PUBLIC HEARING ITEM #3
STAFF REPORT

Property Owner/Applicant: Shannon Robnett (Owner) and Don Burch (Applicant)
File(s): CUP-00142-2019
Analyst: Rodney Ashby AICP, Principal Planner

Requested/Needful Action Recommendation(s):

Conditional Use Permit for a Recreational Vehicle Park in a IL (Light Industrial) zoning district at 3400 Black Butte Court (137 RV Spaces on 19 acres for 7.21 spaces per acre)
(Decision Required: Action)

Property Area and Location(s):

A 19 acre area, part of the NW ¼ of Section 8, T3N, R2W, BM also Tax 97797 in Block 1, 2, 13, 14 in Midway Subdivision and Tax 97797 in the NW ¼ of Section 8 T#N, R2W, BM less Black Butte #1 and Black Butte Business Park #2; including a part of the NE ¼ NE ¼ Section 8, T3N R2W south of interstate less Ramp right-of-way).

PROPERTY HISTORY

April 2009 – ANN0000379-2008– Annexation and Zoning to IL Approved
April 2014 - Ordinance Number 4133 – Annexation and Zoning to IL to correct unclear annexation boundaries (this expanded the boundaries to include the properties being considered for an RV park and overlapped some of the existing annexed boundaries. Approved
August 2014 – CUP-1698-14 was issued for an RV Park for Don Burch
February 2015 – No construction had begun on the RV Park and the CUP-1698-14 expired
GENERAL SITE INFORMATION

Comprehensive Plan: Light Industrial

Zoning: IL (Light Industrial)

Existing Land Use: Vacant land

Public Utilities: Water, sewer, and irrigation are all accessible south of the property in W. Greenhurst Rd. Irrigation has been stubbed to the property.

Public Services: The property lies within City boundaries, in a well-developed area. All city services are available to the location.

Access: Access to the property is from N Black Butte Ct.

Correspondence:

APPLICABLE REGULATIONS

Nampa City Code, Title 10, Chapter 25 sets forth the criteria of approval. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval of a conditional use permit.

Relevant Conclusions of Law (evaluation criteria) for this Conditional Use Permit hearing item:

A. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

B. That the location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or, will provide an essential service to the community or region.

Whether the Commission votes to deny or approve the Conditional Use permit request, the statements cited in this report as being from 10-25-4 above, in bold type, are the Conclusions of Law that must be used and supported by further Findings of Fact to either justify approval or denial of the request.
Nampa City Code 10-32 Recreational Vehicle Parks sets forth the standards that the applicant/owner shall comply with for the development of the RV Park. This chapter includes the requirement for the park to submit preliminary and final site plans for the park for the Commission's approval before construction permits are granted. Submittal of the preliminary site plan is anticipated following a Conditional Use Permit approval.

City of Nampa’s Bike & Pedestrian Master Plan requires a city pathway along the Indian Creek. This pathway will be required to be shown on the preliminary site plan and will be reviewed by the Commission at that time.

**STAFF FINDINGS**

Staff notes the increased interest in Recreational Vehicle Parks likely due to the need for affordable housing, but also to serve a demand for temporary RV services for those travelling through our community for recreational purposes. The Comprehensive Plan provides little direction for this type of development, but notes the need for affordable housing, while maintaining quality of life.

“3.13.1 Increase Housing Affordability without Sacrificing Long-term Quality of Life.”

City leadership has also emphasized the importance of preserving industrial land for industrial development that creates jobs and utilizes higher utility capacity. The Commission may want to consider the reduction of industrial land if this request were to be approved. On the other hand, the proposed use is allowed in a Light Industrial zone with a Conditional Use Permit. There may be some expectation that, with conditions, this proposal is consistent with industrial land uses permitted in the district. It may be argued that RV parks are easily converted to industrial development when there is a demand for it in the area.

Though RV Parks are intended to be used temporarily by an RV owner, due to the amount of resources required, city staff has little ability to regulate their duration in the park.

**Correspondence/Agency Conditions of Approval:**

Nampa Engineering Division:
- Concerns about location of the park within the Indian Creek Floodplain, they outline FEMA and city conditions if that is the case.
- Utilities already exist through the property, and easements will need to be preserved.

CenturyLink had no objections

Nampa & Meridian Irrigation District had no comment

Nampa Highway District #1 requires a Traffic Impact Study to identify the impacts to the Middleton Rd/Chacartegui Ln intersection.

Idaho Transportation Department:
- Project abuts the State highway system.
- No direct access is approved.
- Right of way permit is required and measurements shall be from monuments, not the fence.
- Noise walls will not be constructed by ITD.
- No advertising in the ROW, but advertising on private property will need to be coordinated with ITD staff.
- ITD does not object.
Nampa Building Department will require permits for all work before construction begins.

