

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, November 13, 2013, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman John Spence, Ruth P. Maughan, M. Kent Larsen, Paul Egbert, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, Councilwoman Glenna Petersen, and Councilman Carl Leatham. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on November 8, 2013. The meeting was called to order at 6:00 p.m. by Chairman John Spence.

|                        |                   |                 |                  |
|------------------------|-------------------|-----------------|------------------|
| <u>Others Present:</u> | Jennifer Leishman | Mike O'Reilly   | Ron Jensen       |
|                        | Avis Richards     | Peter Boyer     | Wilma Hall       |
|                        | Darrin Hall       | Dave Bell       | Jonathan Cook    |
|                        | David Swanson     | Barbara Swanson | Kendall Leishman |
|                        | Janie Isaacson    | Rachel Fry      |                  |

Opening Ceremony: M. Kent Larsen

John Spence reviewed the agenda with the Commission. After discussion, Ruth P. Maughan made a motion, seconded by M. Kent Larsen, that the agenda be approved as presented.

|                 |              |
|-----------------|--------------|
| <u>YEA 5</u>    | <u>NAY 0</u> |
| Paul Egbert     |              |
| M. Kent Larsen  |              |
| Ruth P. Maughan |              |
| Brian Pattee    |              |
| John Spence     |              |

The Commission reviewed the minutes for the Commission meeting which was held October 23, 2013. After review, M. Kent Larsen made a motion, seconded by Brian Pattee, to approve the minutes of the October 23, 2013 meeting as presented.

|                 |              |
|-----------------|--------------|
| <u>YEA 5</u>    | <u>NAY 0</u> |
| Paul Egbert     |              |
| M. Kent Larsen  |              |
| Ruth P. Maughan |              |
| Brian Pattee    |              |
| John Spence     |              |

Mike O'Reilly, Ron Jensen, and Avis Richards met with the Planning Commission to give them an update on the Sherwood Recovery Resort. Mr. O'Reilly stated that things are going fantastic, and he couldn't be happier. The response to the program has been very positive. The resort opened in May. They have had 50 clients graduate from the program, and currently have 15 clients at the resort. The clients come from as close as Wellsville to as far away as New York. The resort employs 43 people, with a vast majority being from Cache Valley. John Spence asked how things were going with the golf course. Mr. O'Reilly stated that they haven't heard anything from Mr. Baliff for a couple of months. The resort purchased 3 10-round golf punch cards. Mr. Baliff was concerned about hole 2 and how close it is to the resort. Mr. O'Reilly stated that they do not hold activities around hole 2. Mr. O'Reilly stated that there was 1 incident with the golf course, but both sides stood their ground. Mr. Spence asked if Mr. O'Reilly was happy with the way things have turned out. Mr. O'Reilly stated that he couldn't be happier. Ruth P. Maughan stated that the Planning Commission approved the facility for 65 beds. Mr. O'Reilly stated that the inspector set the number of beds at 16 because there was some construction that had to be completed, as well as issues with the fire alarm and stairs. Mr. O'Reilly stated that tomorrow they are having another inspection, and can hopefully raise the number of beds to 33. Ron Jensen stated that the inspectors have been great to work with the facility. The facility has used local contractors for the construction projects. M. Kent Larsen asked if there have been any incidents reported. Mr. O'Reilly stated that they disconnected all of the outside lines into the rooms, but can't disconnect 911. An individual called 911 and stated that she would like a ride out of the facility. Mr. Jensen stated that the deputy was great to work with. Mr. O'Reilly stated that they have

had 1 client not graduate from the program. Ms. Maughan asked how long the program is. Mr. O'Reilly stated that the average stay is 45 days. Paul Egbert asked if the program will change now that winter is coming and there won't be many activities outside. Mr. O'Reilly stated that it will be somewhat difference, but they have a lot of activities. Mr. O'Reilly stated that they are planning for the winter and excited about it. Mr. Larsen asked how many acres of property there are. Mr. O'Reilly stated that there are 706 acres. Mr. Larsen asked if there had been any questions or concerns from the community reported to the City Office. Don Hartle stated no. Mr. Egbert stated that because they are building their cliental slowly, he asked if they had to turn clients away. Mr. O'Reilly stated yes, but they referred them to other programs. Mr. O'Reilly stated that they haven't marketed the facility much, but will start doing more marketing. Mr. Egbert asked what percentage of professional people versus regular people is employed at the facility. Mr. Jensen stated that about 25% are professional and about 75% are regular people. Mr. O'Reilly stated that the facility has good quality employees. Mr. Spence stated that he appreciates Mr. O'Reilly, Mr. Jensen, and Ms. Richards taking their time to report on the facility. Mr. Spence stated that he hopes Wellsville City is a good neighbor, and he is excited to have them here. Mr. O'Reilly stated that they have felt nothing but welcomed. Mr. Spence asked that they return in 6 months to give another update. Mr. Hartle stated that they are on the agenda for April 23, 2014.

