

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355

Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Terry Turner
Corey Sweat, Alt.

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS
REGULARLY SCHEDULED MEETING AT 7:30 PM ON TUESDAY,
JUNE 14, 2016 AT THE CITY OFFICES AT 550 NORTH 800 WEST**

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Consider Conditional Use Application From Wendell Wild to Build a Detached Garage at 735 W 1000 North that Exceeds the 20 ft. Height Restrictions in the R1-10 Zone.
3. Discuss Request from Marty and April Vowles to Consider Options for Building a Detached Accessory Dwelling Unit on Their Property at 869 W 400 North.
4. Staff Report
5. Consider Approval of May 24, 2016 Meeting Minutes.
6. Adjournment.

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and the City's website on **June 10, 2016.***

MEMORANDUM



TO: Planning Commission
DATE: June 9, 2016
FROM: Ben White
RE: Wild-Accessory Building Conditional Use Permit
735 W 1000 N

Section 17.24.060.A requires a Conditional Use Permit for an accessory structure in the R-1-10 zone if it is more than one story or more than twenty feet tall (Code language is attached). A possible reason this height restriction has been drafted in the code is to minimize the detrimental impacts tall accessory structures may have on neighboring properties. In considering approval of the conditional use permit, the Planning Commission should make affirmative findings pursuant to Chapter 17.60 Conditional Uses. If there are detrimental impacts due to the added height of the proposed structure, the Planning Commission should propose conditions that would mitigate the negative impacts.

Wendell and Mary Wild would like to construct a detached garage on their property with a height of approximately 23 feet and one cupola that reaches about 26 feet. The proposed building would be constructed near the rear of the Wild's 207 foot deep property, see attached plan. The proposed structure is 40'x52'. Prior to 1983, there was a two story carriage house located at this location. That winter the roof collapsed with the snow load. The remainder of the building was later demolished in 1988 and 1990.

The Planning Commission has heard similar applications to the Wild's in recent years. Most of the permits that were approved have been in the R-1-22 zone. Two applications in the R-1-10 zone have been approved. Both applications were for properties that back to I-15 and the railroad. Symes on 550 W was approved at 24 feet. Lee's on 660 West was approved at 23 feet tall.

The Wild property has a flag lot (now part of Stringham Farm Subdivision) located directly south of the proposed building location. With the other applications in the R-1-10, the accessory structures were located a considerable distance from other primary residential structures. Most likely, the side wall of a house on the flag lot will be 10 feet south of the Wild rear property line. The Wilds have not sold this flag lot and are the current owners.

Another item to consider is that there is a 15' wide storm drain easement to the south of the proposed building. Usually an accessory structure can be constructed as close as six feet to the property line or up to three feet from the property line if the structure is fire rated.

As stated in Section 17.60.040(D), a motion needs to consider the following:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city's general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

PROPERTY ADDRESS: 735 WEST 1000 NORTH

PARCEL NUMBER: 06-037-0024 ZONE: R-1-10 DATE OF APPLICATION: 6-3-16

Name of Business: _____

Applicant Name: WENDELL and MARY WILD

Applicant Address: 735 WEST 1000 NORTH

Primary phone: 801-295-4924 Fax Number: _____

E-mail address: Wwild25@gmail.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.

Requesting added height to accessory building over that of the 20' ft maximum in the city code to that of approximately 26' ft high. Roof peak is approximately 23' ft high and 26' ft total height with the 3' ft cupola. Carriage house previously in that location was a two story structure.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge.

Date: 6-3-16

Applicant Signature: Wendell W. Wild

Application Received Date: 6/3/16
Application Fee Received Date: 6/5/16
Fee: \$20 Residential \$50 Commercial

FOR OFFICIAL USE ONLY
Permit Number: 16-005
Permit Approval Date: _____

LOT 22

LOT 21

207.42'

EX. DITCH

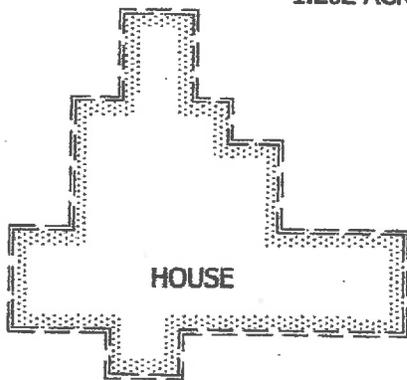
33'

(05)

(03)

