February 2, 2009

TO: ACHD Board of Commissioners

FROM: Matt Edmond
Planner III

SUBJECT: CAA09-00004

The applicant is requesting administrative approval for a duplex. The site is located on Jackie Lane between Ruth Street and Edna Street in Boise, Idaho. This item is on the Consent Agenda due to a staff recommended modification of policy to waive requirements for street improvements.
This application is for a duplex in Boise City’s R-1C residential district.

Lead Agency: City of Boise

Site Address: 3851 N. Jackie Lane

Commission Hearing: February 11, 2009

Owner/Applicant: Specialty Contracting
2548 Stokesberry Place
Meridian, Idaho 83642

Staff Contact: Matt Edmond
Phone: 387-6187
E-mail: medmond@achd.ada.id.us

Tech Review: February 2, 2009 (via phone)

Application Information:
Acreage: 0.57
Zoning: R-1C

A. Findings of Fact

Existing Conditions

1. Site Information: The site is currently a vacant lot surrounded by single family dwellings.

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>Single family residential</td>
<td>R-1C</td>
</tr>
<tr>
<td>South</td>
<td>Single family residential</td>
<td>R-1C</td>
</tr>
<tr>
<td>East</td>
<td>Single family residential</td>
<td>R-1C</td>
</tr>
<tr>
<td>West</td>
<td>Single family residential</td>
<td>R-1C</td>
</tr>
</tbody>
</table>

3. Existing Roadway Improvements and Right-of-Way Adjacent To and Near the Site
   - Jackie Lane is improved with two travel lanes (22-feet of pavement), and no curb, gutter, or sidewalk, within 40-feet of right-of-way (20-feet from centerline) abutting the site.
   - Edna Street is improved with two travel lanes (34-feet of pavement), and rolled curb, gutter, and 5-foot sidewalk on the north side, within 60-feet of right-of-way north of the site.
   - Ruth Street is improved with two travel lanes (28-feet of pavement), and no curb, gutter, or sidewalk, within 40-feet of right of way south of the site.

4. Existing Access: The site has no defined access onto Jackie Lane.
5. **Site History:** The District has not previously reviewed any development applications involving this site.

6. **Adjacent Development:**
   - The ACHD Commission approved CAA01-00129 for a duplex at 3617 and 3619 Jackie Lane on 6 June 2001, with a modification of policy to waive requirements for curb, gutter, and sidewalk. The staff report cited limited potential for redevelopment in the area and possible drainage issues caused by installing only 90-feet of improvements.
   - The ACHD Commission approved CUP02-00006 for a duplex at 3835 Jackie Lane on 8 February 2002, with a modification of policy to waive requirements for curb, gutter, and sidewalk. The staff report cited limited potential for redevelopment in the area and possible drainage issues caused by installing of improvements along a limited section of Jackie Lane.

**Development Impacts**

7. **Trip Generation:** This development is estimated to generate 12 additional vehicle trips per day, according to the Institute of Transportation Engineers Trip Generation Manual.

8. **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.

9. **Current Condition of Impacted Roadways:**

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>Traffic Count</th>
<th>Level of Service*</th>
<th>Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackie Lane</td>
<td>90'</td>
<td>Local</td>
<td>271 north of Ruth 4/13/2004</td>
<td>N/A</td>
<td>20 MPH</td>
</tr>
<tr>
<td>Edna Street</td>
<td>None</td>
<td>Collector</td>
<td>2,381 west of Maple Grove 4/3/2008</td>
<td>Better than “C”</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Ruth Street</td>
<td>None</td>
<td>Local</td>
<td>784 west of Maple Grove 4/13/2004</td>
<td>N/A</td>
<td>20 MPH</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a two-lane collector roadway is “D” (9,500 ADT).

10. **Capital Improvements Plan/Five Year Work Plan:**
   - Maple Grove Road between Fairview Road and Ustick Road is listed in the Capital Improvements Plan to be widened to five lanes between 2019 and 2028.
   - There are no roadways, bridges or intersections in the general vicinity of the project listed in the current Five Year Work Plan.

