Staff Report – Public Hearing No. 3

Conditional Use Permit for a Home Occupation Firearms Business at 3422 E. Red Sunset Maple Dr. for Jeffrey Nobles

Applicant: Jeffrey Nobles
Property Owner: Jeffrey Nobles
File No: CUP 128-18
Prepared by: Doug Critchfield, Planner II
Date: January 16, 2019
Requested Action: Conditional Use Permit
Purpose: Home Occupation Firearms Business

GENERAL INFORMATION

Status of Applicant: Property Owner
Existing Zoning: RS6 (Single Family Residential)
Address: 3422 E Red Sunset Maple Dr. (Canyon County Parcel #R2468911000)
Legal Description: Lot 11, Block 1 Whispering Maples Subdivision, and a portion of the NW ¼ of Section 25, T3N, R2W, BM.
Proposed Use: Home Occupation Firearms Business
Size of Property: .289 acre or 12,589 sq. ft
Surrounding Land Use and Zoning:
North- RS6 (Single Family Residential)
South- RS6 (Single Family Residential)
East- RS6 (Park Ridge Elementary School)
West- RS6 (Single Family Residential)

Comprehensive Plan Designation: Medium Density Residential

Zoning and Planning History: This property has been utilized as Single Family Residential since 2008

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.

SPECIAL INFORMATION

Public Utilities: n/a

Public Services: n/a

Transportation: The property has access available from E. Red Sunset Maple Dr.

Environmental: The business will be operated indoors in a home office setting. There will be assembly and internet sales of firearms in the interior of the residence.

Correspondence: As of the date of this memo, the Nampa School District issued a letter of opposition to the requested conditional use permit indicating that the proposed business would be conducted within a ‘school zone’ [as identified by the Federal Gun-Free School Zones Act (18 U.S.C. § 921(a)(25)], which by federal law, prohibits an unauthorized individual from knowingly possessing a loaded or unsecured firearm within 1,000 feet from the grounds of a public, parochial or private school. Staff has contacted the City Attorney and asked for guidance to be incorporated as a part of this application.

Physical Site Characteristics: The location of the proposed business is within a residence in a residential neighborhood. Park Ridge Elementary School is immediately adjacent to the property. A pathway that provides access to the elementary school lies immediately adjacent to the property on the south side.

Parking: This is a home occupation. No employees are permitted to work on the premises. No additional parking is required.

STAFF FINDINGS & DISCUSSION

As of the date of this memo, the Nampa School District issued a letter of opposition to the requested conditional use permit indicating that the proposed business would be conducted within a ‘school zone’ [as identified by the Federal Gun-Free School Zones Act (18 U.S.C. § 921(a)(25)], which by federal law, prohibits an unauthorized individual from knowingly
possessing a loaded or unsecured firearm within 1,000 feet from the grounds of a public, parochial or private school. Staff has contacted the City Attorney and asked for guidance to be incorporated as a part of this application.

From a land use standpoint, the location is in a residential neighborhood, and the requested home occupation firearms business is an eligible conditional use in the residential zone (pending City Attorney input on School Zone Act). This type of business will be operated in a home office setting with no employees permitted to work on the premises. The owner indicated that there would be some assembly and internet sales.

With regards the conditional use permit, in my opinion, the operation of a home occupation firearms business should have no impact to the neighborhood, provided that the applicant/owner complies with the below stated conditions of approval.

**SUGGESTED CONDITIONS OF APPROVAL**

If the Commission determines to allow the home occupation firearm sales, the following conditions are recommended:

1) All requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as state, or federal agencies regarding use of the property for a home occupation firearms business shall be satisfied prior to occupancy.

2) The owner in compliance with all restrictions associated with the Gun-Free School Zone Act.

3) The owner operates the business as a typical home occupation business with no manufacturing and minimal storage of inventory.

4) The owner maintains all regulatory permitting, licensures and operational procedures as required by law.

5) At no time will the owner be permitted to conduct sales on the premises (only internet sales permitted).

6) Inventory is locked in a secure safe.

7) The conditional use permit is granted only to the property for the duration of the use and shall not be transferable to any other location.

8) Any other conditions recommended by the Commission following public hearing.

