



Planning & Zoning Department

Before The Planning & Zoning Commission

July 26, 2016

Staff Report – Public Hearing #3

Applicant: Teresa Bahr
File No: CUP 039-16

Prepared By: Norman L. Holm
Date: July 18, 2016

Requested Action: Conditional Use Permit
Purpose: To Breed Feeder Insects and Non-Aggressive Small Reptiles

GENERAL INFORMATION

Status of Applicant: Property Owner and Home Occupation Operator

Existing Zoning: RS 6 (Single Family Residential – 6,000 sq. ft.)

Zoning & Planning History: The applicant indicates that she would like to request a conditional use permit for the below address to start a home based business. She will be breeding feeder insects for small animals and reptiles, as well as some non-aggressive small reptiles.

Location: 16029 No. Broken Top Drive

Size of Parcel: .192 acres or 8,398 sq. ft.

Surrounding Land Use and Zoning:

North- Single family residential, RS 6
South- Single family residential, RS 6
East- Single family residential, RS 6
West- Single family residential, RS 6

Comprehensive Plan Designation: Medium Density Residential.

Applicable Regulations: Chapter 25 provides Conditional Use Permit regulations and criteria. Animal regulations are found in Table 10-3-2 in the zoning ordinance as well as in Chapter 21. These criteria essentially require that the proposed Breeding of Feeder Insects and Non-Aggressive Small Reptiles be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

The following code sections require consideration of this proposed home occupation through Conditional Use Permit procedure:

Section 10-3-2 B. Unlisted Land Uses: The director or his/her designee shall interpret the appropriate district for land uses not specifically listed by determining the district in which similar uses are permitted. Such other similar uses shall not be inconsistent with the purpose of the district, shall not impair the present or potential use of properties in the surrounding areas and shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the specifically listed buildings and uses... Where a use is proposed and ambiguity exists concerning the appropriate district or procedure for the establishment of that particularly proposed use, said use may be established by obtainment of a conditional use permit in accordance with the provisions of chapter 25 of this title until such time ...

Section 10-1-10 A. Home Occupations Subject To Conditional Use Permits In Any District: Certain types of home occupations require special consideration and approval because of the nature of the use and its potential incompatibility with residential living...

Description of Existing Land Uses: The neighborhood surrounding the lot in question is single family residential in use.

Description of Proposed Conditional Use: Breeding of Feeder Insects (crickets, superworms, mealworms, waxworms, and silkworms) and Non-Aggressive Small Reptiles (chameleons, crested gecko's and possibly other small non-aggressive reptiles in the future).

Application History & Citizen Input: Code Enforcement has not indicated any active violations concerning the proposed home occupation use of the property or other recent visible code violations.

SPECIAL INFORMATION

Public Utilities: All available in the adjoining streets.

Public Services: All available.

Physical Site Characteristics: Existing single-family residential lot.

Environmental: the property is not situated in a 100-year flood area.

Aesthetics/Landscaping: The yard area is landscaped compatible with other lots in the area. The backyard is completely fenced with at least 5' high wood fencing.

STAFF FINDINGS & DISCUSSION

The applicant is requesting approval to breed Feeder Insects and Non-Aggressive Small Reptiles via the requested conditional use permit.

Staff would suggest that in considering this request that the applicant and any neighbors that attend the hearing be asked about the following:

1. Any past problems respecting any uncleanliness or accumulation of dead insects or other waste inside or outside the premises.
2. Any past problems respecting the insects or small reptiles getting outside the home and creating a nuisance or problem for neighbors.

City code requires the following Conclusions of Law for the conditional use permits:

1. That the location, size, design and operating characteristics of the proposed breeding of Feeder Insects and Non-Aggressive Small Reptiles 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.
2. That the location, design and site planning of the proposed breeding of Feeder Insects and Non-Aggressive Small Reptiles 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.
3. That the proposed breeding of Feeder Insects and Non-Aggressive Small Reptiles 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.

