

Project/File: **Live-Work Units/ GC22-0014/ DSRFY2022-0016**
 This is a design review application to allow for the construction of 16 live-work units on 0.7-acres.

Lead Agency: Garden City

Site address: 209, 211, 213 & 215 E. 34th Street

Staff Approval: XXXX, 202X

Applicant: Hannah Ball
 215 E. 34th Street
 Garden City, ID 83714

Owners: Casalura LLC & Hondo Reed LLC
 209 & 211 E. 34th Street
 Garden City, ID 83714
 Alberg West, LLC & Hannah Ball
 213 & 215 E. 34th Street
 Garden City, ID 83714

Staff Contact: Dawn Battles, Senior Planner
 Phone: 387-6218
 E-mail: dbattles@achdidaho.org



A. Findings of Fact

1. **Description of Application:** The applicant is requesting design review approval to allow for the construction of 16 live-work units on 0.7-acres. The site is zoned C-2 (General Commercial) and the applicant’s proposal is consistent with Garden City’s future land use map which designates this area as Live-Work-Create.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	General Commercial	C-2
South	General Commercial	C-2
East	Mixed Use	M
West	General Commercial	C-2

3. **Site History:** ACHD staff previously reviewed a portion of this site as part of the Coffee House subdivision GCPP19-0002/ SUBFY2019-4 in September 2019. The requirements of this staff report have been updated to reflect the current site plan.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

- Soul Subdivision, a 23 residential lot development located northwest of the site and was approved by ACHD in August 2021.
- Casino Beach, a 27-lot mixed use subdivision consisting of 21 residential lots, 2 commercial lots and 4 mixed use lots on 2 acres located northeast of the site and was approved by ACHD in June 2021.
- Brick West, a mixed-use development consisting of 4 multi-family units, 1 live-work unit and a 3,421 square foot restaurant on 0.3 acres located at the northwest corner of 34th Street and Clay Street was approved by ACHD in June 2021.

5. **Transit:** Transit services are available to serve this site via route 8x and 11.

6. **Pathway Crossings:** United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.

AASHTO's Guidelines for the Development of Bicycle Facilities 5.3.5 Other Intersection Treatments: The opening of a shared use path at the roadway should be at least the same width as the shared use path itself. If a curb ramp is provided, the ramp should be the full width of the path, not including any flared sides if utilized. . . . Detectable warnings should be placed across the full width of the ramp.

FHWA's "Designing Sidewalks and Trails for Access" (1999) reflected common ADA-related concepts: Chapter 6, Page 16-6: The width of the ramp should be at least as wide as the average width of the trail to improve safety for users who will be traveling at various speeds. In addition, the overall width of the trail should be increased, so the curb ramp can be slightly offset to the side. The increased width reduces conflict at the intersection by providing more space for users at the bottom of the ramp.

7. **New Center Lane Miles:** The proposed development includes 0 centerline miles of new public road.

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. The impact fee assessment will not be released until the civil plans are approved by ACHD.

9. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

- Orchard Street from Emerald Street to SH 20/26, 36th Street from SH 20/26 to Adams Street and Adams Street from 36th Street to the terminus at the Boise River Greenbelt are scheduled in the IFYWP for the installation of wayfinding and bikeway signage in 2022.
- Clay Street is scheduled in the IFYWP for a community project that will provide enhanced pedestrian facilities on both sides of the roadway, swales, bulb-outs and streetlights from 37th Street to 32nd Street. This project was designed in 2021 and the construction date has not been determined.
- The intersection of Chinden Boulevard (SH 20/26) and Orchard Street/36th Street is listed in the CIP to be widened to 3-lanes on the north leg, 5-lanes on the south, 6-lanes east, and 6-lanes on the west leg, and replace/modify the signal between 2036 and 2040.

10. **Roadways to Bikeways Master Plan:** ACHD's Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and

cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP does not identify facilities on 34th Street. The BMP does identify 36th Street and Orchard Street as existing Level 2 facilities located northwest and west of the site.

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 108 vehicle trips per day; 8 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.
2. **Condition of Area Roadways**
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification
34 th Street	202-feet	Local Commercial

** ACHD does not set level of service thresholds for local street.

3. **Average Daily Traffic Count (VDT)**
Average daily traffic counts are based on ACHD's most current traffic counts.
 - There are no current traffic counts for 34th Street.

C. Findings for Consideration

1. 34th Street

a. **Existing Conditions:** 34th Street is improved with 2-travel lanes, 35-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 49-feet of right-of-way for 34th Street (24-feet from centerline).

b. **Policy:**

Commercial Roadway Policy: District Policy 7208.2.1 states that the developer is responsible for improving all commercial 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 7208.5 states that right-of-way widths for new commercial streets shall typically be 50 and 70-feet wide and that the standard street section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 36-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and on-street parking.
- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 46-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and bike lanes.

Sidewalk Policy: District Policy 7208.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all commercial streets. If a separated sidewalk is proposed, a parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

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 7208.2.2 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.

- c. **Applicant's Proposal:** The applicant is proposing to construct 34th Street as ½ of a 36-foot street section with vertical curb, gutter and 14-foot wide concrete sidewalk abutting the site.

