

## COUNTY OF PLACER Community Development Resource Agency

Michael J. Johnson, AICP Agency Director

### **PLANNING**

Paul Thompson
Deputy Planning Director

**HEARING DATE:** April 19, 2012

**TIME:** 9:10am

TO:

**Zoning Administrator** 

FROM:

**Development Review Committee** 

DATE:

March 12, 2012

SUBJECT: N

Minor Use Permit (PMPC 20120039) - Fanoni Firearms Dealer Use

PLAN AREA: Weimar / Applegate / Clipper Gap Community Plan

**GENERAL PLAN DESIGNATION:** Rural Estate 2.3 - 4.6 acre minimum

**ZONING:** Farm combining minimum Building Site of 4.6 acres

**STAFF PLANNER:** Alex Fisch, Associate Planner

**LOCATION:** The project site is located at 15160 Ponderosa Lane in the Clipper Gap area, one-half mile south of the intersection of Clipper Gap Road and Applegate Road.

**APPLICANT:** Michael Fanoni

### PROPOSAL:

The applicant requests approval of a Minor Use Permit to operate a federal firearms dealer as a home occupation in accordance with Section 17.56.120 (Home Occupations) and Section 17.58.120 (Minor Use Permit) of the Placer County Code.

### **CEQA COMPLIANCE:**

This project is categorically exempt from environmental review pursuant to provisions of Section 15301 of the California Environmental Quality Act Guidelines and Section 18.36.030 of the Placer County Environmental Review Ordinance (Class 1, Existing facilities). The Zoning Administrator will be required to make a finding to this effect.

### PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate agencies, public interest groups, and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff and the

Departments of Engineering and Surveying, Public Works, Environmental Health and the Fire Department were transmitted copies of the project plans and application for review and comment. Additionally, Planning Division staff made preliminary contact with appropriate staff at the Bureau of Alcohol Tobacco and Firearms and the Placer County Sherriff's Office, both of which would be required to issue separate permit approvals for the proposed use.

Comments received from agency staff have been incorporated into this report. No public comments were received as of the time of preparation of this report.

### **BACKGROUND:**

The Zoning Ordinance allows for the sale and repair of firearms as a Home Occupation (Federal Firearms Dealer) provided that a Minor Use Permit is first obtained and that the business will operate in accordance with the performance standards established by the Home Occupation Ordinance, which generally limits such a use to an enclosed living area or other building. In addition to a Minor Use Permit, prior to operating as a Federal Firearms Dealer the permitee must receive approval of a Federal Firearms License from the Bureau of Alcohol, Tobacco & Firearms, a Firearms Dealer Permit from the California Department of Justice, and a Local Firearms Dealer License from the Placer County Sherriff's Office. The purpose of those permits is to ensure that persons licensed to sell firearms have completed background check procedures of those agencies and to register the location of the firearms sales activities for State and local law enforcement agency inspection purposes.

### **ANALYSIS:**

The 9.6 acre project site is developed with a 1,730 square-foot home located at the end of a private lane. The property perimeter is fenced and the driveway is key-code protected with an entry gate. No new construction is proposed to serve the proposed use and all business activities would occur within the existing residence.

The applicant proposes that the majority of sales activities will be conducted on-line from Federal Firearms Dealer (applicant) to Federal Firearms Dealer with only occasional on-site sales to individuals or other licensed dealers. In addition to firearms sales, the applicant would also manufacture a small quantity of ammunition for sale, which would be securely stored in a gun safe along with powder, shell and shot supplies. Gun powder storage needs are not expected to exceed more than one pound at any time.

Parcel delivery trucks would gain access to the property via unique access code provided to drivers by the property owner. In the event of a substitute driver, there is a call button located at the gate. Furthermore, the applicant anticipates that the vast majority of parcels will be picked up and dropped off directly from local FedEx and UPS stores.

The Development Review Committee's review of the proposed Minor Use Permit determined that the business would operate within the prescribed limitations of the Home Occupation Ordinance. Additionally, Planning Division staff's contacts to the

Bureau of Alcohol, Tobacco & Firearms staff and Placer County Sherriff's Department staff determined both agencies are prepared to issue Firearms Dealer Licenses to Mr. Fanoni if the Minor Use Permit request is approved.

### **RECOMMENDATION:**

The Development Review Committee recommends that the Zoning Administrator **approve** this Minor Use Permit (PMPC 20120039) based upon the following findings. Recommended conditions of approval are attached.

### **FINDINGS:**

### **CEQA**

The Zoning Administrator finds that this project is categorically exempt from review under CEQA pursuant to Section 15301, Existing facilities (Class 1) of the CEQA Guidelines (ERO Section 18.36.030) because the establishment of the proposed home occupation will not result in impacts which are considerable. There is no exception to this finding.

