

Bountiful City
Administrative Committee Minutes
June 27, 2016

Present: Acting Chairman – John Marc Knight; Committee Members – Todd Christensen and Dave Badham; Assistant Planner – Andy Hulka; Recording Secretary – Julie Holmgren

Excused: Chad Wilkinson and Lloyd Cheney

1. Welcome and Introductions.

Acting Chairman Knight opened the meeting at 5:01 p.m. and introduced all present.

2. Consider approval of minutes for June 13, 2016.

Chairman Knight suggested approval of the minutes for June 13, 2016 be tabled. Mr. Christensen made a motion to table the minutes. Mr. Badham seconded the motion.

 A Mr. Knight
 A Mr. Christensen
 A Mr. Badham

Motion passed 3-0.

3. Consider approval of a Lot Line Adjustment at 3075 South 100 West and 3083 South 100 West, John Stubbs, applicant.

John Stubbs, applicant, was present.

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

The applicant is applying for a Lot Line Adjustment between his properties at 3075 South 100 West (Lot 1) and 3083 South 100 West (Lot 2) in Bountiful, Utah. Both properties are located in the R-4 Single-Family Zone. The purpose of the property line adjustment is to convey 212 square feet (approximately 0.005 acres) from Lot 2 to Lot 1. It should be noted that 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.

No new lots are being created in this transfer so this does not need to be an amended subdivision plat.

Both affected properties will meet the minimum lot size requirements for the R-4 zone.

The lot line adjustment will not affect any existing easements.

Based on findings, Staff recommends approval for a lot line adjustment, with the following condition:

1. The approved lot line adjustment is recorded with Davis County. **Note:** Approval of the property line adjustment does not act as a conveyance of property.

Mr. Badham noted these properties had been separated several years ago and inquired regarding the purpose of the current lot line adjustment. Mr. Stubbs explained that the lot line adjustment will resolve a problem involving an existing fence line.

Mr. Christensen made a motion for approval of a Lot Line Adjustment at 3075 South 100 West and 3083 South 100 West, John Stubbs, applicant. Mr. Badham seconded the motion.

 A Mr. Knight
 A Mr. Christensen
 A Mr. Badham

Motion passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 2234 South Wood Hollow Way, Kristopher Clayton, applicant.**

Kristopher Clayton, applicant, was present. His wife, Abby, was also present.

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

The applicant, Kristopher Clayton, has requested a variance to allow for construction on slopes exceeding 30% slope in the R-F Residential Foothill zone.

Section 14-2-111 authorizes the Administrative Committee as the review body for variance requests related to building on slopes greater than 30%.

The property is located at 2234 South Wood Hollow Way in the R-F zone and is surrounded by single-family residential properties on all sides. Section 14-4-104 (A) requires that all structures and all other site improvements of whatever description “shall be located only upon areas constituting usable land... that is located entirely on ground of less than thirty percent (30%) slope, that does not encroach into required setbacks or easements, and that meets the area requirements as outlined in this section.” The proposed home encroaches on slopes exceeding 30 percent and therefore does not meet this standard. The applicant has requested a variance to allow for construction of a home on the property that encroaches on the 30 percent slope areas. The applicants have submitted a narrative which is attached to this report.

Utah Code 10-9a-702 establishes the criteria for review of a variance request. In order to grant a variance each of the following criteria must be met:

- (i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

The need for the variance arises from the slope of the property. Without a variance it is not possible to build a reasonably sized home on the property. The current zoning ordinance requires new lots in the Residential Foothill zone to contain at least 6,000 square feet of buildable area. The lot was created in 1976, prior to the current ordinance standards. The applicant indicated that the lot currently has approximately 2,000 square feet of buildable area, which does not meet current Code. Without a variance, the applicants are deprived of the ability of constructing a home on property meeting the standards of the Code.

- (ii) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

The slope of the property constitutes a special circumstance as there is not a way to build a reasonably sized home on the lot without disturbing the 30% slope. The proposed encroachments are the minimum necessary to build the proposed home and the property was created prior to current standards related to hillside development.

- (iii) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*

Several properties in the immediate area have received variances in order to be built on slopes in excess of 30%. Failure to grant this variance would prevent the owner from building on the lot.