The applicant is proposing to install permeable pavers within the parking area on 34th Street and the construction of bulb-outs at the 34th Street/Carr Street intersection and at the site's northwest property line on 34th Street.

- d. **Staff Comments/Recommendations:** The applicant's proposal to construct 34th Street as ½ of a 36-foot wide commercial street section with vertical curb, gutter and 14-foot wide concrete sidewalk abutting the site exceeds District policy which requires the construction of 5-foot wide concrete sidewalk and should be approved as proposed.

The applicant should be required to dedicate additional right-of-way on 34th Street to 2-feet behind back of sidewalk abutting the site.

The applicant's proposal to install permeable pavers within the on-street parking area of 34th Street abutting the site should not be approved as proposed, as there is a bulb-out proposed with street trees located within the bulb-out at the intersection of 34th Street and Carr Street and would create a maintenance burden for ACHD. If the street trees are located behind the back of sidewalk, then the applicant should be required to install permeable pavers within the on-street parking area of 34th Street abutting the site.

The applicant's proposal to construct a bulb-out at the intersection of 34th Street and Carr Street should be approved, as proposed. The applicant should be required to provide a minimum of 24-feet of pavement between the bulb-outs at the intersection (measured face-of-curb to face-of-curb). Street trees are not allowed within the bulb-out if permeable pavers are installed within the parking area of 34th Street.

The applicant's proposal to construct a bulb-out located at the site's northwestern property line on 34th Street should not be approved as proposed, as it creates two bulb-outs within a short distance of each other.

2. Carr Street

- a. **Existing Conditions:** Carr Street is improved with 2-travel lanes, 36-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Carr Street (17-feet from centerline).

- b. **Policy:**

Commercial Roadway Policy: District Policy 7208.2.1 states that the developer is responsible for improving all commercial 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 7208.5 states that right-of-way widths for new commercial streets shall typically be 50 and 70-feet wide and that the standard street

section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 36-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and on-street parking.
- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 46-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and bike lanes.

Sidewalk Policy: District Policy 7208.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all commercial streets. If a separated sidewalk is proposed, a parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

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 7208.2.2 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.

- c. **Applicant's Proposal:** The applicant is proposing to construct Carr Street as ½ of a 36-foot wide commercial street section with vertical curb, gutter and 14-foot wide attached concrete sidewalk abutting the site.

The applicant is proposing to install permeable pavers within the parking area on Carr Street abutting the site and the construction of bulb-outs at the Carr Street/34th Street intersection and at the site's southeastern property line on Carr Street.

- d. **Staff Comments/Recommendations:** The applicant's proposal to construct Carr Street as ½ of a 36-foot wide commercial street section with vertical curb, gutter and 14-foot wide attached concrete sidewalk abutting the site exceeds District policy which requires the construction of 5-foot wide concrete sidewalk and should be approved as proposed.

The applicant should be required to dedicate additional right-of-way on Carr Street to 2-feet behind back of sidewalk abutting the site.

The applicant's proposal to install permeable pavers within the on-street parking area of Carr Street abutting the site, should not be approved as proposed, as there is a bulb-out proposed with street trees located within the bulb-out at the intersection of Carr Street and 34th Street and would create a maintenance burden for ACHD. If the street trees are located behind the back of sidewalk, then the applicant should be required to install permeable pavers within the on-street parking area of Carr Street abutting the site.

The applicant's proposal to construct a bulb-out at the Carr Street/34th Street intersection should be approved, as proposed. The applicant should be required to provide a minimum of 24-feet of pavement between the bulb-outs at the intersection (measured face-of-curb to face-of-curb). Street trees are not allowed within the bulb-out if permeable pavers are installed within the parking areas of the roadways.

The applicant's proposal to construct a bulb-out located at the site's southeastern property line on Carr Street should not be approved as proposed, as it creates two bulb-outs within a short distance of each other.

3. Driveways

3.1 34th Street

a. **Existing Conditions:** There are two existing driveways from the site onto 34th Street.

b. **Policy:**

Driveway Location Policy: District policy 7208.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector/arterial or arterial street intersection.

Successive Driveways: District Policy 7208.4.1 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 7208.4.3 restricts commercial driveways to a maximum width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7208.4.3, 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.

Driveway Design Requirements: District policy 7208.4.3 states if an access point is to be gated, the gate or keypad (whichever is closer) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

c. **Applicant's Proposal:** The applicant is proposing to close the two existing driveways onto 34th Street with vertical curb, gutter and sidewalk.

The applicant is proposing to construct a 20-foot wide paved shared driveway onto 34th Street located 338-feet northeast of Clay Street.

d. **Staff Comments/Recommendations:** The applicant's proposal to close the two existing driveways onto 34th Street meets District policy and should be approved, as proposed.

The applicant's proposal to construct a 20-foot wide paved shared driveway onto 34th Street located 338-feet northeast of Clay Street meets District policy and should be approved, as proposed.

4. Tree Planters

Tree Planter Policy: 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.

5. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

D. Site Specific Conditions of Approval

1. Construct 34th Street as ½ of a 36-foot wide commercial street section with vertical curb, gutter and 14-foot wide concrete sidewalk abutting the site, as proposed. Dedicate right-of-way to 2-feet behind back of sidewalk abutting the site.
2. Construct a bulb-out at the intersection of 34th Street and Carr Street as proposed. Provide a minimum of 24-feet of pavement between the bulb-outs at the intersection. Street trees are not allowed within the bulb-out if permeable pavers are installed in the parking areas of Carr Street or 34th Street.
3. Construct Carr Street as ½ of a 36-foot wide commercial street section with vertical curb, gutter and 14-foot wide attached concrete sidewalk abutting the site, as proposed. Dedicate right-of-way to 2-feet behind back of sidewalk.
4. Install permeable pavers within the parking areas of 34th Street and Carr Street abutting the site, if all street trees are located behind the back of sidewalk.
5. Close the two existing driveways onto 34th Street with vertical curb, gutter and sidewalk, as proposed.
6. Construct a 20-foot wide paved shared driveway onto 34th Street located 338-feet northeast of Clay Street, as proposed.
7. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
8. Payment of impact fees is due prior to issuance of a building permit.
9. 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.

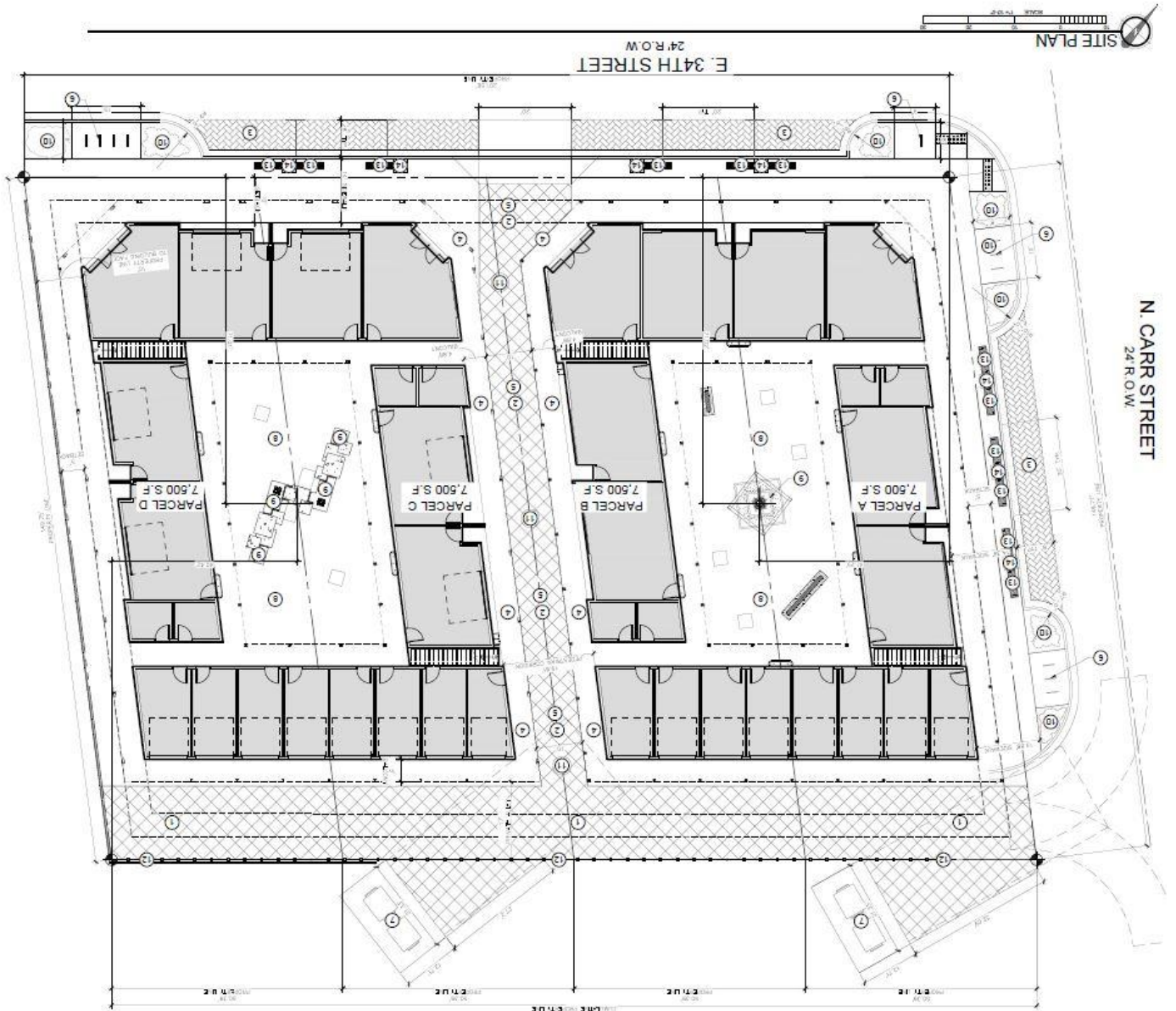
G. Attachments

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

VICINITY MAP



SITE PLAN



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 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.