



Planning and Zoning Staff Report Conditional Use Permit: Wyatt – CU-PH2017-23

Hearing Date: September 21, 2017

Development Services Department

Applicant:

Bert & Hailey Wyatt

Staff:

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(208) 455-5959
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Tax ID:

R23934, R23934022, R23934023,
R23934024 and R23934025

Current Zone:

“C-1” (Neighborhood Commercial)

Lot Size:

Approximately a total of 11 acres
(average of 2.3 acres per parcel)

Current Uses:

Landscape Business/Caretaker’s
Residence

Applicable CCZO Land Use

Regulations:

§07-07-05: Conditional Use Permits
§07-02-03: Definitions
§07-10-27: Land Use Regulations

Notification:

- Agencies: 5/12/2017
- Property Owner: 5/29/2017
- Legal: 5/29/2017
- Posting: 6/5/2017

Exhibits:

1. FCCO’s
2. Applicants Letter of Intent, Site Plan and Floodplain Information
3. Maps
 - a. Aerial
 - b. Zoning Classification
 - c. Subdivision
 - d. CUP Cases
 - e. City of Middleton’s Future Use Map
4. Letter from Southwest Health District Health
5. Letter from Canyon Highway District
6. Letter from Star Fire Protection District
7. Letter from Idaho: Department of Environmental Quality (DEQ)
8. Letter from Idaho: Department of Water Resources
9. Letter from neighbors, Terry & Stacy Poyzer
10. Letter from City of Middleton

REQUEST

The applicants, Bert and Hailey Wyatt, are requesting a Conditional Use Permit to allow a recreational vehicle (RV) storage facility in a “C-1” (Neighborhood Commercial) zoning designation. The properties are addressed at 22710 Lansing Lane, Middleton; also known as tax parcels R23934, R23934022, R23934023, R23934024 and R23934025 and located in a portion of the NW quarter of Section 10, Township 4N, Range 2W, BM, Canyon County, Idaho.

As proposed in the applicant’s letter of intent and site plan (Exhibit #2), the RV storage facility will be maintained and operated on parcels R23934 and R23934025 initially. Operations will be from 8am – 5pm, March to October. The rest of the year is by appointment only. The initial phase will provide 50 RV parking spaces with access from Lansing Lane. An emergency exit is proposed on Dan’s Road.

The operation includes a two-phased expansion. Phase two includes an expansion of the RV storage use (approximately an additional 100 spaces), as well as the existing landscape business use onto the remainder of parcel R23934025 and all of parcel R23934024. Phase two would occur sometime in the next 1-2 years. Phase three would expand the operations onto parcels R23934023 and R23934022. Phase three would occur in the next 2-5 years.

BACKGROUND

The subject parcels were originally created by the Lemp Park Urban Tracts (1960). The parcels were divided into their current configuration through the approval of five Administrative Land Divisions (LS2003-474, 475, 476, 477, and 478; Instrument No. 200104549).

The 2010 Canyon County Comprehensive Plan’s Future Land Use Map designates the parcels as “Commercial” and are zoned “C-1” (Neighborhood Commercial). The “C-1” Zoning District was established on the subject properties as part of the zoning map updates in 2007. The purpose of the “C-1” Zoning District is to provide for local commercial service needs and to restrict incompatible uses (§07-10-25(5), CCZO). Parcels R23934 and R23934025 are currently used as a landscaping business (rock and bark yard) with caretaker’s residence which are allowed uses pursuant to §07-10-27 of the Canyon County Zoning Ordinance (CCZO). The RV storage use was established on the parcels prior to obtaining a permit. At the time of preparing the staff report, the RV storage use was still on-site.

The parcels are located south of Highway 44, west of Dan’s Road (private road for Dan’s Acres Subdivision), north of Whitney irrigation ditch and east of Lansing Lane (public road). Nearest residential subdivision is Dan’s Arce Subdivision, located south-east of the subject parcels. The subject parcels are located within the City of Middleton Impact Area. Middleton’s Comprehensive Plan designates the parcels as “Residential – Special Area” (Residential in floodplain area).

The parcels are located within an “AE” Flood Zone. While the current landscape business operation is located outside of the mapped area, most of the requested RV storage facility and expansion will be located within the designated floodplain. The applicant has submitted a Floodplain Development Permit (DP2017-24) to elevate the parcels 1 to 2 feet. The result will locate the parcels outside of the floodplain.

