

Harrisville City Planning Commission Meeting  
363 W. Independence Boulevard  
7:00 p.m., February 12, 2014

Commissioners:  
Tyler Malmrose  
Steve Weiss  
Michael Wells  
Bill Smith  
Kevin Jensen (Alt)

Staff: Bill Morris (City Administrator)  
Shanna Edwards (Secretary)

Visitors: Ruth & Jeff Pearce, Drew & Lona Richmond, Shelly & Jason Richards, Jim Harris, Robby Belnap, Tate Douglas, Ryker Kearsley, Brett & Kristie Douglas, Dirk Heiner, Ben Murray, Madeline Morris

**1. CALL TO ORDER AND WELCOME NEW MEMBERS.**

Chairman Weiss called the meeting to order and welcomed everyone. He introduced Mike Wells, Bill Smith, and Kevin Jensen as new members of the planning commission. Commissioners Eckersley and Stephenson were excused and Commissioner Shuman did not attend.

**2. ADMINISTER OATH OF OFFICE.**

Bill Morris had Commissioners Wells, Smith, and Jensen stand and raise their right hand and repeat the oath of office. He had each sign their certificate.

**3. CONSENT AGENDA: Approval of Minutes of meeting held December 11, 2013.**

MOTION: Commissioner Malmrose motioned and Commissioner Wells seconded to approve minutes of planning commission meeting held December 11, 2013 as presented. Voting was unanimous.

**4. PLANNING COMMISSION REVIEW/INTERPRETATION of municipal code concerning home occupations in residential zones that involve retail sales where people visit the property to pick up items being sold.**

Bill Morris mentioned that a past conditional use permit was given for furniture repair/assembly and sale as a home occupation. He stated that a home occupation business license was previously issued for a lady to sell chocolate from her home, which may need to be reviewed for a conditional use permit since it involves retail sales. Home occupation regulations in the Land Use ordinance typically do not include wholesale or retail sales. In the past, home occupations with visiting clientele have been allowed in the city with a conditional use permit.

Commissioners need to consider at what point the home occupation becomes an interruption to the neighborhood, and at what point does it need to move to the commercial zone where the business can flourish. Commissioner Wells asked about putting conditions on businesses which Bill Morris explained is accomplished with the conditional use permit. Commissioner Jensen said if the city starts allowing exceptions it may be better to amend the code to allow legitimate uses or set up guidelines that are not ambiguous. Bill Morris said that amending the code to include that any home occupation with visiting clientele is required to get a conditional use

would remove doubt when sales of products from a home occupation are involved. Chairman Weiss explained that an amendment to the ordinance is something that would have to be considered at another meeting. Tonight commissioners need to decide if the application they have been asked to consider is something that can be allowed under the present ordinance. From this discussion and past approvals, he feels it may be approved with limits or conditions. As a result of the discussion, Bill Morris said he will draw up an ordinance to amend the Land Use Ordinance to include that a home occupation with visiting clientele is required to get a conditional use permit. The ordinance will be considered for recommendation after a public hearing at the next planning commission meeting.

**5. REVIEW/ACTION concerning a conditional use application from Drew Richmond for a home occupation at his residence, 996 West 1650 North. The proposed conditional use of the property includes sale and pick-up of firearms and accessories by individual persons.**

Chairman Weiss invited Drew Richmond to address the commissioners. He explained he purchases from a supplier and then sells individual firearms, handguns, hunting guns, accessories such as holsters and some magazines. In answer to Commissioner Wells question, he said he does not plan be in the business of selling ammunition. He keeps the guns in a safe in a room at the house. He has a tax ID number and the required state license. He does background checks with BCI. It is unlikely that he will have more than one person at a time coming to pick up merchandise and he said customers know what they want before they come. He has adequate parking space in his driveway and additional graveled parking area. He will operate his business a couple of hours after work and on Saturdays. He does not assemble or repair firearms and all the merchandise is new, no trade in, etc. There is no discharging of firearms involved. He has had four years with the military and has worked for Salt Lake County Sheriff's Office for three years. He likes to target shoot and hunt. He has FFL licensing and has passed a background check with the FBI. He hopes to begin by selling four to five firearms a month. When asked about numbers, he was uncertain about the number of firearms he felt would be a reasonable limit, but he stated that if he reaches the point where 50 people a month are coming to his house, that would indicate to him the need to move his business elsewhere. The advertisement will be by word of mouth and business cards, and in the future advertise on line and with flyers.

Although this is not a public hearing, Commissioner Weiss recognized there may be citizens in attendance that have an interest in this item and he invited them to come forward, give their name and address and make comment.

*Public Comments:*

Jason Richards: 1011 W. 1650 N. spoke in support of the conditional use.

Brett Douglas: 1023 W. 1650 N. said he supports the city in approving this home occupation

Dirk Heiner 995 W. 1650 North was in favor.

Ben Murray 1012 W. 1650 N. spoke in support.

Jim Harris 972 W. 1650 N. who has lived here 27 years spoke in support of this.

Shelly Richards 1011 W. 1650 N. supports approval.

Chairman Weiss thanked people for their input, and he stated that commissioners make their decision based on the city standards not public input, but he said it was good to see public

support.

Bill Morris suggested a list of conditions to be considered:

- (1) No more than one visiting clientele at a time (clientele includes purchaser and any accompanying patrons arriving in the same vehicle)
- (2) Individual orders, not showcase the items or hold parties
- (3) Maintain off-street parking enough for one vehicle
- (4) Firearms are to be locked in a gun safe at all times, except when being shown for the purposes of purchase
- (5) Maintain a required federal firearm permit (FFL)
- (6) No discharge of any weapon on premises at anytime.

MOTION: Commissioner Wells motioned to approve the home occupation conditional use permit with conditions as outlined above by staff. Commissioner Malmrose seconded the motion. Voting was unanimous of commissioners present.

Bill Morris explained there is a fifteen-day appeal period after which the official conditional use permit will be issued. Mr. Richmond mentioned that the FFL license has stipulations that he must begin his business within 30 days of receipt of the FFL, but he realized he will be able to meet the 30-day limit even with the appeal period.

#### **6. ELECT A PLANNING COMMISSION CHAIR**

MOTION: Tyler Malmrose nominated Steve Weiss to remain in the position as chairman. Commissioner Wells seconded the nomination. Voting was unanimous.

#### **7. ELECT A PLANNING COMMISSION VICE-CHAIR**

MOTION: Commissioner Jensen nominated Commissioner Malmrose. Commissioner Wells seconded the nomination. Voting was unanimous.

#### **8. PLANNING COMMISSION MEMBER VOLUNTEER FOR PROJECT**

**MANAGEMENT MEETING ATTENDANCE.** The project management meeting is held at 9:00 a.m. in the city building the second Thursday of every month. Commissioner Wells volunteered to attend as long as he is timely notified each month. Secretary Edwards sends out the agenda and related information a few days prior to the meeting.

#### **9. REQUIRED LAND USE TRAINING VIDEO**

The video is not available for tonight. This item will be postponed until the next meeting.

#### **10. PUBLIC COMMENTS:** None

#### **11. ADJOURN**

At 7:25 p.m., Commissioner Malmrose motioned and Commissioner Jensen seconded to adjourn. The motion was unanimously approved. The next planning commission meeting is scheduled for March 12, 2014, 7:00 p.m. at the city hall.

Shanna C. Edwards, Secretary

Steve Weiss, Chairman