November 27, 2018

TO: ACHD Commission

FROM: Christy Little, Planning Review Supervisor

SUBJECT: Contractor’s Yard/ ADA18-0113/ 201801797-CU-MSP
2455 S Ten Mile Road (s/w/c Ten Mile Road & Lamont Road)

Staff Report for December 5, 2018 Commission Meeting

Executive Summary
The applicant is requesting approval of a conditional use permit with a master site plan for a contractor’s yard, for two separate businesses that are currently operating out of this location without necessary permits/approvals from Ada County Development Services. TJ Construction uses this location to store heavy equipment, such as dump trucks, backhoes, trailers and trucks. Pro Mow Lawn Care LLC also operates out of this location and stores trucks and equipment on site for daily use by employees.

This application is on the regular agenda because the applicant is requesting a waiver of improvements, and adjacent property owners have requested the opportunity to testify regarding their concerns.

Facts & Findings

Lamont Road
The parcel has 440-feet of frontage on Lamont Road. District Policy requires that the applicant improve Lamont Road as ½ of a 36-foot street section with vertical curb, gutter and 5-foot wide detached sidewalk or 7-foot wide attached sidewalk abutting the site, consistent with the Master Street Map. The applicant is requesting a waiver of improvements on Lamont Road due to cost.

Ten Mile Road
The parcel has 440-feet of frontage on Ten Mile Road. District Policy requires that the applicant dedicate right-of-way to total 48-feet from centerline of Ten Mile Road abutting the site; widen the pavement on Ten Mile Road to a minimum of 17-feet wide from centerline plus a 3-foot wide gravel shoulder; and construct 5-foot wide sidewalk abutting the site.

Staff is recommending a waiver of right-of-way dedication and improvements on Ten Mile Road due to the proximity of the existing house to Ten Mile Road. Staff recommends that the dedication of right-of-way be deferred until ACHD has designed the roadway. The right-of-way will be acquired by ACHD with the project and the exact amount will be based on the design of the roadway. For the same reasons,
staff recommends a waiver of policy for improvements on Ten Mile Road and recommends that the applicant not be required to widen the pavement, or construct sidewalk on Ten Mile Road, because ACHD will be widening the road within the next 5 years, and the exact alignment will be determined through the design process. Ten Mile Road widening, from Overland Road to Victory Road is programmed in the IFYWP for Design in 2019, Right-of-Way Acquisition in 2020, and Construction in 2021.

Policy Implications
If improvements on Lamont Road are not required with this development, then ACHD will be responsible for the costs of these improvements in the future. Policy Section 7104.1 lists the findings required for the Commission to grant a waiver of policy.

7104.1 Findings Required to Support Modification or Waiver
If the Commission first makes findings of fact, and conclusions based thereon, that:
   a. A parcel of real property proposed for development is so unusual in size, shape, location and/or physical condition that strict enforcement of one or more development policies contained in Sections 7100 and 7200 of this Policy Manual would result in extraordinary economic and design hardships and practical difficulties, as distinguished from a mere inconvenience; and practical difficulties, as distinguished from a mere inconvenience; and
   b. Modification or waiver of such development policies will not be injurious to other adjacent property or detrimental to public safety, health, or welfare; and
   c. Conditions upon the request for modification or waiver are unique to the property for which the modification or waiver is sought and are not applicable generally to other property; and
   d. The modification or waiver will not contravene the overall intent and effect of sections 7100 and 7200 of this Policy Manual.
The Commission may modify or waive such policies to permit the proposed development of the parcel to proceed.

Recommendation
Staff recommends approval of the staff report, which requires improves on Lamont Road, and recommends a waiver of right-of-way dedication and improvements on Ten Mile Road.

Attachments:
Vicinity Map
Site Plan
Applicant’s Letter of Explanation
Letters of Opposition
Staff report
Vicinity Map and Site Plan
Applicant’s Letter of Explanation
To Whom It May Concern:

We are seeking a permit for the address 2455 South Ten Mile Road in Meridian Idaho. The proposed use is for a conditional use permit to have a contractor's yard. Our pre-application number is 201700042-PREAP-A. The area of city impact is Meridian. The total square feet of the contractors yard is 31,073.