- (iv) *The variance will not substantially affect the general plan and will not be contrary to the public interest;*

The development will be consistent with development in the neighborhood. Allowing this variance doesn't significantly alter or affect the general plan, and it is unlikely to have any negative impacts on zoning regulations or neighboring properties.

- (v) *The spirit of the land use ordinance is observed and substantial justice done*

The purpose of the land use ordinance that requires improvements be located on slopes less than 30% is to preserve the hills and manage runoff and erosion on properties located in the foothills. The Code specifically anticipates that there are existing lots that don't meet the standards and that the variance process provides a way for those lots to be developed. The proposed development on the slope over 30% is the minimum needed to develop a reasonably sized home on the property and is necessary to meet other codes and is found to comply with the spirit of the ordinance.

Staff recommends that the Administrative Committee approve the variance, based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant.

Mr. Hulka noted that the applicant provided additional information after the staff report had been prepared. Mr. Hulka shared a document provided by Mr. Clayton showing elevation renderings for the proposed home (front and side views). Additional information provided showed estimated square footages as follows: main floor - 1450 square feet; upper floor - 1000 square feet; basement - approximately 1450 square feet; and garage - 1050 square feet. Mr. Hulka also shared the architectural site plan provided by Mr. Clayton and pointed out the area which lies beyond the 30% slope area and noted efforts to avoid the 30% slope and still meet required setbacks.

Mr. Knight referenced the architectural site plan and inquired regarding a retaining wall. Mr. Clayton answered that the southwest corner is at grade level and the northwest area of the lot has a retaining wall which is approximately six feet tall. Mr. Christensen inquired regarding the driveway slope plan. Mr. Clayton referenced the elevation drawing and noted that part of the driveway will be level and part has a drop coming in. Mr. Knight inquired regarding the number of homes in the Wood Hollow neighborhood which previously required a variance. Mr. Hulka responded there were two. He also noted that a variance had previously been granted for the Menlove home at 2190 Wood Hollow Way, but that variance was not related to the issue at hand. In that particular case, the home was erroneously built in the wrong location leaving the home with improper setbacks and with the roofline hanging slightly over the property line.

PUBLIC HEARING: Acting Chairman Knight opened the Public Hearing at 5:15 p.m.

The following were present regarding this Public Hearing:

Julie and Mark Nelson (2320 Wood Hollow Way, Bountiful)

Preston and Chantelle Menlove (2190 Wood Hollow Way, Bountiful)

Clark and Denise Ward (2276 Wood Hollow Way, Bountiful)

Bob Green (2127 Wood Hollow Way, Bountiful)

Dan Nix (2013 Hill Street, Kaysville)

Steve Erickson (2185 Wood Hollow Way, Bountiful)

Constance Smith (2635 Dearborn Street, Salt Lake City)

Edwin Barnes (7272 Pinebrook Road, Park City)

Clark Ward noted the location of his home on the Google Earth map and explained the map does not show the precipitous drop off, but a shadow on the map gives some indication. He shared his concern regarding erosion on Wood Hollow properties in relation to the gully which runs behind them. Mr. Ward explained that even though the City installed a drainage pipe to carry rain water down the hollow, there are still problems involving silt, rock and dirt being pushed down the gully which he feels is leading to further erosion. Mr. Ward expressed his concern that if the land is disrupted or altered, there is additional risk of soil movement, and he does not want to assume that risk for his land. In order to show the slope of the land between his, the applicant's and the Menlove's properties, Mr. Clark shared

