

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

City Recorder
Remington Whiting

**City Council
Representative**
Julie Thompson

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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www.WBCityut.gov

Chairman
Robert Merrick

Vice Chairman
Corey Sweat

Commissioners
Laura Mitchell
Richmond Thornley
Dennis Vest

****AMENDED****

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR
MEETING AT 7:30 PM ON TUESDAY, JULY 28TH, 2026, AT THE CITY OFFICES**

Invocation/Thought – Commissioner Thornley

Pledge of Allegiance – Commissioner Sweat

1. Confirm Agenda
2. Farm Animals Conditional Use Permit - 872 W Porter Lane – Weirick.
3. Milestone Automotive Conditional Use Permit – 1116 W 500 S Suite #10.
4. Second Review of A-1 Height Regulations Code.
5. Detached Accessory Dwelling Units Discussion.
6. Mountain Shadow Ranch Preliminary Plat.
7. West Bountiful Land Use Appeal Authority Discussion.
8. Approve Meeting Minutes from June 9th and July 14th, 2026.
9. Staff Reports.
10. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCityut.gov),
and posted at City Hall on July 23rd, 2026, by Remington Whiting, City Recorder.*

MEMORANDUM



TO: Planning Commission

DATE: July 23rd, 2026

FROM: City Staff

RE: Conditional Use Application for Chickens and Ducks – 872 West Porter Lane – Carmen Weirick

This memo introduces a Farm Animal Conditional Use Application for Carmen Weirick at 872 West Porter Lane.

Background

Carmen Weirick, 872 West Porter Lane, has submitted an application for a conditional use permit to keep six chickens and two ducks on her property.

Ms. Weirick currently has the birds on the property but, after reviewing the West Bountiful Municipal Code (WBMC), she realized that the total number of animals exceeds the maximum points permitted under the City's farm animal point system. Based on the size of the property, Ms. Weirick is permitted a maximum of 25 animal points under the City's farm animal point system. Chickens and ducks are each assigned 4 points, resulting in a total of 32 points for the proposed six chickens and two ducks.

WBMC 17.24.080 A.2. authorizes the Planning Commission to decrease the number of points for small animals from 4 points to 2 points each subject to approval of a conditional use permit. Regulations require that all animals be kept in an area enclosed by a fence or structure sufficient to prevent escape; the chicken coop and pen are at least 6 feet from any property line or dwelling; and that animal waste, debris, noise, odor, and drainage be kept in accordance with usual and customary health standards.

Discussion

Staff does not object to the request subject to the proposed conditions listed below. Adjacent neighbors have been contacted and none have objected to the request.

In addition, WBMC 17.60.040.D requires the Planning Commission to consider the following findings prior to approving the conditional use:

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.

Proposed Conditions:

1. This Conditional Use Permit will expire upon sale of the property.
2. Chickens and ducks will be kept in an area enclosed by a fence or structure sufficient to prevent escape.
3. Chicken coop/run will be located a minimum of 6 feet from any property line or dwelling.
4. To protect the health, safety, and welfare of the animals and the public, animal waste debris, noise, odor, and drainage shall be kept in accordance with usual and customary health standards associated with chickens.
5. Rodent-proof containers will be used to store feed.
6. Failure to comply with these regulations will invalidate the Permit.



**FARM ANIMAL
CONDITIONAL USE
PERMIT APPLICATION**

Please allow 10-14 business days for processing

West Bountiful City

550 N 800 W
West Bountiful, UT 84087

Phone: (801) 292-4486

www.WBCityut.gov

APPLICANT NAME: Carmen Weirick

PROPERTY ADDRESS: 872 W Porters Lane, West Bountiful, UT 84087

PRIMARY PHONE: [REDACTED]

E-MAIL: [REDACTED]

PARCEL NUMBER: 06-245-0331

ZONE: R-1-27

SIZE OF PROPERTY (owned): .25 (leased):

10

CURRENT POINTS ALLOWED: 25

CURRENT POINTS USED: 32

Please provide the following information.

1. Attach a diagram of your property indicating dwellings, fences and enclosures, and outbuildings.
2. Describe the number and types of animals currently kept on the above property.
I currently have six chickens and two ducks (and a dog that resides in the home).
3. For what additional animals are you requesting approval?
I am requesting approval for the two extra chicks that I currently have. Initially I was within the limit but then I was gifted two more for my birthday and Mother's Day. I wasn't aware of the limits until after I got them and researched what was needed.
4. How will you house the additional animals?
They will safely be housed with the others in a movable ark chicken coop w/metal roof that is set 6' from fence. It contains an enclosed area for shavings/hay/turf that will remain dry & clean. Water runoff falls within the interior of my yard. Excess water will be removed by a hose and applied to dry grass & vegetation areas in my yard to supplement using irrigation water.
5. How will you ensure containment?
They will be contained in a fully enclosed structural run/coop w/secured metal roof. In addition, my yard has 6' vinyl fencing around entire yard. They will only be allowed out with supervision and never left alone. The breeds I have are non-flight birds, including the ducks. The coop has two locking mechanisms to keep them safe and enclosed.
6. How will you protect adjoining fences, vegetation and personal property on or near the property line?
The movable coop is set forward from the back fence 6' and no vegetation or personal property belonging to neighbors is within reach of the chickens/ducks. Feed is maintained in airtight bins to eliminate pests and waste is raked up and disposed of daily.

I hereby apply for a Conditional Use Permit in accordance with the provisions of Title 17, West Bountiful Municipal Code. I understand that to protect the health, safety and welfare of the animals and the public, animal waste, debris, noise, odor, and drainage will be kept in accordance with usual and customary health standards associated with the type of animal(s). I understand that I am authorizing the City to inspect my property as needed. I understand that the information on this application may be made available to the public upon request.

I certify that the above information is true and correct to the best of my knowledge.

Date: June 24, 2026

Applicant Signature: Carmen Weirick

FOR OFFICIAL USE ONLY

Application Received date: 07/07/26

Planning Commission Meeting date:

Application Fee (\$20) Received date: 07/13/26

Planning Commission Approval:

Neighbor Notification: 07/22/26

WEIRICK
CUP Application
Planning Com'n

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MEMORANDUM



TO: Planning Commission

DATE: July 27th, 2026

FROM: City Staff

RE: Milestone Automotive Conditional Use Permit

Staff received an application from Kirt Johnson and Carolina Johnson on July 17, 2026, requesting a Conditional Use Permit to operate a used automobile dealership, Milestone Automotive, at 1116 W. 500 South, Suite #10.

The proposed business will maintain an inventory of approximately three to four vehicles. The vehicles will be displayed outdoors within the designated parking area identified on the site plan. Additional parking for employees and customers will be provided in the parking area located immediately south of the building

The applicant has indicated that the business will be limited to vehicle sales only. No vehicle repair, maintenance, detailing, body work, or other automotive service activities will be conducted on the property as part of the operation.

The West Bountiful City Municipal Code, Commercial Highway (C-H) zone, Section 17.34.030 lists *motor vehicle sales and service and outdoor storage of retail vehicle inventory* as a conditional use which may be approved by the planning commission. The Conditional Use ordinance, Section 17.60.040, requires the planning commission to *consider* whether:

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; and
6. 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.

Staff recommends the following conditions be required with granting of this conditional use permit, consistent with similar businesses in the area:

1. Copy of Dealer's license and Proof of Insurance;
2. Fire Inspection approval (has been scheduled);
3. Signage will comply with City Code;
4. Vehicles on display will be operable and in sellable condition;
5. No storage of wrecked, dismantled, or inoperable vehicles;
6. Limit of 4 vehicles on display at a time; and
7. Upon issuance of this Permit and prior to beginning business, a West Bountiful Business license will be acquired.



