

ADMINISTRATIVE COMMITTEE

Monday, February 8, 2016
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at City Hall, 790 South 100 East, 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 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 January 25, 2016.
3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business (remodel and repair) at 1147 South 800 East, Thayne Gregory, applicant.
4. Consider approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 2546 Maple Hills Drive, Paul Wheeler, applicant.
5. Miscellaneous business and scheduling.



Chad Wilkinson, 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
January 25, 2016**

Present: Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and John Marc Knight; Assistant Planner – Andy Hulka; Recording Secretary – Julie Holmgren.

1. Welcome and Introductions.

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

2. Consider approval of minutes for January 11, 2016 and January 18, 2016.

Mr. Cheney made a motion to approve the minutes for January 11, 2016. Mr. Wilkinson seconded the motion.

 A Mr. Wilkinson
 A Mr. Cheney
_____ Mr. Knight (abstained)

Motion passed 2-0.

Mr. Knight made a motion to approve the minutes for January 18, 2016. Mr. Cheney seconded the motion.

_____ Mr. Wilkinson (abstained)
 A Mr. Cheney
 A Mr. Knight

Motion passed 2-0.

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Solar Panels at 2546 Maple Hills Drive, Paul Wheeler, applicant.

Richard Breitenbeker (Legend Solar), representing the applicant, was present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the solar panels are to be installed is located in the R-F Single Family Zone. Solar power panels are classified in the city ordinance as “private power plants” and require a conditional use permit if they are over 10 watts. The applicant has indicated that the photovoltaic system to be installed will produce 9.81 kilowatts (9,810 watts), requiring a conditional use permit.

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

The application submitted indicates the proposed installation of 1 photovoltaic array with a total of 30 panels. The arrays will occupy approximately 526 square feet, which is smaller than the 50% maximum roof coverage. The south facing roof will have all 30 panels with 8 panels on the first 3 rows and 6 panels on the fourth row. The panels will be connected to the roof by an Invisimount racking system. The roof is of truss construction, has a slope of 9:12, and the shingles are 15 years old. A review of information provided in the application indicates that all engineering requirements for the construction of solar panels in Bountiful City will be met. A reflection analysis of the roof pitch indicates that photovoltaic panels should not produce a reflection nuisance to surrounding properties.

Based on the findings, staff has determined that 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 applicant shall obtain a building permit.
2. The panels must be installed only as proposed in the application.
3. This conditional use permit is solely for this site and is non-transferable.

PUBLIC HEARING: Chairman Wilkinson opened and closed the Public Hearing at 5:03 p.m. with no comments from the public.

Mr. Knight made a motion for approval of a Conditional Use to allow for Solar Panels at 2546 Maple Hills Drive, Paul Wheeler, applicant. Mr. Cheney seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Mr. Knight

Motion passed 3-0.

4. **Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Lawn Care Business (yard care) at 370 East 1700 South, Gisgard B. Gonzalez, applicant.**

Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Lawn Care Business (yard care) at 370 East 1700 South, Gisgard B. Gonzalez, applicant. Mr. Knight seconded the motion. Mr. Wilkinson noted that for clarity reasons the code section was included in conditions listed on the Conditional Use Permit.

A Mr. Wilkinson
A Mr. Cheney
A Mr. Knight

Motion passed 3-0.

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

5. Miscellaneous business and scheduling.

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:06 p.m.

Chad Wilkinson, City Planner

Pending



MAYOR
RANDY LEWIS

CITY COUNCIL
RICHARD HIGGINSON
BETH HOLBROOK
JOHN M. (MARC) KNIGHT
KENDALYN HARRIS
JOHN PITT

CITY MANAGER
GARY R. HILL

Memo

Date: January 28, 2016
To: Administrative Committee
From: Andy Hulka, Assistant Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, February 8, 2016

Overview

- 3. PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business (remodel and repair) at 1147 South 800 East, Unit 151, Thayne Gregory, applicant.

Item #3

Background

The property where the Home Occupation Contractor Business is proposed is located in the R-4 Single Family Zone. Home Occupation Contractor Businesses in this zone are classified in the City Ordinance as requiring a Conditional Use Permit.

Findings

The application submitted indicates that a home office will be used on the property to run the business. There will be one employee working on site. Section 14-17-105-B authorizes one non-resident employee per home occupation. A parking space for the employee has been designated on the site plan included with the application. The applicant states that no equipment or tools will be stored on-site and that no customers will visit the site. The applicant has indicated that no work will be performed on site and no product will be sold from the property. There will be no signage on the property associated with the business. The use appears to be incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

Staff Recommendation

Based on the findings, staff has determined that 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 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, fumes, glare, traffic, 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.
5. Only one employee may come to the home as allowed by §14-17-105(B), and any employee who comes to the home must park their personal vehicle in the driveway and not in the street.

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.

1147 S 800 E





For Office Use Only	
Date Rec'd	<u>1-25-14</u>
Application \$	<u>50⁰⁰</u>
Zone	<u>R-4</u>

CONDITIONAL USE PERMIT APPLICATION

Date of Submittal: 25, January 2016

Property Address: 1147 S. 800 E. Bountiful

Applicant Name: Thayne Gregory

Applicant Address: Same

Applicant Phone #: (801) 428-7539

Applicant E-Mail: Thayne@thebesthandymenservices.com

Authorization (Owner Signature): *Thayne Gregory*

(If applicant is not owner, applicant must submit notarized authorization from all property owners)

Project Name and Description: Home office to run a business.
No equipment or tools needed.

