



BOUNTIFUL CITY
ADMINISTRATIVE COMMITTEE AGENDA
Monday, September 28, 2020
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold a meeting in the Conference Room at **South Davis Metro Fire Station, 255 South 100 West, 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@bountifulutah.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 August 24, 2020.
3. Consider a Conditional Use Permit for an Accessory Dwelling Unit (ADU) at 1283 Beverly Way – Spencer and Jessica Hale, applicants.
 - a. PUBLIC HEARING
 - b. Action
 - c. Consider drafted approval in written form
4. Consider a Conditional Use Permit for an Accessory Dwelling Unit (ADU) at 445 Spring Creek Dr – Teresa Upton and Julie Connelly, applicants.
 - a. PUBLIC HEARING
 - b. Action
 - c. Consider drafted approval in written form
5. Planning Department’s report, review of pending applications and miscellaneous business.
 - a. ADU Discussion

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Drafted Minutes of the
BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE
August 24, 2020
12:00 p.m.

Present: Chairman – Francisco Astorga; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Kendal Black; Recording Secretary – Darlene Baetz

1. Welcome and Introductions.

Chairman Astorga opened the meeting at 5:11 p.m. and introduced all present.

2. Consider approval of minutes for July 09, 2020.

Mr. Clawson made a motion to approve the minutes for July 09, 2020. Mr. Badham seconded the motion. Voting was 3-0 with Committee Members Astorga, Badham and Clawson voted aye.

3. Consider approval of minutes for July 13, 2020.

Mr. Clawson made a motion to approve the minutes for July 13, 2020. Chair Astorga seconded the motion. Voting was 2-0 with Committee Members Astorga and Clawson voted aye and Badham abstained.

4. Consider approval of minutes for August 10, 2020.

Mr. Badham made a motion to approve the minutes for August 10, 2020. Chair Astorga seconded the motion. Voting was 2-0 with Committee Members Astorga and Badham voted aye and Clawson abstained.

5. PUBLIC HEARING – Consider approval for a Conditional Use Permit to allow for a Preschool with more than 8 students located at 961 North 950 East, Corinne Alsup, applicant. The Administrative Committee may also consider approval in written form.

Corinne Alsup, applicant, was present. Kendal Black presented the staff report.

The Applicant, Corinne Alsup, requests Conditional Use approval, to have a larger class size at her existing preschool (established in 2018), located at 961 North 950 East. The property is located within the R-4 Single Family Residential Zone. The Applicant currently operates a preschool and there are no other employees. She had 7 students for the 2019-2020 school year, but would like to increase the number of students to 9 for the 2020-2021 school year.

There will be twenty-four percent (24%) of the home that will be used in connection with the business; which is within the standards required by Code.

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for an increase in the number of students allowed to attend the Playful Beginnings Preschool located at 961 North 950 East, subject to the following conditions:

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1. The Applicant shall maintain an active Bountiful City Business License and follow all Utah State codes and rules for licensure and operation of a preschool/daycare.
 2. The Home Occupation will not create nuisances discernible beyond the premises (e.g., excessive amounts of traffic, noise, 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 will 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.

Chairman Astorga opened and closed the **PUBLIC HEARING** at 5:19 p.m. without any public comment.

Mr. Badham made a motion to approve a Conditional Use Permit to have a larger class size at the existing preschool (established in 2018), located at 961 North 950 East. Mr. Clawson seconded the motion. Voting was 3-0 with Committee Members Astorga, Badham and Clawson voted aye.

Mr. Clawson made a motion to approve the Conditional Use Permit **in written form** to have a larger class size at the existing preschool (established in 2018), located at 961 North 950 East. Mr. Badham seconded the motion. Voting was 3-0 with Committee Members Astorga, Badham and Clawson voted aye.

6. **Consider approval in written form for an ADU located at 2856 Wood Hollow Way, Kent Whipple, applicant.**

Chair Astorga read condition #7 to the Committee.

