



**BOUNTIFUL CITY**  
**ADMINISTRATIVE COMMITTEE AGENDA**  
**Monday August 15, 2022**  
**5:00 p.m.**

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold a meeting in the Planning Department 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.

1. Welcome.
2. Review and approval of minutes for April 25, 2022
3. Review and Approval of Minutes for May 31, 2022
4. 667 West 3100 South – Conditional Use Permit for a Detached Accessory Dwelling Unit, Charles Mendes, Applicants
  - a. Review
  - b. Public hearing
  - c. Consider drafted approval in written form
5. Adjournment



1 **Draft Minutes of the**  
2 **BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE**  
3 **April 25, 2022**

4  
5 Present: Committee members Francisco Astorga (Chair), Scott Schlegel  
6 Recording Secretary Hanna Welch

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7  
8  
9 **1. Welcome and Introductions**

10  
11 Chair Astorga opened the meeting at 5:03 p.m. and introduced all present. Excused Assistant  
12 City Planner Nicholas Lopez and the designated Engineering committee member.

13  
14 **2. Minutes from previous meeting March 14, 2022**

15  
16 MOTION: Committee member Schlegel meeting minutes. Chair Astorga seconded the motion.  
17 VOTE: The motion passed unanimously (2-0).

18  
19  
20 **3. Minutes from previous meeting March 21, 2022**

21  
22 MOTION: Committee member Schlegel meeting minutes. Chair Astorga seconded the motion.  
23 VOTE: The motion passed unanimously (2-0).

24  
25  
26 **4. Consider approval of a Lot Line Adjustment at 1239 East 700 North, 1253 East 700**  
27 **North, 1267 East 700 North, Brent Moon, applicant(s)**

28  
29 Mr. Moon, applicant, was present.

30  
31 Chair Astorga informed the committee on the movement of property for the proposed Lot  
32 Line Adjustment.

33  
34 Committee Member, Schlegel questioned if the existing retaining wall was built prior to  
35 developing the middle lot (2) and was there a survey on the lot lines showing the wall was  
36 over the property line?

37 Applicant, Mr. Moon reported that there was a survey done and the wall in over the lot line.

38  
39 Chair Astorga noted for clarification, that zoning for the R-3 zone is 11,000 square feet  
40 minimum for a lot and that the frontage requirements are meet with minimal change. Astorga  
41 called for final questions or clarifications needed.

42  
43 Committee Member, Schlegel questioned what the motivation for the change was.

44  
45 Mr. Moon stated that the property line for the original wall was over the property line so  
46 instead of tearing down the wall and rebuilding the solution was this process. It also gives the  
47 lot 3 in the staff notes more grass area. It was sold as a 12,000 sqft lot, but since there has  
48 been changes to the minimum lot requirements the neighbors concluded that they would

1 move the lot line to follow the wall while keeping the lot (2) in compliance. The recording  
2 will be Moon to Levitt, Levitt to Levitt and Levitt to McCullum- the respective names for the  
3 residents of the proposed lot line.

4  
5 Chair Astorga, clarified that the record would be as Mr. Moon described for a clear legal  
6 language.

7  
8 Mr. Moon Affirmed.

9  
10 MOTION: Committee Member Schlegel, made a motion to APPROVE the Lot Line  
11 Adjustment for .1239 East 700 North, 1253 East 700 North, 1267 East 700 North as set forth  
12 with the conditions here in. Chair Astorga seconded the motion.

13  
14 VOTE: The motion passed unanimously (2-0).

15  
16 **5. Consider approval of a Lot Line Adjustment at 2190 and 2234 Wood Hollow Way,  
17 Preston Menlove & Daniel Scarlett, applicants- Continued.**

18  
19 Mr. Menlove, applicant was present.

20  
21 Chair Astorga presented the challenge for the committee in the previous meeting that the lot  
22 is smaller than the minimum lot size. Astorga also noted that if the lot has a 0-15 % grade  
23 that the lot size minimum would increase in accordance with the grade. The committee  
24 previously was fixated on the compliance.

25  
26 It was requested that the applicants to come back to meet at a set time with property owner  
27 and city engineer and look at the original, plat from 1974. It was reported that at that time a  
28 minimum plat size did not consider the slop analysis that is in use today. In 1974, the  
29 minimum plat size is 12,000sqft.

30  
31 Committee Member, Schlegel concluded that the plat would be “grandfathered” the 1974  
32 minimum plat size with no consideration for the slop analysis.