### MINOR USE PERMIT:

Having considered the staff report, supporting documents and public testimony, the Zoning Administrator hereby finds that:

- 1. The proposed establishment of the home occupation use to become a federal firearms dealer is consistent with all applicable provisions of the Placer County Code, Chapter 17, and any applicable provisions of other chapters of this code.
- 2. The proposed establishment of the home occupation use to become a federal firearms dealer is consistent with applicable policies and requirements of the Weimar / Applegate / Clipper Gap Community Plan and the Placer County General Plan.
- 3. The proposed establishment of the home occupation use to become a federal firearms dealer will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort or general welfare of people residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County because the use will be restricted to the performance standards of the Home Occupation Ordinance and will not include exterior evidence of use.
- 4. The proposed establishment of the home occupation use to become a federal firearms dealer will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
- 5. The proposed establishment of the home occupation use to become a federal firearms dealer will not generate a volume of traffic beyond the design capacity of all roads providing access to the project.

6. The proposed establishment of the home occupation use to become a federal firearms dealer will not have an adverse effect on adjacent or surrounding property owners.

Respectfully submitted,

Alex Fisch Associate Planner

### **ATTACHMENTS:**

Attachment A – DRC Proposed Conditions of Approval

cc: Sharon Boswell - Engineering and Surveying Department Justin Hansen - Environmental Health Services Michael Fanoni - Applicant



# COUNTY OF PLACER Community Development/Resource Agency

Michael J. Johnson, Agency Director

### PLANNING SERVICES DIVISION

Paul Thompson
Deputy Planning Director

### **MEMORANDUM**

DATE:

MARCH 12, 2012

TO:

**ZONING ADMINISTRATOR** 

NICOLE HAGMAIER. ZONING ADMINISTRATOR CLERK

FROM:

**DEVELOPMENT REVIEW COMMITTEE** 

SUBJECT:

PMPC 20120039: FANONI FIREARMS DEALER USE

(APN: 077-160-022)

The Development Review Committee recommends that the Zoning Administrator approve this Minor Use Permit subject to the following recommended conditions of approval.

### RECOMMENDED CONDITIONS OF APPROVAL:

- 1. This Minor Use Permit authorizes the establishment of a federal firearms dealer as a home occupation in accordance with Zoning Ordinance Section 17.56.120 (Home Occupations) on Assessor's Parcel Number 077-160-022. All business activities will be conducted within the residence and there shall be no eternal signs of the home occupation use beyond those allowed by Ordinance. (PLN)
- 2. The applicant shall obtain a Business License from the Placer County Tax Collector. Prior to Business License approval clearance from the Planning Services Division, the applicant shall provide proof of Federal Firearms License approval from the Bureau of Alcohol, Tobacco & Firearms, proof of Firearms Dealer Permit approval from the California Department of Justice, and provide satisfactory evidence of the ability to obtain a Local Firearms Dealer License from the Placer County Sherriff's Office. (PLN)
- 3. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project know as the Fanoni Firearms Dealer Home Occupation Project. The applicant shall, upon written request of the County, pay for, or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such

action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition. (PLN)

- 4. Prior to Business License approval, provide the Engineering and Surveying Department with a letter from the Placer Hills Fire Protection District describing conditions under which service will be provided to this project. (ESD)
- 5. This Minor Use Permit is approved for 24 months and shall expire on April 19, 2014, unless exercised by issuance of a Business License and approval of all required State and local firearms dealer permit approvals and registrations. (PLN)



# COUNTY OF PLACER Community Development Resource Agency

# ENGINEERING & SURVEYING

### **MEMORANDUM**

TO:

**ALEX FISCH, PLANNING DIV** 

DATE:

**FEBRUARY 24, 2012** 

**NICOLE HAGMAIER, PLANNING DIV** 

FROM:

SHARON BOSWELL, ENGINEERING AND SURVEYING DEPT

SUBJECT:

PMPC 20120039: AUBURN ARMS, LLC; PONDEROSA LN, CLIPPER GAP; FANONI;

(APN: 077-160-022)

The project proposes the manufacturing and internet sales of firearms. The Engineering & Surveying Department supports the Development Review Committee's (DRC) recommendation for this Minor Use Permit application, subject to the following recommended condition of approval:

1. Prior to Building Permit issuance or Business License approval, whichever occurs first, provide the Engineering and Surveying Department with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project.



### Placer County Health and Human Services Department

Richard J. Burton, M.D., M.P.H. Health Officer and Director

**Jill Pahl, R.E.H.S.**Director, Environmental Health

### **MEMORANDUM**

### DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To:

**Zoning Administrator** 

From:

Justin Hansen

Land Use and Water Resources Section

Date:

February 29, 2012

Subject:

PMPC 20120039, Auburn Arms LLC, APN 077-160-022

Environmental Health Services has completed our review of the subject project and have no objections or recommended conditions of approval.

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