



**Project/File:** **Foothills Church / GC17-0018 / CUPFY2017-18 & DSRFY2017-26**  
 The applicant is requesting conditional use permit and design review for a 5,133 square foot additional to the Foothills Church located at 9655 W. State Street.

**Lead Agency:** Garden City

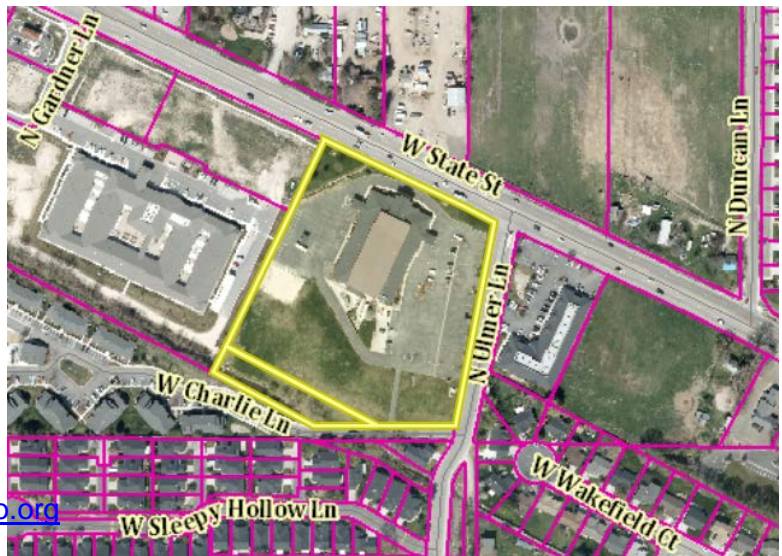
**Site address:** 9655 W. State Street

**Commission Hearing:** XXXX, 2017

**Applicant:** Jon Breckon  
 Breckon Land Design  
 6661 N. Glenwood St.  
 Garden City, ID 83714

**Representative:** Larry McGhee  
 Foothills Church  
 9655 W. State St.  
 Garden City, ID 83714

**Staff Contact:** Christy Little  
 Phone: 387-6144  
 E-mail: [clittle@achdidaho.org](mailto:clittle@achdidaho.org)



## **A. Findings of Fact**

1. **Description of Application:** The applicant is requesting conditional use permit and design review for a 5,133 square foot additional to the Foothills Church located at 9655 W. State Street. The property is currently zoned R-20 and the proposal is consistent with Garden City's comprehensive plan.
2. **Description of Adjacent Surrounding Area:**

| Direction | Land Use   | Zoning      |
|-----------|--|-------------|
| North     | Low Density Residential with Livestock & Area Business Districts | R-1A & C-2D |
| South     | Medium Density Residential District                              | R-3         |
| East      | Low Density Residential & Area Business Districts                | R-2 & C-2   |
| West      | Area Business District   | C-2         |
3. **Site History:** ACHD has not previously reviewed this site for a development application.
4. **Transit:** Transit services are not available to serve this site.
5. **New Center Lane Miles:** The proposed development includes 0 centerline miles of new public road.
6. **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 (CIP)/ Integrated Five Year Work Plan (IFYWP):**

There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Integrated Five Year Work Plan (IFYWP) or the District’s Capital Improvement Plan (CIP).

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 47 additional vehicle trips per day; 3 additional vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> 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 |
|------------------------------------|----------|---------------------------|----------------------------|-------------------------------|
| **State Highway 44<br>State Street | 450-feet | Principal Arterial        | 1,919                      | N/A                           |
| Ulmer Lane                         | 487-feet | Collector                 | N/A                        | N/A                           |

\*\* ACHD does not set level of service thresholds for State Highways.

\* Acceptable level of service for a two-lane collector is “D” (425 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 State Street west of Bogart Lane was 38,337 on July 15, 2015.
- No updated traffic counts are available for this segment of Ulmer Lane at this time.

