



BOUNTIFUL CITY
ADMINISTRATIVE COMMITTEE MEETING
Tuesday, February 27, 2023
5:00 PM

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold a meeting in the Planning Department Conference Room at Bountiful City Hall, 795 South Main, Bountiful, Utah, 84010. The meeting will be held at the time and on the date given above. The public is invited. Persons who are disabled as defined by the American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 801-298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome.
2. Approval of the meeting minutes for January 30, 2023.
 - Review and Action
3. 695 S 100 E – Home Occupation Conditional Use Permit for a Daycare at a residence
Assistant City Planner Nicholas Lopez
 - Review
 - Public Hearing
 - Action
4. 82 North Canyon Road – Amending a Conditional Use Permit for a Detached Accessory Dwelling Unit
Assistant City Planner Nicholas Lopez
 - Review
 - Public Hearing
 - Action
5. Adjourn

1 **Draft Minutes of the**
2 **BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE**
3 **January 30, 2023**
4

5 Present: Committee members Francisco Astorga (Chair), Todd Christensen, and Dave
6 Badham
7 Assistant City Planner Nicholas Lopez
8 Recording Secretary Hanna Welch
9

10
11 **1. Welcome and Introductions**
12

13 Chair Astorga opened the meeting at 5:00 p.m. and introduced all present.
14

15 **2. Review and approval of minutes for December 5, 2022**
16

17 MOTION: Brad Clawson made motion to APPROVE minutes from December 2, 2022, with
18 the correction that Dave Badham was in attendance, not Scott Schlegel.
19

20 The Motion was SECONDED by Chair Francisco Astorga.
21

22 VOTE: The motion passed (3-0).
23

24 After discovery it is found that Scott Schlegel, did in fact attend the meeting held December 5,
25 2022.
26

27 **3. Approval of the 2023 Administrative Committee Meeting Calendar.**
28

29 Chair Astorga moved the agenda item
30

31 MOTION: Committee Member Dave Badham made a motion to APPROVE the item.
32

33 The Motion was SECONDED by Member Clawson.
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36 Chair Astorga ascertained there were no further items of business. The meeting was adjourned
37 at 5:40 PM
38

39 **4. 195 W 200 N- Detached Accessory Dwelling Unit, Richard Higginson, applicant–**
40 ***Assistant City Planner Nicholas Lopez***
41

42 Mr. Higginson was present for the meeting.
43

44 Nicholas Lopez presented the item, which is in compliance with Bountiful City Land Use
45 Code.
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47 Member Badham questioned if there was still an ordinance that required that the Accessory
48 Dwelling Unit structure be less than 40% of the residence.

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2 Chair Astorga reported that the code has changed in recent years and in its place the Accessory
3 Dwelling Unit does not exceed 1250 square feet. \

4
5 Public Hearing opened at 5:14 PM and closed at 5:15 PM

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7 MOTION: Committee Member Brad Clawson made a motion to APPROVE the item as
8 recommended by the staff report.

9
10 The Motion was SECONDED by Member Badham.

11
12 VOTE: The motion passed unanimously (3-0).

13
14 **5. 3046 S 400 W- Home Occupation Conditional Use- Yard care, Taranjeet Singh,**
15 **Applicant- Assistant City Planner Nicholas Lopez**

16
17 Mr. Singh was not present for the meeting.

18
19 Nicholas Lopez presented the item, which is in compliance with Bountiful City Land Use
20 Code, with the exception that the Agent Authorization is not signed, and the property is owned
21 by an LLC.

22
23 Member Badham and Chair Astorga discussed the storage of equipment for the business. The
24 committee determined that the business is secondary to the residence and must stay in
25 compliance with the Land Use Code.

26
27 Public Hearing opened at 5:20 PM.

28
29 Ron Mortenson, Neighbor attended the meeting and reported that he is not worried about the
30 storage, it is kept in the back behind a fence. It is not in plain sight from the road. He is in
31 support of the business.

32
33 Public Hearing closed at 5:21 PM.

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35 MOTION: Chair Astorga made a motion to APPROVE the item as recommended by the staff
36 report with the condition that the applicant have the Agent Authorization signed by the LLC
37 and returned within 30 days of contact from the city.