SUGGESTED CONDITIONS OF APPROVAL

If the Commission votes to grant a conditional use permit the following conditions are recommended to be attached:

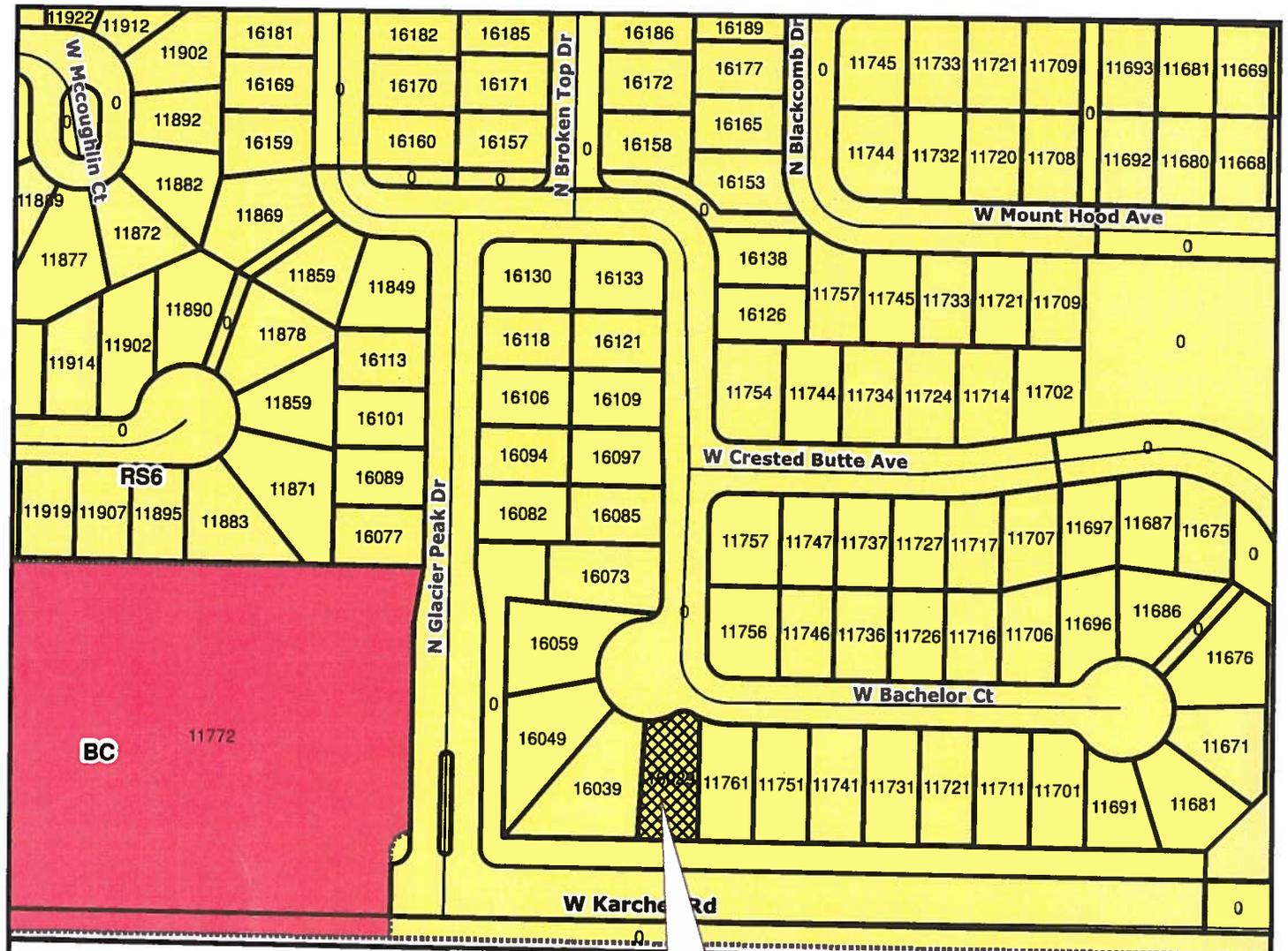
- 1) All breeding and keeping of Feeder Insects and Non-Aggressive Small Reptiles conducted on the premises shall not be allowed to constitute a nuisance to neighbors by reason of odors, hazards or other causes beyond the inside of the home.
- 2) That the Feeder Insects and Non-Aggressive Small Reptiles shall be housed and contained so as to not be able to get outside of the home.
- 3) All insects, including crickets, superworms, mealworms, waxworms, and silkworms shall be kept and/or bred and maintained in clean containers/housing so as to prevent any

infestations or hazards. Any dead insects shall be immediately discarded from the premises.