**B. Findings for Consideration**

1. **Jackie Lane**
   - **Local Street Section Policy:** District policy 7204.4.2 states, “developments with any buildable lot that is less that 1-acre in size will typically provide streets having a minimum pavement width of 32-feet with curb, gutter and sidewalks. The total street width shall be 36-feet from back-of-curb to back-of-curb. Variations of this width may be allowed, depending on traffic volumes forecast to be generated by the development. Concrete sidewalks shall be a minimum of 5-feet in width unless they are separated from the curb 5-feet or more in which case the sidewalk shall be a minimum of 4-feet in width.

   **Applicant Proposal:** The applicant is not proposing any right-of-way dedication or roadway improvements to Jackie Lane abutting the site.
Staff Comment/Recommendation: Due to the lack of existing improvements, potential drainage issues, limited potential for redevelopment, and previous actions in the vicinity, District staff recommends a modification of policy to waive requirements for curb, gutter, and sidewalk abutting the site. With the exception of improvements at the corner of Jackie Lane and Ruth Street, there is no curb, gutter or sidewalk along the ¼-mile section of Jackie Lane between Edna Street and Ruth Street. Installation curb and gutter along the limited site frontage (90-feet) could create drainage issues for neighboring lots. Additionally, only one vacant lot remains along this ¼-mile section of Jackie Lane, so significant redevelopment—and the ability to leverage additional street improvements from it—is unlikely in the near future. For this reason, ACHD would be unlikely to successfully utilize a road trust from this development in order to effect future street improvements, either. ACHD has previously waived requirements for curb, gutter, and sidewalk for similar developments along Jackie Lane (see Findings of Fact #6, Adjacent Development).

If the City of Boise elects to require curb, gutter, and sidewalk abutting the site, the applicant will be required to construct these improvements to District standards.

2. Driveways
   Residential Driveway Policy: District Policy 7207.9.3 restricts residential driveways to a maximum width of 20-feet.

   Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, 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 and install pavement tapers with 15-foot radii abutting the existing roadway edge.

   Applicant Proposal: The applicant is proposing to construct a driveway approximately 45-feet wide where it intersects Jackie Lane.

   Staff Comment/Recommendation: The applicant’s proposal does not meet District policy for driveway width. The applicant will be restricted to a driveway width of 20-feet where the driveway intersects Jackie Lane. The applicant may construct a separate driveway approach for each unit, if desired. The applicant will be required to pave all driveways their full widths at least 30-feet into the site from the edge of Jackie Lane.

3. 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.

4. 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.
C. Site Specific Conditions of Approval

1. If roadway improvements are required by the City of Boise, submit the necessary civil plans to ACHD Development Services and construct all improvements to District standards.

2. Construct one or two driveways, no wider than 20-feet. Pave each driveway its full width at least 30-feet into the site.

3. Comply with all Standard Conditions of Approval.

D. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.

2. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.

3. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

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. Comply with the District’s Tree Planter Width Policy.

6. 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.

7. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

8. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.

9. Construction, use and property development shall be in accordance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.

10. Payment of applicable road impact fees is required prior to building construction. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

11. 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.

12. 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 the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.

13. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless
E. 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.

Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal/Request for Reconsideration Guidelines
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

Submit a development application to a City or to the County
The City or the County will transmit the development application to ACHD

☑ The ACHD Planning Review Division will receive the development application to review

☑ The Planning Review Division will do one of the following:

☐ Send a “No Review” letter to the applicant stating that there are no site specific requirements at this time.

☐ Send a “Comply With” letter to the applicant stating that if the development is within a platted subdivision or part of a previous development application and that the site specific requirements from the previous development also apply to this development application.

☑ 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.

☑ The Planning Review Division will hold a Technical Review meeting for all Staff and Commission Level reports.

☐ For ALL development applications, including those receiving a “No Review” or “Comply With” letter:

- The applicant should submit two (2) sets of engineered plans directly to ACHD for review by the Development Review Division 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 calculation.)

- 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 (Zone)
☐ Driveway or Property Approach(s)

- Submit a “Driveway Approach Request” form to Ada County Highway District (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-Con an Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, must be turned into ACHD Construction – Subdivision to be reviewed and approved by the ACHD Drainage Division.

☐ 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

ACHD Construction – Subdivision must have received approval from Development Services 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.