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39 The Motion was SECONDED by Member Clawson.

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41 **6. 170 W 230 S- Home Occupation Conditional Use- Handyman, Logan Hedin, Applicant-**
42 **Assistant City Planner Nicholas Lopez**

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44 Mr. Hedin was not present for the meeting.

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46 Nicholas Lopez presented the item, which is in compliance with Bountiful City Land Use
47 Code.

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The committee discussed the parking at the residence for the Handyman Business, and whether the business could use the additional garage at the residence for the truck used for the business.

Public Hearing opened at 5:37 PM and closed at 5:37 PM

MOTION: Committee Member Brad Clawson made a motion to APPROVE the item as recommended by the staff report.

The Motion was SECONDED by Member Badham.

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

Chair Astorga ascertained there were no further items of business. The meeting was adjourned at 5:40 PM

Administrative Committee Staff Report



Subject: Day Care Conditional Use Permit
Author: Nicholas Lopez, Assistant City Planner
Property: 695 South 100 East
Date: February 27, 2023

Background

The property owner and applicant, Chani Ewing, submitted a Home Occupation Conditional Use Permit application to operate a day care with 12 children at 695 South 100 East, Unit #C.

Analysis

The subject site is located in the Single-Family Residential (R-4) Zone. Land Use Code § [14-17-106](#) indicates that a Day Care/Group Instruction home occupation requires a Conditional Use Permit. Land Use Code § [14-17-105](#) indicates that a proposed home occupation shall meet the following criteria:

Analysis – Land Use Code § 14-17-105 Home Occupation Requirements

- 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.
 - *The applicant does not propose any changes to the dwelling affecting the appearance, character, or condition. There are no unmitigated impacts.*

- 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.
 - *No additional employees are being proposed. There are no unmitigated impacts.*

- C. The use shall not involve more than 50% of the entire dwelling.
- *The use, consisting of a secondary Structure on site, constitutes Approximately 50% of the Dwelling Unit.*
- D. The use shall not involve the area of required, covered, off-street parking.
- *The area of covered off-street parking is not being utilized for the home occupation use. There are no unmitigated impacts.*
- 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.
- *N/A.*
- 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 discernable beyond the premises.
- *N/A.*
- G. The use shall not involve using or storing flammable material, explosive, or other dangerous materials, including gun powder.
- *N/A.*
- 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.
- *N/A.*
- I. The use shall not generate traffic in greater volumes than 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.
- *The proposed home occupation use does not increase traffic in greater volumes than normally expected. There are no unmitigated impacts.*
- J. The use shall be in compliance with all applicable fire, building, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.
- *There are no known outstanding compliance issues with any of the above codes. There are no unmitigated impacts.*
- K. The residence and property may be inspected from time to time to determine continued compliance with the provisions of Code and other applicable codes.

- *The property owner agrees to the inspections that may be needed in the future. There are no unmitigated impacts.*

Analysis – Land Use Code § 14-17-106 Special Conditions for Residential Day Care or Group Instruction

The following conditions shall apply only to Home Occupation Business Licenses for Residential Day Care or Group Instruction, as defined by State Code:

- A. The rear yard may be used for outside play area, or instruction where a swimming pool is involved.
 - *The applicant has not indicated any use of the rear yard. There are no unmitigated impacts.*
- B. Residential day care facilities shall comply with all regulations of the State of Utah and shall be licensed by the State. One additional person not residing in the dwelling may be employed in the residential day care or group instruction where seven (7) or more children or people are involved.
 - Applicant has provided accompanying approvals from the State. No additional employees are being requested. *There are no unmitigated impacts.*
- C. Residential group instruction (preschools) shall be limited to no more than twelve (12) people in each session who are not residents of the home. There shall be no more than two (2) sessions per day and each session may not exceed four (4) hours. No child or student may attend more than one (1) session per day. Instruction of more than eight (8) individuals requires issuance of a Conditional Use Permit.
 - *Two sessions will be run a day for a day care with one being 7 am – 5 pm, and another being 5 pm – 7 pm. No more than twelve (12) children will be present in each session. As this isn't a group instruction but rather a daycare the four (4) hour minimum doesn't apply.*
- D. A minimum interior floor area of thirty-five (35) square feet and a minimum secured outdoor play area of forty (40) square feet per child shall be provided for residential day care facilities.
 - *Floor area is at least seven hundred eighty-four (784) square feet. Secure outdoor play area is at least three hundred thirty-eight (338) square feet per child.*
- E. Total floor area used for residential day care or group instruction may be no more than fifty percent (50%) of the ground floor area of the residence.
 - *The area is approximately seven hundred eighty-four (784) square feet bringing it to thirty-six percent (~36%) of the dwelling is being used for the*

