July 9, 2013

TO: ACHD Board of Commissioners

FROM: Mindy Wallace
       Lauren Watsek
       Planning Review Supervisor
       Planner I

SUBJECT: Barber Mill Estates Subdivision/CAR13-00007/ PUD13-00002/SUB13-00017

Executive Summary:
The applicant is requesting approval of an annexation, rezone, planned unit development, and a preliminary plat application to subdivide approximately 12 acres into 47 residential lots and 10 common lots. The site is located at 5237 E. Sawmill Way in Boise, Idaho. This item is on the regular agenda to allow testimony from neighboring property owners regarding the proposed development.

Neighborhood Concerns:
Staff has received two letters (attached) from neighboring property owners regarding the potential for cut through traffic on Sawmill Way within the Harris Ranch Mill District, trip generation, and pedestrian safety in the area.

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

Attachments:
1. Letters from neighboring property owners
2. Staff Report
Dear Ms. Watsek:

We believe ACHD staff failed to take several important factors related to increased traffic impacts and public safety into consideration when making their staff report Findings of Consideration for this application. They have failed to consider three critical areas of the plan:

1. **Technical Issue- Traffic Impact Study**
   The applicant’s Planned Unit Development Application (PUD13-00002) dated 5/22/13, Section 24. Street Layout, subsection B. PRIVATE Street Layout Review (page 7) states:
   “The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A ‘Traffic Impact Study’ (TIS) prepared by a traffic engineer will be required by Public Works and Planning & Development Services for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.
   Is a Traffic Impact Study required? Yes X No”

   ACHD Staff estimates Barber Mill Estates will generate 447 vehicle trips per day on Ripsaw Ave. It appears a **Traffic Impact Study should be required** due to vehicle trips exceeding the allowed maximum waiver limit of 240 vehicle trips per day per Section 24 of the PUD application. We request that you add a Site Specific Condition of Approval requiring the applicant to complete a Traffic Impact Study prior to City of Boise plan approval. The Study will aid in determining the impact the additional 447 trips per day and the cumulative traffic flow increase will have on the surrounding street network.

   Another Traffic Study concern is the cumulative effect of traffic on Warms Springs Ave with the rapid development of Harris Ranch, River Heights, Mill District Square, Mill Station, The Terraces at Harris Ranch and the proposed East Valley development adjacent to Highland Valley Rd. These new residences will add thousands of day trips to Eckert Rd and Warm Springs. When is a Barber Valley traffic study due?

2. **Student and Resident Safety**
   There is a documented history of traffic safety concerns on the section of E. Sawmill Way that fronts this planned development. The Harris Ranch Neighborhood Association and concerned residents have filed numerous complaints with the Boise Police Dept. and ACHD regarding drivers exceeding the posted 20 mph speed limit on Sawmill Way and using Sawmill as a short cut to/from Eckert Rd and Warm Springs Ave, avoiding the 4-way-stop intersection at Warms Springs and Eckert Rd. Riverstone International School and East Junior High students use this section of Sawmill Way to walk and bike to school, often during dark mornings. An increased level of speeding drivers is a significant safety concern for students and limits their ability to travel to school on foot or bike safely.
A unique feature of homes on E. Sawmill Way and the Mill District in general is their alley-loaded, garage in the back concept. This type of design leaves little or no room for backyard child play areas. Considering there are no nearby parks, children often play in their front yard space, along the frontage sidewalk and near the street. We fear adding an additional 447 vehicle trips per day to a section of roadway that already poses a significant safety hazard for students and resident children is inappropriate, irresponsible and incompatible with ACHD’s Complete Streets Policy for a residential local street.

