

**Bountiful City**  
**Administrative Committee Minutes**  
**November 23, 2015**

**Present:** Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and John Marc Knight; Assistant Planner – Andy Hulka; 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 November 16, 2015.**

Mr. Cheney made a motion to approve the minutes for November 16, 2015. Mr. Knight seconded the motion.

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

Motion passed 3-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business (gas pipe installation and service) at 699 West 3300 South, Stockton Davis, applicant.**

Stockton Davis, applicant, was present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the gas pipe installation and service business is proposed is located in the R-4 Single Family Zone. Home Occupation Contractor Businesses in this zone are classified in the City Ordinance as requiring a Conditional Use Permit.

The application submitted includes a site plan, which indicates that all equipment will be stored on a truck, which will be parked on a paved surface behind the primary dwelling. A statement from the applicant indicates that all products and supplies will be stored off-site and that no customers or employees will visit the site. The applicant has indicated that no work will be performed on site and no product will be sold from the property. There will be no signage on the property associated with the business. The use appears to be incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

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 maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, fumes, glare, traffic, etc.).
3. 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.
4. The use shall allow equipment to be stored on the vehicle only and shall not include any outside storage at the residence.
5. Use of the accessory structure for the business will require additional approvals from the City.
6. The Conditional Use Permit is solely for this site and is non-transferable.

Mr. Davis noted the staff report was correct and that his business consists primarily of parking his business truck at the residence.

**PUBLIC HEARING:** Chairman Wilkinson opened the Public Hearing at 5:03 p.m. Several of Mr. Davis's neighbors were present for the Public Hearing.

Ann Keysor (3282 South 675 West) asked if Mr. Davis would be entering the property from the east or the west. Mr. Davis answered that he will use the main driveway located at the east. Ms. Keysor inquired as to how often the vehicles parked in the driveway would need to be moved around, and Mr. Davis responded that the work vehicle would be moved around about once a week. A discussion ensued regarding the number of vehicles currently parked in the driveway and the appearance of overcrowding in the driveway. Mr. Davis noted that two boats and an RV are the property of the owner and will be removed from the property in the near future. He also noted that a truck with racks is also going to be removed from the property. Mr. Davis further noted the work truck will be parked in back and will not be visible from the road.

Val Cragun (717 West 3300 South) asked if Mr. Davis was renting the residence from the owner. Mr. Davis responded in the affirmative. In an unrelated matter, Mr. Cragun noted that a year ago there was a similar request in the neighborhood for a Conditional Use Permit by Daniel Bolin for a home occupation business. Mr. Cragun expressed concern regarding an unkempt garage and the number of trucks on Mr. Bolin's property. Mr. Cragun expressed further concerns for home occupation businesses not abiding by conditions place on them and noted he does not like businesses being established in residential areas. Mr. Knight explained that the applicant should not be condemned because of another business owner's failure to comply with conditions. Mr. Knight advised Mr. Cragun that complaints about home businesses should be directed to the City for appropriate action. A discussion ensued regarding Mr. Bolin's business and the fact that Mr. Bolin is now working for another company.

Mason Moore (714 West 3300 South) noted that his neighborhood is a good residential area. He expressed concern about renters, home businesses and trucks coming in and out of the neighborhood to deliver supplies. Mr. Knight reiterated that trucks deliveries to a home business is prohibited. Mr. Moore inquired as to whether a homeowner has to live at the home in order for a home occupation business to be approved. Mr. Wilkinson explained that the business owner has to live at the residence, but he does not have to own the home. However, the owner has to give their consent for the home occupation business.

Alfred Troth (722 West 3200 South) expressed his concern about neighborhood traffic, street parking, parking at the residence and the street grade. A discussion ensued regarding the street grade, and Mr. Cheney offered to discuss topography with Mr. Troth after the meeting.

Mr. Wilkinson reminded the public of decorum for the Administrative Committee meeting and reiterated to the public what exactly was to be approved by allowing a home occupation contractor business. Specifically, Mr. Wilkinson noted this is not a zone change, but rather, a home occupation Conditional Use permit. A Conditional Use Permit means it is an allowed use in a zone subject to conditions of approval. That is what is being addressed. Home occupation means the person who is getting the permit has to live in the home. A definition of family means up to four unrelated individuals or an unlimited number of related individuals. There are specific requirements for a home occupation Conditional Use Permit and that is what should be addressed at the meeting. Mr. Wilkinson encouraged the public to inform the City if there are issues with any other home occupation businesses in the neighborhood. He also emphasized that the primary use of a residence is to provide a home, the secondary use is the business.

Ronald Prows (3342 South 650 West) expressed concern about the number of cars on the road. Mr. Prows asked Mr. Davis about the nature of the business. Mr. Davis responded that he uses black pipe for residential natural gas. A discussion ensued regarding specifics for the business. Mr. Davis explained that he does replacement and repair of existing lines with pipe no larger than 1 ¼ inch, and he does not store materials in any place other than on his truck. Mr. Prows expressed concern that people come down the road going too fast and there is a steady flow of traffic. He also expressed concern for an increase of hazards.

Elaine Prows expressed concern that there are no sidewalks, and for those who walk an increase in traffic is a problem.

