August 8, 2016

TO: ACHD Commissioners
FROM: Christy Little, Planning Review Supervisor
SUBJECT: Ormond Street Cottages – Request for Waiver
Staff Report for August 17, 2016 Commission Meeting

Executive Summary
This is a preliminary plat and planned unit development application for 12 single family dwellings on 1.54-acres. The site has approximately 100-feet of frontage on Ormond Street, a local street that runs north-south between Targee Street and Suncrest Drive.

The applicant has requested a waiver for improvements adjacent to the site. The applicant’s letter states that they intend to work with the City, neighborhood association and ACHD to develop an alternative street section for Ormond Street that can be constructed in the future. The waiver request does not indicate a hardship, and no alternative street section has been proposed, nor any future financial participation in the future construction. District policy requires the applicant to dedicate 5-feet of right-of-way abutting the site; improve Ormond Street as one-half of a 33-foot street section, with curb, gutter and 5-foot wide concrete sidewalk; plus 12-feet of additional pavement widening beyond the centerline established for the street, and a 3-foot wide gravel shoulder and borrow ditch on the east side.

Staff does not support a waiver of improvements for this subdivision. If improvements are not required or a financial surety is not put in place with this development, then ACHD will be responsible for the costs of these development requirements as Ormond Street is improved in the future. It is anticipated that other parcels in this area will redevelop, and if improvements are waived for this application, there will not be a basis to require improvements with other applications, and Ormond Street will remain as a narrow street with no pedestrian or bike facilities. Staff recommends that the applicant continue working towards an alternative street design as they are going through the platting process. If, by the time the applicant is ready to final plat, an alternative design has not yet been established, the applicant has the option to provide a financial surety in lieu of constructing the improvements. This will allow the applicant time to establish the alternative that they indicate they are seeking.

Attachments:
Letter from Applicant
Staff Report
The applicant is requesting preliminary plat and planned unit development approval for 12 single family dwellings on 1.54 acres.

Lead Agency: City of Boise

Site address: 2407 S. Ormond Street

Commission Hearing: August 17, 2016 @ Noon

Applicant: NHS Community Services
3388 W. Americana Terrace
Boise, ID 83706

Representative: Joe Canning
B&A Engineers
5505 W. Franklin Road
Boise, ID 83705

Staff Contact: Christy Little
Phone: 387-6144
E-mail: clittle@achdidaho.org

A. Findings of Fact

1. **Description of Application:** The property is a flag lot and zoned R-1C. The applicant is proposing 12 single family detached homes on individual lots.

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>Residential</td>
<td>R-1C</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>R-1C</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>R-1C</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>R-1C</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 and there is a bus stop located within one-half mile of the site.

5. **New Center Lane Miles:** The proposed development does not include any miles of new public road.
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.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 110 additional vehicle trips per day (10 existing); 11 additional vehicle trips per hour in the PM peak hour (1 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>
</tr>
</thead>
<tbody>
<tr>
<td>Ormond Street</td>
<td>102-feet</td>
<td>Local</td>
<td>N/A</td>
</tr>
</tbody>
</table>

3. **Average Daily Traffic Count (VDT)**
   *There are no traffic counts available.*

**C. Findings for Consideration**

1. **Ormond Street**
   a. **Existing Conditions:** Ormond Street is improved with 18-feet of pavement and no curb, gutter or sidewalk abutting the site. The right-of-way widths vary along the street.
   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.

**Half Street Policy:** District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

**Off-Site Streets:** District Policy 7207.2.3 requires that local streets with less than 400 VTD (existing + proposed) should have a public street width of at least 24-feet of pavement. If there is not 24-feet of pavement then the developer shall pave the street or widen the existing pavement to provide 24-feet of pavement with 3-foot gravel shoulders, from the site, to a public street specified by the District.

c. **Applicant Proposal:** The applicant is requesting a waiver of all improvements on Ormond Street.

d. **Staff Comments/Recommendations:** District Policy requires that Ormond Street be widened from the site to the nearest street because there is less than 24-feet of pavement, and no sidewalk. Staff recommends a waiver of the off-site Policy because there is not adequate right-of-way to widen Ormond Street north of the site to Targee Street, or south of the site to Suncrest Drive. Additionally, the off-site improvements would be cost prohibitive for a small development. This is the first development application that has been submitted on this segment of Ormond Street. As other parcels on this street re-develop, ACHD will require frontage improvements with each application.

The applicant has requested a waiver for improvements adjacent to the site. The applicant’s letter states that they intend to work with the City, neighborhood association and ACHD to develop an alternative street section for Ormond Street that can be constructed in the future. The waiver request does not indicate a hardship nor offer financial participation by the applicant with the future construction.

District policy requires the applicant to dedicate 5-feet of right-of-way abutting the site; and to improve Ormond Street as one-half of a 33-foot street section, with curb, gutter and 5-foot wide concrete sidewalk; plus 12-feet of additional pavement widening beyond the centerline established for the street, and a 3-foot wide gravel shoulder and borrow ditch on the east side. Due to the narrow width of Ormond Street, the applicant should sign their frontage for “NO PARKING.”

