



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING  
SERVICES DIVISION**

Paul Thompson, Deputy Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, AICP  
Agency Director

**DATE:** November 12, 2013

**SUBJECT:** **MICROTECHNICS, INC. THIRD-PARTY APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A MINOR USE PERMIT**

**ACTION REQUESTED**

1. Conduct a public hearing to consider a third-party appeal filed by David and Paula Campbell.
2. Deny the third-party appeal filed by David and Paula Campbell.
3. Determine 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).
4. Reaffirm the Planning Commission's approval of a Minor Use Permit to allow for "sales and repair of firearms" as a Home Occupation.

There is no net County cost associated with these actions.

**BACKGROUND**

Gary Gaugler, on behalf of Microtechnics, Incorporated, submitted an application for a Minor Use Permit to allow for "sales and repair of firearms" as a Home Occupation in a detached garage on the property located east of the intersection of Auburn-Folsom Road and Twin Rocks Road at 7970 Twin Rocks Road in the Granite Bay area. The proposed Home Occupation is an allowable land use in the Residential Single-Family (RS) Zone District with approval of a Minor Use Permit (MUP). The request included a business statement submitted by the applicant that 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. The proposed Home Occupation use is envisioned 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 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.

The 2.4-acre parcel is a rectangular shaped parcel and is currently accessed by a gated private driveway off 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.

#### Zoning Administrator Hearing

The Zoning Administrator considered the Minor Use Permit request on July 18, 2013. At that meeting, which was attended by approximately 7 residents, the Zoning Administrator referred the request to the Planning Commission. Because of the larger number of residents interested in the application, and because more than 50 written correspondences had been received, the Zoning Administrator concluded that, because the Planning Commission represents broad community interests, the community was best served having the Planning Commission act as the decision-making body on this application.

#### Granite Bay Municipal Advisory Committee

Because the proposed project was referred to the Planning Commission, staff concluded it was appropriate to have the Granite Bay Municipal Advisory Council consider the proposed project. At the August 7, 2013 Granite Bay MAC meeting, a motion was passed (4-0-2-1, with 1 abstention and 2 members absent) to recommend that the Planning Commission support the MUP request from Microtechnics, Inc. with two stipulations: 1) that no customers be permitted on-site; and 2) potential traffic concerns with the gated entrance need to be addressed. Prior to the MAC motion, several residents spoke in opposition to the project and raised issues of concern that included the potential for explosions, increased fire hazards, increased criminal activity, increased danger for children, and additional traffic on Twin Rocks Road. The MAC was primarily focused on the number of customers and commercial deliveries to the site on a daily basis and if there would be any traffic related problems associated with this proposed Home Occupation. An "Action Letter" from the Granite Bay MAC is attached (Attachment H).

#### Planning Commission Hearing

The proposed Minor Use Permit was considered by the Planning Commission at its August 22, 2013 meeting. At that hearing, the Commission received a presentation from staff, heard comments from the applicant, heard testimony from eight members of the public, and received numerous written comments. Copies of all written comments are included in Attachment I. Those speaking against the Project expressed the following concerns:

- The Project's location would be incompatible with the residential area
- The increased potential for a fire and explosion as a result of approval for this business
- The negative impacts as a result of additional traffic on Twin Rocks Road
- The potential for criminals to target this site to steal guns and ammunition
- The proposed land use should be categorized as "explosives manufacturing and storage" and as such, is not an allowable land use in this zone district.

The Planning Commission discussed the Home Occupation performance standards, the stipulations outlined by the South Placer Fire Protection District, the Federal and State licensing requirements,

and custom reloading of ammunition as an allowable land use under the sales and repair of firearms category of land uses.

After deliberations, the Planning Commission adopted a motion (5-2-0-0, with Commissioner Nader and Gray voting no) to approve the Minor Use Permit, subject to the findings and Conditions of Approval with the addition of a Condition that the "Applicant shall acquire a suitable gun safe to secure any firearms that are not the owners personal weapons". The Commission also made a finding of Categorical Exemption per Section 18.36.030 – Class 1, Existing facilities – of Placer County Environmental Review Ordinance (CEQA Guidelines Section 15301).

## **APPEAL**

A third-party appeal (Attachment A) was filed on September 3, 2013 by David and Paula Campbell. The appeal challenges the Planning Commission approval of the Minor Use Permit for Microtechnics, Inc. The appellant's basis for the appeal and staff's responses to the issues raised are outlined below:

### Compatibility with Surrounding Neighborhood

The appellants assert that the Planning Commission did not apply the requisite judgment in determining that this proposal for a home occupation is compatible with the surrounding neighborhood.

Staff Response: At the August 22, 2013 meeting, the Planning Commission heard a presentation from staff, conducted a full public hearing and considered testimony from the applicant and oral and written testimony from members of the public. The Planning Commission deliberated on the issue of compatibility, as well as other project issues. After weighing all such testimony and information, the majority voted to approve the Minor Use Permit to allow the proposed land use. That approval included findings of compatibility with the surrounding neighborhood. Appellants do not specify in their appeal what they believe was deficient with the Commission's actions on the proposed project and the record supports the fact that the Planning Commission exercised independent judgment in its decision.

