

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
April 5, 2017 - 5:00 p.m.**

In Attendance were:

Kathy Giles, Planning Commission, Chairman
Brad Wells, Planning Commission
Ken Moon, Planning Commission
Allen Lindsay, Planning Commission
Ken Richens, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Aaron Dunsmore	Firearms-CUP
Wallace Dunsmore	Firearms-CUP

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

PUBLIC HEARINGS:

A. Request by Matt Brotherson for a Conditional Use Permit to operate a vehicle sales business at 17466 W 3000 North, in the Boneta area.

Mr. Hyde stated the applicant had other obligations and could not be here for the meeting. He has requested a recess of the hearing until the May 3rd meeting. Chairman Giles asked for a motion. Commissioner Moon motioned to recess the Brotherson hearing until May 3, 2017. Commissioner Wells seconded the motion and it passed unanimously.

B. Request by Aaron Dunsmore for a Conditional Use Permit to operate a firearms business at 5193 South 12000 West, in the Arcadia area.

Mr. Hyde referred the commission to their packets and some site photos of the location and stated the applicant is proposing to operate a firearms manufacturing, repair and sales shop on his father's property in the Arcadia area. Most of the sales would be to retailers rather than private individuals. The property is zoned Residential, R-1 due to the presence of an East Duchesne culinary water connection. Commercial uses are allowed in the R-1 zone with a Conditional Use Permit.

- 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.**

Mr. Hyde stated firearms can be a public safety issue if not handled properly. In this case, firearms will be stored safely and securely to meet federal requirements. No ammunition will be sold at the site at this time; but may be in the future. Ammunition used for testing will be kept in small quantities in a separate secured location from guns. No test firing of guns is planned at this location; the applicant has identified other locations where firing can safely be done.

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 indicated the subject property is 2.0 acres in size and contains an existing shop building and office that would be used for the business. The parcel is sufficiently large and has an existing structure to accommodate the proposed business and permit the business to operate in a manner that is not detrimental to surrounding property owners.

The additional criteria for approval of a Conditional Use permit for a firearms business are as follows.

A. Landscaping, Design: That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.

Since there will be no outdoor storage of equipment or other materials associated with the business, there is no justification for requiring fencing or buffers.

B. Parking: Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.

Mr. Hyde stated there is safe public access to the site from an existing driveway to 12000 West [County Road #80]. There is good sight distance at the driveway entrance. There is sufficient parking area on the property near the home and shop for the small amount of customer traffic anticipated.

C. Streets, Water, Sewer, Fire Protection: The provision of required street and highway dedication and improvements, and adequate water supply, sewage disposal and fire protection.

Roads: The property is accessed from 12000 West [County Road #80] which is a major north-south paved route between the Bridgeland area and the Upalco area. The road has the capacity to serve the minor amount of traffic anticipated from this business.

Water: The property receives water from the East Duchesne Water District. The proposed business will have a very minimal impact on water usage at the property.

Sewer: The property has an onsite wastewater disposal system. The proposed business will have a very minimal impact on the amount of sewage generated at the property. Business customers would use restroom facilities, if necessary, in the applicant's father's home located adjacent to the shop.

Fire: The nearest fire hydrant is located at the intersection of 6000 South and 12000 West, which is about 4,000 feet to the south of the existing shop. The applicant will need to request a building and fire code inspection of the shop proposed to be used for the firearms business to determine if it is constructed sufficient for such use and if any fire protection measures need to be provided.

D. Signs: Regulation of signs.

Mr. Hyde stated the applicant has no sign plans at this time. If a sign were to be installed in the future, given the residential zone, it should be limited to that normally permitted for home occupations: two square feet in size, non-illuminated and flush-wall mounted to the building housing the business.

E. Nuisances: The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

The applicant has indicated his business is not anticipated to generate significant amounts of noise as there will be no test firing of firearms at this location. The Duchesne County Nuisance Ordinance allows noise between the hours of 7:00 A.M and 9:30 P.M. on weekdays, 8:00 A.M. to 9:30 P.M. on Saturdays and 9:00 A.M. to 9:30 P.M. on Sundays. Conditions should be considered to ensure that noise, which could disturb surrounding residents, does not occur earlier or later than these allowed times.

F. Operating Hours: The regulation of operating hours for activities affecting normal schedules and functions.

The applicant states that there will be no regular business hours and customers will be invited to the shop by appointment only. Since the applicant works during the day, appointments are anticipated to be in the evening hours or on weekends.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by Aaron Dunsmore, subject to the following conditions:

1. There shall be no outdoor storage associated with the business.
2. Any future business sign shall not exceed two square feet in size, shall be flush-wall mounted and non-illuminated.
3. Firearms and ammunition shall be kept stored in a safe and secure manner. Test firing of firearms is not allowed on the property due to its proximity to a major county road and other homes.

4. Applicant shall request a building and fire code inspection of the shop proposed to be used for the firearms business to determine if it is constructed sufficient for such use and install any measures deemed necessary for Building or Fire Code compliance.
5. Applicant shall provide the county with evidence of compliance with all licensing requirements of the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
6. Upon completion of conditions #4 and #5 above, applicant shall obtain a Duchesne County business license.

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

Aaron Dunsmore, applicant and business owner stated his intentions are to just manufacture, repair and sell firearms. Most of the sales would be to retailers rather than private individuals. He asked the Planning Commission if they had any questions.

Commissioner Moon asked Mr. Dunsmore if he was ok with the conditions of approval and where he would do the test firing. Mr. Dunsmore states he was fine with the conditions and has other locations to test fire the guns at.

With no other comments or anyone else to speak either in favor or against the applicant's request the hearing was closed.

Commissioner Lindsay motioned to approve the Conditional Use Permit requested by Aaron Dunsmore, subject to the conditions stated in the staff report. Commissioner Moon seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of December 7, 2017 and March 1, 2017 minutes:

Commissioner Wells moved to approve the minutes of December 7, 2017. Commissioner Richens seconded the motion and it passed unanimously. Commissioner Moon moved to approve the minutes of March 1, 2017. Commissioner Lindsay seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 5:25 p.m.