several photos. He noted his understanding that obstructing his view is not enough to deny the application. Mr. Knight agreed and stated that view obstruction in Bountiful is common. Mr. Clark shared several more photos to show how the land declines as it drops toward the bottom of the hollow and stated his concern that as the land is excavated there is not much to stop the land from eroding and filling up the gully. Mr. Knight asked Mr. Clark when he built his home. Mr. Clark stated that he did not build it but bought it 18 years ago, and noted that he believes it was one of the first houses in Wood Hollow. Mr. Clark referenced one of his photos and pointed out a trellis belonging to Jim Swedin. He noted an area of erosion near the trellis which had occurred the past spring and expressed his concern that nothing is being done to protect or retard that from further erosion. Mr. Clark left his photos in possession of the City for further study. He stated that he felt any decision has unintended consequences; it is just a matter of what is going to happen and how we deal with, and it is a risk that he feels doesn't need to be taken. Mr. Clark stated his opinion to the committee that legally, in regard to the statute, the Claytons do not have a hardship. He feels their hardship is self-imposed and that their only hardship is that they can't build their house on the property if they are not granted a variance. Mr. Clark stated his belief that they do not need to build that house or to excavate. Further, Mr. Clark stated his feeling that the Claytons do not need to impose a risk on all the other property owners on an eroding canyon and that there are no special circumstances attached to this property. Mr. Knight clarified that Mr. Clark's belief is that the rest of the criteria do not apply. Mr. Clark stated his feeling that most of them would disqualify the application and that there are no special circumstances to the property in that it has a very similar slope and grade as all the other houses which have been there for years and years. Mr. Knight noted the property looks very similar to the other properties. Mr. Clark inquired if there had been prior applications to build on this property. Mr. Hulka stated he did not have that information readily available. Mr. Clark stated his belief that the lot does not possess any peculiarities in comparison to other lots that adjoin it.

Mark Nelson asked if the house was specifically designed for this property. Mr. Clayton replied in the affirmative and stated that he had consulted with a civil engineer and an architect. Mr. Nelson inquired regarding tests on the soil. Mr. Clayton stated that there were no official tests performed but soil samples were taken. Mr. Nelson explained that he is a retired general contractor and expressed his belief that the Clayton's project is not a normal build and with regard to footings, there is no room for error. Mr. Nelson also inquired regarding the reasonableness of the driveway grade and stated that drainage is going to be a significant problem. Mr. Nelson expressed his concern that if the hill in that area is lost, there will be a domino effect on other properties.

Chantelle and Preston Menlove shared opinions from their prepared statement. Ms. Menlove stated that their home has a variance as referred to earlier. Mr. Menlove specifically referred to Utah Code 10-9a-702 criteria (iv) and (v) as addressed in the staff report. The Menloves stated their concern regarding the proposed location of the home site. Ms. Menlove shared an alternate site plan which depicts the home located more toward the east with the house located out of what they consider to be a sensitive zone and more onto the level ground. Ms. Menlove stated her opinion that there needs to be sixteen feet between homes. She noted that the City Code states that the horizontal distance between any dwellings on adjacent lots shall not be less than sixteen feet, and currently the plan shows eight feet. Ms. Menlove

acknowledged that her home was erroneously built on the property line, but she requested that there still be sixteen feet between houses. Mr. Menlove made a request that the City protect the property and neighboring properties from the substantial risk of land instability, drainage issues, and fire hazards which might exist by spacing homes too closely. Ms. Menlove also noted there is an existing retaining wall on both properties which is not structurally engineered. She stated that it would need to be replaced if the home was to be built. Mr. Knight agreed and said it would also need to be geotech. Ms. Menlove agreed and requested that the City ensure that there is geotech and a structural engineer in order that no significant pressure be placed on the Menlove's foundation by added fill. Ms. Menlove expressed her concern regarding a 17 foot wall which is part of the Clayton's home plan (plus footing and foundation). Mr. Menlove stated his desire that the Claytons explore other reasonable alternatives and expressed specific concern regarding plans for an RV garage being placed on a 30% grade which is close to his home. Mr. Menlove again referenced the alternative plan for the home site and stated that if the Claytons slide the plan just 10 feet the result would be that about 200 square feet would be located off that 30% grade, and the home would then be situated in a flatter area which would make it more stable. Mr. Menlove stated his belief that this will stop the fire hazard, lend to an easier construction build, and provide room for equipment which might be necessary to deal with future land repairs. Mr. Menlove briefly explained the land topography and how that land reacts to rain and water. He pointed out a slope and a pinch point and explained that by adjusting the home site location that future water issues might be lessened. Mr. Clayton explained that he and his architect had experimented with several potential locations for the home site on the property. He explained the problems with a few of those alternatives – one being that moving the home would actually create a bigger wall on the end that Ms. Menlove expressed concerned about. Ms. Menlove stated that she would be content with a bigger wall if it was located farther away from her property. The Claytons and the Menloves discussed setbacks and the possibility of downsizing the home. Mr. Knight inquired regarding the Menloves' variance. Mr. Menlove explained that the original owner erroneously built the home in the wrong location, and as a result, applied for a variance regarding setbacks. Mr. Menlove stated there is erosion in the Wood Hollow area and heavy rains have caused considerable problems with dirt being washed down the valley. He stated his opinion that there is a drainage issue in the gully, and he expressed particular concern regarding drainage issues below Fawn Lane. Mr. Menlove stated his belief that there is street and house runoff channeled down that canyon which could corrode stability in the long run. Ms. Menlove noted an erosion change happened after all of the Wood Hollow homes were built and explained the land that is proposed to be built on has been sitting stable and hasn't had anything built on it since that happened and inquired regarding current land stability. She requested confirmation of that in some type of document. Mr. Menlove shared a photo of him standing directly below the property in question and pointed out land corrosion just off the runoff and stated that it is six feet high and happens on both sides of the walls.