Mr. Badham made a motion to approve the Conditional Use Permit **in written form** as drafted for an ADU located at 2856 Wood Hollow Way. Chair Astorga seconded the motion. Voting was 2-0 with Committee Members Astorga and Badham voted aye and Clawson abstained.

7. **Consider approval in written form for a Handyman Home Occupation located at 3377 South 350 West, Blake Dalton, applicant.**

Chair Astorga read condition #7 to the Committee.

Mr. Badham made a motion to approve the Conditional Use Permit **in written form** as drafted for a Home Occupation Handyman Business located at 3377 South 350 West. Chair Astorga seconded the motion. Voting was 2-0 with Committee Members Astorga and Badham voted aye and Clawson abstained.

8. **Consider approval of Conditional Use Permit in written form to allow for a Home Occupation Lawncare Business at 416 West 850 South, Landeon Olsen, applicant.**

1 Mr. Clawson made a motion to approve the Conditional Use Permit **in written form** as drafted
2 for a Home Occupation Lawncare Business located at 416 West 850 South. Chair Astorga
3 seconded the motion. Voting was 2-0 with Committee Members Astorga and Clawson voted
4 aye and Badham abstained.
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6 **9. Consider approval of Conditional Use Permit in written form, to allow for a Home**
7 **Occupation Electrical Contractor at 298 South 800 East, Maurits Noot, applicants.**
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9 Mr. Clawson made a motion to approve the Conditional Use Permit **in written form** as drafted
10 for a Home Occupation Electrical Contractor located at 298 South 800 East. Chair Astorga
11 seconded the motion. Voting was 2-0 with Committee Members Astorga and Clawson voted
12 aye and Badham abstained.
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14 **10. Miscellaneous business and scheduling.**
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16 Chairman Astorga ascertained there were no further items of business. The meeting was
17 adjourned at 5:30 p.m.
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Francisco Astorga
Administrative Committee Chair

PENDING APPROVAL

Administrative Committee Staff Report

Subject: PUBLIC HEARING: Conditional Use Permit to allow for an Accessory Dwelling Unit
Author: Kendal Black, City Planner
Address: 1283 Beverly Way
Date: September 14, 2020



Description of Request:

The Applicants, Spencer and Jessica Hale, request Conditional Use Permit approval to allow for an Accessory Dwelling Unit (ADU) at 1283 Beverly Way.

Background and Analysis:

The Applicants' property is in the R-3 Single-Family Residential Zone. The Applicants are requesting approval of a basement apartment ADU. Information submitted by the Applicants shows the proposed ADU will be constructed to consist of one (1) bedroom, a bathroom, kitchen, and living space.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and the Applicants shall meet all standards of the Code for approval. The property has an existing Single-Family dwelling and will be maintained as such by the Applicants. The property is approximately 0.375 acres (16,335 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The Applicants have submitted building plans which indicate the living space at this residence is approximately 4,427 square feet and further indicate the proposed ADU will only be 576.16 square feet, which will be thirteen percent (13%) of the total residence and below the maximum forty percent (40%) standard in the Code.

The property will meet the parking standard required for approval with the existing two (2) car garage and driveway. The ADU will be accessed through a path leading from the east side of the house (by the driveway) heading to the rear of the residence. The property will have the appearance of a Single-Family dwelling and should have minimal impact on the surrounding neighborhood.

The applicants have already applied for a building permit and are in the process of getting that authorized. A building permit cannot be issued until this CUP, for the requested ADU, is approved.

Recommended Action

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for an Accessory Dwelling Unit at 1283 Beverly Way subject to the following conditions:

1. The Owner(s) of the property must continually occupy the primary dwelling or the ADU.
2. The property is to be used only as a Single-Family residence and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The Applicants shall apply separately for a building permit to be reviewed and inspected by Staff.
5. The ADU shall meet all the standards in 14-14-124 of the City Land Use Code.
6. The Conditional Use Permit is solely for this property and is non-transferable.