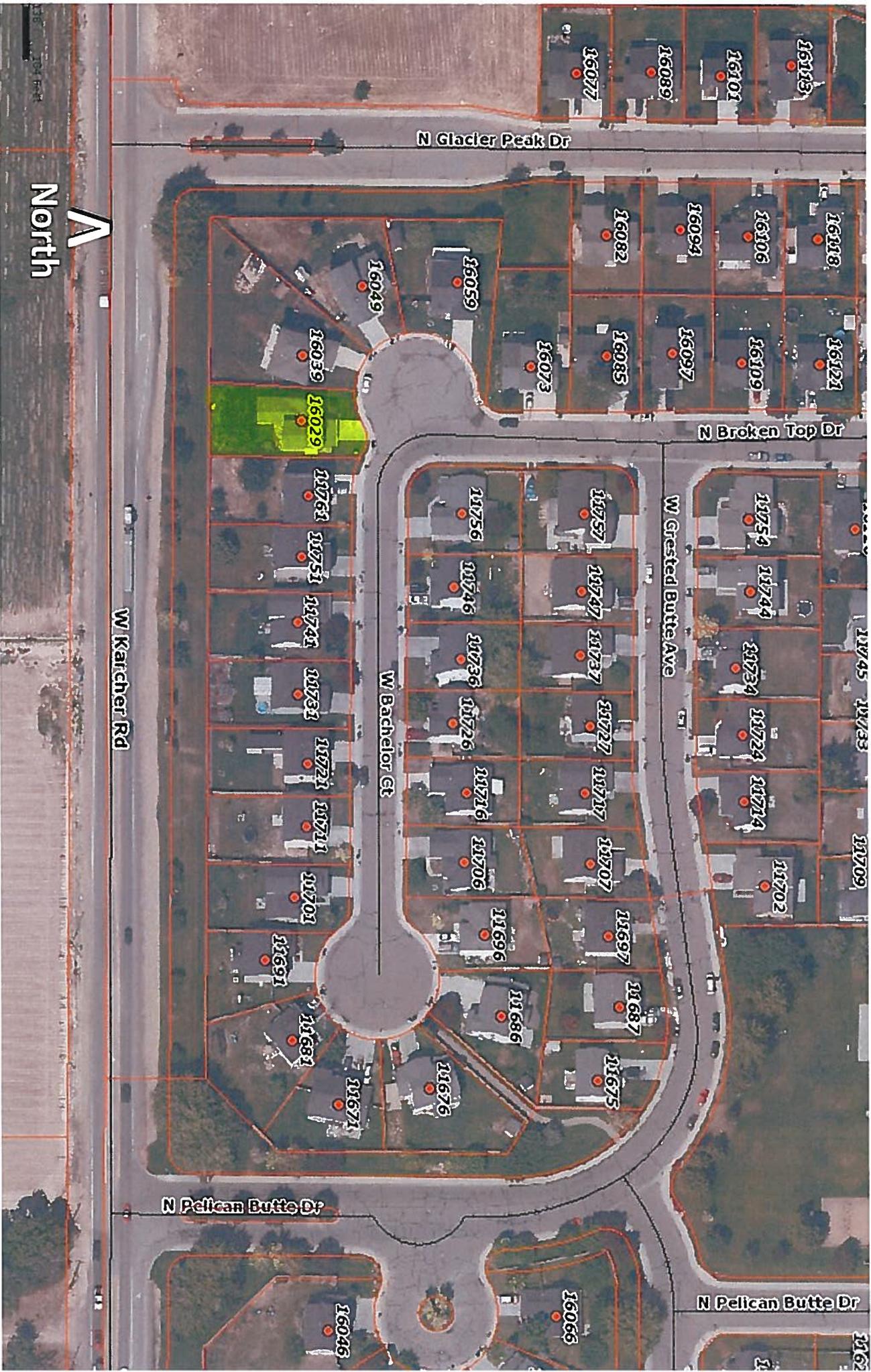
- 4) Only small reptiles shall be kept and/or bred on the premises and they shall be of the non-aggressive type, and all offspring shall be sold within 3 months of birth.
- 5) Any other conditions determined necessary by the Planning Commission following the public hearing.

