March 19, 2013

TO: ACHD Board of Commissioners
FROM: Jarom Wagoner
       Planner II
SUBJECT: Jackson’s (DRH12-00257)
HEARING DATE: March 27, 2013; Consent Agenda

Executive Summary:
The applicant is requesting approval of a design-review application to construct a new 3,582 convenience store to replace the existing older store. The site is located at 3110 W. State Street in Boise, Idaho.

This item is on the consent agenda due to an applicant-requested and staff-supported modification of policy.

Applicant’s Request for Modification of Policy:
The applicant is requesting a modification of District Policy 7205.4.7, Driveway Policy. This policy requires driveways, when allowed on principal arterials, to be constructed as right-in/right-out only. The applicant is requesting to maintain the existing full-access driveway on State Street located approximately 175 feet west of 31st Street.

Staff is in support of the applicant’s request for modification of policy to allow the driveway to remain and operate temporarily as a full access driveway. The access will be restricted to right-in/right-out operations in the future when traffic safety and/or traffic operation reasons warrant such a restriction as determined by ACHD.

Since the driveway is part of an existing public alley, the full closure of the access (closure of the alley) would require the vacation of the alley right-of-way requiring a public hearing.

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

Attachments:
1. Staff Report
A. Findings of Fact

1. Description of Application: The applicant is proposing to demolish the existing Jackson’s store and construct a new 3,582 square foot convenience store.

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>Single Family Residential</td>
<td>R-1C</td>
</tr>
<tr>
<td>South</td>
<td>Open Land (ITD Headquarters)</td>
<td>A-1</td>
</tr>
<tr>
<td>East</td>
<td>General Commercial</td>
<td>C-2D</td>
</tr>
<tr>
<td>West</td>
<td>General Commercial</td>
<td>C-2D</td>
</tr>
</tbody>
</table>

3. Site History: ACHD has not previously reviewed this site for a development application.

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.
5. **Capital Improvements Plan (CIP)/Five Year Work Plan (FYWP):**

   - The intersection of State Street and Rose Street/31st Street is scheduled in the Five Year Work Plan as part of the 30th Street extension to be widened to 3-lanes on the north leg and 5-lanes on the south leg, and signalized in 2013.

   - State Street is listed in the Capital Improvements Plan to be widened to 7-lanes from 36th Street to 27th Street between 2017 and 2021.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 1,582 additional vehicle trips per day (1,061 existing); 112 additional vehicle trips per hour in the PM peak hour (75 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 8th 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>
<th>Existing Plus Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Street</td>
<td>160 feet</td>
<td>Principal Arterial</td>
<td>1,611</td>
<td>“E”</td>
<td>“F”</td>
</tr>
<tr>
<td>31st Street</td>
<td>140 feet</td>
<td>Local Commercial</td>
<td>12</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

   * Acceptable level of service for a five-lane principal arterial is “E” (1,770 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 28th Street was 30,683 on February 17, 2010.
   - The average daily traffic count for 31st Street south of Bella Street was 338 on October 25, 2011.

**C. Findings for Consideration**

1. **State Street**
   a. **Existing Conditions:** State Street is improved with 5-travel lanes, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 100 feet of right-of-way for State Street (50 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.
      - **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.

**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.

**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 100-foot street section within 124 feet of right-of-way.

c. **Applicant Proposal:** The applicant is not proposing any improvements to State Street, abutting the site.

d. **Staff Comments/Recommendations:** In accordance with the MSM the applicant should be required to dedicate 62 feet of right-of-way from the centerline of State Street abutting the site. However, due to the fact that there are underground gasoline storage tanks within that area to be dedicated, staff recommends that the right-of-way dedication happen in conjunction with a future ACHD project, such as the widening of State Street noted in the CIP.

The applicant should be required to replace any deteriorated or deficient sidewalk, curb, gutter or pedestrian facilities along State Street abutting the site, consistent with ACHD's Minor Improvement Policy 7203.3.

2. **31st Street**
   
a. **Existing Conditions:** 31st Street is improved with 2-travel lanes, vertical curb, gutter, and 5-foot wide sidewalk on the south-half of the site and no curb, gutter or sidewalk on the north-half of the site. There is 60 feet of right-of-way for 31st Street (30 feet from centerline).

b. **Policy:**
   
   **Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

   **Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

   **Sidewalk Policy:** District Policy 7207.5.7 states that a five-foot wide concrete sidewalk is required on both sides of all local streets, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

   The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8 feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.
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. **Applicant’s Proposal:** The applicant is proposing to dedicate the right-of-way needed at the intersection of 31st Street and State Street to allow for the construction of the intersection project noted in the Five Year Work Plan.

The applicant is showing the construction of curb, gutter, and sidewalk along the site’s frontage on of 31st Street. These improvements are to be built by ACHD as part of the 30th Street extension project.

d. **Staff Comments/Recommendations:** The applicant’s proposal meets District Policy and should be approved, as proposed. The applicant should continue to work with the District Project Management and Right-of-Way staff regarding the dedication of additional right-of-way at the intersection of 31st Street and State Street.

