

**Bountiful City**  
**Administrative Committee Minutes**  
**April 6, 2015**

**Present:** Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and John Marc Knight; Assistant Planner – Tayler Jensen; Recording Secretary – Julie Holmgren.

**1. Welcome and Introductions.**

Chairman Wilkinson opened the meeting at 5:03 p.m. and introduced all present.

**2. Consider approval of minutes for March 16, 2015.**

Mr. Cheney made a motion to approve the minutes for March 16, 2015. Mr. Wilkinson seconded the motion.

<u>  A  </u>	Mr. Wilkinson
<u>  A  </u>	Mr. Cheney
<u>    </u>	Mr. Knight (Abstained)

Motion passed 2-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Solar Panels at 641 West 3300 South, Claude Newby, applicant.**

Scott Nichols (Intermountain Wind and Solar), representing Claude Newby, was present.

Tayler Jensen presented a summary of the staff report (the full staff report follows).

The property where the solar panels are to be installed is located in the R-4 Single Family Zone. Solar power panels are classified in the City Ordinance as “private power plants” and require a conditional use permit if they are over 10 Watts. The Applicant has indicated that the photovoltaic system to be installed will produce 8.925 kilowatts (8,925 watts), requiring a conditional use permit.

The application submitted indicates the proposed installation of 1 photovoltaic array of 35 total panels. The arrays will occupy 600 Square Feet which is smaller than the 50% Maximum roof coverage. The array is on the West roof face, in 3 rows (two rows of 12, and 1 row of 11). The roof has a slope of 4/12, was replaced in 2008 and is of truss construction. The panels will be secured to the trusses with a Series 100 SnapNrack mounting system secured by 5/16” lag screws. A review of information provided in the application indicates that all engineering requirements for the construction of solar panels in Bountiful City will be met. A reflection analysis of the roof pitch indicates that photovoltaic panels should not produce a reflection nuisance to surrounding properties.

Based on the findings, staff has determined that 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 applicant shall obtain a building permit.
2. The panels must be installed only as proposed in the application.
3. This Conditional Use Permit is solely for this site and is non-transferable.

**PUBLIC HEARING:** Chairman Wilkinson opened the Public Hearing at 5:07 p.m., and the hearing was closed at 5:07 p.m. with no comment from the public.

Mr. Cheney inquired if there were any plans regarding the large blue spruce. Mr. Nichols commented that trimming the tree is unnecessary for this project.

Mr. Knight made a motion to approve a Conditional Use Permit to allow for Solar Panels at 641 West 3300 South, Claude Newby, applicant. Mr. Cheney seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Knight

Motion passed 3-0.

(Chairman Wilkinson made the determination to move agenda item #5, and it was heard after item #3.)

4. **PUBLIC HEARING: Consider approval of a Seasonal Use Permit for Cheryl Engh Unique Gardens LLC, at 216 West 500 South, Cheryl Engh, applicant.**

Cheryl Engh, applicant, was present. George Miles was also present to observe.

Mr. Wilkinson explained the Code authorizes the Administrative Committee to issue a Seasonal Use Permit for up to 5 years. Ms. Engh has had a Seasonal Use permit before and is making a new request for the business property.

Tayler Jensen presented a summary of the staff report (the full staff report follows).

The property where the Garden Center is located is in the C-G General Commercial Zone. Section 14-17-111 authorizes the Administrative Committee as the review body for Season Use Permits.

Cheryls Gardens has been doing business at this location since May 2007 obtaining temporary business licenses for this site. A seasonal use permit was granted on April 28<sup>th</sup> 2008. A seasonal use permit is good for 5 years and allows for business activities for a maximum of 6 months each calendar year. Business licenses were granted by the city from 2008-2013 and 2014 despite the expiration of the seasonal use permit. The City has seen

inconsistent compliance with the original conditions of approval over the past seven years and has received multiple complaints related to the condition of the property from adjoining property owners. Therefore several of the conditions below must be completed prior to issuance of business license and commencement of operation of the business on the site. Other recommended conditions will require ongoing compliance.

Based on the findings, staff recommends approval based on strict adherence to the following conditions. Failure to comply will result in a revocation of this permit.

1. Prior to the issuance of a business license, the following shall be completed:
  - a. Remove all tables and displays from the parking area and sidewalks.
  - b. Repair damaged sections of fence surrounding the property.
  - c. Finish the temporary building located on the west side of the property with durable roofing and siding materials.
  - d. Remove all empty plastic pots or provide an area where pots can be stored behind a screening fence.
  - e. Remove all trash, debris, unused signs and any other deleterious items.
2. The applicant shall keep a current Bountiful City Business License.
3. The seasonal permit is only for this business at this site and is not transferable.
4. The applicant will be responsible for the maintenance at the site and cleanup after the season is over. The site will be cleaned up each year after the season is over and tables, display areas shall be either removed from the site or consolidated to one portion of the site for the off season.
5. There shall be compliance with all Land Use ordinances related to the seasonal use, especially chapters 14-17-112 and 14-17-113.
6. The business shall only operate for the time period allowed by a seasonal permit, which is 6 months per calendar year.
7. The applicant will designate annually in writing in conjunction with the business license application which 6 months of the year they plan to operate.
8. This permit is valid for 5 years from the date of issuance.
9. All conditions set forth by the administrative committee shall be completed promptly and in the manner determined by the committee.
10. The number of signs visible from the street is limited to two. One wall sign for identification of the property and one A-frame sign to promote special events.