CONDITIONAL USE PERMIT APPLICATION

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

PROPERTY ADDRESS: 1116 W 500 S suite #10
NAME OF BUSINESS/USE: Carolina Hendrix LLC/DBA: Milestone Automotive
PARCEL NUMBER: 060750108 ZONE: _____ DATE OF APPLICATION: 7/14/2026
Applicant Name: Carolina Johnson Address: _____
Applicant E-mail: _____ Primary Phone: _____
Property Owner, Phone (if different): _____

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

Used car dealership

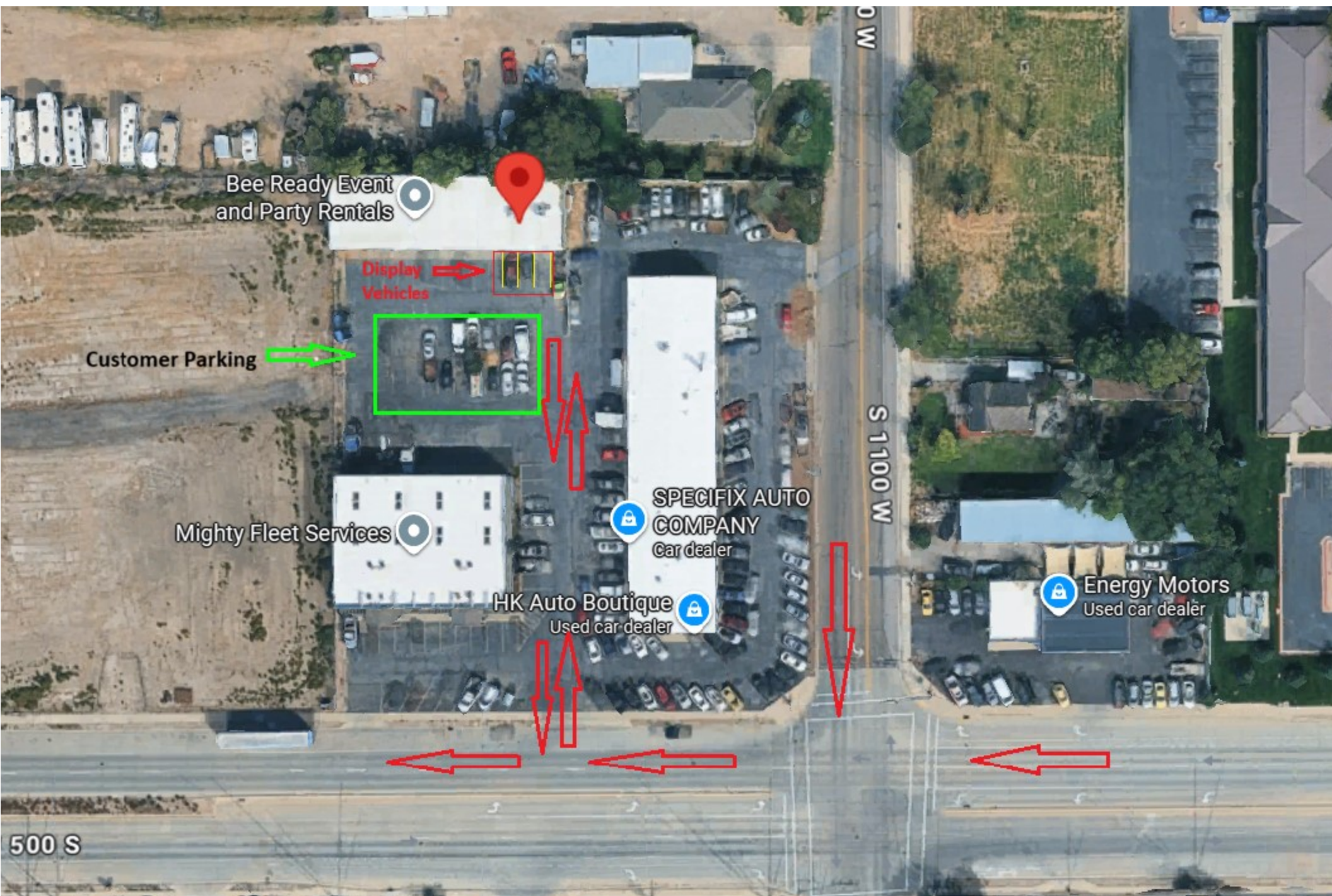
The Applicant(s) hereby acknowledges that they have read and are familiar with applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application 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. I understand the information of this application may be made available to the public upon request.

Date: 7/14/2026 Applicant Signature: _____
Date: 7/15/26 Property Owner (if different): _____

Application Received Date: 7/17/26 FOR OFFICIAL USE ONLY Permit Number: 26-06
Application Fee Received Date: 7/27/26 Fire Inspection Date: _____
Permit Approval: _____ Fire Inspection Approval Date: _____



MEMORANDUM



TO: Mayor and Council

DATE: July 28, 2026

FROM: Staff

RE: Second Review of A-1 District Height Regulations Code

This memo is intended to continue discussion and deliberation regarding a request from the city council to provide new recommendations on the A-1 District's building height regulations.

At the July 28 meeting, the city administrator will provide additional explanation and context regarding the city council's request.

Background

WBMC 17.16.060 regulates the maximum height for main and accessory structures in the A-1 district. Structures have a standard maximum of 35' with allowances of up to an additional 5' depending on the side setbacks. The exception allowing the additional 5' was enacted in 2014.

On April 28th, 2026, Scott Garner submitted a Text Change Application that would reduce the maximum height allowed in the A-1 District from 40' to 35' with no exceptions. His application also included a letter listing additional requested changes for the planning commission to consider.

The planning commission discussed the application on May 12th and 26th with a public hearing being held on the 26th. Following the public hearing, the planning commission forwarded a negative recommendation for the requested code change for the following reasons:

- A belief that a 5-foot increase would not significantly improve privacy.
- Concerns that regulating roof design standards could be prohibited by UCA 10-20-618.
- Concerns that regulating design standards would overstep private property rights.
- Concerns regarding the proposed limitation of a main building to two stories, particularly given West Bountiful's restrictions on basements.

The city council reviewed the application and recommendation from the planning commission on Tuesday, June 2nd, 2026. Following the discussion, the council requested that the planning commission further consider the following items:

- Increasing required combined setbacks in relation to increased building height (WBMC 17.16.060(A)).

- Limiting the height of architectural features such as parapet walls, skylights, towers, and similar elements (WBMC 17.16.060(D)).

Planning Commission Considerations

In considering the city council's request to consider these items, the planning commission may want to consider:

Increasing required combined setbacks in relation to increased building height:

1. Effectiveness in Reducing Visual Impacts
 - a. At what level would increased setbacks help reduce the visual impact or perceived mass of taller structures?
 - b. At what level would increased setbacks better preserve open space and the privacy of neighboring properties?
2. Relationship Between Height and Setbacks
 - a. How can the city justify the level of additional setbacks in relation to each additional foot of building height?
3. Simplicity
 - a. Rather than trying to determine a justification for a relationship between increased height for increased setbacks, would it be more straightforward to stick with a maximum height not based on setbacks?

Limiting the Height of Architectural Features:

1. Purpose of Height Exception
 - a. Why are architectural features allowed to exceed the height limit?
 - b. Are they primarily functional or decorative?
 - c. Should purely decorative features receive the same allowance as functional ones?
2. Neighborhood Character and Impacts
 - a. Do taller architectural features affect the visual character of residential neighborhoods?
 - b. Do taller architectural features affect neighboring properties by blocking views, sunshine, etc.?
 - c. Do homes appear with certain features significantly taller or more imposing than intended?
3. Maximum Height Above Roof
 - a. Would allowing architectural features to extend only a certain number of feet reduce problems in the future?
 - b. Would establishing different limits depending on the type of feature help?

17.16.060 Height Regulations

A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the top back of curb, or crown of the road if there is no curb to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.

1. The height of a main structure, except for non-commercial structures, may be increased to a maximum of forty (40) feet if the structure is set back as shown in the chart below.

Height		Minimum Side Setback	Combined Side Setback
	≤35 ft	10 ft	24 ft
>35 ft	≤36 ft	11 ft	26 ft
>36 ft	≤37 ft	12 ft	28 ft
>37 ft	≤38 ft	13 ft	30 ft
>38 ft	≤39 ft	14 ft	32 ft
>39 ft	≤40 ft	15 ft	34 ft

2. The height of an accessory or non-commercial structure may be increased to a maximum of forty (40) feet if the structure is set back in the rear yard and side yards as shown in the chart below using both measurements.

