July 15, 2008

TO: ACHD Board of Commissioners
FROM: Matt Edmond
Planner II
SUBJECT: Jenni Jo Subdivision

The applicant is requesting preliminary plat approval for 3 residential lots on approximately 1.31 acres. The site is located at the southwest corner of Highland Street and Londoner Avenue in Boise, Idaho. This item is on the Regular Agenda due to the fact that staff and the applicant are not in agreement on the site specific requirement to improve the Londoner Avenue frontage of the site.
Project/File: Jenni Jo Subdivision (SUB08-00024)  
This application is for a preliminary plat for 3 buildable lots on 1.31 acres in an R-1C zone.

Lead Agency: Boise City

Site address: 1511 Londoner Avenue

Commission Hearing: July 23, 2008

Owner: Mace Pecora  
1511 Londoner Avenue  
Boise, Idaho 83706

Applicant: Rick Wight  
5428 E. Quartersawn Street  
Boise, Idaho 83716

Representative: Evelyn Grime  
PLACE! Inc.  
100 Main Street, Suite 201  
Boise, Idaho 83702

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

Application Information:
Acreage: 1.31
Zoning: R-1C
Lots: 3

A. Findings of Fact
Existing Conditions
1. Site Information: The site currently hosts one single-family residence that is to remain.

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-3D</td>
</tr>
<tr>
<td>South</td>
<td>Commercial shop</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, commercial shop</td>
<td>R-1C</td>
</tr>
</tbody>
</table>
3. **Existing Roadway Improvements & Right-of-Way Adjacent To and Near the Site**
   - Highland Street is currently improved with 2 lanes, vertical curb, gutter, and sidewalk, all within 66-feet of right-of-way abutting the site.
   - Londoner Avenue is currently improved with 24-feet of pavement, and no curb, gutter, or sidewalk, all inside 66-feet of right-of-way abutting the site.

4. **Existing Access:** The site currently has two defined access points onto Highland Street and two defined access points onto Londoner Avenue.

5. **Site History:** The District has reviewed no previous development applications involving this site.

### Development Impacts

6. **Trip Generation:** This development is estimated to generate approximately 20 additional vehicle trips per day (10 existing) based on the Institute of Transportation Engineers Trip Generation Manual for a single family detached residence (ITE code 210).

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.

8. **Traffic Impact Study:** A traffic impact study was not required with this application.

### Existing Condition of Area 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>Highland Street</td>
<td>240’</td>
<td>Collector</td>
<td>1,636 east of Division 6/3/2006</td>
<td>Better than “C”</td>
<td>30 MPH</td>
</tr>
<tr>
<td>Londoner Avenue</td>
<td>240’</td>
<td>Local</td>
<td>No current data</td>
<td>N/A</td>
<td>20 MPH</td>
</tr>
</tbody>
</table>

*Acceptable level of service for a 2 lane collector roadway is “D” (9,500 VTD).

9. **Capital Improvements Plan/Five Year Work Plan:** There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Five Year Work Plan or the District’s Capital Improvement Plan.

### B. Findings for Consideration

1. **Highland Street**
   - **Right-of-Way Policy:** District policy requires 70-feet of right-of-way on collector roadways (Figure 72-F1B). This right-of-way width allows for the construction of a 3-lane roadway with curb, gutter, 5-foot wide detached sidewalks and bike lanes.
   - **Applicant Proposal:** The applicant is not proposing any additional right-of-way dedication or roadway improvements along Highland Street abutting the site.
   - **Staff Comment/Recommendation:** Highland Street is already fully improved as a two-lane collector roadway. No additional right-of-way or roadway improvements are required.

2. **Londoner Avenue**
   - **Right-of-Way Policy:** District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.
   - **Local Street Policy:** District policy 7204.4.2 states, “developments with any buildable lot that is less than 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 roadway improvements on Londoner Avenue abutting the site.

Staff Comment/Recommendation: Hedge Brook Subdivision, which is under development across Londoner from the site, was required to improve Londoner as half of a 36-foot street section abutting the site as a condition of approval. The applicant should be required to relocate the existing irrigation ditch outside the right-of-way and improve Londoner Avenue as half of a 36-foot street section, with curb, gutter, and sidewalk abutting the site.

3. Driveways

Driveway Offset Policy: District policy 72-F4 (2) requires driveways located on collector roadways near a stop controlled intersection to be located a minimum of 150-feet from the intersection for a full-access driveway and a minimum of 110-feet from the intersection for a right-in/right-out only driveway.

Driveway Width 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 maintain the existing semicircle driveway onto Londoner Avenue, and construct one additional curb-cut type driveway onto Highland Street, offset approximately 35-feet from Saddleridge Drive (measured centerline-to-centerline) to provide access to the two proposed lots fronting on Highland Street. The applicant is also proposing to retain the existing semi-circular driveway that accesses Londoner approximately 40-feet and 90-feet south of the Highland Street intersection (near-edge to near-edge).

Staff Recommendation: Staff recommends a modification of policy to allow the proposed curb-cut driveway onto Highland Street within the 150-foot offset for Saddleridge Way, due to the fact that Highland Street experiences low traffic volumes as a collector, and the existing site structures and roadway configuration render the normal offset requirements impractical. The applicant should construct the curb-cut driveway onto Highland Street no wider than 20-feet, and paved its full width at least 30-feet into the site. Additionally, the applicant should close the remaining two curb-cuts onto Highland Street abutting the site and replace them with vertical curb, gutter, and sidewalk. The applicant should construct curb-cut type approaches for the two existing driveways onto Londoner Avenue.

C. Site Specific Conditions of Approval

1. Construct Londoner Avenue abutting the site as one-half of a 36-foot street section (back-of-curb to back-of-curb) with vertical curb, gutter, and 5-foot concrete sidewalk abutting the site. The sidewalk shall be located either completely within the right-of-way or completely within an easement outside the right-of-way.

2. Construct a curb-return type driveway onto Highland Street as proposed, centered approximately 55-feet east of the site’s northwest corner. The driveway shall be no wider than 20-feet, and paved its full width at least 30-feet into the site.

3. Close the remaining two curb-cuts onto Highland Street abutting the site and replace them with vertical curb, gutter, and sidewalk.

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 Interim 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 conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.

10. Payment of applicable road impact fees are required prior to building construction in accordance with Ordinance #200, also known as Ada County Highway District Road Impact Fee Ordinance.

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 (1-800-342-1585) 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 a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

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

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

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

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

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

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

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

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