

**Bountiful City
Administrative Committee Minutes
January 28, 2019**

Present: Chairman – Chad Wilkinson; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

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

2. Consider approval of minutes for January 7, 2019.

Mr. Badham made a motion for approval of the minutes for January 7, 2019. Mr. Clawson seconded the motion.

 A Mr. Wilkinson
 A Mr. Clawson
 A Mr. Badham

Motion passed 3-0.

3. Consider approval of a Lot Line Adjustment at 441 West 850 South and 427 West 850 South, Sharon Moss and Kerry & Delynn Everett, applicants.

Kerry and Delynn Everett, applicants, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicants are applying for a Lot Line Adjustment between their properties located at 441 West 850 South (Moss property), and 427 West 850 South (Everett property). Both properties are located in the R-4 zone. The purpose of the adjustment is to convey a portion of the Moss property to the Everett property. The property line adjustment will convey approximately 6,124 square feet, shown on map as East Parcel, from the Moss to the Everett property. The adjustment will bring the Moss property to 20,190 square feet (approximately 0.464 acres) and the Everett property to 20,151 square feet (approximately 0.463 acres). No new lots are being created in the conveyance.

1. No new lots were created in this conveyance so an amended subdivision plat will not be necessary.
2. No new building permits have been issued or proposed.

Based on the above findings, Staff recommends approval of the lot line adjustment, with the following conditions:

1. Complete any redline corrections required on the plat.
2. The approved lot line adjustment shall be recorded with Davis County.

Note: Approval of the property line adjustment by the City does not act as a conveyance of real property and appropriate conveyance documents must be prepared and recorded by the county.

Mr. Wilkinson clarified that there were no redlines corrections for the plat, and Mr. Poole confirmed. Mr. Badham inquired regarding the intent for the lot line adjustment. Ms. Everett explained that Ms. Moss is her mother and currently resides at an assisted living facility. Ms. Moss's home will be marketed for sale in the near future and the applicants want to re-adjust property owned by Ms. Moss. Mr. Badham asked regarding the future possibility of a home being built on one of the back lots and if those lots would be considered as a flag lot. Mr. Wilkinson stated that the lots do not meet the definition of a flag lot. Mr. Badham observed that there is a home located between the Moss home and the Everett home and asked if that homeowner had expressed interest in the property owned by Ms. Moss. Mr. Everett stated that homeowner did not have any interest in purchasing the property.

Mr. Clawson made a motion for approval of a Lot Line Adjustment at 441 West 850 South and 427 West 850 South, Sharon Moss and Kerry & Delynn Everett, applicants. Mr. Badham seconded the motion.

 A Mr. Wilkinson
 A Mr. Clawson
 A Mr. Badham

Motion passed 3-0.

Mr. Wilkinson stressed the importance of the applicants taking care of any deed work necessary to effectuate the lot line adjustment transaction.

4. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 4482 Ridge Crest Circle, Matthew and Nicole Garff, applicants.

Matthew and Nicole Garff, applicants, and their contractor, Chad Menlove, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicants are requesting approval of an Accessory Dwelling Unit existing in their newly purchased home, which had not gone through formal City approvals. The accessory unit contains a full kitchen, a living space, a bedroom and bathroom. The unit can be accessed from an interior door in the home or through a stairwell leading from the garage.

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required and applicants shall meet all standards of the Code. The existing home is located in the R-F Single-Family Residential zone and is a single-family dwelling and will be maintained as such by the applicants. There will be only one ADU and there will only be one utility connection located at this property. The ADU square footage is less than the 40% standard in the Code. The proposed primary structure meets all of the setback and lot building square footage requirements. Plans recently submitted for a remodeling project in the home showed three full kitchens. After a discussion with the applicants and the builder, a

decision was made to apply for the Conditional Use Permit for the full kitchen in the ADU and remove the oven and electrical connections in the wall in the downstairs kitchen. The applicants will meet the minimum parking standard in the Code, requiring at least four parking spaces and at least 2 will be in the proposed garage. As the ADU can be accessed from the interior of the existing home (through the garage and through a doorway connecting it to the primary residence), it will have the appearance of a single-family dwelling and will have minimal impact on the neighboring properties.

