

**Bountiful City
Administrative Committee Minutes
February 9, 2015**

Present: Acting Chairman – Lloyd Cheney; Committee Member – Dave Badham; Assistant Planner – Tayler Jensen; Recording Secretary – Julie Holmgren.

Excused: Chairman – Chad Wilkinson; Committee Member – John Marc Knight.

1. Welcome and Introductions.

Acting Chairman Lloyd Cheney opened the meeting at 5:00 p.m. and introduced all present.

2. Consider approval of minutes for February 2, 2015.

Due to the absence of Messrs. Wilkinson and Knight, Mr. Badham made a motion to table item #2, along with agenda items #6 and #7, until the next Administrative Committee Meeting. Mr. Cheney seconded the motion.

 A Mr. Cheney
 A Mr. Badham

Motion passed 2-0.

(Acting Chairman Cheney made a determination that agenda item #5 below should be addressed first, with agenda items #3 and #4 to follow.)

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit for a Landscaping Business at 729 West 3300 South, Daniel C. Bolin (Utah Lawn and Tree, LLC), applicant.

Daniel C. Bolin, applicant, was present. Citizens from the neighboring area were also present for the Public Hearing on this matter.

Tayler Jensen presented the staff report.

The property where the Landscaping Business within a detached accessory structure is located is in the R-4 Single Family Zone. Home Occupation landscaping businesses are classified in the City Ordinance as requiring a conditional use permit.

The application submitted indicates a shed, truck, and enclosed trailer will be used for a landscaping business. The truck and enclosed trailer will be parked on a driveway on the south side of the property. Section 14-17-108 limits the area used for a home occupation in a detached accessory structure to 300 square feet, investigation of the property shows the shed is smaller than 300 Square feet.

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 300 square feet of the garage.
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.
5. 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.

Mr. Bolin corrected the staff report and explained he will be keeping two trucks instead of one at his residence. He further explained that a snow plow and wood chipper will be parked off-site or in the garage. Mr. Bolin offered photos of his site and a business reference letter from a neighbor from his prior residence. He will employ one person.

PUBLIC HEARING: Acting Chairman Cheney opened the public hearing at 5:14 p.m. Eleven neighbors were present for the public hearing. Mr. Cheney instructed those present to state their name and address prior to addressing the committee.

Mr. Mason Moore (714 W 3300 S) requested a list of concerns previously presented to staff be addressed. In response to those concerns, Mr. Jensen explained that in accordance with noticing standards, the Public Hearing had been properly noticed by posting a sign at the residence. Mr. Jensen verified the sign was still posted on the day of the February 9, 2015 meeting. Mr. Jensen stated this house is residential property. Regarding 3200 South parking concerns, Mr. Jensen explained this business will not be permitted to increase parking in that area and there will be no additional parking of vehicles at the site. Mr. Moore expressed concern that current businesses on 3200 South are parking cars on both sides of the street and cars speed around the curve, thus presenting traffic safety problems for residents. Mr. Moore is concerned there will be additional traffic and parking problems associated with Mr. Bolin's landscaping business.

Alfred Troth (722 W 3200 S) explained the curve at 3200 is a tight corner and presents safety issues. Mr. Troth is concerned that Mr. Bolin might hire employees who might leave cars parked at the Bolin residence for long periods of time, and those vehicles parked at the curve could pose a safety hazard. Mr. Jensen explained that one condition of the Conditional Use Permit is employees may not park at the residence. Mr. Val Cragun (717 W 3300 S) inquired regarding how this would be policed and asked if there would be signs posted. Mr. Bolin asked if one employee might be able to park in the driveway. Mr. Jensen clarified the conditions specify there is to be no employee parking. Mr. Cheney read from Bountiful Land Use Ordinance 14-17-105 (B): "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.” Mr. Jensen explained that employees must be met at the work site.

