permit to use right-of-way is contained in the **Appendix**. Approaches or intersections onto District roads shall be designed and constructed to provide forward vehicular movement for ingress and egress to the adjacent properties. Approaches or intersections shall be limited such that a minimum separation of 330-foot center to center of approach or intersection is achieved on arterial and major collector roads. Minimum approach spacing on minor collector and local roads shall meet the minimum stopping sight distances specified in Standard Detail 3A for the various travel speeds.
- 209.03. All utilities within rights-of-way must secure a permit to use the right-of-way from the respective Highway District. All utilities installed within the road prism shall be installed a minimum of 36 inches below:
1. The finished road surface
  2. The invert of ditches
  3. Any culvert

Utilities shall be placed between the ditch line and the right-of-way line or within the 10-foot perpetual and exclusive roadway, drainage, and utility easement unless otherwise approved by the Director or District Supervisor. Utilities placed near culverts shall be 5 feet beyond the end of a culvert and may be buried at standard depths.

All utility road crossings with one or more of the following criteria shall be bored, no open cuts allowed unless a bore pit reveals material that is unsuitable for boring or the bore fails to cross after three (3) attempts

1. The road has an ADT of 100 or less
2. The road has a functional classification of minor collector or above.
3. The pavement is less than five (5) years old.
4. The road has been chip sealed within the last three (3) years.
5. The road is being used as a detour route.

Refer to Standard Detail 7A for Open-Cut Policy, Chip Seal and Transverse Bore Requirements.

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- 209.04 The Highway Districts have adopted a no-dig policy within the roadway prism from October 15 to April 15. Emergency excavations require the approval of the Road Supervisor and will require temporary road surfaces until full repairs can be made. A bond for 150 percent of the full road repair will be required. The roadway prism is the roadway surface and ditch slopes from the centerline of the ditch to the opposite side ditch centerline.
- 209.05. The Highway Districts have adopted policies for open cuts and transverse road bores. Standard Drawings SD-7A and 7B contain these policies.
- 209.06. Protection of Roadways – Weight and Speed Reductions. The Highway Districts are authorized by Idaho Code 49-1005 to make regulations reducing the permissible sizes, weights, or speeds of vehicles operated on highways for any periods as may be necessary for the protection of the highway or for public safety.

## **210. Acceptance into Highway District System**

- 210.01. Acceptance of any road or right-of-way into Highway District system for ownership and/or maintenance is at the sole discretion of each Highway District Board. If a roadway is to be considered for acceptance into the Highway District system for ownership and maintenance, all conditions, specifications, and Standards of the Highway District shall have been met or a variance shall have been granted thereto.
- 210.02. A request for acceptance of a roadway shall be in written form and shall be accompanied by the following:
1. Payment of all fees
  2. Engineer’s Statement of Completion with required submittal
  3. Final review and acceptance of the roadway and right-of-way by Highway District staff
- 210.03. The Highway District Board, by motion and a passing vote, shall be the only method of accepting a roadway into Highway District system for ownership and maintenance.

## **211. Stormwater Compliance**

- 211.01. All work within a public right-of-way or on adjacent land that drains to public right-of-way shall comply with all applicable federal, state, and local stormwater rules and regulations. All work within a public right-of-way shall comply with the stormwater resolution of the respective Highway District. Also see Section 307 - Drainage.