ATTACHMENTS

Zoning and location map
Aerial photograph of location
Front view of property
Application and letter
Dog licenses and shot records
Department other correspondence



CONDITIONAL USE PERMIT FOR HOME OCCUPATION BREEDING OF FEEDER INSECTS AND NON-AGGRESSIVE SMALL REPTILES AT 16029 N. BROKEN TOP DRIVE (SECTION 7, T3N, R2W, BM, SW 1/4, CRESTWOOD ESTATES 3, LOT 31, BLOCK 8) FOR TERESA BAHR (CUP 039-2016).



North

A

N Glacier Peak Dr

N Broken Top Dr

W Grested Butte Ave

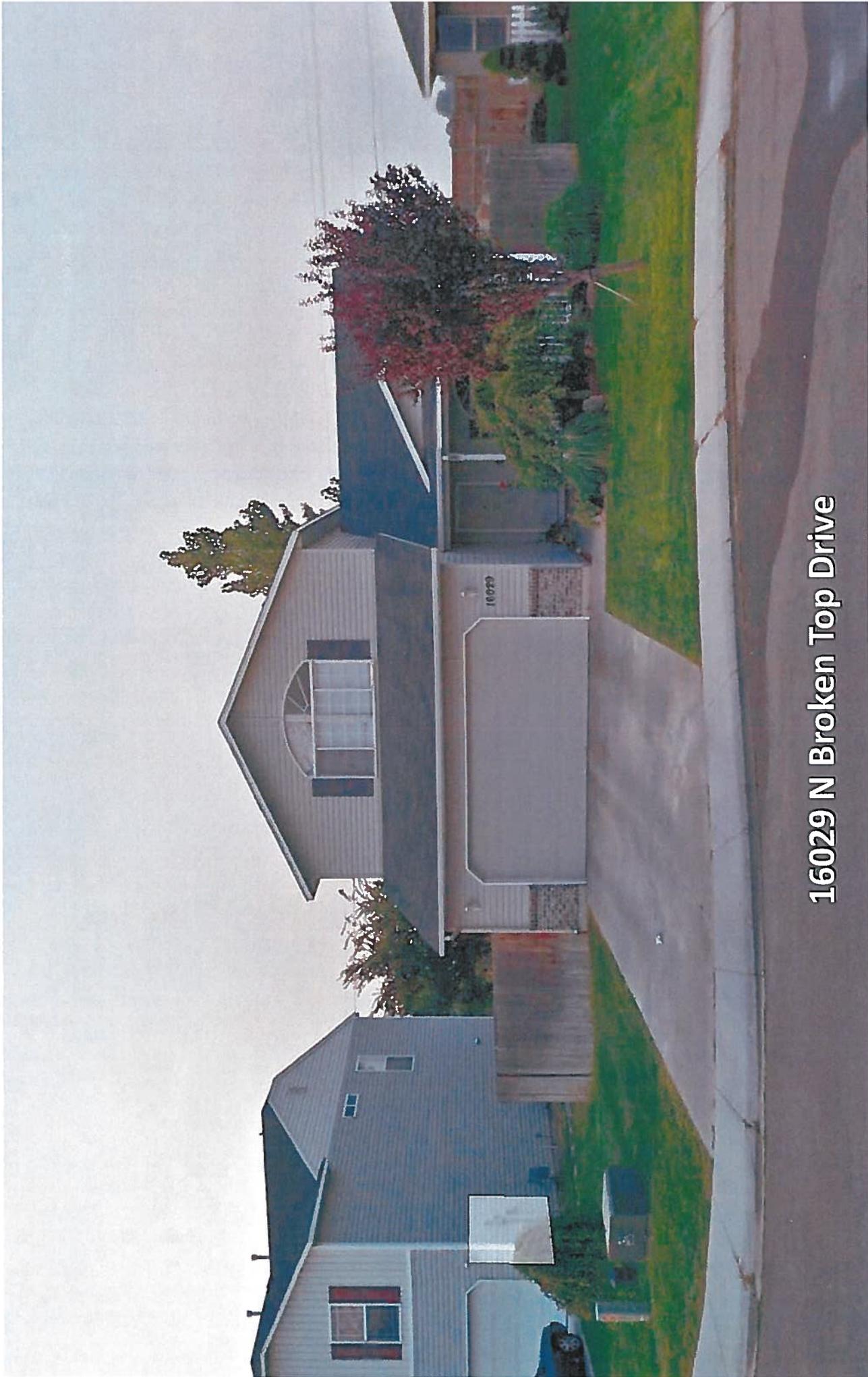
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W Karcher Rd

