

Mayor
Kenneth Romney

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

City Recorder
Remington Whiting

**City Council
Representative**
Julie Thompson

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Robert Merrick

Vice Chairman
Corey Sweat

Commissioners
Laura Mitchell
Richmond Thornley
Dennis Vest

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR
MEETING AT 7:30 PM ON TUESDAY, AUGUST 25TH, 2026, AT THE CITY OFFICES**

Invocation/Thought – Commissioner Merrick

Pledge of Allegiance – Commissioner Vest

1. Confirm Agenda
2. Public Hearing – A-1 Height Regulations Code Change.
3. Consider Recommendation for A-1 Height Regulations Code Change.
4. Detached Accessory Dwelling Units Discussion.
5. Appeal Authority Discussion.
6. Approve Meeting Minutes from August 11th, 2026.
7. Staff Reports.
8. 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 August 21st, 2026, by Remington Whiting, City Recorder.*

MEMORANDUM



TO: Planning Commission

DATE: August 21st, 2026

FROM: Staff

RE: A-1 Height Regulations Discussion

This memo introduces proposed code amendments related to height regulations in the A-1 and other residential districts that have been discussed previously by the City Council and Planning Commission.

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.

Additionally, WBMC 17.16.060.D (and similar sections in other zones), list broad exceptions to height limitations, with no maximum height set.

Following a request from the City Council, the Planning Commission researched combined side yard setback requirements and limitations on certain structural features. On August 11, 2026, the Planning Commission directed staff to draft amendments addressing increased side yard setbacks for structures greater than 35', as well as limitations on the height exceptions applicable to certain structural features in all residential zones.

Height Exceptions

The land use code currently provides height exceptions in all residential zones for certain structural features. These exceptions do not include a maximum height limitation. The code reads as follows:

"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."

The Planning Commission directed staff to remove structures from the exception list that would not be considered residential in nature. The Commission also directed staff to establish a maximum allowable height of 45 feet for qualifying structural features in the A-1 zone and 40 feet in the R-1-10 and R-1-22 zones (see attached).

Side Yard Setbacks

Under the current code, structures in the A-1 zone may exceed the base height limit by up to 5 feet if additional combined side yard setbacks requirements are met. Specifically, the code allows 1 additional foot of building height for every 2 additional feet of combined side yard setbacks.

At the direction of the Planning Commission, staff prepared a draft amendment that would require the minimum side-yard setback to increase by three feet for each additional foot of building height. The resulting setback would apply to both side yards and would be combined to determine the required combined side-yard setback for the property (see attached).

Options

Following the public hearing, staff recommend that the commission select one of the following options:

1. Forward a positive recommendation on the proposed code;
2. Forward a negative recommendation on the proposed code; or
3. Propose a modification of the proposed code.

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 13 ft	26 ft 26 ft
>36 ft	≤37 ft	12 ft 16 ft	28 ft 32 ft
>37 ft	≤38 ft	13 ft 19 ft	30 ft 38 ft
>38 ft	≤39 ft	14 ft 22 ft	32 ft 44 ft
>39 ft	≤40 ft	15 ft 25 ft	34 ft 50 ft

D. Exceptions to height limitations. ~~Penthouse or r~~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 shall not exceed the height of forty-five (45) feet. but and n~~No space above the main structure height limit shall be allowed for the purposes of providing additional floor space, and such increased height shall be subject to all other provisions of the municipal code.

17.20.060 Height Regulations

D. Exceptions to height limitations. ~~Penthouse or r~~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 shall not exceed the height of forty (40) feet. ~~but and n~~No space above the main structure height limit shall be allowed for the purposes of providing additional floor space, and such increased height shall be subject to all other provisions of the municipal code.

17.24.060 Height Regulations

D. Exceptions to height limitations. ~~Penthouse or r~~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 shall not exceed the height of forty (40) feet. ~~but and n~~No space above the main structure height limit shall be allowed for the purposes of providing additional floor space, and such increased height shall be subject to all other provisions of the municipal code.

MEMORANDUM



TO: Planning Commission

DATE: August 21, 2026

FROM: City Staff

RE: **Detached Accessory Dwelling Units – Draft Code**

The purpose of this memo is to introduce the first draft of new city code for Detached Accessory Dwelling Units.