RECOMMENDED CONDITION(S) OF APPROVAL

If the Commission votes to approve the Conditional Use Permit for an RV Park in an IL (Light Industrial) zoning district, staff recommends including the following Condition(s) of Approval:

1. If the site is located within Indian Creek Floodplain, the following FEMA regulations shall be adhered to:
   a. Vehicles that will be sited within the floodplain shall be moved every 90-days.
   b. Vehicles within the floodplain shall be tied down or anchored as necessary in accordance with FEMA regulations.

2. Site development plans shall reflect the location of the Indian Creek Floodplain.

3. City utilities and associated easements shall be preserved with any property development.

4. Applicant/developer shall apply for and receive a Right-of-Way use permit prior to doing any work or activity within the highway Right-of-Way.

5. A Traffic Impact Study shall be done and provided to the Nampa Highway District #1 to determine impacts to the Middleton Rd/Chacartegui Ln intersection before approval of the final plan.

6. Approval of the Conditional Use Permit does not exempt the applicant from complying with zoning code conditions at time of building permit application. Rather, applicant shall comply with all City department/division or outside agency requirements pertinent to this matter.

7. <Any other condition(s) as the Commission concludes befit(s) the Conditional Use Permit request...>

ATTACHMENTS

- CUP Application
- Comprehensive Plan Map
- Zoning Map
- Aerial View
- Flood Plain Map
- 2014 Conditional Use Permit for Black Butte RV Community
- Site Plans for 2014 Black Butte RV Community
- Copy of [any] agency/City department correspondence provided by 5pm, July 16, 2019
- No citizen correspondence was received by 5pm, July 16, 2019
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651  P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $234.00 (1 acre or less)  Nonrefundable Fee: $463.00 (more than 1 acre)

Applicant Name: Shannon Robnett
Street Address: 1307 N. 39th St., Nampa
City: Nampa  State: ID  Zip code: 83687
Home Number: 208-505-4380
Mobile Number: 208-784-7889
Email: ShannonRobnett@gmail.com

Property Owner Name: Don Burch
Street Address: 116 S. 13 ID RD
City: Caldwell  State: ID  Zip Code: 83605
Email: 

Address of Subject Property: 3400 Black Butte Ct. Nampa, ID 83687

Please provide the following REQUIRED DOCUMENTATION to complete the CUP
☐ A copy of one of the following: ☐ Warranty Deed ☐ Proof Of Option ☐ Earnest Money Agreement
☐ A sketch drawing of the site & any adjacent property affected, showing all existing & proposed
locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street
parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building
elevations, together with any other information considered pertinent to the determination of this matter.
☒ Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal
owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to
show that the person signing is an authorized agent)
☐ Original Legal description of property AND a legible WORD formatted document. (Must have for final
recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description
☑ State (or attach a letter stating) the reason for the proposed Conditional Use Permit: To build
☐ Develop a 137 unit RV Park

Dated this 07 day of June, 2019

Applicant Signature

NOTICE TO APPLICANT
This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a
public hearing on the application and it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-
Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing
notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice
of the public hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15
days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council.
You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days
from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be
sent a document which constitutes an official "Conditional Use Permit". This document will enumerate the conditions attached to the
issuance of the permit and state the consequences of failure to comply.

OFFICE USE ONLY
FILE NUMBER: CUP - 142 - 2019  PROJECT NAME: RV Park in JL 2019

12/11/13 Revised
Conditional Use Permit for a Recreational Vehicle Park- 137 RV Spaces on 19 Acres for Shannon Robnett representing Don Burch

CUP-00142-2019

Visit Planning & Zoning at cityofnampa.us for more info.

3400 Black Butte Ct

7/8/2019
Conditional Use Permit for a
RV park - 137 RV Spaces
on 19 acres for Shannon Robnett
representing Don Burch

CUP-00142-2019

7/16/2019

Visit Planning & Zoning
at cityofnampa.us
for more info.
CONDITIONAL USE PERMIT

A Conditional Use Permit is hereby granted by the City of Nampa for the following described real property located within the City limits of Nampa, Canyon County, Idaho, more particularly described as follows, to wit:

"0" NORTH BLACK BUTTE COURT (R2441300000), NAMPA
AND, 3015 KEIM LANE, NAMPA
Legal Descriptions Attached – Exhibits A-1 and A-2

The City of Nampa issues this Conditional Use Permit on the basis of the following findings:

A. The above described property is situated within zoning district: IL (Light Industrial).

B. Nampa Municipal Code 10-25-4 permits within the above zoning district the conditional use of: RECREATIONAL VEHICLE PARK.

C. The permitted use will be compatible with the existing zoning district and/or enhance or serve the community if, and only if, the following regulations are continuously met by the owner, his heirs and assigns, in the use of the above described property:

   1. Exhibits B-1, B-2 and B-3 attached, depicting Concept Plans.
   2. Exhibit C attached, listing Conditions of Approval.
   3. Ordinance 4133 and Development Agreement, attached.