33  
34 Chair Astorga informed the committee that if it were to take a more draconian stance that the  
35 plat would not have been able to originally be developed, because they would not have met  
36 the minimum requirements.

37  
38 Committee Member Schlegel inquired if the setbacks cover the footprint of the house.

39  
40 Chair Astorga Affirmed and discussed that because he bought the play as a land of record  
41 that the owner has right associated. The same as there are rights with a subdivision plot, and  
42 we wouldn’t deny them the right to build if they were to do so.

43  
44 Committee Member Schlege asked the applicant if gully behind the house reason for the  
45 change

46  
47 Menlove stated that it is due to a retaining wall that need repaired on the land, but that the

1 wall is currently owned by applicant Scarlett and closer to the house on the Menlove  
2 property.

3  
4 MOTION: Committee Member Schlegel, made a motion to APPROVE the Lot Line  
5 Adjustment for 2190 and 2234 Wood Hollow Way as set forth with the conditions here in  
6 and adjusting the findings paragraph that states that the minimum lot standards of a R-F zone  
7 (20,000) because it no longer applies. Chair Astorga seconded the motion.

8  
9 VOTE: The motion passed unanimously (2-0).

10  
11 Chair Astorga ascertained there were no further items of business. The meeting was  
12 adjourned at 5:23 p.m.

13  
14  
15  
16  
17  
18  

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Francisco Astorga  
Administrative Committee Chair



**Draft Minutes of the  
BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE  
May 31, 2022**

Present: Committee members Francisco Astorga (Chair), Todd Christensen, and Dave Badham  
Assistant City Planner Nicholas Lopez  
Recording Secretary Hanna Welch

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**1. Welcome and Introductions**

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

**2. Review and approval of minutes for April 25, 2022**

MOTION: Chair Astorga motioned to continue minutes from previous meeting till the next meeting. Seconded by Dave Badham.

VOTE: The motion passed (3-0).

**3. 357 West 2600 South- Conditional Use Permit for a Detached Accessory Dwelling Unit, Randy & Mary Beth Thompson, Applicants- Assistant City Planner, Nicholas Lopez**

Mr. & Mrs. Thompson, applicants, were present. Assistant Planner Lopez presented the item.

Assistant Planner Lopez reported that the Conditional Use Permit was for Detached ADU at the applicant's primary residence and will be in accordance with 14-14-124 of the Bountiful City Land Use Ordinance. The address for proposed ADU is in the R-4 zone, which is designated as a Single-Family Residence. The proposed structure has not been built. Only one ADU is being proposed. The Conditional Use Permit will require a Deed Restriction for a detached ADU stating that applicants will live at proposed address if the ADU is rented out. The Applicants have listed the proposed address as primary address.

The proposed ADU will have an area of 650 square feet. The lot is 17,000 sqft and residential building is 8,000 sqft. The Site Plan for ADU shows that the structure is parallel with the West Bountiful Water Tank. It is positioned on the interior of lot with the closest neighbor is 80 feet from ADU. The ADU is hidden from the street view. 14-4-105 states that accessory structures combined shall not be more than 10% of lot. Calculated total of Accessory structure for site plan is 9% which is with in regulations. The ADU is more that 24 ft behind property line and away from all others by 4 ft to meet regulations. The structure will be 13ft in height.

Attachment B shows circular driveway which the applicants plan to pour an extension from to the ADU. There are existing parking spaces in place regardless. The door faces inward towards the lot. It is a simple build, but anything that came up with building will be reviewed when applying for building permit.

1 Mr. & Mrs. Thompson, applicants had nothing further to add.

2  
3 Committee Member Badham inquired, before the public hearing, about the number of the units  
4 allowed on a lot, as well as the percentage allowed for a single-family residence.

5  
6 Assistant City Planner, Nicholas Lopez restated that the maximum of 10% is allowed for all  
7 accessory structures on a lot. There is no language in the Land Use Ordinance that states how  
8 many structures are allowed on a property.

9  
10 Committee Chair Francisco Astorga reported what assistant City Planner Nicholas Lopez  
11 stated during presentation that the total footprint of the existing garage and the proposed ADU  
12 equals to 9%.

