



Project/File: 45th St. Lofts/ GCPP21-0007/ SUBFY2021-0008
 This is a subdivision and planned unit development application to allow for the development of 13-lots on 0.68 acres.

Lead Agency: Garden City
Site address: 304 E. 45th Street
Staff Approval: October 27, 2021
Applicant: Chrysalis Architecture
 Matt McNulty
 3914 E. Presidential Drive
 Meridian, Idaho 83642
Staff Contact: Renata Ball-Hamilton
 Phone: 387-6171



Email: rhamilton@achdidaho.org

A. Findings of Fact

- Description of Application:** The applicant is requesting approval of a subdivision and planned unit development application to allow for the development of 13-lots, 12-residential townhome lots and 1 common lot, on 0.68 acres.

The applicant's proposal is consistent with The City of Garden City's Future Land Use Map which designates this area as Mixed Use Commercial.

2. Description of Adjacent Surrounding Area:

Direction	Land Use	Zoning
North	Medium density residential	R-3
South	Medium density residential	R-3
East	Medium density residential	R-3
West	Medium density residential	R-3

- Site History:** ACHD has not previously reviewed this site for a development application.
- Transit:** Transit services are available to serve this site, via route 8X.
- 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.

6. **New Center Lane Miles:** The proposed development includes 0.0 centerline miles of new public road.
7. **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.
8. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
 - Bridge Number 1432 over the Thurman Mill Canal on 45th Street is scheduled in the IFYWP design in 2019 and will start construction 2022.
9. **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 identifies Adams Street as an existing Level 2 facility.

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 18 additional vehicle trips per day (47 existing); less than 1 additional vehicle trips per hour in the PM peak hour (5 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.
2. **Condition of Area Roadways**
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Adams Street	0-feet	Collector	256	Better Than "D"
45 th Street	99-feet	Local	N/A	N/A
Iota Street	300-feet	Local	N/A	N/A

* Acceptable level of service for a three-lane collector is "D" (530 VPH).

3. Average Daily Traffic Count (VDT)

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

- The average daily traffic count for Adams Street east of 46th Street was 4,405 on October 9, 2019.
- There are no current average daily traffic counts for 45th Street or Iota Street.

C. Findings for Consideration

1. 45th Street

a. **Existing Conditions:** 45th Street is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for 45th Street (25-feet from centerline).

b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

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 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-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 wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

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.

c. **Applicant's Proposal:** The applicant has proposed to construct 45th Street as ½ of 33-foot local street section with pavement widening total 16.5-feet from the centerline, curb, gutter, and 5-foot wide attached concrete sidewalk within the existing 50-feet of right-of-way.

d. **Staff Comments/Recommendations:** The applicant's proposal to construct 45th Street as ½ of 33-foot local street section with pavement widening total 16.5-feet from the centerline, curb, gutter, and 5-foot wide attached concrete sidewalk within the existing 50-feet of right-of-way meets District policy and should be approved, as proposed.

2. Iota Street

a. **Existing Conditions:** Iota Street is improved with 2-travel lanes, 27-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 25-feet of prescriptive right-of-way for Iota Street (12 to 14-feet from centerline).

b. **Policy:**

Reduced Urban Local Street—27-foot Street Section and Right-of-Way Policy: District Policy 7207.5.2 states that the width of a reduced urban local street shall be 27-feet (back-of-curb to back-of-curb) with curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 41-feet of right-of-way. Unless approved in writing by the land use agency, this street section is not allowed by the City of Kuna and City of Star. In some cases, this street width may not accommodate new utilities. A 29-foot street section within 43-feet of right-of-way may be constructed in lieu of a 27-foot street section if the applicant demonstrates that the additional roadway width is necessary to extend the utilities. Although some parking is allowed by the following subsections, the District will further restrict parking on a reduced width street if curves or other physical features cause problems, if actual emergency response experience indicates that emergency vehicles may not be able to provide service, or if other safety concerns arise. One of the following three sets of design conditions shall apply.

