

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
December 2, 2015 - 5:00 p.m.**

**In Attendance were:**

Ken Moon, Planning Commission, Chairman  
Kathy Giles, Planning Commission  
John Jorgensen, Planning Commission  
Edward Roberts, Planning Commission  
Allen Lindsay, Planning Commission  
Brad Wells, Planning Commission  
Bobby Drake, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Debra Lindsay	
Leslie A. Wisell	Gunsmith Shop-CUP
Christine M. Wisell	Gunsmith Shop-CUP

Chairman Moon opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission members had any ex-parte contacts or conflicts of interest associated with the agenda. There were none, so the meeting proceeded.

Commissioner Winterton presented Commissioner Jorgensen with a plaque recognizing his 8 years of service on the Planning Commission and thanking him for his efforts and the personal time it takes to serve the county. Commissioner Winterton also took a few minutes and thanked the rest of the commissioners for their willingness to dedicate their time, read the staff reports and be able to make informative decisions that help the County Commissioners and the citizens of Duchesne County.

**PUBLIC HEARINGS:**

Request by Leslie A. "Mike" Wisell for a Conditional Use Permit to operate a firearms and weapons repair shop at 8801 W Lake Boreham Road, in the Midview town site area northwest of Myton.

Mr. Hyde stated the applicant is proposing to operate a gunsmith shop on his property, specializing in the repair and restoration of antique and vintage firearms. He will be doing some catalog sales but there will be no inventory of guns available for sale on the property. The property is zoned Residential, R-1 due to the presence of an East Duchesne culinary water connection. The proposed use would be considered a "Home Occupation," which is

defined below:

**HOME OCCUPATION:** An accessory use consisting of a vocational activity conducted inside a dwelling unit, conducted by the individuals who reside therein, with up to five (5) full time equivalent (FTE) of nonresident employment (provided adequate on-site parking is available); provided, that the home occupation is clearly subordinate to the use of the parcel for dwelling purposes, does not change the character of the parcel and meets the following standards:

**A. Does not include the outside storage of goods, materials or equipment.**  
All materials would be housed in a shop attached to the applicant's residence.

**B. Has signage limited to a non-illuminated, flush wall mounted identification sign two (2) square feet or less in size.** The applicant has no sign plans at this time.

**C. The following occupations are allowed by conditional use permit in the R-<sup>1</sup>/<sub>2</sub>, R-1 and A-2.5 zones, and permitted outright in the other zones: appliance repair, cabinet making, dance instruction to more than two (2) individuals at a time, firearms sales and services, food catering, hair salons, unless limited to two (2) stations, motorized garden tool repair, such as, but not limited to, lawn mowers, chain saws and leaf blowers, pest control, painting of vehicles, trailers, boats, and like vehicles/vessels, photo developing, real estate or brokerage offices, upholstery and furniture repair, vehicle related uses such as, but not limited to, the cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease, or rental, and towing of vehicles (the dispatching of vehicles such as limousines, taxicabs, and ambulances is allowed as a home business so long as those vehicles need not regularly come into the vicinity of the subject residence), welding, nursing homes, healthcare, including physicians, psychologists, chiropractors, hypnotics and massage therapists.**

The criteria for considering approval include the following.

**1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.**

Even though guns will be present on the property, they will be kept within a locked building and will be secured with cable locks to prevent their operation. No ammunition will be sold at the site. Ammunition used for testing will be kept in small quantities in a separate secured location from guns.

**2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.**

The Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests. The plan indicates that the county wishes to encourage business activity and support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. The proposal complies with this section of the general plan.

**3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.**

Mr. Hyde stated the home site is 1.76 acres in size and the applicant owns an abutting 5.99 acres which is sufficiently large to accommodate the residence in which the proposed business would be housed and permit the business to operate in a manner that is not detrimental to surrounding property owners.

Mr. Hyde stated some additional home occupational standards include the following.