ACCESSORY STRUCTURE		Measurement 1	Measurement 2
Maximum Height (Roof Peak and/or Wall Height)		Minimum Side/Rear Setback ¹ at Maximum Height of Roof Peak	Minimum Side/Rear Setback ¹ at Maximum Height of Wall
	≤20 ft	6 ft ²	6 ft ²
>21 ft	≤35 ft	10 ft	10 ft
>35 ft	≤36 ft	11 ft	11 ft
>36 ft	≤37 ft	12 ft	12 ft
>37 ft	≤38 ft	13 ft	13 ft
>38 ft	≤39 ft	14 ft	14 ft
>39 ft	≤40 ft	15 ft	15 ft

¹Does not apply to street side yards, which have separate restrictions.

²Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning

commission.

C. Lot-specific height allowance.

1. Specific circumstances. The city engineer may approve additional height of up to four (4) feet for all structures on a lot under the following circumstances:
 - a. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.
 - b. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every thirty (30) feet of additional horizontal setback.
 - c. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
 - d. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every fifty (50) feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
 - e. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
2. Good cause. Where there are unexpected existing site conditions other than as described in this section, and for good cause shown, the city engineer may approve additional height, but only to the extent necessary to mitigate such site conditions.

D. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space, and such increased height to all other provisions of the municipal code.

E. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 414-19 on 3/11/2019

Amended by Ord. 427-20 on 6/8/2020

Amended by Ord. 441-21 on 5/4/2021

Amended by Ord. 451-22 on 4/8/2022

Amended by Ord. 473-23 on 7/18/2023

MAXIMUM HEIGHTS IN NEARBY CITIES

- Centerville – 35' Maximum main structure height but can request an additional 10% by way of a Conditional Use Permit making the maximum height 38.5'.
- Bountiful – 35' Maximum Main Structure Height in all residential zones.
- North Salt Lake – 35' Maximum Main Structure Height in all residential zones.
- Farmington – 27' Maximum Main Structure Height unless a special exception is found in all residential zones.
- Woods Cross – 35' Maximum Main Structure Height in residential and agricultural zones.
- West Point – 38' Maximum Main Structure Height in residential zones.



MEMORANDUM

TO: Planning Commission

DATE: July 28, 2026

FROM: City Staff

RE: **Planning Commission Discussion – Detached Accessory Dwelling Units**

The purpose of this memo is to continue the planning commission discussion regarding Detached Accessory Dwelling Units (DADUs) in West Bountiful City.

Background

Recently changes to the Utah State Code require municipalities to adopt regulations by October 1, 2026, that permit Detached Accessory Dwelling Units (DADUs) on lots or parcels that are at least 11,000 square feet in size and contain an existing single-family dwelling.

The planning commission has discussed DADUs during two meetings. (May 12th, 26th, July 14th). The attached matrix continues to be updated based on these discussions to help facilitate thoughts on specific regulations and to document the direction provided.

Items for Continued Deliberation

Staff recommends that the planning commission continue deliberation on the following policy items:

1. **Conversion of Existing Structures:** The new state law reads:
 - “A land use regulation described in Subsection (1) shall:
 - (A) require that a detached accessory dwelling unit comply with all applicable building, health, and fire codes; and
 - (B) include a process for the owner of a legally constructed accessory structure to convert the accessory structure to a detached accessory dwelling unit subject to applicable:
 - (i) dwelling and accessory structure setback requirements; and
 - (ii) building, health, and fire codes

There are two broad ways that the city may implement this requirement:

- A. Require existing structures to meet the setback standards adopted for all DADUs. For example, an existing legal accessory structure may have a setback of 3', but if the city's new regulation says that all DADUs (new and conversions) must have a setback of 7', then that existing structure would be ineligible.
 1. An example of this kind of language is found in the code from Murray City:
 - i. “Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements set forth herein.”

2. Staff views this as a straightforward and justifiable approach.
- B. Require existing structures to meet setback requirements set specifically for existing legal accessory structures.
 1. An example of this kind of language comes from a new DADU code adopted by Lehi City. Their standard setbacks for a DADU are 5' to 10' depending on the placement of windows, but certain existing structures already constructed with windows may be converted if they meet a setback of 5'.
 2. Staff recommend that the city be extremely careful setting different standards for new DADUs and the conversion of existing structures. For example, if the city wants a side yard setback of 10'-14' to protect privacy, it would be hard to justify why that would be different for an existing accessory structure.

2. **Setbacks.** Staff are concerned about the impact of a rear set back of 30' (and to a lesser extent, side yard setbacks of 10'-14'). This requirement would severely limit the number of properties that could feasibly construct a DADU, such that this requirement may be interpreted to go against the legislative intent of the state code. It appears rare to find implemented DADU codes that require DADUs to meet the exact same setback requirements as the primary structure.

Staff also wants to note that setbacks for DADUs can take into account proximity to other structures, massing, and window size, height and orientation. For example, a side yard setback may be 5' if there are no windows on that side of the building, or 10' if there are windows.

Staff recommend that the planning commission discuss deliberate this issue once more to ensure the policy justification is clear.

Summary of Work to Date

Based on the Commission's previous discussions, staff has summarized the general direction provided so far regarding DADU standards in West Bountiful City (also, see attached Matrix):

- **Minimum Lot Size:** The general consensus of the commission was to allow DADUs on lots of at least 10,000 square feet. Several commissioners expressed that they did not understand the state's justification for the 11,000 square foot minimum.
- **Parking:** The commission generally favored requiring one additional off-street parking space for each ADU.
- **Maximum Size:** Rather than establishing a maximum square footage for DADUs, the commission favored regulating size based on already existing maximum lot coverage requirements.
- **Minimum Size:** No requirement.
- **Setbacks:** The same as a primary residential structure (side 10'/14', rear 30')
- **Building Height:** Set the maximum height as anything lower than the primary structure that still meets accessory building height standards.
- **Lot Coverage:** The Commission discussed keeping the maximum lot coverage at 35%, which is consistent with the current standard for accessory structures.
- **Number of ADUs:** The Commission discussed allowing one ADU (attached or detached) per lot.
- **Owner Occupancy:** The Commission discussed requiring the owner to live in either the primary home or the DADU.
- **Short Term Rentals:** Prohibit DADUs from being used as Short Term Rentals (STR), at least until the city reviews its overall STR regulations.

Following the July 14th meeting, staff will report to the city council on the preliminary work done and begin drafting code.

DADU Regulation Matrix

City	Min. Lot Size	Parking Requirement >650 sq ft	Parking Requirement <650 sq ft	Parking Requirement (pre UCA 10-21-304)	Min. Size	Max. Size	Height	Lot Coverage	Rear Setback	Side Setback	Other Structure Setback	Front Yard/Street Side Yard	STR	# ADUs	Owner Occupancy	Setback Standards
Bountiful	8,000 Sq Ft	1 additional	1 additional	1 Additional	350 Sq Ft	1,250 Sq Ft	20'	10%	3'	3	5'	25', 20'	No	1	Yes	Accessory Structure Setbacks
North Salt Lake	Single Family Zone, but may not cover more than 25% of rear yard.	1 Additional	2 Additional	2 Additional	300 Sq Ft	1200 sq ft	20'	25%	10ft, under certain circumstances 5ft	8'	NA	30"	Yes	1	Yes	Side - Must meet primary dwelling setbacks. Rear - 10ft unless no windows, doors, or other openings are adjacent to property line, in which case setback is 5 ft.
Farmington	10,000 Sq Ft	1 Additional	1 Additional	1 Additional	Subordinate or equal to primary dwelling.	Subordinate or equal to primary dwelling.	15'	25%	5'	5'	NA	25', 20'	No	1	Yes	Accessory Structure Setbacks
West Point	10,000 Sq Ft	1 Additional	2 Additional	2 Additional	N/A	650 Sq Ft on lots less than 12,000 Sq Ft. 800 Sq Ft on Lots greater than 12,000 Sq Ft.	No taller than primary dwelling	NA	10'	10'	NA	30' 10'	No	1	Yes	Side - 10' Rear - 10'
West Haven	May not cover more than 25% of rear yard.	1 Additional	2 Additional	2 Additional	300 Sq Ft	1200 Sq Ft	35'	25%	20ft, under certain circumstances 15ft	5'	NA	5'	Yes	1	Yes	Side - Must meet primary dwelling setbacks. Rear - 20ft unless no windows, doors, or other openings are adjacent to property line, in which case setback is 15 ft.
WEST BOUNTIFUL	10,000 Sq Ft	1 Additional	1 additional	1 additional	No Minimum Size	Must not exceed maximum percentage	No taller than maximum height of a home.	35%	30'	10', 14'	NA	30', 20'	No	1	Yes	Front, side and rear, must meet primary dwelling setbacks.
GOAL/JUSTIFICATION	Believe that the states requirement of 11,000 is arbitrary and would eliminate many individuals in the R-1-10 zone.	Current code requires 1 additional space and is sufficient.	Current code requires 1 additional space and is sufficient.	Current code requires 1 additional space and is sufficient.	Current WBMC requires ADUs to have bathroom, kitchen and living area.	Will be limited by allowed lot coverage percentage	Current height standard should apply to all dwellings.	Currently allowed for accessory structures	Restrictive, but allows residents to build if they have ample space.	Restrictive, but allows residents to build if they have ample space.	Current code does not require accessory structures to be a certain distance away from other accessory structures.	Restrictive, but allows residents to build if they have ample space.	No, current code does not allow for STRs. Maybe in the future.	Do not want multiple units being rented out on property.	Current WBMC Regulation	Restrictive, but allows residents to build if they have ample space.