Design Condition #1: Parking is allowed on one side of a reduced width street when all of the following criteria are met:

- The street is in a residential area.
- The developer shall provide written approval from the appropriate fire department or emergency response unit in the jurisdiction.
- The developer shall install NO PARKING signs on one side of the street, as specified by the District and as specified by the appropriate fire department.
- This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 41-feet of right-of-way.
- Traffic volumes on the street shall not exceed 1,000 vehicle trips per day. There shall be no possibility that another street may be connected to it in a manner that would allow more than 1,000 vehicle trips per day.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local streets, 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.

c. **Applicant Proposal:** The applicant is proposing to dedicate additional right-of-way to total 20.5-feet from the centerline of Iota Street. The applicant is proposing to improve the north half of Iota Street at the site's south property line as half a 27-foot local street section with permeable pavement to total 13.5-feet from centerline, curb, gutter, and 5-foot wide attached concrete sidewalk.

d. **Staff Comments/Recommendations:**

The applicant's proposal to dedicate additional right of way to total 20.5-feet from the centerline of Iota Street meets District policy and should be approved, as proposed.

The applicant should construct Iota Street as ½ of 27-foot local street section with permeable pavement to total 13.5-feet from centerline, curb, gutter, and 5-foot wide concrete sidewalk meets District policy with the exception of the permeable pavers. The applicant should be required to construct Iota Street as half of 27-foot local street section with pavement widening to total 13.5-feet from centerline, curb, gutter, and 5-foot concrete sidewalk abutting the site.

The applicant should be required to provide a permanent right-of-way easement for the sidewalk constructed outside of the dedicated right-of-way on Iota Street.

Parking is restricted on one side of the 27-foot street sections. The applicant should be required to install NO Parking signs on one side of the streets. Coordinate a signage program with District Development Review staff.

The applicant should be required to provide written approval from the appropriate fire department for the 27-foot street sections.

The applicant should consult with Garden City for landscaping and streetscaping specifications.

Alternatively, staff recommends that the applicant vacate right-of-way on Iota Street and construct Iota Street as a private road. See finding 5.

3. **Stub Streets**

a. **Existing Conditions:** Iota Street stubs the site's northwest property line and is improved as a 27-foot wide street section with no curb, gutter, or sidewalk within 25-feet of prescriptive right-of-way. This stub street was platted as part of Iota Subdivision in 1970. This stub street is shared with the parcel to the southwest of the site.

b. **Policy:**

Stub Street Policy: District policy 7207.2.4.3 states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7207.2.4, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.
- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

Temporary Dead End Streets Policy: District policy 7207.2.4.4 that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac.

The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

Cul-de-sac Streets Policy: District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 50-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

- c. **Applicant Proposal:** The applicant is proposing to extend and reconstruct Iota Street into the site as half of a 27-foot wide local street section with 270-feet in length of new pavement, curb, gutter, and 5-foot wide attached concrete sidewalk, located at the north side of the roadway at the site's southern property line.
- d. **Staff Comments/Recommendations:** The applicant's proposal to extend and reconstruct Iota Street into the site as half of a 27-foot wide local street section with 270-feet in length of new pavement, curb, gutter, and 5-foot wide attached concrete sidewalk, on the north side of the roadway at the site's southern property line, does not meet the District's Stub Street policy, which require stub streets to provide circulation or to provide access to adjoining properties. The applicant should be required to extend Iota Street completely to the site's northwest property line.

Iota Street is greater than 150-feet in length, therefore, to provide the public, emergency, delivery, or service vehicles with a place to turnaround at the terminus the applicant should be required to construct a hammerhead turnaround. This modification is supported by the District's Cul-de-sac Streets policy which states that the District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. The applicant should be required to provide written approval from the Garden City Fire Department for the use of the hammer head turnaround and coordinate the design of the hammer head turnaround with staff prior to plan submittal.

Iota Street currently dead ends abutting the private property at the site's northwest property line. The applicant should be required to restrict Iota Street with a barricade located at the terminus of the stub street, the site's the northwest property line, as determined by the Garden City Fire Department.

The applicant should install a sign at the terminus of the stub streets stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

Alternatively, staff recommends that the applicant vacate right-of-way on Iota Street and Construct Iota Street as a private road. See finding 5.

4. Driveways

4.1 45th Street

- a. **Existing Conditions:** There is an existing 18-foot wide curb cut type driveway from the site onto 45th Street located at the site's northeast property line.

b. Policy:

Driveway Location Policy: District policy 7207.4.1 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 or arterial street intersection.

Successive Driveways: District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

Driveway Width Policy: District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

- c. Applicant's Proposal:** The applicant is proposing to close the existing 18-foot wide curb cut type driveway located at site's northeast property line with curb, gutter, and 5-foot wide attached concrete sidewalk.
- d. Staff Comments/Recommendations:** The applicant's proposal to close the existing 18-foot wide curb cut type driveway located at the site's northeast property line with curb, gutter, and 5-foot wide attached concrete sidewalk meets District policy and should be approved, as proposed.

