May 17, 2017

TO: ACHD Commission

FROM: Stacey Yarrington, Planner III

SUBJECT: Garverdale Duplex/ BOI15-0308 /CAA17-00033 Appeal of Staff Level Decision

Staff Report for May 24, 2017 Commission Meeting

Executive Summary
On March 31, 2017 ACHD staff approved the Garverdale Duplex application located on the northwest corner of Maple Grove Road and Garverdale Drive, more specifically at 1715 N Maple Grove Road, on 0.31-acres. The site has approximately 98-feet of frontage on Maple Grove Road and 135-feet on Garverdale Drive. Garverdale Drive is a local street that runs east-west, terminating approximately 654-feet west of Maple Grove Road, one block north of Fairview Avenue.

Facts & Findings
On March 31, 2017 staff approved the Garverdale Duplex with conditions. On April 12, 2017 the applicant submitted a request to appeal staff’s decision for improvements to Garverdale Drive, a local street, and for improvements to Maple Grove Road.

District policy requires the construction of Garverdale Drive as ½ of a 33-foot street section with curb, gutter, and sidewalk. Policy also requires that the driveway on Maple Grove Road be closed with curb, gutter, and sidewalk to match existing improvements. The applicant’s letter states a willingness “to pave the area between the existing pavement and along our south property line (Garverdale Drive) to ensure a hard surface with no loose gravel”, in lieu of standard improvements of pavement widening, curb, gutter, and sidewalk. The waiver request does not indicate a hardship or any future financial participation in the future construction of further improvements. The existing driveway onto Maple Grove Road was retained and reconstructed by ACHD with the reconstruction of the Maple Grove/Fairview Avenue intersection project because there was a single family dwelling that took access to Maple Grove Road at that location. The home has since been demolished, and a new duplex is proposed with access to Garverdale Drive. The applicant has stated their intent to place a fence on the property to block access to Maple Grove Road, in lieu of closing the driveway. However, in order to control access to and from higher classified streets and to increase safety and congestion, applicant’s are typically required to close driveways when there is access to a lesser street.

Fiscal Implications
If improvements are not required with this development, then ACHD will be responsible for the costs of these improvements in the future. It is likely 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 to Garverdale Drive with other applications. Garverdale Drive will remain as a narrow street with no pedestrian or bike facilities and to tie into improvements on Maple Grove Road.

Policy Implications
The applicant has requested a waiver of Policy 7207.2.1 that requires the developer to improve their local street frontage. The applicant has also requested a waiver of Policy 7203.3 that requires the replacement of unused driveways with curb, gutter, and sidewalk.

Policy Section 7104.1 lists the findings required to grant a waiver of policy.

7104.1 Findings Required to Support Modification or Waiver
If the Commission first makes findings of fact, and conclusions based thereon, that:

a. A parcel of real property proposed for development is so unusual in size, shape, location and/or physical condition that strict enforcement of one or more development policies contained in Sections 7100 and 7200 of this Policy Manual would result in extraordinary economic and design hardships and practical difficulties, as distinguished from a mere inconvenience; and practical difficulties, as distinguished from a mere inconvenience; and

b. Modification or waiver of such development policies will not be injurious to other adjacent property or detrimental to public safety, health, or welfare; and

c. Conditions upon the request for modification or waiver are unique to the property for which the modification or waiver is sought and are not applicable generally to other property; and

d. The modification or waiver will not contravene the overall intent and effect of sections 7100 and 7200 of this Policy Manual.

The Commission may modify or waive such policy(ies) to permit the proposed development of the parcel to proceed.

Alternatives
1. Grant the waiver requests providing the required findings.
2. Deny the waiver requests and require improvements consistent with the March 31, 2017 approval.

Recommendation
Staff does not support the request for waivers. Staff recommends approval of the staff letter as written.

