

BOUNTIFUL CITY
ADMINISTRATIVE LAW JUDGE APPEAL
Wednesday, July 8, 2020
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Appeal Authority will hold a meeting in the Conference at **South Davis Metro Fire Station, 255 S 100 W, Bountiful, Utah, 84010**, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome and Introductions.
2. Consider an appeal of a decision by the Planning Department approving a Building Permit to allow Jim Williams, homeowner an attached Garage at 2544 S 150 East, Ryan Tingey and Emily Christianson, applicants, represented by Timothy Pack, attorney.



Francisco Astorga, Planning Director



Appeal Staff Report

Subject: Appeal of an Approved Building Permit for an Accessory Structure (Detached Garage)
Address: 2544 South 150 East
Author: Francisco Astorga, AICP, Planning Director
Date: July 8, 2020

Summary of City’s Request and Recommendations

Staff recommends that the Appeal Authority affirm the decision of the Bountiful City Planning Staff.

Description

Appeal Authority: Administrative Law Judge
Appellant: Ryan Tingey and Emily Christiansen represented by Timothy Pack with Clyde Snow Attorneys at Law
Property Owner: James Williams
Location: 2544 South 150 East
Zoning: Single-Family Residential subzone R-4
Reason for Review: The Appeal Authority for Bountiful City consists of an Administrative Law Judge. The Appeal Authority hears and decide appeals from decisions interpreting and applying land use ordinances.

Background

On May 20, 2020 an appeal was filed with the Bountiful City Planning Department by Emily Christiansen and Ryan Tingey (“Appellants”) represented by Timothy Pack, attorney. The Appellants claim that the detached garage currently being constructed at 2544 South 150 East does not meet current Land Use regulations regarding the total building footprint of the structure and setback requirements.

On March 17, 2020 the Bountiful City Building Official issued a building permit for an accessory structure (detached garage) for storage at 2544 South 150 East. Building permits are issued by the Building Official only after they are reviewed and found in compliance with applicable codes as they are reviewed by the Engineering, Planning, and Building Departments.

It is worth noting that unlike most Land Use applications, such as Conditional Use Permits, Zoning Map and Land Use Text Amendments, etc., building permits are not noticed in

preparation for required public hearings, which may include sending a letter out to adjacent property owners, placing an ad in a newspaper of regular circulation, placing a sign on the property, and/or placing an item on the City's website or on the Utah Public Notice Website.

Analysis

Appeal Background

Clarification is required on the following points made on the background section of the submitted appeal:

- The Appellants indicate the following on the top of page 2 of their submitted appeal: *"During their meetings with City officials, Appellants informed them of them of the following possible violations of the BCLC and requested that the violations be immediately remediated:"*

[...]

Staff has no recollection of the alleged specificity to be remediated provided by the written appeal, other than the Appellants, and other neighbors, showed frustration to Planning Staff regarding views being blocked by the new structure and lack of notification to the neighbors of the building permit (which, as previously noted was/is not required).

- The Appellants indicate the following on the bottom of page 2 of their submitted appeal: *"The Department released a copy of the permit to Appellants (the "Permit"), but refused to release any other information or documents."*

Any plans, site plans, documents, etc., that are stamped by a design professional, including a professional engineer, professional structural engineer, and/or registered architect, etc., are protected under the Utah Government Records and Management Act (GRAMA). Under GRAMA, the City is only able to release such stamped documents with written permission authorizing the release of documents from the design professional.

Appeal Item I

The following text in italics in this section below is copied from the appeal:

I. Standing and timeliness.

First, Appellants have standing to bring this appeal because they are affected by the application and interpretation of a land use ordinance by the City's land use authority given their proximity to the Noncompliant Property. See BCLC § 14-2-

108(A); Utah Code Ann. § 10-9a-703(1). Second, the Appellants did not have the necessary facts that form the basis of their appeal until May 7, 2020. Thereafter, they acted diligently to inquire further about the dimensions and exact location of the Structure on the Noncompliant Property. Then on May 14, 2020, the City issued a written decision interpreting sections of the BCLC and informing Appellants that it would not enforce the BCLC. Accordingly, this appeal is timely under BCLC § 14-2-108 ("any person adversely affected by a Land Use Authority's decision administering or interpreting a land use ordinance, code or ruling on a request for a variance may, within fourteen calendar days of the written decision. . . .")

City's Response to Appeal Item I:

The City does not dispute that the Appellants don't have standing to appeal; however, the Appellants erred in determining that the written Land Use decision interpreting the Bountiful City Land Use Code was made on May 14, 2020. The building permit was issued on March 17, 2020. Accordingly the date of the decision interpreting the Land Use Code was March 17, 2020. Building permits are issued by the Bountiful City Building Official, after the Engineering, Planning, and Building offices complete their reviews and find compliance with applicable codes, policies, etc. A building permit is vested when the approval is made and the permit issued.

Appellants incorrectly assert that an e-mail from the Planning Director should serve as a land use determination. It is incorrect to assume that whenever the Planning Director or any other City representative sends any correspondence to neighbors about a project in basic responses to "*what is happening here,*" that it would be considered a land use determination. If that were the case, the fourteen (14) day timeframe for appeal submittal would be based on subjective arbitrary correspondence by the City. If Appellants' assertion was correct it would lead to multiple timeframes for which an appeal could be made. Any time a neighbor or other interested person inquired about a project a new timeframe would begin. A project could then conceivably be delayed or held up for months or even years on end because an appeal is pending and the owner is not willing to risk losing their approval and having to undue or demolish all work that had been performed. A property owner is entitled to some assurance that a City review, approval and issuance of a building permit is a protection for the time, effort, and money invested in the property owner's project. Appeals are limited by an appeal period as provided by the Utah Code. Utah Code Annotated §10-9a-703 and 704 grant municipalities the ability to determine what the timeframe is for a land use appeal. In Bountiful City's case, it is fourteen (14) days.

In the present case, the interaction characterized by Appellants as the land use determination was nothing more than a routine e-mail response from the Planning Director. These types of e-mails are sent frequently as the Planning Department daily received e-mails, phone calls, and in-person inquiries into various projects and/or

properties throughout the City. In this case, and in an attempt to save time, the Planning Director chose to send the May 14, 2020 e-mail as a response to several neighbors that had similar inquiries. The Planning Director's update to the neighborhood could have easily been phone calls or even verbal conversations with neighbors.

Since the Land Use determination of compliance was made when the building permit was issued on March 17, 2020, any appeals should have been received by March 31, 2020, see Bountiful City Land Use Code below regarding appeals:

14-2-108 APPEALS

- A. *An applicant, 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 or ruling on a request for a variance may, within fourteen calendar days of the written decision, appeal that decision to the Appeal Authority. No other appeals may be made to the Appeal Authority.*
- B. *The appeal must be in writing and specifically allege that there is an error in an order, requirement, decision or determination by the Land Use Authority. The appellant shall state every theory of relief that it can raise in District Court.*
- C. *The Appeal Authority shall hold a public meeting within forty-five days after an appeal has been filed, unless a longer period has been agreed to in writing by the parties involved. A decision of the Appeal Authority takes effect when the written decision is issued, unless the Appeal Authority otherwise states.*
- D. *The Appeal Authority shall hold a de novo hearing. The requirements of State law and City ordinances shall be applied.*
- E. *A decision of the Appeal Authority is subject to a petition for review in the District Court as provided by State law.*

This appeal was submitted by the Appellants on May 20, 2020, equating to sixty-four (64) days after the building permit was issued. The Appellant submitted the appeal fifty (50) days after the appeal period expired. Utah Code Municipal Land Use, Development, and Management Act (LUDMA) § 10-9a-706 indicates the following under due process:

- 1) *Each appeal authority shall conduct each appeal and variance request as provided in local ordinance.*
- 2) *Each appeal authority shall respect the due process rights of each of the participants.*

Allowing an appeal to be submitted fifty (50) days after the appeal submittal expiration date violates due process of the property owner. This would not be the case if the

Appellants would have submitted within the fourteen (14) days as specified in the Bountiful City Land Use Code.

