Planning & Zoning Department
Planning & Zoning Commission Meeting
October 8, 2019

Staff Report – Public Hearing No. 1

Conditional Use Permit for Home Occupation Gunsmithing with Occasional Special-Order Firearm Sales in an RS6 zoning district at 1925 Gemini Dr. for David C. Morgan (CUP 154-19).

Applicant/Property Owner: David C. Morgan
File No: CUP 154-19
Prepared By: Norman L. Holm, Planning Director
Date: September 30, 2019
Requested Action: Conditional Use Permit
Purpose: Home Occupation Gunsmithing with Occasional Special-Order Firearm Sales

GENERAL INFORMATION

Status of Applicant: Property/Business Owner
Existing Zoning: RS6 (Single-Family Residential – 6,000 sq. ft.)
Address: 1925 Gemini Dr. (Canyon County Parcel #R1298553100)

Legal Description: Lot 6, Block 3, New Karcher Estates #1, less Tax 09042 situated in the NW ¼ of Section 17, T3N, R2W, BM.

Proposed Use Description: A home occupation for gunsmithing with occasional special-order firearm sales. According to the applicant his proposed home occupation involves light gunsmithing and occasional special ordering of a few firearms for family and friends, etc. Most of his business from home will be conducted under contract to local firearms dealers and pawn...
brokers where he will pick up and return inventory, thus having very few customers other than close friends and family coming to his home.

**Size of Property:** .17 acre or 7,594 sq. ft.

**Surrounding Land Use and Zoning:**
North- RS6 (Single Family Residential)
South- RS6 (Single Family Residential)
East- RS6 (Single Family Residential)
West- RS6 (Single Family Residential)

**Comprehensive Plan Designation:** Medium Density Residential

**Zoning and Planning History:** This property has been utilized as a single-family dwelling since 1978.

**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 and issuance of a conditional use permit.

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**SPECIAL INFORMATION**

**Public Utilities:**
- 6" water mains in Gemini Dr. and Taurus Dr.
- 8" sewer main in Taurus Dr.
- 4" irrigation main adjacent northerly property line

**Public Services:** All available

**Transportation:** The property has access available from Gemini Dr. to Taurus Dr. to N. Middleton Rd.

**Environmental:** The business will be operated indoors in a home office setting. According to the applicant he needs only light tools (hammers, punches, files, etc.), a work bench, a record book, some forms, a firearm safe and his computer. He probably will not have at any time, more than 1 or 2 unloaded, and securely stored firearms on the premises for gunsmithing work or awaiting customer pick-up from a special order.

**Correspondence:** As of the date of this memo, no area residents or property owners have submitted letters of opposition or support regarding the requested home occupation for gunsmithing with occasional special-order firearm sales.

**Physical Site Characteristics:** The location of the proposed business is within a residence in a residential neighborhood. No public schools are immediately adjacent to the property.

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

From a land use standpoint, the location is in a residential neighborhood, and the requested home occupation for gunsmithing with occasional special-order firearm sales is an eligible conditional use in the residential zone. This type of business will be operated in a home office setting in accordance with the applicant's letter of explanation.

With regards the conditional use permit, in my opinion, the operation of a home occupation for gunsmithing with occasional special-order firearm sales 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 for gunsmithing with occasional special-order 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 for gunsmithing with occasional special-order firearm sales shall be satisfied prior to occupancy.
2) The owner operates the business as a typical home occupation business with no manufacturing and minimal storage of inventory.
3) The owner maintains all regulatory permitting, licensures and operational procedures as required by law.
4) At no time will the owner be permitted to conduct public firearms sales on the premises
5) Inventory is locked in a secure safe.
6) The home occupation for gunsmithing with occasional special-order firearm sales shall be continuously operated in accordance with the applicant's provided project description.
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) Application for Conditional Use Permit and project description (Pages 4-5)
2) Application for home occupation registration (Pages 6-8)
3) Zoning and vicinity map (Page 9)
4) New Karcher Estates 1 Plat (Page 10)
5) Aerial photo of lot (Page 11)
6) Aerial photo of neighborhood (Page 12)
7) Agency and other correspondence (Pages 13+)
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: David C Morgan
Home Number: 208-801-9712
Street Address: 1925 Gemini Dr
Zip Code: 83651
City: Nampa
State: ID
Mobile Number: 208-801-9712
Email: dmorgan1082@gmail.com

Property Owner Name: David C Morgan
Street Address: 1925 Gemini Dr
City: Nampa
State: ID
Mobile Number: 208-801-9712
Email: dmorgan1082@gmail.com

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

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:

CUP GUNSMITHING / FIREARMS HOME OCCUPATION

Dated this 6th day of September, 2019

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 - 154 - 20 19
PROJECT NAME: Home Occ - Gunsmithing/Firearms

12/11/13 Revised
David C Morgan  
1925 Gemini Dr  
Nampa, ID 83651  
208-801-9712  
Dmorgan1082@gmail.com  
20190906

Planning and Zoning Dept  
City Hall  
411 3rd Street S.  
Nampa, ID 83651

To Whom it may Concern:

Reference: Home Occupation Registration

My proposed home business involves light gunsmithing and occasional special ordering of a few firearms for family and friends, etc. Most of my business from home will be conducted under contract to local firearms dealers and pawn brokers where I will pick up and return inventory, thus having very few customers other than close friends and family to my home.