FINDINGS

Pursuant to Canyon County Code §07-07-05 the Commission is required to make the following findings:

- (1) Is the proposed use permitted in the zone by conditional use permit;*
- (2) What is the nature of the request;*
- (3) Is the proposed use consistent with the comprehensive plan;*
- (4) Will the proposed use be injurious to other properties in the immediate vicinity and/or negatively change the essential character of the area;*
- (5) Will adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems be provided to accommodate the use;*
- (6) Does legal access to the subject property for the development exist or will it exist at the time of final plat;*
- (7) Will there be undue interference with existing or future traffic patterns; and*
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?*

If a conditional use is approved, Canyon County Code §07-07-17 allows the Commission to attach conditions, including, but not limited to the following:

- (1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity;*
- (2) Control the sequence and timing of development;*
- (3) Control the duration of development;*
- (4) Designate the exact location and nature of development;*
- (5) Require the provision for on site or off site public facilities or services;*
- (6) Require more restrictive standards than those generally required in this chapter; or*
- (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county.*

ANALYSIS

§07-05-05 (1) Use Permitted by Zone

Canyon County Code §07-10-27, Land Use Regulations (Matrix), lists the allowed, conditionally permitted, and prohibited uses within the County. A “mini-storage and/or RV storage facility” is listed as conditionally permitted in the “C-1” (Neighborhood Commercial) Zoning District.

§07-07-05 (2) Nature of the Request

The nature of the applicant’s request is to establish a recreational vehicle (RV) storage facility as part of the existing commercial use on the properties (Exhibit #2). A landscape business (rock and bark yard) with caretaker’s residence currently existing on parcels R23934 and R23934025 which are allowed uses pursuant to §07-10-27 of the Canyon County Zoning Ordinance (CCZO).

§07-07-05(3) Consistency with Comprehensive Plan

Staff concludes the proposed use is in conformance with the Canyon County 2020 Comprehensive Plan. The subject property is located within the Commercial Designation of the Canyon County Comprehensive Plan Future Land Use Map. The Land Use Classifications Section of the Plan describes the designation as:

“The commercial designations are intended to provide for commercial uses that provide for a variety of commercial uses that provides goods and services to businesses, travelers and residents of the county.”

The proposed RV storage facility will be established on properties designated for commercial uses and on properties with established commercial operations.

Staff has determined the following Comprehensive Plan Goals and Policies are relevant to all uses in this case:

- Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”* The proposed application does not deprive property owners of private property.
- Property Rights Policy No. 8-*“Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.”* A conditional use permit enables the Commission to place conditions that benefits the public good and protects the applicant and surrounding property owners.
- Property Rights Policy No. 11-*“Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.”* The conditional use permit process enables the Commission to mitigate potential negative impact of uses on surrounding properties.
- Land Use Component Goal No. 2- *“To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.”* Requiring a conditional use permit for this use enables the county to control for orderly growth and determine the compatibility of a use with surrounding properties.
- Land Use Component Goal No. 3- *“Use appropriate techniques to mitigate incompatible land uses.”* The conditional use permit process enables the Commission to determine if a land use is compatible with surrounding uses.
- Commercial Development Implementation- *“Encourage commercial areas, zones or uses that are contiguous to existing county or city commercial areas, zones or uses but recognizing additional areas or zones, beyond those already existing, may be desirable and that some mixed uses are compatible.”* The parcels are contiguous commercial properties located along Highway 44 which contains other commercial uses within the vicinity, within the City Impact Area (City of Middleton).

§07-07-05(4) Impact of Proposed Use on Other Property and Character of Area

As proposed and conditioned, the use would not substantially impact adjacent residential properties or contribute negatively to the character of the area. The applicant proposes the operating hours of 8am – 5pm, March to October. The rest of the year will be by appointment only (see Exhibit #2). Initially, the facility will require three (3) staff members, the two property owners and one hired employees. The property currently has a 32 square foot sign for the rock and bark yard and banners that say “Storage”. All signs shall comply with the sign regulations of the Canyon County Code. Consistent with Section 07-14-21 of the Zoning Ordinance, materials shall not be sold or delivered to customers directly from the storage areas.

The commercially zoned properties are adjacent to residential properties with lot sizes averaging three acres. The RV storage use has the potential to degrade views from these properties. As a conditional of approval, phase two of the RV storage use shall include perimeter fencing and landscaping to provide screening between the RV storage facility and adjacent residential uses in order to minimize potential visual impacts to adjacent, non-commercial, properties.

The RV storage use was established on the property prior to obtaining a Conditional Use Permit. As a condition of approval, in order to keep the established use on the property, all conditions of approval must be met within 90 days. If not, the RV storage use must be completely removed from the property until all the conditions are met.

§07-07-05(5) Availability of Water, Sewer, Irrigation, Drainage and Stormwater Drainage Facilities and Utility Systems

Existing well and septic system on-site provide service to the caretaker's residence/office. The proposed use will not utilize the existing systems. Therefore, improvement or expansion of the systems are not required.

Whitney irrigation ditch is located along the south property line which the use will not alter existing drainage into the ditch. Although drainage on the site is not anticipated to change, a condition of approval has been applied to ensure the use shall comply with the applicable regulations of the Idaho Rules and Standards for Stormwater Drainage (IDAPA 58.01.05), and groundwater contamination standards (IDAPA 58.01.11).