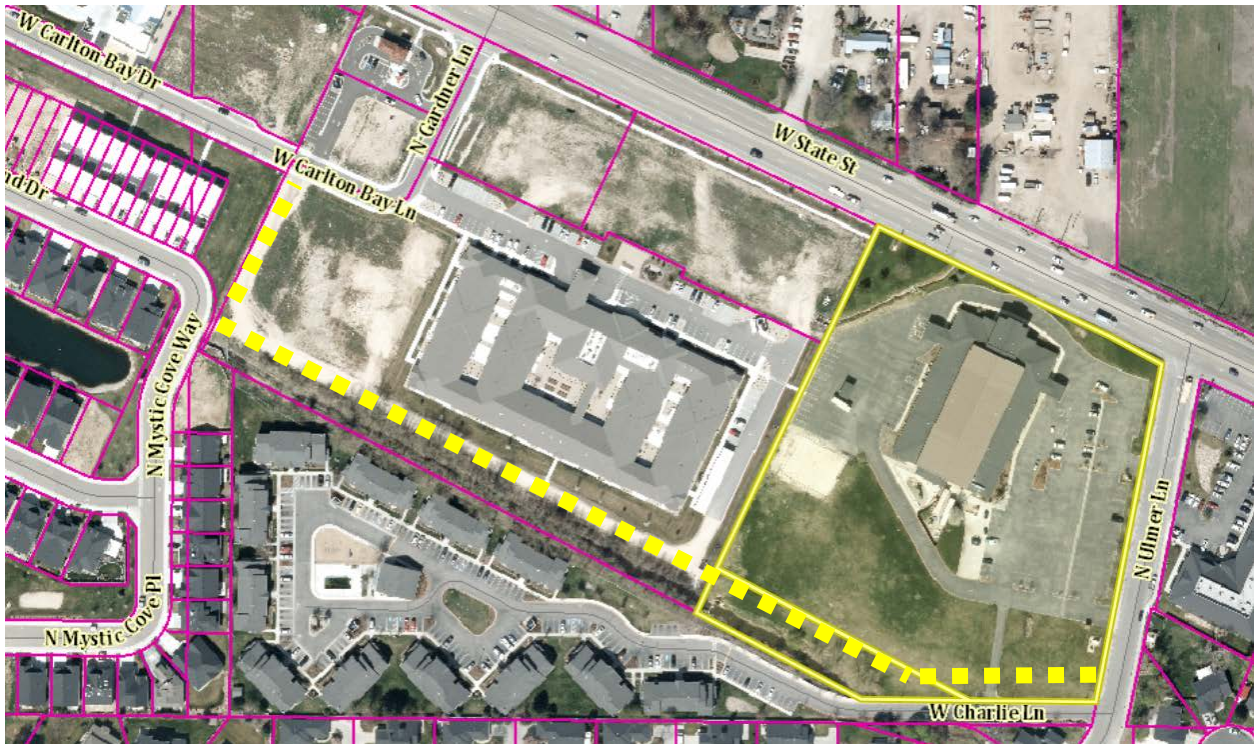
**C. Findings for Consideration**

1. **State Highway SH-44 / State Street**

SH-44 / State Street is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, Garden City, and ITD should work together to determine if additional right-of-way or improvements are necessary on SH-44 / State Street.

## 2. East-West Collector/ACHD Master Street Map (MSM)

- a. **Existing Conditions:** The MSM designates a Commercial Collector roadway to be constructed along the site's south property line (see exhibit below).



b. **Policy:**

**MSM Policy:** Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. A new collector roadway was identified on the MSM with the street typology of Commercial Collector. The new collector roadway should align with Lakeland Drive on the west and continue through the south portion of the property stubbing to Ulmer Lane on the east. The Commercial Collector typology as depicted in the Livable Street Design Guide recommends a 3-lane roadway with bike lanes, and on street parking, a 60-foot street section within 84 feet of right-of-way

- c. **Applicant's Proposal:** The applicant's proposal does not address the collector street listed in the MSM.