There will be no employees or exterior signs of any kind. There will be no structural changes in or around my home as related to the business and I will have no large inventory stored at the premises or anywhere else on the property. For obvious security and privacy reasons, my proposed legal activities should be kept confidential. I do not have a right to know about my neighbors’ legal home-business activities and vice versa.

To conduct my business, I need only light tools (hammers, punches, files, etc.), a work bench, a record book, some forms, a firearm safe and my computer. I will probably not have at any time, more than 1 or 2 unloaded, and securely stored firearms on the premises for gunsmithing work or awaiting customer pick-up from a special order.

Please approve my above home activity and include in the description on the home occupation permit: David C Morgan, 1925 Gemini Dr, and “Gunsmithing with Occasional Special-Order Firearm Sales”. If no home-business license/permit is necessary or issued, please generate a signed note on official stationery to the Bureau of Alcohol, Tobacco, Firearms and Explosives as follows: David C Morgan, at 1925 Gemini Dr, Nampa, ID 83651, is not prohibited from doing gunsmithing and occasional special-order firearms sales at this address as long as he maintains a valid Federal Firearms License (FFL).

Respectfully,

David C Morgan
**HOME OCCUPATION REGISTRATION**

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

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<th>Applicant Name</th>
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<td><a href="mailto:dmorgan1082@gmail.com">dmorgan1082@gmail.com</a></td>
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Is this application a Code Enforcement action? ( ) YES (X) 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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<th><strong>YES</strong></th>
<th><strong>NO</strong></th>
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<td>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)</td>
<td>X</td>
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<td>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).</td>
<td>X</td>
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<td>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.)</td>
<td>X</td>
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<td>Will you have a sign? (Only a non-illuminated nameplate less than two (2) square feet in area is permitted)</td>
<td>X</td>
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<td>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).</td>
<td>X</td>
</tr>
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<td>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.)</td>
<td>X</td>
</tr>
<tr>
<td>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).</td>
<td>X</td>
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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) GVW 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: [signature]
Print name: [David Morgan]
Date: 09/06/2019

OFFICE USE ONLY

FILE NUMBER: HOR - 043 - 2019
PROJECT NAME: Gunsmith/Firearms

ZONING DISTRICT

ZONING AGENT SIGNATURE

DATE
Type of business: Gunsmithing, small hand tools and the occasional electric hand tool used for basic repair and maintenance of firearms.

Hours will only be during the times of 8am to 5pm for one to five ours at a time. No more than one to four days a week.

Average daily number of people will only be one to two people on any given day for either drop off or pick up of fire arm.
Exhibit 1925 Gemini Dr

Conditional Use Permit for Home Occupation Gunsmithing with Occasional Special-Order Firearm Sales in RS6 zone for David C Morgan

CUP-00154-2019

9/24/2019

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

For all websites purposes only.
The Engineering Division does not oppose this application and has no comments or conditions.
September 20, 2019

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

RE: CUP-00154-2019/ Home Occupation Gunsmithing; 1925 Gemini Drive

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application, as it lies outside of our District boundaries. Please contact Mark Zirschky of Pioneer Irrigation at (208) 459-3617, P.O. Box 426 Caldwell, ID 83606-0426.

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 must review drainage plans. The developer must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District
DTD/ gnf

Cc:
Office/ file
M. Zirschky, Pioneer Irrigation District
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Good Afternoon! 😊

Re: CUP-00154-2019

David C. Morgan has requested a Conditional Use Permit for a Home Occupation Gunsmithing with Occasional Special-Order Firearm Sales in an RS6 (Single-Family Residential - 6,000 sq. ft.) zoning district at 1925 Gemini Dr. (A .17 acre or 7,594 sq. ft. parcel situated in the NW ¼ of Section 17, T3N, R2W, BM and Lot 6, Block 3, New Karcher Estates #1, less Tax 09042).

This application will go before the Planning and Zoning Commission as a public hearing item on the October 08, 2019 agenda.

Please find attached the CUP-00154-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than September 20, 2019.

Thank you & Have a great day!
Good afternoon,

ITD has received application CUP-00154-2019 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Good Afternoon! 😊

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Thank you & Have a great day!