BOUNTIFUL CITY
ADMINISTRATIVE COMMITTEE AGENDA
Monday, April 5, 2021
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold a meeting in the Planning Commission Conference Room, Bountiful City Hall at 795 South Main Street, Bountiful, Utah, 84010, 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.

Bountiful City Administrative Committee meetings, including this one, are open to the public. In consideration of the COVID-19 Pandemic, Bountiful City will be observing social distancing and may limit the number of people at the meeting. If you would like to submit a comment for the public hearing listed on the agenda below, please e-mail that comment to planning@bountiful.gov prior to the meeting and indicate in the e-mail if you would like your comment read at the meeting; you are also welcome to attend the meeting in person.

1. Welcome and Introductions

2. Consider approval of minutes for March 8, 2021

3. Consider drafted approval in written form for a Conditional Use Permit for a Home Occupation Handyman at 913 East 800 South – Michael P Russell, applicant

4. Consider a Conditional Use Permit for an Accessory Dwelling Unit (ADU) at 1098 Canyon Creek Drive – Eric Beard representing Brad Hansen, applicant

    a. Public Hearing
    b. Action
    c. Consider drafted approval in written form

5. Adjournment

DRAFT Minutes of the
BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE
March 08, 2021

Present:	Committee members	Francisco Astorga (Chair), Brad Clawson, and Dave Badham
	City Planner	Curtis Poole
	Recording Secretary	Jacinda Shupe
	Excused	Assistant City Planner Kendal Black

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1. Welcome and Introductions.

Chair Astorga opened the meeting at 5:03 p.m. and introduced all present.

2. Consider approval of minutes for January 04, 2021

MOTION: Committee Member Clawson made a motion to APPROVE the minutes for January 04, 2021. Chair Astorga seconded the motion. Committee Member Badham was not present during the January 04, 2021 meeting.

VOTE: The motion passed 2-1-0 with Committee Member Badham abstaining.

3. Consider approval of minutes for February 08, 2021

MOTION: Committee Member Badham made a motion to APPROVE the minutes for February 08, 2021. Committee Member Clawson seconded the motion. Chair Astorga was not present during the February 8, 2021 meeting.

VOTE: The motion passed 2-1-0 with Chair Astorga abstaining.

4. Consider a Conditional Use Permit for a Home Occupation Handyman at 913 East 800 South – Michael P Russell, applicant

Mr. Russell, applicant, was present. Planner Poole presented the item.

Planner Poole indicated that the applicant would have no employees and keep all tools in a trailer and personal truck that are to be parked in the garage or on the driveway with less than 30% of the home used for the business.

Committee Member Badham and Clawson inquired about the applicant's ability to park on the side of the house on the existing gravel pad. It was determined that if the gravel were to be converted to either concrete or asphalt this would comply with City Code. Committee Member Clawson had no further questions.

Chair Astorga opened the public hearing at 5:14 p.m.

There were no comments.

Chair Astorga closed the public hearing at 5:14 p.m.

MOTION: Committee Member Badham made a motion to APPROVE a Conditional Use Permit for a Home Occupation Handyman at 913 East 800 South as recommended by staff. Committee Member Clawson seconded the motion.

CONDITIONS OF APPROVAL:

1. The applicant shall maintain an active Bountiful City Business License.
2. The Home Occupation shall not create nuisances discernible beyond the premises (e.g., dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).
3. Any storage of material in connection with the business shall be in accordance with standards of the Bountiful City Land Use Code.
4. The use shall comply with all the applicable fire, building, plumbing, electrical, life safety, and health codes in the State of Utah, Davis County and Bountiful City.
5. Any signage connected with the business shall meet the standards of the Sign Code and receive approval through a separate permit.
6. The Conditional Use Permit is solely for this site and in non-transferable.

VOTE: The motion passed unanimously (3-0).

5. Consider a Conditional Use Permit for an Accessory Dwelling Unit at 3453 Lexington Drive–LaWane Boltz, applicant

Mr. Boltz, applicant, was present. Planner Poole presented the item.

Planner Poole indicated that the applicant is requesting a basement Accessory Dwelling Unit at 3453 Lexington Drive. He indicated that the home meets all city code requirements as far as parking and basement Accessory Dwelling Unit.

