

ADMINISTRATIVE COMMITTEE

Monday, July 29, 2019
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at **Bountiful City Offices, 150 North Main Street, Suite 103**, Bountiful, Utah, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at (801) 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

AGENDA

1. Welcome and Introductions.
2. Consider approval of minutes for July 22, 2019.
3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 32 West 1000 North, Jason Barnett, applicant.
4. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1444 South 75 East, Jim Miller, applicant.
5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2905 Cave Hollow Way, Grant A. Horsley, applicant.
6. Miscellaneous business and scheduling.


Francisco Astorga, Bountiful City Planner

Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.

**Bountiful City
Administrative Committee Minutes
July 22, 2019**

Present: Chairman – Francisco Astorga; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Darlene Baetz; Planning Intern – Kai Uchida

1. Welcome and Introductions.

Chairman Astorga opened the meeting at 5:00 p.m. and introduced all present.

2. Consider approval of minutes for July 15, 2019.

Mr. Badham made a motion for approval of the minutes for July 15, 2019. Mr. Clawson seconded the motion.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2905 Cave Hollow Way, Grant A. Horsley, applicant.

Grant Horsley, applicant, and his wife, Linda Horsley, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicants are requesting approval of an Accessory Dwelling Unit (ADU) which will be constructed as part of their new home. The applicants have submitted plans and applied for a building permit. Plans show the ADU will have two bedrooms, a living area, kitchen and bathroom.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The proposed home is located in the R-F Single-Family Residential zone and is a single-family dwelling and will be maintained as such by the applicants. The lot is 0.415 acres (18,077 square feet). There will be only one ADU and there will only be one utility connection located at this property. The total square footage of the proposed home is 5,127 and the ADU will be less than the 40% standard in the Code.

Plans for the proposed home show the applicants will meet the minimum parking standard with garage and driveway spaces. The proposed ADU will be accessed can be accessed by a staircase at the rear of the home and an interior doorway in the basement. The home will

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continue to have the appearance of a single-family home and should have minimal impact on the surrounding neighborhood.

Based upon the above findings, staff has determined the applicant would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The principal owner(s) of the property must occupy the primary residence or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a deed restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Poole reported three inquiry telephone calls regarding this item, and after he explained the ADU details each of the three felt more comfortable with the ADU project. Mr. Poole also explained the purpose of the deed restriction. Mr. Astorga noted that this project is an ideal example of an ADU. Mr. Badham commented, for the record, that he has received many phone calls from Bountiful City residents to express their dislike of ADUs. Mr. Badham further noted his personal dislike of ADUs and stated his concern regarding their potential impact on traffic and infrastructure. He speculated that ADUs might become a subject of debate in the upcoming City Council election. Mr. Badham reiterated that if an applicant meets the criteria for an ADU then it should pass and that there is a correct place for ADUs. Mr. Astorga explained that he would let the Planning Commission know of the anti-ADU phone calls Mr. Badham is fielding. Mr. Badham also noted that one of the calls he received was in regard to a previously approved ADU which was in violation of the imposed conditions. He queried as to policing of conditions imposed on each ADU. Mr. Astorga answered that the city currently depends on citizen complaints to regulate items such as this.

PUBLIC HEARING: Mr. Astorga opened and closed the Public Hearing at 5:14 p.m. with no comments from the public.

Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2905 Cave Hollow Way, Grant A. Horsley, applicant. Mr. Astorga seconded the motion.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

Mr. Horsley explained that he and Mrs. Horsley previously rented out a portion of their basement in Layton which was regulated by the HOA. Mr. Horsley also explained that the proposed ADU would primarily be used for housing parents. Mr. Horsley expressed concern

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regarding the number of homes being torn down in Bountiful and replaced with multi-unit dwellings. Mrs. Horsley acknowledged a general concern regarding rental of accessory apartments and explained that, in her experience, accessory apartments can fill a need for recently divorced women in providing a stepping stone to become independent. She went on to explain a positive personal experience for an ADU providing affordable housing for a single woman.

4. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2881 South 625 West, Michael Brock, applicant.