The property would be just for the storage of equipment and will not have people actively working there on a daily basis. Employees will pick up equipment in the morning and return equipment in the evening. Many times equipment will be left out on a job site and will not be returning to the property for several days. Days of operation will be Monday through Friday from 6:00 AM to 6:00 PM. The equipment will generally be picked up and returned within these hours. Our company repairs or replaces gas/oil pipelines for various companies. We are always offsite working on lines. We simply use the property to park equipment that is not at the job-site or when it is not in use. We currently have Dump trucks, backhoes, track hoes, trailers, and welding trucks, pick ups etc. It is rarely all there at the same time, as stated before it is generally on a job-site away from the yard. Pro mow Lawn Care LLC parks 3 trucks and 3 trailers east of the equipment yard as indicated on the master site plan. Pro Mow's equipment is kept inside the enclosed trailers, when not in use. They operate Monday thru Friday 7:30 AM to 4:30 PM. Times could vary with different seasons. The number of vehicles and equipment for both entities can be easily verified, as they are all registered in ADA County.

We will have one specified ADA parking space if required. Currently T J Construction has 2 working employees, Pro mow has 5 seasonal employees. There will be 4 marked parking spaces inside the contractors yard as well as 6 marked parking spaces next to the yard through the walk through gate. Parking spaces will only be required for employees, as we do not have customers or patrons coming to the property. Clients will not come to the proposed yard, therefore pedestrian access isn't necessary.

We will not need sewer or water for our purposed equipment yard. We will provide a portable restroom for employees if we are working at the yard. After consulting with the county, it is not required for us to have a fire hydrant and there isn't one on the property. We have pressurized irrigation on the property but not at the proposed contractors yard. Septic system is specified on the site plan. As far as the drain field location, records were not kept at the time the house was built.
We will be adding landscape screening on the west side and front of the contractors yard. There will be screening on the south end as required. Once our application is approved, we will proceed with our landscape-screening plan.

There is a separate home for a single-family residence on the property, which isn't part of the business use.

Regards,

LeeAnn Thacker
Bruce Thacker
Nick Reid
Brittney Reid
Letters of Opposition
From: Lupita Cervantes <mge1728@hotmail.com>
Sent: Thursday, November 08, 2018 4:21 PM
To: Dawn Battles <Dbattles@achidaho.org>
Subject: Concern

To whom it may concern:

I am writing this letter to express my disapproval of the Conditional Use Permit my neighbors are requesting for their business at 2544 S Ten Mile Road in Meridian, Idaho. Even though the address is on Ten Mile Road, they use Lamont Road for their equipment to go in and out.

I live next door and this is affecting me quite a bit. As you already know, the traffic on Lamont Road and Ten Mile Road is already heavy and by approving this permit, it will increase traffic on this intersection. The big equipment utilizes more than one lane to make turns and holds back traffic on Lamont Road and on Ten Mile Road. In the past 30 days there have been at least 4-5 accidents on the corner of Lamont Road and Ten Mile Road because of how the lanes are set up there.

I request to not approve this permit. However, if you must approve it, I suggest to move the business to the other side of their property facing Ten Mile Road as there will be less harm caused to all that use Lamont Road.

Thank you for your attention.

Maria Cervantes
From: Angel Rood <roodangelique@gmail.com>
Sent: Thursday, October 25, 2018 2:13 PM
To: Dawn Battles <Dbattles@achididaho.org>
Subject: CUP- 2455 S. Ten Mile.

Ms. Battles,

I write to you in regards to the Conditional Use Permit (CUP) application submitted by LeAnn Thacker for a Contractor’s Yard located at 2455 S. Ten Mile Rd in Meridian, Idaho. I live at 3415 W Lamont Road with my husband and children. The East side of our property includes a pasture which borders the property at 2455 S. Ten Mile. There is one home between our driveway and the current Contractor’s yard entrance on Lamont.

Since we purchased our home April 2017, the Contractor’s yard at 2455 S Ten Mile has been in use by a commercial and residential landscaping company operating as ‘ProMow Lawn Care’ as well as a heavy construction Contractor which repairs oil pipelines. Heavy equipment is transported in and out of the said yard regularly while the landscaping trucks, trailers, and backhoes leave and reenter the yard multiple times throughout the day. This use has raised serious concerns for my family and our neighbors which led several neighbors to file complaints with Ada County Code enforcement going back to March of 2017.