MEMORANDUM



TO: Planning Commission

DATE: July 23, 2026

FROM: Kris Nilsen, City Engineer

**RE: Preliminary Plat - Mountain Shadow Ranch Subdivision
(previously in 2022 A.K.A. Olsen Farms Estate Subdivision Plat 8)**

Chree Martin has applied for a four (4) lot subdivision located on Olsen Way near the intersection with Meadowland Circle (1665 N). The property has frontage on Olsen Way to the east and to the north on Olsen Farm Drive (1850 N). The property is within the R-1-10 zone and consists of 1.77 acres. The lots each meet the required R-1-10 zoning requirement for size (10,000 sf). Lot 801 frontage needs to be adjusted to meet the minimum of 85 feet of frontage at the front setback, the other three lots meet the requirement of 85 feet of width at the front setback.

Staff have reviewed the Preliminary Plat submittal and provide the following review comments that need to be addressed. Also provided is the Preliminary Plat Checklist from WBMC 16.16.020 for reference.

City Staff Review Comments

Title Report

1. No comments

Preliminary Plat (Plat)

1. Lot 801 frontage is short of the minimum 85 feet at the 30-foot front setback.
 - a. I measure 83.33feet (along arc length).
 - b. The width needs to be adjusted to a minimum of 85 feet.
2. The seconds (") for the chord bearing (boundary radius chord bearing) show 57" in the written boundary description and 58" in the curve table.
 - a. Adjust as needed to match
3. The 30 feet rear setback should be shown on the rear Lot line of Lot 804 with bearing N 35°05'17" E and length 99.50'.
4. At the end of Note 7 there is an open parenthesis, but the close parenthesis is missing after "TRANSMISSION LINES FROM SEWERS."
5. All interior Lot PUE & DE shall be 10 feet in Width.
 - a. A few are currently shown as 7 feet in width and need to be changed to 10 feet width.
6. Add a note requiring a minimum finish floor elevations to the plat.
 - a. Note" ALL FINISH FLOOR ELEVATIONS OF THE STRUCTURES ON THE LOTS WITHIN THIS SUBDIVISION ARE REQUIRED TO BE A MINIMUM OF 2 FEET (24 INCHES) ABOVE THE HIGHEST POINT ON THE EXISTING TOP BACK OF CURB ALONG THE FRONTAGE OF THE LOT ON THE PUBLIC STREET EXCEPT WHERE OTHERWISE APPROVED BY THE CITY ENGINEER.
7. Add Lot addresses to the plat. Assign addresses as,
 - a. Lot 801 1685 N Olsen Way
 - b. Lot 802 1695 N Olsen Way
 - c. Lot 803 1755 N Olsen Way
 - d. Lot 804 1017 W 1850 N

Preliminary Plat (Construction Drawing)

1. Meet with Rocky Mountain Power to determine if the new power supply will be overhead or underground for the four new Lots
 - a. Indicate how the existing overhead power will be affected.
2. Meet with Enbridge Gas to determine new gas services
 - a. Show existing gas main location and new gas services
 - i. Will the public street need to be cut to provide gas services?
3. Field verify now (at this time) the existing culinary water and sanitary sewer laterals for Lots 802 and 803 to determine if the asphalt, curb or sidewalk will need to be cut and repaired to install new laterals, how many, if any.
4. South Davis Sewer District (SDSD).
 - a. Provide updated approval letter or correspondence from SDSD for the following,
 - i. Driveway (hard surface) proposed crossing of the existing SDSD easement on Lot 804.
 - ii. If the Proposed buildable area location is to be directly adjacent to the existing SDSD easement on Lot 804.
5. Natural Gas (Dominion Energy).
 - b. Provide approval letter or correspondence from the Natural Gas Easement Owner for the following,
 - i. Service laterals proposed to cross the existing 40 feet wide gas easement on Lot 804.
 - ii. Driveway (hard surface) proposed crossing of the existing 40 feet wide gas easement on Lot 804.
 - iii. Proposed buildable area being near (or adjacent) to the existing 40 feet wide gas easement on Lot 804.
6. Add note indicating removal of the existing secondary water hose bib valve located in the north corner of Lot 803.
 - c. It appears to be a hose bib valve coming from the existing Lot 405 to north in Olsen Farm Estates Subdivision Plat 4
7. Label the width of the PUE/DE on the existing storm drainpipe and inlet box on the south side of Lot 802.
8. Provide SWPPP sheet and/or plan
9. Add two streetlights (discuss with planning commission)
 - a. One streetlight at the NW corner of Lot 804 (existing gap on 1850 N is 420 feet between existing streetlights, 350 feet is maximum gap in WBC construction standards).
 - b. One streetlight at the NE corner of Lot 802 (existing gap on Olsen Way is 435 feet between existing streetlights, 350 feet is maximum gap in WBC construction standards).
10. Contact the Post Office to determine if a group mailbox will be required.
 - a. If a group mailbox is required (or proposed) place one of the streetlights and the group mailbox together.

Preliminary Plat (Grading and Drainage Plan and Calculations)

11. Show the overflow path for the retention ponds, in the case of a very large storm water surface runoff event.
 - a. Overflow should go to a public street, public conveyance or public drainage easement
 - b. Drainage cannot go onto adjacent private property unless an agreement or easement is existing.
 - i. It appears the only side that does not have an adjacent PUE for drainage is the west side of the project. The Christensen property (06-011-0145) does not have a PUE.

Preliminary Plat Review Checklist (WBMC 16.16.020)

Purpose The purpose of the preliminary plat is to require formal preliminary approval of a subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. Approval of the preliminary plat by the planning commission does not constitute final acceptance of the subdivision but is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required and preparation of the final plat.