Mr. Badham made a motion for approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2881 South 625 West, Michael Brock, applicant. Mr. Clawson seconded the motion.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

5. Miscellaneous business and scheduling.

Members of the committee determined that no meeting would be held on Monday, August 5, 2019 due to scheduling conflicts for each committee member. Mr. Astorga ascertained there were no further items of business. The meeting was adjourned at 5:23 p.m.

Francisco Astorga, Planning Director



RANDY C. LEWIS
MAYOR

CITY COUNCIL
Kate Bradshaw
Kendalyn Harris
Richard Higginson
John Marc Knight
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

Memo

Date: July 25, 2019
To: Administrative Committee
From: Curtis Poole, Assistant City Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, July 29, 2019

Overview

3. **PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for a Home Occupation Handyman Business at 32 West 1000 North, Jason Barnett, applicant.

Background

The property for the proposed Home Occupation request is located in the R-4 Zone. Home Occupations in this zone are allowed under City Code, 14-4-103, with approval of a Conditional Use Permit.

Findings

The application submitted indicates the property will be used to operate a handyman, property maintenance and woodworking business. There will be tools associated with this business which will all be stored in the applicant's truck. The only tool that will not be stored in the truck will be the mower which will be stored on the property. There will not be large saws involved in the woodworking business, just small hand tools. The applicant's truck will be the primary vehicle used in the business and will be parked in covered parking provided by the complex. A small portion of the applicant's home, less than 150 square feet, will be used for the business. The applicant indicates there will be no additional employees involved in the business. The business does appear incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property. The applicant has received approval from the property owner to operate a business from this location.

Staff Recommendation

Based upon the above findings, staff has determined that the applicant would comply with all requirements for the Conditional Use Permit; therefore staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The Conditional Use Permit is solely for this site and is non-transferable.

Bountiful Land Use Ordinance

14-17-105 HOME OCCUPATION REQUIREMENTS

A proposed home occupation use shall meet the following criteria to qualify for a Home Occupation Business License:

- A. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition thereof. There shall be no displays, advertisements, stock in trade, or signs related to the business except for: one (1) flat wall sign placed on the dwelling that shall not exceed four (4) square feet in size, and any sign required by State Law and/or which meet the provisions of this Title.
- B. The use shall be conducted entirely within a dwelling, except for work performed offsite. Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity. Additional outside employees are not allowed if there is more than one home occupation at the property.
- C. The use shall not involve more than 50% of the entire dwelling.
- D. The use shall not involve the area of required, covered, off-street parking.
- E. No product or commodity shall be stored onsite, and no customer may physically visit the site of a home occupation to take delivery of a product or commodity. Commodities may be produced on the premises and sold offsite.
- F. The use shall not create noise, dust, odors, noxious fumes, glare, or other nuisances, including interruption of radio and/or television reception, which are discernible beyond the premises.
- G. The use shall not involve using or storing flammable material, explosives, or other dangerous materials, including gun powder.
- H. The use shall not involve mechanical or electrical apparatus, equipment, or tools not commonly associated with a residential use or as are customary to home crafts.
- I. The use shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.
- J. The use shall not involve the parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence.
- K. The use shall be in compliance with all applicable fire, building, plumbing, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.
- L. The residence and property may be inspected from time to time to determine continued compliance with the provisions of this Ordinance and other applicable codes.