Appeal Item II

The following text in italics in this section below is copied from the appeal:

II. Standard of review.

A land use decision is to be upheld unless the decision is "arbitrary and capricious" or "illegal." Utah Code Ann. § 10-9a-801(b). A decision is illegal if it is "(A) based on an incorrect interpretation of a land use regulation; or (B) contrary to law." Utah Code Ann. § 10-9a-801(c)(ii).

*"A municipality is bound by the terms and standards of applicable land use ordinances and **shall** comply with mandatory provisions of those ordinances." U.C.A. 10-9a-509(2) (emphasis added). When a city's ordinance employs the word "shall," the city's compliance with the ordinance is "mandatory" and "the [c]ity [is] not entitled to disregard its mandatory ordinances." Springville Citizens for a Better Cmty. v. City of Springville, 1999 UT 25, ¶¶ 27-30, 979 P.2d 332 ("Municipal zoning authorities are bound by the terms and standards of applicable zoning ordinances and are not at liberty to make land use decisions in derogation thereof.")*

Accordingly, the "land use authority's interpretation and application of the plain meaning of land use regulations" is reviewed for "correctness" (Utah Code Ann. § 10-9a-707) and a city's interpretation and application of an ordinance is entitled to no deference. Outfront Media, LLC v. Salt Lake City Corp., 2017 UT 74, 416 P.3d 389.

City's Response to Appellants' Appeal Item II:

Appellants simply cite some relevant sections of the Utah Code and some cases. No response from the City is needed.

Appeal Item III

The following text in italics in this section below is copied from the appeal:

III. The footprint of the Structure is greater than 10% of the total size of the Noncompliant Property in violation of BCLC § 14-4-105(J)(1)(a).

The Structure is an "Accessory Structure" as defined by BCLC § 14-4-105(J). That Section provides that an accessory structure "shall meet the following:" "The total footprint of any and all accessory structures shall not exceed ten percent (10%)

of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision." BCLC § 14-4-105(J)(1)(a) (emphasis added).

Here, the Noncompliant Property is .54 acres in size, or 23,522.4 square feet. The Planning and Zoning Department officials represented to the Appellants that the total footprint of the Structure is 30 feet by 80 feet, or 2,400 square feet, which is greater than 10% of the size of the Noncompliant Property.⁶ Accordingly, the Structure is contrary to law (BCLC § 14-4-105(J)(1)(a)) and is therefore illegal. Thus, the City's application of BCLC § 14-4-105(J)(1)(a) and its decision not to enforce that ordinance cannot be upheld under Utah Code Ann. § 10-9a-801(b). Appellants request that the Appeal Authority reverse the City's land use decision and order it to strictly enforce BCLC § 14-4-105(J)(1)(a).

City's Response to Appeal Item III:

The reference cited by the Appellants is not a definition but rather development standards for accessory structures. The definition of an accessory structure is found in Bountiful City Land Use Code § 14-3-102(3). Bountiful City Land Use Code § 14-4-105(J)(1)(a) indicates that "[T]he total footprint of any and all accessory structures shall not exceed ten percent (10%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision."

According to the recorded subdivision plat the subject lot, platted as lot 6 of The Pines at North Canyon (2013), is 23,717 square feet. Ten percent (10%) of the lot area is 2,371.7 square feet. The total footprint of the current accessory structure being constructed is 2,400 square feet (width of 80'-0" and depth of 30'-0") or approximately 10.1% (2,400 divided by 23,717) of the lot area. There are no other accessory structures found within this lot.

Planning Staff recognizes that the footprint exceeds the ten percent (10%) regulation by 28.3 square feet or 0.119323% but asserts it is substantially compliant. If the width of the structure was solely reduced by one foot (1') the structure would be 2,370 square feet, width of 79' by depth of 30'. If the depth of the structure was solely reduced by 4½ inches the structure would be 2,370 square feet, width of 80' by 29'-7½" (29.625').

Even though the footprint of the accessory structure exceeds the maximum of ten percent (10%) by approximately 0.1%, Staff finds it in substantial compliance with the Land Use Code. Based on its minuscule deviation, Staff will not seek to rectify the discrepancy. Bountiful City Land Use Code § 14-2-106 indicates that the Planning Director is responsible for administering and enforcing the Land Use Code.

It is important to note that Appellants' estimated area for the lot is incorrect. The Appellants cited the lot area as 23,522.4 square feet. This was most likely obtained from the Davis County tax information found online which lists the lot area at 0.54 acres. The incorrect square footage assessed by the Appellants is derived from the County's practice of rounding acres to the nearest thousandth decimal, i.e., 23,717 square feet (from the subdivision plat) divided by 43,560 (square feet in an acre) equals 0.5444674 acres. The correct square footage indicated in this section by Staff was obtained from the recorded subdivision plat, filed at Davis County, accessed online, See Attachment H.

Appeal Item IV

The following text in italics below is copied from the appeal:

IV. The Structure violates the setback requirements described in BCLC § 14-4-105(J)(1)(b).

Section 14-4-105(J)(1)(b) provides that an accessory structure "shall meet the following:"

An accessory structure shall meet all of the setbacks of a primary structure, or it shall be located behind the rear building line of a primary structure, and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line. Id. (emphasis added).

First, the Structure is located in the side yard of the Noncompliant Property and is set back 3 feet from the Noncompliant Property's north side yard and approximately 4 feet from the Property's rear yard. Thus the Structure does not comply with the setback requirements of a primary structure. See BCLC § 14-4-105(C) (primary structure must be set back a minimum of 8 feet from a side yard); BCLC § 14-4-105(H) (primary structure must be setback a minimum of 20 feet from the rear yard).

Second, the Structure is not "located behind the rear building line of the primary structure." BCLC § 14-4-105(J)(1)(b). Section 14-3-103(58) defines "Building Line" to mean: "A line parallel to the front lot line and at a distance therefrom equal to the required depth of front yard for the zone in which the lot is located and extending across the whole width of the lot." In a Residential Zone, the front building line is equal to the front setback line, or 25 feet from the front lot line and then extending across the whole width of the lot. BCLC § 14-4-105(A). Therefore, the "rear building line" is equal to the rear setback line, or 20 feet from the rear lot line and then extending

across the whole width of the lot. Indeed, the Planning and Zoning Department confirmed this fact and that the rear "façade" of the primary structure is not the rear building line.⁷

The front of the primary structure on the Noncompliant Property faces east onto 150 East. Thus, the rear yard is on the opposite side (west side) of the primary structure. A "Rear Yard" is defined as: "A space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot." BCLC § 14-3-103(327) (emphasis added). Attached hereto as Exhibit 1 is a map of the Noncompliant Property produced using Google Earth's measurement tool. The shaded area depicts the rear building line and the area that accessory structures are permitted to be located under BCLC § 14-4-105(J)(1)(b). A cursory review of this map and the photographs of the Structure clearly shows that the Structure is not behind the rear building line.

Accordingly, the Structure is contrary to law (BCLC § 14-4-105(J)(1)(b)) and is therefore illegal. Thus, the City's application of BCLC § 14-4-105(J)(1)(b) and its decision not to enforce that ordinance cannot be upheld under Utah Code Ann. § 10-9a801(b). Appellants request that the Appeal Authority reverse the City's land use decision and order it to strictly enforce BCLC § 14-4-105(J)(1)(b)).