Mr. Moore expressed concern about future growth of the company and the potential problem of employees meeting at the Bolin property. Mr. Jensen replied the conditions of the Home Occupation Conditional Use Permit would prohibit employees from parking at Mr. Bolin’s home, and Mr. Bolin will not be allowed to use more than 300 square feet for storage nor store amounts of toxic chemicals or gasoline above the amount that which any other homeowner can store. The business should be invisible to the public.

Mr. Richard Woodland (724 W 3300 S) asked to what extent can the business have vehicles and trailers which indicate that it is a home business in the City of Bountiful. Mr. Jensen explained that this home business is merely a place where Mr. Bolin can store his equipment. He is permitted to have a sign on the side of his trailer to advertise his business. However, it can’t be a billboard sized sign. Mr. Cheney read three paragraphs out of the Bountiful Land Use Ordinance (14-17-105, paragraphs A, H and J):

- 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.
- 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. [Mr. Cheney explained that Mr. Bolin cannot bring in an excavator, a backhoe or a dump truck – those types of commercial equipment that the general public doesn’t own.]
- J. The use shall not involve the parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence. [Mr. Cheney pointed out that this is a quantitative definition of what can and cannot be parked at the home.]

A discussion ensued regarding how paragraph J applies to the trailer. Mr. Bolin explained that his trailer weight is 2500 pounds. Committee members explained that equipment can be stored in the trailer and the trailer must be parked 10 feet from the property line.

Mr. Moore asked if the property would be rezoned for commercial use. Mr. Cheney explained that the Administrative Committee is not the proper venue for rezoning and that the City does not do spot rezoning.

Mr. Cragun asked regarding future plans for the property. Mr. Bolin said that the north side of the property will remain as is, and he might possibly put up a 10 x 10 shed right next to the

current shed. For now, however, Mr. Bolin reported he has ample space for his equipment. A discussion ensued regarding storage of the equipment and acquisition of more equipment. Mr. Bolin explained that most of his equipment would be stored in the enclosed trailer and back shed. The garage might be used temporarily and seasonally for equipment that is in use every day. Mr. Bolin might purchase another lawnmower in the future but has no purchase plans that would require additional storage space. Mr. Bolin said he had a small wood chipper, but it is stored off site. He further explained if the business grows to where he needs more equipment he will be looking for a shop.

Mr. Moore inquired regarding the number of cars Mr. Bolin owns. Mr. Bolin said he has two trucks, and his wife has one car. A discussion ensued regarding parking the cars in the garage versus parking in the driveway. Mr. Bolin explained that during a snowstorm he might want to park vehicles in the garage but typically he prefers to park vehicles in the driveway and use his garage as a workshop. He noted that the vehicles fit satisfactorily in the driveway.

Mr. Travis Cook (738 W 3200 S) inquired if the permit is transferable, how long it is good for, and raised concerns regarding storm water compliance. The committee explained the Conditional Use Permit is only valid for the property as long as Mr. Bolin lives there. Staff explained that the business license must be renewed each year and the Conditional Use Permit must be adhered to. Should neighbors note that conditions are not complied with, they should make a complaint to the Planning Department. Regarding storm water requirements, Mr. Bolin is under the same obligations as any other resident who washes their car, greases their engine, or washes out their fertilizer spreader.

Mr. Richard Kapadia (733 W 3200 S) expressed concern about noise and noted that as businesses grow they tend to go over the edge in how they meet business conditions. He noted that he has cameras on his property and will not hesitate to report to the police any problems that disturb the peace.

Mr. Dave Woodland (628 W 3300 S) noted he has witnessed a truck and trailer parked in front of the house, thus turning the street into one lane. He also expressed concern about the potential of landscaping materials (such as rock, gravel and mulch) being piled at the home business site. Mr. Bolin expressed that when used, materials are delivered to the project site and he doesn't store those types of landscaping materials. In a previously owned business, he stored equipment on a much smaller property and never experienced any complaints from neighbors. Regarding noise, Mr. Bolin said the most noise he would make would be starting a mower up in the morning, starting an air compressor at the end of the day, or sharpening mower blades (done in the garage with the door shut). There might be a couple of minutes of noise. Mr. Bolin said there will be noise when he is working on his own property, but nothing more than any other neighbor would make in maintaining their yard. Regarding the truck being parked on the road, Mr. Bolin explained that it probably wasn't for more than an hour or perhaps the weekend he was moving into his home.