At 6:30 p.m. conduct a public hearing to receive public input, then consider for approval a request from Peter Boyer for a conditional use for a Level 1 "Home Occupation" to sell firearms and ammunition for his home at 163 South Center. Peter Boyer stated that he would like to sell firearms and ammunition for his home. There is no store front. It is internet sales only. All firearms and ammunition will be delivered by UPS. Mr. Boyer will then ship the items or an individual will pick up the items from his home. Paul Egbert asked if Mr. Boyer would have items in stock or will always order them. Mr. Boyer stated that he would mostly order the items. Mr. Boyer stated that he does have his FFL, Federal Firearms License. John Spence asked if Mr. Boyer has checked with his home insurance about this type of business. Mr. Boyer stated no. Mr. Boyer stated that he can't begin selling firearms and ammunition until he has his business license. Mr. Spence asked Mr. Boyer to check with his home insurance. Mr. Spence asked about storage of firearms. Mr. Boyer stated that he owns 1 safe. Mr. Spence asked how many guns the safe held. Mr. Boyer stated 36. Mr. Spence asked what the safe was fire rated at. Mr. Boyer stated 1 hour. Mr. Spence asked that Mr. Boyer discuss this business with the fire chief and obtain some type of letter concerning the home was inspected by the fire chief. Mr. Spence asked if Mr. Boyer will be selling black powder. Mr. Boyer stated no. Mr. Spence asked if Mr. Boyer would be selling reloading materials. Mr. Boyer stated no. Mr. Spence asked if the ammunition would be kept in the safe. Mr. Boyer stated yes. Mr. Spence asked if Mr. Boyer has some type of surveillance system or locks at his home. Mr. Boyer stated that all doors are bolt locked. There are bars in the windows. There are latches on the inside of the doors. Mr. Spence asked if Mr. Boyer had children. Mr. Boyer stated yes, ages 5, 3, and 1. Mr. Spence asked who would know the combination to the safe. Mr. Boyer stated himself and his wife. Mr. Spence asked if his wife would help handle the firearms and ammunition. Mr. Boyer stated no. Mr. Spence asked if Mr. Boyer has obtained permits from the state to have this business. Mr. Boyer stated yes. Mr. Spence asked if Mr. Boyer would advertise this business. Mr. Boyer stated that it will all be completed on the internet. Mr. Spence asked about background checks on the individual purchasing a firearm. Mr. Boyer stated that he will call the FBI, give them his FFL #, a code word, the individual's information, and the FBI will perform the background check. Mr. Spence stated that if the sale of the firearm is over the internet, Mr. Boyer will never see the individual. Mr. Boyer stated that he will transfer the firearm to an individual in the area that has their FFL for delivery to the individual purchasing the firearm. Ruth P. Maughan asked if this type of business fits in the home occupation. Mr. Spence stated that he was reviewing it early, and doesn't see where it fits. Ms. Maughan stated that it doesn't fit any that are listed. Mr. Egbert stated that this business is buying and selling goods on the internet. The question to ask is this a reasonable home occupation. Carl Leatham stated that UPS will be delivering the firearms and ammunition. Mr. Leatham asked if the UPS driver will knock and leave the package on their doorstep. Mr. Boyer stated that all packages delivered to his home have to be signed for. Glenna Petersen asked if Mr. Boyer can sell assault rifles. Mr. Boyer stated yes. Wilma Hall stated that she has concerns with guns and ammunition being sold in residential areas, and she doesn't want to see it being sold in her neighborhood. Mr. Boyer stated that safety and security is a concern to him. Ms. Hall asked if a study has been done on the impact that this type of business has on a community. Mr. Boyer stated that he knows a lot about firearms. Mr. Boyer believes that if a person is well armed, they are safer. Mr. Boyer stated that there may be differing opinions. Mr. Boyer stated that