City's Response to Appeal Item IV:

In reviewing Bountiful City Land Use Code § 14-4-105(J)(1)(b) an accessory structure must either meet all of the setbacks of a primary structures consisting of an minimum front yard setback of 25 feet, rear yard setback of 20 feet, and side yard setback of 8 feet; **or** if located behind the rear building line of a primary structure, it would need to meet the rear/side setbacks of a minimum of three feet (3'). While this specific section (3' setback) of the Code would make logical sense to a typical block lot (having four sides and of a rectangular nature) there are always challenges with more irregular lots (having more than four sides at different angles), which the subject site falls under. The subject site has six (6) sides comprising of various irregular angles. The existing single-family dwelling is sited towards the south of the lot, and the site has a down-slope. This is a direct result of the irregularity of the lot with the angled rear property line specifically from the middle (of the rear line) towards the north.

In reviewing the approved building permit including its corresponding site plan, Staff did not err in applying the current Code and the permit was properly issued.

Planning Staff recognizes that most of the accessory structure is indeed exposed from the street, and finds that if a draconian interpretation would have been made, it would have

forced the property owner to place their accessory structure, hypothetically building a 60' by 40' footprint, within the building envelope (meeting all standard setbacks) placing it much closer to the street, at 25' from the front, and having a more significant impact on the neighborhood based on the proximity to the street and the permitted height, which would be perceived as a taller structure based on the current topography of the site.

Appellants' Appeal Item V

The following text in italics below is copied from the appeal:

V. Other suspected violations of the BCLC.

Appellants suspect that other violations of the BCLC exist related to the Structure and are investigating these issues with Planning and Zoning Department. If required, Appellants will submit a separate appeal on these issues.

First, BCLC § 14-4-109(A) provides that "[i]n the (R) Zone, all structures, including accessory structures, and all impervious surfaces such as driveways, sidewalks, patios, parking areas, sports courts and pools shall not cover a total of more than sixty percent (60%) of the area of the lot or parcel of land." Because Appellants were denied access to the subject permit application, they are unaware of the total foot print of the primary structure, driveways, and patios on the Noncompliant Property. But given that it appears that the owners of the Noncompliant Property intend to construct a second driveway in connection with the Structure, it appears that more than 60% of the Noncompliant Property is covered by "structures" in violation of BCLC § 14-4-109(A).

Second, the side walls of an accessory structure shall not exceed 15 feet from the ground and the height of an accessory structure shall not exceed 20 feet from the ground. BCLC § 14-4-105(j)(2)(j)-(k). A visual review of the Structure walls and height leads Appellants to believe that this ordinance has been violated.

City's Response to Appeal Item V.

Utah Code Municipal Land Use, Development, and Management Act (LUDMA) § 10-9a-705 indicates that "[T]he appellant has the burden of proving that the land use authority erred." Furthermore, Bountiful City Land Use Code § 14-2-108(B), see City's Response to Appeal Item I section of this staff report, indicates that "[T]he appeal must be in writing and specifically allege that there is an error in an order, requirement, decision or determination by the Land Use Authority." (Underline added for emphasis).

As discussed above, any plans, site plans, elevations, documents, etc., that are stamped by a design professional, including a professional engineer, structural engineer, and/or architect, etc., are protected. The City is only able to release such stamped documents once written permission is received by the City authorizing the release of documents by that design professional.

The Appellants failed to specifically indicate how the City erred in interpreting Bountiful City's regulations regarding permissible lot coverage (Bountiful City Land Use Code § 14-4-109(A)) as no information was provided other than citing a code reference. Furthermore, a letter was provided by the property owner's Professional Engineer which indicates compliance with the permissible lot coverage regulations. See Attachment F.

The Appellants failed to specifically indicate how the City erred in interpreting Bountiful City's regulations regarding height and use/design for vehicle parking (Bountiful City Land Use Code § 14-4-105(J)(2)(j)-(k)) as no information was provided other than indicating that *"A visual review of the Structure walls and height leads Appellants to believe that this ordinance has been violated."* An appeal cannot be based on a visual review by a third party without any information and data and a belief that the ordinance is not met based on mere suspicion. Specificity needs to be submitted with an appeal; furthermore, the Appellants cited an incorrect reference. Subsection 2 under Accessory Structure, Conditional Use was cited instead of the corresponding reference of subsection 1 under Accessory Structure, Permitted Use.

Bountiful City Land Use Code § 14-4-105(J)(1)(i)-(k) under Accessory Structures, Permitted Use indicates the following:

- i. The sidewall of an accessory structure shall not exceed fifteen (15) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet, or similar feature.
- j. The height of an accessory structure shall not exceed twenty (20) feet.
- k. Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway

The submitted elevation plans stamped and signed by a professional structural engineer indicates that the highest point of the roof, middle of the structure would be seventeen feet (17') from grade while the sidewalls are shown at fourteen-and-a-half feet (14½'). Bountiful City Land Use Code § 14-3-102 (257) indicates that the Roof, Highest Point is the

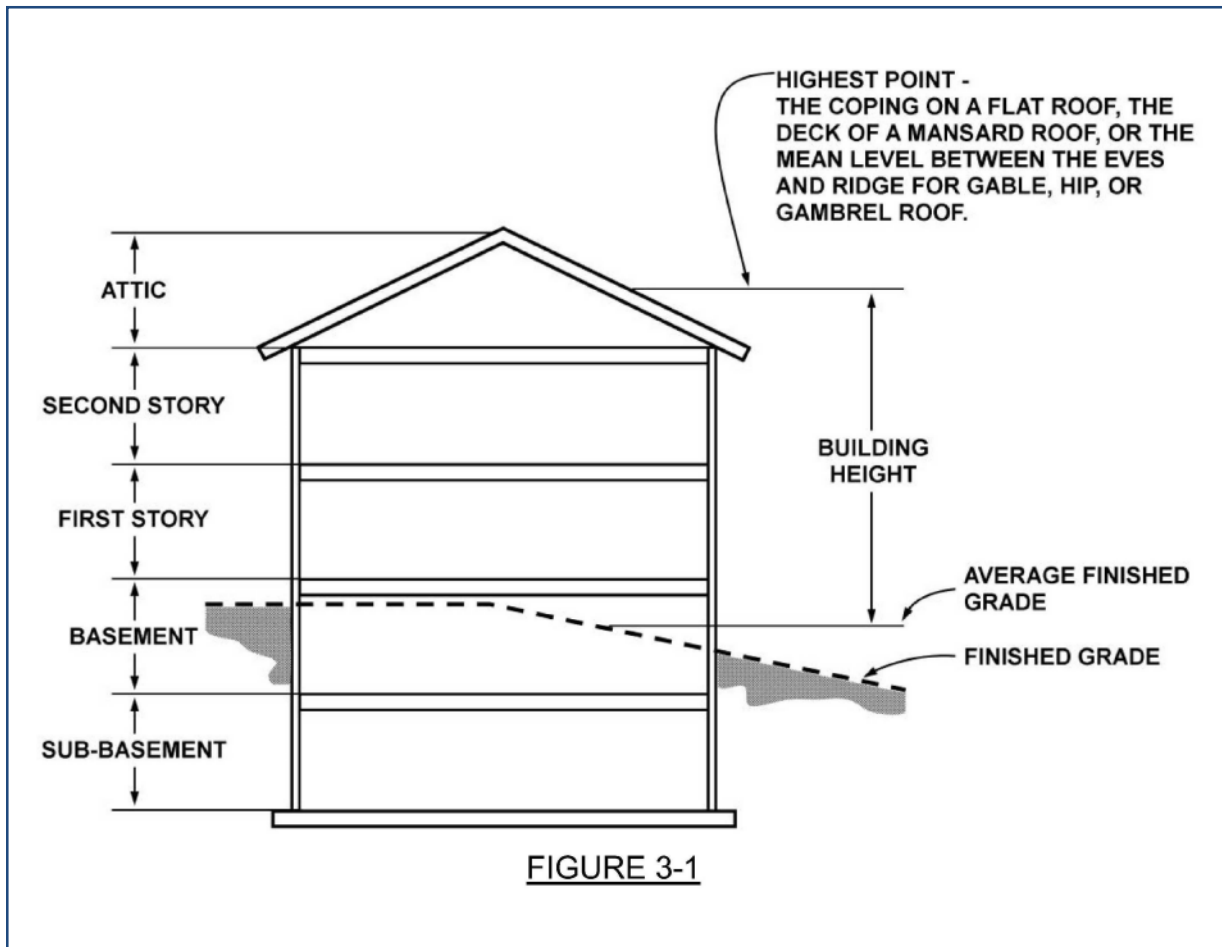
“[m]ean level between the eaves and the ridge for a gable, hip, or gambrel roof. Hypothetically, this building could be twenty-five (25’) tall at the middle and fifteen feet (15’) tall at the edges (sidewall) and be in compliance with the Land Use Code.