§07-07-05(6) Access to Property

Legal access exists to the properties from Lansing Lane. Pursuant to comments received by Canyon Highway District (See Exhibit #5), an access permit is required. Access from Lansing Lane, 210 feet south of Highway 44, is the most suitable location. New or additionally access from Highway 44 will require approval by ITD (Idaho Transportation Department).

An emergency exit is proposed onto Dan's Lane. However, no evidence has been provided demonstrating the parcel abutting Dan Road has legal access to the private easement. Unless documentation can be provided, an emergency exit shall be directed to the existing access on Highway 44.

§07-07-05(7) Interference with Existing or Future Traffic Patterns

Comments from Canyon Highway District indicates the use would not cause interference with existing or future traffic patterns (See Exhibit #5).

§07-07-05(8) Availability of Services

No evidence in the record shows that the requested use would interfere or impact the delivery of essential services (fire, police, and emergency services) to the subject parcels or surrounding properties. However, as a condition of approval, Star Fire Protection District shall inspect water supply for fire suppression and access prior to the commencement of use.

COMMENTS

Public Comment: Once comment was received during the preparation of the staff report. Neighbors, Terry and Stacy Poyzer (Exhibit #9) have the following questions and concerns:

- **Studies:** Will studies be required regarding septic system (due to high water table) and contaminated and rejected soils dumping into the creek by the previous owner?
Response: The project does not propose the use or expansion of the existing septic system (also see review by Southwest District Health, Exhibit #4). The project does not propose dumping or use of the existing creek. Therefore, a study is not required.
- **Storm-water Retention:** Will waste water and run-off be contained on-site? Will vehicle gas, oils and grease be controlled or contained?
Response: The project is conditioned to be consistent with DEQ requirements and standards (Exhibit #7) regarding storm-water retention and groundwater contamination/hazardous waste.
- **Dust-control:** Will there be conditions limiting excavation and debris burning on-site?
Response: The project does not propose any excavation or debris burning on-site.
- **Access:** Notice was provided to neighbors that no new access will be allowed within 200 feet of Highway 44. Will additional access be permitted along Lansing Lane?
Response: Canyon Highway District determined access for the RV storage facility, approximately 210 feet south of Highway 44, is appropriate (Exhibit #5).

- Visual barrier: Will a study be prepared regarding visual impacts. Will the use be condition to require a visual barrier?

Response: A condition is recommended for fencing and landscaping along the west, south and east perimeter of the RV storage facility to provide visual screening between the commercial and residential properties.

Agency Comments:

Staff notified affected agencies and the following agencies provided comment:

- Southwest District Health (Exhibit #4): No objection to said use as long as the use does not expand or impact the existing septic system on-site.
- Canyon Highway District (Exhibit #5): The use is not anticipated to impact existing or future road networks. New or additionally access from Highway 44 will require approval by ITD (Idaho Transportation Department). Access from Lansing Lane, 210 feet south of Highway 44, is the most suitable location. Existing access on Lansing Lane, 80 feet from Highway 44 should only be used for residential/caretaker's housing uses only. As a condition of approval, an access permit is required from Canyon Highway District for the commercial approach prior to the commencement of use.
- Star Fire Protection District (Exhibit #6): As a condition of approval, the operation must have an established water supply of 1500 gpm (gallons per minute) for two hours. Fire inspection is required once access and water supply are established, prior to the commencement of use.
- State of Idaho – Department of Environmental Quality (Exhibit #7): The comment letter is informational regarding potential air quality, wastewater, drinking water, surface water, hazardous waste and ground water contamination requirements and permits. As a condition of approval, storm water drainage and groundwater contamination standards shall be met.
- State of Idaho – Department of Water Resource (Exhibit #8): If the subject parcels cannot be filled and Letter of Map Revision approved by FEMA, then the storage of RVs within the "AE" Flood Zone must comply with Section 07-10-29(5) C (Manufactured Home Standards) and D (Accessory Structures) of the Canyon County Zoning Ordinance.
- City of Middleton (Exhibit #10): No objections. The City of Middleton is requesting the applicant provide a 50 foot wide easement (measure from the centerline of the road) along Lansing Lane for future bicycle and pedestrian pathway. Based on the use being requested, there is not a nexus to require the dedication as a condition of project approval.

DECISION OPTIONS

The Commission has the following options in this case:

- 1) The Planning and Zoning Commission may approve the conditional use permit as conditioned and/or amended;
- 2) The Planning and Zoning Commission may deny the conditional use permit in its entirety and direct staff to make findings of fact to support this decision; or
- 3) The Planning and Zoning Commission may continue the discussion and request additional information on specific items.

RECOMMENDATION

Staff recommends the Planning and Zoning Commission **approve** the conditional use permit application CU-PH2017-23, as shown in the findings of fact, conclusions of law, and order in Exhibit #1.