Attachments:
1. Waiver Request
2. Vicinity Map
3. Staff Letter (03/31/2017)
Ada County Highway District
3775 Adams Street
Garden City, Idaho 83714
April 12, 2017

Subject: Garverdale Duplex/ BOI15-0308/ CAA17-00033
1715 N Maple Grove Road  AKA: 9004 & 9010 W Garverdale Drive
Appeal regarding requirements

Appellant: Woolf Building Inc.
Larry Woolf
3298 N Five Mile Road
Boise, Idaho 83713

Stacey Yarrington
Planner III
Development Services

This letter is in response to your Site Specific Conditions of Approval regarding our application to build a duplex on the corner of North Maple Grove and West Garverdale Drive.

We are appealing the staff decision as we feel all facts were not considered and ACHD staff acted arbitrarily and capriciously.

This proposed duplex at N Maple Grove and W Garverdale Drive is the highest and best use for this lot. This would be a high quality duplex improving the entrance of a dead end neighborhood. It is my understanding if we were to apply for a single family home on this lot the same requirements would not apply. Is that correct? I would like to build a high quality single level duplex if we can come to an agreeable solution.

Facts: This lot is not a new development. It is strictly a rebuild on a lot that previously had a home that was removed. Water, sewer and some permit fees exist from the home that was there before.

Facts: W Garverdale currently has 22 feet of asphalt as a dead end drive with no curb, gutter or sidewalk. At the end of Garverdale is a major car dealership (Bronco Motors) and beyond that is West Valley Business Center. This is not a road that will ever likely connect to anywhere else.
Facts: This section of West Garverdale Drive consists of only ten homes. Six of the ten homes are all brick larger homes on large lots. Some even have basements and are not likely to ever be changed.

As indicated on our site plan there is a power pole approximately 18 feet from centerline on the South side of our property line on Garverdale Drive making a side walk and street widening very impractical at this time.

I would agree to or appeal as noted the following items regarding the Site Specific Conditions of Approval.

1. I will dedicate 25 feet of right of way from centerline of Garverdale Drive abutting the site. Policy 7203.3 & 7207.5

2. I appeal the requirement to construct a one-half of a 33-foot street section with curb, gutter and 5 foot wide concrete sidewalk abutting the site as this is not consistent with the rest of the street. This is not a new development. This is a rebuild on a site which previously had a home.
   I would be willing to pave the area between the existing pavement and along our south property line to ensure a hard surface with no loose gravel.

3. I will construct two 20 foot wide driveways onto Garverdale Drive, located 123 and 202 feet west from Maple Grove Road from the site. Policy 7207.4.1

4. I will pave the driveways their entire width and at least 30-feet into the site beyond the edge of pavement of the roadway. Policy 7207.4.3

5. I appeal the requirement to close the existing driveway onto Maple Grove Road from the side with vertical curb, gutter and 7-foot wide attached concrete sidewalk as this sidewalk is no longer adjacent to our property. There is approximately 15 feet between our East property line and the sidewalk. This duplex will have a fence on the property blocking any access from that existing curb cut. Policy 7203.3

6. I will pay the normal Traffic Impact Fee that will be assessed by ACHD prior to issuance of a building permit allowing for the fact that this is a rebuild on a lot that had a building prior.

7. Plan shall be submitted to the ACHD Development Services Department for plans acceptance and impact fee assessment (if an assessment is applicable).

8. I will comply with the Standard Conditions of Approval as noted here.
   Comply with Items 1, 2, 3, 4, 5, 7, 8, 11 and 12.
   Regarding the other items as follows:
Item No. 6 - I am appealing the construction of the street. If I do not construct the street, I would not need to move a power pole at the front of the lot. Items No. 9 & 10 - I am appealing the construction of the street. If I do not build the street these will not apply.

I hope this request makes sense after reviewing all the facts and conditions.

I would be glad to meet at the site if someone would be available.

Thank you,

Larry Woolf
Woolf Building Inc.
Dba: American Building Contractors
(208) 371-5228 Cell
(208) 378-2222 Office
SITE PLAN

ALL PLANTING AREAS TO HAVE AUTOMATIC SPRINKLERS
March 31, 2017

To: Woolf Building Inc.
Larry Woolf
3298 N Five Mile Road
Boise, ID 83713

Subject: Garverdale Duplex/ BOI15-0308/ CAA17-00033
1715 N Maple Grove Road
Duplex application

In response to your request for comment, the Ada County Highway District has reviewed the submitted application and site plan for the item referenced above. It has been determined that ACHD has site specific conditions of approval for this application.