The building has not yet received occupancy or final inspection as the property owner is still working on the structure and the site has not yet been graded to its final form. Prior to and after the submitted appeal, Planning Dept. Staff has inspected the site, and verified the plans, and the accessory structure currently being constructed, are in compliance with applicable codes, etc.



Above, photograph taken by the Planning Dept. on July 2, 2020.

The above photographs shows the bottom portion of the structure with a tape measure attached from the top of the installed gutter on the roof to the bottom of the structure on the northeast corner. Site grading of the site has not yet been completed as the property owner is still working on the project. Currently the tape measurement indicates that the property owner is able to comply with the fifteen foot (15’) maximum restriction on the sidewalls of the accessory structure, as indicated in the Code. A graphic representation identified on the Bountiful City Land Use Code as Figure 3-1 further clarified how height is measured:



Above, Figure 3-1 found on page 3-29 of the Bountiful City Land Use Code.

Staff will continue to ensure that the project meets applicable Codes through the standard inspection process handled by the Building Official and Building Inspector prior to final occupancy and/or final inspection.

Recommendation/Order

The City requests and recommends that the Administrative Law Judge affirm the decision of the Bountiful City Planning Department and deny the appeal.

Attachments

- A. Submitted Appeal
- B. City’s Official Building Permit and Application Form
- C. Building Permit Elevations
- D. Building Permit Foundation Plan
- E. Building Permit Site Plan
- F. Engineer’s Letter regarding Open Space

- G. Bountiful City Land Use Code § 14-4-105(J) Accessory Structure, Primary Use Required
- H. The Pines at North Canyon (2013) Subdivision Plat



<i>For Office Use Only</i>	
Date Rec'd	<u>5/20/2020</u>
Received by	<u>Andrus</u>
Application \$	_____
Receipt #	_____
Form of Payment	_____

APPEAL APPLICATION

20314

FEES	
<input type="checkbox"/>	Appeal of an administrative land-use determination (For items decided by the Planning Director) Cost to applicant: \$250.00
<input checked="" type="checkbox"/>	Any and all other land-use decision appeals Cost to applicant: \$250.00 + the cost of the public notice and 1/2 the actual cost of the Administrative Law Judge (or other appeal authority)

Date of Submittal: May 20, 2020


Property Address: 2544 S 150 E Bountiful, UT 84010

Appellant Name: Ryan Tingey Emily Christiansen

Appellant Address: 2502 S. 150 E

Appellant Phone #: 801-671-3123 801-209-2738

Appellant E-Mail: ryan_tingey@hotmail.com emily_christiansen@hotmail.com

Appellant Signature: 

Date of Decision under appeal: May 14, 2020

Description: See attached appeal letter

Return to: Bountiful City Recorder, Shawna Andrus (801-298-6140)

- Appeal Application
- Payment (Cash, Check and Credit Card – except Am Ex)
- Statement of Appeal - per instructions found in Bountiful Code 14-2-108B



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o ALSO ADMITTED IN TEXAS
o ALSO ADMITTED IN WYOMING

May 20, 2020

Via Hand Delivery

Land Use Appeal Authority for Bountiful City
c/o Shawna Andrus, Bountiful City Recorder
150 N. Main St., Ste. 101
Bountiful, Utah 84010

RE: APPEAL OF LAND USE DECISION
Appellants: Emily Christiansen and Ryan Tingey

To whom it may concern:

I represent Emily Christiansen and Ryan Tingey (collectively the "Appellants") who own the property located at 2502 S. 150 E., Bountiful, UT 84010 ("Appellant's Property"). Appellants submit this appeal of Bountiful City's (the "City") decision to not enforce existing violations of the City Land Use Code ("BCLC") existing on the property located at 2544 South 150 East, Bountiful, Utah 84010 (the "Noncompliant Property"). Appellants also appeal from the permit issued related to the Noncompliant Property. This appeal is filed in accordance with BCLC § 14-2-108(A) because Appellants have been adversely affected by the City's decision administering and interpreting BCLC §§ 14-4-105(J)(1) *et seq.*

Background

The Noncompliant Property and the Appellants' Property share a common boundary line.¹ Appellants received no notice that their neighbor had received a permit

¹ A Google Earth image of the Noncompliant Property is attached as Exhibit 1; Photographs of the Structure are attached as Exhibit 2;

to build an accessory structure on the Noncompliant Property (the "Structure"). It was not until May 7, 2020 that the Appellants noticed walls on the Structure being erected. At that point, Appellants began to realize just how large the Structure was going to be and how close it was to the Appellant's Property. Appellants thereafter visited the office of the Planning and Zoning Department on May 11 and May 12 to obtain information related to the Structure.² During their meetings with City officials, Appellants informed them of the following possible violations of the BCLC and requested that the violations be immediately remediated:

1. The total footprint of the Structure was greater than 10% of the total footprint of the Noncompliant Property in violation of BCLC § 14-4-105(J)(1)(a);
2. The Structure did not comply with the setback requirements described in BCLC § 14-4-105(J)(1)(a);

As of May 13, 2020, work on the Structure had ceased. Thereafter on May 14, 2020, Francisco Astorga, Director of Planning and Economic Development, responded in writing to Appellants' concern regarding the setback violations requests in writing.³ Mr. Astorga responded as follows:

In reviewing the approved permit including its corresponding site plan, Staff did not err in applying the current Code and the permit was properly issued. The 3' setback Code focuses on a rear building line and not a rear building façade line, which identifies the area where most of the accessory structure is over a rear yard setback. This is a direct result of the irregularity of the lot with the angled rear property line specifically from the middle (of the rear line) towards the north.

On May 18, 2020, Appellants visited the office of the Planning and Zoning Department to obtain a copy of the subject building permit and the application. The Department released a copy of the permit to Appellants (the "Permit"), but refused to release any other information or documents.⁴ However, the Permit provides no information regarding the dimensions of the Structure or the location of the Structure on the Noncompliant Property.

² On May 12, 2020, other neighbors in the area attended the City Council meeting to comment and ask questions about the new Structure.

³ A copy of the City's response is attached hereto as Exhibit 3.

⁴ Permit, attached as Exhibit 4.

Appeal

I. Standing and timeliness.

First, Appellants have standing to bring this appeal because they are affected by the application and interpretation of a land use ordinance by the City's land use authority given their proximity to the Noncompliant Property. See BCLC § 14-2-108(A); Utah Code Ann. § 10-9a-703(1). Second, the Appellants did not have the necessary facts that form the basis of their appeal until May 7, 2020. Thereafter, they acted diligently to inquire further about the dimensions and exact location of the Structure on the Noncompliant Property. Then on May 14, 2020, the City issued a written decision interpreting sections of the BCLC and informing Appellants that it would not enforce the BCLC. Accordingly, this appeal is timely under BCLC § 14-2-108 ("any person adversely affected by a Land Use Authority's decision administering or interpreting a land use ordinance, code or ruling on a request for a variance may, within fourteen calendar days of the written decision. . . .")