Attachments

1. Aerial Photo
2. Bountiful Land Use Code
3. Floor Plans
4. Site Plan

Attachments

Aerial Photo



Bountiful Land Use Code

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.*

D. *An attached accessory dwelling unit shall be deemed unlawful and shall not be occupied unless all of the following criteria are met:*

1. *Shall not occupy more than forty percent (40%) of the total floor area square footage of the primary dwelling structure,*
2. *Shall not exceed ten percent (10%) of the buildable land of the lot,*
3. *Shall be at least three hundred fifty (350) sq ft in size,*
4. *Shall meet all of the requirements of the International Building Code relating to dwelling units,*
5. *An attached accessory dwelling unit shall meet all of the required setbacks for a primary dwelling.*
6. *Shall not have a room used for sleeping smaller than one hundred twenty (120) square feet, exclusive of any closet or other space,*

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.*

-How does your proposed project fit in with surrounding properties and uses?

Our project fits in very well with the surrounding properties and uses by keeping things almost exactly as they are. With parking in our driveway and the entrance in the backyard, neighbors will see very little difference in the use of the property. The uses for the tenant will be similar to our own and will fit in well because of that.

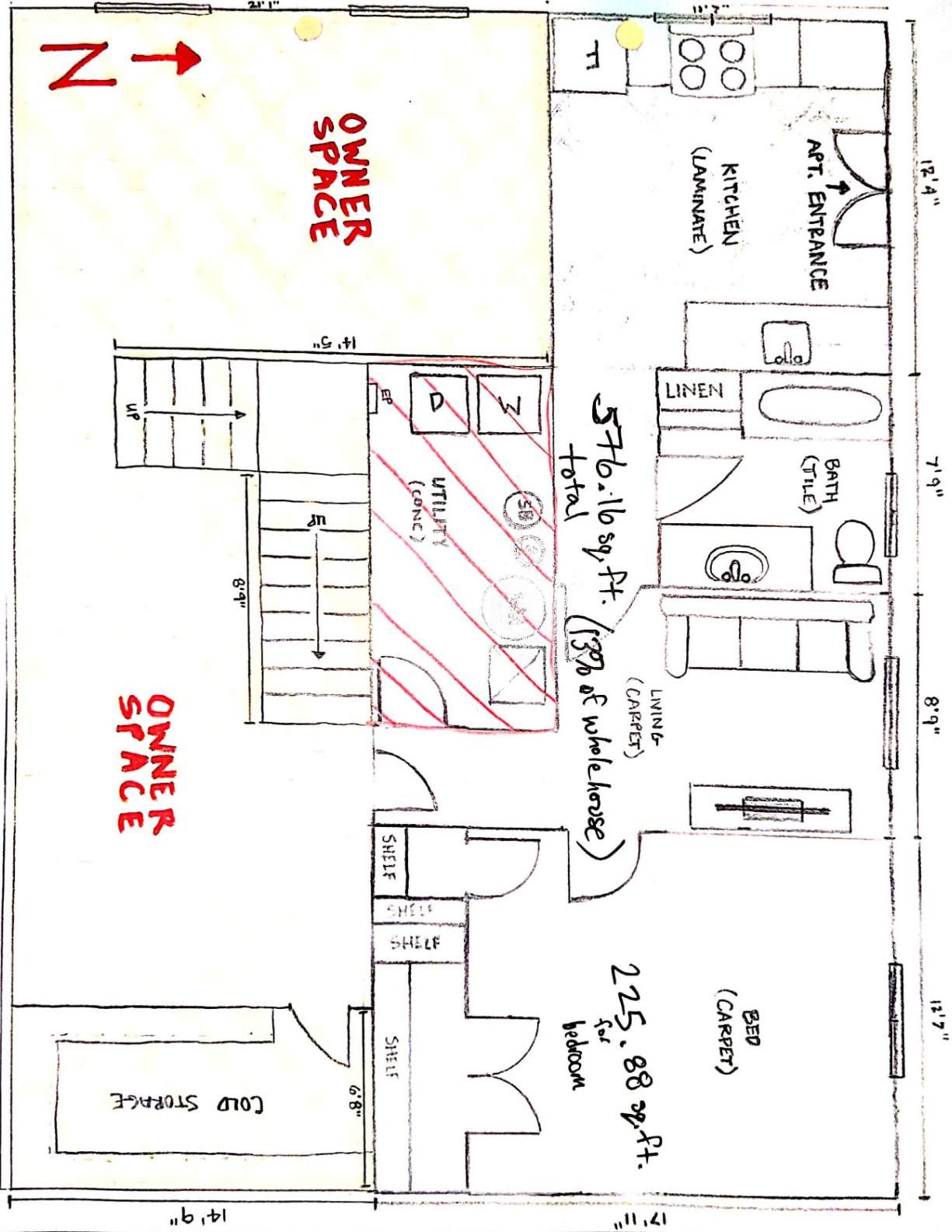
-In what way does the project not fit in with the surrounding properties and uses?

