



COUNTY OF PLACER
Community Development Resource Agency

PLANNING

Michael J. Johnson, AICP
Agency Director

E.J Ivaldi
Deputy Planning Director

HEARING DATE: February 19, 2015
TIME: 9:00 am

TO: Zoning Administrator
FROM: Development Review Committee
DATE: January 13, 2015
SUBJECT: Minor Use Permit (PLN14-00195) – Gold Country Sports - Firearms Dealer Use

PLAN AREA: Ophir General Plan

GENERAL PLAN DESIGNATION: Rural Residential 2.3 - 4.6 acre minimum

ZONING: Residential Agricultural combining minimum Building Site of 2.3 acres

STAFF PLANNER: Alex Fisch, Senior Planner

LOCATION: The project site is located at 1160 Lozanos Road, one mile north of the intersection of Lozanos Road and Ophir Road in the Newcastle/Ophir area.

APPLICANT: John and Donna Burns, Dustin Burns and James Waechter

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 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 the use to an enclosed living area or accessory building. Prior to operating as a Federal Firearms Dealer the permittee 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 2.4-acre project site is developed with a single-family residence and detached garage. The site is accessed from a private driveway connection to Lozanos Road that does not serve any other properties. No new construction is proposed or required for the use, and all business activities would occur within the residence and detached garage.

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; for instance to inspect a specialty curio or relic firearm. In addition to firearms sales, the applicant would also manufacture a small quantity of ammunition for sale, which would be stored in a locked storage room in the garage. Ammo will be securely stored in a fireproof gun safe. Gun powder would be safely stored in a proper storage container. Gun powder storage needs are not expected to exceed more than twenty pounds at any time. The applicant anticipates that the majority of customer orders will be drop shipped directly from the manufacturer. Those parcels that are not will be shipped locally via UPS, USPS and FedEx 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 determined that all individuals associated with this business received clear background checks.

RECOMMENDATION:

The Development Review Committee recommends that the Zoning Administrator **approve** this Minor Use Permit (PLN14-00195) 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 environmental impacts. 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 Ophir General 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.

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 040-040-059. All business activities will be conducted within the residence and/or detached garage and there shall be no external 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 known as the *Burns / Waechter 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. Hazardous Materials shall not be allowed onsite in regulated quantities without notification to Environmental Health Services. (EHS)
5. This Minor Use Permit is approved for 24 months and shall expire on February 19, 2017, unless exercised by issuance of a Business License and approval of all required State and local firearms dealer permit approvals and registrations. (PLN)

ATTACHMENTS:

Attachment A – Memo from Environmental Health

Attachment B – Memo from ESD

Attachment C - Site Plans

cc: Sharon Boswell - Engineering and Surveying Department
Laura Rath - Environmental Health Services
Captain Andrew Scott – Placer County Sherriff
John and Donna Burns - Applicant
James Waechter - Applicant



Placer County Health and Human Services Department

Jeffrey S. Brown, M.P.H., M.S.W.
Department Director

Wesley G. Nicks, R.E.H.S.
Environmental Health, Director

MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To: Zoning Administrator

From: Laura Rath, REHS
Land Use and Water Resources Section

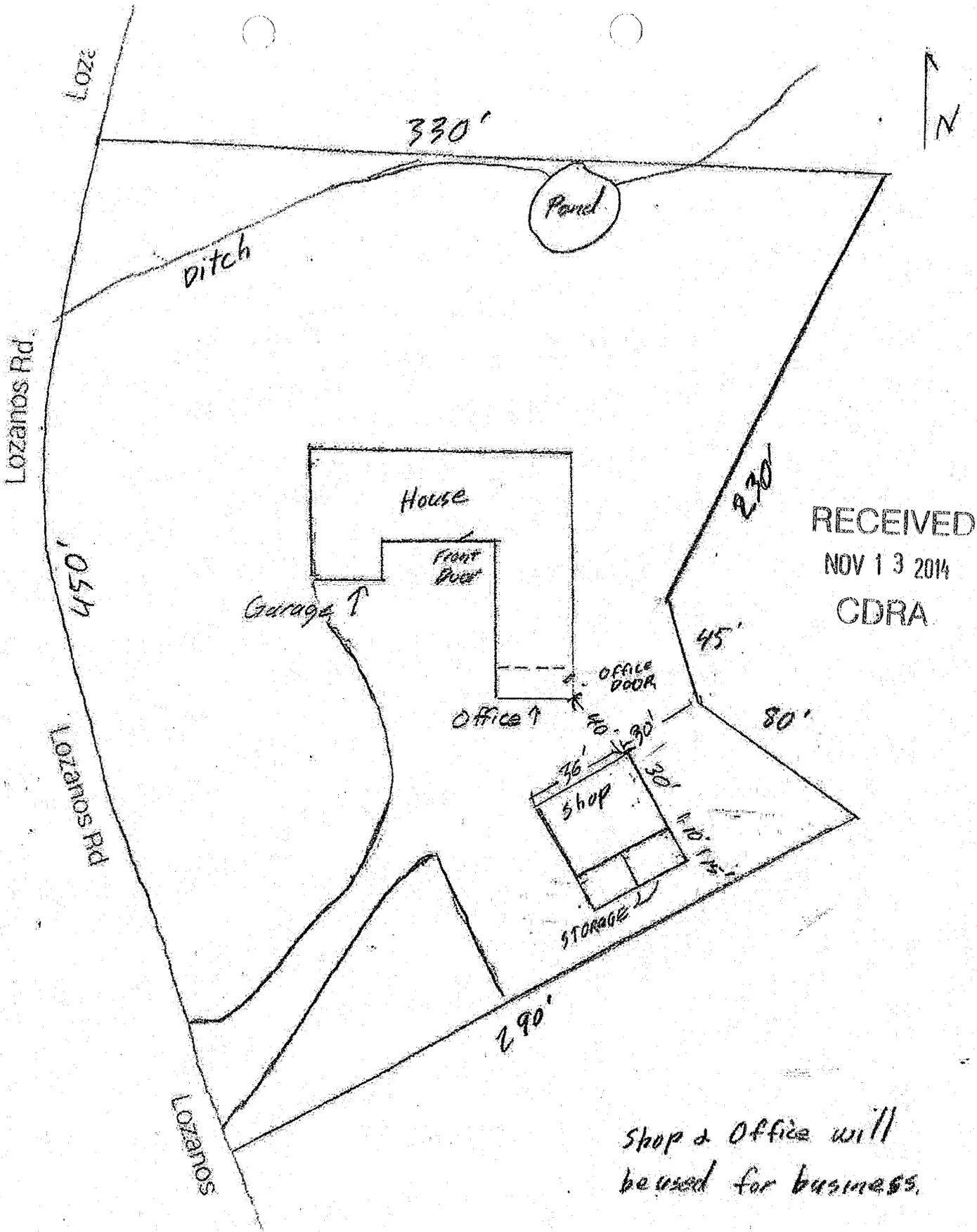
Date: December 4, 2014

Subject: **PLN 1400195, BURNS MUP, APN 040-040-059**

Environmental Health Services has reviewed the abovementioned minor use permit application and has the following comments and conditions of approval:

- 1) Hazardous Materials shall not be allowed onsite in regulated quantities without notification to Environmental Health Services.

Perspective, Hope, and Opportunity



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 CDRA

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 be used for business.