3. **Bella Street**

a. **Existing Conditions:** Bella Street is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 60 feet of right-of-way for Bella Street (30 feet from centerline).

b. **Policy:**

**Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

**Sidewalk Policy:** District Policy 7207.5.7 states that a five-foot wide concrete sidewalk is required on both sides of all local streets, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8 feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District’s Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

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’s Proposal:** The applicant is not proposing any improvements to Bella Street.

d. **Staff Comments/Recommendations:** The applicant’s proposal does not meet District Roadway Policy and should not be approved, as proposed. The applicant should be required to construct Bella Street as one-half of a 36-foot street section with vertical curb, gutter, and 5-foot wide concrete sidewalk, abutting the site.

4. **Alley**

a. **Existing Conditions:** The alley is unimproved with 12 feet of right-of-way, abutting the site. The alley approach at State Street is currently 54 feet wide and is incorporated into the westerly driveway into the site.

b. **Policy:**

**Existing Alley Policy:** District Policy 7210.2 states that if a proposed development abuts an existing alley, the dedication of additional right-of-way to obtain a minimum width from the centerline of the alley of 8 feet for residential uses and 10 feet for non-residential or commercial uses may be required. Each development will be reviewed by the District on a case-by-case basis. If the proposed development takes access from an alley, the developer will be required to pave the entire width of the right-of-way from the nearest public street to and abutting the development.

**Alley Parking Policy:** District Policy 7210.3.3 states that parking within the alley right-of-way is prohibited. “No Parking” signs are required to be installed by the developer. The signs should be located at the alley/street intersections. Parking which is entered from the alley shall be designed so the minimum clear distance from the back of the parking stall to the opposite side of the alley is 20 feet for all perpendicular parking.

c. **Applicant Proposal:** The applicant is proposing to pave the existing right-of-way width of the alley.

d. **Staff Comments/Recommendations:** The applicant’s proposal meets District Alley Paving Policy and should be approved, as proposed.

The applicant’s proposal does not meet District Alley Right-of-Way Policy; which requires additional right-of-way dedication for alleys to obtain a minimum width of 10 feet from centerline for commercial uses. Staff recommends a waiver of policy to not require additional right-of-way dedication for the alley. This is due to the minimal length of the alley and that it is infrequently used due to the unique configuration of the sites abutting it.

5. **Driveways**

5.1 **State Street**

a. **Existing Conditions:** There are 2 driveways onto State Street from the site. They are located as follows:

- 40-foot wide driveway located approximately 75 feet west of the intersection of State Street and 31st Street.

- 54-foot wide driveway located approximately 175 feet west of the intersection of State Street and 31st Street.

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.

**Driveway Width Policy:** District Policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more.

**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 District Policy 7205.4.8, Table 2.

**Temporary Access Policy:** District Policy 7202.4.2 identifies a temporary access as that which "is permitted for use until appropriate alternative access becomes available". Temporary access may be granted through a development agreement or similar method, and the developer shall be responsible for providing a financial guarantee for the future closure of the driveway.

c. **Applicant’s Proposal:** The applicant is proposing to close the 40-foot wide driveway located 75 feet west of the intersection of State Street and 31st Street and replace it with vertical curb, gutter, and 5-foot wide sidewalk.

   The applicant is proposing no changes to the existing 54-foot wide driveway located 175 feet west of the intersection of State Street and 31st Street.

d. **Staff Comments/Recommendations:** The applicant’s proposal to close the 40-foot wide driveway located 75 feet west of the intersection of State Street and 31st Street meets District Arterial Driveway Policy and should be approved as proposed.

   The applicant's proposal to utilize the existing 54-foot wide driveway located 175 feet west of the intersection of State Street and 31st Street does not meet District Access Management Policy, which requires driveways on principal arterials, when allowed, to operate as right-in/right-out only. Staff recommends a modification of policy to allow the driveway to remain and operate temporarily as a full access driveway. The access will be restricted to right-in/right-out operations in the future when traffic safety and/or traffic operation reasons warrant such a restriction as determined by ACHD.

   Since the driveway is part of an existing public alley, the full closure of the access (closure of the alley) would require the vacation of the alley right-of-way requiring a public hearing.

   Staff recommends that the applicant not be required to provide a surety for the possible future restriction of the alley/driveway. The intersection of State Street and 31st Street will soon be under construction as part of the 30th Street extension project. That project has no plans to
install medians along State Street at this intersection. Thus, if medians were to be required in the future staff recommends that they be installed by the District at that time.

The applicant’s proposal to utilize a 54-foot wide alley/driveway does not meet District Driveway Width Policy and should not be approved, as proposed. The applicant should be required to reduce the width of the driveway by 14 feet to a maximum width of 40 feet. The applicant should be required to replace the easterly 14 feet of the driveway with vertical curb, gutter, and sidewalk to match the existing improvements on either side. By replacing this portion of the driveway it will allow the driveway to utilize the existing alley as part of the driveway, while also providing additional separation from the intersection of 31st Street.