- A. The preliminary plat shall be drawn to a scale not smaller than 100 feet to the inch and shall include following information.
1. The proposed name of the subdivision;
 2. The location of the subdivision as it forms part of a larger tract or parcel, including a sketch of the future street system of the unplatted portion of the property;
 3. A vicinity map of the proposed subdivision, drawn at a scale of 500 ft. to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets;
 4. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
 5. A contour map drawn at intervals of at least one foot, showing all topographic features with verification by a qualified engineer or land surveyor;
 6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a Utah registered land surveyor;
 7. The boundary lines of the tract to be subdivided, with all dimensions shown;
 8. Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within 100 feet;
 9. The location, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces and lots showing the size of each lot in square footage and properly labeling spaces to be dedicated to the public;
 10. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 100 ft. of the boundary, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography;
 11. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale.
 12. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within 200 ft., and all known wells or springs as well as the location of any 100 year flood plains as determined by FEMA;
 13. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants;
 14. Boundary lines of adjacent tracts of unsubdivided land within 100 ft. of the tract proposed for subdivision, showing ownership and property monuments;
 15. Verification as to the accuracy of the plat;
 16. Each sheet of the set shall also contain the name of the project, scale (not less than 100 ft. to the inch, except vicinity map), sheet number, and north arrow.
- B. In addition to the foregoing plat, the subdivider shall provide the following documents:
1. A storm water plan in accordance with 16.28.060 Hydrology Report;
 2. A plan for providing street lighting in the subdivision in compliance with the city's design standards;
 3. Copies of any agreements with adjacent property owners relevant to the proposed subdivision;
 4. A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations in accordance with the city's design standards;
 5. A copy of a preliminary title report evidencing satisfactory proof of ownership;

6. Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements have been reviewed by the utility companies;
7. A Davis County development and construction permit, if the proposed project is located within 100 ft. of a critical flood area as defined by Davis County;
8. Copies of proposed protective covenants in all cases when subsurface drains are to be located within the subdivision;
9. When the subdivider is not an individual corporation or registered partnership, a notarized statement bearing the signatures of all owners of record of the property to be subdivided which designates a single individual who shall act for and on behalf of the group in all appearances before public bodies, agencies or representatives necessary to execute the purpose of subdividing the property; and
10. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the preliminary plat a preliminary copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain and pay taxes on such lands and common areas.
11. The subdivider shall also comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the city.

Recommendation by City Engineer:

After review of the submitted Preliminary Plat package, approval by the Planning Commission should be subject to the following conditions:

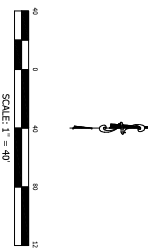
1. All Planning Commission comments shall be addressed.
2. All City staff review comments shall be addressed.

PRELIMINARY PLAT

WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH
MAY 2025

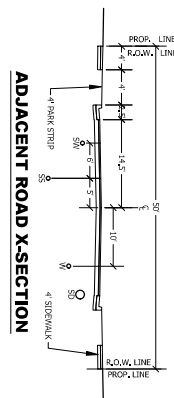
MAY 2026

PRELIMINARY PLAT



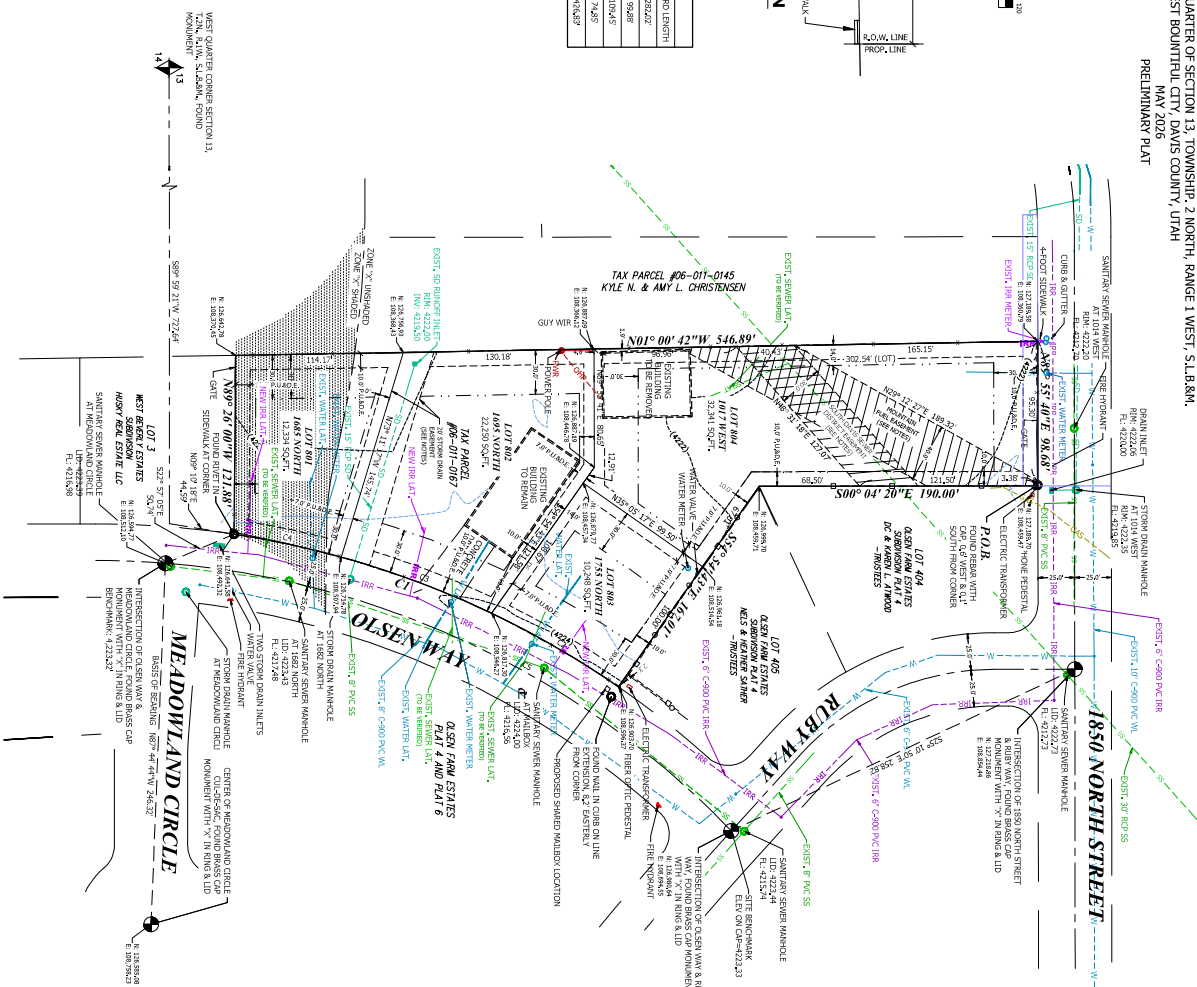
LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY
- ROAD CENTERLINE
- SECTION LINE
- TELEPHONE
- TO MONUMENT
- IRON CORNER LINE
- MINOR CORNER LINE
- C&G GATES, SPURK&K
- CHAIN LINK FENCE LINE
- WOODWAY FENCE LINE
- FIELD FENCE LINE
- BURIED SOIL LINE
- ONCE OWNED
- SANITARY SEWER
- RECORD PLAT ()
- SEE SURVEY FOR
- TENTATIVE C&G AT CORNER
- FORMAL OWNERS AGREE
- FOUND PROPERTY MARKER
- UNKNOWN



CLARK TABLE				
CLIVE #	RADIUS	LENGTH	DELTA	CHORD BEARING
C1	625.00	298.47	026 04 43	S21 38 58 W
C2	625.00	99.89	009 09 59	S20 46 20 W
C3	625.00	108.99	010 02 44	S22 39 57 W
C4	625.00	74.89	007 51 56	S12 02 35 W
C5	600.00	436.39	041 40 18	S28 18 22 W

CONTAINS 1,772 ACRES

[illegible]

CHIEF: CHREB & STEVEN / MARTIN
 CONTACT: CHREB OR STEVEN
 PHONE # (801) 596-7103, (801) 718-587
 ADDRESS: 650 WEST LEWIS & CLARK
 DR., CENTERVILLE UT 84015
 EMAIL: office@chreba2000@yahoo.com

SHEET 1 OF 1

1014 WEST PAGES LANE
TAX PARCEL #06-011-0167
LOCATED IN THE NW 1/4 OF SECTION 13, T.2N., R.1W., S.L.B.&M.
WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH

**PRELIMINARY
NOT FOR
CONSTRUCTION**



1470 South 600 West
Woods Cross, UT 84010
Phone 801.298.2236
www.Entellus.com

V210

Preliminary Plans

-

DRAINAGE CALCULATIONS LOT 802

Pre-Development Area Analysis				Post-Development Area Analysis			
	SEI	Area	C		SEI	Area	C
Building	0	0.00	0.85	Building	0	0.00	0.85
Infrastructure	0	0.00	0.85	Infrastructure	0	0.00	0.85
Open Space	12,533	0.86	0.15	Open Space	22,250	0.51	0.15
Total	12,533	0.86	0.15	Total	22,250	0.51	0.15
Pre-Development Area Analysis				Post-Development Area Analysis			
	SEI	Area	C		SEI	Area	C
Building	0	0.00	0.85	Building	0	0.00	0.85
Infrastructure	0	0.00	0.85	Infrastructure	0	0.00	0.85
Open Space	12,533	0.86	0.15	Open Space	22,250	0.51	0.15
Total	12,533	0.86	0.15	Total	22,250	0.51	0.15