II. Standard of review.

A land use decision is to be upheld unless the decision is "arbitrary and capricious" or "illegal." Utah Code Ann. § 10-9a-801(b). A decision is illegal if it is "(A) based on an incorrect interpretation of a land use regulation; or (B) contrary to law." Utah Code Ann. § 10-9a-801(c)(ii).

"A municipality is bound by the terms and standards of applicable land use ordinances and *shall* comply with mandatory provisions of those ordinances." U.C.A. 10-9a-509(2) (emphasis added). When a city's ordinance employs the word "shall," the city's compliance with the ordinance is "mandatory" and "the [c]ity [is] not entitled to disregard its mandatory ordinances." *Springville Citizens for a Better Cmty. v. City of Springville*, 1999 UT 25, ¶¶ 27-30, 979 P.2d 332 ("Municipal zoning authorities are bound by the terms and standards of applicable zoning ordinances and are not at liberty to make land use decisions in derogation thereof.")

Accordingly, the "land use authority's interpretation and application of the plain meaning of land use regulations" is reviewed for "correctness" (Utah Code Ann. § 10-9a-707) and a city's interpretation and application of an ordinance is entitled to no deference. *Outfront Media, LLC v. Salt Lake City Corp.*, 2017 UT 74, 416 P.3d 389.

III. The footprint of the Structure is greater than 10% of the total size of the Noncompliant Property in violation of BCLC § 14-4-105(J)(1)(a).

The Structure is an "Accessory Structure" as defined by BCLC § 14-4-105(J). That Section provides that an accessory structure "*shall* meet the following:" "The total

footprint of any and all accessory structures **shall** not exceed ten percent (10%) of the entire lot or parcel area, and no lot or parcel **shall** be reduced in area after the construction of an accessory building, such that it is in violation of this provision.” BCLC § 14-4-105(J)(1)(a) (emphasis added).

Here, the Noncompliant Property is .54 acres in size,⁵ or 23,522.4 square feet. The Planning and Zoning Department officials represented to the Appellants that the total footprint of the Structure is 30 feet by 80 feet, or 2,400 square feet, which is greater than 10% of the size of the Noncompliant Property.⁶ Accordingly, the Structure is contrary to law (BCLC § 14-4-105(J)(1)(a)) and is therefore illegal. Thus, the City’s application of BCLC § 14-4-105(J)(1)(a) and its decision not to enforce that ordinance cannot be upheld under Utah Code Ann. § 10-9a-801(b). Appellants request that the Appeal Authority reverse the City’s land use decision and order it to strictly enforce BCLC § 14-4-105(J)(1)(a)).

IV. **The Structure violates the setback requirements described in BCLC § 14-4-105(J)(1)(b).**

Section 14-4-105(J)(1)(b) provides that an accessory structure “**shall** meet the following:”

An accessory structure **shall** meet all of the setbacks of a primary structure, or it **shall** be located behind the rear building line of a primary structure, and **shall** be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line. *Id.* (emphasis added).

First, the Structure is located in the side yard of the Noncompliant Property and is set back 3 feet from the Noncompliant Property’s north side yard and approximately 4 feet from the Property’s rear yard. Thus the Structure does not comply with the setback requirements of a primary structure. See BCLC § 14-4-105(C) (primary structure must be set back a minimum of 8 feet from a side yard); BCLC § 14-4-105(H) (primary structure must be setback a minimum of 20 feet from the rear yard).

Second, the Structure is not “located behind the rear building line of the primary structure.” BCLC § 14-4-105(J)(1)(b). Section 14-3-103(58) defines “Building Line” to mean: “A line parallel to the front lot line and at a distance therefrom equal to the required depth of front yard for the zone in which the lot is located and extending across

⁵<https://bountifulut.mapgeo.io/datasets/properties?abuttersDistance=120&panel=search&previewId=051440006&zoom=18> (last visited 5/20/20); see screen shot attached as Exhibit 5.

⁶ The BCLC’s thorough use of the word “shall” in the subject ordinance means that “the municipality itself has legislatively removed any such discretion” to apply a “substantial compliance standard.” *Springville Citizens for a Better Cmty.*, 1999 UT 25, ¶ 29.

the whole width of the lot.” In a Residential Zone, the front building line is equal to the front setback line, or 25 feet from the front lot line and then extending across the whole width of the lot. BCLC § 14-4-105(A). Therefore, the “rear building line” is equal to the rear setback line, or 20 feet from the rear lot line and then extending across the whole width of the lot. Indeed, the Planning and Zoning Department confirmed this fact and that the rear “façade” of the primary structure is not the rear building line.⁷

The front of the primary structure on the Noncompliant Property faces east onto 150 East. Thus, the rear yard is on the opposite side (west side) of the primary structure. A “Rear Yard” is defined as: “A space in the same lot with a building, between the rear line of the building and the rear lot line **and extending the full width of the lot.**” BCLC § 14-3-103(327) (emphasis added). Attached hereto as Exhibit 1 is a map of the Noncompliant Property produced using Google Earth’s measurement tool. The shaded area depicts the rear building line and the area that accessory structures are permitted to be located under BCLC § 14-4-105(J)(1)(b). A cursory review of this map and the photographs of the Structure clearly shows that the Structure is not behind the rear building line.

Accordingly, the Structure is contrary to law (BCLC § 14-4-105(J)(1)(b)) and is therefore illegal. Thus, the City’s application of BCLC § 14-4-105(J)(1)(b) and its decision not to enforce that ordinance cannot be upheld under Utah Code Ann. § 10-9a-801(b). Appellants request that the Appeal Authority reverse the City’s land use decision and order it to strictly enforce BCLC § 14-4-105(J)(1)(b)).

V. Other suspected violations of the BCLC.

Appellants suspect that other violations of the BCLC exist related to the Structure and are investigating these issues with Planning and Zoning Department. If required, Appellants will submit a separate appeal on these issues.

First, BCLC § 14-4-109(A) provides that “[i]n the (R) Zone, all structures, including accessory structures, and all impervious surfaces such as driveways, sidewalks, patios, parking areas, sports courts and pools shall not cover a total of more than sixty percent (60%) of the area of the lot or parcel of land.” Because Appellants were denied access to the subject permit application, they are unaware of the total foot print of the primary structure, driveways, and patios on the Noncompliant Property. But given that it appears that the owners of the Noncompliant Property intend to construct a second driveway in connection with the Structure, it appears that more than 60% of the Noncompliant Property is covered by “structures” in violation of BCLC § 14-4-109(A).

⁷ City’s Response, Ex. 4. Even if the “rear building line” was the façade of a primary structure, the primary structure on the Noncompliant Property is approximately 20 feet from the rear lot line.

Second, the side walls of an accessory structure shall not exceed 15 feet from the ground and the height of an accessory structure shall not exceed 20 feet from the ground. BCLC § 14-4-105(J)(2)(j)-(k). A visual review of the Structure walls and height leads Appellants to believe that *this ordinance has been violated*.

VI. Request for hearing.

Appellants request a hearing on these issues pursuant to BCLC § 14-2-108(C).

CLYDE SNOW & SESSIONS

/s/Timothy R. Pack

Timothy R. Pack

Attorneys for Appellants

I declare under criminal penalty of the State of Utah that the foregoing factual background is true and correct to the best of my knowledge.