Background

Utah Code now requires 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.

After an initial joint session of the city council and planning commission in May, the commission worked towards a new DADU ordinance during several meetings. Another joint session was held on August 18 to review the work done.

Draft Code

The attached draft code is based on the planning commission's work combined with the feedback provided by the city council at the most recent joint session. Highlights included:

- The draft language updates the entire ADU code to ensure consistency with IADUs and DADUs.
- The definition of an IADU is updated to clarify what “attached” means, eliminating the use of breezeways or roof extensions for purposes of attaching an IADU.
- There is an emphasis on ensuring that DADUs are “accessory” in nature. This is done by:
 - Limiting the size of the DADU in relation to the primary dwelling.
 - Limiting the height of the DADU.
- The draft utilizes the limitations allowed in state code, such as:
 - Allowing DADUs only on lots of 11,000 sq ft or larger.
 - Requiring two parking spaces when the DADU is larger than 650 sq feet

The draft has received an initial review by legal counsel.

Process from Here

The planning commission may make any modifications it believes would improve the draft. A public hearing will be scheduled for the Sept. 8th commission meeting, after which the commission will make a final recommendation to the city council.

Chapter 17.82 ACCESSORY DWELLING UNITS (ADU)

17.82.010 Purpose.

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 in accordance with state law.
- B. To provide an alternative housing option.
- C. To provide uniform standards for ADUs.

17.82.020 Definitions.

As used in this chapter, the following terms have the following definitions:

“Accessory dwelling unit,” or “ADU,” means a habitable living unit added to, created or existing within, or detached from, a single-family dwelling and contained on one lot or parcel.

"Detached accessory dwelling unit" or “detached ADU” means an accessory dwelling unit located on the same lot or parcel as the primary dwelling that is not attached to or within a primary dwelling.

"Internal accessory dwelling unit" or “internal ADU” means a separate accessory dwelling unit, created or existing within or physically incorporated into or structurally connected to a primary dwelling. To be physically incorporated into or structurally connected means it shares at least one common wall, floor, or ceiling with the primary dwelling. A dwelling unit connected solely by a breezeway, porch, deck, patio, carport, covered walkway, roof extension, or similar feature does not constitute an internal accessory dwelling unit.

“Primary dwelling” means a detached single-family dwelling unit that constitutes the primary residential use of a lot or parcel and to which an accessory dwelling unit is subordinate. Where more than one dwelling unit exists on a lot or parcel, the principal dwelling is the dwelling unit designated or recognized by West Bountiful City as the primary dwelling for purposes of administering this chapter.

17.82.030 Accessory Dwelling Unit Permit Required.

An ADU meeting the development standards, as specified within this chapter, is a permitted use in any zone that allows for single-family housing as a permitted use after approval of an accessory dwelling unit permit by the Land Use Administrator.

17.82.040 Internal Accessory Dwelling Unit Development Standards. The following development standards apply to internal ADUs, in addition to any other applicable standards under the Municipal Code.

- A. 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 the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of the absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- B. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed on any lot or parcel.
- C. Parking. Adequate off-street 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 and state law. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. Parking stalls outside of a garage shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are also allowed.
 - 1. A minimum of one (1) additional off-street parking space shall be provided and designated for an internal ADU.
- 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. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include obtaining a building permit or other permits as the codes may require.
- F. Entrance. A separate entrance to the ADU shall not be allowed to face the front yard. Any separate entrance shall be located to the side or rear of the primary dwelling.
- G. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under this chapter.
- H. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.

- I. Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.
- J. Lot Coverage. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks.
- K. Short Term Rentals. By applying for an ADU, the property owner shall agree that the main dwelling and the proposed ADU will not be used as a short-term rental.
- L. Penalties. Penalties may be imposed to assure compliance with this chapter as per Section 17.08.050.

17.82.050 Detached Accessory Dwelling Unit Development Standards. The following development standards apply to detached ADUs, in addition to any other applicable standards under the Municipal Code.