LOT 9

52,376 SQ.FT.
1.202 ACRES



HOUSE

GARAGE

← 15' →

← 15' PUE →

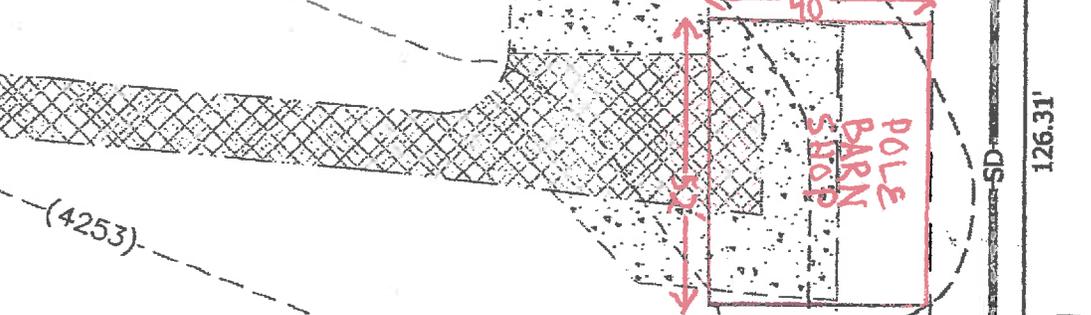
126.31'

N 89°50'22" E 252.62'

252.62'

SDMH

SB



POLE BARN SHED

126.31'

EX. DITCH

(4253)

(4255)

40'

35'

(4254)

SD

SD

SB

207.24'

SD

SD

SD

15'

SD

SD

SD

SD

SDMH

SHED

HARRIS, RANDY W, TR.





MEMORANDUM



TO: Planning Commission

DATE: June 14, 2016

FROM: Ben White, Cathy Brightwell

RE: Options for ADU – Vowles, 869 W 400 North

Marty and April Vowles are looking for options to build an accessory dwelling unit (ADU) on their property at 869 W 400 North. They would like to be able to care for elderly parents and prefer to have a single family dwelling at the rear of their property to minimize impact on the property and preserve the view from their backyard. A single level apartment would be ideal for elderly so they don't believe their split level home is well suited for a ground level addition. There is currently an old pole barn at the rear of the property that they would like to rebuild which would give them ample parking and minimal change to the appearance of the property.

In our Code, an ADU is defined as a separate dwelling unit, within or attached to a single family dwelling that complies with the provisions of the chapter, and is subject to the approval of a conditional use permit by the Planning Commission. (See attached.)

Discussion items:

1. What was the intent of the Ordinance?
2. Any change to the ADU ordinance will apply to all residential and agricultural properties within the city and could result in an R-2 community.
3. Should the Code be modified so that ADUs can be allowed based on specific criteria such as,
 - a. size of property
 - b. location of property,
 - b. can be detached if a certain distance from the existing dwelling,

Received 6/7/2016

Dear West Bountiful Planning Commission,

My name is Marty Vowles. My wife April and I live at 869 West on 400 North (Earl DeWaal's old home). We've lived in the city for the past two years, but I grew up on 700 West and have lived in West Bountiful half my life. I'm writing to get some understanding of an element of the city code that was incorporated before we moved here.

To provide some background for our question, we were looking into the possibility of an Accessory Dwelling Unit on our property. One of our considerations when moving here was having space enough that we might be able to care for our parents as they age. The lot our house is on is 1.1 acres and one of the draws was having ample space.

What we'd like to do is provide a small, ground-level residence where April's parents can live that gives an immediate benefit to them of being low-maintenance, but eventually will let us care for them better by keeping them close. Additionally we want to minimize impact to our own property, preserving the view of our back yard. We want to preserve the appearance of a single-family residence and keep our home looking pleasing architecturally. We intend to live here a long time, perhaps until we're the aging couple in an ADU.

Our imagined ideal would be to rebuild an old pole barn on the property that's seen better days:



By adding a small apartment to the rear we could accomplish our ideals of having the ADU at ground level (our house is split-level and not well suited for a ground-level addition), with ample parking and minimal change to the appearance of our property. (Please see [this link](#) for an aerial view, noting how an

addition behind the barn preserves the view of our yard where adding to the back of the existing residence would block it.) We recognize that what we're really interested in is a detached ADU.

While we're confident that a number of detached ADUs exist in the city, it is important to us to comply with West Bountiful's Municipal Code, which is the primary reason I'm writing. I'm hoping to better understand the rationale behind one particular statement in the code, quoted below:

"17.82.050 Development Standards. The development standards set forth in this section shall apply to any ADU allowed as a conditional use.

A. Location. An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner occupied single family dwelling."

We did some reading, including the Planning Commission minutes from the first months of 2011. We were able to piece some of the reasoning for the ADU section together from those records. We got the impression that there were three key aspects in mind:

- Occupation – it's clear that the Commission wants to ensure that ADUs are only occupied by family. There is concern that once an ADU is created there isn't a mechanism to enforce this restriction.
- Look and feel – after addition of an ADU, the residence should still look like a single-family residence and should not look like a duplex.
- Neighborhood impact – addition of the ADU shouldn't adversely affect traffic, parking, aesthetics to neighboring properties, water drainage or other environmental factors.

