



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

Planning Services
Division

Paul Thompson
Deputy Director of Planning

HEARING DATE: August 22, 2013
ITEM NO.: 6
TIME: 1:00 pm

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: August 15, 2013
SUBJECT: **MINOR USE PERMIT (PMPC 20130156)**
MICROTECHNICS, INC.
CATEGORICAL EXEMPTION
DISTRICT 4 (UHLER)

COMMUNITY PLAN AREA: Granite Bay Community Plan

COMMUNITY PLAN DESIGNATION: Rural Low Density Residential (0.9 – 2.3 acres)

ZONING: RS-AG-B-100 (Residential Single-Family, combining Agriculture, combining minimum Building Site of 2.3 acres)

ASSESSOR'S PARCEL NUMBER: 035-151-025

STAFF PLANNER: Roy Schaefer, Associate Planner

LOCATION: The project site is located east of the intersection of Auburn Folsom Road and Twin Rocks Road at 7970 Twin Rocks Road in the Granite Bay area.

APPLICANT: Gary Gaugler on behalf of Microtechnics, Inc.

PROPOSAL: The applicant, Gary Gaugler, is requesting approval of a Minor Use Permit (MUP) to allow for "sales and repair of firearms" as a Home Occupation in a detached garage on the property.

CEQA COMPLIANCE:

The project is categorically exempt from environmental review pursuant to 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).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Community Development/Resource Agency staff and the Departments of Public Works, Environmental Health, Air Pollution Control District, and the Granite Bay Municipal Advisory Council (GBMAC) were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report.

SITE CHARACTERISTICS:

This 2.4-acre parcel is located east of the intersection of Auburn Folsom Road and Twin Rocks Road at 7970 Twin Rocks Road in Granite Bay. This rectangular shaped parcel is currently accessed by a gated private driveway off of the south side of Twin Rocks Road. The site contains an existing 3,200 square foot, single-family residence and a two car detached garage. The parcel has oak trees interspersed throughout the entire area. The surrounding parcels are developed with single family residences and residential accessory structures.

EXISTING LAND USE AND ZONING:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	Residential Single-Family, combining Agriculture, combining minimum Building Site of 2.3 acres (RS-AG-B-100)	Rural Low Density Residential (0.9 to 2.3 acre minimum)	Residential Land Use
North	Residential Single-Family, combining Agriculture, combining minimum Building Site of 40,000 square foot (RS-AG-B-40)	Same as project site	Residential Land Use
South	Same as project site	Same as project site	Residential Land Use
East	Same as project site	Same as project site	Residential Land Use
West	Residential Single-Family, combining Agriculture, combining minimum Building Site of 40,000 square foot (RS-AG-B-40)	Same as project site	Residential Land Use

BACKGROUND:

On May 24, 2013, Gary Gaugler submitted a Minor Use Permit (MUP) application to request a sales and repair of firearms category of land use as a Home Occupation to be located in an existing detached garage on the property. This is an allowable land use in the Residential Single-Family (RS) Zone District with approval of an MUP. Section 17.56.120.B (1) of the Zoning Ordinance under Home Occupations states that "sales and repair of firearms" is an allowed use provided that an MUP is first obtained.

Zoning Administrator Hearing

The Zoning Administrator considered the Minor Use Permit request on July 18, 2013. At that meeting, the Zoning Administrator referred this request to the Planning Commission. The Zoning Administrator also mentioned that approximately 50 emails and/or letters have been received regarding this proposed home occupation land use.

PROJECT DESCRIPTION:

The business statement (Attachment D) submitted by the applicant states that the majority of sales activities would be conducted on-line from Microtechnics, Inc. to other licensed dealers and to entities of Federal and State governments with only occasional sales or transfers to individuals or other licensed dealers. In addition to firearms sales, the business operation would also periodically prepare a small quantity of ammunition for sale or as samples. Bulk ammunition orders would be drop-shipped from a factory or distributor to the customer/buyer. All business activities would be conducted within the detached garage (the garage has an alarm system and the property is fenced and gated) and there would be no external appearance of the home occupation land use.

The business statement indicated that a majority of parcels/packages would be picked up and/or dropped off directly at local Federal Express and United Parcel Service locations. There is no new construction proposed on the site because all business activities would occur within the existing detached garage. All test firing of firearms would be conducted at off-site shooting range facilities. This is proposed as a part-time business and there would not be any inventory of firearms or ammunition kept at the property (with the exception of firearms being worked on and custom loading of ammunition). There are no employees proposed for the business and only the applicant would be involved in custom loading (smokeless gun powder storage is not expected to exceed more than five to eight pounds at any time) and/or any other aspect of the business. The applicant anticipates that he would receive only two or three commercial deliveries a week and he would typically have two or three patrons a week on site. Parcel delivery trucks would gain access to the property via a 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 entry gate.

ANALYSIS:

The Development Review Committee's review of the proposed Minor Use Permit determined that the proposed business would be able to operate within the prescribed limitations of the Home Occupation Ordinance. The Performance Standards (Section 17.56.120.C) would be complied with because the proposed business would be an accessory use, there would be no evidence of exterior use with the business located in the detached garage, there would be no mechanical equipment utilized that would cause noise, odor, and/or glare etc., there would be no more than one commercial delivery vehicle round trip per day, no employees are required, the number of patrons per day would be less than the maximum (3 patrons on the site at any one time and 15 patrons per day), and the storage of materials (smokeless gun powder) would comply with the South Placer Fire District requirements. In addition, the applicant has indicated that the "sales and repair of firearms" business would require that he obtain the necessary approvals from other Federal, State, and local agencies, including the Bureau of Alcohol, Tobacco & Firearms, the California Department of Justice, and the Placer County Sheriff's

Office. A copy of these licenses are included with the business statement for Microtechnics, Inc. (Attachment D).

