January 14, 2015

TO: ACHD Board of Commissioners
FROM: Stacey Yarrington, Planner III
SUBJECT: Garden Nursery/ GC14-0011/ DSR2014-00013

Executive Summary:
This is a design review application to allow an organic nursery to operate at this site, which includes growing and selling product. The site is located at 3777 W Chinden Boulevard, Garden City, Idaho.

Applicant’s Request for Waiver of Policy:
Local Roadway policy:
The applicant is requesting and staff is supporting a waiver of District Local Roadway policy.

The applicant is requesting and staff is supporting a waiver of policy from constructing improvements to 38th Street with curb, gutter, and sidewalk abutting the site; as no vehicular or pedestrian access is being taken from 38th Street. 38th Street is also a dead end street with no pedestrian attractants south of the site.

Staff is in agreement with the applicant’s request due to the fact that the business is oriented toward Chinden Boulevard and there will be limited vehicular and/or pedestrian access on 38th Street. The main access is off of Chinden Boulevard or the alley (Stockton Street) to the existing parking lot. Further, 38th Street terminates south of the site; it has 32-feet of pavement, and limited improvements. It is anticipated that this site will redevelop with adjacent properties in the future and frontage improvements can be constructed with a more permanent development plan.

Existing Alley policy:
The applicant is requesting and staff is supporting a waiver of District Existing Alley policy.

The applicant is requesting and staff is supporting a waiver of policy from improving the alley by paving the entire width of the right-of-way from the nearest public street to and abutting the development, as there is 18-feet of pavement and existing parking does not back out into the alley.

Staff is in agreement with the applicant’s request due to the fact that the main access will be taken off of SH-20/26/ Chinden Boulevard, the alley is currently improved with 18-feet of pavement with a 10-foot wide shoulder on the south side of the alley, and parking will not be backing directly into the alley from the site.

Staff Recommendation:
Staff recommends approval of the staff report, as written.
Project/File: Garden Nursery/ GC14-0011/ DSR2014-00013
This is a Design Review application to allow an organic nursery to operate at this site, including growing and selling product. The site is located at 3777 W Chinden Boulevard in Garden City, Idaho

Lead Agency: Garden City
Site address: 3777 W Chinden Boulevard
Commission Hearing: Consent Agenda
Hearing: January 14, 2015
Commission Approval:
Applicant: North End Organic Nursery (NEON)
Lindsay Schramm
2350 W Hill Road
Boise, ID  83702
Representative: North End Organic Nursery (NEON)
Lindsay Schramm
2350 W Hill Road
Boise, ID  83702
Staff Contact: Stacey Yarrington
Phone: 387-6171
E-mail: syarrington@achdidaho.org

A. Findings of Fact

1. Description of Application: The applicant is requesting approval of a design review application to relocate its business, an organic nursery, to this site located at 3777 W Chinden Boulevard. The use is consistent with the Garden City’s comprehensive plan.

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>Highway Commercial</td>
<td>C-1</td>
</tr>
<tr>
<td>South</td>
<td>General Commercial</td>
<td>C-2</td>
</tr>
<tr>
<td>East</td>
<td>Highway Commercial/ General Commercial</td>
<td>C-1/ C-2</td>
</tr>
<tr>
<td>West</td>
<td>Highway Commercial/ General Commercial</td>
<td>C-1/ C-2</td>
</tr>
</tbody>
</table>

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

4. Transit: Transit services are available to serve this site.

5. New Center Lane Miles: No new centerline miles of roadway are associated with this project.
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/ Integrated Five Year Work Plan:**
   There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Integrated Five Year Work Program (IFYWP) or the District’s Capital Improvement Plan (CIP).

   - The intersection of Chinden Boulevard/ SH-20/26 and Curtis Road is listed in the CIP to be widened to 8-lanes on the north leg, 7-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2027 and 2031.
   - The intersection of Chinden Boulevard/ SH-20/26 and Orchard Street is listed in the CIP to be widened to 4-lanes on the north leg, 5-lanes on the south, 6-lanes east, and 7-lanes on the west leg, and signalized between 2022 and 2026.