Committee

- Administrative Committee \$50.00 (application fee)
- Planning Commission \$250.00 (application fee)

- The Site Plan Review Committee will review complete applications prior to review by the Planning Commission.

Plans need to include:

- Bountiful City will prepare labels and mail out the notice to all property owners within three hundred feet (300') of the subject property boundaries based on the most recent Davis County Tax Assessment records.

**The fee for the preparation and mailing of notices has been added to the application fee. Do not get labels from Davis County Records office, if you do, you will still be charged the entire fee on page 1.

**Items heard by the Administrative Committee do not require mailing labels.*

- Plans needed for a site plan review , two (2) full sized, and one (1) 11x17 copy and one (1) .PDF file, of the proposed site plan drawn at 1:10 scale or as required by the City Engineer and City Planner. A site plan shall include:

- A north arrow, the scale of the drawing, and the date of the drawing.
- Street names and addresses.
- Property lines with dimensions.
- All sidewalks, driveways, curbs and gutter, and parking areas.
- All existing easements, rights-of-way, and any other restrictions on the use of the property.
- Existing buildings, proposed buildings, and other significant features on the site.
- Existing buildings and significant features located on adjacent properties within 50 feet (50') of the subject property boundaries
- When required by the City Planner or City Engineer, and for all new construction, a survey including both existing and proposed contours of the land at intervals of two feet (2') or better.

- Typed responses to the following questions:

- How does your proposed project fit in with surrounding properties and uses?
Parking a few days a week for one car during daytime.
- In what ways does the project not fit in with surrounding properties and uses?
None
- What will you do to mitigate the potential conflicts with surrounding properties and uses?
We've ask neighbors if they are ok with an additional car parked during the days

The application must be signed and notarized by each property owner or authorized agent(s).

Property Owners Affidavit

I (we) Thayne Gregory, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my (our) personal knowledge.

Thayne Gregory _____ Owner's Signature
_____ Owner's Signature (co-owner if any)

State of Utah)
) §
County of Davis)

Subscribed and sworn to before me this 25th day of January, 2016.

Notary Public: Tonya Munden



Agent Authorization

I (we), _____, the owner(s) of the real property located at _____, in Bountiful City, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize the aforementioned agent to appear on my (our) behalf before any City board or commission considering this application.

_____ Owner's Signature
_____ Owner's Signature (co-owner if any)

State of Utah)
) §
County of Davis)

On the ____ day of _____, 20____, personally appeared before me _____ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Notary Public: _____



Car will be parked in garage



MAYOR
RANDY LEWIS

CITY COUNCIL
RICHARD HIGGINSON
BETH HOLBROOK
JOHN M. (MARC) KNIGHT
KENDALYN HARRIS
JOHN PITT

CITY MANAGER
GARY R. HILL

Bountiful City, Utah Conditional Use Permit

A public hearing was held on January 25, 2016, at Bountiful City Hall to consider the request of Paul Wheeler for a Conditional Use Permit allowing for a Private Power Plant (Solar Panels) at the following location:

2546 Maple Hills Drive, Bountiful City, Davis County, Utah

BEG AT THE NE COR OF LOT 1, MAPLE COVE SUB NO 1 PLAT A, SD PT BEING S 0°21'40" W 636.10 FT ALG THE SEC LINE & E 737.94 FT FR THE W 1/4 COR OF SEC 33-T2N-R1E, SLM; (BASIS OF BEARING IS N 0°01'20" W ALG THE SEC LINE BETWEEN THE W 1/4 COR OF SEC 33 & THE NW COR OF SEC 33-T2N-R1W, SLM) SD POB BEING ON THE W'LY R/W LINE OF MAPLE HILLS DR, ALSO BEING ON A 194.85 FT RAD CURVE TO THE LEFT (RAD PT BEARS S 82°24'37" E); TH ALG SD W'LY R/W LINE THE FOLLOWING THREE COURSES; TH SW'LY ALG SD CURVE 71.49 FT; TH S 13°25'56" E 52.05 FT TO A PT ON A 235.00 FT RAD CURVE TO THE LEFT (RAD PT BEARS N 76°34'04" E); TH SE'LY ALG SD CURVE 82.03 FT; TH S 79°22'00" W 260.82 FT; TH N 1°00'00" W 290.00 FT; TH S 78°00'00" E 218.00 FT TO POB. CONT. 1.264 ACRES.

Parcel: 05-091-0032

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 to operate a Private Power Plant (Solar Panels) meets the letter and the intent of the specific requirements in §14-2 and 14-14 et seq (Conditional Use Permit provisions) of the Bountiful City Land Use Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for a Private Power Plant (Solar Panels) to be located at 2546 Maple Hills Drive, in Bountiful, Davis County, Utah, with the following conditions:

1. The applicant shall obtain a building permit.
2. The panels must be installed only as proposed in the application.
3. This conditional use permit is solely for this site and is non-transferable.

The Conditional Use Permit was approved on January 25, 2016, and this written form was approved this 8th day of February, 2016.

Chad Wilkinson
Planning Director

ATTEST: Julie Holmgren
Recording Secretary