The majority of our concerns relate to traffic and public safety concerns created by the trucks, trailers, semis and other equipment entering and exiting the location. This is already an incredibly congested area and this heavy equipment creates a dangerous hazard not only due to the amount of traffic it creates but also because of the large equipment attempting to enter and exit. I’ve attached pictures to this email (See ‘Semi Example One’ and ‘Semi Example Two’) taken just today but which has been a common occurrence. As you’ll see the road is too narrow for these semi’s to pull into the yard without pulling off onto the gravel embankment and then blocking both lanes of traffic until they can negotiate the tight turn. Fortunately, this particular picture was taken at 11:30am in the morning when traffic was light. That is rarely the case on Lamont Road and equipment entering and leaving this yard is often in the morning and evening when traffic is very heavy.

Earlier this month I received a notification from Ada County Planning and Zoning that a public hearing was scheduled for October 17th related to this CUP. I, along with my neighbors, were so thankful that this issue was finally being addressed. Following the receipt of the notice I read through the documents submitted as part of this application and was surprised to learn how LeAnn Thacker had characterized the intended use of the contractor’s yard. There is not a single mention of the landscaping business who advertises its address at this location (see ‘ProLawn Address’) and whose trucks, trailers and backhoes enter and leave the yard numerous times per day (see ‘ProMow Pictures’). The application also states that the equipment used for the oil line contractor company ‘is rarely there at the same time’ and ‘will be left out on a job site and will not be returning to the property for several days’. This has definitely not been what I have experienced as a neighbor.

At the public hearing, I, and three other neighbors testified as to our concerns with the lack of accuracy in the application submitted for this CUP related to ProMow Landscaping AND the frequency of the contractor company’s frequency and amount of heavy equipment entering and leaving the facility. Staff with Planning and Zoning were unaware of this information and made their recommendation based solely on what the applicant provided. The commissioners and staff made a decision to postpone and
decision and told the applicant that they would be required to submit a full and accurate application. The new hearing is set for November. During the hearing LeAnn Thacker told the commission that she had filed ‘an appeal’ with ACHD and had been granted her request reducing the modification they would need to make to meet ACHD’s requirements.

Following the meeting I contacted Ada County Sheriff’s Office and spoke with Kevin in Code Enforcement. He confirmed that he had been working with the applicant for well over a year and due to lack of compliance, he had recently forwarded the violations to the Prosecutors office. He said he was WELL aware of the landscaping company operating at this address and the frequency of vehicles entering and exiting the facility. I encourage you to contact Kevin at 208-577-3726 if you have interest in hearing his perspective on this matter and what he’s specifically observed.

I share this information with you because I think it is absolutely critical that Ada County Highway District consider the actual use of this Contractor’s Yard which continues to impact travel and create significant safety issues on Ten Mile, Lamont and the surrounding areas for my family, neighbors, and the general public. Based on the application which was submitted, I believe that the full use has been egregiously underreported resulting in an application which was misleading. I do not expect this CUP to be denied but I implore you to please require the applicant to fully address the undue burden placed on the existing transportation system and the resulting impact to public safety.

Thank you for your consideration,

Angelique Rood

roodangelique@gmail.com

208-602-4503
About

2455 S. Ten Mile Rd, Meridian, Idaho 83642
Get Directions

http://www.promowlawnarellc.com/
(208) 949-1575

Landscape Company • Professional Service
Price Range • $$
Staff Report
A. Findings of Fact

1. Description of Application: The applicant is requesting approval of a conditional use permit with a master site plan for a contractor’s yard, for two separate businesses that are currently operating out of this location without necessary permits/approvals from Ada County Development Services. TJ Construction uses this location to store heavy equipment, such as dump trucks, backhoes, trailers and trucks. Pro Mow Lawn Care LLC also operates out of this location and stores trucks and equipment on site for daily use by employees.

There is an existing house on the property that is to remain a residential use. The site is zoned RUT (Rural-Urban Transition) and is in the City of Meridian’s Area of Impact. The City of Meridian’s comprehensive plan designates this area as low density residential.