Latitude: 40.9088 Degree	Longitude: -111.9084 Degree
Variable Runoff	0.01 cfs/acre

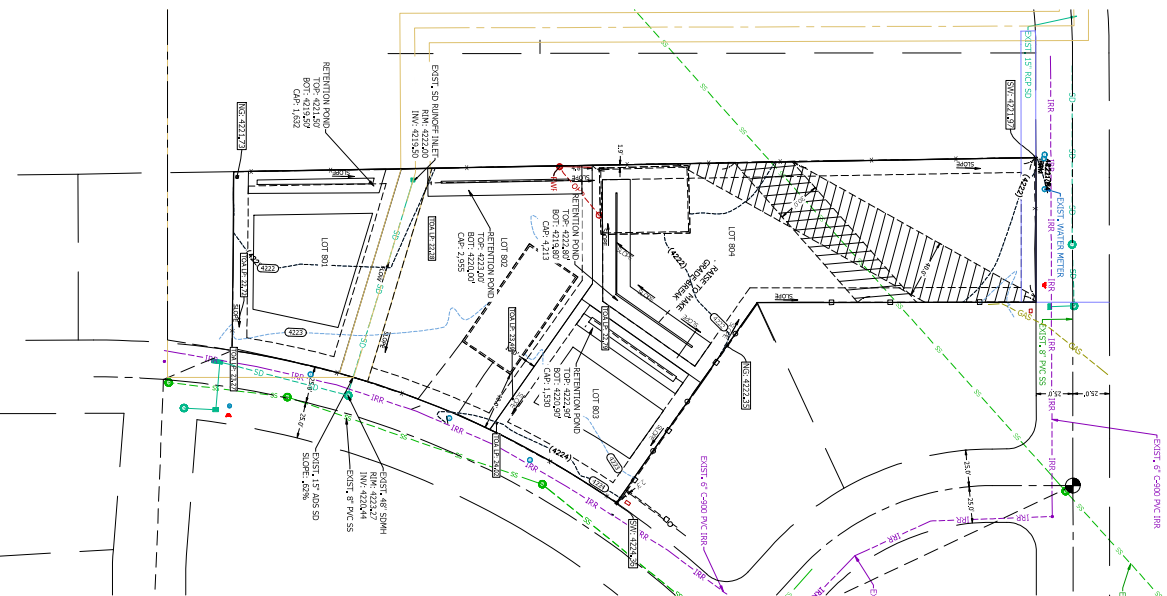
Time (ms)	In/Hr	Round		Storage	Time (ms)	In/Hr	Round		Storage
		rt	ft				rt	ft	
10	4,500	525	2	32	10	4,500	197	3	94
15	4,500	600	3	49	15	4,500	182	5	116
20	1,700	1,025	20	10	20	1,700	1,953	18	37
60	1,700	1,025	20	10	60	1,700	2,507	37	2,170
130	1,700	1,025	20	10	130	1,700	2,507	37	2,170
300	0.937	1,381	1	1,390	300	0.937	2,465	211	2,466
720	0.230	1,165	122	1,162	720	0.231	2,913	212	2,692
1440	0.124	3,165	3	1,440	1440	0.124	3,019	211	2,842
Required resources					Required resources				
4.975					4.942				

DRAINAGE CALCULATIONS LOT 804

Pre-Development Area Analysis				Post-Development Area Analysis			
	SETL	Agres	C		SETL	Agres	C
Buildings	0	0.00	0.65	Buildings	0	0.00	0.65
Highways	0	0.00	0.00	Highways	0	0.00	0.00
Articulated	10.2488	0.24	0.15	Articulated	32.3480	0.74	0.15
Total	10.2488	0.24	0.15	Total	32.3480	0.74	0.15
Pre-Development Area Analysis				Post-Development Area Analysis			
	SETL	Agres	C		SETL	Agres	C
Buildings	0	0.00	0.65	Buildings	0	0.00	0.65
Highways	0	0.00	0.00	Highways	0	0.00	0.00
Articulated	3.2247	0.09	0.15	Articulated	12.966	0.30	0.15
Total	3.2247	0.09	0.15	Total	12.966	0.30	0.15

A Precipitation Frequency Data Server
 40.9068 Degrees
 -111.9084 Degrees

Time	I/Os	Read/ Write	Adaptive	Storage	Time	I/Os	Read/ Write	Adaptive	Storage
10	5,150	6,079	290	401	10	5,150	1,305	4	902
10	5,150	6,079	4	41	10	5,150	1,305	4	902
30	2,860	716	4	803	30	2,860	2,253	13	2,280
30	2,860	716	4	803	30	2,860	2,253	13	2,280
180	1,091	1,091	75	180	180	3,244	80	3,244	80
360	0.971	1,146	51	1,095	360	2,570	3,409	3,409	3,409
720	0.971	1,146	51	1,095	720	4,772	611	4,772	611
1440	0.971	1,146	51	1,095	1440	4,772	611	4,772	611
1.239					4.131				



1014 WEST PAGES LANE
TAX PARCEL #06-011-0167
LIES IN THE NW 1/4 OF SECTION 13, T.2N., R.1W., S.1B.&M.
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[illegible]

MEMORANDUM



TO: Planning Commission

DATE: July 28, 2026

FROM: City Staff

RE: **West Bountiful Land Use Appeal Authority Discussion**

The purpose of this memo is to initiate planning commission discussion regarding needed revisions to West Bountiful City's land use appeal authority provisions in response to recent changes to Utah State Code.

Background

The West Bountiful City Council has served as the land use appeal authority for many years. Current code regarding this role can be found in WBMC 17.08.120 and WBMC 17.08.120

See the attached "Role of An Appeal Authority" created by the Land Use Academy of Utah for more information on what the appeal authority does.

Per 2026's SB 284, most municipalities may no longer designate the city council as the appeal authority for land use decisions. Instead, cities are required to establish one or more independent appeal authorities to hear:

- Requests for variances from land use ordinances;
- Appeals from land use decisions applying a land use ordinance; and
- Appeals from certain land use fees.

City Council Discussion

At the city council meeting held on July 21st, 2026, the council held an initial discussion regarding a new appeal authority approach.

During the discussion, council members expressed interest in:

1. Utilizing a hearing officer.
2. Ensuring that the hearing officer be qualified in terms of due process, conflict of interest, writing decisions, and Utah land use law.
3. Appointing a small pool of qualified hearing officers (approximately three), allowing an appellant to select from the available hearing officers when an appeal is filed. Council members felt this approach could provide greater flexibility while ensuring impartiality throughout the appeal process.
4. Potentially requiring that hearing officers live outside of city limits

Planning Commission Discussion

Staff have attached Section 10-2-2 of the North Salt Lake City Code as an example of how another municipality has established a hearing officer as its appeal authority. As the planning commission reviews the example and the topic, commissioners may wish to consider the following:

- Should city code be specific regarding elements such as number, qualifications, or term of hearing officers, or should that be left broad and to the discretion of appointment by the Mayor/City Council?
- If multiple hearing officers are appointed, what process should be used to assign or select the hearing officer for a particular appeal?
- Are there procedural provisions specific to a hearing officer from the North Salt Lake Ordinance that the commission believes would work well for West Bountiful?

Next Steps

Staff are requesting that the planning commission discuss potential appeal authority structures. Staff will use the commission's comments to prepare draft ordinance language for future review and public hearing. It should be noted that the new state law when into effect as of July 1, so it is important to expedite this process.

The Role of an Appeal Authority

First and foremost, an appeal authority serves as the final arbiter of issues involving the interpretation or application of land use ordinances. [10-9a-701\(1\)\(b\)](#); [701\(3\)\(a\)\(ii\)](#). Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority. [10-9a-707\(6\)](#).