B. **Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 850 additional vehicle trips per day (553 existing); 87 additional vehicle trips per hour in the PM peak hour (34 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><strong>State Highway 20/26 – Chinden Boulevard</strong></td>
<td>165-feet</td>
<td>Principal Arterial</td>
<td>1,410</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>38th Street</td>
<td>316-feet</td>
<td>Local Road</td>
<td>22</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**ACHD does not set level of service thresholds for State Highways.**

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 SH-20/26/ Chinden Boulevard west of 32nd Street was 25,393 on 10/30/2014.

C. **Findings for Consideration**

1. **State Highway SH-20/26 / Chinden Boulevard**
   SH-20/26/Chinden Boulevard is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, Garden City, and ITD should work together to determine if additional right-of-way or improvements are necessary on SH-20/26/ Chinden Boulevard.

   **Staff Comments/Recommendations:** Staff recommends that the most western driveway be closed with curb and gutter to prevent backing onto SH-20/26/ Chinden Boulevard.

2. **38th Street**
   a. **Existing Conditions:** 38th Street is improved with 2-travel lanes, 32-feet of pavement, and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for 38th Street (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.

**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.

**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 38th Street abutting the site.

d. Staff Comments/Recommendations:

The applicant’s proposal does not meet District Minor Improvements Policy, because no street improvements are proposed for 38th Street abutting the site. However, staff recommends and Garden City staff supports a waiver from the Minor Improvements policy due to the fact that there are no pedestrian attractions south of the site as 38th Street is a dead end street. Pedestrian access will be taken mainly from the parking lot on the east side of the existing building where the majority of product will be sold. The back portion of the site is mainly for green houses and storage and walking pathways; the only vehicle access will be delivery trucks accessing the site via 38th Street.
3. **Alleys**
   
a. **Existing Conditions:** There is an existing 18-foot wide paved alley within 15-feet of right-of-way (Stockton Street) abutting 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 & 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).

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

d. **Staff Comments/Recommendations:** This development abuts both sides of the alley with 10-feet of existing right-of-way on the north side and 5-feet of existing right-of-way on the south side (measured from centerline) and 18-feet of pavement.

   The applicant should be required to dedicate additional 5-feet of right-of-way from centerline on the south side of the alley (Stockton Street) abutting the site. Staff recommends a waiver of policy to not improve the alley with additional pavement widening. Staff’s recommendation is due to the fact that there is no direct parking backing into the alley, and there is currently 18-feet of pavement with 10-foot wide shoulder on the south side of the existing alley.

   The applicant should be required to install “No Parking” signs at the alley/street intersections. Signs can be obtained through the District.

4. **Driveways**

4.1 **38th Street**

a. **Existing Conditions:** There is an existing unimproved access onto 38th Street from the southern portion of the site.

b. **Policy:**
   
   **Driveway Location Policy:** District policy 7207.4.1 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 7207.4.1 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 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, 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 one 20-foot wide driveway, located approximately 80-feet from the alley/Stockton Street. The access will be restricted by a rolling gate and is to allow for new plant delivery and unloading twice a year.

d. **Staff Comments/Recommendations:** The applicant’s proposal does not meet District policy. The applicant should be required to pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement of the roadway.

   The other access shown on the site plan, off of the alley/Stockton Street, is for pedestrians to access this part of the site; and is proposed to be graveled.

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.

**D. Site Specific Conditions of Approval**

1. Dedicate 10-feet of right-of-way from centerline of Stockton Street abutting the site.
2. Pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement of the roadway.
3. Install “No Parking” signs at the alley/street intersections.
4. Payment of impacts fees are 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
SITE PLAN

Stockton St

Raised Planter Bed

Gravel Pathway

Shadehouse 1
24' x 48'

Pathway

Shadehouse 2
24' x 48'

W 38th. St

Gravel Roadway

Plant Holding Area

Greenhouse 1
24' x 40'

Greenhouse 2
24' x 40'

Scale 1"=20'

Bagged Soil
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.