- A. 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 the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of the absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- B. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed on any lot or parcel.
- C. Lot Size. The minimum lot size required for a detached ADU in all single-family residential zones shall be eleven thousand (11,000) square feet.
- D. ADU Size. The gross floor area of the ADU shall be less than fifty percent (50%) of the square footage footprint of the primary dwelling and in no case shall exceed one thousand (1,000) square feet. The minimum size of the ADU shall be 300 square feet.

For purposes of determining compliance with the maximum floor area permitted for a detached ADU, the gross floor area of the entire detached accessory structure containing the ADU shall be counted, regardless of how the structure is divided or used. Floor area devoted to garages, workshops, storage areas, studios, recreational space, or other uses within the same structure shall be included in the detached ADU's total gross floor area.

- E. Parking. Adequate off-street 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 and state law. Parking spaces may include

garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. Parking stalls outside of a garage shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are also allowed.

1. A minimum of one (1) additional off-street parking space shall be provided and designated for an ADU that is smaller than 650 square feet.
2. A minimum of two (2) additional off-street parking spaces shall be provided and designated for an ADU that is larger than 650 square feet.

F. Yard Regulations.

1. Detached ADUs shall not be located in the front yard of the primary dwelling.
2. Detached ADUs must adhere to the following setbacks:
 - i. Rear Yard: Ten feet (10') from property line.
 - ii. Side Yard: Ten feet (10') from property line.
 - iii. Street Side Yard: Twenty feet (20') from property line.
 - iv. Primary dwelling: Eight feet (8') from primary dwelling.

G. Height. The maximum height for detached ADUs is limited to one story and twenty feet (20') or the height of the primary dwelling, whichever is less.

H. Conversion of Existing Accessory Structures. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building was legally constructed and meets the setback and height requirements for a detached ADU.

I. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include obtaining a building permit or other permits as the codes may require, and adherence to the following:

1. The ADU shall not drain stormwater onto neighboring properties.
2. Grading must comply with building code requirements so that the minimum floor elevation is at least 1' above the top back of curb.
3. The ADU shall be sanitary sewered by gravity flow.

J. Short Term Rentals. By applying for an ADU, the property owner shall agree that the main dwelling and the proposed ADU will not be used as a short-term rental.

K. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall

acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under this chapter.

- L. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.
- M. Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.
- N. Lot Coverage. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks.
- O. Penalties. Penalties may be imposed to assure compliance with this chapter as per Section 17.08.050.

MEMORANDUM



TO: Planning Commission

DATE: August 21, 2026

FROM: City Staff

RE: Land Use Appeal Authority - Draft Code

The purpose of this memo is to introduce draft 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. 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.

Draft Code

The draft code includes concepts discussed by the city council at their meeting in July and the planning commission at the following meeting. Highlights include:

- References to the city council are replaced with "appeal authority"
- The appeal authority is defined as one or more hearing officers appointed by the city council
 - Legal counsel recommended that this language be left as flexible.
- Qualifications for the hearing officer(s) are outlined.

The draft has received an initial review by legal counsel.

Next Steps

The planning commission may make any modifications it believes would improve the draft. A public hearing will be scheduled for the Sept. 8th commission meeting, after which the commission will make a final recommendation to the city council.

16.24.010 Appeal Authority

- A. For purposes of requests for a variance under Section 16.24.020, appeals under Section 16.24.030, or appeals from a fee charged under this title in accordance with the Utah Municipal Land Use, Development, and Management Act, as amended, the appeal authority shall be ~~the city council~~ [a hearing officer appointed as set forth in Chapter 17.08](#). ~~Notwithstanding the foregoing, in appeals under Section 16.24.030 or from a fee charged under this title, the city council a hearing officer will act as appeal authority concerning any issue on which the city council has not acted as land use authority. To the extent of any issue on which the city council acted as land use authority, any appeal shall be made to district court in the manner provided by law.~~
- B. The appeal authority shall act in a quasi-judicial manner, shall serve as the final arbiter of issues involving the interpretation or application of land use ordinances under this title, and shall respect the due process rights of each of the participants in the appeal or request for variance. Except as otherwise specifically provided in this chapter, the procedures for appeal, including time for appeal, burden of proof, and standard of review, shall be those set forth in Chapter 17.08.

