To: ACHD Commission  
From: Kaci Bader, Development Review Coordinator  
Subject: Final Plat: Residences at One Nineteen Condominium  
Project Number: FLPT15-0056  
Meeting Date: July 8, 2015  

FACTS & FINDINGS:

1. Residences at One Nineteen Condominium is a 1 buildable and 0 common lot residential subdivision on 0.263 acres. This site is located at the northwest corner of W. Grove Street and N. 10th Street.

2. The applicant is 119 Boise, LLC and the principal for the applicant Clay Sammis, Member

3. The preliminary plat was approved on March 17, 2014.

4. All conditions of the preliminary plat have been satisfied, except for the completion of the roadway improvements. The applicant has provided a financial surety of $11,000 in the form of cash in accordance with ACHD Policy Section 7103.2.

5. The applicant is responsible to complete all street improvements and conditions of approval required with the preliminary plat to ACHD standards by July 1, 2016 and prior to final acceptance of the street by ACHD and release of the financial surety.

RECOMMENDATION:

1. Approve the final plat of Residences at One Nineteen Condominium and authorize the President to endorse.

ATTACHMENTS:

1. Final Plat
2. Vicinity Map
RESIDENCES AT ONE NINETEEN CONDOMINIUM

CERTIFICATE OF OWNERS

UNLESS ALL REASONS BY ESTATE PRESUMED THAT THE UNDERSIGNED ARE THE OWNERS OF THE LAND, THIS PROPERTY IS HELD AS A TRUSTEE IN TRUST TO FULFILL THE REQUIREMENTS OF THE CHARTER OF THE CONDOMINIUM, PURSUANT TO CHAPTER 2, TITLE 71 OF THE IDAHO CODE.

A PARCEL OF LAND BEING THE EASTERLY 1,400 FEET OF LOT 8 AND ALL OF LOT 7 OF BLOCK 8 OF THE S. A. BASE MAP OF THE CITY OF BOISE AND COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE ANGLES OF THE NORTHEAST CORNER OF SAID BLOCK 8 INTERSECT NORTH 89° 59' WEST FROM THE SOUTHWEST CORNER OF SAID BLOCK 8.

BORDERING ON THE SOUTH SIDE OF THE SOUTHWEST CORNER OF SAID BLOCK 8.

BORDERING ON THE WEST SIDE OF THE SOUTHWEST CORNER OF SAID BLOCK 8.

BORDERING ON THE NORTH SIDE OF THE SOUTHWEST CORNER OF SAID BLOCK 8.

BORDERING ON THE EAST SIDE OF THE SOUTHWEST CORNER OF SAID BLOCK 8.

SAID PARCEL OF LAND CONTAINING 0.329 ACRES, MORE OR LESS.

THE EASEMENTS AND RIGHTS-OF-WAY HEREIN GRANTED ARE NOT THE PROPERTY OF THE LANDOWNER, BUT ARE RESERVED TO THE LANDOWNER FOR USE AS PART OF THE CONDOMINIUM.

IN WITNESS WHEREOF, WE HAVE HEREUNDER SET OUR HANDS THIS 20TH DAY OF JUNE, 2015.

Clay Sanke - READER

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF BOISE


IN WITNESS WHEREOF, I HAVE HEREUNDER SET MY HAND AND SEAL, THE DATE AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

SIGNED D. GOY

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO

Evansville's Land Surveying
10999 EXPLORE DR, SUITE 200
BOISE, ID 83714
PROJECT NO. 2654
Sheet 3 of 3
A. Findings of Fact

1. Description of Application: The applicant is requesting approval of a design review application to allow for the development of a 6-story residential condominium project consisting of 2 floors of tenant parking and storage areas, and 28 two and three bedroom condo units on 4 floors in downtown Boise.

   The applicant’s proposal is consistent with the City of Boise’s Comprehensive Plan, as this area is planned for Downtown Mixed Use.

