



Planning and Zoning Staff Report Conditional Use Permit for Stilwell - PH2017-36

Hearing Date: October 5, 2017

Development Services Department

Applicant

Ray & Keith Stilwell

Owner:

Cory Forrey

Staff:

Dan Lister, 455-5959
dlister@canyonco.org

Tax ID:

R29039-010

Current Zone:

"A" (Agriculture)

2020 Comprehensive Plan:

Agricultural

Lot Size/Project Area:

3.17 acres

Current Uses:

Residential

Applicable Zoning Land Use Regulations:

CCZO §07-07-05, §07-10-27

Notification:

- 8-21-17 Agency Notice
- 9-12-17 Property Owner Notice
- 9-20-17 Publication
- 9-25-17 Posting

Exhibits:

1. Proposed FCO'S;
2. Applicant Letter of Intent/Site Plan/Land Use Worksheet;
3. Notice of Violation: 2004 & 2015
4. Small Aerial ;
5. Vicinity Map;
6. Zoning Map;
7. Subdivision Map;
8. Subdivision & Lot Report;
9. Prime Farmland Map;
10. Canyon County Future Land Use Map;
11. Letter from Boise Project Board of Control;
12. Letter from Southwest District Health;
13. Letter from Department of Environmental Quality;
14. Letter from Nampa Highway District;
15. Letter from Department of Water Resources;
16. Letter from neighbor, Marcella Stewart (support); and
17. Large Aerial provide during public hearing

Request

Applicants, Ray and Keith Stilwell, are requesting approval of a **Conditional Use Permit** to operate and maintain a Recreational Vehicle (RV) Park on Parcel R29039-010. The use includes eight (8) RV sites and eight (8) future RV sites. The subject property is approximately 3.17 acres and zoned "A" (Agricultural). The property is located at 4959 Kuna Road, Kuna, Idaho, also known as a portion of the NW ¼ of Section 25, T2N, R1W, BM, Canyon County.



Photo dated:6/27/2017 – Google Earth

Background

The subject property, 3.17 acres, is the result of a legal division in 1981. The parcel was in violation from 2002 to 2015 related to multiple RVs being inhabited on the property (Exhibit #3). The property currently contains a single family dwelling with garage, barn, machine shop and utility shed (all from 1930s), two legal non-conforming manufactured homes and multiple RV trailers currently being stored on-site. The applicant requests the approval of the conditional use permit in order to have RV Park uses on the property.

Analysis

A Recreational Vehicle (RV) Park is allowed subject to approval of a conditional use permit in an "A" (Agricultural) zone (CCZO §07-10-27). Section 07-02-03 of the Canyon County Zoning Ordinance defines an RV Park as: "*A parcel of land designed and intended for the use of recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.*" The applicant is proposing an RV park that would allow RVs to be utilized as dwellings year round. A total of 16 RV parking areas are proposed: eight RVs initially and an additional eight in the future (Exhibit #2).

Conditional Use Permit Criteria

Standard of Review for Conditional Use Permit CCZO 12-008 (§07-07-05):

A. Is the proposed use permitted in the zone by conditional use permit?

The subject property is zoned “Agricultural” and the proposed use is permitted in the Agricultural zone by conditional use permit (CCZO §07-10-27).

B. What is the nature of the request?

The applicant, Ray and Keith Stilwell, is requesting approval of a Conditional Use Permit to operate and maintain a Recreational Vehicle (RV) Park on Parcel R29039-010 (Exhibit #2).

C. Is the proposed use consistent with the Comprehensive Plan?

The use is **not** consistent with the following Canyon County Comprehensive Plan goals/policies including, but not limited to:

- Property Rights – Policy No. 11: “*Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhood.*”
- Population – Policy No. 2: “*Encourage future high-density development to locate within incorporated cities and/or areas of city impact.*”
- Land Use – Goal No. 1: “*To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.*”
- Land Use – Policy No. 1: “*Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.*”

Based on the information provided by the applicant, approval of the RV Park may have an adverse impact. The proposed density of RVs is not adequately supported by existing services such as city sewer and water or an approved water and wastewater system. Potential impacts related to the use (water, wastewater, and property management) have not been adequately addressed. Therefore, the proposed use may have serious health, safety and welfare impacts.

D. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

As proposed, the use may be injurious to other property in the immediate vicinity. The area is primarily agricultural (Exhibit #6, 9 and 10). The proposed use, 16 RVs utilized year round for dwelling purposes, does not fit the character or housing densities found in the area. Due to the lack of information regarding property management, wastewater services and water services, the use has the potential to be injurious to property owners within the immediate vicinity.

If the use were to be approved, conditions of approval could be applied to mitigate impacts and restrict the use to comply with local, State and Federal requirements. However, pursuant to land use time limitations (Section 07-07-23 CCZO), the applicant is provided three years to commence the use and five years to complete all improvements. If the applicant is unable to meet all required conditions, approval could create significant code violations and enforcement issues.

E. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use?

Water: The property is served by two wells (Exhibit #2). The application does not indicate how a total of 16 RVs will connect to existing services. Department of Environmental Quality requires a public drinking system be installed (Exhibit #13). Idaho Department of Water Resources states the property does not have the water rights for the proposed use (Exhibit #15). Therefore, the existing water service is inadequate for the proposed use.

Wastewater: The property is currently served by three septic systems (Exhibit #2). The application does not indicate how a total of 16 RVs will connect to existing services. Southwest District Health believes the existing septic systems on-site to be antiquated and would require a new system for any new connections. On September 1, 2017, Tim Wright of Southwest District Health requested the applicant provide more information by means

of a formal review (Exhibit #12). At the time of preparation of this staff report, no formal review had occurred. Department of Environmental Quality recommends connection to city service or approval of a community treatment system (Exhibit #13). Therefore, the existing wastewater service is inadequate for the proposed use.

Additionally, the Department of Environmental Quality will require a stormwater permit be obtained and water quality requirements to be met (Exhibit #13).

F. Does legal access to the subject property for the development exist or will it exist at the time of final plat?

Multiple access exists onto Kuna Road, a public road, and Robinson Road, a public road. Nampa Highway District has indicated they do not oppose the use (Exhibit #14). However, the access points would have to be consolidated and required to meet commercial approach standards. A variance would be required for the Kuna Road access because the road is a principal arterial and does not meet requirements.

G. Will there be undue interference with existing or future traffic patterns?

Nampa Highway District did not indicate that the trip generation for this use would require a traffic impact study (Exhibit #14). Idaho Transportation Department was notified on August 21, 2017. No comments were received.

H. 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?

Kuna School District, Kuna Fire, Canyon County Ambulance, and Boise-Kuna Irrigation District were notified of the request and did not provide responses to indicate that the proposed use would have a negative impact or require additional public funding in order to meet the needs created by the proposed use.

Comments

Public Comments

At the time this staff report was written, staff received one comment letter of support (Exhibit #16)

County Agency Comments

Staff notified affected agencies and the comments were received from Southwest District Health (Exhibit #12), Nampa Highway District (Exhibit #14), Department of Water Resources (Exhibit #15), Department of Environmental Quality (Exhibit #13) and Boise Project Board of Control (Exhibit #11).

Alternatives

The Planning and Zoning Commission may **deny** the conditional use permit as recommended by staff.

The Planning and Zoning Commission may **approve** the conditional use permit and direct staff to make findings of fact to support this decision; or

The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

Significant Impacts

The use has potential traffic, use management, wastewater and water usage impacts. Due to the lack of information provided by the applicant, there is no substantial information provided that addresses these concern or demonstrates how they may be mitigated.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit. Staff is **recommending denial** of the application and has provided findings of fact, conclusions of law for the Planning and Zoning Commission's consideration found in Exhibit 1.

- The Planning & Zoning Commission will make a motion to approve or deny the request for a conditional use permit.
- If the motion is to approve the conditional use permit, the Commission shall direct staff to prepare findings for the Commission's approval.

- If the application for a CUP is denied, the list below, if addressed, **may** assist the applicant to gain approval:
 1. Approval from the regulatory agencies such as Southwest District Health, Department of Environmental Quality and Idaho Department of Water Resources.
 2. Develop a detailed operations and management plan.