16.24.020 Variances

- A. Any subdivider desiring a waiver or modification of the requirements of this title as applied to the property to be subdivided may apply to the ~~city council, acting as the~~ appeal authority, for a variance from the terms of this title.
- B. The ~~city council~~ [appeal authority](#) may grant a variance only if:
 - 1. Literal enforcement of the provisions of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the city's land use ordinances;
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
 - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

5. The spirit of the land use ordinance is observed and substantial justice is done.
- C. In determining whether or not enforcement of the provisions of this title would cause unreasonable hardship under Subsection B(1), the ~~city council~~ [appeal authority](#) may not find an unreasonable hardship unless the alleged hardship:
1. Is located on or associated with the property for which the variance is sought; and
 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection B(1), the ~~city council~~ [appeal authority](#) may not find an unreasonable hardship if the hardship is self-imposed or economic.
- E. In determining whether or not there are special circumstances attached to the property under Subsection B(2), the ~~city council~~ [appeal authority](#) 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.
- F. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- G. Variances run with the land.
- H. The ~~city council~~ [appeal authority](#) may not grant a use variance.
- I. In granting a variance, the city council may impose additional requirements on the applicant that will:
1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.
- J. The ~~city council~~ [appeal authority](#) shall issue a written decision, including findings, with respect to the request for variance. Such written decision will be final when issued, and may thereafter be appealed to district court in accordance with applicable law.

16.24.030 Appeals

Any person aggrieved by any decision, determination, or requirement of the ~~planning commission, zoning administrator, or city engineer~~ land use authority, under this title, or by a fee charged under this title in accordance with the Utah Municipal Land Use, Development, and Management act, as amended, may appeal such decision, determination, requirement or fee to the ~~city council~~ appeal authority under this chapter in accordance with the appeal procedures set forth in Chapter 17.08. Any person aggrieved by any decision, determination, or requirement of the ~~city council~~ appeal authority under this title may appeal such decision to district court in the manner provided by law.

17.08.120 Appeal From Decision of Land Use Authority

A. Exclusive Procedure. Notwithstanding any provision of the Municipal Code to the contrary, any appeal from the decision of a land use authority administering or interpreting a land use ordinance or from a fee charged under this title in accordance with the Utah Municipal Land Use, Development, and Management Act, as amended, may be made only in accordance with the provisions of this section and any applicable section in Title 16. Any appeal from the decision of a land use authority administering or interpreting the city's geologic hazards ordinance may be made only in accordance with the provisions of this section, subject to applicable provisions of State law, including the Utah Municipal Land Use, Development, and Management Act, as amended. Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to the appeal authority.

B. Appeal Authority. ~~The City Council will One or more~~ A hearing officer will serve as appeal authority for purposes of any appeal from a decision of the zoning administrator, planning commission, or other land use authority under this title. The appeal authority will respect the due process rights of each of the participants in the appeal proceedings. ~~If the City Council has acted as the land use authority regarding the subject matter of the appeal, there shall be no appeal authority and any appeal shall be made to district court in the manner provided by law.~~ The appeal authority shall operate in accordance with the following provisions:

1. Qualification and Selection

- a. One or more hearing officers shall be appointed by the mayor with the advice and consent of the city council.
- b. The hearing officers shall be or have been a professional in law, land use, or public administration, and shall have the knowledge, training and experience necessary to effectively conduct administrative hearings regarding variances, and appeals of land use decisions, including knowledge and familiarity with the requirements of constitutional due process.
- c. The hearing officers shall not live within the limits of West Bountiful City.
- d. The mayor, with the advise and consent of the city council, may remove a hearing officer for any reason; provided, that such removal will not affect any pending decision of the hearing officer.