While the project has no clear reasons for not fitting in the surrounding area, it will increase the traffic some around the property. There may not be many other accessory apartments in the area, but we can only speculate.

-What will you do to mitigate the potential conflicts with surrounding properties and uses?

We intend to make the appropriate uses of the property known in our lease/contract, as well as an agreement to abide by city and state laws. We will also have clear communication with the tenant if any problems with parking and/or traffic around the property arise and will do the same if any unforeseen issues arise.

4427 #
whole house
ADU 576.16 sq. ft. (1390)



Manually Scaled

< unknown >

8/18/2020



Measurement Type : Imperial



Conditional Use Permit

A public hearing was held on September 28, 2020 at the South Davis Metro Fire Station to consider the request of Spencer and Jessica Hale for a Conditional Use Permit allowing an Accessory Dwelling at 1283 Beverly Way, Bountiful, Utah.

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 Land Use Code.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for an Accessory Dwelling Unit (ADU) with the following conditions:

1. The Owner(s) of the property must continually occupy the primary dwelling or the ADU.
2. The property is to be used only as a Single-Family residence and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The Applicants shall apply separately for a building permit to be reviewed and inspected by Staff.
5. The ADU shall meet all the standards in 14-14-124 of the City Land Use Code.
6. The Conditional Use Permit is solely for this property and is non-transferable.

The Conditional Use Permit and this written form was approved on September 28, 2020.

Francisco Astorga
Administrative Committee Chair

ATTEST: Darlene Baetz
Recording Secretary

Administrative Committee Staff Report

Subject: PUBLIC HEARING: Conditional Use Permit to allow for an Accessory Dwelling Unit
Author: Kendal Black, City Planner
Address: 445 Spring Creek Drive
Date: September 28, 2020



Description of Request:

The Applicants, Teresa Upton & Julie Connelly, request Conditional Use Permit approval to allow for an Accessory Dwelling Unit (ADU) at 445 Spring Creek Drive.

Background and Analysis:

The Applicants' property is in the R-4 Single-Family Residential Zone. The Applicants are requesting approval of an existing basement apartment to be used as an ADU. Information submitted by the Applicants shows the proposed ADU will consist of one (1) bedroom, a bathroom, kitchen, living space, laundry room, and storage room.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and the Applicants shall meet all standards of the Code for approval. The property has an existing Single-Family dwelling and will be maintained as such by the Applicants. The property is approximately 0.22 acres (9,583.2 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The Applicants have submitted building plans which indicate the living space at this residence is approximately 2,532 square feet and further indicate the proposed ADU will only be 984 square feet, which will be thirty-eight point nine percent (38.9%) of the total residence and below the maximum forty percent (40%) standard in the Code.