4.2 Iota Street

a. Existing Conditions:

There are four 18-foot wide existing driveways from the site onto Iota Street located:

- 136-feet into the site from 45th Street,
- 175-feet into the site from 45th Street,
- 217-feet into the site from 45th Street, and
- 265-feet into the site from 45th Street

b. Policy:

Driveway Location Policy: District policy 7207.4.1 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 or arterial street intersection.

Successive Driveways: District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

Driveway Width Policy: District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

Cross Access Easements/Shared Access Policy: District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

- c. **Applicant's Proposal:** The applicant is proposing to close the 4 existing 18-foot wide curb cut type driveways onto Iota Street to provide access.

The applicant is proposing to construct six new shared 22-foot wide permeable pavement curb cut type driveways from the site onto Iota Street. The six shared driveways are located:

- 59-feet into the site from 45th Street,
- 97-feet into the site from 45th Street,
- 135-feet into the site from 45th Street,
- 213-feet into the site from 45th Street,
- 251-feet into the site from 45th Street, and
- 289-feet into the site from 45th Street

- d. **Staff Comments/Recommendations:** The applicant's proposal to close the four existing 18-foot wide curb cut type driveways from the site onto Iota Street meets District policy and should be approved, as proposed.

The applicant's proposal to construct six shared 22-foot wide permeable pavement curb cut type driveways from the site onto Iota Street located 59-feet, 97-feet, 135-feet, 213-feet, 251-feet, and 289-feet into the site from 45th Street does not meet the District's Driveway Width policy that states 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.

However, staff recommends a modification of policy to allow the six proposed 22-foot wide permeable pavement curb cut type driveways to be the proposed 22-feet due to the fact that each driveway is shared and serves a proposed garage.

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 Iota Street.

5. Private Roads

- a. **Existing Condition:** There are no private roads within the site.
- b. **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.
- c. **Staff Comments/Recommendations:** For this development, Iota Street acts essentially as a driveway, only serving 13-lots, provides no public benefit, and increases the long term maintenance costs for ACHD. For these reasons, and because the proposed street does not meet the District's Stub Street policy, staff recommends that the applicant vacate the right-of-way for Iota Street and construct Iota Street as a private road.

Right-of-way vacation requires a separate application, hearing, and approval process. The right-of-way vacation should be completed prior to approval.

If the City of Garden City approves the private road, the applicant shall be required to pave the private roadway its full width 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 Garden City*, 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.

6. 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.

7. Landscaping

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

D. Site Specific Conditions of Approval

1. Construct 45th Street as ½ of 33-foot local street section with 2-travel lanes, curb, gutter, and 5-foot wide attached concrete sidewalk within the existing 50-feet of right-of-way abutting the site.
2. If only sidewalk is required by the City of Boise, ACHD will require it to be placed in the ultimate location for a detached sidewalk, assuming a future 33-foot street section. The 5-foot wide concrete sidewalk should be located a minimum of 25-feet from the centerline of the street (measured from centerline to front face of sidewalk). If street trees are desired, then an 8-foot wide planter strip should be provided. Provide a permanent right-of-way easement if detached sidewalks are constructed outside of the dedicated right-of-way. Submit engineered drawings to ACHD for review and approval prior to construction.
3. Construct Iota Street as ½ of 27-foot local street section (plus 12 additional feet of pavement to total 25-feet) with vertical curb, gutter, and a 5-foot wide concrete sidewalk on the north side of the roadway. The south side of the roadway should be improved with a 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff.