Chair Astorga requested Planner Poole discuss the new state legislation for those present.

Chair Astorga opened the public hearing at 5:26 p.m.

There were no comments.

Chair Astorga closed the public hearing at 5:26 p.m.

MOTION: Committee Member Clawson made a motion to APPROVE a Conditional Use Permit to Permit for an Accessory Dwelling Unit located at 3453 Lexington Drive as recommended by staff and in WRITTEN form. Chair Astorga seconded the motion.

CONDITIONS OF APPROVAL:

1. The accessory dwelling unit shall meet all the standards in Section 14-14-124 of the City Land Use Code including the following:

a. The owner(s) of the property must continually occupy the principal dwelling or the accessory dwelling unit.
b. The property is to be used only as a Single-Family dwelling with an accessory dwelling unit and shall be subject to a Deed Restriction.
c. There shall be no separate utility service connections.
d. The Applicants shall apply separately for a building permit to be reviewed and inspected by Staff.

2. The required walkway and all other applicable aspects of the ADU conversion are to be inspected, including the required walkway, proper window egress, proper door width, that the ADU is an independent unit from the main dwelling, etc. Building codes shall be inspected prior to the City signing the deed restriction.
3. The Conditional Use Permit for the accessory dwelling unit is solely for this property and is non-transferable to another property.
4. The Deed Restriction shall be signed within six (6) months of the date of approval.

VOTE: The motion passed unanimously (3-0).

6. Consider approval of a Lot Line Adjustment at 4738 and 4756 Spring Meadow Circle, Lewis M Evans and Mark & Angela Bassett, applicants

No Applicants were present. Chair Astorga presented the item stating that 217.8 square feet would be sold from Bassett to Evans.

MOTION: Committee Member Badham made a motion to APPROVE the Lot Line in WRITTEN form and as drafted for a property located at 4738 and 4756 Meadow Circle. Committee Member Clawson seconded the motion.

VOTE: The motion passed unanimously (3-0).

7. Consider the written approval for a Conditional Use Permit for Home Occupation Welding at 325 West Center Street–Vernon C Taylor Jr., applicant

MOTION: Committee Member Badham made a motion to APPROVE the WRITTEN form for a Conditional Use Permit to Permit for a Home Occupation Welding at 325 West Center Street. Committee Member Clawson seconded the motion.

VOTE: The motion passed 2-1-0 with Chair Astorga abstaining

Chair Astorga ascertained there were no further items of business. The meeting was adjourned at 5:36 p.m.

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Francisco Astorga
Administrative Committee Chair

MAYOR
RANDY C. LEWIS

CITY COUNCIL
Millie Segura Bahr
Kate Bradshaw
Kendalyn Harris
Richard Higginson
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

Bountiful City, Utah
Conditional Use Permit Approval
of a Contractor Home Occupation Permit

A public hearing was held on March 8, 2021, at the Bountiful City Hall located at 795 South Main Street, Bountiful, Utah 84010, to consider the request of Michael Russell for a Conditional Use Permit allowing a Contractor Home Occupation at the following location:

913 East 800 South, Bountiful, Davis County, Utah

Parcel 04-077-0092

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 a Contractor Home Occupation shall meet all the criteria in Sections 14-17-105 & 14-17-108 of the Bountiful City Land Use Code, as conditioned.
4. The proposed request for a Contractor Home Occupation shall meet all applicable sections of the City Code.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for a Contractor Home Occupation as requested by Michael Russell, to be located at 913 East 800 South, Bountiful, Davis County, Utah, with the following conditions:

1. The applicant shall maintain an active Bountiful City Business License.
2. The Home Occupation shall not create nuisances discernible beyond the premises (e.g., dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).
3. Any storage of material in connection with the business shall be in accordance with standards of the Bountiful City Land Use Code.
4. The use shall comply with all the applicable fire, building, plumbing, electrical, life safety, and health codes in the State of Utah, Davis County and Bountiful City.
5. Any signage connected with the business shall meet the standards of the Sign Code and receive approval through a separate permit.
6. The Conditional Use Permit is solely for this site and in non-transferable.