13  
14 Committee Member Badham questioned the need to review the requirements in the Land Use  
15 Ordinance and the number of accessory structures on a lot especially with the emergence of  
16 ADU's in Bountiful City. Badham stated that multiple structures on a lot look piece mill, like  
17 a patch quilt and explained that he and the people he represents are not for ADU's. wants no  
18 loopholes in the code.

19  
20 Chair Astorga reiterated that the code does not regulate the number of accessory structures on  
21 a lot.

22  
23 Committee Member Todd Christenson questioned the significance of 10,000 square foot figure  
24 on page 9 in the staff packet.

25  
26 Assistant City Planner Lopez and Chair Astorga determined that it has been a typo because the  
27 lot is 17,000 square feet.

28  
29 Committee reviewed the calculations to determine exact measurements. The actual numbers  
30 are 676 sq ft for the garage, 640 sq ft for the proposed ADU which combined equal 1316.  
31 Divide that by 1766, which equals the sq footage for 10% of the lot equals 7.7 % for all the  
32 accessory structure on the lot. This leaves 450 sq ft before the applicants would reach 10% of  
33 the lot with accessory structures.

34  
35 Committee Member Christenson clarified that the circular driveway was previously installed,  
36 and the applicants are changing the gravel leading to the side of the house up to the ADU to  
37 concrete to accommodate foot traffic to ADU. He also inquired about required parking spaces.

38  
39 The committee determine that there is adequate parking with over five spaces available.

40  
41 Assistant City Planner, Lopez indicated that parking would not be an issue in this case because  
42 there is ample space, and applicant has plans to extend walk/drive up to the ADU.

43  
44 Chair Astorga noted that the code will take precedent and the building code will be in effect.

45  
46 Committee Member Badham inquired if the circular driveway is permitted because there are  
47 strict regulations on them. Also, there are many hard surfaces in the site plan, does the front of



1 the lot meet the requirements for the landscaping code with permeable and impermeable  
2 surfaces.

3  
4 Applicant statement has landscaped recently to meet code, the circular driveway is twenty  
5 some odd years old and at the time the city only asked if the curb needs to be cut when the  
6 driveway was installed

7  
8 Chair Astorga searched the code.

9  
10 It was ascertained by the committee that the circular drive is in place for the traffic on 2600 S  
11 houses for turning around with

12  
13 Assistant City Planner, Lopez reiterated that landscaping only get review for the front yard.  
14 Which is property line going back 25 feet and, in that area, no more than 50% shall be  
15 impervious. The staff notes illustrate landscaping for the site.

16  
17 Chair Astorga determined that the right portion of the drive shall be landscaped to meet city  
18 code and gave scenarios of xeriscaping that would be appropriate but left it to the applicants  
19 deaccession.

20  
21 Chair Astorga asked for final questions.

22  
23 Public Hearing Opened at 5:28 PM

24  
25 No Comments were made.

26  
27 Public Hearing Closed at 5:29 PM

28  
29 MOTION: Committee Member Badham made a motion to APPROVE the Condition Use  
30 Permit for Accessory Dwelling Unit as drafted in the staff report with the conditions that the  
31 changes to page 9 of packet be made to accurately portray percentages of the accessory  
32 structures and square footage from 10,000 square feet to 17,000 square feet and to have the  
33 building official review code for access to unit and to check landscape square footage.

34  
35 Seconded by Committee Member Todd Christensen.

36  
37 VOTE: The motion passed unanimously (3-0).

38  
39 Draft of Condition Use Permit to be continued till the next administrative committee.

40  
41 Chair Astorga ascertained there were no further items of business. The meeting was adjourned  
42 at 5:32 p.m.



# Administrative Committee Staff Report



Subject: Conditional Use Permit for a Detached Accessory Dwelling Unit  
Authors: Nicholas Lopez, Assistant Planner  
Address: 677 West 3100 South  
Date: August 15, 2022

## **Background**

The applicant, Charles Mendes, submitted for a detached Accessory Dwelling Unit (ADU) on their property located at 677 West 3100 South. Bountiful City Administrative Committee Reviews Conditional Use Permits (CUPs) for detached ADUs. The Bountiful City Land Use Code defines an ADU 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**

Detached ADUs are subject to the Bountiful City Land Use Code (BCLUC) § 14-14-124 as outlined below:

1. Shall be a conditional use only within the Single-Family Residential Zone, Residential Multiple (RM) Family Zone, and the Downtown (DN) Mixed Use Zone; and shall not be permitted in any other zone.
  - *The property is in the Single-Family Residential (R-4) 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.
  - *The property contains a single-family dwelling.*
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.
  - *The proposed structure has not yet been built and requires approval of this CUP as well as subsequent building permit review, etc.*
4. A maximum of one (1) accessory dwelling unit shall be permitted on a qualifying lot.
  - *Only one ADU is being proposed.*
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.
  - *The property contains an existing single-family dwelling.*

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 the issuance of the building permit.
  - *The required deed-restriction is to be recorded prior to issuance of a Certificate of Occupancy (CO) and only after approval of the CUP by the Administrative Committee.*
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 similar means required by the Planning Department.
  - *According to Davis County records, found online, the subject site is listed as a primary residency classification.*
8. Separate utility meters shall not be permitted for the accessory dwelling unit.
  - *Additional utility meters are not being requested.*
9. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit, if applicable.
  - *The applicants would need to submit a building permit if this CUP is approved.*
10. 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 subject site meets all parking requirements, including current regulations regarding drive approaches.*
11. Shall be at least three hundred fifty (350) square feet in size and shall not exceed one thousand two hundred fifty (1,250) square feet.
  - *The proposed ADU is ~427 square feet.*
12. Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.
  - *The subject property is ~17,424 Square feet and will meet the minimum buildable land requirement.*

13. 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.
  - *The nearest main structure is approximately 90 feet away.*
14. Shall meet all the setbacks required of an accessory structure.
  - *The proposed structure meets all required setbacks. See accessory structure section.*
15. Shall be located behind the front building line of the principal unit.
  - *The proposed structure is behind the front building line.*
16. The separate entrance of the accessory dwelling unit may be visible from the front or corner lot side yard based on proximity and appropriate mitigation proposed by the applicant and approved by the Administrative Committee.
  - *Based on the proposed location of the detached ADU and its proximity from the front property line Staff does not find that additional mitigation is required.*

Accessory structures, including this detached ADU, are subject to BCLUC section 14-4-105(J)(1) as outlined below:

- a. The total footprint of all accessory structures shall not exceed ten percent (10%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision.
  - *The total footprint of all accessory structures is 6% (955 square feet).*
- b. An accessory structure shall meet all the setbacks of a primary structure, or it shall be setback at least ten (10) feet behind the front building line of a primary structure and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line.
  - *The proposed ADU is more 100 feet behind the front building line, 3 feet from the side property line, and 3 feet from the rear property line.*
- c. An accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys, and any other protrusion on either the accessory building or the primary structure.
  - *The ADU will be 100 feet from the main structure*
- d. No part of an accessory structure, excluding the eaves, shall be closer than twelve (12) feet to any primary dwelling on an adjacent property.
  - *The closest main structure of an adjacent property is 90 feet away.*