4. Dedicate additional right-of-way to total 41-feet, extending 2-feet behind the back of the proposed sidewalk or to provide a permanent right-of-way easement if detached sidewalks are constructed outside of the dedicated prescriptive right-of-way on Iota Street and enter into a license agreement with ACHD for the maintenance of the improvements.
5. Consult Garden City for landscaping and streetscaping specifications and submit plans to ACHD for review of any improvements within the right-of-way.
6. Extend and reconstruct Iota Street into the site as ½ of a 2-lane, 27-foot wide Local Roadway with 270-feet in length of new pavement, curb, gutter, and 5-foot wide attached concrete sidewalk, located at the north side of the roadway at the site's southern property line.
7. Restrict Iota Street with a barricade located at the terminus of the stub street, the site's the northwest property line, as determined by the Garden City Fire Department.
8. Provide a public turnaround easement, to provide a T-type turnaround approved by the Garden City Fire Department.
9. Coordinate the design of the T-type turnaround with staff prior to plan submittal.
10. Install a sign at the terminus of each of the stub streets stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
11. Close the existing 18-foot wide curb cut type driveway located 14-feet south of the site's northeast property line with curb, gutter, and 5-foot wide attached concrete sidewalk on 45th Street.
12. Close the 4 existing 20-foot wide curb cut type driveways from the site onto Iota Street located 136-feet, 175-feet, 217-feet, and 265-feet north of 45th Street.
13. Construct 6 shared 22-foot wide concrete curb cut type driveways from the site onto Iota Street located 59-feet,97-feet. 135-feet, 213-feet,251-feet, and 289-feet north of 45th street.
14. Pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of Iota Street.
15. Construct 3 concrete onsite guest parking spots from the site onto Iota Street located 175-feet to the north of 45th Street.
16. 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.
17. Payment of impact fees is due prior to issuance of a building permit.
18. 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.

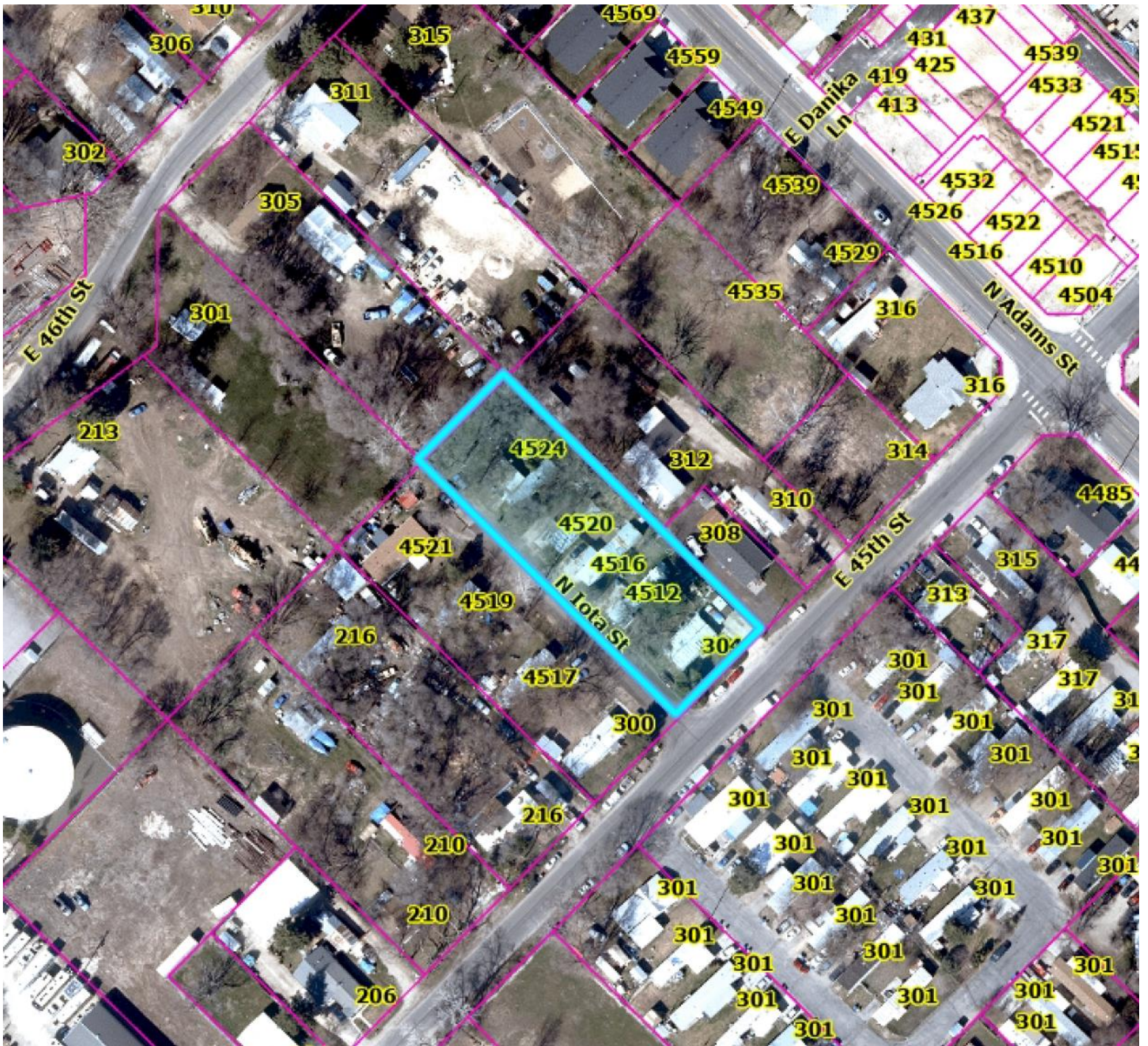
F. Conclusions of Law

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.

