



Project/File: **Ben's Crow Inn Subdivision/ BPP16-0003 / SUB16-00006**
 The applicant is proposing annexation, zoning, planned unit development and a preliminary plat application for a 24-lot residential subdivision on 4.2 acres on the west side of Warm Springs Avenue, north of SH-21.

Lead Agency: City of Boise

Site address: 6781 E. Warm Springs Avenue

Staff Approval: March 15, 2016

Applicant/ Representative: DevCo LLC
 4824 W. Fairview Avenue
 Boise, ID 83706

Staff Contact: Christy Little
 Phone: 387-6144
 E-mail: clittle@achdidaho.org



A. Findings of Fact

- Description of Application:** This 4.2 acre site is currently in Ada County and zoned RP. The applicant is seeking annexation into the City of Boise, with a zoning designation of R-2 and R-1B. The preliminary plat includes 24 buildable lots and 1 common lot, and is proposed to be accessed with a private drive.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Vacant	RUT
South	Single Family Dwelling	RP
East	Residential	R-1C
West	Greenbelt/Vacant	RP

- Site History:** ACHD has not previously reviewed this site for a development application.
- Transit:** Transit services are not available to serve this site.
- New Center Lane Miles:** No new center lane miles will be constructed with this development.
- 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.

7. Capital Improvements Plan/ Integrated Five Year Work Plan:

- The intersection of Warm Springs Avenue and SH-21 is listed in the CIP to be reconstructed to widen approaches, and add a signal, between 2027 and 2031.

B. Traffic Findings for Consideration

- Trip Generation:** The proposed single family use is estimated to generate fewer daily vehicle trips than the existing restaurant use. Based on the square footage of the restaurant, there are 260 existing vehicle trips per day to this site, with 20 in the PM peak hour. This development is estimated to generate 228 vehicle trips per day with 24 in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.
- Condition of Area Roadways**
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
Warm Springs Avenue	1,250-feet	Minor Arterial	300 (e/o Lysted Avenue)	Better than D	Better than D

* Acceptable level of service for a two-lane minor arterial is "D" (550 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 Warm Springs Avenue north of SH-21 was 2,615 on October 29, 2015.
- The average daily traffic count for Warm Springs Avenue east of Lysted Avenue was 4,706 on February 3, 2015.

C. Findings for Consideration

1. Warm Springs Avenue

- Existing Conditions:** Warm Springs Avenue is improved with 2-travel lanes (28-feet of pavement), and no curb, gutter or sidewalk abutting the site. There is 80 to 90-feet of right-of-way for (45 to 50-feet from centerline).

- Policy:**

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Warm Springs Avenue is designated in the MSM as a Residential Arterial with 3-lanes and on-street bike lanes.

Street Section and Right-of Way Width Policy: District Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 46-feet (back-of-curb to back-of-curb) within 70 feet of right-of-way. This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Right-of-Way Dedication: District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. 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. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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.

Frontage Improvements Policy: District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

- c. **Staff Comments/Recommendations:** The applicant should be required to construct a 5-foot wide detached concrete sidewalk on Warm Springs Avenue, located as shown on the preliminary plat; and should provide a sidewalk easement for sidewalk that is constructed outside of the public right-of-way. The applicant is not required to widen the pavement beyond the 28-feet of pavement that exists on Warm Springs Avenue, as this is consistent with the overall width of Warm Springs Avenue north and south of the site. Until Warm Springs Avenue needs to be widened to include a center turn lane, there is no need to widen the pavement (by 3-feet) for this frontage. The applicant is proposing a connection to the Greenbelt through this site that will provide access to pedestrians and bicyclists.

2. Driveways

Warm Springs Avenue

- a. **Existing Conditions:** The restaurant is accessed off of Warm Springs Avenue with two driveways near the north end of the parcel.

- b. **Policy**

Access Points Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is

being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

Successive Driveways: District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 45 MPH to align or offset a minimum of 380-feet from any existing or proposed driveway.

Driveway Width Policy: District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, 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 in accordance with Table 2 under District Policy 7205.4.8.