3. Greenbelt At-grade Crossing
The currently proposed path for the Greenbelt east of Eckert Rd creates an at-grade crossing at Ripsaw Ave near E Sawmill Way. Once the Barber Valley reroute of the Greenbelt is complete, an at-grade crossing in this location would be one of only three at-grade crossings for the entire northern path from Lucky Peak Reservoir all the way to Eagle. The other two crossings will continue to experience minimal automobile traffic as the valley population grows. Adding this 447 vehicle per day crossing to what could be an uninterrupted, 25 mile bike and walking path will greatly impact the Greenbelt user’s safety and experience as they travel east of Boise. Boise Parks & Rec has a goal to minimize at-grade crossings of the Greenbelt. Allowing an at-grade crossing with the projected amount of vehicle traffic levels conflicts with Boise Parks and Rec Greenbelt design goals, creates an undue safety hazard and is incompatible with surrounding uses.

As you consider this application, we respectfully ask that you fully take into account the cumulative impact the traffic from Barber Mills Estates will have on not only what was designed to be a quiet, safe neighborhood street, but the Barber Valley community as a whole. Adding an additional +/-400 vehicle trips per day to this section of road is not appropriate or compatible, especially considering the Neighborhood Association’s history of identified safety concerns for this section of street.

In the event the ACHD approves the application, HRNA and RENA request ACHD’s assistance in increasing neighborhood safety by including conditions of approval directing development and implementation of courses of actions to mitigate increased safety risks. Suggestions we can offer at this point are: adding speed bumps to E Sawmill Way and a raised intersection at Ripsaw Ave in an effort to reduce traffic speeds, adding school zone signs along Sawmill Way to alert drivers of students, and creating measures to notify Greenbelt users of the potentially dangerous, high vehicle crossing at Ripsaw Ave.

Please feel free to contact board members Chris Hendrickson at 208-853-6980, icuski2@yahoo.com, or Brandy Wilson at 208-954-9512, fleabane@cableone.net if you have any questions or would like to discuss further.

Sincerely,

Brandy Wilson, Vice President
Riverland East Neighborhood Association

Chris Hendrickson, President
Harris Ranch Neighborhood Association
Lauren Watek

From: patrick@riverstonesc.com
Sent: Tuesday, June 25, 2013 2:27 PM
To: Lauren Watek
Cc: Amber Simonson (simonsoneyedoc@hotmail.com); Rebecca McDonald (rebmccableone.net); Ryan Eckert (REckert@idahopower.com); Sky Eckert (Sky.Eckert@weyerhaeuser.com); Harris Ranch Neighborhood Association; Sonny Andrick; Nate Pierce; Theresa Ensign; Chris Hendrickson; Josh Lunn; rpagoaga@hotmail.com; Randy Simon; Kathy & Steve Large; Mark Templeton; Bob Carignan; Lorrie Suess; Mark Hofflund; Lynn Johnstone; Brandy Wilson; Trent Reagan; karen_sesek@msn.com

Subject: 5237 E. Sawmill Way

Importance: High

Lauren:

My wife, Amber Simonson, and I are writing you in regards to the proposed new development at 5237 E. Sawmill Way in Boise, ID 83716. We live at 4934 E. Sawmill Way. I want to stress my strong opposition to this development. As it stands now, we have too many drivers exceeding the speed limit down our street. There have been several incidents just since the recently built houses on our street regarding inattentive drivers going well over 35 mph. There are a bunch of kids that play on that street and in the cul-de-sacs. If we get the anticipated traffic, people are going to scream down that street in a hurry to get to their new home and someone is going to get hurt. I will not be able to make the public hearing due to work commitments, please consider this email as my testimony as to why this development should not be allowed to continue. Feel free to contact me directly should you have any questions or need further testimony. Thank you for your time.

Best regards,

Patrick Bird, P.E./S.E.
RiverStone Structural Concepts, PLLC
President
skype name: patricksc300

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We have moved!! See new address in signature block
Project/File: Barber Mill Estates (CAR13-00007/ PUD13-00002/ SUB)
This is an annexation, rezone, planned unit development, and preliminary plat application to subdivide approximately 12 acres into 47 residential lots and 10 common lots. The site is located at 5237 E Sawmill Way in Boise, Idaho.