That said, we're still struggling to understand how the attachment restriction supports these key aspects. We're hoping that you can help us by responding with some of the history in that regard.

One discussion item from the February 8, 2011 Planning Commission minutes is the notion of allowing detached units in the A-I zone (presumably due to their larger lot size, which we have though we're zoned R-1-10). We weren't able to find further discussion along those lines and wondered if a follow-on discussion has taken place.

We understand that ADUs in West Bountiful are conditional use in general, but it wasn't clear to us if a system is in place to apply for a variance to the attachment restriction. We're hoping that there is a way for us to work through official channels either for appropriate exception to current code or perhaps consideration of a revision to code. We hope that you'll provide direction on what our best avenue would be.

Thanks for your time and consideration,

Marty & April Vowles

P.S. Also among our reading we tried to put West Bountiful's municipal code in context by looking into the laws of adjacent cities. Our intent here was only to understand context. We found the following for each:

- North Salt Lake: No specific allowance or disallowance. Closest reference to an ADU is probably in 10-1-21.
- Bountiful: 14-14-124 specifically allows detached ADUs with additional restrictions.
- Woods Cross: No specific reference, but the waste collection section (7-12) mentions detached apartments or housing units in its definition of a dwelling unit.
- Centerville: 12-60-050 allows detached ADUs with the only restriction that it be behind the primary residence.
- Farmington: Accessory dwellings defined in 11-2-020, but I didn't find additional restrictions.

Chapter 17.82 ACCESSORY DWELLING UNITS (ADU)

Sections:

17.82.010 Purpose.

17.82.020 Definition.

17.82.030 Scope.

17.82.040 Conditional Use.

17.82.050 Development Standards.

17.82.010 Purpose.

(Ord. 324-11, approved 03/16/2011)

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

- A. To accommodate such housing in single family residential neighborhoods, as long as it produces only minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion, and compatible scale and appearance of residential buildings.
- B. To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single-family residential neighborhoods.
- C. To establish uniform standards for ADUs. ADUs are intended to be an exception to the requirement of only single family dwellings in agricultural and residential zoning districts as long as the requirements of this chapter and other provisions of this title are met.

17.82.020 Definition.

An accessory dwelling unit, or ADU, is defined as a separate dwelling unit, within or attached to a single family dwelling, that complies with the provisions of this chapter.

17.82.030 Scope.

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

17.82.040 Conditional Use.

Any ADU shall conform to the development standards of Section 17.82.050, and shall constitute a conditional use in all residential zones subject to the approval and issuance of a conditional use permit by the Planning Commission.

17.82.050 Development Standards.

The development standards set forth in this section shall apply to any ADU allowed as a conditional use.

- A. **Location.** An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner-occupied single family dwelling.
- B. **Number of Accessory Dwelling Units.** A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
- C. **Parking.** Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code. A minimum of four (4) off-street parking spaces shall be provided. Parking

spaces may include garage and driveway space. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers. Gravel parking stalls or driveways may be allowed at the discretion of the Zoning Administrator, provided that the structure to be used as an ADU was in existence at the time of adoption of this ordinance, the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance, and the surface is sufficient to allow for access by public safety vehicles.

- D. **Utility Metering.** No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- E. **Size of Accessory Dwelling Unit.** An ADU shall contain a minimum of 300 square feet; provided, that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities comply with applicable provisions of this title and the current building codes adopted by the City.
- F. **Construction Codes.** An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.
- G. **Architecture.** An ADU that is added onto an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.
- H. **Owner Occupied.** The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as their principal residence. At no time shall both the ADU and the primary single family dwelling be rented as separate units.
- L. **Findings and Impacts.** Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of Chapter 17.60 of this title.

1 **West Bountiful City**
2 **Planning Commission**

PENDING

May 24, 2016

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website
4 and the West Bountiful City website, and sent to Clipper Publishing Company on May 20, 2016 per state
5 statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**
7 **May 24, 2016, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice Chairman Terry
12 Turner, Mike Cottle, Laura Charchenko, and Council member Andy Williams.

13

14 **MEMBERS/STAFF EXCUSED:** Alan Malan and Corey Sweat

15

16 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (City
17 Recorder) and Debbie McKean (Secretary)

18

19 **VISITORS: None present**

20 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.
21 Debbie McKean offered a prayer.