/s/Emily Christiansen (signed with permission)
Emily Christiansen

/s/Ryan Tingey (signed with permission)
Ryan Tingey

EXHIBIT 1



EXHIBIT 2











EXHIBIT 3

From: [Francisco Astorga](#)
Subject: Detached Garage at 2544 South 150 East
Date: Thursday, May 14, 2020 6:19:42 PM
Attachments: [image001.png](#)

To whom it may concern,

This is a follow-up correspondence to address our brief conversation that took place on Tuesday May 13, 2020. You expressed concerns about the accessory garage being built at 2544 South 150 East. Based in that we spoke with more than one person about this accessory structure, we decided to send the same e-mail to everyone including the property owner which I met in person on-site earlier today.

The property owner who resides at said location brought plans in to build a garage last fall to the Planning and Engineering Departments. After discussing the plans at length with Planning Staff, the owner made revisions to ensure that the Code could be met. In reviewing Land Use Section 14-4-105(J)(1)(b) an accessory structure is either to meet all of the setbacks of a primary structures (25' front, 20' rear, & 8 side), or if located behind the rear building line of a primary structure it would need meet rear/side setbacks of a minimum of three (3) feet. The exact code reference can be found [here](#).

While this specific section (3' setback) of the Code would make better sense to a traditional block lot (a lot having four sides and of a rectangular nature) there are always challenges with more irregular lots (having more than four sides at different angles), which the subject site falls under.

In reviewing the approved permit including its corresponding site plan, Staff did not err in applying the current Code and the permit was properly issued. The 3' setback Code focuses on a rear building line and not a rear building façade line, which identifies the area where most of the accessory structure is over a rear yard setback. This is a direct result of the irregularity of the lot with the angled rear property line specifically from the middle (of the rear line) towards the north.

We recognize that most of the accessory structure is indeed exposed from the front of the lot, and find that if the typical standard would have been applied instead it would have possibly created a larger separation between the rear and side property lines while placing the structure much closer to the front/street creating an even bigger impact on 150 East instead of on 100 East cul-de-sac. It would most likely be also perceived as a taller structure based on the current topography of the site, approximately five (5) feet higher from where it was placed.

The walls of an accessory structure cannot exceed fifteen (15) feet and the height of the structure cannot exceed twenty (20) feet as measured from the average grade to the average roof line. We were able to inspect the site earlier, not part of the standard building permit process but solely based on the received verbal complaints, and found that the accessory structure does not have any identified issues with the maximum building height. Please keep in mind that today's preliminary inspection does not replace standard inspections performed by the Bountiful City building inspector, and that the structure/site is still being worked on as

final grade in most of the site has not yet been established as final completion.

The Code does not provide specific direction regarding building material and aesthetics for accessory structures, only indicating it should be built to IBC (International Building Code) standards. The building permit was approved on March 17, 2020. Building permits do not require public input.

Please reach out if we can answer any other questions you might have about this permit. The Planning Department handles the zoning component of the project (uses, density, setbacks, height, parking, access, etc.) while the building official/inspector, a division of the Engineering Dept., oversees compliance with applicable building codes, issuance of the permit, and any applicable components of the building permit process.

Respectfully,

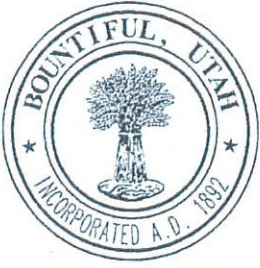
Francisco Astorga, AICP | Director of Planning and Economic Development

Bountiful City | ~~790 South 100 East~~ temporary address: 150 North Main Street, Suite 103,
Bountiful, Utah 84010

801.298.6190 | fastorga@bountifulutah.gov



EXHIBIT 4



Bountiful City

Engineering: (801) 298-6125 Hours: Mon-Thurs 7am-6pm
 Planning & Zoning: (801) 298-6190 Hours: Mon-Thurs 7am-6pm
 For inspections, please call (801) 298-6125 with your Application #.
 Please keep in mind we require a 24-hour notice.

APPLICATION NUMBER
20070
ISSUE DATE
03/17/2020
PERMIT NUMBER
BOU 3957-20

Proposed Use of Structure RESIDENTIAL GARAGE	Building Address 2544 SOUTH 150 EAST
--	--

Description DETACHED GARAGE	Total Property Area Acres: _____ SF: _____
---------------------------------------	--

Lot #	Subdivision Name PINES@NC	Building:	Date of Application 02/20/2020
Previous Use of Land or Structure		Valuation: 100,000	Accessors Parcel 05-144-0006
Zone: R-4		# of Stories:	Fees: Building: 993.75 Electrical: 96.10 Plumbing: 64.80 Mechanical: 75.00 Sub Total Building Fees: 1,229.65 State Surcharge: 12.30 Plan Check: 99.38 Water Meter Set: 0.00 Water Impact: 0.00 Storm Water: 0.00 Temp Power: 0.00 Investigation: 0.00 Fire Hydrant: 0.00 Water Line: 0.00 Net Meter: 0.00 Fire Impact Fee: 0.00 Total Fees: 1,341.33 Cash Bond: 700.00 Grand Total: 2,041.33
SINGLE FAMILY 4 UNITS/ACRE		# of Bedrooms:	
Setbacks:		# of Dwellings:	
Front:	Rear:	Fire Sprinkler:	
Left:	Right:	R. Value Roof:	
		R. Value Walls:	
		Building Type:	
		Max Occupancy:	
		Occupancy Group:	
		Construction Type:	

Owner Information
 Name: WILLIAMS, JAMES ELLIS & JODI N
 Address: 2544 SOUTH 150 EAST
 BOUNTIFUL, UT 84010
 CID: 412793
 Phone: 801-694-9828

Architect/Engineer Information
 Type: ARCHITECT
 Name: OWNER/BUILDER
 Address: BOUNTIFUL, UT 84010
 CID: 80690
 Phone: 000-000-0000

Contractor Information
 Type: CONTRACTOR
 Name: OWNER/BUILDER
 Address: BOUNTIFUL, UT 84010
 CID: 80690
 Phone: 000-000-0000
 Lic #

Electrical Information
 Type: ELECTRICAL
 Name: OWNER/BUILDER
 Address: BOUNTIFUL, UT 84010
 CID: 80690
 Phone: 000-000-0000

Mechanical/HVAC Information
 Type: MECHANICAL
 Name: OWNER/BUILDER
 Address: BOUNTIFUL, UT 84010
 CID: 80690
 Phone: 000-000-0000

Plumbing Information
 Type: PLUMBING
 Name: OWNER/BUILDER
 Address: BOUNTIFUL, UT 84010
 CID: 80690
 Phone: 000-000-0000

Comments:

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty or perjury.

This Application Does not become a Permit Until Signed Below

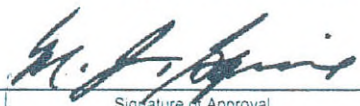
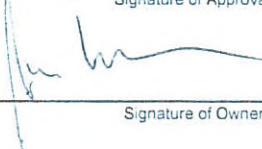
 _____ Signature of Approver	03/17/2020 _____ Date
 _____ Signature of Owner	3-17-20 _____ Date
_____ Signature of Contractor or Authorized Agent	_____ Date

EXHIBIT 5

Property Information

Property ID	051440006
Owner Name	WILLIAMS, JAMES ELLIS & JODI N
Site Address	2544 S 150 EAST
Mailing Address	2544 SOUTH 150 EAST
City	BOUNTIFUL
State	UT
ZIP	84010
Acres	0.54
Legal	ALL OF LOT 6, PINES AT NORTH CANYON, THE. CONT. 0.54000 ACRES.



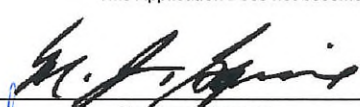
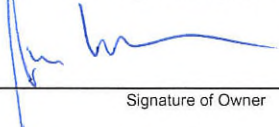
Bountiful City

Engineering: (801) 298-6125 Hours: Mon-Thurs 7am-6pm
 Planning & Zoning: (801) 298-6190 Hours: Mon-Thurs 7am-6pm
 For inspections, please call (801) 298-6125 with your Application #.
 Please keep in mind we require a 24-hour notice.