Lead Agency: City of Boise

Site address: 5237 E. Sawmill Way

Commission Hearing: July 17, 2013
Regular Agenda

Applicant: C12, LLC
P.O. Box 1610
Eagle, ID 83616

Representative: Kent Brown
Kent Brown Planning Services
P.O. Box 36
Meridian, ID 83680

Staff Contact: Lauren Watsek
Phone: 387-6218
E-mail: lwatsek@achdidaho.org

A. Findings of Fact

1. Description of Application: The applicant is requesting approval of an annexation and rezone, planned unit development, and preliminary plat application to subdivide approximately 12 acres into 47 residential lots and 10 common lots. The applicant is requesting a R-1B zone which

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>Limited Office (International School)</td>
<td>L-OD</td>
</tr>
<tr>
<td>South</td>
<td>General Industrial</td>
<td>M2</td>
</tr>
<tr>
<td>East</td>
<td>General Industrial (Water Pond)</td>
<td>M2</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential</td>
<td>R-1C</td>
</tr>
</tbody>
</table>

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

4. Adjacent Development: The following developments are pending or underway in the vicinity of the site:
   - Harris Ranch Subdivision is in various stages of development located adjacent to Barber Mill Estates to the west of Sawmill Way.
5. **Transit**: Transit services are not available to serve this site.

6. **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.

7. **Capital Improvements Plan (CIP)/Five Year Work Plan (FYWP)**:
   
   The following improvement is listed in the District’s Capital Improvement Plan (CIP).
   
   - The intersection of Warm Springs and SH-21 is planned to be widen to 3 lanes on the north leg, 2 lanes on the south leg, 3 lanes on the east leg, and 4 lanes on the west leg between 2027 and 2031,

**B. Traffic Findings for Consideration**

1. **Trip Generation**: This development is estimated to generate 447 additional vehicle trips per day (none existing); 47 additional vehicle trips per hour in the PM peak hour (none 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>
<th>Existing Plus Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sawmill Way</td>
<td>N/A</td>
<td>Local</td>
<td>8</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Lysted Avenue</td>
<td>N/A</td>
<td>Local</td>
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<td>N/A</td>
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<tr>
<td>Warm Springs</td>
<td>N/A</td>
<td>Minor Arterial</td>
<td>241</td>
<td>Better than “D”</td>
<td>Better than “D”</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a three-lane minor arterial is “D” (720 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 Sawmill Way south of Lysted Avenue was 132 on June 24, 2013.
   - The average daily traffic count for Lysted Avenue south of Warm Springs Avenue was 243 on June 24, 2013.
   - The average daily traffic count for Warm Springs Avenue east of Eckert Road was 5,200 on July 12, 2012.

**C. Findings for Consideration**

1. **Access to the Site**
   
   The applicant has proposed to access the site via the construction of a new public street, Ripsaw Avenue, onto Sawmill Way an existing public street adjacent to the site. After submittal of the development application, the applicant notified ACHD staff of a spite strip between the existing right-of-way for Sawmill Way and the site. The applicant has been working to remedy this and has prepared a warranty deed to dedicate the necessary street frontage to ACHD. The owner of the spite strip has indicated that they will sign the warranty deed dedicating the right-of-way to ACHD after the preliminary plat receives its approvals from Boise City.
The applicant should be required to complete the warranty deed for the right-of-way dedication prior to plan approval and signature on the first final plat.

2. Sawmill Way
   a. Existing Conditions: Sawmill Way is improved with 2 travel lanes, 33 feet of pavement vertical curb, gutter, and 5 foot wide sidewalk. There is 50 feet of right-of-way for Sawmill Way (25 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.

      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 not proposing any improvements to Sawmill Way, abutting the site.

   d. Staff Comments/Recommendations: Sawmill Way is already improved with 33 feet of pavement with curb, gutter and sidewalk abutting the site. As such, staff does not recommend any additional street improvements or right of way dedication as part of this application.

      Consistent with District Policy 7203.3, the applicant should be required to replace any broken curb, gutter or sidewalk and to update the pedestrian ramps, abutting the site.