N Pelican Butte Dr

N Pelican Butte Dr

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16029 N Broken Top Drive



Very PE Norm

Application for Conditional Use Permit

City of Nampa, Idaho

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by the appropriate fee of \$234.00 (1 acre or less) or \$463.00 (more than 1 acre).

Name of Applicant/Representative: Teresa Bahr Phone: (208) 461-1467

Address: 16029 N. Broken Top Dr. City: Nampa State: ID Zip Code: 83651

Applicant's interest in property: (circle one) Own Rent Other

Owner Name: Teresa Bahr and Larry Vermilyea Phone: (208) 461-1467

Address: 16029 N. Broken Top Dr. City: Nampa State: ID Zip Code: 83651

Address of subject property: 16029 N. Broken Top Dr. Nampa ID 83651

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

Subject Property Information

(Please provide the following REQUIRED DOCUMENTATION to complete the CUP):

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

OR, Subdivision Crestwood Estates of 31 Block 8 Book 33 Page 1

A sketch drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas, preliminary or final building plans and building elevations, together with any other information considered pertinent to the determination of this matter.

Project Description

State (or attach a letter stating) the reason for the proposed Conditional Use Permit: see letter attached

Length of time requested for the Conditional Use Permit: _____ Months and/or _____ Years.

Date conditional use is expected to begin after permit is granted: _____/_____/_____.
Please note: Conditional use permits expire if not used within six (6) months after granting.

Dated this 20th day of June, 20 16

Signature of applicant

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.

Acceptance by the City of this application does not exempt an applicant's need to comply with all other civil, local, state or federal agency laws, covenants or standards that may appertain to the proposed Conditional Use, including, where applicable, Home Owners' Association Board approval and compliance with private Covenants, Conditions and Restrictions.

For Office Use Only.

File Number: CUP 039 -20 16

Project Name: H0 Breeding Feeder Insects + reptiles

TERESA M. BAHR
16029 N. Broken Top Dr. Nampa, ID 83651
Home: (208)461-1467 Email: teresabahr@q.com

To Whom It May Concern-

I would like to request a conditional use permit for the above address to start a home based business. I will be breeding feeder insects for small animals and reptiles, as well as some non-aggressive small reptiles.

The feeder insects I currently plan on breeding are the following: crickets, superworms, mealworms, waxworms, and silkworms. These will all be in a room of the home that will be set up solely for the business.

The crickets have a short life span of approximately 10 weeks. They will be kept in large Sterlite tubs on shelving. They rarely get out of a tub unless I accidentally drop one. In addition to their short life span they have to have the correct temperature, humidity, and soil to breed and I do not anticipate any cricket infestations as a result of this process.

The superworms will be contained in large 3 drawer Sterlite containers. They cannot live or breed unless they are in specific conditions, so again, I do not see them as a potential hazard. They cannot leave the containers unless I take them out.

The waxworms are kept in very large plastic containers and can only live if they have honey to eat. They do not leave the containers unless I remove them.