- A. Conducted by the individuals who reside therein.** The business would be conducted by the applicant, who resides at this location.
- B. With up to five (5) full time equivalent (FTE) of nonresident employment.** The applicant has indicated there will not be any employees.
- C. Adequate on-site parking is available.** The applicant estimates no more than ten customer trips to the home per week. He can provide ample parking spaces on the large home site for the expected level of visiting clientele.
- D. The home occupation is clearly subordinate to the use of the parcel for dwelling purposes, does not change the character of the parcel.** The property will maintain its residential character.

Mr. Hyde's recommendation is the Planning Commission approve the Conditional Use Permit requested by Leslie A. "Mike" Wisell, subject to the following conditions:

1. There shall be no outdoor storage of goods and materials.
2. Weapons and ammunition shall be kept stored in a safe and secure manner.
3. Future business signs shall not exceed two square feet in size and shall be flush-wall mounted and non-illuminated.
4. Applicant shall comply with all licensing requirements of the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
5. Applicant shall obtain a Duchesne County business license.

Mr. Hyde referred the commission to their packets and some site and aerial photos of the proposed shop location and stated there is also a letter from the applicant stating his intentions and his ATF application and approval.

Mr. Hyde asked if there were any questions of the staff report. There were none so Chairman Moon invited the applicant to speak.

Leslie Wisell, the applicant, thanked Mr. Hyde for his efforts and stated this will be a small repair shop, with some restoration of antique firearms and construction of new ones. Mr. Wisell asked if there were any questions.

Commissioner Jorgensen asked if there would be any new buildings on the property. Mr. Wisell stated no new buildings or signs at this time.

With no other questions or anyone in the audience to speak in favor of the applicant's request Chairman Moon asked if there was anyone in opposition that would like to speak.

Doug Murphy, an adjoining property owner, stated his concerns about the testing of the firearms in the area. He has livestock that have been shot in the past and wants to make sure it won't continue.

Mr. Wisell in rebuttal stated he uses blanks to test the firearms and only shoots with muzzle loaders around his home.

Chairman Moon asked if there were any other comments or concerns. There were none so the public hearing was closed.

Commissioner Drake motioned to approve the Conditional Use Permit requested by Mr. Wisell, subject to the conditions stated in the staff report. Commissioner Jorgensen seconded the motion and it passed unanimously.

### **NEW BUSINESS:**

Consider the proposed 2016 meeting schedule. Commissioner Giles motioned to approve the proposed schedule for 2016. Commissioner Lindsay seconded the motion and it passed unanimously.

### **Minutes: Approval of the October 7, 2015 minutes:**

Commissioner Jorgensen moved to approve the minutes of October 7, 2015. Commissioner Giles seconded the motion and it passed unanimously with Commissioner Drake abstaining as he did not attend the October meeting

### **Commission Comments and Staff Information Items:**

Chairman Moon informed the commission that Mr. Hyde had drafted the letter for the

County Commissioner's to review and sign about the Pariette road safety concerns that was discussed in new business during the October planning meeting. Chairman Moon stated the letter addressed the need for mufflers on the trucks to control the noise, the reduction of speed from 45 to 35 near the bus stop on 9000 south and some additional officers on patrol in the area. Mr. Hyde stated the Commissioners agreed and requested the new signs be posted and would talk to Sheriff Boren about some additional officer presence.

Commissioner Jorgensen commented the school district is concerned about the safety of the bus drivers and students, people need to be aware and slow down.

Mr. Hyde stated there will be a January meeting. IWM has applied for a permit to construct a larger sign. Also, he informed the commission about the Potter conditional use permit deadline for a scrap metal yard in Sundance West and requested they try to set a time to visit the site and see if there has been any progress before the January meeting. The Potter's have requested another extension.

Mr. Hyde thanked the commissioners for their service and is looking forward to working with them in the upcoming year.

Commissioner Lindsay asked if there has been any applicant's for the at large vacancy created by Commissioner Jorgensen. Mr. Hyde stated he has reached out to 3 or 4 people but has not had any response yet.

Chairman Moon wished everyone a happy and safe holiday.

**Adjournment:**

Commissioner Jorgensen motioned to adjourn the meeting at 5:30 p.m. Commissioner Roberts seconded the motion and it passed unanimously.