Ms. Engh noted she has not been notified regarding incompliance issues. Mr. Jensen reported two recorded code enforcement cases in his files. Ms. Engh said she did not receive those notices. Mr. Wilkinson commented that contact was most likely made with the landlord.

Ms. Engh inquired regarding improvements for the temporary building versus operating business out of a large tent. She noted that due to rent issues she may eventually need to move her business to a different location. Regarding the tent, Mr. Wilkinson responded that Ms. Engh would be allowed to operate using a tent but would be required to provide a site plan in order to do so. Mr. Wilkinson also noted that Ms. Engh will not be required to completely remove everything from the site at the end of each season. Rather, she will be allowed to consolidate her business items to one area of the site for post-season storage. A

discussion ensued regarding improvements to the building. The Committee encouraged Ms. Engh to finish and repair the roof and siding on the building. A discussion ensued regarding the use of a tent for business purposes, and this idea was discouraged due to unpredictable winds in Bountiful.

**PUBLIC HEARING:** Chairman Wilkinson opened the Public Hearing at 5:23 p.m., and the hearing was closed at 5:23 p.m. with no comment from the public.

Mr. Knight noted that Ms. Engh should either repair the building or purchase a durable tent for conducting her business, but she should not use both. Mr. Wilkinson clarified that the siding and the roof must be repaired.

Ms. Engh explained she has been cleaning up the site and described plans for removing unnecessary items. She inquired regarding the timing of obtaining her business license. She requested the City issue her business license prior to completion of all the conditions of the Seasonal Use Permit in order for her to sell several items which need to be removed from the site. A discussion ensued regarding tasks outlined as condition #1 (a-e) on the Staff Report. The Committee requested two tasks be completed prior to business opening, and three additional tasks were earmarked to be finished by May 1, 2015. These items, as agreed to and outlined by the Committee, shall be completed as follows:

Prior to the issuance of a business license: Remove all tables and displays from the parking area and sidewalks, and repair damaged sections of fence surrounding the property.

By May 1, 2015: Finish the temporary building located on the west side of the property with durable roofing and siding materials and/or paint; remove all empty plastic pots or provide an area where pots can be stored behind a screening fence; and, remove all trash, debris, unused signs and any other deleterious items. (Failure to complete these tasks will result in revocation of the business license.)

Mr. Wilkinson explained that all other conditions shall be adhered to as outlined on the Staff Report.

Mr. Knight made a motion to approve the Seasonal Use Permit, with revised conditions outlined by the Committee, for Cheryl Engh Unique Gardens LLC, at 216 West 500 South, Cheryl Engh, applicant. Mr. Cheney seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Knight

Motion passed 3-0.

**5. PUBLIC HEARING: Consider approval of a Conditional Use Permit for a Home Occupation Electrical Contractor Business at 117 East Center Street, Cody Hugie, applicant.**

Cody Hugie, applicant, was present.

Mr. Wilkinson noted that Mr. Hugie's name was incorrectly spelled on the staff report. (Staff Report will be revised to reflect a correction, and minutes reflect that correction.)

Taylor Jensen presented a summary of the staff report (the full staff report follows).

The property where the Electrical Contracting Business is proposed is located in the R-4 Single Family Zone. Home Occupation contracting businesses are classified in the City Ordinance as requiring a conditional use permit.

The application submitted indicates all items associated with the business are currently stored off site. The Home Occupation will use a personal vehicle which will be parked at the home. Other than the applicant, there are no employees of the business, and the house will be used solely as an office.

Based on the findings, staff has determined that 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 applicant shall obtain a business license.
2. Areas used for the home occupation shall not exceed 50% of the entire dwelling.
3. The Home Occupation will not create nuisances discernible beyond the premises (e.g. Noise, dust, fumes, glare, traffic, etc)
4. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.

**PUBLIC HEARING:** Chairman Wilkinson opened the public hearing at 5:10 p.m., and the hearing was closed at 5:10 p.m. with no comment from the public.

Mr. Cheney noted that according to the Land Use Ordinance 14-17-105 (C) the area used for a home occupation shall not exceed 50% of the entire dwelling, rather than 300 square feet as stated in the staff report. This change will be reflected in the written form of the Conditional Use Permit and in the minutes. Mr. Hugie commented he will only be doing bookkeeping at the home.

Mr. Knight made a motion to approve a Conditional Use Permit, with corrections outlined by the Committee, for a Home Occupation Electrical Contractor Business at 117 East Center Street, Cody Hugie, applicant. Mr. Cheney seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Knight

Motion passed 3-0.

**6. Consider approval, in written form, of a Conditional Use to allow for Solar Panels at 806 North 650 East, Sterling Jensen, applicant.**

Mr. Cheney made a motion to approve a Conditional Use Permit, in written form, to allow for Solar Panels at 806 North 650 East, Sterling Jensen, applicant. Mr. Knight seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Knight

Motion passed 3-0.

**7. Consider approval of Findings of Facts for approval of a variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 1038 East Highland Oaks Drive, Dave and Tracy Zitting, applicants.**

Mr. Cheney made a motion to approve Findings of Facts for approval of a variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 1038 East Highland Oaks Drive, Dave and Tracy Zitting, applicants. Mr. Knight seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Knight

Motion passed 3-0.

**8. Miscellaneous business and scheduling.**

Chairman Wilkinson ascertained there were no further items of business.

The meeting was adjourned at 5:37 p.m.

  
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Chad Wilkinson, City Planner