**ATTACHMENTS**

1) Home Occupation Registration Application (pages/Exhibits 5-6)
2) Application for Conditional Use Permit (pages/Exhibits 7-8)
3) Location Map (page/Exhibit 9)
4) Zoning Map (page/Exhibit 10)
5) Aerial photo of lot and neighborhood (page/Exhibit 11)
6) Copy of plat showing lot (page/Exhibit 12)
7) Agency and other correspondence (pages 13+)
**Home Occupation Registration**

PLANNING AND ZONING DEPARTMENT  
411 3RD STREET S., NAMPA, IDAHO 83651  
P: (208) 468-4487 F: (208) 465-2261  
Fee: $90.00

Applicant Name: Jeff Nobles  
Home Number:  
Street Address: 3422 E. Red Sands Maple Drive  
Mobile Number: 208-871-2340  
City: Nampa  
State: IDAHO  
Zip Code: 83657  
Email: Jeff.Nobles@msn.com  
Business Name: Nobles Arms

Property Owner Name: Same  
Home Number:  
Street Address:  
Mobile Number:  
City:  
State:  
Zip Code:  
Email:  

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

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- 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 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).*
Please Note the following Additional Regulations:

- **Storage and Display.** There is no outdoor display of goods or outside storage of equipment or materials used in the home occupation that would indicate from the exterior that the building is being used in whole or in part for any purpose other than residential use.

- **Commercial Vehicles.** Not more than one (1) commercial vehicle not to exceed fifteen thousand (15,000) GVWR, may/shall be kept by the operator of the home occupation on their residentially zoned property.

- **Yard Sales.** Infrequent yard sales (includes garage sales, moving sales, block sales, patio sales, flea markets, etc.) of short duration may occur in residential areas without compliance with standard number 3, provided the sales are conducted not more than three days at a time and no more frequently than once per calendar quarter. The seller shall not be in the business of selling the same or similar property as that which is offered for sale at the yard sale. All other home occupation standards shall be complied with.

**Additional Submittal Requirements**

- Completed application, including signature
- A scale drawing of the site.
- Signed & Notarized Affidavit of Legal Interest (attached). Form **must** be completed by the legal owner
- Please provide a detailed statement describing the nature of the proposed Home Occupation, including type of business, equipment used, operating hours (hours per day, and days per week), and average daily number of people that will be coming to your home for your home occupation.

**Acceptance by the City of this registration does not abrogate an applicant's need to comply with all other civil, local, state or federal agency laws, covenants or standards that may appertain to operation of a home based business.**

**Certification:** I am aware of the standards and conditions under which my home occupation is allowed and that if any of the standards are violated I am guilty of a misdemeanor. I am aware that this statement of compliance is for the stated occupation and business and that if I change addresses, change occupations, or discontinue the occupations that this statement becomes invalid and another statement would need to be filed.

Signature ___________________________  Date 12/07/2018
Print name Jeff Nobles

**OFFICE USE ONLY**

FILE NUMBER: HOR - ______ - 20______ ZONING DISTRICT ______________
PROJECT NAME ____________________________

_________________________  ___________________________
ZONING AGENT SIGNATURE  DATE
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: Jeffrey Nobles
Home Number
Street Address: 3422 E RED SUNSET MAPLE DRIVE
Mobile Number: 208 871 2394
City: Nampa State: ID Zip code: 83687
Email: JeffNobles@msn.com
Property Owner Name: Same
Home Number
Street Address
Mobile Number
City State Zip Code
Email
Applicant’s interest in property: ( ) Own ( ) Rent ( ) Other

ADDRESS OF SUBJECT PROPERTY: 3422 E RED SUNSET MAPLE DR.

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:
Assemble and Sell Firearms for an Internet based business

Dated this 7 day of December, 2018

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 - 128 - 2018 PROJECT NAME: Assemble & Sell Firearms From Home

12/11/13 Revised
Lot 11, Block 1, Whispering Maples Subdivision, according to the plat thereof, filed in book 41 of Plats at page (s) 33, records of Canyon County, Idaho.

APN#: 24689110 0

Which currently has the address of 3422 E Red Sunset Maple Dr. Nampa, Idaho 83687
Conditional Use Permit for a Home Occupation Firearms business

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

1/4/2019
December 18, 2018

To: City of Nampa Planning and Zoning
From: Nampa School District 131
Re: CUP-00128-2018

The Nampa School District would like to express concerns regarding the request to have an internet-based firearm business where firearms will be assembled and sold out of a home at 3422 E Red Sunset Maple Drive in Nampa.

We take student safety very seriously. Our concerns are around the proximity of the property to Parkridge Elementary, one of our K-5 Elementary schools. This location backs up to areas where students are playing at recess as well as the physical building where students are learning. Parents also are coming and going throughout the day. There is an unobstructed view of the school and playground from the requested location.