Mr. Green shared a history of the effects of heavy rainstorms in the Wood Hollow area, and he stated that at one point he built a three foot brick pillar wrought iron fence around his home to protect it from flooding. As it relates to the issue at hand, Mr. Green noted that the canyon is eroding and that heavy rain could lead to more erosion and potential flooding. He stated his opinion that Bountiful City could face potential liability for damages in that area.

Mr. Green appealed to the City and Planning Department to work closely with Engineering to put a pipe down the canyon before any type of variance is granted. He stated that he appreciates that the applicant has invested in the property and should have the right to build a home, but only after the erosion is stopped.

Mark Nelson stated he has looked at the gully and observed erosion and that at some points there exists an almost 90 degree drop off and that roots are starting to be exposed and dirt is moving. As it relates to the matter at hand, he stated that without roots and some type of structure, the erosion will crawl up that hill. He stated that by removing scrub oak and by building on the empty lot and using heavy equipment to do so, the five feet of erosion could turn easily into twenty feet.

Robert Green stated his belief that some sort of pilings might need to be required in this situation but does not think it feasible on the lot in question because it is so steep.

Edwin Barnes stated that he is the trustee of the Culler Family Trust which owns this property. The property is under contract to Mr. Clayton. Mr. Barnes explained that the property was platted in 1976 - the same time as others in that area. He stated that the Cullers purchased it thirty years ago, have paid taxes, and it is an entitled lot. Mr. Barnes further stated that over the past many years, the Cullers created four or five different plans for this lot, but finally decided to live somewhere else. All of those plans were larger and more encroaching than Mr. Clayton's plans. Mr. Barnes emphasized it is important to note that hillside ordinances were adopted after the land was platted, and he stated that if anyone were looking for raw land today none of the homes would be up there. Mr. Barnes stated that the property has been under contract a couple of times, but potential buyers were drawn away because the City stipulated that plans could only include a 1000 square foot house built on the 30% slope. Mr. Barnes stated that Mr. Clayton has been patient with the City's requests for a current topographical map and required home site adaptations. Mr. Barnes stated his surprise by two of the comments made during the Public Hearing. He explained that two or three years ago Mr. Ward's contractor bulldozed across the Culler's lot without granted access to put in a retaining wall located on the sloped part of the land. In the process, trees were bulldozed that Mr. Ward previously stated are essential to retain the slope. Mr. Barnes said that to Mr. Ward's credit, once it was pointed out to him, he pulled back his retaining walls and replaced some trees, but Mr. Barnes pointed out Mr. Ward's retaining wall project in this sensitive area. Mr. Barnes further reported that the Menloves' retaining wall (put there by predecessors) encroaches and the Culler Family Trust could require them to remove it but has not done that. Mr. Barnes stated that the retaining wall problem is not imposed by the applicant, it is not self-imposed; the Menloves' house is built in the wrong place. Mr. Barnes said it is not grounds to have the applicant move the house or redesign their house because of the Menloves' encroachment, and the Claytons are still entitled to that side yard. Mr. Barnes expressed his opinion that the Fawn Lane issues are interesting, but if there is not proper drainage that is a risk every Wood Hollow home has and that is a City issue. He stated it is not fair to impose on this lot and this owner the full burden of the project going forward. Mr. Barnes further stated that if there is an issue that the City needs to address, then those comments should be addressed to the Engineering Department or the City Council. Mr. Barnes shared his belief that erosion is a shared burden. He stated that the Menloves' issues