Mr. Cook asked if the conditions of the permit are posted online so they can be viewed any time. Mr. Cheney directed the citizens to Land Use Ordinance 14-17-108.

Mr. Kapadia noted that 20 years ago his area was given a choice of annexing to Bountiful or North Salt Lake. He chose Bountiful because it is more regulated. He expressed concern of a work permit being issued in a residential area.

Mr. Moore reiterated and expressed concern for neighborhood safety, for maintaining property value, and clarified his understanding that no rezoning to commercial would take place.

Acting Chairman Cheney closed the Public Hearing at 5:39 p.m.

Mr. Badham expressed gratitude, on behalf of the City, for the citizens' involvement at the Public Hearing. He noted that allowing people to have a home occupation business serves a niche and explained that regulations help the City and citizens police things like this. He reiterated the business needs to be transparent and if business significantly increases Mr. Bolin should get a shop. He further noted that Mr. Bolin has a right to do things on his property, and it is clearly laid out what he can do there. If things go wrong, the citizens need to communicate with the City. Mr. Badham reiterated that the truck and trailer are permitted to be left outside on Mr. Bolin's property, but equipment should not be left out.

Mr. Jensen added that there are currently 863 home businesses legally operating in Bountiful, and they are common and well established.

Mr. Cheney read from the State Code, Chapter 2 of the Land Use Ordinance: "A conditional use permit shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Mr. Cheney explained that the City is obligated to approve the permit. He expressed that the City weighs how these businesses will affect neighbors and is attempting to do its due diligence (i.e. what is appropriate, how big the operation can be, what types of materials and equipment can be stored on-site).

Mr. Cragun asked regarding renewability of the license. Mr. Cheney answered it is renewable every year. Mr. Badham explained it is also revocable if Mr. Bolin does not comply with the conditions of the permit.

Although the Public Hearing was closed, Mr. Moore requested to make one more comment and was granted permission. He directed his comments to Mr. Bolin and expressed that the citizens group is interested in being good neighbors and hoped Mr. Bolin felt that, even though there were concerns expressed at the meeting. Mr. Bolin responded he is approachable and would appreciate hearing directly from the citizens group regarding any future concerns.

The committee spent a few minutes looking at Mr. Bolin's site plan, discussed a sign on the trailer, and considered specifics of the permit conditions. The ensuing discussion highlighted these points: Mr. Bolin will be allowed an equipment trailer to be parked 10 feet off the property line, on a hard paved surface and not on the grass; he is permitted to use 300 square feet of the shed for storage and 50% of the garage/dwelling; employees cannot park at the

house under any circumstances; pursuant to code, one employee will be permitted to work at the home; and neighbors are obligated to report any problems to the City.

Based on the discussion, Mr. Badham made a motion to approve a Conditional Use Permit for a Landscaping Business at 729 West 3300 South, Daniel C. Bolin (Utah Lawn and Tree, LLC), applicant, pursuant to conditions outlined by Staff. Mr. Cheney seconded the motion.

A Mr. Cheney
A Mr. Badham

Motion passed 2-0.

4. PUBLIC HEARING: Consider approval of a Conditional Use Permit for a Landscaping Business at 1968 East Ridgehill Drive, Anthony Lawson (Seasons Four Landscape and Maintenance, LLC), applicant.

Mr. Anthony Lawson, applicant, was present.

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

The property where the Landscaping Business is located is in the R-F Single Family Foothill Zone. Home Occupation landscaping businesses are classified in the City Ordinance as requiring a conditional use permit.

The application submitted indicates this property will be an office only and no equipment will be stored on location, a standard pickup truck will be parked on location. Section 14-17-108 limits the area used for a home occupation in a detached accessory structure to 300 square feet.