3. Entry Road
   a. Existing Conditions: There are no existing roads internal to the site.

   b. Policy:
      Reduced Urban Local Street—29-foot Street Section and Right-of-Way Policy: District Policy 7207.5.2 states that the width of a reduced urban local street shall be 29-feet (back-of-curb to back-of-curb) with curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 42-feet of right-of-way. Although some parking is allowed by the following subsections, the District will further restrict parking on a reduced width street if curves or other physical features cause problems, if actual emergency response experience indicates that emergency vehicles may not be able to provide service, or if other safety concerns arise.

      Design Condition #1: Parking is allowed on one side of a reduced width street when all of the following criteria are met:

      • The street is in a residential area.
      • The developer shall provide written approval from the appropriate fire department or emergency response unit in the jurisdiction.
      • The developer shall install “NO PARKING” signs on one side of the street, as specified by the District and as specified by the appropriate fire department.
      • Vertical curbs with attached 5-foot (minimum) wide sidewalks, or rolled curbs with 5-foot (minimum) wide detached sidewalks and 8-foot (minimum) wide planter strips, are required.
      • Traffic volumes on the street shall not exceed 1,000 vehicle trips per day. There shall be no possibility that another street may be connected to it in a manner that would allow
more than 1,000 vehicle trips per day.

**Design Condition #2:** Parking is allowed on both sides of a reduced width street when the street layout has the qualities of a road grid system and when all the following criteria are met:

- The street is in a residential area.
- The developer shall provide written approval from the appropriate fire department or emergency response unit in the jurisdiction.
- The block length of the street shall not exceed 500-feet, measured between centerlines.
- Traffic volumes on the street are not forecast to exceed 400 vehicle trips per day.
- A minimum of two street connections shall be provided to each end of the street with the reduced width. The two connecting streets shall each connect to the larger street system to provide the intended alternate routes of access. A street system that has one street connection to the large street network on one end and a loop/circle street on the other end with no outlet shall not be approved.
- Vertical curbs with attached 5-foot (minimum) wide sidewalks, or rolled curbs with 5-foot (minimum) wide detached sidewalks and 8-foot (minimum) wide planter strips, are required.

**Design Condition #3:** Parking is allowed on both sides of a reduced width residential street with passing pockets that are created when two driveways are constructed near the same property line, where a 50-foot segment will not have on-street parking on the side of the street with the driveways, and when all the following criteria are met:

- The street is in a residential area.
- The developer shall provide written approval from the appropriate fire department or emergency response unit in the jurisdiction.
- Driveway locations are predetermined with curb cuts for the driveways to be installed when the street is constructed. The curb cuts shall be 20-feet wide. Each lot on the street will be “paired” with an adjacent lot. If there are on odd number of lots, one lot at either end of the street will not be “paired.” Each pair of lots shall locate its driveway 5-feet from the shared lot line of the pair.
- Vertical curbs with attached 5-foot (minimum) wide sidewalks, or rolled curbs with 5-foot (minimum) wide detached sidewalks and 8-foot (minimum) wide planter strips, are required.
- The lots cannot abut an alley.
- Traffic volumes on the street are not forecast to exceed 400 vehicle trips per day.

**Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, 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 Proposal: The applicant is proposing to construct one entry road with a 29 foot street section, curb, gutter, and 6.5 foot wide planter strips on both sides of the entrance street within 42 feet of right-of-way. A 5 foot wide sidewalk is proposed on the south side of the entry road outside of the dedicated right-of-way.

d. Staff Comments/Recommendations: The applicant’s proposal meets District Policy with the exception of the proposal to not construct a sidewalk on the north side of the roadway into the site. The applicant should be required to construct a 5 foot wide attached or detached concrete sidewalks on both sides of Ripsaw Avenue. The applicant should provide a permanent right-of-way easement for any sidewalks placed outside the dedicated right-of-way.

The applicant has proposed to construct 6.5 feet planter strips between back of curb and sidewalk. ACHD’s Tree Planting Policy requires planter strips be a minimum of 8 feet wide for street trees or the installation of continuous root barrier.

4. Internal Roads
   a. Existing Conditions: There are no roads internal to the site.
   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.

      Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

      The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

      Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, 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 proposing to construct all other internal local streets as 36 foot street sections with curb, gutter, and 5 foot wide attached concrete sidewalks within 50 feet of right of way.

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

5. Roadway Offsets
   a. Existing Conditions: There are no roadway offsets within the site.
   
   b. Policy:  
      Local Offset Policy: District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

   c. Applicant’s Proposal: The applicant has proposed to construct one new roadway to intersect Sawmill Way, located approximately 240 feet south of Arrow Junction Drive. (Measured near edge to centerline.)

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

6. Alleys
   a. Existing Conditions: There are no alleys within the site.

   b. Policy:  
      New Alley Policy: District Policy 7210.3.1 requires the minimum right-of-way width for all new residential alleys shall be a minimum of 16-feet or a maximum of 20-feet. If the residential alley is 16-feet in width building setbacks required by the land use agency having jurisdiction shall provide sufficient space for the safe backing of vehicles into the alley (see Section 7210.3.3). The minimum right-of-way width for all new commercial or mixed-use alleys shall be 20-feet. All alleys shall be improved by paving the full width and length of the right-of-way.

      Dedication of clear title to the right-of-way and the improvement of the alley, and acceptance of the improvement by the District as meeting its construction standards, are required for all alleys contained in a proposed development.

      Alley Length Policy: District Policy 7210.3.2 states that alleys shall be no longer than 700-feet in length. If the lead land use agency having jurisdiction requires a shorter block length, the alley shall be no longer than the agency’s required block length.

      Alley Parking & Setbacks 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.

      Setbacks for structures taking access from the alley should be closely coordinated with the lead land use agency. The setbacks shall either discourage parking within the alley (where it may partially block or occur within the right-of-way) or allow adequate area for one perpendicular parking pad. In order to discourage parking, building setbacks shall be minimal from the alley right-of-way line, while still achieving the required 20-feet of back-up space from a garage or other parking structure to the opposite side of the alley (i.e. 4-foot setback + 16-foot alley= 20-feet for back-up space).
**Alley/Local Street Intersections Policy:** District Policy 7210.3.7.2 states that alleys may intersect all types of local streets including minor local streets. Alleys shall generally be designed with a curb cut type approach when intersecting a local street. Alleys shall generally intersect streets in the middle of the block equally offsetting the intersecting streets. Alleys shall either align with alley/street intersections or provide a minimum 100-foot offset (measured centerline to centerline) from other local street intersections. For alley intersections with local streets, the District may consider a reduced offset if the lead land use agency’s required lot size allows for shorter buildable lots.

c. **Applicant Proposal:** The applicant is proposing to construct one new 16 foot wide north/south alley within the site. That alley is proposed midblock and to run between Ripsaw and Chainsaw Avenues.

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

7. **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.

8. **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.

D. **Site Specific Conditions of Approval**

1. Complete the warranty deed for the right-of-way dedication to provide street frontage onto Sawmill Way prior to plan approval and signature on the first final plat.

2. Replace any broken curb, gutter or sidewalk and to update the pedestrian ramps on Sawmill Way, abutting the site.

3. Construct one entry road to intersect Sawmill Way, 240 feet south of Arrow Junction Drive, as a 29 foot street section with curb, gutter and 5 foot wide attached or detached concrete sidewalks on both sides of Ripsaw Avenue within 42 feet of right-of-way. Provide a permanent right-of-way easement for any segment of the sidewalk placed outside the dedicated right-of-way.

4. Construct all other internal local streets as proposed with 36 foot street sections with curb, gutter and 5 foot wide attached concrete sidewalks within 50 feet of right of way.

5. Construct one new 16 foot wide north/south alley within the site, as proposed. That alley is midblock and will run between Ripsaw and Chainsaw Avenues.

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

7. Comply with all Standard Conditions of Approval.

E. **Standard Conditions of Approval**

1. Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private 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 Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the ROWDS Manager when it is alleged that the ROWDS Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

   a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

   b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

   c. **Time to Reply:** The ROWDS Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

   d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the ROWDS Manager’s reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

   e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.
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.