The property will meet the parking standard required for approval with the existing two (2) car garage and wide driveway. The ADU will be accessed through a path leading from the east side of the house and back down to the ADU at the rear of the residence. The property will have the appearance of a Single-Family dwelling and should have minimal impact on the surrounding neighborhood.

Recommended Action

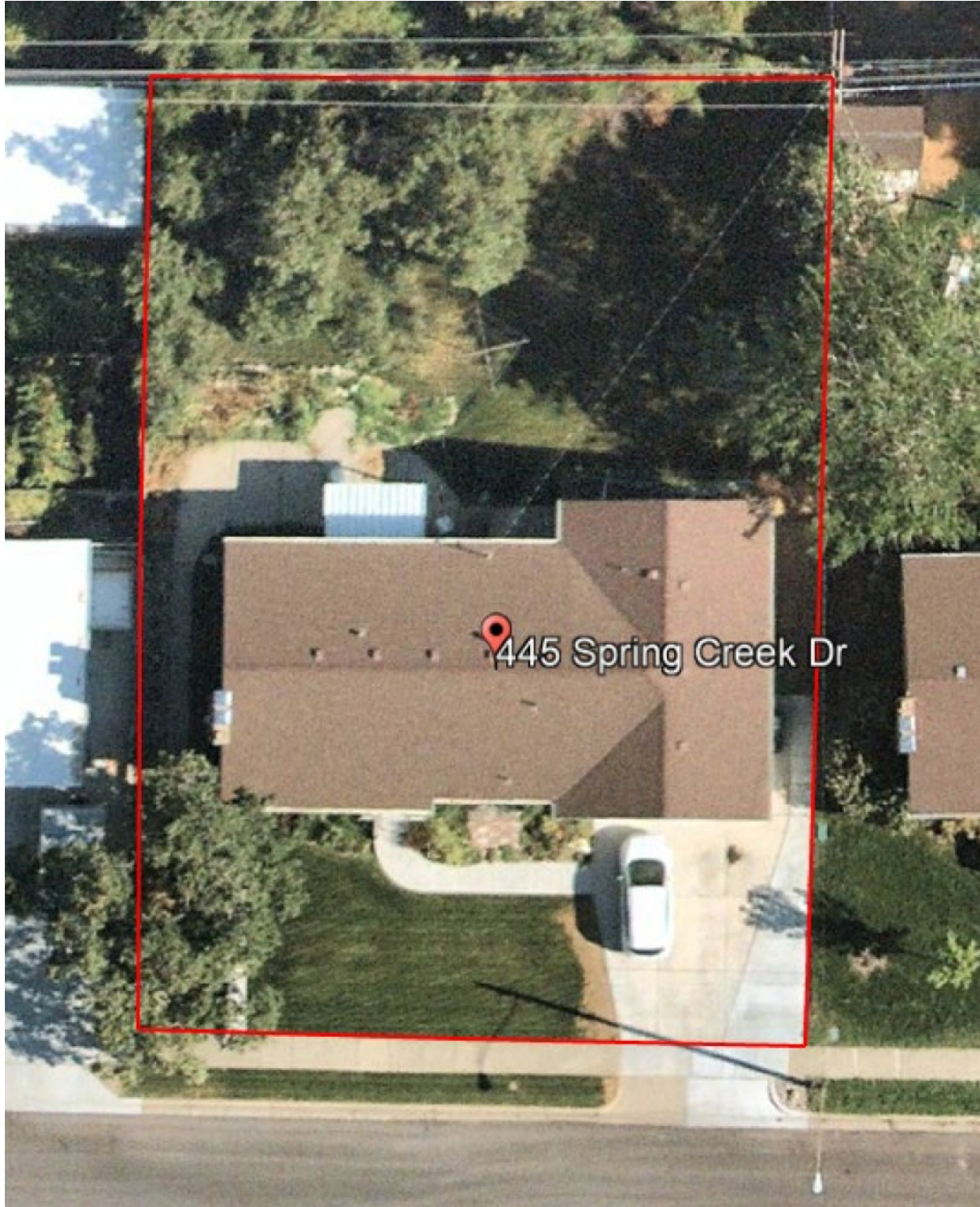
Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for an Accessory Dwelling Unit at 445 Spring Creek Drive subject to the following conditions:

1. The Owner(s) of the property must continually occupy the primary dwelling or the ADU.
2. The property is to be used only as a Single-Family residence and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the standards in 14-14-124 of the City Land Use Code.
5. The Conditional Use Permit is solely for this property and is non-transferable.