are largely because their home is in the wrong spot. Mr. Barnes observed that Mr. Green's comments refer to engineering problems and are not a problem with the applicant. Mr. Barnes summarized that the Claytons have been patient and should be given the opportunity to build the house and enjoy the lot they want to buy. He stated the house is not too large and not poorly located. Mr. Barnes stated the only practicable argument is that his footings and retainings ought to be stamped by a geotechnical engineer before the building permit is issued. Mr. Barnes noted Mr. Ward's statement that no special circumstances exist on this lot and that it is the same grade as all the other lots. Mr. Barnes deduced that is what creates the special circumstance – the other property owners were allowed to build and the Claytons should be allowed to build. Mr. Barnes noted that if there are drainage issues, it is from all the properties. Mr. Barnes expressed his concern that to deny this building permit after Mr. Clayton has worked to address the slope issue is to require this lot remain vacant. Mr. Barnes stated it will make it unsaleable. He said you can't build a 20 foot deep house and sell it up there - it will take the value. Mr. Barnes reiterated that the slope sensitivity is consistent with the other homes up there. Mr. Barnes concluded that all the rules and criteria and special circumstances are amply met because everybody else has been able to build, and he said that the only practical merit is to include a condition for a geotechnical stamp on the footings and the retaining. Mr. Barnes said the Cullers have paid taxes on that lot for 30 years as an entitled lot and that denial of a variance would be unfair.

Steve Erickson stated he is a landscape architect and has worked on many projects involving hillsides. He observed that there are a couple of things missing on the drawings provided by the Claytons, specifically, a label showing a limit of disturbance. A discussion ensued regarding that and Mr. Clayton pointed out a lower dash line which was labelled as the limit of disturbance.

Mark Nelson inquired if there had been talk of deeming the lot unbuildable. Mr. Barnes stated that there had been no discussion, and there was no willingness on the part of the trust to give up that kind of value.

Clark Ward expressed that there are different building standards today, and we are smarter because we learn from our mistakes. He reiterated his concern regarding the significant risks of erosion to all properties in the Wood Hollow locality. In regard to the legality issue, Mr. Ward said he sees no legal hardship and explained his belief that a legal hardship under the statute does not exist, cannot be found, if it is self-imposed or if it is economic. Mr. Clark stated his opinion that in regard to the Culler property, it is a different property now than from when it was acquired and compared the current property to a "three-legged racehorse."

Preston Menlove reiterated his concern regarding fire safety as it relates to distance between homes. He stated his desire to find a reasonable solution for the situation, but expressed his opinion that the current plans are too close to the Menlove property in consideration of the 30% grade. Mr. Menlove suggested keeping the same footprint of the house, but expressed he would like to see it on as much stable ground as possible.

Robert Green again expressed concern regarding canyon erosion and stated that as roots are exposed there is more and more debris coming down the canyon.

Denise Ward explained that Menlove's, Ward's and Nelson's homes are one level with a lower level and a two car garage. She said the homes were built 30 plus years ago before the foothill zone was created. Ms. Ward expressed concern about the Claytons' plans to build a three level home with a three car garage on a greater than 30% grade. She stated her belief that you cannot defy nature - it will move. Ms. Ward implored the committee to look carefully at the application and encouraged the committee to look at the land and see the impact it is going to have on the environment.

Edwin Barnes explained that the first buyer he had for this property proposed a one level home and was told by the City he could not build, that he could not put in footings. Mr. Barnes expressed his belief that Mr. Clayton has done a marvelous job trying to work with the City and has had multiple meetings with architects in creating the home he'd like to build. Mr. Barnes expressed his understanding that the ordinances have changed and explained that the Claytons' are asking for a variance and urged the committee to approve it.

PUBLIC HEARING: The Public Hearing was closed at 6:21 p.m. with no further comments from the public.