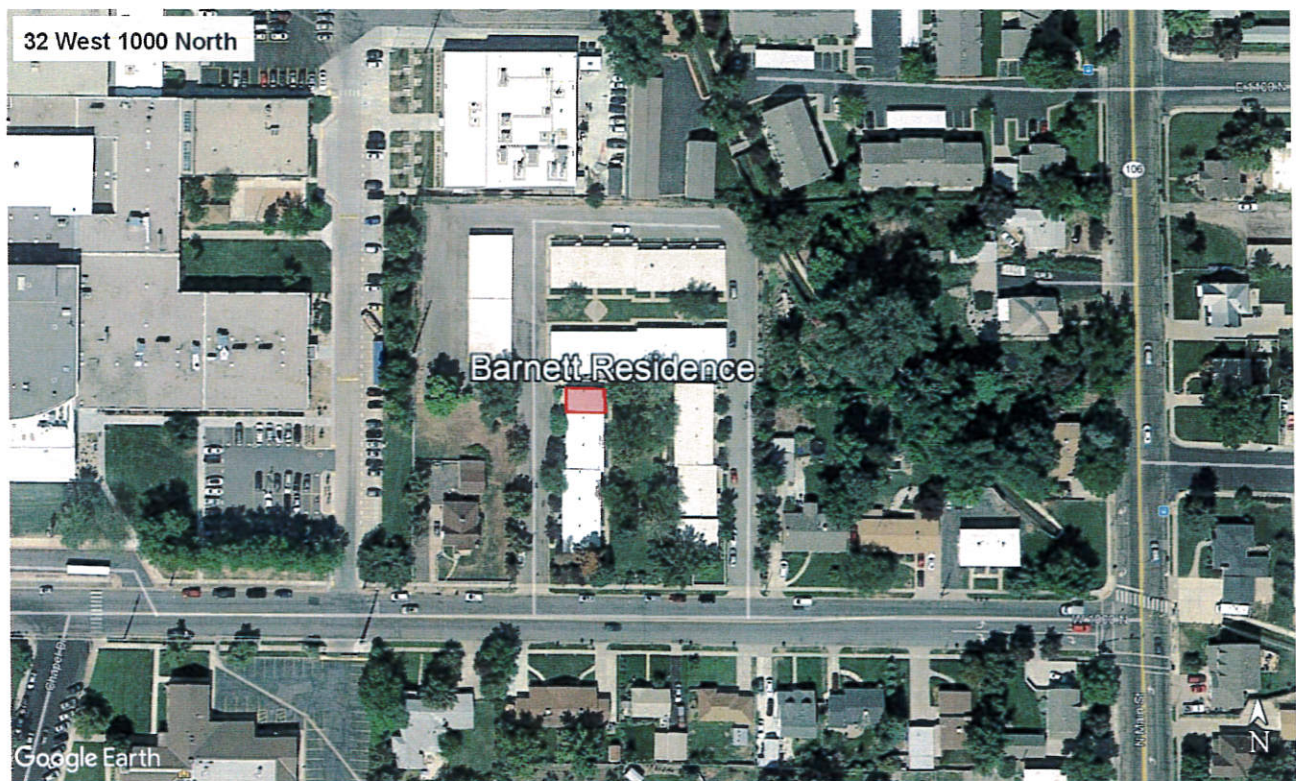
14-17-108 HOME OCCUPATION CONDITIONAL USES

Home occupations in the following areas of work are conditional uses, and licenses may be issued for them only if a conditional use permit is granted following notice and a public hearing:

- A. Lawn care and/or landscaping,
- B. Construction and/or contracting,
- C. Snow removal,

- D. Residential day care or group instruction facilities with more than eight (8) people,
- E. A home occupation office use may be allowed in a detached accessory structure in accordance with the following:
 - 1. The total office area, including a restroom and any storage space, shall not exceed three hundred (300) square feet.
 - 2. The office shall not be located in an area of required, covered, off-street parking.
 - 3. No part of the office space shall be utilized if the required, covered, off-street parking is being utilized for a purpose other than parking.
 - 4. The only retail activity allowed is that transacted electronically or by mail. Any retail activity involving the physical delivery of goods or persons to the property is expressly prohibited.
 - 5. A home occupation office in a detached accessory structure shall be deemed unlawful and shall not be occupied unless the owner has recorded a deed restriction on the property stating that the use of the property is for a single family dwelling, and that the office space shall only be used in accordance with the provisions of the Bountiful City Land Use Ordinance as it may be amended from time to time.