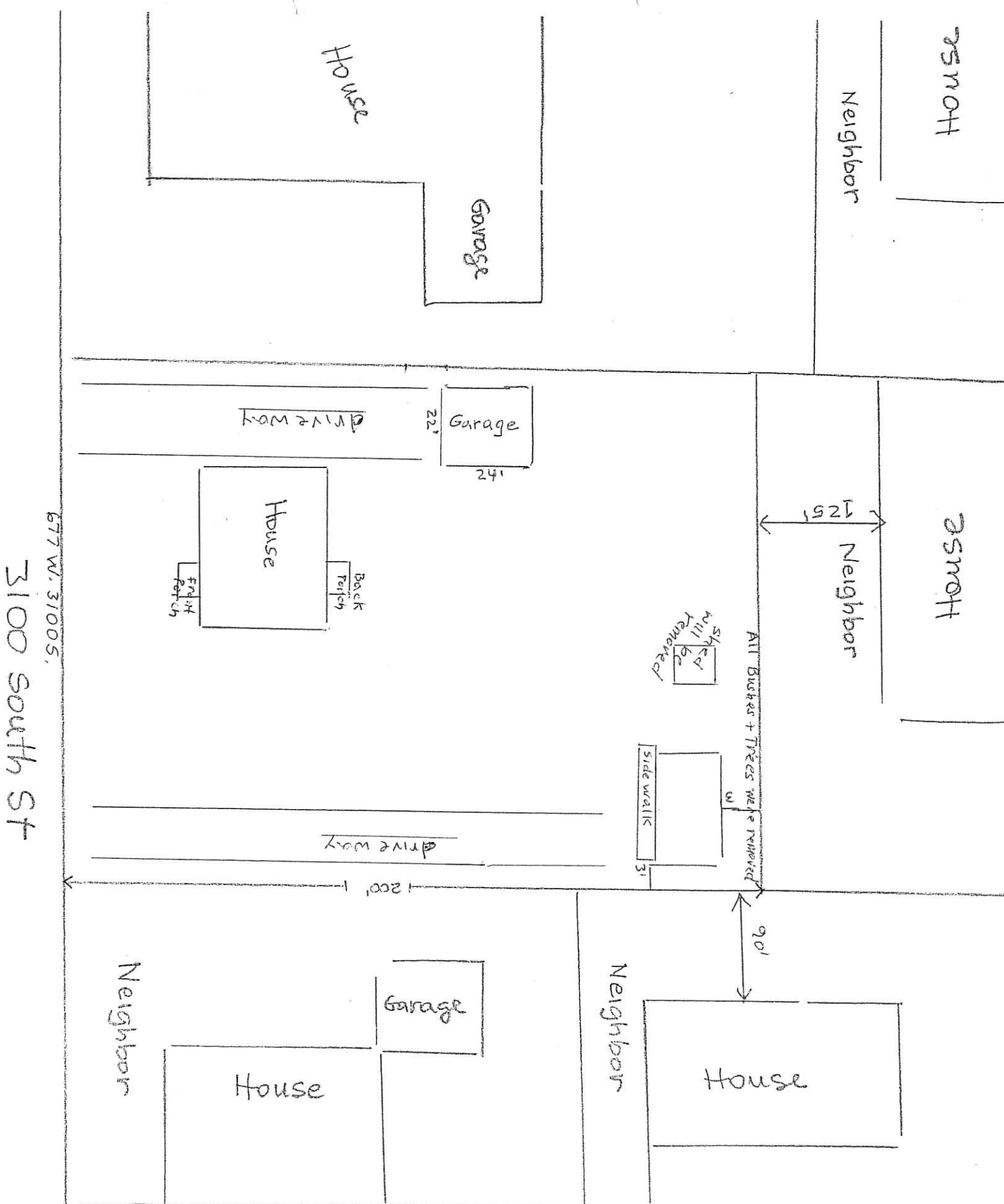
- e. The eaves of an accessory structure shall be setback at least one (1) foot from any property line.
  - *The eaves will be no closer than 2 feet.*
- f. An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.
  - *Distance of building from property lines will mitigate impact.*
- g. An accessory structure shall meet all applicable provisions of the International Building Code.
  - *Applicant shall apply for building permit review after potential issuance of CUP.*
- h. An accessory structure shall not encroach on any easements, recorded or otherwise.
  - *No recorded easements are affected.*
- i. The sidewall of an accessory structure shall not exceed fifteen (15) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet, or similar feature.
  - *The ADU sidewall is 8 feet 11 inches.*
- j. The height of an accessory structure shall not exceed twenty (20) feet.
  - *The ADU total height is 11 feet 6 Inches.*
- k. Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway.
  - *Site plan shows plan for two (1) paved spots in front of the ADU.*

### **Staff Recommendation**

Based on the above findings, Staff recommends approval of the CUP for a detached ADU located at 677 West 3100 South.