APPLICATION NUMBER
20070
ISSUE DATE
03/17/2020
PERMIT NUMBER
BOU 3957-20

Proposed Use of Structure RESIDENTIAL GARAGE	Building Address 2544 SOUTH 150 EAST
--	--

Description DETACHED GARAGE	Total Property Area Acres: SF:
---------------------------------------	--

Lot #	Subdivision Name PINES@NC	Building:	Date of Application 02/20/2020
Previous Use of Land or Structure		Valuation: 100,000	Accessors Parcel 05-144-0006
Zone: R-4		# of Stories:	Fees:
SINGLE FAMILY 4 UNITS/ACRE		# of Bedrooms:	Building: 993.75
Setbacks:		# of Dwellings:	Electrical: 96.10
Front:	Rear:	Fire Sprinkler:	Plumbing: 64.80
Left:	Right:	R. Value Roof:	Mechanical: 75.00
Owner Information		R. Value Walls:	Sub Total Building Fees: 1,229.65
Name: WILLIAMS, JAMES ELLIS & JODI N		Building Type:	State Surcharge: 12.30
Address: 2544 SOUTH 150 EAST		Max Occupancy:	Plan Check: 99.38
Bountiful, UT 84010		Occupancy Group:	Water Meter Set: 0.00
CID: 412793		Construction Type:	Water Impact: 0.00
Phone: 801-694-9828			Storm Water: 0.00
Architect/Engineer Information		Total SF:	Temp Power: 0.00
Type: ARCHITECT		Finished Floor SF:	Investigation: 0.00
Name: OWNER/BUILDER		Finished Basement SF:	Fire Hydrant: 0.00
Address: BOUNTIFUL, UT 84010		Rough Basement SF:	Water Line: 0.00
CID: 80690		Garage SF:	Net Meter: 0.00
Phone: 000-000-0000			Fire Impact Fee: 0.00
Contractor Information		Carport SF:	Total Fees: 1,341.33
Type: CONTRACTOR		Deck(s) SF:	Cash Bond: 700.00
Name: OWNER/BUILDER		Patio/Porch SF:	Grand Total: 2,041.33
Address: BOUNTIFUL, UT 84010			
CID: 80690			
Phone: 000-000-0000			
Lic #			
Electrical Information		Comments:	
Type: ELECTRICAL		This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty or perjury.	
Name: OWNER/BUILDER			
Address: BOUNTIFUL, UT 84010			
CID: 80690			
Phone: 000-000-0000			
Mechanical/HVAC Information		This Application Does not become a Permit Until Signed Below	
Type: MECHANICAL			
Name: OWNER/BUILDER			
Address: BOUNTIFUL, UT 84010			
CID: 80690			
Phone: 000-000-0000		 Signature of Approval	
Plumbing Information		03/17/2020 Date	
Type: PLUMBING		 Signature of Owner	
Name: OWNER/BUILDER		3-17-20 Date	
Address: BOUNTIFUL, UT 84010		Signature of Contractor or Authorized Agent	
CID: 80690		Date	
Phone: 000-000-0000			

BOUNTIFUL CITY
BUILDING PERMIT APPLICATION
AND STORM WATER PERMIT APPLICATION

Office Use Only
 20070 ✓
 Revised Nov 2019

COMMERCIAL	NEW	ADDITION	DEMOLITION	SIGN	ELEC / HVAC / WATER HEATER
RESIDENTIAL	REMODEL	STORM WATER	RETAINING	TENANT FINISH	ACCESSORY STRUCTURE

PROJECT DESCRIPTION: *Detached Garage* PROPOSED USE IF DETACHED STRUCTURE: *Storage*

APPLICATION DATE: *2-18-20* EST. START DATE: EST. COMPLETION DATE: *3 months*

BUILDING ADDRESS: *2544 So 150 East Bountiful* VALUATION: *\$ 120,000*

LOT SUBDIVISION NAME AND PLAT: *Pines at North Ogden*

TOTAL PROPERTY AREA (acres or sq. ft.): *23697 ft* TOTAL BUILDING AREA (sq. ft.): *2400 ft*

PROPERTY OWNER: *James Williams* PHONE: *801-694-9828* MOBILE:

ADDRESS: *2544 S 150 E BOUNTIFUL UT 84010* EMAIL: *jwilliam01@msn.com*

ARCH. / ENGINEER: *Owner* PHONE: STATE LIC. #

ADDRESS: CITY, STATE & ZIP EMAIL:

GEN. CONTRACTOR: *Owner* PHONE: STATE LIC. #

ADDRESS: CITY, STATE & ZIP EMAIL:

ELEC. CONTRACTOR: *Owner* PHONE: STATE LIC. #

ADDRESS: CITY, STATE & ZIP EMAIL:

PLBG. CONTRACTOR: *Owner* PHONE: STATE LIC. #

ADDRESS: CITY, STATE & ZIP EMAIL:

MECH. CONTRACTOR: *Owner* PHONE: STATE LIC. #

ADDRESS: CITY, STATE & ZIP EMAIL:

STORM WATER CONSULTANT: PHONE: STATE LIC. #

ADDRESS: CITY, STATE & ZIP EMAIL:

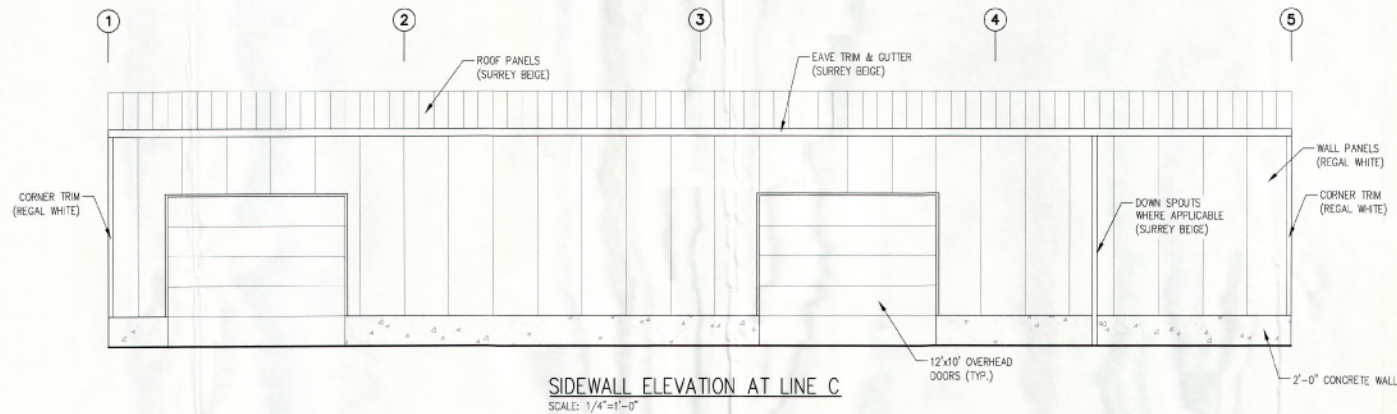
SUBMIT WITH APPLICATION (2 SETS):		BOUNTIFUL CITY ENGINEERING DEPARTMENT BOUNTIFUL CITY HALL 790 S. 100 E. BOUNTIFUL, UT 84010 PHONE: 801-298-6125 EMAIL: tmunden@bountifulutah.gov OFFICE HOURS: MON. - THURS. 7am - 6 pm
PLANS		
SITE PLAN		
ENGINEERING CALCULATIONS		
MEC CHECK		
GAS LINE DRAWINGS		
STORM WATER MANAGEMENT PLAN		
STATE STORM WATER PERMIT		