use. Total square footage of structure is two thousand one hundred twenty-eight (2,128) square feet.

- F. An annual inspection for continued compliance will be required for license renewal of all residential day care and group instruction facilities.
 - *Applicant agrees to the following terms and conditions.*
- G. A criminal background check is required for any person who operates or is employed at a daycare or a residential group instruction business.
 - *Applicant has done the background check.*
- H. A criminal background check is required for any adult who resides at a dwelling used for a daycare or group instruction business.
 - *All adult residents have done the background check.*
- I. No person who has been convicted of a sexually oriented crime may operate, be employed by, or reside at a dwelling that is used for a daycare or group instruction business.
 - *No record of convictions for sexually oriented crimes are present at this address. There are no unmitigated impacts.*

Recommendation

Staff recommends that the Administrative Committee review the requested application, hold a public Hearing, and approve the Conditional Use Permit for the handyman/construction home occupation use at 195 West 200 North based on the following conditions of approval:

1. The applicant shall maintain an active Bountiful City business license.
2. The home occupation use shall be subject to all Home Occupation Requirements outlined in Bountiful City Land Use Code § 14-17-105 & 14-17-106 (listed in the analysis section of this staff report).
4. If the use, a day care/group instruction, is found out of compliance with applicable codes, the City may revoke the approved Conditional Use Permit and issued business license.
5. The Conditional Use Permit is solely for this site and is non-transferable.

Attachments

1. Site Plan
2. Floor plan

Administrative Committee Staff Report



Subject: Amending a Conditional Use Permit for a Detached Accessory Dwelling Unit
Authors: Nicholas Lopez, Assistant Planner
Address: 82 East North Canyon Road
Date: January 30, 2023

Background

The applicants, Jennifer, and Chris Newhouse obtained approval of a Detached Accessory Dwelling Unit (ADU) on their property located at 82 East North Canyon Road on October 31, 2016. The Newhouse property was approved for a short-term rental on December 5, 2022, with a condition of approval requiring the update to the Deed Restriction allowing non-family use. The Newhouse's are now requesting to amend the CUP for an ADU to allow non-family members to occupy the unit.

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 is 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 received prior approval for this unit.*
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 amended with this approval to allow non-family members the ability to stay in it.*
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.
 - *N/A no new construction being proposed.*
 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 ADU is 510 square feet.*
 12. Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.
 - *The subject lot is ~24,863 square feet.*
 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 ~60 feet away. No further mitigation suggested.*
14. Shall meet all the setbacks required of an accessory structure.
 - *The proposed structure meets all required setbacks. See accessory structure section of this report.*
 15. Shall be located behind the front building line of the principal unit.
 - *The 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 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 4.93% (2,114 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 accessory structure is more ninety-two (92) feet behind the front building line, ten (10) feet from the nearest side property line, and ten (10) 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 accessory structure will be sixteen (16) 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 sixty (60) 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 ten (10) feet to a property line.*

- 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 impacts..*
- g. An accessory structure shall meet all applicable provisions of the International Building Code.
 - *Structure was approved and built to International Building Code*
- 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 accessory structure sidewall at highest point is ten feet one and three-fourths inches (10'1 ¾").*
- j. The height of an accessory structure shall not exceed twenty (20) feet.
 - *The accessory structure total height is eighteen feet three inches (18'2 ½").*
- k. Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway.
 - *Site plan shows plan for one (1) garage spot for the ADU as well as driveway parking.*

Staff Recommendation

Based on the above findings, Staff recommends approval of the CUP for a detached ADU located at 82 East North Canyon Road.

Attachments

1. Site Plan
2. Floor Plan
3. Elevations
4. Aerial