The Conditional Use Permit for a Contractor Home Occupation was approved on March 8, 2021, and this written form was approved April 5, 2021.

Francisco Astorga Administrative Committee Chair	ATTEST: Jacinda Shupe Recording Secretary

Administrative Committee
Staff Report

Subject: Conditional Use Permit for an Accessory Dwelling Unit at 1098 East Canyon Creek Drive
Authors: Kendal Black, Assistant City Planner
Date: April 5, 2021

Background

The applicant, Brad Hansen, submitted a Conditional Use Permit (CUP) for a detached accessory dwelling unit (ADU) on their property located at 1098 East Canyon Creek Drive, on March 16, 2021. Bountiful City Administrative Committee reviews all CUPs for ADUs. The Bountiful City Land Use Code defines an ADU (see also "Accessory In-Law Apartment") as *a self-contained dwelling unit within an owner-occupied single-family residence or in a detached accessory structure located on an owner-occupied property*.

Analysis

Bountiful City Land Use Code 14-14-124(C) states that an ADU shall meet all the following standards below shown in *italics.* Staff findings for each standard are shown as <u>underlined</u> text.

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.*
   <u>The single-family dwelling is located within the Single-Family Res. Zone (R-F).</u>

2. *It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.*
   <u>The site currently contains one (1) single-family dwelling.</u>

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.*
   <u>The applicant has submitted a CUP application for one (1) ADU.</u>

4. *A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on a lot or parcel in a single-family residential zone.*
   <u>The applicant has submitted a CUP application for one (1) ADU.</u>

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.*
   <u>The site currently contains one (1) single-family dwelling.</u>

6. *A deed restriction limiting the use of a property to a single-family dwelling, prepared by the Bountiful City Planning Director and signed by 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.
The Planning Director will prepare a deed restriction once the Administrative Committee approves this application and all applicable conditions of approval are met. According to online records of the Davis County Assessor's Office, the subject property (parcel no. 01-243-0402) is owned by Bradley G. Hansen - Trustee. The applicant is aware of the owner occupancy requirements of the Code.

7. *The property owner must occupy either the principal unit or the accessory dwelling unit, as their permanent residence and at no time receive rent for the owner-occupied unit. An application for an accessory dwelling unit shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or other means required by the Planning Department.*
   The deed restriction will indicate that the property owner mush either occupy the principal unit or the ADU as their permanent residence.

8. *Separate utility meters shall not be permitted for the accessory dwelling unit.*
   The restriction applies and the deed restriction will indicate such.

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 dwelling. Except as provided below, a separate entrance to the accessory dwelling unit is required and shall not be allowed on the front or corner lot side yard. A separate entrance shall be located to the side or rear of the principal residence.*
   i. *An accessory dwelling unit in a basement may share a common entrance with the principal unit, provided each unit has a separate interior door.*

   As shown on the submitted application the unit is detached and meets these criteria.

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.*
    This site does not currently have an active building 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 addition to the parking required for the principal unit at the time of construction, one (1) off-street parking space shall be provided for an accessory dwelling unit. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas. On-street parking may be utilized in compliance with the current parking limitations outlined in the Bountiful Traffic Code regarding on-street parking.*
    The site has at least ten (10) parking spaces. Per research of the Planning Dept., when the single-family dwelling was built in 2017 it required a total of four (4) parking space, two (2) of which are required to be in a garage. The home currently has at least five (5) garages.

Bountiful City Land Use Code 14-14-124(D) states that in addition to the general ADU requirements (above), an attached ADU shall meet the all the following below:

1. *Shall be at least three hundred fifty (350) sq. ft. in size and shall not exceed one thousand two hundred fifty (1,250) sq. ft., however accessory dwelling units located in a basement may occupy the entire basement of the principal unit.*
   According to Davis County Assessor's Office online records the single-family dwelling is 11,154 square feet, which does not include the 675 square foot detached building. The proposed ADU is in the detached building.

2. *Shall have its own dedicated separate entrance from the principal unit in compliance with section 14-14-124(C)(9) and shall not have the appearance of a Two-Family Dwelling (duplex). The separate entrance shall have a walkway in compliance with applicable building codes.*
   The submitted plans show that compliance will be achieved by adding the required walkway.