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>Central Business District</td>
<td>C-5DD</td>
</tr>
<tr>
<td>South</td>
<td>Central Business District</td>
<td>C-5DD</td>
</tr>
<tr>
<td>East</td>
<td>Central Business District</td>
<td>C-5DD</td>
</tr>
<tr>
<td>West</td>
<td>Central Business District</td>
<td>C-5DD</td>
</tr>
</tbody>
</table>

3. Site History: ACHD has not previously reviewed this site for a development application.
4. **Transit:** Transit services are available within 1 to 3 blocks of the site via Route 5.

5. **New Center Lane Miles:** The development will not add any new center line miles of roadway.

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)/ Integrated Five Year Work Plan (IFYWP):**

   There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the District’s Capital Improvement Plan. The following improvement is scheduled in ACHD Integrated Five Year Work Plan.

   - Alley Bridge #545 over Boise City Canal is scheduled in the Five Year Work Plan to be replaced in 2015.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 163 vehicle trips per day; 15 vehicle trips per hour in the PM peak hour, 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>10th Street</td>
<td>120-feet</td>
<td>Collector</td>
<td>167</td>
<td>Better than “D”</td>
<td>Better than “D”</td>
</tr>
<tr>
<td>Grove Street</td>
<td>95-feet</td>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

   * Acceptable level of service for a two-lane collector is “D” (425 VPH).

3. **Average Daily Traffic Count (VDT)**

   Average daily traffic counts are based on ACHD’s most current traffic counts.

   - The average daily traffic count for 10th Street north of Front Street was 3,508 on 2/2/2013.

**C. Findings for Consideration**

1. **10th Street**

   a. **Existing Conditions:** 10th Street is improved with 2-travel lanes, vertical curb, gutter, 15-foot wide sidewalks, and on-street parking abutting the site. There is 80-feet of right-of-way for 10th Street (40-feet from centerline).

   b. **Policy:**

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

      **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, collector street requirements, and specific roadway features required through development. This segment of 10th Street is designated in the MSM as a Towncenter Collector with 3-lanes and on-street bike lanes, a 60-foot street section within 88-feet of right-of-way.

c. **Applicant Proposal:** The applicant is not proposing any improvements to 10th Street abutting the site.

d. **Staff Comments/Recommendations:** 10th Street in its current configuration with 50-feet of pavement curb-to-curb contains all the elements of a Towncenter Collector; as such staff does not recommend any improvements or right-of-way dedication as part of this application.

If the City of Boise desires additional amenities within the pedestrian zone the city should coordinate those requests with the applicant.

The applicant should be responsible to replace any cracked or broken sidewalk, curb or gutter along 10th Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.6.

2. **Grove Street**

a. **Existing Conditions:** Grove Street is improved with 2-travel lanes, bike lanes, on-street parking, vertical curb, gutter, and 10-foot wide sidewalks abutting the site. There is 80-feet of right-of-way for Grove Street (40-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 Grove Street abutting the site.

d. **Staff Comments/Recommendations:** Grove Street is already improved with 2-travel lanes, bike lanes, on-street parking, vertical curb, gutter, and 10-foot wide sidewalks abutting the site. Therefore staff does not recommend any additional right-of-way dedication or street improvements as part of this application.

The applicant should be responsible to replace any cracked or broken sidewalk, curb or gutter along Grove Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.6.
3. Alleys
   a. Existing Conditions: There is a 16-foot wide paved alley 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.

   c. Applicant Proposal: The applicant is not proposing any improvements to the alley abutting the site.

   d. Staff Comments/Recommendations: As noted in section A 7 above, the alley abutting the site contains Alley Bridge #545 over the Boise City Canal. This bridge is scheduled to be replaced in 2015. The replacement of the bridge will require some portions of the alley to be reconstructed. This bridge is scheduled to be replaced due to its age and deteriorating structural integrity.

      The applicant and staff have met to discuss the possibility of entering into a cooperative development agreement which would allow ACHD and the applicant to partner on the reconstruction of the bridge and alley, as part of this application. However, the applicant and ACHD have different timelines for construction and an agreement could not be made.