### **Attachments**

1. Site Plan
2. Floor Plan
3. Elevations
4. Conditional Use Permit Written Form



677 W. 3100 S.

3100 South St

100 W Street

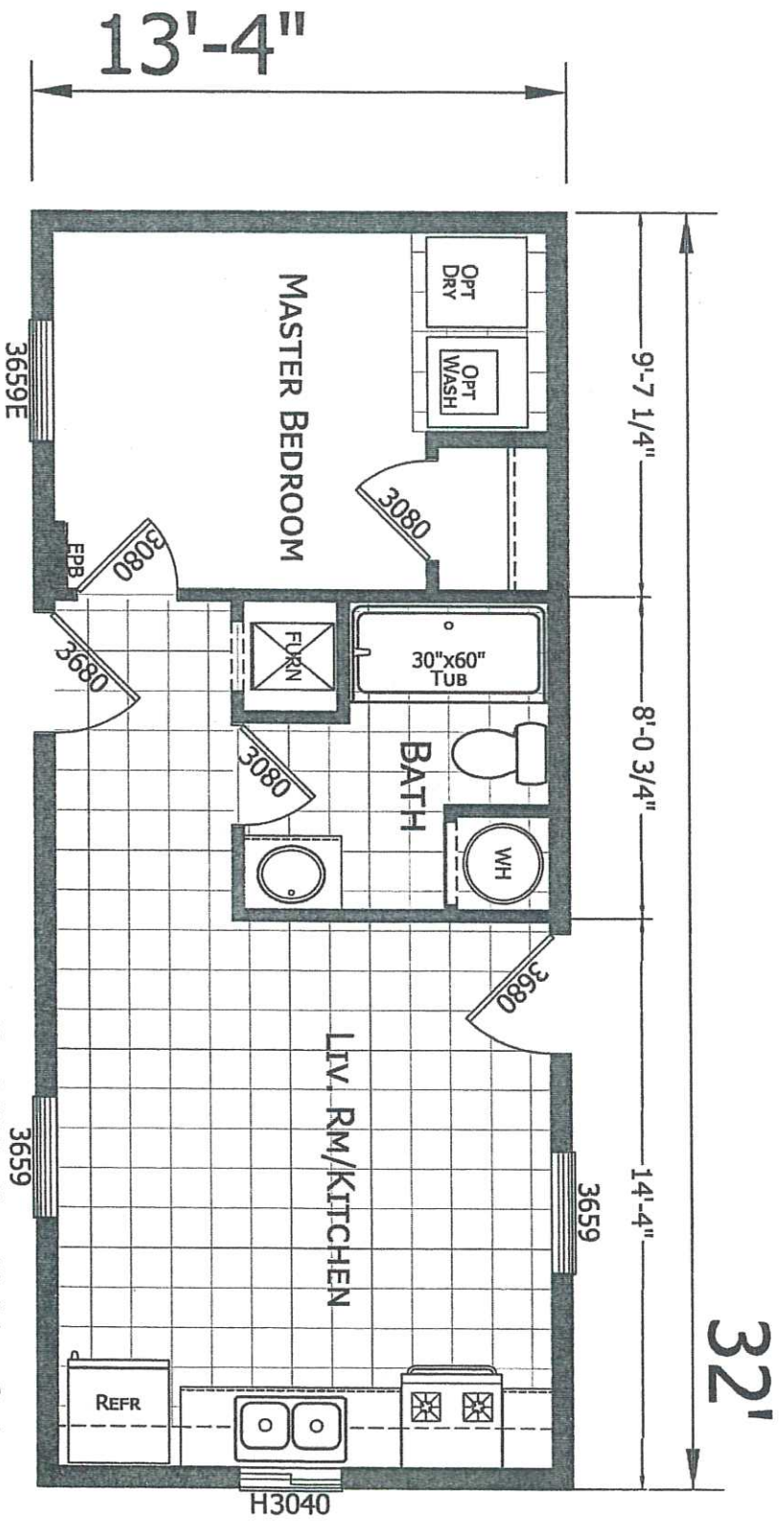
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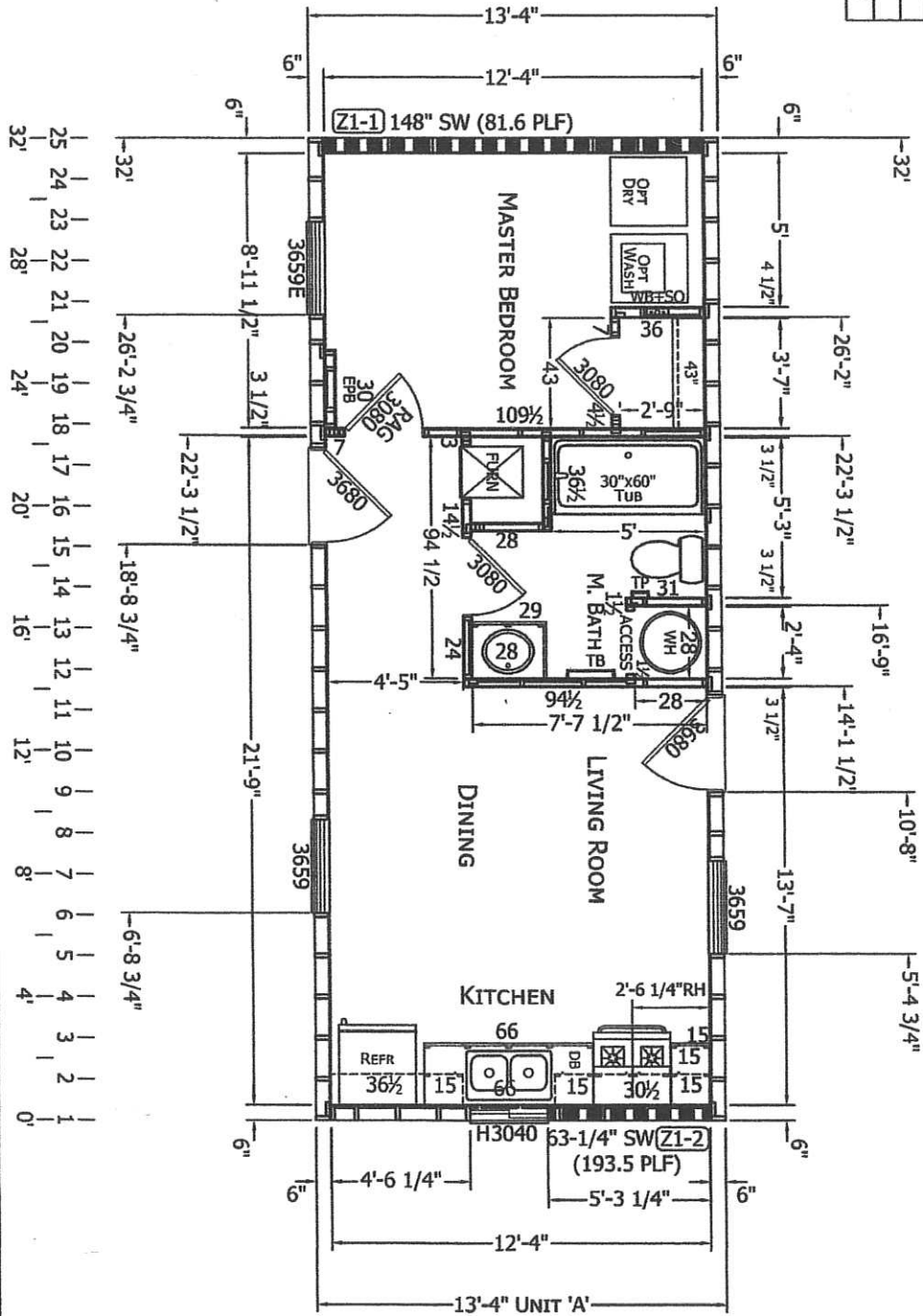
Customer Signature/Date \_\_\_\_\_