Based upon the above findings, staff has determined the applicant would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The principal owner(s) of the property must occupy the principal unit or the ADU.
2. Any exterior entrance to the ADU must be located on the side or rear of the home and not facing the street in order to maintain the appearance of a single-family home.
3. The property is to be used only as a single-family use and shall be subject to a deed restriction.
4. There shall be no separate utility service connections.
5. The oven in the third kitchen downstairs and all electrical connections shall be removed so as not to allow the return of a fixed cooking appliance.
6. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
7. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Badham asked for clarification of the condition which requires the principal owner of the property to occupy the primary structure. Mr. Wilkinson noted that City Council had recently modified that requirement to state that the principal owner of a home with an ADU just needs to occupy one of the units, and he noted that condition #1 would be revised to reflect that. Mr. Badham asked if an ADU is required to have an outside entrance, and Mr. Wilkinson indicated that is not a requirement. Mr. Badham inquired regarding the third kitchen mentioned in condition #5, and asked for background information about inclusion of two kitchens in homes. Mr. Wilkinson explained that about five years ago the City Council made a decision to allow homes to have a second kitchen with the stipulation that a deed restriction be signed and recorded with the county. The Council set a limited of two for the number of kitchens to be allowed in a home. Mr. Wilkinson explained that an ADU counts as one of those kitchens. Mr. Badham clarified that the home at 4482 Ridge Crest Circle was not previously approved for an ADU; hence the necessity for the Garff's to obtain a CUP for the newly acquired home. Mr. Badham asked regarding the future intent for the ADU. Mr. Garff noted that he has no intent to rent out the ADU but that he applied for the CUP to follow city requirements. Mr. Garff explained that he recently purchased the home and that it was appraised with three kitchens, and he expressed frustration with the City's deed restriction requirement.

PUBLIC HEARING: Mr. Wilkinson opened and closed the Public Hearing at 5:17 p.m. with no comments from the public.

Mr. Badham made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 4482 Ridge Crest Circle, Matthew and Nicole Garff, applicants, with the aforementioned modification allowing the owner to occupy either unit. Mr. Clawson seconded the motion.

A Mr. Wilkinson
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

Mr. Garff shared his belief that because of the population increase in the valley, the State legislature is considering a push for cities to change their zoning to allow more people to reside in their cities. Mr. Garff stated that he believes the City's restrictions are potentially in conflict with the State. Mr. Wilkinson stated his belief that Bountiful City is actually ahead of the curve in allowing ADUs because the State may eventually require this. Mr. Garff stated his understanding that not many cities require deed restrictions, and it is actually counter to the direction the State is going. Mr. Wilkinson stated that the City is consistent with the direction the State is taking on the issue.

5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 224 East Bonneville Drive, Steve and Debbie Nielsen, applicants.

Mr. Badham made a motion for approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 224 East Bonneville Drive, Steve and Debbie Nielsen, applicants. Mr. Clawson seconded the motion.

A Mr. Wilkinson
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

6. Miscellaneous business and scheduling.

As a side note to Mr. Garff's comments, Mr. Wilkinson explained there are many cities which require deed restrictions. Mr. Badham stated that deed restrictions can actually protect the situation, and when things are done correctly it allows a title company to flag certain situations. Mr. Wilkinson explained that in the Garff's situation, the appraiser or the title agency should have flagged the additional kitchen for legality and, unfortunately, did not. Mr. Wilkinson stated his belief that the City is doing what they can to provide additional housing; one evidence of this is the recent code change for ADUs. He further noted that for every person who believes the City is too restrictive, there are others who desire more restrictions. Mr. Badham noted the increased population in the area and the traffic problems it is causing.

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:24 p.m.



Chad Wilkinson, City Planner