The silk worms will only be bred as needed, or I will just be selling eggs to pet owners. The silkworms do not move much at all and are always under close observation. They cannot live unless they have mulberry leaves to eat. In addition, they are highly sensitive to bacterial infections making them a fairly clean insect, care has to be taken to always have sanitary conditions for them. The moths cannot fly, do not eat, and only live for 2 weeks.

The mealworms are also kept in large 3 drawer Sterlite containers and do not leave unless I remove them. I do not anticipate any infestations, and as far as I know they would not live well in this environment either.

All of these insects will be kept in clean housing and any dead insects will be immediately discarded. There is a slight very mild odor that you cannot smell unless you open the door to the room and the container drawers to the superworm or mealworm bins. The insects do not have overwhelming offensive odors unless there are large numbers of dead decaying insects, which would not be acceptable to myself or anyone else in our home.

I keep a clean home and the insect containers are also kept clean. If, at any time I decided I needed to breed more insects than I can fit in the room that we have designated I will relocate them to a different building.

TERESA M. BAHR
16029 N. Broken Top Dr. Nampa, ID 83651
Home: (208)461-1467 Email: teresabahr@q.com

The reptiles that I will be breeding will be chameleons, crested gecko's, and possibly some other small non-aggressive reptiles in the future. These are currently our household pets and they also have clean living conditions. The most recent pets that we introduced were 2 crested Gecko's 6 months ago and the chameleons approximately 14 months ago. The reptiles I currently plan on breeding have already been in our home for some time as pets and the offspring would be sold within 3 months of birth. These reptiles also have specific living conditions that would not be supported in Idaho if they were not caged animals.

Sincerely,

A handwritten signature in black ink that reads "Teresa Bahr". The signature is written in a cursive style with a large, looping initial "T" and a long, sweeping underline.

Teresa Bahr



HOME OCCUPATION REGISTRATION

City of Nampa Fees: \$90.00
Planning and Zoning Department
411 3rd Street S., Nampa, Id 83651

Applicant Name: Teresa Bahr Phone: (208) 461-1467

Property Address: 16029 N. Broken Top Dr. City: Nampa St: ID Zip: 83651

Property Owner: Teresa Bahr and Larry Vermilyea

Business Name: _____ Type of Occupation: Home Business

Is this application a Code Enforcement action? () Yes () No

NOTICE: The intent of home occupation provisions is to only allow for home occupations that are compatible with the neighborhoods in which they are located. Full scale commercial or professional operations, which would change the appearance or condition of a residence, be detrimental to neighborhood character, or ordinarily be conducted in a commercial or industrial district, should not be conducted at home. The following home occupations cannot be established without having first obtained approval for the issuance of a Conditional Use Permit from the Planning Commission: Repair garages (including truck, auto, motorcycle, boat, etc.); major appliance repair; paint shops; welding; woodworking and cabinet shops; and any other use(s) determined by the Planning Director to be similar to the aforementioned.

General Information

Yes No

- Is the home occupation clearly incidental and secondary to the use of the property for dwelling purposes? (Applicant must be able to provide proof of residence for the above address)
- Will the home occupation be conducted entirely within the dwelling and/or garage?
(The Home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling unit involved).
- Do you propose to have an employee?
(No outside paid employees are permitted, except in short- term instances when the resident operator must temporarily be away from the home.)
- Will you have a sign? (Only a non-illuminated nameplate less than two (2) square feet in area is permitted)
- Will the home occupation cause abnormal automotive or pedestrian traffic?
(Vehicular or pedestrian traffic shall not be generated in volumes beyond that normal to the use in the zoning district in which the home occupation is located. If additional parking is needed it shall be met off-street and not in the landscaped front yard).
- Will the home occupation cause any unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar disturbances to the outside of the dwelling or accessory building used for the home occupation?
(No equipment or process shall be used which creates noise, vibration, glare, fumes, and/or odors in excess of those created by normal residential use. Home occupations involving storage of flammable or combustible materials shall conform to the adopted International Fire Code.)
- Will the activity of the home occupation change the residential character of the dwelling?
(The building must retain the appearance of residential use in terms of operating characteristics and cannot destroy the residential character of the neighborhood).