~~B.~~

- C. Time of Appeal. The city, a board or officer of the city, or any person adversely affected by a land use authority's decision administering or interpreting a land use ordinance may file a written notice of appeal with the city recorder within ten (10) days after the land use authority's decision is issued. All appeal rights are waived if the notice of appeal is not filed within that time frame.
- D. Notice of Appeal—Contents. The notice of appeal shall contain a brief statement of all alleged grounds for appeal, including every theory of relief the adversely affected party can raise in district court, together with any supporting documentation and legal argument. The appellant waives any ground, theory, or argument not raised in the notice of appeal. Unless the appeal authority orders otherwise for good cause, the appellant will be precluded from presenting as evidence at the appeal hearing any document or other information that is not included in the notice of appeal.
- E. Response to Notice of Appeal. At its option, the city or any party opposing the appeal may file a written brief, together with any supporting documentation, responding to the notice of appeal prior to the appeal hearing. Failure to file a responsive brief or submit supporting documentation will not preclude the party from responding to the notice of appeal at the appeal hearing.
- F. Burden of Proof. The appellant bears the burden of proving that the land use authority erred.

- G. Standard of Review. The appeal authority shall determine the correctness of the land use authority's decision interpreting or applying a land use ordinance. The appeal authority shall review de novo the evidence and arguments on appeal, without deference to any findings or conclusions of the land use authority.
- H. Hearing on Appeal. The appeal authority will hear the appeal at a ~~regular City Council meeting, scheduled at the convenience of the council~~ hearing that shall be open to the public. The city will provide notice of the hearing to the appellant and any party that has filed a responsive brief. At the hearing, each party will be allowed a reasonable time, as determined by the appeal authority, to present evidence, by way of live testimony and documentary evidence (including affidavits), and arguments supporting the party's position. In the interest of fairness, the appeal authority, in its discretion, may continue the hearing to another ~~City Council meeting~~ hearing or allow the parties to submit supplemental materials addressing any information raised at the hearing.
- I. Final Decision. Following the hearing the appeal authority may affirm, reverse, affirm in part and reverse in part, or modify the decision of the land use authority; or the appeal authority may remand the matter to the land use authority for further proceedings. The written decision of the appeal authority constitutes a final decision and will be binding on all parties when issued.
- J. Further Appeal. The city, a board or officer of the city, or any person adversely affected by the decision of the appeal authority may appeal to district court as provided by law.

17.08.130 Variances

- A. Any person or entity desiring a waiver or modification of the requirements of this title as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to ~~the City Council, acting as~~ the appeal authority, for a variance from the terms of the ordinance.
- B. The ~~City Council~~ appeal authority may grant a variance only if:
1. Literal enforcement of the provisions of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the city's land use ordinances;

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 5. The spirit of the land use ordinance is observed and substantial justice is done.
- C. In determining whether or not enforcement of the provisions of this title would cause unreasonable hardship under Subsection B(1), the ~~City Council~~ [appeal authority](#) may not find an unreasonable hardship unless the alleged hardship:
1. Is located on or associated with the property for which the variance is sought; and
 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection B(1), the ~~City Council~~ [appeal authority](#) may not find an unreasonable hardship if the hardship is self-imposed or economic.
- E. In determining whether or not there are special circumstances attached to the property under Subsection B(2), the ~~City Council~~ [appeal authority](#) 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.
- F. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- G. Variances run with the land.
- H. The ~~City Council~~ [appeal authority](#) may not grant a use variance.

- I. In granting a variance, the ~~City Council~~ appeal authority may impose additional requirements on the applicant that will:
 - 1. Mitigate any harmful effects of the variance; or
 - 2. Serve the purpose of the standard or requirement that is waived or modified.
- J. The ~~City Council~~ appeal authority shall issue a written decision, including findings, with respect to the request for variance. The written decision will be final when issued, and may thereafter be appealed to district court in accordance with applicable law.

**West Bountiful City
Planning Commission Meeting**

August 11, 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 August 7, 2026, per state statutory requirement.*

Minutes of the Planning Commission of West Bountiful City held on Tuesday, August 11, 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: Mike Sowby, Alan Malan, Council member Kelly Enquist, Susan Dillingham, Sadie Smith, Chance Pope.

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

1. Confirm Agenda

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

2. Pope Subdivision Flag Lot Conditional Use Permit Revision- 1192 West 400 N

Planning Commission packet included a memorandum dated August 7, 2026 from staff regarding a Conditional Use Permit for (Chance Pope) Pope Subdivision Flag Lot revision 1191 West 400 North from the original approval in March of 2025 with final approval in June of 2026. Information from those two meetings were included in the packet.