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 access the site from Warm Springs Avenue with a private road/drive aisle for 22 units, and a driveway for 2 units. The main entrance is located in alignment with Sky Bar Street on the east side of Warm Springs Avenue. The shared driveway that will serve 2 units is located approximately 170-feet north of Highland Valley Road on the east side of Warm Springs Avenue. The applicant is also proposing an emergency access located approximately 75-feet south of the north property line.

d. **Staff Comments/Recommendations:**

The main entrance meets District policy and should be approved as proposed.

The shared driveway that serves 2 units does not meet District policy which requires 380-feet of separation on minor arterials (45MPH) between streets/driveways. This requires a modification of 55% for this dimensional standard. Staff recommends a modification of policy to allow this driveway because the driveway serves only 2 lots, and this site has only one other access, with 1,250-feet of frontage. The driveways will have adequate room on-site so that vehicles do not have to back on to Warm Springs Avenue. This modification can be approved at the Deputy Director level.

The emergency access is approved as proposed approximately 75-feet south of the north property line and over 650-feet north of the main entrance. Coordinate the bollards with emergency services. If the City requires the emergency access to be constructed as a regular driveway, not emergency access only, the location meets policy, and could be approved.

3. Private Roads

- a. **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.

- b. Staff Comments/Recommendations:** If the City of Boise approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide 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 Boise, 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.

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.

6. Other Access

Warm Springs Avenue is classified as minor arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Construct a 5-foot wide detached concrete sidewalk on Warm Springs Avenue, located a minimum of 31-feet from centerline; and provide a sidewalk easement for sidewalk that is constructed outside of the public right-of-way.
2. Construct a 24 to 30-foot wide driveway/private road on Warm Springs Avenue located in alignment with Sky Bar Street. Pave the driveway/private road its full width and at least 30-feet into the site with pavement tapers. 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.

3. Construct a 20 to 24-foot wide driveway on Warm Springs Avenue located 170-feet north of Highland Valley Road. Pave the driveway its full width and at least 30-feet into the site with pavement tapers.
4. Construct a 20-foot wide emergency access on Warm Springs Avenue located 75-feet south of the north property line. Pave the driveway its full width and at least 30-feet into the site with pavement tapers. Coordinate the location and installation of bollards with the Boise Fire Department.
5. Payment of impacts fees are due prior to issuance of a building permit.
6. 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.