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>Rural-Urban Transition</td>
<td>RUT</td>
</tr>
<tr>
<td>South</td>
<td>Rural-Urban Transition</td>
<td>RUT</td>
</tr>
<tr>
<td>East</td>
<td>Rural-Urban Transition</td>
<td>RUT</td>
</tr>
<tr>
<td>West</td>
<td>Rural-Urban Transition</td>
<td>RUT</td>
</tr>
</tbody>
</table>
3. **New Center Lane Miles:** The proposed development includes no new centerline miles of public road.

4. **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. The impact fee assessment will not be released until the civil plans are approved by ACHD.

5. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
   - Ten Mile Road is scheduled in the IFYWP to be widened to 5-lanes from Victory Road to Overland Road in 2021.
   - The intersection of Ten Mile Road and Victory Road is scheduled in the IFYWP to be widened and reconstructed/signalized in 2021.
   - Overland Road is listed in the CIP to construct a new 3-lane road from Ten Mile Road to Black Cat Road between 2031 and 2035.
   - Victory Road is listed in the CIP to be widened to 3-lanes from Black Cat Road to Ten Mile Road between 2026 and 2030.
   - Victory Road is listed in the CIP to be widened to 3-lanes from Ten Mile Road to Linder Road between 2026 and 2030.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** It is difficult to estimate trip generation for contractor yards, due to the varied uses and businesses that fit within this land use classification; and when there is no structure/building associated with the use. Trip generation for this particular site will also vary depending on season.

   Any vehicle entering the site is counted as one trip, and any vehicle exiting the site is counted as one trip. For example, an employee comes to work and leaves the site in a company vehicle. That is two trips. When the employee returns at the end of the day with the equipment, and exits the site in their personal vehicle, that is another two trips.

   PM peak hour trips are trips entering/exitng the site between 4PM and 6PM.

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>
<th>Existing Plus Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten Mile Road 2/3 lanes</td>
<td>440-feet</td>
<td>Principal Arterial</td>
<td>1,052</td>
<td>&quot;F&quot;</td>
<td>&quot;F&quot;</td>
</tr>
<tr>
<td>Lamont Road</td>
<td>440-feet</td>
<td>Collector</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH).
* Acceptable level of service for a two-lane collector is "D" (425 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 Ten Mile Road south of Overland Road was 16,757 on June 6, 2017.
- There are no current traffic counts for Lamont Road.

**C. Findings for Consideration**

1. **Ten Mile Road - Area Roadway Level of Service**

Ten Mile Road exceeds the acceptable level of service (LOS) for a 3-lane minor arterial roadway from Overland Road to Victory Road, and is listed as having an existing 3-lane deficiency in the CIP. This segment of Ten Mile Road is programmed to be widened to 5 lanes in 2021, which will improve the level of service for this segment of roadway. This site is estimated to contribute less than 2% to the average PM peak hour trips on Ten Mile Road.

The intersection of Ten Mile/Victory is planned for signalization and widening in 2021.

When a roadway or intersection is at or above an acceptable level of service, policy requires that feasible mitigation be made to mitigate the additional traffic to be generated by the development. ACHD has not yet acquired the necessary right-of-way for this roadway project, so widening this segment of Ten Mile Road is not feasible mitigation for the applicant.

2. **Ten Mile Road**

   a. **Existing Conditions:** Ten Mile Road is improved with 2-travel lanes, 26-feet of pavement, 12-foot wide gravel shoulders and no curb, gutter or sidewalk abutting the site. There is 58-feet of right-of-way for Ten Mile Road (25-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 Ten Mile Road is designated in the MSM as a Ten Mile Road with 5-lanes and on-street bike lanes, a 72-foot street section within 96-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 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

      - **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.

**Frontage Improvements Policy:** District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

c. **Applicant Proposal:** The applicant is not proposing any improvements to Ten Mile Road abutting the site.

d. **Staff Comments/Recommendations:**
   
   District Policy requires that the applicant:
   
   - Dedicate additional right-of-way to total 48-feet from centerline of Ten Mile Road abutting the site.
   - Widen the pavement on Ten Mile Road to a minimum of 17-feet wide from centerline plus a 3-foot wide gravel shoulder abutting the site.
   - Construct 5-foot wide detached sidewalk on Ten Mile Road abutting the site.