Attachments

1. Aerial Photo
2. Bountiful Land Use Code
3. Floor Plans
4. Site Plan

Aerial Photo



Bountiful Land Use Code

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.*

D. *An attached accessory dwelling unit shall be deemed unlawful and shall not be occupied unless all of the following criteria are met:*

1. *Shall not occupy more than forty percent (40%) of the total floor area square footage of the primary dwelling structure,*
2. *Shall not exceed ten percent (10%) of the buildable land of the lot,*
3. *Shall be at least three hundred fifty (350) sq ft in size,*
4. *Shall meet all of the requirements of the International Building Code relating to dwelling units,*
5. *An attached accessory dwelling unit shall meet all of the required setbacks for a primary dwelling.*
6. *Shall not have a room used for sleeping smaller than one hundred twenty (120) square feet, exclusive of any closet or other space,*

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.*

445 Spring Creek Dr.
050440068
.22 acres

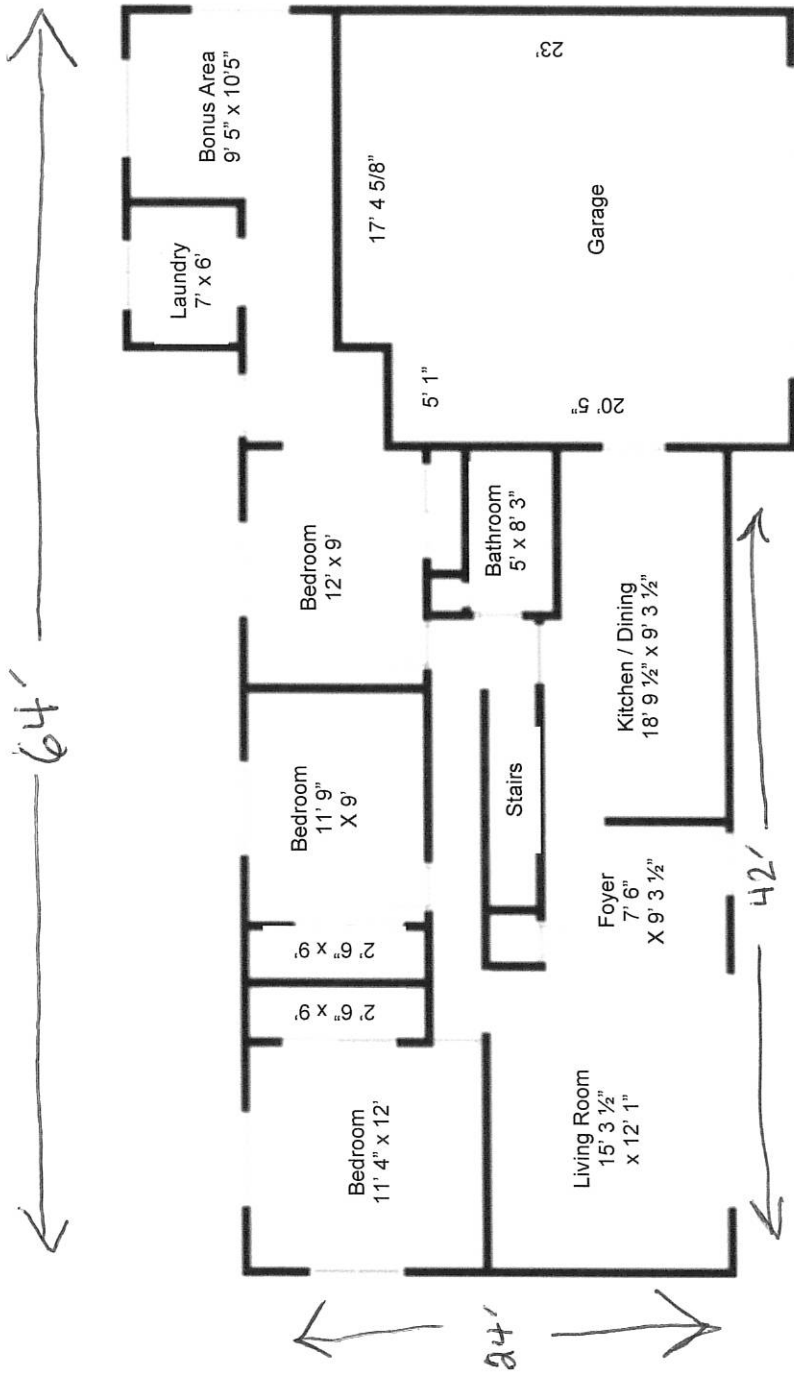
← Driveway is 3 cars
wide at garage



↘
Sidewalk to
Apartment
Entrance in