The Planning Services Division has received a significant amount of correspondence regarding the proposed Home Occupation. Staff has prepared a response to issues raised in the letters and emails below:

Issue 1 – The proposed home occupation would increase traffic on Twin Rocks Road and on other residential area roads.

The applicant proposes to have most of the parcels and/or packages sent as a result of this home occupation business to be picked up and dropped off directly at local Federal Express and United Parcel Service stores. Performance standards for a home occupation allows only one commercial vehicle round trip per day for the purpose of picking up or delivering raw materials, finished products, equipment or similar materials, to or from the home occupation residence. In addition, the performance standards allow for no more than three patrons at any one time and a maximum of fifteen patrons per day.

Issue 2 – The proposed home occupation would increase the risk for a fire and explosion.

The South Placer Fire District letter dated March 15, 2013 (Attachment E) has five stipulations that would be included as a Condition of Approval for this MUP. The stipulations included limiting smokeless gun powder up to 20 pounds, black powder up to 5 pounds (the applicant would not utilize black powder), no flammable liquid storage in the detached garage, the only person permitted to develop and load custom ballistic is the applicant, and vegetation management must be maintained around the garage per Public Resources Code 4291.

Issue 3 – The proposed home occupation would promote criminal activities in the neighborhood and would be a target for criminals seeking ammunition and firearms.

The applicant does not propose to keep any inventory of firearms and/or ammunition (other than firearms that are being analyzed for custom loading of ammunition) at the site. The majority of sales activities would be conducted on-line from licensed dealer (Microtechnics, Inc.) to licensed dealers and to entities of Federal and State governments with only occasional sales or transfers to individuals or other licensed dealers.

Issue 4 - The proposed home occupation is not compatible with the character of the immediate residential neighborhood.

According to the project plan, all business activities would be conducted within the detached garage and there would be no external appearance of the Home Occupation land use. 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, the applicant has provided confirmation of Federal licensing and the Placer County Sherriff's Department has also issued a license to Mr. Gaugler.

Issue 5 – The proposed land use is not allowed in the Zone District.

The Planning Director is assigned the responsibility and authority to interpret (Section 17.02.050) the requirements of Chapter 17 of the Planning and Zoning Ordinance. The Planning Director has determined that this is an allowable land use with the approval of a Minor Use Permit under the sales and repair of firearms category as listed in Section 17.56.120.B.1.

Granite Bay Municipal Advisory Committee

At the Wednesday, August 7, 2013 Granite Bay MAC meeting a motion was passed (4-0, 1 abstention, 2 members absent) to recommend to the Planning Commission that the commission support this MUP request from Mr. Gaugler. This approval included two stipulations, 1) that no customers be permitted on-site and, 2) potential traffic concerns with the gated entrance need to be addressed. An "action letter" from the Granite Bay MAC is included as attachment.

RECOMMENDATION:

Staff recommends that the Planning Commission approve this Minor Use Permit (PMPC 20130156), subject to the following findings and recommended Conditions of Approval.

FINDINGS:

CEQA FINDINGS

1. The project is categorically exempt from environmental review pursuant to 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).

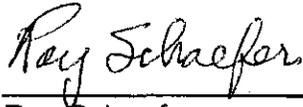
MINOR USE PERMIT FINDINGS

1. The proposed establishment of a home occupation to conduct business as a sales and repair of firearms category of land use is consistent with all applicable provisions of Placer County Zoning Ordinance. A "sales and repair of firearms" Home Occupation type of land use is allowed in the Residential Single-Family Zone District with the approval of a Minor Use Permit.
2. The proposed project is consistent with all applicable goals and policies of the Granite Bay Community Plan and the Placer County General Plan.
3. The proposed establishment of a home occupation use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and 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 section of the Planning and Zoning Ordinance and there would be no exterior evidence of the land use.
4. The proposed home occupation use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development. All activity would be conducted in the detached garage without any external appearance of a Home Occupation.

In addition, any pedestrian or vehicle traffic generated would be that typically associated with a single-family residential land use. The site for this home occupation is not in a subdivision development and as such, is not subject to any Conditions, Covenants and Restrictions for any nearby subdivisions.

5. The proposed establishment of a home occupation will not generate a volume of traffic beyond the design capacity of all roads providing access to the project. The performance standards for a home occupation allows only one commercial vehicle round trip per day for the purpose of picking up or delivering business related materials, to or from the home occupation residence. In addition, the performance standards allow for no more than three patrons at any one time and a maximum of fifteen patrons per day.

Respectfully submitted,



Roy Schaefer
Associate Planner

ATTACHMENTS:

- Attachment A - Recommended Conditions of Approval
- Attachment B - Vicinity Map
- Attachment C - Site Plan
- Attachment D - Business Statement dated July 27, 2013
- Attachment E - South Placer Fire District letter dated March 15, 2013
- Attachment F - Correspondence
- Attachment G - Granite Bay MAC letter

cc: Applicant – Gary Gaugler
Sharon Boswell - Engineering and Surveying Division
Laura Rath - Environmental Health Services
Karin Schwab - County Counsel's Office
Michael Johnson - CDRA Director
Paul Thompson – Deputy Director of Planning
Subject/chrono files