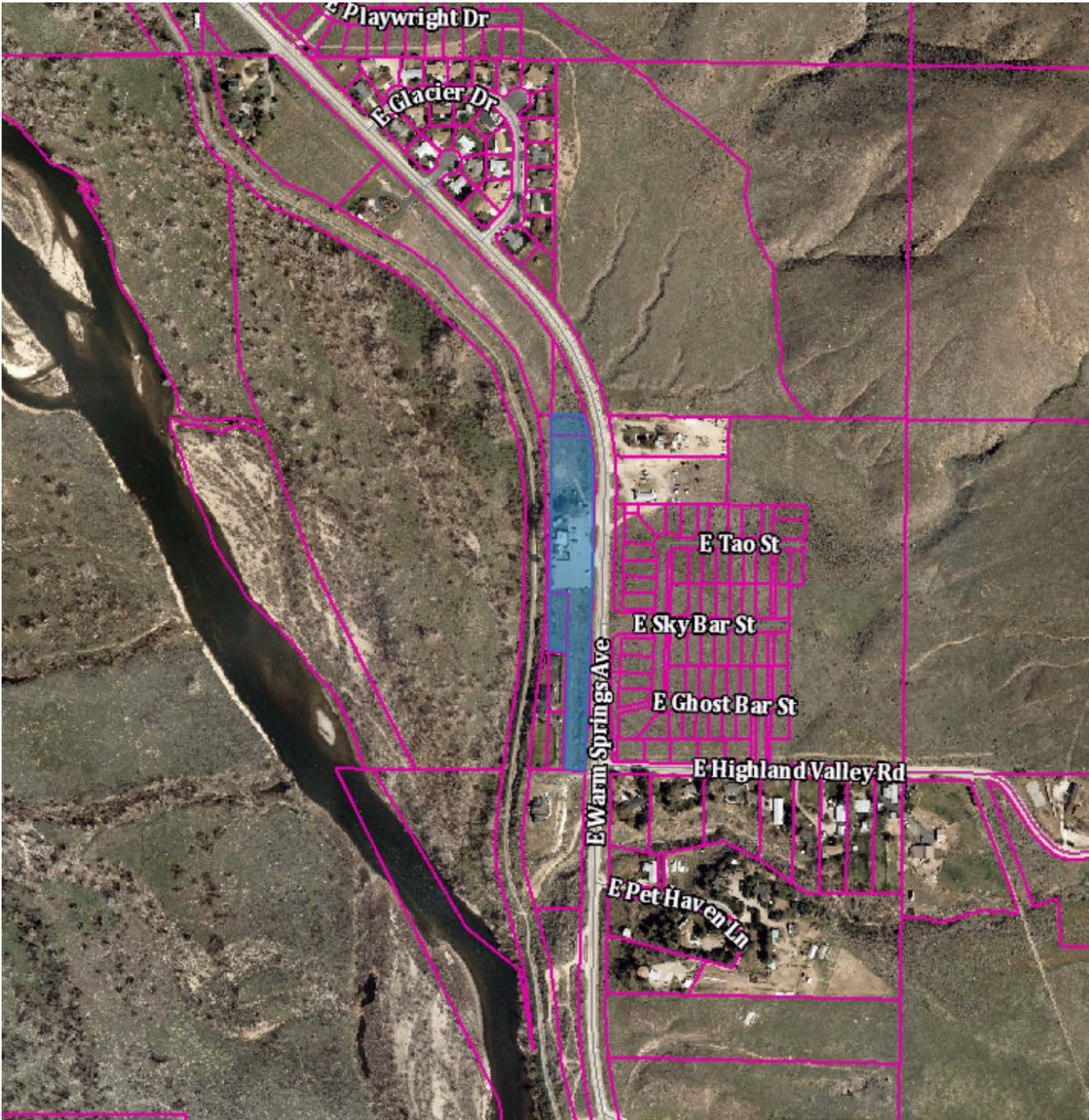
F. Conclusions of Law

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

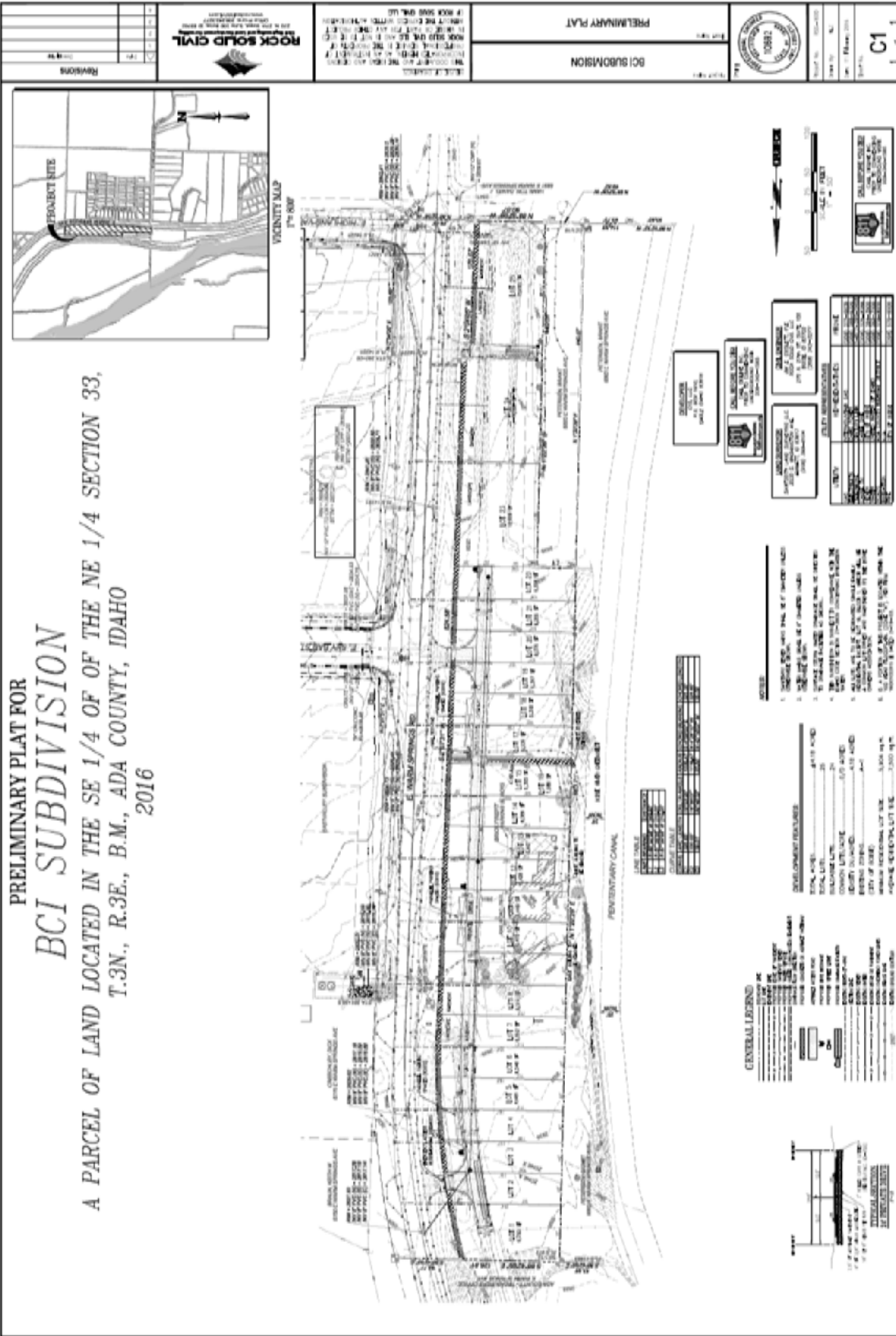
1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines

VICINITY MAP



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PRELIMINARY PLAT FOR
BCI SUBDIVISION
 A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE NE 1/4 SECTION 33,
 T.3N., R.3E., B.M., ADA COUNTY, IDAHO
 2016



GENERAL LEGEND

	EASEMENT
	RIGHT OF WAY
	BOUNDARY LINE
	SURVEY LINE
	SECTION LINE
	TOWNSHIP LINE
	RANGE LINE
	BASE LINE
	MERIDIAN LINE
	SECTION CORNER
	LOT CORNER
	SURVEY STATION
	EASEMENT CORNER
	RIGHT OF WAY CORNER
	BOUNDARY CORNER
	SURVEY CORNER
	SECTION CORNER
	TOWNSHIP CORNER
	RANGE CORNER
	BASE CORNER
	MERIDIAN CORNER

DEVELOPMENT FEATURES

STRAIGHT CANAL	1.00 AC
TURNING CANAL	1.00 AC
WATER PUMP	1.00 AC
WATER TOWER	1.00 AC
WATER TREATMENT PLANT	1.00 AC
WATER STORAGE TANK	1.00 AC
WATER DISTRIBUTION SYSTEM	1.00 AC
WATER CONDUIT	1.00 AC
WATER VALVE	1.00 AC
WATER METER	1.00 AC
WATER PUMP HOUSE	1.00 AC
WATER TOWER HOUSE	1.00 AC
WATER TREATMENT PLANT HOUSE	1.00 AC
WATER STORAGE TANK HOUSE	1.00 AC
WATER DISTRIBUTION SYSTEM HOUSE	1.00 AC
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WATER STORAGE TANK HOUSE	1.00 AC
WATER DISTRIBUTION SYSTEM HOUSE	1.00 AC
WATER CONDUIT HOUSE	1.00 AC
WATER VALVE HOUSE	1.00 AC
WATER METER HOUSE	1.00 AC

NOTES

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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 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 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.