Kris Nilsen explained that throughout the Conditional Use Permit, preliminary plat, and final plat approval process, the designated buildable area on the flag lot showed the required 30-foot front yard setback along the south property line. During the building permit review process, the applicant determined that he would instead like the proposed home to face west, with the required 30-foot front yard setback located along the west property line ("Exhibit A", Final Plat and construction drawings were provided). This change would relocate the required 30-foot front yard setback from the south side of the lot to the west side. The final plat has not yet been recorded with the Davis County Recorder's Office, allowing this revision to be made

before recordation if approved per West Bountiful Municipal Code (WBMC) Section 16.12.060(D) "Determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat." Mr. Nilsen noted that this change still meets the city's minimum criteria for flag lots according to WBMC 16.12.060.

Action Taken:

Corey Sweat moved to approve the requested change for Chance Pope Subdivision Flag Lot Conditional Use Permit Revision- 1192 West 400 N in the A-1 Zone with the following conditions as required in WBMC 16.12.060; the staff of the lot shall not be less than twenty feet (20') wide and shall not exceed the design length requirements for a cul-de-sac; the staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street; the staff of the shall be owned, fee simple, as part of the lot and shall approach the public street at an angle of not less than eighty degrees; the staff of the flag lot cannot extend from intersections, street corners, or cul-de-sacs; the body of the lot shall meet the lot size and dimensional requirements of the applicable zone; the staff area shall not be used in computing lot size; proposed buildings shall comply with the minimum setbacks required for the zone; determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat; flag lot must comply with fire code requirements including access width, driving surface, parking, and fire hydrant placement; Fire Marshal review and approval required as part of subdivision; Flag lot cannot be used where traditional methods of development could occur; if the subdivision contains more than four (4) lots it cannot contain a flag lot; the lot shall be graded so storm water runoff does not negatively impact neighboring properties; a drainage plan will be required as part of the subdivision; flag lot shall have the street address displayed on private property in a prominent location where the staff abuts the public street; a specific address will be assigned at a later date; flag lot may not be created which would negatively impact the future continuation of existing sub streets; other requirement imposed by the condition use permit will be as follows: lighting and street numbers at the flag lot staff entrance to help guide emergency vehicles and other persons to the correct address; privacy fencing along the flag lot staff to minimize noise and light pollution and provide additional side yard protection from cars and neighboring children interactions; additional side yard setback on lots in front of the flag lots and adjacent to the flag lot staff to provide adequate separation between houses and moving vehicles just like a corner lot; required drainage plan and fire marshal as part of subdivision submittal; post "Private Road" signage. Dennis Vest second the motion and voting was unanimous in favor.

3. Conditional Use Permit- WinCo Foods LLC- 190 South 500 West

Commissioner packets included a memorandum from Staff dated August 7, 2026, regarding a Conditional Use Permit for WinCo Foods LLC – 190 South 500 West with attached site plans.

Remington Whiting explained on June 29, 2026, a conditional use permit application was submitted by WinCo Foods, LLC for the operation of a grocery store within the existing commercial building located at 190 South 500 West. Grocery stores are a conditional use within the C-G (General Commercial) zone.

He noted that the proposed plans show interior tenant improvements, exterior façade updates, and site modifications necessary for the operation of the grocery store. No expansion of the existing building footprint is proposed. The project will utilize the existing site access, parking facilities, and utilities, with improvements completed as necessary to comply with applicable city standards.

He informed the commission that the existing parking lot contains angled parking stalls. As part of the project, the applicant proposes to restripe the parking lot to provide perpendicular parking stalls, which will increase parking efficiency and better accommodate the grocery store use. This proposal also shows the location of light poles, which have been placed to accommodate the new configuration of stalls. As staff reviewed the plans questions arose regarding a proposal to extend three rows of parking stalls across an existing access lane that has historically provided circulation through the site for decades. City staff and the applicant continue to work toward an understanding of parking configuration that maintains appropriate site circulation while providing adequate parking. A final parking and lighting plan will be completed and approved prior to the commencement of operations and issuance of a West Bountiful City business license.