Mr. Badham stressed that the Public Hearing was closed and requested politeness and order from those present. He noted the meeting had erroneously been referred to as Planning Commission and City Council and stressed that the meeting is the Administrative Committee meeting. The committee took a few minutes to explain that the Administrative Committee addresses items such as lot line adjustments, solar projects, home based businesses, and variances of the slope and that the committee has final approval on those items they hear. The committee also has the authority to recommend items be passed to the Planning Commission or the City Council.

Mr. Badham suggested that the committee review their options which he outlined as: deny, approve, or recommend for further evaluation on the Planning Commission or City Council level. He expressed his dislike of potential lawsuits allegations regarding the matter at hand. Mr. Knight said he felt those allegations were inappropriate. Mr. Badham stated his concern that the City Attorney may need to be involved.

The committee discussed other options available to them. Mr. Knight said they could consider extending the committee discussion to another time in order to allow time for the committee to more fully explore the issues. Mr. Christensen stated there had been many good points made by those attending the Public Hearing. He stated the committee's desire to come up with the best solution without undue burden and suggested the committee take more time to consider those issues raised in the Public Hearing. Mr. Knight stated he presently was not comfortable making a yes or no decision and suggested tabling a decision in order to allow the Administrative Committee ample time to look into the questions and issues raised. Mr. Badham stated the committee needed to more fully examine governing laws and rights of both the adjacent property owners and future property owner. Mr. Badham stated that in his opinion, Mr. Barnes hit the points on the head as to what constitutes a variance and expressed that sometimes what constitutes a variance doesn't go with the emotion of the public. Mr.

Badham also explained that variance criteria are governed by State laws and not by Bountiful City ordinances and pointed out that if the variance criteria are met, the City does not have a choice but to grant the variance.

Mr. Badham summarized that the question is: Have the Claytons reasonably met the criteria? Mr. Badham stated his opinion that on an unemotional level he would have to say yes they do because this lot was an entitled lot and the neighbors all built at one time. He said that just because someone does not want a house changing their view that is not reason for denial. Mr. Knight noted that the view is not the only reason. Mr. Badham said he believed it was implied and the view is an issue.

Mr. Badham stated his belief that this one lot is not causing all the alleged erosion problems and that all the lots are contributing. Mr. Badham said that the Claytons will need to mitigate potential problems and explained that during construction there are State and City regulations which will be put in place. One process is called SWPP (Storm Water Prevention Pollution), and when the Claytons build they will be responsible for any damages caused, but there cannot be an assumption they are not going to deal with them.

Mr. Badham stated his belief that general compliance with the variance criteria has been met. Mr. Knight agreed, but said he wished the State were a little clearer on the criteria that must be met before a variance can be submitted. Mr. Knight again stated he was not comfortable with a yes or no vote at the current time.

Mr. Badham commented that Ms. Menlove had made some great points as she was recommending to shift the home site location and then the topography kind of popped out, and the applicant stated that they had considered that, but it actually worsened the problem. Mr. Badham suggested a possible solution might be revising the plans to include a two car garage in place of a three car garage. Mr. Badham inquired regarding the number of two car and three car garages in the neighborhood and noted that the applicant is entitled to build what is similar to homes in the area. Mr. Knight agreed that if the garage plans were modified, as Mr. Badham suggested, there would be less disturbance of the 30% slope and there would be more offset between lots. Mr. Badham inquired as to how that might affect the Clayton's right to build on their property and stated that the house should be similar in square footage to those in the neighborhood. Mr. Barnes was invited to comment and stated that the applicant meets the side yard requirements with the current plan. Mr. Badham said that the issue isn't with the side yard but with 30% disturbance and reducing to a two car garage could be a possible solution. Mr. Barnes said he could survey the neighborhood in regard to three car garages. Mr. Knight stated that the issue the committee is exploring is a plan where there are fewer disturbances from what has been presented. Mr. Barnes stated he would need to visit with the applicant and see if they and their architects think there can be a reasonable accommodation. Mr. Barnes expressed that the Claytons have already invested a lot of money in engineering and topographical information and a discussion would need to take place regarding their willingness to trim the house and eliminate a garage bay. Mr. Barnes again stated that the lot is not unlike anything else up there and expressed that the Claytons are entitled to build on it. Mr. Badham stated his belief that this is a buildable lot

and expressed his desire for a requirement for a geotechnical report and full on structural engineering.