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HUD DESIGN DATA	
WIND ZONE	I
SHEARWALL DIAPHRAGM	CEILING
ROOF LOAD - PSF	40
THERMAL ZONE	III
WALL HEIGHT-MAX.	102"
GLAZING AREA	53.8
HOME - SQ. FT.	427
FLOOR JOIST	2X6 SPF

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for  
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1 BD 1 BT

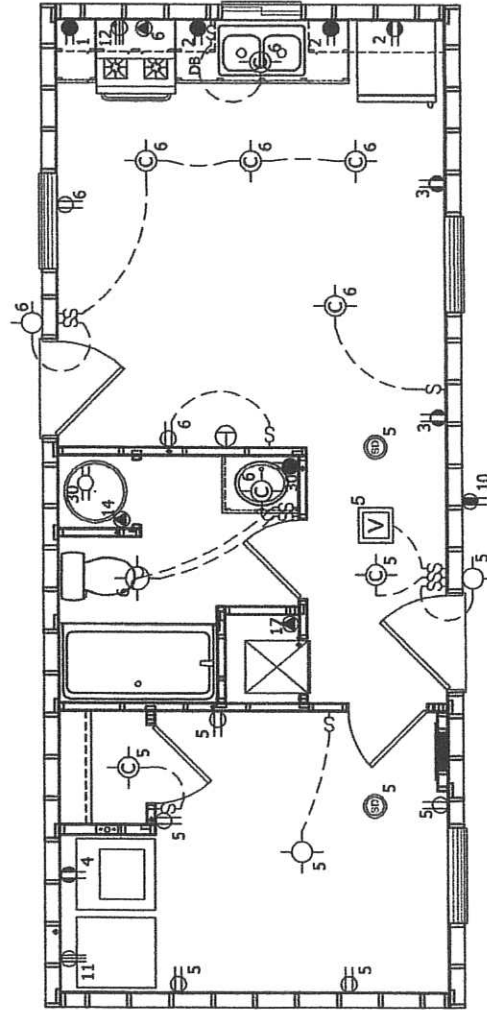
DATE: 04-22-2022  
DRAWN BY: C. NETHERTON  
SCALE: 1/8" = 1'-0"