In addition, performance standards have been imposed as conditions of approval to ensure the proposed home occupation use will be consistent (as a result of applicable Home Occupation Performance Standards) with the character of the immediate neighborhood and will not be contrary to its orderly development. The Home Occupation Performance Standards are as follows:

*Accessory Use Only.* The activity shall be consistent with and clearly accessory to the principal use as a dwelling

*Exterior Evidence of Use.* There shall be no exterior display or evidence of the home occupation, such as noise, light, etc. No outdoor storage of supplies, materials or products associated with the home occupation is permitted. The storage of vehicles associated with a home occupation shall be as provided by Subsection (C) (5)

*Location of Home Occupation.* The home occupation shall be conducted only within the detached garage. The home occupation shall not be permitted out-of-doors on the property or in any trailer or other temporary structure unless allowed by Zoning Ordinance Subsection (C) (8)

*Equipment.* No mechanical equipment shall be used that creates visible or audible interference in line voltage outside the detached garage or that creates noise, odor, glare, smoke or dust not normally associated with residential uses

*Vehicles, Delivery and Pick Up.* No commercial vehicle shall be stored on the site even if owned, rented, or leased by the home occupation operator, unless allowed pursuant to the provisions of Section 17.56.250(B)(1) or (B)(2) (Commercial vehicle storage). No more than one commercial vehicle round trip per day shall be made for the purpose of picking up or delivering business related materials, to or from the home occupation site

*Limited Employees Permitted.* No employees other than the actual residents of the dwelling may be engaged in the home occupation

*Number of Patrons.* The home occupation shall involve no more than three patrons visiting the site at any one time and a maximum of fifteen (15) patrons per day

*Hours of Operation.* The home occupation shall be conducted primarily between the hours of seven a.m. and ten p.m. No deliveries shall be permitted after ten p.m. or before seven a.m. each day.

All activity with the proposed project 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 that may be applicable to other nearby subdivisions.

#### Allowable Use as Home Occupation

The appellants assert that the Planning Commission erred in determining that explosives manufacturing and storage is an allowable use under the home occupation section of the zoning ordinance.

Staff Response: The appellant's assert that the Planning Services Division and the Planning Commission have incorrectly categorized the proposed land use. It is Staff's analysis and interpretation of the Zoning Ordinance that this proposed land use is not an "explosives manufacturing and storage" land use because ammunition or small arms primers manufactured for use in shotguns, rifles, and pistols are not included in the definition of explosives (Section 12000 (f) of the California Health and Safety Code).

Planning Services Division Staff 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. The "sales and repair of firearms" category of land use would include sales of firearms and ammunition for shotguns, rifles, and pistols, and custom loading of ammunition and other business related activities allowed with Federal and State licensing. On August 22, 2013, the Planning Commission affirmed staff's determination with the approval of a Minor Use Permit to allow the proposed Home Occupation.

The applicant submitted a rebuttal to the Appeal on November 1, 2013 for the Board's consideration which included as Attachment J.

#### **CONCLUSION**

In its analysis of the issues raised by the appellants, staff could find no validity in the assertions raised in the appeal. The Planning Commission, after conducting a public hearing and considering the testimony of the applicant and public, concluded that the Microtechnics, Inc. request for a Minor Use Permit to allow for "sales and repair of firearms" as a Home Occupation is appropriate for the subject property and the surrounding area, and is an allowable use under the home occupation section of the zoning ordinance. The Planning Commission subsequently took action to approve the Minor Use Permit. The appellants have not presented any evidence or facts to cause staff to reassess the Planning Commission's determination.

**RECOMMENDATION**

Staff recommends that the Board of Supervisors take the following action:

1. Deny the third-party appeal filed by David and Paula Campbell.
2. Determine 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).
3. Reaffirm the Planning Commission’s approval of a Minor Use Permit to allow for “sales and repair of firearms” as a Home Occupation based on the following findings:
  - A. 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.
  - B. The proposed project is consistent with all applicable goals and policies of the Granite Bay Community Plan and the Placer County General Plan.
  - C. 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.
  - D. 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.
  - E. 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 15 patrons per day.

**ATTACHMENTS**

- Attachment A: September 3, 2013 Appeal
- Attachment B: Vicinity Map
- Attachment C: Site Plan
- Attachment D: Applicant Business Statement dated July 27, 2013
- Attachment E: August 22, 2013 Planning Commission Staff Report *(duplicate attachments removed)*
- Attachment F: Recommended Conditions of Approval
- Attachment G: South Placer Fire District letter dated March 15, 2013

11

Attachment H: Granite Bay MAC Action Letter dated August 14, 2013  
Attachment I: Correspondence  
Attachment J: Applicant's rebuttal to Appeal dated November 1, 2013

cc: Applicant, Gary Gaugler  
Appellants, David and Paula Campbell  
Sharon Boswell, Engineering and Surveying Division  
Laura Rath, Environmental Health Services  
Karin Schwab, County Counsel  
Michael Johnson, CDRA Director  
Paul Thompson, Deputy Planning Director