May 8, 2018

TO: ACHD Commission

FROM: Dawn Battles, Development Services

SUBJECT: GC18-0001/DSRFY2018-15/5605 W. State Street/Garden City

Staff Report for May 16, 2018 Commission Meeting – Regular Agenda

1. Executive Summary

This is a planned unit development and design review application to construct a 19 unit condominium development located on 1 acre at the southwest corner of State Street and Plantation River Drive.

The applicant submitted a separate application to Garden City requesting approval to change the comprehensive plan from Residential: Light Density, to Residential: Medium Density; and requesting approval of a rezone from R-2 (Low Density Residential) to R-3 (Medium Density Residential).

The applicant is requesting a Waiver of Policy of Section 7106.4.1, Level of Service Standards on State Street. The applicant is also requesting a Modification of Policy for the driveway offset on State Street for the new driveway to serve the site.

This application is on the regular agenda at the request of adjacent property owners.

2. Facts & Findings

a. State Street – Level of Service

State Street, where the applicant has frontage, is operating at Level of Service F during the PM peak hour, from Gary Lane to 36th Street/Veteran’s Memorial Parkway. Further east, State Street is operating at LOS E during the PM peak hour, east of 36th Street/Veteran’s Memorial Parkway. Acceptable level of service for State Street is LOS E or better. The intersections of State Street with Pierce Park Road, and Collister Road, are operating at LOS D or better. Acceptable level of service for these intersections is LOS E or better.

State Street is listed in the IFYWP and CIP for widening to 7-lanes from Gary Lane to 28th Street. The intersections of State/Gary Lane, State/Pierce Park, and State/Collister are also planned for reconstruction and widening in the IFYWP.

Staff recommends a waiver of District Policy 7106.4.1 Level of Service Standards on State Street. The development will only generate 9 trips in the PM peak hour, and the waiver allows the project to move forward with the understanding that State Street will
be widened in the future. The applicant is required to dedicate right-of-way with this application, for future widening, and impact fees will be assessed on each dwelling unit for the proportionate share of improvements to the arterial system.

b. Driveway Offset – Modification of Policy
The applicant is proposing to construct a right-in/right-out driveway on State Street located 180-feet west of the signalized intersection of State Street/Plantation River Drive. District policy requires driveways on principal arterials to be located a minimum of 355-feet from signalized intersections.

Staff recommends a modification of policy to allow the driveway to be located as proposed because the site does not have enough frontage to meet the spacing requirements, and the site does not have access to any other street. Although it appears the site has frontage on Plantation River Drive, there is a parcel directly east of the site on Plantation River Drive, which is owned by the Plantation Master Association.

The driveway will be restricted to right-in/right-out only, with the installation of a concrete median in State Street. The median will not restrict any other driveways.

3. Recommendation
Staff recommends approval of the report, as written.

Attachments: Letter of Opposition
              Staff Report
May 1, 2018

Garden City Mayor and City Council Members
6015 Glenwood Street
Garden City, ID 83714

RE: ZONF2018-1; Rezone Request & Development Review
Ada County Parcels: S0630131700 and S0630131701

Honorable Mayor John Evans & Members of the Boise City Council:

This letter is written in opposition to the request to rezone the above named property located at 5605 W. State Street, Garden City, Idaho, 83703.

As you may be aware, the Garden City Planning and Zoning Commission recently approved a request to change the zoning of this property from R-2 low density (up to 6 units per acre) to R-3, Medium Density (up to 35 units per acre).

At the P & Z meeting citizens were given the opportunity to speak, but really we were put on the defense to state “why not” change the zoning code. My question to you is “why” change it? Especially given Section 8-1A-3 of the Comprehensive Plan general regulations which state: “Compliance with Comprehensive Plan: Pursuant to the requirements of Idaho Code section 67-6501 et seq., zoning within the city shall be in accordance with the comprehensive plan adopted by the council on July 24, 2006, and as amended over time (Ord. 898-08, 9-8-2008).” The Zoning and Development Codes have been established and approved with public input and therefore it seems that there would need to be extenuating circumstances to change that code. WHY should the zone be changed to R-3?

According to the Development Code, the property and proposed development must be in “substantial conformance with the goals and objectives of the comprehensive plan”. The general regulations include the following goals:

- **Nurture the City.** This goal includes considering the needs of all citizens and the environment, creating a premiere destination place to live, work and recreate and celebrate the historic, the cultural and the artistic. This development proposal is not in substantial conformance with this goal. How will up to 35 units on 1 acre nurture the City? I urge you to consider the needs of all citizens and the environment. This property is the cornerstone of the Plantation Subdivision and as such, represents us as a whole. It will NOT nurture the city and the historic home that is currently on the property may be removed. (The original application said the house would stay but at the P & Z meeting, the developer said “IF it stays”.)