Mr. Christensen suggested that a decision be tabled until the next Administrative Committee meeting in order to brief committee members on issues and concerns. A discussion ensued regarding the date and time for the next meeting and if public noticing would be required. The committee concluded that the next meeting would occur on July 5, 2016 at 5:00 p.m. and that public noticing would not need to occur because the Public Hearing had been closed, and the meeting would simply involve a continued discussion of the variance item. Mr. Christensen noted he would not be in attendance at the July 5th meeting. Mr. Knight and Mr. Badham stated they would be able to attend.

Mr. Knight made a motion to continue deliberation until July 5, 2016 at 5:00 p.m. regarding the decision of a Variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 2234 South Wood Hollow Way, Kristopher Clayton, applicant. Mr. Christensen seconded the motion.

A Mr. Knight
A Mr. Christensen
A Mr. Badham

Motion passed 3-0.

Mr. Knight thanked those in attendance and explained the meeting had been recorded and reiterated that no variance decision had been made. He explained that the committee would take into account the ideas presented by both sides. He thanked the group for their patience and civility.

5. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Solar Panels at 131 Oakridge Drive, Jonathan Heath, applicant.

Jonathan Heath, applicant, was present, along with his contractor, Carson Hinds (Solar Ready Solutions).

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-3 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 3.92 kilowatts (3,920 watts), requiring a conditional use permit.

The application submitted indicates the proposed installation of 2 photovoltaic arrays with a total of 14 panels. The arrays will occupy approximately 251 square feet, which is smaller than the 50% maximum roof coverage. Both arrays will be located on the south facing portion of the roof. The first array will include 6 panels and the second array will include 8

panels. The roof is of truss construction and has a slope of 10:12. The applicant has indicated that the asphalt shingles are in average condition. The panels will be connected to the roof with a Snap N Rack mounting system. 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. Heath inquired regarding the process of adding more solar panels to the existing plan. Mr. Knight asked if this was referring to something in the future or in the present. A discussion ensued. Mr. Heath and Mr. Hinds determined they would like to slightly modify the prior plan submitted. Mr. Heath inquired if a solar fan needs to be permitted, and the committee determined the fan did not need a special permit. Mr. Hinds presented a sketched drawing showing a modified solar plan and performed calculations regarding the plan. The committee approved the modified plan changing the number of panels from 14 to 21, for a total Kw of 5.88.

PUBLIC HEARING: Acting Chairman Knight opened and closed the Public Hearing at 6:51 p.m. with no comments from the public.

Mr. Badham asked regarding the possibility of solar panel reflection and glare, especially in consideration of the pitch of the roof. Mr. Hinds explained there is very little, if any, glare with the type of panels being used for this project.

Mr. Badham made a motion for approval of a Conditional Use Permit to allow for Solar Panels at 131 Oakridge Drive, as amended to allow for additional panels, Jonathan Heath, applicant. Mr. Christensen seconded the motion.

 A Mr. Knight
 A Mr. Christensen
 A Mr. Badham

Motion passed 3-0.

6. Consider approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 1973 South 1150 East, Donald Solze, applicant.

Mr. Knight made a motion for approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 1973 South 1150 East, Donald Solze, applicant. Mr. Christensen

seconded the motion.

A Mr. Knight
A Mr. Christensen
A Mr. Badham

Motion passed 3-0.

- 7. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business (plumbing) at 555 North 1200 East, Dan Rast, applicant.**

Mr. Knight made a motion for approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business (plumbing) at 555 North 1200 East, Dan Rast, applicant. Mr. Christensen seconded the motion.

A Mr. Knight
A Mr. Christensen
A Mr. Badham

Motion passed 3-0.

- 8. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Landscaping Business (flower bed maintenance) at 12 West 1800 South, Tiffani Hubbard, applicant.**

Mr. Knight made a motion for approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Landscaping Business (flower bed maintenance) at 12 West 1800 South, Tiffani Hubbard, applicant. Mr. Christensen seconded the motion.

A Mr. Knight
A Mr. Christensen
A Mr. Badham

Motion passed 3-0.

- 9. Miscellaneous business and scheduling.**

Mr. Knight ascertained there were no further items of business. The meeting was adjourned at 6:55 p.m.


Chad Wilkinson, City Planner