A. Findings of Fact
1. Right-of-Way and Improvements – Garverdale Drive
   a. 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.

b. **Applicant’s Proposal:** The applicant is not proposing any improvement along Garverdale Drive abutting the site.

c. **Staff Comments/Recommendations:** The applicant should be required to dedicate 25-feet of right-of-way from centerline of Garverdale Drive abutting the site and construct Garverdale Drive as one-half of a 33-foot street section with curb, gutter, and 5-foot wide concrete sidewalk abutting the site.

2. **Right-of-Way and Improvements – Maple Grove Road**
   a. **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.

b. **Applicant’s Proposal:** The applicant is not proposing any improvements along Maple Grove Road abutting the site.

c. **Staff Comments/Recommendations:** There is 52-feet of right-of-way from centerline of Maple Grove Road abutting the site. Therefore staff does not recommend additional right-of-way be required as part of this application.

   There is an existing driveway onto Maple Grove Road, located approximately 91-feet north of Garverdale Drive (measured centerline to centerline) from the site. The applicant should be required to close the existing driveway onto Maple Grove Road from the site, with vertical curb, gutter, and 7-foot wide attached sidewalk.

3. **Driveways**
   a. **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.
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: Gravelled 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.

b. Applicant’s Proposal: The applicant is proposing to construct two 20-foot wide driveways onto Garverdale Drive, located 123 and 202-feet west from Maple Grove Road from the site.

c. Staff Comments/Recommendations: The applicant’s proposal meets District policy and should be approved, as proposed. The applicant should be required to pave the driveways their entire width and at least 30-feet into the site beyond the edge of pavement of the roadway.

B. Site Specific Conditions of Approval
1. Dedicate 25-feet of right-of-way from centerline of Garverdale Drive abutting the site.
2. Construct Garverdale Drive as one-half of a 33-foot street section with curb, gutter, and 5-foot wide concrete sidewalk abutting the site.
3. Construct two 20-foot wide driveways onto Garverdale Drive, located 123 and 202-feet west from Maple Grove Road from the site.
4. Pave the driveways their entire width and at least 30-feet into the site beyond the edge of pavement of the roadway.
5. Close the existing driveway onto Maple Grove Road from the site, with vertical curb, gutter, and 7-foot wide attached concrete sidewalk.
6. A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.
7. Plans shall be submitted to the ACHD Development Services Department for plans acceptance, and impact fee assessment (if an assessment is applicable).
8. Comply with the Standard Conditions of Approval as noted below.

C. Traffic Information
Trip Generation
This development is estimated to generate 12 vehicle trips per day; and 1 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

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>
</tr>
</thead>
<tbody>
<tr>
<td>Maple Grove Road</td>
<td>98-feet</td>
<td>Minor Arterial</td>
<td>718</td>
<td>Better than “E”</td>
</tr>
<tr>
<td>Garverdale Drive</td>
<td>135-feet</td>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Ada County Highway District • 3775 Adams Street • Garden City, ID • 83714 • PH 208-387-6100 • FX 345-7650 • www.achdidaho.org
* Acceptable level of service for a three-lane minor arterial is “E” (720 VPH)

**Average Daily Traffic Count (VDT):** *Average daily traffic counts are based on ACHD’s most current traffic counts*

- The average daily traffic count for Maple Grove Road north of Fairview Avenue was 16,494 on 7/8/2015.

**D. Attachments**

1. Vicinity Map
2. Site Plan
3. Standard Conditions of Approval
4. Request for Appeal of Staff Decision

If you have any questions, please feel free to contact me at (208) 387-6171.

Sincerely,

[Signature]

Stacey Yarrington
Planner III
Development Services

cc: File
City of Boise
SITE PLAN

ALL PLANTING AREAS TO HAVE AUTOMATIC SPRINKLERS
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, 7203.6, 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.
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 Development Services Manager when it is alleged that the Development Services 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 and Clerk of the District, 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 Development Services 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 Development Services 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.