- **Improve the City Image and Emphasize the “garden” in Garden City.** These two goals provide standards for property maintenance and improvement to the appearance of street corridors, along with beautification of sidewalks and gateways with landscaping and trees. This property has been owned by the developer for several years and it has NOT been maintained to standards to beautify the city and in fact Garden City Code Enforcement has been notified numerous times about the appearance of the property with 6-8 foot weeds. The once beautiful historic home has been trashed (see attached before and after pictures). The second picture clearly reflects the type and condition of dwellings the developer is planning. On a major street corridor, this property adds no value to the City’s image and certainly does not emphasize the garden in Garden City.
• **Connect the City.** This goal includes measures to control traffic through neighborhoods. The proposed development will have a right only turn out onto State Street. Residents and visitors to the proposed development who want to exit left on State Street will be turning right onto State Street and then making another right turn using Plantation River Drive (the entry to the Plantation Subdivision) to turn around and use the stop light at Plantation River Drive and State Street to turn left in an effort to go west on State Street. The Ada County Highway District estimates the proposal will increase traffic flow by over 100 trips per day, many of which will use Plantation River Drive to head west on State Street. This will definitely impact the traffic flow of citizens who live in the Plantation Subdivision. The proposed development will create traffic hazards.

The developer of this property states that one of the reasons he wants the zone changed is to develop affordable housing. However, on the basis of “location, location, location”, the rezone should be denied. Based on the Zoning Map of Garden City the south side of the river has been designated medium density and provides affordable housing. The north side of the river has been designated low density which seems to provide a nice balance for a small city such as Garden City. Current density will allow the developer to have up to 6 units on the 1.3 acre property. So again, I ask WHY change the zoning on the north side of the river to medium density? I understand individual property rights until it impacts adjacent properties. This property owner/developer knew, or should have known, about the low density zoning when the property was purchased. If he wants to build 6 units on the property as current zoning allows, so be it. There is no reason to change the zoning based on the developer’s whim to add more dwelling units, especially since it is in direct conflict with the Comprehensive Plan and has a major impact on the traffic and economic value of the residential homes of the Plantation Subdivision; we are your current constituents and depend on you to represent our best interests. This re-zone request and proposed development is not in our best interests.

I also want to mention that for reasons unknown, the Plantation homeowners did not receive any notice from the developer or Planning and Zoning although we own adjacent property. In reviewing the submitted application materials, it should be noted that the original rezoning application included a development of 18 units; the application submitted to the Ada County Highway District provided for 19 units; the latest notice now includes 21 units. Neighbors to the east were told the units would be single story; the latest proposal includes two story units. We cannot trust this developer to abide by his words or any information that he submits. If this rezone request is allowed, the development will increase to 35 units on the property and still, none of the goals of the comprehensive plan will be met. Anything over 6 units will be squeezed onto this property and will NOT allow for open space, landscaping or other amenities as described in the Land Use Code. Additionally, there is a significant safety issue for emergency vehicle access and any children that may live in this new development will have no open space or play area other than a major street corridor.

I ask you and challenge you to uphold the goals and objectives of the City’s Comprehensive Plan and deny this re-zone request.

Eric and Andrea Fogleman  
PO Box 140661  
Garden City, ID. 83714

Cc: Garden City Planning Department; ACHD, Plantation Homeowner’s Board of Directors
Historic Home at 5605 W. State Street
For Sale to Current Owners.
Home at 5605 W. State Street as it currently appears.

Note sidewalk & yard weeds, fences & home that has not been maintained under current ownership.

March 20, 2018

Garden City Planning and Zoning Commission
6015 Glenwood Street
Garden City, ID 83714

RE: ZONF2018-1; Rezone Request
Ada County Parcels: S0630131700 and S0630131701

Planning and Zoning Commissioners:

This letter is written in opposition to the request to rezone the above named property located at 5605 W. State Street, Garden City, Idaho, 83703.

This property is the cornerstone of the Plantation Subdivision; although it is not part of our subdivision it serves as the first viewpoint to anyone entering the subdivision and therefore, it happens to represent the rest of the neighborhood.

As a homeowner in the Plantation Subdivision, we have the following concerns in opposition to the rezone request and the proposed use of the property:

- The proposed density is extremely high for a residential area and 18 additional units on a little over one acre piece of property is not allowable under the City’s Comprehensive Plan; the low density designation was established for a purpose and should not be altered.
- The proposed driveway is the only ingress/egress point for this property and it is extremely close to the intersection of State Street and Plantation River Drive which will cause traffic hazards, especially when State Street is widened.
- Residents who live on the property will have right-turn only access to State Street, yet traffic stopped at the red light at Plantation River Drive often blocks their driveway and will create additional traffic hazards. Additionally, the right-turn only will be at the sole discretion of the drivers and, without an island barrier in the middle of State Street, drivers will be turning left; a sign will not stop them.
- A meeting with neighbors was supposedly held on January 17, 2018, but we did not receive any notice, yet our (common area) property is adjacent to the proposed rezone property. The applicant suggests that the R3 zone should be acceptable because the Peachtree/Cobbler Lane neighborhood which is also adjacent to the property fronting State Street has the same zoning of R3. However, the Peachtree/Cobbler Lane neighborhood is down the street, separated from the proposed property (as well as the Plantation Subdivision) and their ingress/egress onto State Street may be dangerous but at least not close to another intersection.
- Current upkeep of the property (both the housing unit and surrounding landscape) is less than desirable (see attached pictures from Google Earth taken August, 2017). We have personally contacted Garden City Code Enforcement about excessive weeds and the general upkeep of the property. If this is any indication of how the proposed property will appear, it is not conducive to the surrounding area. Imagine this scene with 18 units as the cornerstone of the area where you live.
Thank you in advance for denying this request.

Eric and Andrea Fogleman
PO Box 140661
Garden City, ID. 83714

Cc: Garden City Mayor and Council, Ada County Highway District, Plantation Homeowner's Board of Directors
A. Findings of Fact

1. Description of Application: The applicant is requesting approval of a planned unit development and a design review application to construct 19 duplex/triplex/4-plex units as a Cohousing development. The applicant submitted a separate application to Garden City requesting approval to change the comprehensive plan from Residential: Light Density, to Residential: Medium Density; and requested approval of a rezone from R-2 (Low Density Residential) to R-3 (Medium Density Residential). The application was heard by the Garden City Planning and Zoning Commission who recommended approval to City Council with the condition the applicant enter into a development agreement with the City. The City Council hearing is on May 14, 2018.

2. Description of Adjacent Surrounding Area:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>General Commercial District</td>
<td>C-2D</td>
</tr>
<tr>
<td>South</td>
<td>Medium Density Residential</td>
<td>R-3</td>
</tr>
<tr>
<td>East</td>
<td>General Commercial District</td>
<td>C-2</td>
</tr>
<tr>
<td>West</td>
<td>Medium Density Residential</td>
<td>R-3</td>
</tr>
</tbody>
</table>

3. Transit: Transit services are available to serve this site via route 9, 44 and 9X.

4. New Center Lane Miles: The proposed development includes zero centerline miles of new public road.
5. **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)**:
   - The intersection of State Street and Veteran’s Memorial Parkway/36th Street is under construction.
   - State Street is listed in the IFYWP and the CIP to be widened to 7-lanes, with HOV/transit lanes from Gary Lane to 27th Street with no year designated for each segment.
   - The intersection of State Street and Collister Drive is scheduled in the IFYWP to be widened to 3-lanes on the north leg, 0-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and reconstructed/signalized in 2019.
   - The intersection of State Street and Pierce Park Lane is scheduled in the IFYWP to be widened to 4-lanes on the north leg, 0-lanes on the south leg, 7-lanes on the east leg, and 7-lanes on the west leg and reconstructed/signalized in 2020.

**B. Traffic Findings for Consideration**

1. **Trip Generation**: This 19 duplex/triplex/4-plex units are estimated to generate 101 additional vehicle trips per day (10 existing); 9 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

2. **Condition of Area Roadways**
   Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Street</td>
<td>136-feet</td>
<td>Principal Arterial</td>
<td>2,045</td>
<td>“F”</td>
</tr>
<tr>
<td>Plantation River Drive</td>
<td>0-feet</td>
<td>Local</td>
<td>90</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a five-lane principal arterial is “E” (1,780 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 State Street west of Collister Drive was 36,017 on November 2, 2016.
   - The average daily traffic count for Plantation River Drive south of State Street was 1,880 on July 15, 2015.

**C. Findings for Consideration**

1. **State Street Transit and Traffic Operations Plan**
   The State Street Transit and Traffic Operations Plan (TTOP) builds on previous plans and policy decisions that envision improvements that will create a transit supportive streetscape with good pedestrian and bicycle access and transit-oriented development (TOD). The Transit Operations Plan describes transit routing and operating concepts and how they were defined and evaluated as an integral part of the TTOP. This Plan also provides recommendations and an implementation strategy for transit service improvements in the State Street corridor.
The purpose of the plan is to evaluate and recommend transit service improvements that support the vision of State Street as a multi-modal street serving relatively dense, transit-oriented development at major nodes. This plan describes the analysis methods and approach. This plan has been developed to build upon the adopted plans and policies with input from VRT, ACHD, the City of Boise, Garden City, City of Eagle, ITD and COMPASS.