- d. **Adjacent Development:** When the parcel west of this site developed as assisted living in 2013, ACHD required the dedication of right-of-way (without compensation) or an easement, but waived the requirement to construct the road. Because of the uncertainty of obtaining right-of-way from the church site, ACHD waived the requirement to construct the road, with the development application for the assisted living project. The City of Garden City, at that time, indicated that they were in agreement with the applicant's proposal and the reduced street section as it will provide connection between Ulmer Lane and Horseshoe Bend Road.

The yellow color on the map below indicates the 40-foot wide right-of-way easement that was granted to ACHD with the assisted living application.



e. **History of Foothills Christian Church Right-of-Way:** The extension of this collector roadway through the site to Ulmer Lane has been in the planning process since 2006. In 2007 ACHD contacted the church about purchasing property for the extension of Charlie Lane. ACHD paid for an engineering firm to survey and prepare a legal description, and ACHD also paid for an appraisal. ACHD prepared the legal description for a 45-foot wide strip north of the Dry Creek Canal which was equivalent to 0.42 acres. The church requested that ACHD purchase all of the property to the south property line, including the Dry Creek Canal. ACHD revised the legal description. The appraisal came in much higher than staff thought was reasonable, but nonetheless, offered the church the appraised value of \$110,535 for the total 0.77 acres, and an additional \$22,000 for lawn and sprinkler repair. The church responded with a counter-offer of \$189,479, plus the \$22,000 for lawn and sprinklers.

ACHD rejected the counter-offer in a letter dated December 14, 2007 due to “funding”. The letter also stated that “This roadway extension is not off our radar screens, and we will continue to look forward to an eventual connection to Ulmer Lane. As we discussed last week, if the church expands, there will be the requirement to dedicate right-of-way at that time, in accordance with the Development Policy Manual.

ACHD also sent a letter to Garden City on December 14, 2007. The letter explained the right-of-way negotiations with the church and also stated that “The City should be aware that if the church should expand, they will be required to dedicate right-of-way (without compensation) and comply with all requirements of the Development Policy Manual.”

Both letters are attached.

**Staff Comments/Recommendations:** Although the MSM designates this road as a 3-lane collector, it was previously determined that it could be constructed as a 29-foot street section with vertical curb, gutter, and 7-foot wide attached concrete sidewalk on one side of the roadway within 40-feet of right-of-way. This reduced street section will allow ACHD to preserve the opportunity to extend the street in the future, while reducing the impacts to adjacent properties. In accordance with District Policy, the applicant should be required to dedicate 40-feet of right-of-way for the collector street as designated on the Master Street Map, and should be required to construct the new collector roadway. The purpose for this east-west road is connectivity, and a backage road for SH-44.

In lieu of dedicated right-of-way the applicant may provide the District with a 40-foot wide permanent right-of-way easement. The right-of-way or easement should align with the easement to the west, and should extend to Charlie Lane (private). The applicant is required to provide the legal description for this right-of-way/easement and will not be compensated.

Staff recommends a waiver of District Policy regarding the construction of the roadway. This is consistent with the Commission action with development to the west. This road will likely not be constructed until there is a signal at the intersection of Ulmer Lane and SH-44. That timing is unknown since it will be on the State system.

### 3. Ulmer Lane

a. **Existing Conditions:** Ulmer Lane is improved with a 36 to 42-foot street section, vertical curb, gutter, and 5-foot wide sidewalk. There is 52 to 58-feet of right-of-way for Ulmer Lane (28-feet from centerline).

b. **Policy:**

**Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

**Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

**Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector 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.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Ulmer Lane is designated in the MSM as a Residential Collector with 2-lanes and on-street bike lanes, a 47-foot street section within 69-feet of right-of-way.

- c. **Staff Comments/Recommendations:** Ulmer Lane is fully improved and no additional improvements are required.

#### 4. **Driveways**

a. **Existing Conditions:** There are two driveways on Ulmer Lane.

b. **Applicant's Proposal:** The applicant is not proposing to construct any additional driveways.