An appeal authority is also designated by state law as the entity that is to hear variance requests. [10-9a-701\(1\)\(a\)](#). More about that later.

A newer assignment for an appeal authority is to hear appeals from the assessment of certain fees for reviewing development plans, processing land use applications, and hooking up utility systems. [10-9a-701\(1\)\(c\)](#) and [10-9a-510](#). Someone who disagrees with what they were charged is now clearly entitled to file an appeal and challenge the fees before the appeal authority. Fees charged by municipalities are subject to this appeal. [10-9a-510](#). Also, fees charged by non-municipal culinary or secondary water providers can be brought to the appeal authority to justify the fees assessed for hookup charges and other fees. [10-9a-510\(7\)](#). The fees can reflect only the reasonable estimated cost of regulation, processing an application, issuing a permit, or delivering the service for which the owner paid the fee. [10-9a-510\(5\)\(c\)](#).

An appellant cannot be required to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of exhausting administrative remedies. [10-9a-701\(4\)\(d\)](#).

This summary is part of the Utah Land Use Library, prepared by the Utah Land Use Institute and associated with the Land Use Academy of Utah. The Office of the Property Rights Ombudsman has provided funding for this training program from the 1% surcharge on all building permits in the State of Utah.

Land use law is evolving. Please verify that no more recent legislation or court opinions have modified the legal conclusions described here. The ULUI compilations, narratives and summaries aim to provide useful information. This should not be confused with legal advice. While the editors endeavor to have the information in this material be accurate and complete, neither the ULUI nor its editors and authors warrant that the information is complete or accurate and disclaim all liability to any person for any loss caused by errors or omissions in this collection of information. Comments and suggestions are welcome. Please contact us at library@utahlanduse.org.

10-2-2: HEARING OFFICER:

A. Created And Appointment:

1. Pursuant to Utah Code 10-20-1101 the City hereby establishes an Appeal Authority consisting of a Hearing Officer to:
 - a. Hear and decide requests for variances from the terms of the land use ordinance;
 - b. Hear and decide appeals from decisions applying the land use ordinance;
 - c. Hear and decide appeals from a fee charged in accordance with State Code section 10-20-904.
2. The Hearing Officer shall be appointed or removed by the Mayor with the advice and consent of the City Council.

B. Organization And Procedures:

1. All hearings of the Hearing Officer shall be open to the public.
2. The Hearing Officer shall keep minutes of its proceedings, and
3. The Hearing Officer may, but is not required to, have its proceedings contemporaneously transcribed by a Court Reporter or a tape recorder.
4. The Hearing Officer shall file its records in the Office of the City Recorder.
5. All records in the Office of the City Recorder are public records.
6. Decisions of the Hearing Officer become effective at the time the decision is filed with the City Recorder, unless a different time is designated by the Hearing Officer.

C. Appeals:

1. The applicant or any other person or entity adversely affected by a decision administering or interpreting a land use ordinance may appeal that decision applying the land use ordinance by alleging that there is error in any order, requirement, decision or determination made by an official in the administration, interpretation or enforcement of the land use ordinance. Any person or any officer, department, board or bureau of the City affected by the grant or refusal of a building permit, or by any other decision of the City's administrative staff in the enforcement and administration of the land use ordinance, may appeal any decision to the Hearing Officer.
2. All appeals must be filed in writing with the office of the City Recorder, within ten (10) calendar days from the date of any written decision is issued by the City or within ten (10) calendar days from when the person knows or reasonably should know of the decision being appealed, whichever is less.
3. The person or entity making the appeal has the burden of proving that an error has been made.
4. Only decisions applying the land use ordinance may be appealed to the Hearing Officer. A person may not appeal, and the Hearing Officer may not consider, any amendments to the land use ordinances.
5. Adversely affected parties that appeal for relief shall be required to present to the Hearing Officer every theory of relief that it can raise in district court.
6. The standard of review of factual matters for the Hearing Officer shall be de novo. The Hearing Officer shall review for correctness a decision of the City's land use authority in its interpretation and application of a land use ordinance.
7. Only those decisions in which the City's land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to the Hearing Officer.
8. Appeals may not be used to waive or modify the terms or requirements of the land use ordinance.

D. Variances:

1. Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that he owns, leases or in which he holds some other beneficial interest, may apply to the Hearing Officer for a variance from the terms of the land use ordinance.
2. The Hearing Officer may grant a variance only if:
 - a. 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;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

e. The spirit of the land use ordinance is observed and substantial justice done.

3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under this subsection, the Hearing Officer may not find an unreasonable hardship unless:

a. The alleged hardship is located on or associated with property for which the variance is sought; and

b. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood;

c. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection D2 of this section or this subsection D3, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

d. In determining whether or not there are special circumstances attached to the property under subsection D2 of this section or this subsection D3, the Hearing Officer may find that special circumstances exist only if the special circumstances:

(1) Relate to the hardship complained of; and

(2) Deprive the property of privileges granted to other properties in the same zone.

4. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

5. Variances run with the land.

6. The Hearing Officer and any other body may not grant a use variance.

7. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:

a. Mitigate any harmful effects of the variance; or

b. Serve the purpose of the standard or requirement that is waived or modified.

E. Appeal Of Hearing Officer Decision To District Court: Any person adversely affected by any decision of a Hearing Officer may petition the district court for a review of the decision within thirty (30) days of said decision. (Ord. 2012-07, 4-30-2012; amd. Ord. 2026-04, 5-19-2026)

**West Bountiful City
Planning Commission Meeting**

June 9, 2026

PENDING – NOT APPROVED

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on June 5, 2026, per state statutory requirement.

Minutes of the Planning Commission of West Bountiful City held on Tuesday, June 9, 2026, at West Bountiful City Hall, Davis County, Utah.

MEMBERS ATTENDING: , Vice Chairman Corey Sweat, Commissioners Dennis Vest, Laura Mitchell, Richmond Thornley (Alternate), and Council member Julie Thompson.

MEMBERS/STAFF EXCUSED: Remington Whiting (Community Development), Chairman Robert Merrick

STAFF ATTENDING: Kris Nilsen (City Engineer) and Debbie McKean (Secretary).

PUBLIC ATTENDING: Alan Malan

**Thought/Invocation by Commissioner Sweat
Pledge of Allegiance- Commissioner Mitchell**

1. Confirm Agenda

Vice Chairman Sweat reviewed the proposed agenda. Laura Mitchell moved to approve the agenda as presented. Richmond Thornley seconded the motion. Voting was unanimous in favor among all members present.

2. Consider 8-foot Fence Request for Enbridge Regulator Station

Planning Commission packet included a memorandum dated June 5, 2026 from staff regarding Consideration of an 8ft Fence at Approximately 562 West 500 South for Enbridge Gas with attached site plans.

Kris Nilsen introduced a request to construct an 8-foot fence around the perimeter of a public structure for Enbridge Gas on the Northeast corner of the 500 South interchange. He noted that Pursuant to WBMC 17.50.040, the maximum height for fences is 6 feet. WBMC 17.50.050 grants the planning commission the ability to extend the height to 8ft: *“The planning commission may approve the erection of a fence to a height greater than six (6) feet within any required rear yard or side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.”*

Mr. Nilsen explained that application was received on May 8, 2026, from Enbridge submitting a request for approval of an 8-foot fence to surround a proposed Gas Regulator Station. The

proposed station would be located on the northeast corner of the 500 South interchange, just west of the gas station.

Action Taken:

Laura Mitchell moved to approve the request for Enbridge to build an 8-foot fence at the Regulator Station located at approximately 562 West 500 South. Dennis Vest seconded the motion and voting was unanimous in favor.

3. Approve Meeting Minutes from May 26, 2026.

Action Taken:

Richmond Thornley moved to approve the minutes from the May 26, 2026 Planning Commission Meeting as presented. Dennis Vest seconded the motion, and voting was unanimous in favor.

4. Staff Reports

a. Engineering (Kris Nilsen)

- Porter Lane asphalt is in place. Still working on shoulder work and utilities.
- 1450 North 700 West still needs asphalt laid.
- 500 South Enbridge project should be completed in 3 to 4 weeks.
- Belmont 2A is close to having final plat approval
- Building Permits remain steady and the checklist Remington put into place is working great.