2. State Street - Level of Service (LOS) Standards
State Street, where the applicant has frontage, is operating at Level of Service F during the PM peak hour, from Gary Lane to 36th Street/Veteran’s Memorial Parkway. Further east, State Street is operating at LOS E during the PM peak hour, east of 36th Street/Veteran’s Memorial Parkway. Acceptable level of service for State Street is LOS E or better. The intersections of State Street with Pierce Park Road, and Collister Road, are operating at LOS D or better. Acceptable level of service for these intersections is LOS E or better.

State Street is listed in the IFYWP and CIP for widening to 7-lanes from Gary Lane to 28th Street. The intersections of State/Gary Lane, State/Pierce Park, and State/Collister are also planned for reconstruction and widening in the IFYWP.

Staff recommends a waiver of District Policy 7106.4.1 Level of Service Standards on State Street. The development will only generate 9 trips in the PM peak hour, and the waiver allows the project to move forward with the understanding that State Street will be widened in the future. The applicant is required to dedicate right-of-way with this application, for future widening, and impact fees will be assessed on each dwelling unit for the proportionate share of improvements to the arterial system.

3. State Street
a. Existing Conditions: State Street is improved with 5-travel lanes, vertical curb, gutter, and 5-foot wide attached sidewalk abutting the site. There is 112-feet of right-of-way for State Street (37-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.

   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 State Street is designated in the MSM as a Mobility Corridor with 7-lanes and on-street bike lanes, a 96-foot street section within 124-feet of right-of-way.

   Street Section and Right-of-Way Width Policy: District Policies 7205.2.1 & 7205.5.2 state that the standard 7-lane street section shall be 96-feet (back-of-curb to back-of-curb) within 120-feet of right-of-way. This width typically accommodates three travel lanes in each direction, a continuous raised or landscaped median with intermittent turn lanes, and safety shoulders.

   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.
No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

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.

**Sidewalk Policy:** District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**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.

c. **Staff Comments/Recommendations:** The applicant should be required to dedicate 12-feet of additional right-of-way to total 49-feet of right-of-way from centerline along State Street abutting the site. The District will provide compensation for the additional dedicated right-of-way.

The applicant should be required to repair or replace any damaged or deficient facilities including curb, gutter, and sidewalk abutting the site; and replace unused driveways with vertical curb, gutter, and 7-foot wide attached sidewalk.

4. **Driveways – State Street**

a. **Existing Conditions:** There is an existing residential driveway on State Street located at the west property line.

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 45 MPH to align or offset a minimum of 450-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 construct a curb return type driveway on State Street near the west property line, located 180-feet west of the signalized intersection of State Street/Plantation River Drive, and 465-feet east of Cobbler Lane.

d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Successive Driveway and Driveway Location policy because the driveway does not meet the spacing requirement of 355-feet from the signalized intersection at State Street/Plantation River Drive.

The offset from the private street to the west, Cobbler Lane, is 465-feet, which exceeds the spacing requirement for the proposed driveway.

State Street is a principal arterial, and new driveways are to be restricted to right-in/right-out. Staff recommends a modification of policy to allow the driveway to be located as proposed because the site does not have enough frontage to meet the spacing requirements, and the site does not have access to any other street. Although it appears the site has frontage on Plantation River Drive, there is a parcel directly east of the site on Plantation River Drive, which is owned by the Plantation Master Association.

Staff recommends that the driveway be restricted to right-in/right-out only, and constructed as a 24 to 30-foot wide curb return type driveway.

To restrict the driveway to right-in/right-out only the applicant should be required to install a 6-inch concrete median on State Street that should extend from Plantation River Drive to the west approximately 75-feet west of the proposed driveway. The median will not restrict any other driveways on State Street. A right-in/right-out driveway for a residential use in this location will mean that residents will have out-of-direction travel to enter or exit the site.

Additionally, it is recommended that the applicant work with the Plantation Master Association to obtain access from the site onto Plantation River Drive. If the applicant cannot obtain access to Plantation River Drive at this time, the applicant should consider designing the site to include future access to Plantation River Drive.

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

State Street is classified as a principal arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway.

D. Site Specific Conditions of Approval

1. Dedicate 12-feet of additional right-of-way to total 49-feet of right-of-way from centerline of State Street, abutting the site. Compensation will be provided for the additional dedicated right-of-way.

2. Repair or replace any damaged or deficient facilities including curb, gutter, and sidewalk; and replace unused driveways with vertical curb, gutter, and 7-foot wide sidewalk abutting the site.

3. Construct a 24 to 30-foot wide curb return driveway on State Street near the west property line, located 180-feet west of the signalized intersection of State Street/Plantation River Drive. The driveway will be restricted to right-in/right-out only.

4. Install a 6-inch concrete median on State Street that shall extend from Plantation River Drive to the west approximately 75-feet west of the proposed driveway.

5. Direct lot access is prohibited to State Street other than the access specifically approved with this application.

6. Payment of impact fees is due prior to issuance of a building permit.

7. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

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 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 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 11:00 a.m. 2 days 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.