Recommendation and Conditions of Approval

Staff recommends the Administrative Committee hold a public hearing and consider approving the requested Conditional Use Permit allowing a basement accessory dwelling unit at 1098 East Canyon Creek Drive subject to the following conditions of approval:

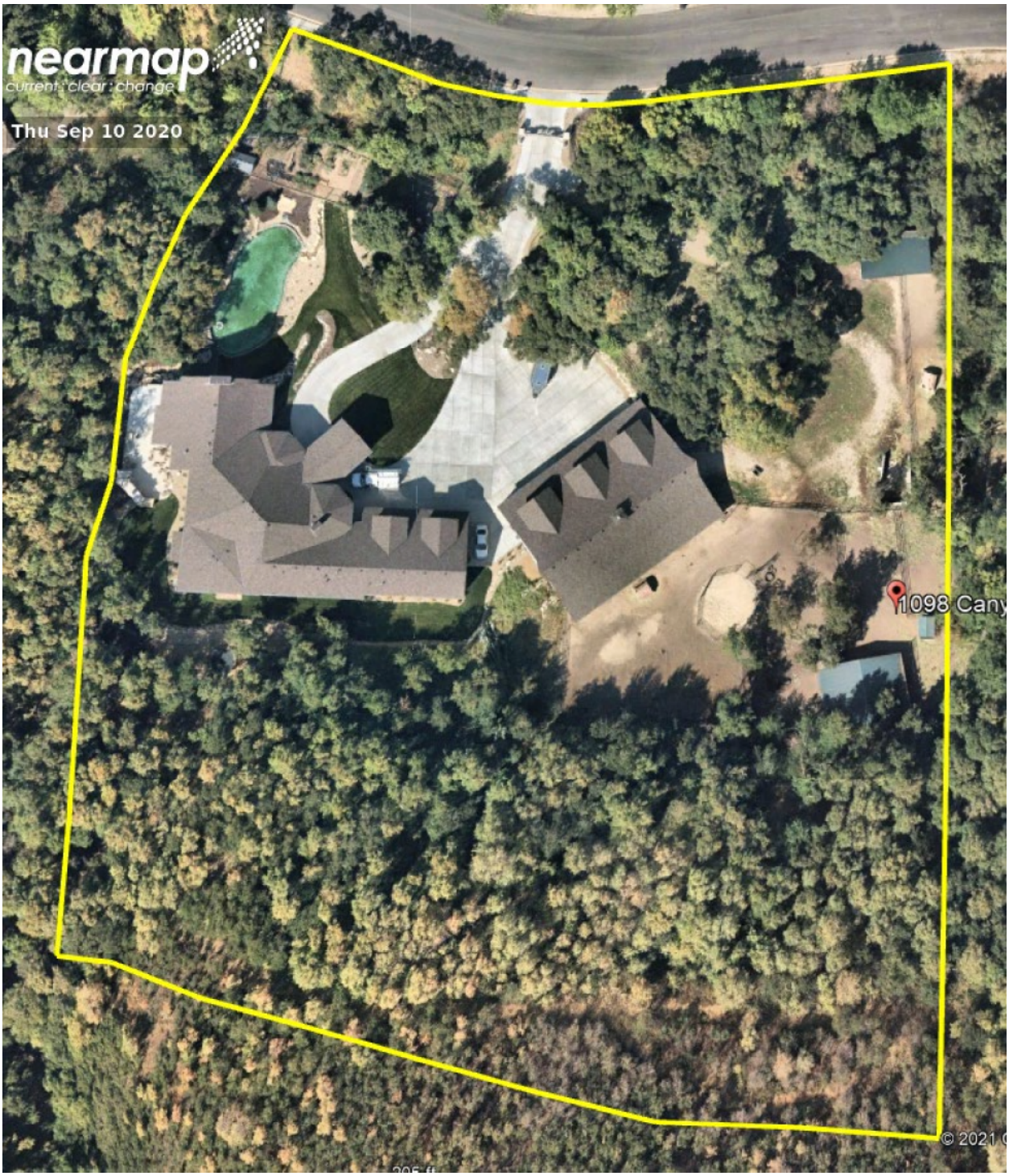
1. The accessory dwelling unit shall meet all the standards in Section 14-14-124 of the City Land Use Code including the following:
   a. The owner(s) of the property must continually occupy the principal dwelling or the accessory dwelling unit.
   b. The property is to be used only as a Single-Family dwelling with an accessory dwelling unit and shall be subject to a Deed Restriction.
   c. There shall be no separate utility service connections.
   d. The Applicants shall apply separately for a building permit to be reviewed and inspected by Staff.
2. The City shall inspect the site prior to the Planning Director signing the deed restriction.
3. The Conditional Use Permit for the accessory dwelling unit is solely for this property and is non-transferable to another property.
4. The Deed Restriction shall be signed within six (6) months of the date of approval.
5. The applicant shall submit proper documentation showing ownership of the subject site prior to recordation of the deed restriction.