Aerial Map



Please respond to the following questions (per Land Use Code Section 14-17-105):

- What tools/equipment/materials will be used for the business, and where will they be stored? *weed eaters, edgers, mower, hand tools, fertilizer, sprinkler
no other chemicals*
- Will you use any vehicles for the business? If so, please indicate on your site plan where the vehicle(s) will be parked. *my personal vehicle - parking spot*
- How much of the home will be used for the business (percentage)? Please note that area on your site plan. *150 square feet*
- Are there any employees (besides those living at the home) who will be involved in the business? *no*

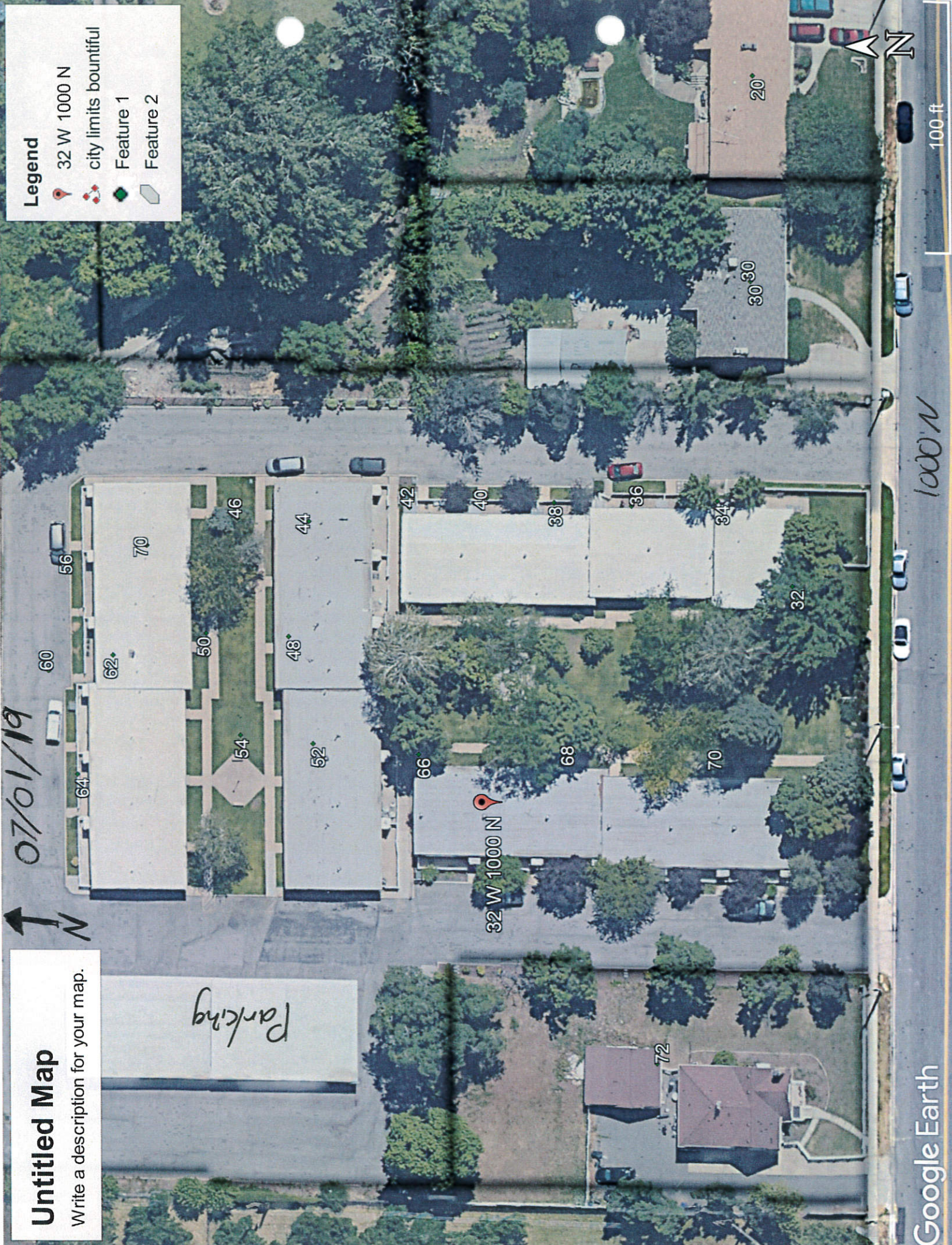
Untitled Map

Write a description for your map.