Staff does not support a waiver of improvements for this subdivision. If improvements are not required or a financial surety put in place, then ACHD will be responsible for the cost of these development requirements as Ormond Street is improved in the future. It is anticipated that other parcels in this area will redevelop, and if improvements are waived for this application, there will not be a basis to require improvements with other applications, and Ormond Street will remain as a narrow street with no pedestrian facilities.
Staff recommends that the applicant continue working towards an alternative street design as they are going through the platting process. If, by the time the applicant is ready to final plat, an alternative design has not yet been established, the applicant has the option to provide a financial surety in lieu of constructing the improvements. This will allow the applicant time (1 year) to establish the alternative that they indicate they are seeking. If an alternative section is not developed and approved by ACHD and the City of Boise, then the applicant would be responsible to construct the standard required street section along their frontage.

2. Private Roads
   a. **Private Road Policy:** District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:
   - Designed to discourage through traffic between two public streets,
   - Graded to drain away from the public street intersection, and
   - If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

   b. **Applicant Proposal:** The applicant is proposing to construct a private drive aisle/private road off of Ormond Street to provide access to the site at the south property line.

   c. **Staff Comments/Recommendations:** If the City of Boise approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Boise the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

   Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

   ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

   The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:
   - Dedicate a minimum of 50-feet of right-of-way for the road.
   - Construct the roadway to the minimum ACHD requirements.
   - Construct a stub street to the surrounding parcels.

3. 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.

4. 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
D. Site Specific Conditions of Approval

1. Dedicate 5-feet of right-of-way on Ormond Street.

2. Improve Ormond Street as one-half of a 33-foot street section, with curb, gutter and 5-foot wide concrete sidewalk; plus 12-feet of additional pavement widening beyond the centerline established for the street, and a 3-foot wide gravel shoulder and borrow ditch on the east side.

3. Install “NO PARKING” signs on Ormond Street abutting the site.

4. Pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge.

5. Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

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. 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. Reconsideration Guidelines
Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

1) Notification: Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) Plan Review: The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) Revisions: The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) Final Notification: The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.
Development Process Checklist

Items Completed to Date:

☒ Submit a development application to a City or to Ada County
☒ The City or the County will transmit the development application to ACHD
☒ The ACHD Planning Review Section will receive the development application to review
☒ The Planning Review Section will do one of the following:
  □ Send a “No Review” letter to the applicant stating that there are no site specific conditions of approval at this time.
  □ Write a Staff Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  ☒ Write a Commission Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

☐ For ALL development applications, including those receiving a “No Review” letter:
  • The applicant should submit one set of engineered plans directly to ACHD for review by the Development Review Section for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  • The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:
Construction (Non-Subdivisions)
☐ Driveway or Property Approach(s)
  • Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

☐ Working in the ACHD Right-of-Way
  • Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
    a) Traffic Control Plan
    b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)
☐ Sediment & Erosion Submittal
  • At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

☐ Idaho Power Company
  • Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

☐ Final Approval from Development Services is required prior to scheduling a Pre-Con.
Request for Reconsideration of Commission Action

1. Request for Reconsideration of Commission Action: A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

   a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

      If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.

   b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission’s next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.

   c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.

   d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.

   e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.

   f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.
July 13, 2016

Ms. Christy Little
And Commissioners
Ada County Highway District
3775 Adams St. Garden City, Idaho 83714

Re: BPP16-0022 Ormond
Ormond Street Cottages Subdivision
Ormond Street Frontage Waiver Request

Dear Ms. Little and Commissioners:

We respectfully request a waiver for not improving the Ormond Street frontage on the Ormond Street Cottages Subdivision at this time. We are not proposing to improve the Ormond Street frontage for several reasons: In all of the recent surveys and planning with the City of Boise on their pilot ‘Energize Our Neighborhoods’ project, the Vista Neighborhood has not indicated the need, or desire for (nor do the immediate neighbors want) sidewalks, curb and gutter on this beautiful narrow (18’ of pavement) rural street of large mature trees and open irrigation ditches. The Vista Neighborhood Association has instead indicated they would like to work with ACHD, Boise City and neighbors on Ormond Street to create a ‘shared street’ in keeping with the City’s new Transportation Action Plan’s opportunities for short, slow, neighborhood streets.

In is not the intention of NeighborWorks® Boise to avoid pedestrian improvements or impede vehicular traffic; we are very much supportive of walkable, livable communities and have chosen many infill sites for development for this very purpose. We hope to come up with a safe, walkable, livable solution that all of the stakeholders will approve, love and live with every day.

We think this development will be a positive contribution to the neighborhood.
Thank you for your consideration. Please let us know if you have any questions.

Sincerely,

[Bud Compher Jr, signature]
CEO & Director of Real Estate – Development
NeighborWorks® Boise
O: 208-285-6216
F: 208-343-4963
bcompher@nwboise.org