Shellie Lopez

From: Neil Jones
Sent: Monday, June 27, 2016 8:34 AM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Conditional Use Permit for Home Occupation Breeding Feeder Insects and Non-Aggressive Small Reptiles / CUP 039 16

Building Department has no conditions at this time.

Neil Jones

Plans Examiner Supervisor

P: 208.468.5492 F: 208.468.4494

[Department of Building Safety](#), [Like us on Facebook](#)

From: Shellie Lopez

Sent: Friday, June 24, 2016 10:55 AM

To: Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@cityofnampa.us>; Michael Fuss <fussm@cityofnampa.us>; Neil Jones <jonesn@cityofnampa.us>; Patrick Sullivan <sullivanw@cityofnampa.us>; Ray Rice <ricer@cityofnampa.us>; Robin Collins <collinsrr@cityofnampa.us>; Soyla Reyna <reynas@cityofnampa.us>; Sylvia Mackrill <mackrill@cityofnampa.us>; Tina Fuller <tfuller@compassidaho.org>; Tom Laws <tlaws@compassidaho.org>; Vickie Holbrook <holbrookv@cityofnampa.us>

Subject: Conditional Use Permit for Home Occupation Breeding Feeder Insects and Non-Aggressive Small Reptiles / CUP 039 16

Good Morning! ☺

CUP 00039-16:

Teresa Bahr has requested a Conditional Use Permit for a Home Occupation Breeding Feeder Insects and Non-Aggressive Small Reptiles at 16029 N. Broken Top Dr. (Section 7, T3N, R2W, BM, SW 1/4, Crestwood Estates 3, Lot 31, Block 8). This property is located within a RS-6 (Single Family Residential - 6000 sq ft minimum lot size) zoning district.

The applicant will go before the Planning & Zoning Commission as a public hearing item on the July 26, 2016 agenda.

Please find attached the CUP 00039-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than July 13, 2016.

Thank you & have a great weekend!

Memorandum

To: Planning and Zoning

Cc: Tom Points, P.E., City Engineer

Cc: Daniel Badger, P.E., Staff Engineer

Cc: Michael Fuss, P. E., Nampa City Public Works Director

From: Jim Brooks – Engineering Division

Date: July 13, 2016

Rev:

Re: CUP – Breeding Feeder Insects and Non-aggressive Reptiles

Applicant: Teresa Bahr

Property Address: 16029 North Broken Top Drive, Nampa, Idaho 83651

CUP 00039-16 for the July 26, 2016 Planning and Zoning Meeting

Applicant's request is to have a home based business to breed feeder insects (crickets, mealworms, waxworms, silkworms, superworms, etc.) and eventually small non-aggressive reptiles (chameleons, geckos, etc.).

The Engineering Division does not oppose the granting of this conditional use permit.

Mr. & Mrs. Steven Swartz
27152 Soledad Dr.
Mission Viejo, CA. 92691
July 12, 2016

Planning & Zoning Department
Norman L. Holm, Planning Director
411 3rd. St. So.
Nampa, ID. 83651

Dear Sirs:

We are the owners of the property located at 16085 N. Broken Top Dr. in the Crestwood Estates, Nampa, Idaho. It has recently come to our attention, via your written communication dated July 6, 2016, that the homeowner at 16029 N. Broken Top Dr. is requesting a permit to breed Feeder Insects and Non-Aggressive Small Reptiles on their aforementioned property.

As you are already aware, our property is located within 300' of the subject property in question. We are therefore exercising our right of disapproval of such a request. We are not comfortable with this level of activity in a neighborhood that was advertised to us as a "Family Community".

We would need to have more information, before we could support such a questionable business in a residential area. Unfortunately, we are unable to attend the Public Hearing on July 26, 2016 at 7:00 pm, but we are writing to let our response be known.

Thank you for your time and assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Swartz", with a stylized flourish at the end.

Mr. & Mrs. Steven Swartz