Susan Dillingham took the stand and addressed questions from the Commissioners regarding parking issues. This store could be a 24/7 model but she was not for sure. Some discussion took place regarding the access area between Costco and WinCo and staff will be addressing that with the entire parking issue. Winco is concerned with customer safety regarding the access point location.

Action Taken:

Laura Mitchell moved to approve the Conditional Use Permit for WinCo Foods LLC – 190 South 500 West – the following affirmative findings: the proposed use, under the circumstances of the particular case, 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; the proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; 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; will comply with the

regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and 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 and with the following conditions; the parking plan, outdoor lighting plan and landscape plan must receive approval from the city engineer; all loading and unloading shall be conducted in designated service areas and shall not impede customer parking or vehicle circulation; outdoor storage of merchandise, equipment, pallets or materials shall be permitted beyond allowance designated in city code; applicant must obtain all required building, and fire approvals prior to occupancy; all signage shall comply with the WBMC; and the conditional use permit shall be valid only for the current business occupant and shall not transfer automatically to the new tenants. Corey Sweat seconded the motion and voting was unanimously in favor.

4. A-1 Height Regulation Discussion

Commissioner packet included a memorandum from Staff regarding a second review of A-1 Height Regulations discussions. The 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.

Remington Whiting noted that the commission would be beginning fresh and would require a new public hearing and recommendation.

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.

Additionally, WBMC 17.16.060.D (and similar sections in other zones), list broad exceptions to height limitations, with no maximum height set.

The City Council has requested that the planning commission provide additional recommendations for updates to these regulations.

Height Exceptions

The land use code currently provides height exceptions in all residential zones for certain structural features. These exceptions do not include a maximum height limitation. The code reads as follows:

"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.”

After reviewing the existing regulations, staff suggested that several of the listed exceptions are applicable primarily to commercial buildings and are not typically found on residential structures. Staff prepared a draft amendment that suggested these non-residential exceptions be removed while establishing a maximum height of 5 feet above the applicable height limit for the remaining exceptions. This would result in a maximum allowable height of 40 feet for qualifying architectural features in the A-1 zones and 35 feet in the R-1-10 and R-1-22 zones.

Side Yard Setbacks

Under the current code, structures in the A-1 zone may exceed the base height limit by up to 5 feet if additional combined side yard setbacks requirements are met. Specifically, the code allows 1 additional foot of building height for every 2 additional feet of combined side yard setbacks.

At the direction of the Planning Commission, staff prepared draft amendments that would increase the additional setback requirement to either double or triple the current standard. These draft options were reviewed by the commission and it was decided to recommend the doubling of the current standard.

Some discussion took place looking at existing scenarios within the city and the reason behind current regulations. It was noted that height exceptions are for all zones. These changes presented are for residential homes, not commercial structures. Language was amended to read 5 feet above the maximum height. Further discussion took place and it was decided to use minimum side set back and combined side setback that double with the current standard code.

Commissioner directed staff to schedule a public hearing for the next scheduled meeting August 25, 2026

5. Approve Meeting Minutes from July 28, 2026

Action Taken:

Corey Sweat moved to approve the minutes from the July 28, 2026 Planning Commission Meeting as presented. Dennis Vest seconded the motion, and voting was unanimous in favor.

6. Staff Reports

a. Engineering (Kris Nilsen)

- Attended a UTA meeting and reported that UTA will tear up the Pages Lane intersection between November 2026 and February 2027 with permanent closure. Still to be finalized.
- I15 bid is close to be awarded.
- Working with Belmont Phase 2 and Pope Subdivision to be recorded.

b. Community Development (Remington Whiting)

- Code Enforcement continues and those contacted are making improvements.
- Building permits have slowed down a bit.
- Ralph Smith Trucking has submitted an addition to their wash tray. Located on 500 South.
- Appeal Authority code change draft is being refined to present.
- Working on a checklist for land use applications.
- Working with planners to update the annexation process.
- Joint Session will be August 18th, 2026.

Council member Thompson inquired if we are notifying those that are submitting applications for ADU's of the upcoming changes. Remington is making them aware of the upcoming changes. Looking forward to the joint session and asking the other council members to review the past minutes to come prepared for the discussion.

7. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:30 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.