#### 5. **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.

#### 6. **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. Dedicate 40-feet of right-of-way for the new collector roadway, or provide a 40-foot wide permanent right-of-way easement. The right-of-way or easement shall align with the easement to the west, and should extend to Charlie Lane (private). The applicant is required to provide the legal description for this right-of-way/easement and will not be compensated for the right-of-way/easement.
2. Payment of impact fees is due prior to issuance of a building permit.
3. 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**

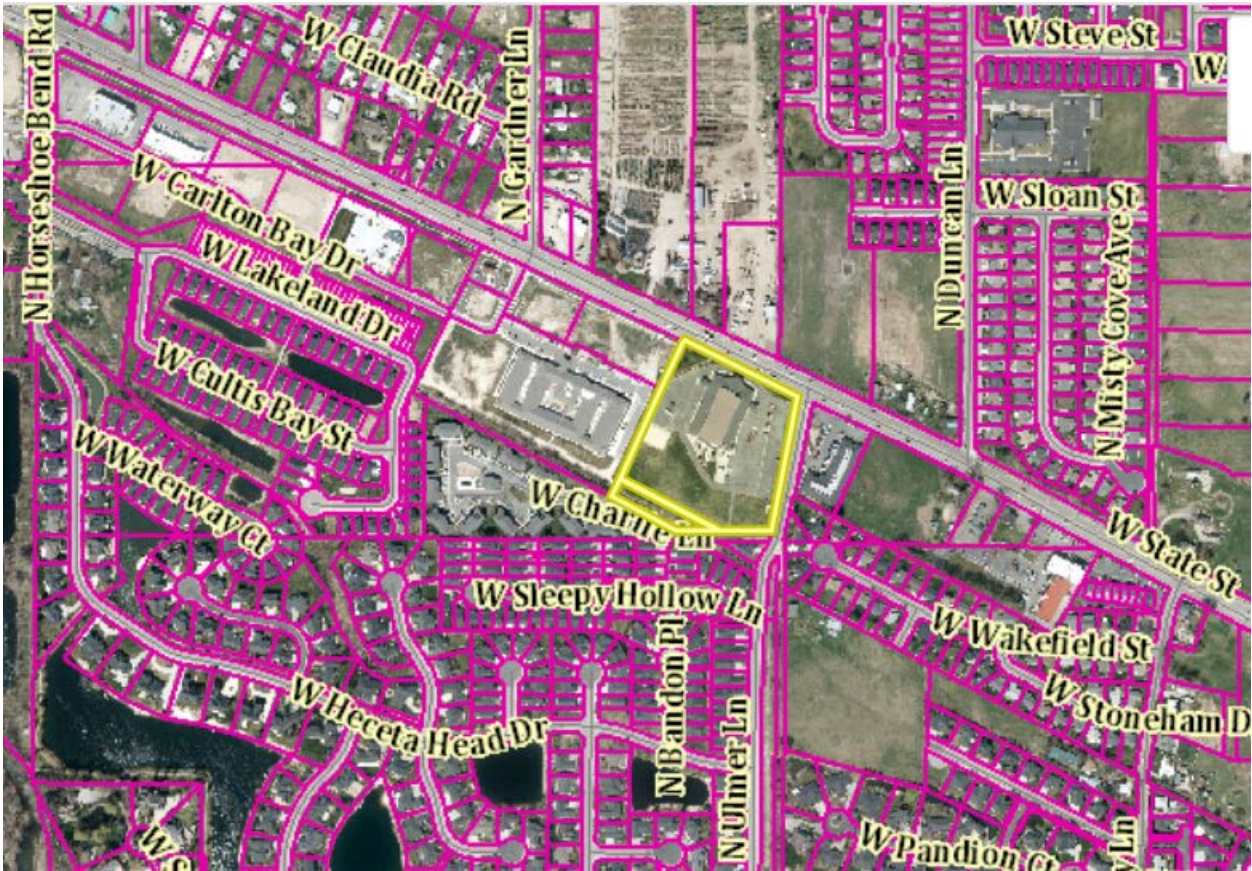
1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