22 **I. Accept Agenda**

23 Chairman Hopkinson reviewed the agenda.

24 **ACTION TAKEN:**

25 **Laura Charchenko moved to accept the agenda as presented. Mike Cottle seconded the**
26 **motion and voting was unanimous in favor among members.**

27 **Business Discussed:**

28 **II. Consider Final Plat for Olsen Farms 8 Subdivision**

29 Included in the Commissioner's Packets was a memorandum from Ben White dated May 20,
30 2016 regarding Olsen 8 Subdivision and a copy of the Final Plat. The memorandum included the
31 following information:

- 32 • City Council approved the request from Mr. Olsen to rezone all property within the plat
33 boundary to R-1-10.
- 34 • Mr. Olsen is proposing to subdivide his 2.5 acre parcel located at 1014 W Pages Lane
35 into three lots and one parcel. The north “parcel” is not buildable due to existing utility
36 lines.
- 37 • The majority of the street/utility improvements have already been constructed for this
38 subdivision. Curb and sidewalk along Pages Lane are all required the improvements and
39 the applicant has provided a design improvement drawing for the curb, sidewalk, and
40 asphalt extension.
- 41 • Staff’s recommendation was for approval of the Final Plat with the condition that there
42 will be installation of curb and sidewalk on Pages Lane.
- 43 • Mr. Olsen will not be in attendance tonight.

44 Chairman Hopkinson stated that the Preliminary Plat for Olsen 8 was visited by the City Council
45 and passed for approval by a 3 to 1 vote. He noted that Staff supported and recommended the
46 final plat be reviewed and approved with the condition that curb, gutter and sidewalk be included
47 along Pages Lane.

48 ACTION TAKEN:

- 49 • **Laura Charchenko moved to approve the Final Plat for Olsen Farms 8 Subdivision**
50 **at 1014 West Pages Lane Subdivision with the condition that there will be**
51 **installation of curb, gutter and sidewalk on Pages Lane. Mike Cottle seconded the**
52 **motion and voting was unanimous in favor.**

53 54 III. Discussion of Ordinance 377-16 Which Establishes a Six Month Moratorium on 55 PUD’s

56
57 Chairman Hopkinson reviewed the information given in the Commissioner’s packets
58 which was the proposal to establish a moratorium restricting land use requests for Planned Unit
59 Developments.

60 Ben White stated that this Ordinance only pertains to WBMC Chapter 17.68 applications
61 for PUD’s. He mentioned that some believe there is some confusion within the ordinance
62 regarding the process of approval of the PUD. Other things that would be good to review are the
63 bonus density points, how development agreements take place within the process and who is
64 responsible for approving different plats.

65 Chairman Hopkinson would like a work session with the City Council to give them
66 additional as to what direction they would like them to head in regards to language change for
67 Ordinance #377-16. He would like to establish the boundaries for what the Planning
68 Commission does and what the City Council does in approving PUD’s.

69 Councilmember Williams supported that request and stated the Council would like to
70 hold a work session as well.

71 Ben White stated that there is only a 6 month period of time to complete this project.
72 Chairman Hopkinson suggested they hold the meeting with the City Council on the next
73 scheduled Planning Commission meeting, June 14, or any other date that meets the Council’s

74 schedule. Cathy Brightwell will see if the Council is willing to attend that meeting. She
75 reminded them that there will only be one meeting for June due to the Primary Elections.

76 Chairman Hopkinson would like to know how the surrounding cities in our community
77 handle their PUD Ordinances and some of their language brought into the discussion for
78 consideration. He also suggested that there be a minimum size of acreage set for a PUD in
79 consideration to each zone.

80 No comments were made from the Commissioner's.

81

82 **IV. Staff Report**

83 **Ben White reported:**

- 84 • Property on the west side is available for development. Some plans have been submitted
85 for staff review.
- 86 • Olsen 8 Subdivision was passed for a rezone to R-1-10 by the City Council with a 3 to 1
87 vote.
- 88 • Pages Lane- Contractors are trying hard to stay on schedule with the completion of their
89 project, but Century Link is struggling to stay on task. They will begin prepping for curb
90 and gutter next week.
- 91 • 400 North construction will continue all summer long. They are not scheduled to work
92 on our area (5th West to 800 West) until after Pages Lane is completed.

93

94 **Cathy Brightwell reported:**

- 95 • LUAU training. She handed out two flyers with information in regards to Land Use
96 Planning 101 and a training held on June 11th that Mayor Romney strongly encourages
97 them to attend. Commissioners will be paid for attendance.

98

99 **V. Approval of Minutes of May 10, 2016.**

100

101 **ACTION TAKEN:**

102 **Mike Cottle moved to approve the minutes dated May 10, 2016 as corrected. Terry Turner**
103 **seconded the motion and voting was unanimous in favor among those members present.**

104

105 **VI. Adjournment**

106

107 **ACTION TAKEN:**

108 **Laura Charchenko moved to adjourn the regular session of the Planning Commission**
109 **meeting. Terry Turner seconded the motion. Voting was unanimous in favor. The meeting**
110 **adjourned at 8:00 p.m.**

111

112
113

114 The foregoing was approved by the West Bountiful City Planning Commission on June 14, 2016, by
115 unanimous vote of all members present.

116

117 _____

118 Cathy Brightwell – City Recorder

119

120