Attachments

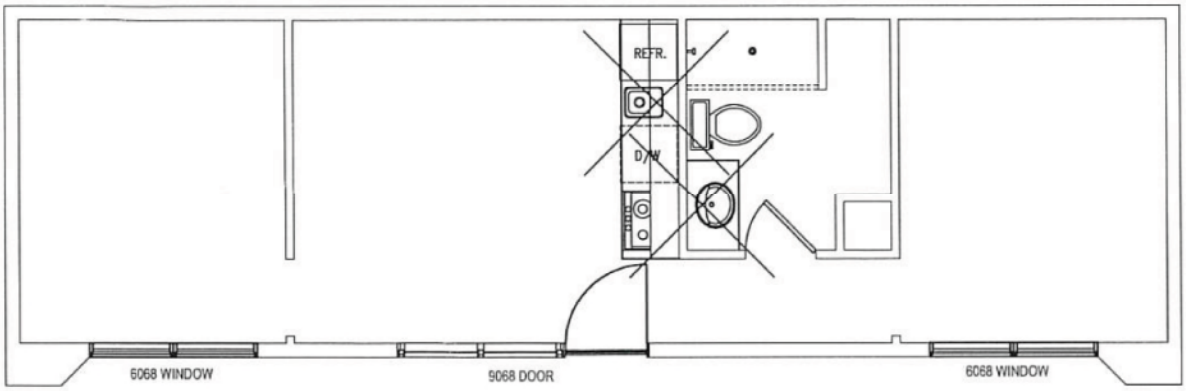
1. Aerial Photo
2. Floor Plans
3. Site Plan
4. Drafted Approval in Written Form