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. The Use shall not involve more than 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: Acting Chairman Cheney opened the public hearing at 5:55 p.m., and the hearing was closed at 5:55 p.m. with no comment from the public.

Mr. Badham made reference to the prior Public Hearing and pointed out the intent of a Conditional Use Permit is for the business to be transparent. Mr. Lawson responded he has had a home occupation business for almost 26 years. Business conducted at his home

consists of invoicing done in a room of the house, and all equipment is stored off-site. Mr. Lawson explained he has gone through the Conditional Use Permit process a few times and understands it.

Mr. Cheney reported one neighbor, Greg Ward, visited the Planning Department and expressed concern regarding this item. Mr. Lawson responded he had spoken with Mr. Ward and showed him details of the home business. Mr. Lawson explained that occasionally there will be a trailer at the house, but mostly the home business consists of invoicing. Mr. Badham pointed out that home occupation businesses are to be pretty low key. Mr. Cheney pointed out the staff report incorrectly states condition #2 as, "Areas used for home occupation shall not exceed 300 square feet." More correctly it should be stated as, "The use shall not involve more than 50% of the entire dwelling." Mr. Jensen will make that correction and the Staff Report in the minutes will reflect that change. Mr. Badham inquired if the trailer is kept at the home. Mr. Lawson responded that when he first moved to the home it was kept there and pointed out he does have a personal use trailer he keeps from time to time on his property. Mr. Badham explained that a trailer is permitted to be kept at the home, on a pad and 10 feet from the property line. Mr. Lawson said that most often the trailer will not be stored at the home.

Mr. Cheney made a motion to approve the Conditional Use Permit for a Landscaping Business at 1968 East Ridgehill Drive, Anthony Lawson (Seasons Four Landscape and Maintenance, LLC), applicant, with the modification to condition #2. Mr. Badham seconded the motion.

A Mr. Cheney
A Mr. Badham

Motion passed 2-0.

5. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Solar Panels at 434 East Spring Creek Drive, Robin Eckersley, applicant.

Curtis Anderson (Gardner Solar) was present, representing the applicant, Robin Eckersley.

Taylor 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 2.75 kilowatts (2,750 watts), requiring a conditional use permit.

The application submitted indicates the proposed installation of 1 photovoltaic array of 10 total panels. The panels will be located on the South facing roof. The array will occupy 181 square feet of the roof face, which is less than the maximum 50% roof coverage. The roof has a slope of 4/12 is of truss construction, with asphalt shingles less than 10 years old. The

panels will be secured to the trusses with a Series 100 UL 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.

Mr. Anderson noted that the roof on Ms. Eckersley's home is new and has 25 years of life.

PUBLIC HEARING: Acting Chairman Cheney opened the public hearing at 5:04 p.m., and the hearing was closed at 5:05 p.m. with no comment from the public.

Mr. Badham inquired regarding potential glare problems with the solar panels. Mr. Anderson explained that the 4/12 roof slope will not present a problem and that the panels are made of non-glare glass and made in such a way to absorb as much light as possible. Mr. Cheney noted this is a very small solar system.

Mr. Badham made a motion to approve the Conditional Use Permit for Solar Panels at 434 Spring Creek Drive, Robin Eckersley, applicant. Mr. Cheney seconded the motion.

A Mr. Cheney
A Mr. Badham

Motion passed 2-0.

6. **Consider approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 1270 East Sundance Circle, Craig Brown, applicant.**

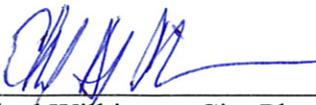
Item was tabled until the next Administrative Committee Meeting (see #2 above).

7. **Consider approval of a Conditional Use Permit, in written form, for a Landscaping Business (sprinkler repair) within a detached accessory structure at 135 West 200 North, Timothy Oberg, applicant.**

Item was tabled until the next Administrative Committee Meeting (see #2 above).

8. Miscellaneous business and scheduling.

Acting Chairman Cheney ascertained there were no further items to discuss. The meeting was adjourned at 6:05 p.m.



Chad Wilkinson, City Planner