This permit is hereby issued for Black Butte Recreational Vehicle Park, for Black Butte Court, Nampa, from the date of issuance. In the event (1) actual construction or alteration does not begin, (2) authorized activity does not commence when no construction is involved or, (3) extensions are not granted pursuant to Nampa Municipal Code Section 10-25-11 within six months of the date of issuance, this permit shall be terminated.

Issued this 18th day of August, 2014.

CITY OF NAMPA:

[Signature]
Norman L Holm
Planning Director

ATTEST:
City Clerk

Project: CUP 1698-14

2014-035461
RECORDED
09/30/2014 02:15 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
NO FEE
MISC
NAMPA CITY OF
State of Idaho  
Canyon County  

On this 18th day of August, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Norm Holm and Deborah Bishop known to be the Planning Director and City Clerk, of the City of Nampa, Idaho, a municipal corporation, who executed the foregoing instrument.

In Witness Thereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

Doris J. Hayward-Roland  
Residing at: Nampa, Canyon County, Idaho  
My Commission Expires: 08/15/2019
DATE: July 2, 2019
TO: Planning and Zoning Department
FROM: Caleb LaClair, P.E., Nampa Assistant City Engineer
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Shannon Robnett
OWNER: Don Burch
ADDRESS: 3400 Black Butte Ct.
RE: CUP-00142-2019 – RV Park in IL Zone

The Engineering Division does not oppose this application with the following comments.

General Comments:

1. A portion of the site may be located within Indian Creek Floodplain. If this is the case, the following FEMA regulations shall be adhered to:
   - Vehicles that will be sited within the floodplain shall be moved every 90-days.
   - Vehicles within the floodplain shall be tied down or anchored as necessary in accordance with FEMA regulations.

Site development plans shall reflect the location of the Indian Creek Floodplain.

2. The City already maintains water, sewer, and pressure irrigation utilities through the subject property. City utilities and associated easements shall be preserved with any property development.
June 14, 2019

Shellie A. Lopez
City of Nampa
411 3rd Street South
Nampa, Idaho 83651

VIA EMAIL

<table>
<thead>
<tr>
<th>Development Application</th>
<th>CUP-00142-2019</th>
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<tbody>
<tr>
<td>Project Name</td>
<td>BLACK BUTTE RV COMMUNITY</td>
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<tr>
<td>Project Location</td>
<td>3400 Black Butte Court, south of I-84 milepost 33.0</td>
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<tr>
<td>Project Description</td>
<td>Conditional use permit to establish an RV park with 137 RV spaces</td>
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<tr>
<td>Applicant</td>
<td>Shannon Robnett</td>
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<tr>
<td>Representing</td>
<td>Don Burch</td>
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The Idaho Transportation Department (ITD) reviewed the referenced conditional use permit application and has the following comments:

1. This project abuts the State highway system.

2. No direct access to the State highway system is requested with this application and none is approved. I-84 is a full access controlled highway.

3. The interstate fence is typically constructed one foot within ITD Right Of Way, but may vary due to terrain and other possible issues. All measurements relative to ITD Right of Way shall be taken from the Right of Way monuments, not from the fence. Applicant must apply for and receive an approved Right-of-Way use permit prior to doing any work or activity within the highway Right-of-Way. The applicant may contact Ken Couch at (208) 332-7190 for this permit.

4. Noise walls will not be constructed by ITD in the I-84 Corridor in this area. Any noise walls necessary for this development shall be constructed by the developer on private property.

5. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
6. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.

7. ITD does not object to the establishment of an RV park consisting of 137 as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona
Development Services Coordinator
Sarah.Arjona@itd.idaho.gov
Shellie Lopez

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Tuesday, June 11, 2019 11:48 AM
Subject: Conditional Use Permit for a Recreational Vehicle Park in a IL Zone (CUP-00142-2019)

Good Morning, 😊

Re: Conditional Use Permit for a Recreational Vehicle Park in a IL Zone (CUP-00142-2019)

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This application will go before the Planning and Zoning Commission as a public hearing item on the July 23, 2019 agenda.

Please find attached the CUP-00142-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than July 05, 2019.

Thank you & Have a great day!
Hi Sylvia, CTL has no objections or reservations regarding the CUP. Thanks.

Brad Baker
Faulk & Foster | CenturyLink
Network Infrastructure Services
11108 Chennault Beach Rd
Mukilteo WA 98275
cell: 425.286.4017
brad.baker@centurylink.com

This communication is the property of CenturyLink and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.
Good Morning Shellie,

The Nampa Highway District #1 will need a Traffic Impact Study to identify the impacts to the Middleton Rd/Chacartegui Ln. intersection as that intersection is Nampa Highway District #1’s jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

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Re: Conditional Use Permit for a Recreational Vehicle Park in a IL Zone (CUP-00142-2019)

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Thank you & Have a great day!