TITLE: FLOOR PLAN  
ELECTRICAL PLAN  
FLNUMBER: 17TA1432H11014  
ROOM: 40655

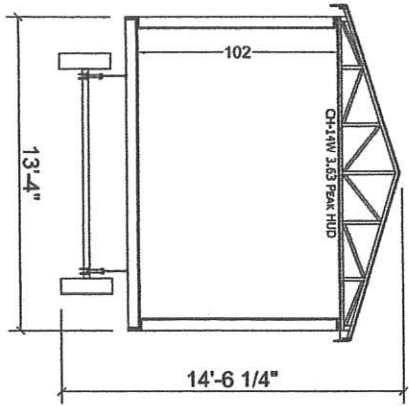
SHEET: A-101

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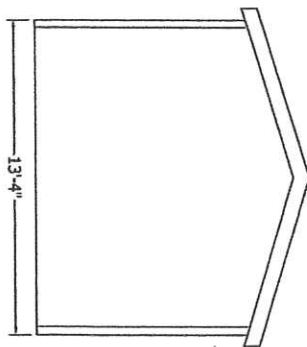
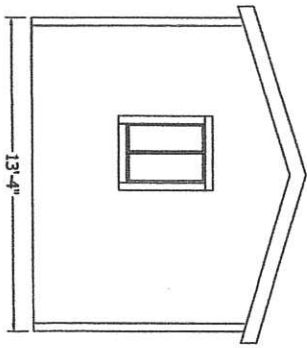


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			DRAWN BY: C. NETHERTON DATE: 04-22-2022 SCALE: 1/8" = 1'-0"	FILENAME: 17-TA1432H11014 2-7 KPOCED SR785 FROM: SR653	PROPRIETARY AND CONFIDENTIAL THIS DOCUMENT IS THE PROPERTY OF HAMPION AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF HAMPION

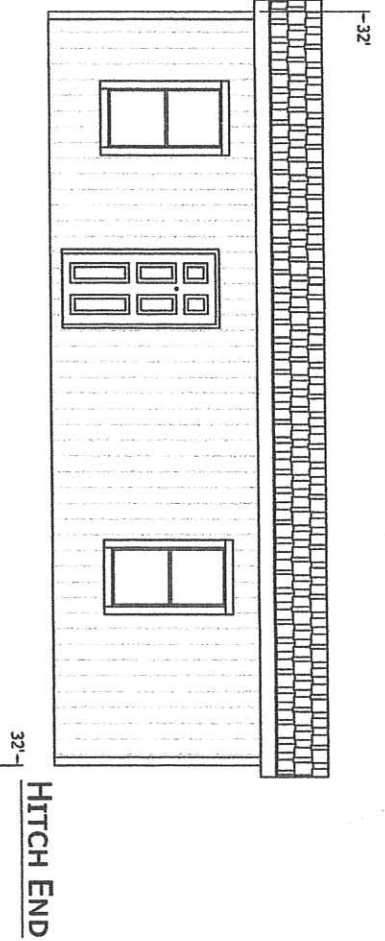


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MODIFICATIONS

PROJECT: 17-TA1432H11014  
32'-0" X 13'-4"  
1 BD 1 BT

TITLE: ELEVATIONS

SHEET: EV-101

DRAWN BY: C. WENSTON  
DATE: 08-22-2022  
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**Bountiful City, Utah  
Conditional Use Permit Approval  
of A Detached Accessory Dwelling Unit**

A public hearing was held on August 15, 2022, at the Bountiful City Hall located at 795 South Main, Bountiful, Utah 84010, to consider the request of Charles Mendes for a Conditional Use Permit allowing a Detached Accessory Dwelling at the following location:

**677 West 3100 South, Bountiful, Davis County, Utah**

**Parcel 01-056-0022**

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 a Detached Accessory Dwelling Unit as requested by Charles Mendes to be located at 677 West 3100 South, 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. 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.

Signatures on next page

The Conditional Use Permit for an accessory dwelling unit was approved on August 15, 2022, and this written form was approved this August 15, 2022.

---

Francisco Astorga  
Administrative Committee Chair

---

ATTEST: Hanna Welch  
Recording Secretary