According to the applicant, the house that is located adjacent to Ten Mile Road is not used for business purposes, and is not a part of this application, although located on the same parcel.

Due to the proximity of the house to Ten Mile Road, staff recommends a waiver of policy for right-of-way dedication on Ten Mile Road and recommends that the dedication of right-of-way be deferred until ACHD has designed the roadway. The right-of-way will be acquired by ACHD with the project and the exact amount will be based on the design of the roadway. For the same reasons, staff recommends a waiver of policy for improvements on Ten Mile Road and recommends that the applicant not be required to widen the pavement, or construct sidewalk on Ten Mile Road, because ACHD will be widening the road within the next 5 years, and the exact alignment will be determined through the design process. Roadway design is programmed for 2019, with right-of-way acquisition in 2020.

3. **Lamont Road**
   
a. **Existing Conditions:** Lamont Road is improved with 2-travel lanes, 24-feet of pavement, 3-foot to 10-foot wide gravel shoulders and no curb, gutter or sidewalk abutting the site. There is 55-feet of right-of-way for Lamont Road (30-feet from centerline).

b. **Policy:**
Collector Street Policy: District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Lamont Road is designated in the MSM as a Residential Collector with 2-lanes and on-street bike lanes.

Street Section and Right-of-Way Policy: District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Residential Collector Policy: District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

Sidewalk Policy: District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector 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.

c. Applicant Proposal: The applicant is not proposing any improvements to Lamont Road.

d. Staff Comments/Recommendations: District Policy requires that the applicant improve Lamont Road as ½ of a 36-foot street section with vertical curb, gutter and 5-foot wide detached sidewalk or 7-foot wide attached sidewalk abutting the site, consistent with the Master Street Map.

The applicant should provide a permanent right-of-way easement for any public sidewalk 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 sidewalk.

4. Driveways
6.1 Ten Mile Road
a. **Existing Conditions:** There is an existing 60-foot wide unimproved driveway on Ten Mile Road, located approximately 196-feet south of Lamont Road (measured centerline-to-centerline).

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.

c. **Staff Comments/Recommendations:** The applicant's existing driveway located approximately 196-feet south of Lamont Road does not meet District Access Management, Successive Driveway and Driveway Location because access should be taken from Lamont Road, the lesser functionally classified roadway, and the driveway does not meet the offset requirements from the nearest intersections or the nearest driveways to the north and south of the site. The driveway is used for the residence only and is necessary to provide access to the rear of the house.

Staff recommends a waiver of policy to allow the driveway to remain as-is and be allowed as a “temporary access” until such time that the house is converted to a non-residential use. At that time, all access will need to be taken from Lamont Road.

6.2 **Lamont Road**

a. **Existing Conditions:** There is an existing 61-foot wide driveway on Lamont Road with a 20-foot wide landscape median, located 209-feet west of Ten Mile Road.

b. **Policy:**
Access 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.

District Policy 7206.1 states that the primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated at bicycle and bus routes.

Driveway Location Policy (Stop Controlled Intersection): District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

Successive Driveways: District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 40 MPH and daily traffic volumes greater than 100 VTD to align or offset a minimum of 285-feet from any existing or proposed driveway.

Driveway Width Policy: District policy 7206.4.6 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, 7206.4.6, 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 7206.4.6.

c. Staff Comments/Recommendations: The location of the existing driveway on Lamont Road meets District policy, but the width of the existing driveway exceeds what is allowed by policy. The applicant should reconstruct the driveway to a maximum width of 36-feet. Pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of Lamont Road.

5. Tree Planters
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
Ten Mile Road is classified as a principal arterial roadway, Lamont Road is classified as a collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways.

D. Site Specific Conditions of Approval
1. Improve Lamont Road as ½ of a 36-foot street section with vertical curb, gutter and 5-foot wide detached sidewalk or 7-foot wide attached sidewalk abutting the site.
2. Reconstruct and narrow the existing driveway on Lamont Road to a maximum width of 36-feet. Construct the driveway as a curb return and pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of Lamont Road.
3. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
4. Payment of impact fees is due prior to issuance of a building permit.
5. 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.