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 District Policy 7205.4.8, Table 2.

5.2 31st Street

a. Existing Conditions: There are 2 driveways onto 31st Street from the site. They are located as follows:

- 45-foot wide driveway located approximately 190 feet north of the intersection of 31st Street and State Street (measured centerline-to-centerline).
- 20-foot wide driveway located approximately 100 feet south of the intersection of 31st Street and Bella Street.

b. Policy:

Driveway Location Policy: District Policy 7208.4.1 requires driveways located near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest street intersection.

Successive Driveways: District Policy 7208.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

Driveway Width Policy: District Policy 7208.4.3 restricts commercial driveways to a maximum width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District Policy, 7208.4.3, 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.

c. Applicant’s Proposal: The applicant is proposing to expand the existing 45-foot wide driveway by 5 feet to total 50 feet in width.

The applicant is proposing to expand the existing 20-foot wide driveway by 14 feet to total 34 feet in width.

d. Staff Comments/Recommendations: The applicant’s proposal to expand the 20-foot wide driveway to total 34 feet wide meets District Policy and should be approved, as proposed. 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.

The applicant’s proposal to expand the 45-foot wide driveway to total 50 feet wide does not meet District Driveway Width Policy and should not be approved, as proposed. The applicant should be required to reduce the driveway width by 5 feet to be no more than 40 feet in width and replace the unused portion of driveway with vertical curb, gutter, and sidewalk. 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.
5.3 Bella Street
   a. Existing Conditions: There are no driveways onto Bella Street from the site.

   b. Policy:
      Driveway Location Policy: District Policy 7208.4.1 requires driveways located near
      intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from
      the nearest street intersection.

      Successive Driveways: District Policy 7208.4.1 states that successive driveways away from
      an intersection shall have no minimum spacing requirements for access points along a local
      street, but the District does encourage shared access points where appropriate.

      Driveway Width Policy: District Policy 7208.4.3 restricts commercial driveways to a maximum
      width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.

      Driveway Paving Policy: Graveled driveways abutting public streets create maintenance
      problems due to gravel being tracked onto the roadway. In accordance with District Policy,
      7208.4.3, 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.

   c. Applicant’s Proposal: The applicant is proposing to construct a 22-foot wide driveway,
      abutting the 12-foot wide alley onto Bella Street from the site to total 34 feet in width.

   d. Staff Comments/Recommendations: The applicant’s proposal meets District Driveway Policy
      and should be approved, as proposed. 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.

6. 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.

7. 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.

8. 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. Correct any deficiencies and/or replace deteriorated facilities abutting the site, including sidewalk
      construction or replacement; curb and gutter construction or replacement; installation or
      reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other
      similar items on State Street, abutting the site.

   2. Continue to work with the District Project Management and Right-of-Way staff regarding the
      dedication of additional right-of-way at the intersection of 31st Street and State Street.
3. Construct Bella Street as one-half of a 36-foot street section with vertical curb, gutter, and 5-foot wide concrete sidewalk, abutting the site.

4. Pave the alley right-of-way its entire width from Bella Street to State Street, abutting the site.

5. Replace the 40-foot wide driveway on State Street, located 75 feet west of the intersection of State Street and 31st Street with vertical curb, gutter, and sidewalk to match the existing improvements on either side.

6. Reduce the 54-foot wide alley/driveway approach on State Street located 175 feet west of the 31st Street by 14 feet to be 40 feet wide. Replace the unused portion of alley/driveway approach with vertical curb, gutter, and sidewalk. The portion of alley/driveway approach replaced shall be the easterly 14 feet. Pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway. The driveway may be restricted to right-in/right-out operations in the future for traffic safety and/or traffic operation reasons as determined by ACHD.

7. Reduce the 45-foot wide driveway on 31st Street, located 190 feet north of the intersection of 31st Street and State Street by 5 feet so as to be 40 feet wide. Replace the unused portion of driveway with vertical curb, gutter, and sidewalk. Pave the driveway its full width and at least 30 feet into the site beyond the edge of pavement.

8. Expand the 20-foot wide driveway on 31st Street located 100 feet south of the intersection of 31st Street and Bella Street by 14 feet so as to be 34 feet wide, as proposed. Pave the driveway its full width and at least 30 feet into the site beyond the edge of pavement.

9. Construct a 34-foot wide driveway on Bella Street located 150 feet west of the intersection of Bella Street and 31st Street, as proposed. Pave the driveway its full width and at least 30 feet into the site beyond the edge of pavement.

10. Other than the access specifically approved with this application, direct lot access is prohibited to State Street.

11. Payment of impacts fees are due prior to issuance of a building permit.


E. **Standard Conditions of Approval**

1. Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way.

2. Private sewer/water systems are prohibited from being located within 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 before any construction activity that could damage underground facilities.
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 3:00 p.m. on the day 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.