      Due to staff’s concerns regarding the deteriorating structural integrity of the bridge under the alley, staff recommends that no staging be allowed in the alley. This includes the staging of construction materials, and equipment. No scaffolding should be allowed on to the canal portion of the alley. Additionally, no overweight vehicles, such as cranes should be allowed to drive on or park on the alley. ACHD may consider allowing some above ground shoring to allow some limited use of the canal portion of the alley. The design of the shoring and material type will need to be reviewed and approved by ACHD. The applicant should also be required to provide any easements necessary to allow ACHD to complete the bridge replacement as part of alley bridge #545 project.

4. Driveways
4.1 Grove Street
   a. Existing Conditions: There are three existing driveways from the site onto Grove Street.

   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.
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**
   
   10th Street is classified as a collector roadway. No access has been proposed to 10th Street and none is approved.

D. **Site Specific Conditions of Approval**

1. Replace any cracked or broken sidewalk, curb or gutter on 10th and Grove Streets abutting the site, consistent with ACHD’s Minor Improvements Policy 7203.6.

2. Replace the existing 20-foot wide driveway on Grove Street located approximately 104-feet west of 10th Street with vertical curb, gutter, and sidewalk to match the existing improvements on either side.

3. Reconstruct the two existing 22-foot wide driveways onto Grove Street located 75 and 125-feet west of 10th Street to provide curb return approaches and to meet all current ADA standards consistent with ACHD’s Minor Improvement Policy.

4. No staging to facilitate construction shall be allowed in the alley abutting the site. This includes the staging of construction materials and equipment.

5. No scaffolding shall be allowed onto the canal potion of the alley.

6. No overweight vehicles, such as cranes shall be allowed to drive on or park on the alley abutting the site.

7. ACHD may consider allowing some above ground shoring to allow some limited use of the canal portion of the alley. The design of the shoring and material type will need to be reviewed and approved by ACHD.

8. The applicant shall provide any easements necessary to allow ACHD to complete the bridge replacement as part of alley bridge #545 project.

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


E. **Standard Conditions of Approval**

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

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.
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 utilize 2 of the existing driveways on to Grove Street to access the site. Both of the driveways are 22-feet in width and are located approximately 75-feet and 125-feet west of 10th Street (centerline to centerline).

d. Staff Comments/Recommendations: The applicant's proposal meets District policy and should be approved, as proposed. The driveways should be reconstructed to provide curb return approaches and updated to meet all current ADA standards consistent with ACHD's Minor Improvement Policy.

Additionally, the third driveway located approximately 104-feet west of 10th Street should be closed with vertical curb, gutter, and sidewalk to match the improvements on either side.

5. Future Requirements
The applicant's letter of explanation discusses a future design review application which will include a proposal for a sky bridge between this site and the John Alden building over the existing alley. ACHD will have site specific requirements for the sky bridge as part of a future development application. ACHD has previously approved a sky bridge in Boise with the following conditions.

- Enter into an agreement with the District outlining the requirements set forth as a condition of approval of the sky bridge. The property owners on both ends of the sky bridge must be party to the agreement, and the agreement must be recorded and be binding upon both parties and their successors and assigns. The agreement must be executed and recorded prior to plans approval and issuance of a building permit. The agreement must at a minimum contain provisions addressing the following items:
  - Indemnification of the District of any liability regarding the structure.
  - Inspection of the structure by a certified bridge inspector under the supervision of a licensed structural engineer at least every 2 years. Provide the District with a copy of all documentation related to the inspection within 30 days of the inspection.
  - All maintenance required by the above inspections must be completed by a contractor approved by the District within 90 days, or as directed by the inspection report, whichever is sooner. Provide the District with a copy of all documentation related to the maintenance within 30 days of the completion of said maintenance.
  - In the event that either or both of the property owners fail to satisfy the ongoing inspection and maintenance requirements set forth in the agreement, the District is authorized to complete inspections and maintenance as deemed appropriate by the District or its agents, and either seek payment from one or both property owners or place a lien on one or both properties for the costs of the inspections and/or maintenance performed.

- Submit construction plans to be approved by ACHD prior to issuance of a building permit and a permit to work in the right-of-way.

6. 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
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, ISPWG 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.