he would like to own a business, and he believes in the second amendment. Mr. Egbert stated that a Level 1 Home Occupation is a business that takes place in a home, but the neighbors cannot tell that the business exists. Mr. Egbert stated that his concern is that this business may raise the level of security, but also the observation level of this neighborhood. Mr. Boyer stated that he is willing to put himself out there for this business. Mr. Boyer has served 7 years in the army. Mr. Boyer is aware of security, and takes it very seriously. M. Kent Larsen asked about traffic to the home. Mr. Larsen asked if the firearms will be stored for long periods of time, or will they be in and out. Mr. Larsen asked about selling ammunition at the door. Mr. Boyer stated that a vast majority of sells will be completed over the internet. Mr. Boyer stated that goods will be shipped off. There will be no store front. Mr. Spence asked if the goods have to be shipped to his home, and then Mr. Boyer ship the goods to the buyer's home, or can the goods be shipped from the supplier to the buyer. Mr. Boyer stated that the ammunition can be shipped from the supplier to the buyer, but firearms have to be person to person. Mr. Spence stated that a home occupation is not to generate additional traffic that what is normal in a neighborhood. Mr. Larsen stated that if there is a large stockpile of ammunition and a fire is in the home, there is potential that the home may blow up. Mr. Larsen would like to see Mr. Boyer check with his home insurance and the fire chief concerning this business. Mr. Spence stated that he has the same concerns. Mr. Spence would like Mr. Boyer to discuss this business with his home insurance company to see if it is allowed in a residential area. Mr. Spence would also like Mr. Boyer to check with the fire chief. Ms. Maughan stated that she doesn't see where this type of business fits in the home occupation. Mr. Egbert asked if a Level 1 Home Occupation is to buy and sell goods. Mr. Hartle stated yes. Brian Pattee asked about internet sales. Mr. Egbert stated that the new way to do business is to buy and sell off of the internet. Mr. Egbert stated that there will be normal residential traffic. Mr. Egbert believes that it fits because there are other similar businesses in Wellsville.

At 7:08 p.m., the public hearing was closed.

After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve a request from Peter Boyer for a conditional use for a Level 1 "Home Occupation" to sell firearms and ammunition for his home at 163 South Center with the following conditions prior to issuing the business license: 1) update insurance policy that identifies the business type, 2) fire chief reviews the home, and 3) review in 6 months and update the Planning Commission.

**YEA 4**

Paul Egbert  
M. Kent Larsen  
Brian Pattee  
John Spence

**NAY 1**

Ruth P. Maughan

The Sidewalk Committee met with the Planning Commission to give them an update on their progress. Dave Bell stated that the reason for this meeting is to review the information, receive input and comments, and receive recommendations and approval from the Planning Commission. Jonathan Cook assembled an inventory map concerning sidewalks. The green color is for existing new sidewalks, the yellow color is for older sidewalk in good condition, the orange color is for older sidewalk in poor condition, and the red color is for no sidewalk on either side of the street. The sidewalk committee showed red lines for first priority sidewalks and black lines for second priority sidewalks. The regional trail concept was reviewed, which is neon yellow for third priority sidewalks, and the trail heads are neon green dots. Each phase will take many years to complete. It was suggested that the sidewalk committee work with the safe sidewalk program for sidewalks to schools in Wellsville. It was suggested to take advantage of the canal along 200 West for a sidewalk. It has been done in other communities with benefits to both parties. The Planning Commission appreciated the information.

The Planning Commission held a workshop on the interim landscape requirements. Don Hartle handed out a packet of papers. Mr. Hartle stated that it is all the regulations for development of residential and commercial property. Mr. Hartle stated that this item will be on the agenda every 2 weeks until it is approved. This information is a rough draft submitted by City Planner Jay Nielson. It is not coordinated with the Wellsville City code yet. The concern is the content. Mr. Hartle asked that the Planning Commission make it up because it will guide future development. John Spence asked that the Planning

Commission review this information closely because it will affect business development along the highway. Paul Egbert asked when City Planner Jay Nielson will attend a Planning Commission meeting. Mr. Hartle stated that he will ask Mr. Nielson to attend the Planning Commission meeting on December 11, 2013.

At 7:48 p.m., Paul Egbert made a motion, seconded by Brian Pattee, to adjourn the meeting.

**YEA 5**

Paul Egbert  
M. Kent Larsen  
Ruth P. Maughan  
Brian Pattee  
John Spence

**NAY 0**

---

John Spence  
Chairman