Councilmember Thompson reported:

- The activities for the 250 Celebration are being worked on. The fire hydrants along the parade route will be decorated.
- She had an interview with the Journal regarding all the plans they have for the 250 Celebration.
- The rear yard set back recommendation from planning commission was approved. City Council will be sending back the height restriction request for further review and recommendations from the council.

Commissioner Vest reported:

- The letter received from Jeanette Ingles is considered a GRAMA request and will be a staff issue. Planning Commission has no need to respond. Dennis will let Jeanette know that.
- Dennis asked if the city has plans to expand the parking lot at the golf course. He reported that at least once a week there are cars lined up and down 1600 North on both sides. Mr. Nilsen responded that there has been discussion on that matter and he will return with an update.

5. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 7:50 pm. Dennis Vest seconded the motion. Voting was unanimous in favor.

.....

The foregoing was approved by the West Bountiful City Planning Commission, by unanimous vote of all members present.

Pending - Not Approved

****The meeting on July 14th, 2026, was held; however, the public was unable to access the meeting due to the building doors being locked from 7:30pm - 7:58pm. Any actions taken during this will be reconsidered at a future meeting.***

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on July 9, 2026, per state statutory requirement.

Minutes of the Planning Commission of West Bountiful City held on Tuesday, July 14, 2026, at West Bountiful City Hall, Davis County, Utah.

MEMBERS ATTENDING: Chairman Robert Merrick, Vice Chairman Corey Sweat, Commissioners Dennis Vest, Laura Mitchell, Richmond Thornley, and Council member Julie Thompson.

MEMBERS/STAFF EXCUSED:

STAFF ATTENDING: Kris Nilsen (City Engineer), Remington Whiting (Community Development), and Debbie McKean (Secretary).

PUBLIC ATTENDING: Alan Malan

Thought/Invocation by Commissioner Mitchell
Pledge of Allegiance- Commissioner Thornley

1. Confirm Agenda

Chairman Merrick reviewed the proposed agenda. Commissioner Sweat moved to approve the agenda as presented. Commissioner Vest seconded the motion. Voting was unanimous in favor among all members present.

2. Second Review of A-1 Height Regulations Code

Planning Commission packet included a memorandum dated July 9, 2026 from staff regarding Second Review of A-1 Height Regulation Code. The memo introduces a request from the city council to provide new recommendations on the A-1 District's building height regulations.

On April 28th, 2026, Scott Garner submitted a Text Change Application that would reduce the maximum height allowed in the A-1 District from 40' to 35' with no exceptions. His application also included a letter listing additional requested changes for the planning commission to consider.

The planning commission discussed the application received from Scott Garner on April 28th at the May 12th and 26th with a public hearing being held on the 26th. Following the public

hearing, the planning commission forwarded a negative recommendation for the requested code change.

City Council returned the request back to the Planning Commission for further review to consider the following options:

- Increasing required combined setbacks in relation to increased building height (WBMC 17.16.060(A)).
- Limiting the height of architectural features such as parapet walls, skylights, towers, and similar elements (WBMC 17.16.060(D)).

Commissioners thoroughly discussed the reasons behind the request and the various effects it would have throughout the city if the code change was made. After much discussion and consideration of the request, it was determined by the Commission with the support of Councilmember Thompson to deny the request. Determining that none of the issues would be solved by requested changes to the code. Commissioners concluded that this issue is not a city issue and that the responsibility to oversee this is with the HOA.

Action Taken:

Corey Sweat moved to deny the code change request after the second review and send it back to City Council with no recommended changes and with further recommendation to let the HOA handle the situation. Dennis Vest seconded the motion and voting was unanimous in favor.

3. Detached Accessory Dwelling Units Discussion

Commissioners received a memorandum from Staff dated July 9, 2026 regarding Detached Accessory Dwelling Units (DADU's) in West Bountiful City with attached matrix.

Due to recent changes to the Utah State Code require municipalities to adopt regulations by October 1, 2026, that permit Detached Accessory Dwelling Units (DADUs) on lots or parcels that:

- Are at least 11,000 square feet in size; and
- Contain an existing single-family dwelling.

The planning commission has discussed DADUs during two meetings. (May 12th and 26th). A matrix was provided and will continue to be updated based on these discussions to help facilitate thoughts on specific regulations and to document the direction provided.

Remington Whiting displayed the matrix that summarized the general direction provided so far regarding DADU standards in West Bountiful City:

The commission reviewed and discussed the following:

- **Minimum Lot Size:** The general consensus of the commission was to allow DADUs on lots of at least 10,000 square feet. Several commissioners expressed that they did not understand the state's justification for the 11,000 square foot minimum.

Recommendation: Allow the 10,000 square feet lot size to be the standard requirement to allow DADU's.

- **Parking:** The commission generally favored requiring one additional off-street parking space for each ADU.

Recommendation: At least one additional off-street parking space for each ADU/DADU with a possible additional requirement depending on the size of the DADU.

- **Maximum Size:** Rather than establishing a maximum square footage for DADUs, the commission favored regulating size based on already existing maximum lot coverage requirements.

Recommendation: Dwelling needs to include a kitchen, bathroom, and living area with no minimum requirement. Must not exceed 35% of the size of the rear yard adhering to already existing maximum lot coverage requirements. Further discussion needs to take place regarding if the DADU would be built in front of the existing home.

- **Lot Coverage:** The Commission discussed keeping the maximum lot coverage at 35%, which is consistent with the current standard for accessory structures.

Recommendation: Keep the maximum lot coverage at 35% which is consistent to the current standard for accessory structures.

- **Number of ADUs:** The Commission discussed allowing one ADU (attached or detached) per lot.

Recommendation: Only allow one ADU or DADU per lot. May not have both.

- **Owner Occupancy:** The Commission discussed requiring the owner to live in either the primary home or the DADU.

Recommendation: Owner must live in either the primary home or the DADU/ADU.

These additional items were discussed by the Commission:

Minimum DADU size- Commission's recommendation was to let each property owner determine what would work best on their lot in keeping with city codes.

Maximum building height/setbacks (rear, side, front/street-side, and separation from other structures). Commissioners determined that the current code regulations should be adhered to when building a DADU.

Short-term rental (STR) regulations- This item still needs to be discussed. Commissioners would like to place a moratorium on STR's until the DADU are in code. Commissioners desired further discussion with the City Council on this item.

Other items for consideration and discussion are to address already existing ADU's that could be turned into a DADU.

What is the Goal of the City in regards to allowing DADU's? Should we be more or less restrictive to control density. Is density a concern? Commission Thompson there needs to be an understanding of the statute before making any permanent decisions. All DADU's must be permanent structures- no trailers.

4. Approve Meeting Minutes from June 9, 2026.

Action Taken:

Corey Sweat moved to approve the minutes from the June 9, 2026 Planning Commission Meeting as corrected. Laura Mitchell seconded the motion, and voting was unanimous in favor.

5. Staff Reports

a. Engineering (Kris Nilsen)

- Upcoming projects include Olsen Farms Phase 8 with 4 lots and Bruhn 3 lot subdivision on Pages Lane.
- City is finishing up all outstanding projects.
- Road sealing will be taking place soon
- Kris will have an updated report on Enbridge at the next meeting

b. Community Development (Remington Whiting)

- Continue to work on the ADU discussion
- A Farm Animal Conditional Use Permit will be on the next agenda
- WinCo has applied for a Conditional Use Permit to occupy the old At Home building.
- City received an unpermitted use application
- City receiving responses to Building Permit notes that were sent out
- A new building permit has been received in the Highgate area
- Continuing to address code enforcements involving weed issues and dead vegetation.
- Working on a Checklist for Land Use application.
- Working on Appeal Authority process

Councilmember Thompson reported that her, Commissioner Vest and Councilmember Butterfield attended a Lifetime Open House and that they were very complimentary toward working with Staff and Commission.

She is keeping an open mind concerning the west side development and appreciated Commissioner Vest's response to a letter received from a citizen. She looks forward to reviewing citizen's comments and further discussion with the council and commission.

6. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:03 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission, by unanimous vote of all members present.