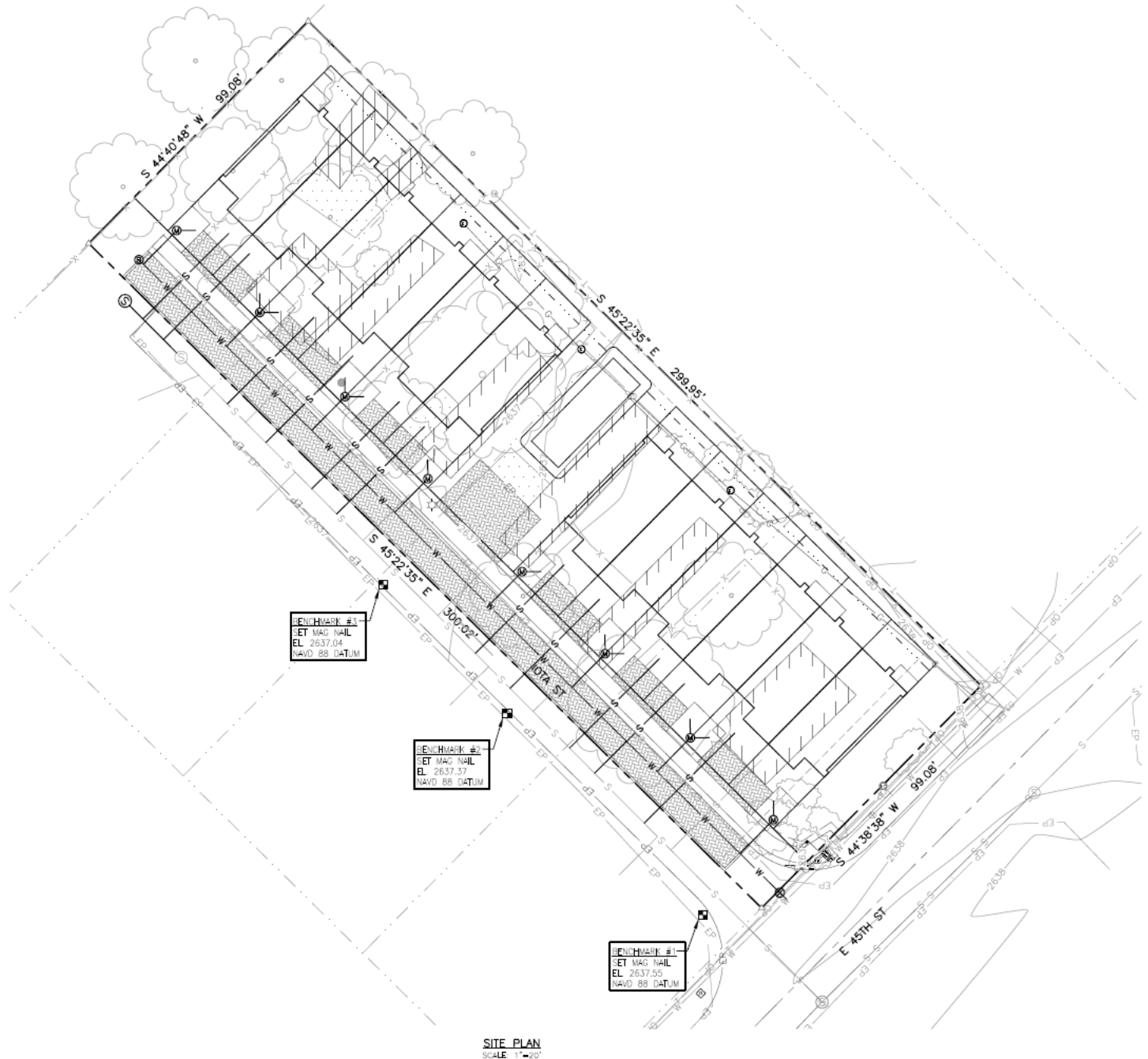
G. Attachments

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

VICINITY MAP



SITE PLAN



SITE PLAN
SCALE 1"=20'

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.