back yard

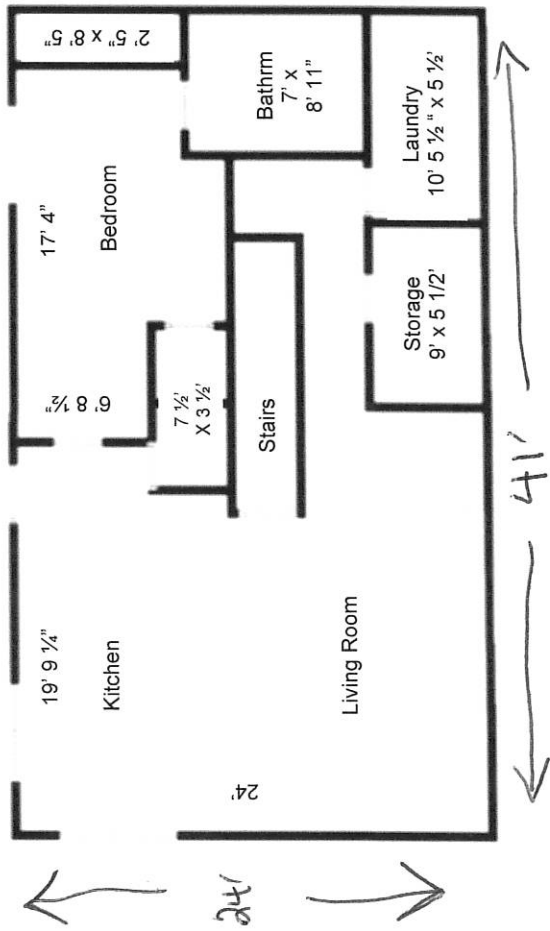
Teresa Upton and Julie Connelly
 445 Spring Creek Drive
 801-725-9996

Top Floor



North ↑

Basement





Conditional Use Permit

A public hearing was held on September 28, 2020 at the South Davis Metro Fire Station to consider the request of Teresa Upton and Julie Connelly for a Conditional Use Permit allowing an Accessory Dwelling at 445 Spring Creek Dr, Bountiful, Utah.

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 Land Use Code.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for an Accessory Dwelling Unit (ADU) with the following conditions:

1. The Owner(s) of the property must continually occupy the primary dwelling or the ADU.
2. The property is to be used only as a Single-Family residence and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the standards in 14-14-124 of the City Land Use Code.
5. The Conditional Use Permit is solely for this property and is non-transferable.

The Conditional Use Permit and this written form was approved on September 28, 2020.

Francisco Astorga
Administrative Committee Chair

ATTEST: Darlene Baetz
Recording Secretary