According to district policy #4300, no person is allowed to have a weapon on campus outside of law enforcement. Because this property literally borders campus and has access to school grounds, our concern is very high.

We also are concerned that the property connects to the public park where students play on evenings and weekends. There is an unobstructed view of the public park from this location.

The Gun-Free School Zones Act prohibits any person from knowingly possessing a firearm at a place the individual knows, or has reasonable cause to believe, is a school zone. The GFSZA defines “school zone” as:

1. In, or on the grounds of, a public, parochial or private school that provides elementary or secondary education
2. Within a distance of 1,000 feet from the grounds of a public, parochial or private school that provides elementary or secondary education

Thank you for considering our concerns.

Paula Kellerer            Amy Taylor            Shelley Bonds
Superintendent of          Principal            Director of Elementary Education
Nampa School District #131  Parkridge Elementary  Nampa School District #131

Inspiring Excellence — Every Child, Every Day

619 S. Canyon St. Nampa, ID 83686
www.nsd131.org
December 24, 2018

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

**VIA EMAIL**

<table>
<thead>
<tr>
<th>Development Application</th>
<th>CUP-00128-2018</th>
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<tr>
<td>Project Name</td>
<td>HOME OCCUPATION FIREARMS BUSINESS</td>
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<tr>
<td>Project Location</td>
<td>3422 East Red Sunset Maple Drive, south of I-84B milepost 65.55</td>
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<tr>
<td>Project Description</td>
<td>Establish an internet based home business for the assembly and sale of firearms.</td>
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<tr>
<td>Applicant</td>
<td>Jeffrey Nobles</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 does not abut the State highway system.
2. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
3. IDAPA 39.03.60 rules govern 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.
4. ITD does not object to allowing a home occupation firearms business in a residential zone 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,

[Signature]

Sarah Arjona  
Development Services  
Sarah.Arjona@itd.idaho.gov
December 18, 2018

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: CUP-00128-2018/ Firearms Business; 3422 E. Red Sunset Maple Drive

Dear Norm,

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions.

Sincerely,

Greg G. Curtis
Water Superintendent
Nampa & Meridian Irrigation District
GGC/ gnf

Cc: Office/ file
Date: 12/20/18

Rev:

To: Planning and Zoning
Cc: Daniel Badger, P.E., City Engineer
Cc: Tom Points, P. E., Nampa City Public Works Director
Cc:

From: – Engineering Division

Subject: Home occupation firearms

Applicant: Jeffery Nobles

Applicant Address: 3422 E Red Sunset Maple Dr Nampa, Idaho 83687

Owner: Jeffery Nobles

Owner Address: 3422 E Red Sunset Maple Dr Nampa, Idaho 83687

Parcel Address: 3422 E Red Sunset Maple Dr Nampa, Idaho 83687

CUP-00128-2018 for the January 23, 2019 Planning & Zoning Meeting

Applicant’s request is to develop a home occupation firearms internet-based business at his residence.

Regarding this project, the Engineering Division does not oppose the granting of this conditional use permit.
Building Department has no conditions at this time.

**Neil Jones**
Assistant Building Official
P: 208.468-5492 F: 208.468.4494
jonesn@cityofnampa.us

Department of Building Safety, Like us on Facebook

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From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Thursday, December 13, 2018 3:04 PM
Subject: Conditional Use Permit for Home Occupation Firearms Business / CUP-00128-2018

Good Afternoon Everyone! 😊

**Re: CUP-00128-2018**

Jeffrey Nobles has requested a Conditional Use Permit for Home Occupation Firearms Business at 3422 E. Red Sunset Maple Dr. (Lot 11, Block 1, Whispering Maples Subdivision and a .30 acre or 12,610 sq. ft. portion of the NW ¼ of Section 25, T3N, R2W, BM).

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

Please find attached the CUP-00128-2018 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than January 09, 2019.

*Thank you & Have a great day!*
Hi Sylvia,

Sorry, the address is 3422 E. RED SUNSET MAPLE DR.
R:2468911000

NO Code Violations at this time. Residential Zone and School Zone in back of property.

Thank you.
Juan V.

Juan,
Do you have an address for this reference number.

Thanks,

NO Code Violations at this time.

Juan V.
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

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Good Afternoon Everyone! 😊

Re: CUP-00128-2018

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Thank you & Have a great day!