07/01/19
N ↑

Legend

- 32 W 1000 N
- city limits bountiful
- Feature 1
- Feature 2



1000' N

100 ft



RANDY C. LEWIS
MAYOR

CITY COUNCIL
Kate Bradshaw
Kendalyn Harris
Richard Higginson
John Marc Knight
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

Memo

Date: July 25, 2019
To: Administrative Committee
From: Curtis Poole, Assistant City Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, July 29, 2019

Overview

- 4. PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1444 South 75 East, Jim Miller, applicant.

Background

The applicant is requesting approval of an Accessory Dwelling Unit (ADU) which will be constructed as part of basement finish. Plans show the proposed unit will have two bedrooms, a living area, kitchen and bathroom.

Findings

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The proposed home is located in the R-4 Single-Family Residential zone and is a single-family dwelling and will be maintained as such by the applicant. The lot is 0.19 acres (approximately 8,276 square feet). There will be only one ADU and there will only be one utility connection located at this property. The total square footage of the existing home is 2,141 and the ADU will be 851 square feet which is less than the 40% standard in the Code.

Plans for the proposed ADU show the applicant will construct a new detached two car garage and by doing so will meet the minimum parking standard. As part of the renovations to the property the applicant will be removing existing parking spaces in front of the home which will bring the property into compliance with the parking and drive access in the Code. The entrance for the proposed ADU will be through a rear door leading to an interior stairwell. The home will continue to have the appearance of a single-family home and should have minimal impact on the surrounding neighborhood.

Staff Recommendation

Based upon the above findings, staff has determined the applicant would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The owner(s) of the property must occupy the primary residence or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a deed restriction.
3. A two car garage shall be constructed to meet the parking requirements for the ADU.
4. The paved parking spaces in front of the home shall be removed and replaced with landscaping.
5. There shall be no separate utility service connections.
6. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
7. The Conditional Use Permit is solely for this property and is non-transferable.

Bountiful Land Use Ordinance

14-14-124

ACCESSORY DWELLING UNIT

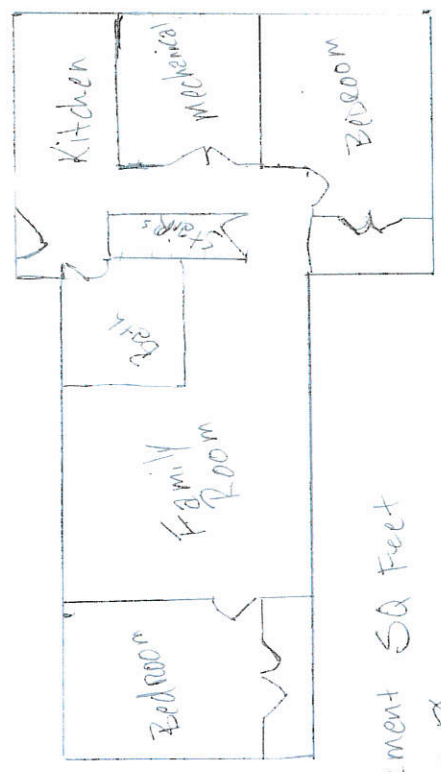
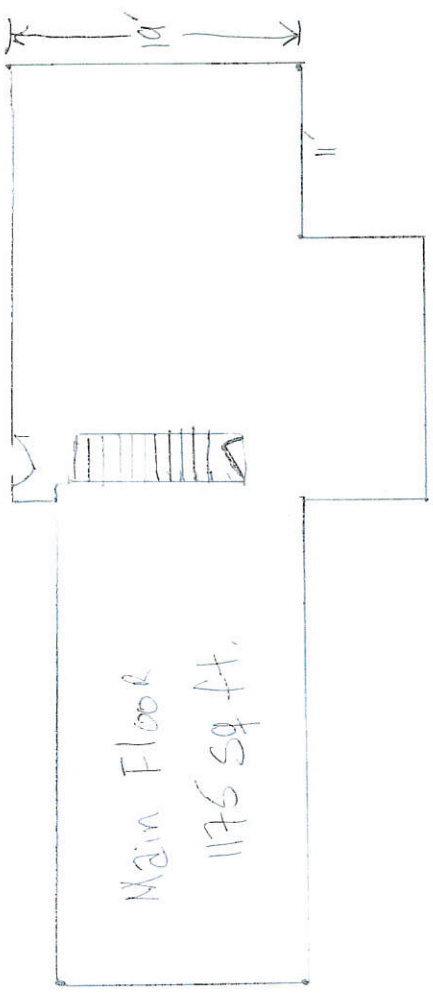
- A. *Purpose: The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:*
 1. *Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;*
 2. *Provide for affordable housing opportunities;*
 3. *Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;*
 4. *Provide opportunities for additional income to offset rising housing costs;*
 5. *Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and*
 6. *Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.*
- B. *An accessory dwelling unit shall only be approved as a conditional use.*
- C. *An accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all of the following criteria:*
 1. *An accessory dwelling unit shall be conditionally permitted only within a single-family residential zone, and shall not be permitted in any other zone.*
 2. *It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.*
 3. *It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a conditional use permit or without written authorization from the Bountiful City Planning Department.*
 4. *A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on any lot or parcel in a single-family zone.*
 5. *It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single-family dwelling.*