## **G. Attachments**

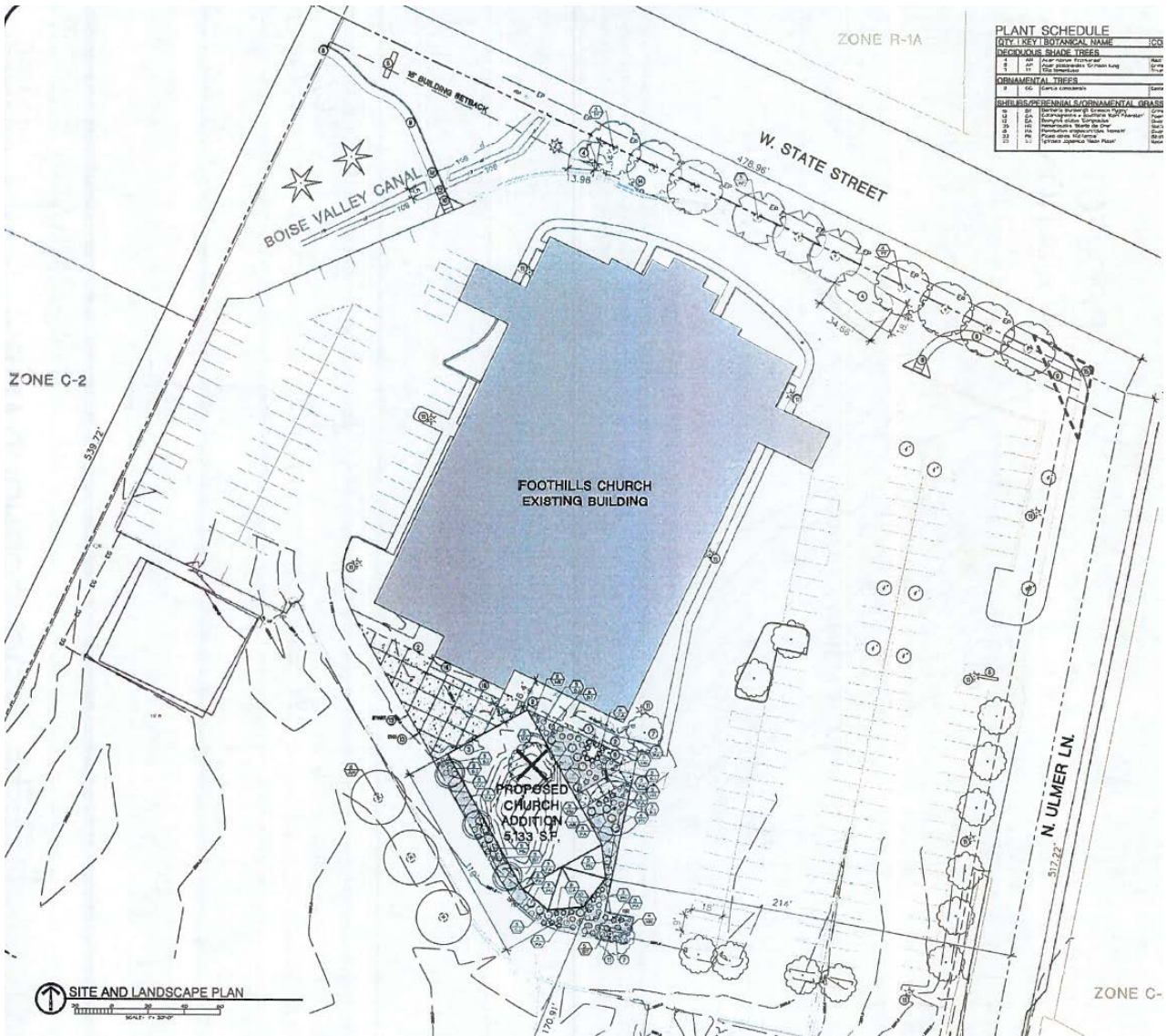
1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines



VICINITY MAP



# SITE PLAN



# Ada County Utility Coordinating Council

## Developer/Local Improvement District Right of Way Improvements Guideline Request

*Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.*

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://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 Reconsideration of Commission Action

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 11:00 a.m. 2 days 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.