Val Cragun noted there is a good sized garage and asked if Mr. Davis would be storing tools in the garage. Mr. Davis responded that no business tools would be stored in the garage. Mr. Davis noted that his business inventory primarily consists of elbows, gas cogs, three wrenches, a wireless drill, and a pipe threading machine (which is bolted onto the truck). Mr. Cragun inquired about the possible use of a backhoe, and Mr. Davis said that he uses only small tools. Mr. Cragun expressed his belief that commercial businesses should be in a commercial area. Mr. Knight explained that as long as a person complies with the Conditional Use Permit, it is a permitted use to use your house for a commercial purpose, for things like bookkeeping, keeping a business vehicle, or even the use of a shed. Mr. Cragun complained about a neighbor's home business and expressed his concern that Mr. Davis's

business would create additional problems in the neighborhood. Mr. Knight explained that when applicants come to the Administrative Committee meeting they are advised that home occupation businesses should be transparent to the neighborhood and there should be no storage of equipment (like a backhoe on a trailer). All that is being discussed with Mr. Davis is equipment stored on a vehicle. Mr. Cragun requested a copy of the Mr. Davis's conditions. Mr. Knight encouraged the public to call the City if they notice Mr. Davis is not in compliance.

Ann Keysor noted that neighbors' concerns include an increase in traffic and vehicles in the neighborhood. Mr. Wilkinson reiterated that Mr. Davis's business involves only one vehicle, and if neighbors notice more than one vehicle they should call the City.

Mason Moore inquired if a person can rent out their home. Mr. Wilkinson responded in the affirmative, but noted that the only way a business can start in a home is if the business owner lives in the home. A home cannot be converted over to a business – it has to still be a home – and the business is a secondary use to that home. A discussion ensued regarding the property owner where Mr. Davis is renting. Mr. Wilkinson explained that the City can provide the owner's name and address but not the phone number. Ms. Keysor reiterated that neighbors should call if there is any observed violation of the conditions. Mr. Moore commented that he has nothing against the applicant, but he is against the business in a residential area. Mr. Moore inquired if the City would allow such a business up on the hill. Mr. Knight responded in the affirmative, and Mr. Cheney noted that there businesses all throughout town. Mr. Knight responded the businesses should be transparent, and that he has a home occupation business. No one can tell it is there because no clients come to the house.

Mr. Wilkinson closed the Public Hearing at 5:25 p.m.

Mr. Wilkinson reviewed with Mr. Davis the conditions of approval include having only one vehicle where the business materials will be stored. Should Mr. Davis decide to use the accessory structure, it will require another approval. If a neighbor does complain, the City will enforce the conditions of approval which could result in revocation of the Conditional Use Permit and business license. Mr. Knight emphasized there are to be no advertising signs on the property and neighbors are not supposed to even know there's a business in operation on the property. Mr. Cheney inquired about where the business bookkeeping would take place. Mr. Davis responded he would do the bookkeeping on a personal computer in his bedroom.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business (gas pipe installation and service) at 699 West 3300 South, Stockton Davis, applicant. Mr. Knight seconded the motion.

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

Motion passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Solar Panels at 73 West 900 North, Brady Byington, applicant.**

Cade Blatter and Andy Satchwell (Intermountain Wind & Solar), representing the applicant, were present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the solar panels are to be installed is a new residence currently under construction and 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 4.4 kilowatts (4,400 watts), requiring a conditional use permit.

The application submitted indicates the proposed installation of 1 photovoltaic array with a total of 16 panels. The arrays will occupy approximately 274.31 square feet, which is smaller than the 50% maximum roof coverage. The south facing roof will have 16 panels, with 7 panels on the lower row and 9 panels on the upper row. The panels will be connected to the roof by a Snap N Rack roof mount system. The roof is of truss construction, has a slope of 8/12, and is on a new home currently under construction. 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 and closed the Public Hearing at 5:31 p.m. with no comments from the public.

Mr. Knight made a motion for approval of a Conditional Use Permit to allow for Solar Panels at 73 West 900 North, Brady Byington, applicant, as outlined by staff. 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 to allow for Solar Panels at 281 West 2400 South, Bernell Loveridge, applicant.**

Cade Blatter and Andy Satchwell (Intermountain Wind & Solar), representing the applicant, were present.

Andy Hulka 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 4.95 kilowatts (4,950 watts), requiring a conditional use permit. On August 26, 2013 the Administrative Committee approved a conditional use permit (#2013-23) for an array on the detached garage at the property. The permit was for a 12-panel array that was approximately 240 square feet and 3.06 kilowatts (3,060 watts). The total rating of the existing system and the new system combined would be 8.01 kilowatts (8,010 watts), which is lower than the maximum 10 kilowatts.

The application submitted indicates the proposed installation of 1 photovoltaic array with a total of 18 panels. The new array will occupy approximately 308.6 square feet, bringing the total coverage to approximately 548 square feet when combined with the existing array, which is smaller than the 50% maximum roof coverage. The south facing roof will have 18 panels, with 5 panels on the lower row and 13 panels on the upper row. The panels will be connected to the roof by a Snap N Rack roof mount system. The roof is of truss construction, has a slope of 3/12, and is less than two years old. 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 and closed the Public Hearing at 5:34 p.m. with no comments from the public.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for Solar Panels at 281 West 2400 South, Bernell Loveridge, applicant, as outlined by staff. Mr. Knight seconded the motion.

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

Motion passed 3-0.

6. **Consider approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 482 North Stone Creek Circle, Kent and Janice Roner, applicants.**

Mr. Cheney made a motion for approval, in written form, to allow for Solar Panels at 482 North Stone Creek Circle, Kent and Janice Roner, applicants. Mr. Knight seconded the motion.

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

Motion passed 3-0.

7. **Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business (cabinetry and countertops installation) at 466 North 1150 East, Jonathan and Angela Muir, applicants.**

Mr. Knight made a motion for approval, in written form, to allow for a Home Occupation Contractor Business (cabinetry and countertops installation) at 466 North 1150 East, Jonathan and Angela Muir, applicants. Mr. Cheney seconded the motion.

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

Motion passed 3-0.

8. **Miscellaneous business and scheduling.**

Mr. 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