6. *A deed restriction limiting the use of a property to a single-family use, prepared and signed by the Bountiful City Planning Director and all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.*
 7. *The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.*
 8. *Separate utility meters shall not be permitted for the accessory dwelling unit.*
 9. *Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family residential use. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.*
 10. *It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit and a conditional use permit.*
 11. *Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title. In no case shall fewer than four (4) total off street parking spaces be provided with at least 2 of the spaces provided in a garage. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas.*
- E. *A detached accessory dwelling unit shall meet all of the above criteria, plus the following:*
1. *Shall require a conditional use permit, reviewed and approved by the Bountiful City Administrative Committee.*
 2. *Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.*
 3. *Shall be configured so that any exterior doors, stairs, windows, or similar features are located as far away from adjoining properties as is reasonably possible to provide privacy to those properties.*
 4. *Shall meet all of the setbacks required of a detached accessory structure requiring a conditional use permit.*

Aerial Map



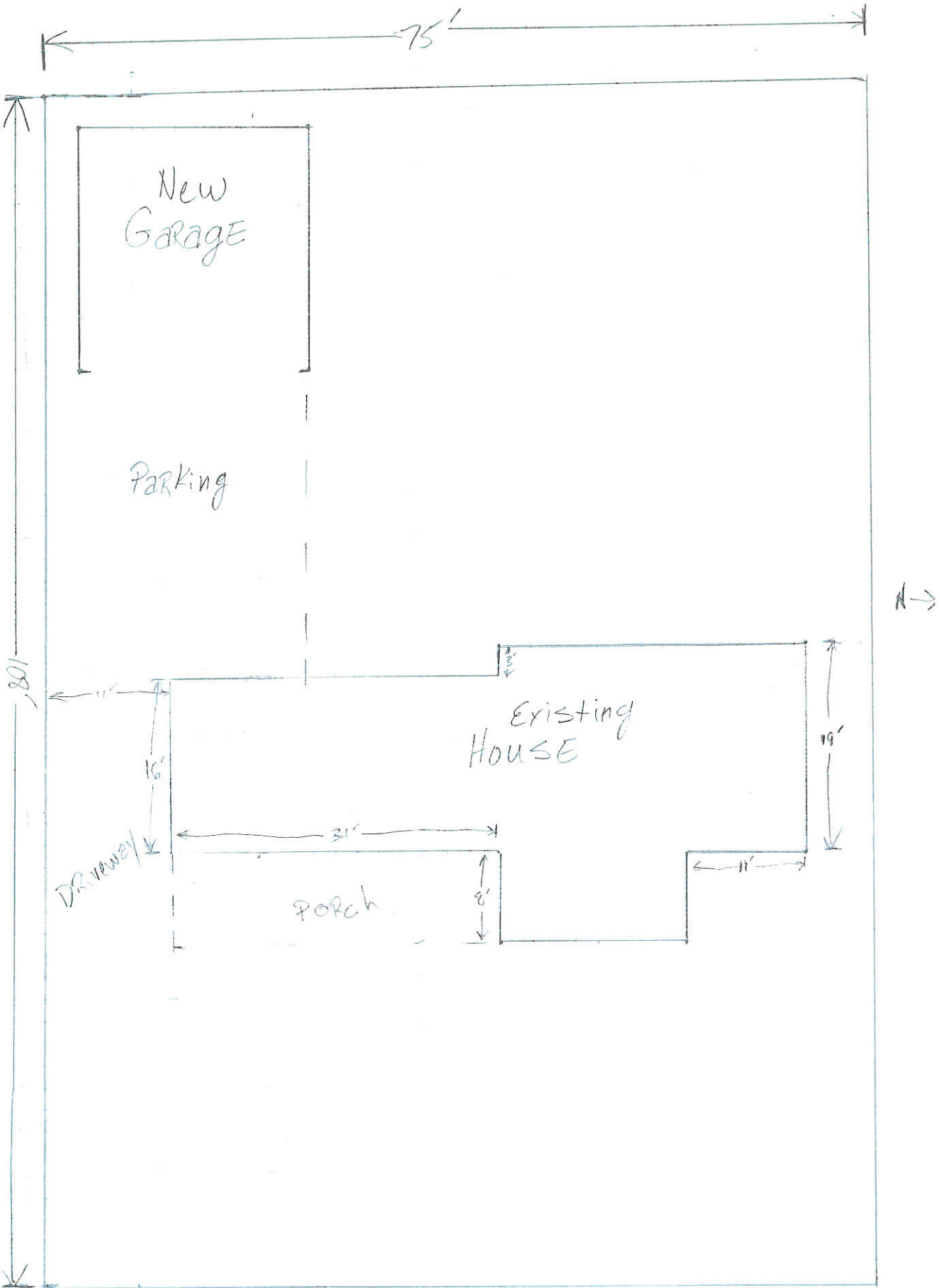
1444 So. 75E,
Bountiful, UT



Basement SA Feet

966	□	Bedroom
88	□	Mechanical
27	□	Stairs
<u>851</u>	□	Total Usage

1175	main
+ 966	Basement
<u>2141</u>	Total
40%	