ATTACHMENTS

1. Aerial Photo

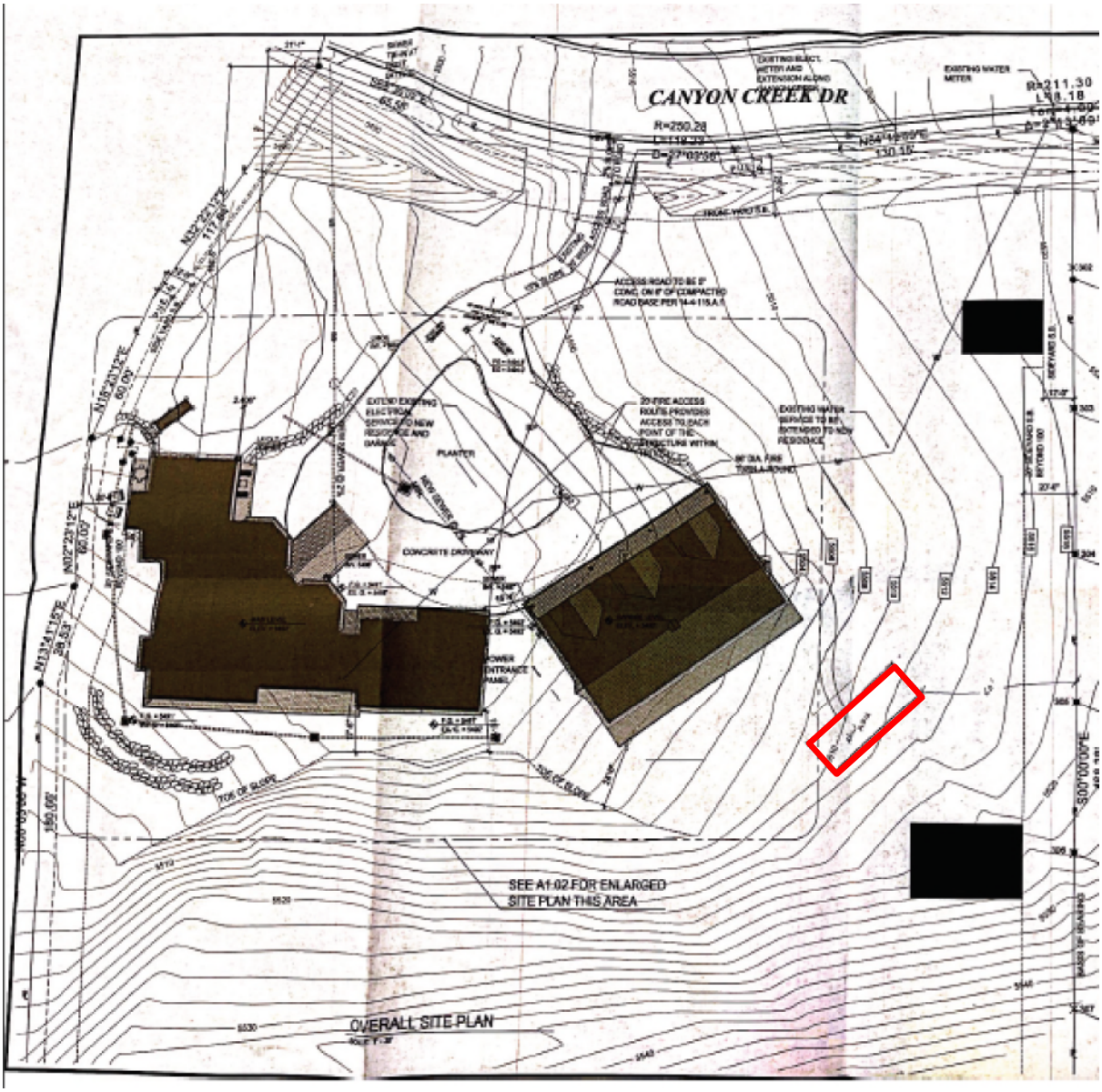


2. Floor Plan



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

3. Site Plan



4. Drafted Approval in Written Form

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
Draft Conditional Use Permit Approval
of an Accessory Dwelling Unit

A public hearing was held on April 5, 2021, at Bountiful City Hall located at 795 South Main Street, Bountiful, Utah 84010, to consider the request of Bradley G. Hansen for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

1098 East Canyon Creek Drive, Bountiful, Davis County, Utah

ALL OF LOT 402, CREEKWOOD OF INDIAN SPRINGS PLAT D. CONT. 3.983 ACRES

Parcel 01-243-0402

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 Section 14-14-124 of the Bountiful City Land Use Code, as conditioned.
4. The proposed request for an accessory dwelling shall meet all applicable sections of the City Code.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for basement Accessory Dwelling Unit as requested by Bradley G. Hansen to be located at 1098 East Canyon Creek Drive, Bountiful, Davis County, Utah, with the following conditions:

1. The accessory dwelling unit shall meet all the standards in Section 14-14-124 of the City Land Use Code including the following:
    a. The owner(s) of the property must continually occupy the principal dwelling or the accessory dwelling unit.
    b. The property is to be used only as a Single-Family dwelling with an accessory dwelling unit and shall be subject to a Deed Restriction.
    c. There shall be no separate utility service connections.
    d. The Applicants shall apply separately for a building permit to be reviewed and inspected by Staff.

2. The City shall inspect the site prior to the Planning Director signing the deed restriction.
3. The Conditional Use Permit for the accessory dwelling unit is solely for this property and is non-transferable to another property.
4. The Deed Restriction shall be signed within six (6) months of the date of approval.

The Conditional Use Permit for an accessory dwelling unit was approved on April 5, 2021, and this written form was approved this April 5, 2021.

_____	_____
Francisco Astorga	ATTEST: Jacinda Shupe
Administrative Committee Chair	Recording Secretary