<u>856.4</u>	



1444 S. 75 E.
Bountiful, UT



RANDY C. LEWIS
MAYOR

CITY COUNCIL
Kate Bradshaw
Kendalyn Harris
Richard Higginson
John Marc Knight
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

Bountiful City, Utah Conditional Use Permit

A public hearing was held on July 22, 2019, at Bountiful City Hall to consider the request of Grant A. Horsley for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

2905 Cave Hollow Way, Bountiful City, Davis County, Utah

ALL OF LOT 116, MAPLE HILLS SUB NO 2, PLAT D. CONT. 0.41 ACRES

Parcel 05-079-0049

The Bountiful City Administrative Committee heard the matter and considered the statements of the applicant, the City staff, and the public. As a result, the Administrative Committee makes the following findings:

1. This matter is properly heard before the Administrative Committee.
2. Appropriate public notice has been provided and a public hearing held.
3. The proposed request for an accessory dwelling shall meet all the criteria in 14-14-124 and other applicable sections of the City Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for an Accessory Dwelling Unit (ADU) as requested by Grant A. Horsley to be located at 2905 Cave Hollow Way, Bountiful, Davis County, Utah, with the following conditions:

1. The principal owner(s) of the property must occupy the primary residence or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a deed restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

The Conditional Use Permit was approved on July 22, 2019, and this written form was approved this 29th day of July, 2019.

Francisco Astorga
Planning Director

ATTEST: Julie Holmgren
Recording Secretary