APPLICANT SEE BACK FOR IMPORTANT INFORMATION

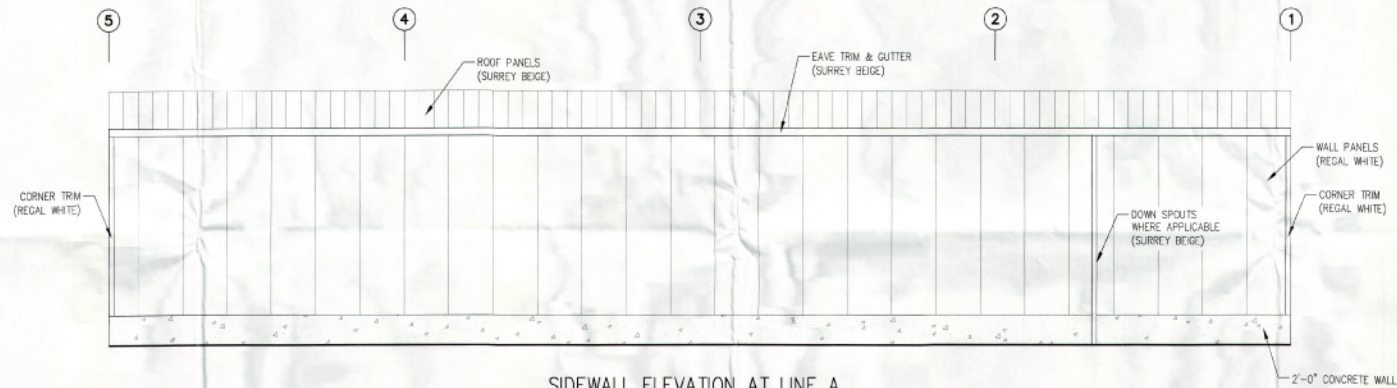
FOR OFFICE USE ONLY

FEES	PERMIT	BOND	TOTAL	BLDG REVIEW	INITIALS:
	<i>\$1341.33</i>	<i>\$700.00</i>	<i>\$2041.33</i>	DATE: <i>3-16-20</i>	<i>[Signature]</i>

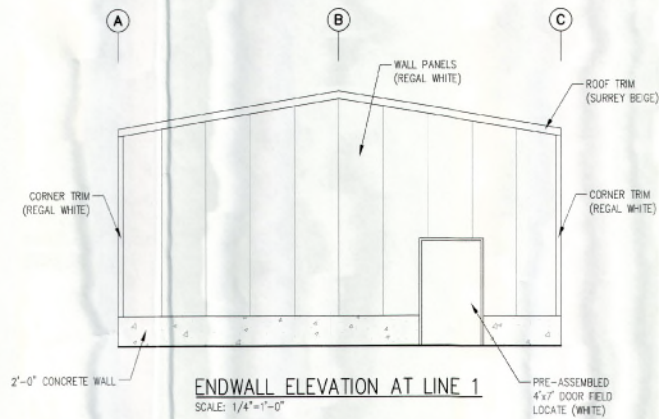
PLANNING REVIEW	POWER REVIEW	ENGINEERING REVIEW	STORM WATER REVIEW
DATE: <i>2/24/20</i> INITIALS: <i>awp</i>	DATE: INITIALS:	DATE: <i>2-25-20</i> INITIALS: <i>BCC</i>	DATE: INITIALS:



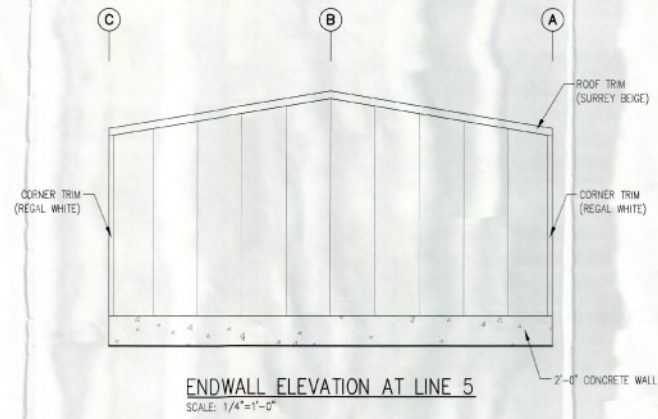
SIDEWALL ELEVATION AT LINE C
SCALE: 1/4"=1'-0"



SIDEWALL ELEVATION AT LINE A
SCALE: 1/4"=1'-0"



ENDWALL ELEVATION AT LINE 1
SCALE: 1/4"=1'-0"



ENDWALL ELEVATION AT LINE 5
SCALE: 1/4"=1'-0"

**MOUNTAIN VIEW
ENGINEERING, INC.**



Structural Engineering
345 North Main Street Ste. A, Bountiful, UT 84002 (435) 734-9700 Fax: (435) 734-9219

SHEET TITLE: **ELEVATIONS**
JOB NAME: **JIM WILLIAMS GARAGE**
LOCATION: **BOUNTIFUL, UTAH**
CONTRACTOR: -

PLAN ISSUE DATES

DATE	BY	DESCRIPTION
2-13-20	J.P.	FOR PERMIT



SHEET NUMBER:

A-1

DESIGN BY:	J.P.
ENGINEER:	J.P.
DATE:	2/13/20
PROJECT NUMBER:	200050

FOUNDATION NOTES

1. Design Information and Loads

- A. Foundation design in accordance with 2018 International Building Code using the reactions provided by the metal building manufacturer for the following design criteria.
- B. Ground Snow Load 30 psf
Roof Snow Load 28.03 psf
Minimum Uniform Roof Snow Load 30.1 psf
- C. Wind Speed 110 mph
Exposure C
- D. Se 1.050
- E. SDC D
- F. Frost Depth 2'-6"

2. Earthwork

- A. Foundation Design Values (assumed)
 - i. Allowable Soil Bearing Pressure - 1500 psf
 - ii. Coefficient of Friction - 0.25
 - iii. Passive Earth Pressure - 200 psf/ft of depth
- B. The building pad area shall be stripped of all frozen soil, debris, vegetation, and topsoil. All fill soils and any remaining loose natural soils shall be excavated to expose suitable natural soils. Proof roll the entire building pad area to locate and remove all soft spots. Replace with compacted structural fill.
- C. Place all footings and slabs on undisturbed natural soil or on properly compacted structural fill. Contractor shall verify that soil under footings is suitable to support footings.
- D. Structural Fill: Structural fill should consist of well-graded sandy gravel with a maximum particle size of 3 inches and 5 to 15 percent fines (materials passing the No. 200 sieve). The liquid limit of fines should not exceed 35 and the plasticity index should be below 15. All fill soils should be free from topsoils, highly organic material, frozen soil, and other deleterious materials. Structural fill should be placed in maximum 8-inch thick loose lifts at a moisture content within 2 percent of optimum and compacted to at least 95 percent of modified proctor density (ASTM D1557) under the building and 90 percent under concrete flatwork.

F. It is the responsibility of the contractor to ensure that the depth of the bottom of the foundation is for enough below the adjacent grade to ensure adequate frost protection.

3. Concrete and Reinforcement

- A. Material Standards
 - i. Concrete
 - a. Footings: Exposure Classes F0, S0, W0, C0
fc = 3000 p.s.i., max. w/cm ratio = 0.55
 - b. Exterior Walls: Exposure Classes F1, S0, W0, C1
fc = 3500 p.s.i., max. w/cm ratio = 0.55
 - c. Interior Walls: Exposure Classes F0, S0, W0, C0
fc = 3000 p.s.i., max. w/cm ratio = N.A.
 - d. Interior Slabs: Exposure Classes F1, S0, W0, C0
fc = 3500 p.s.i., max. w/cm ratio = 0.55
 - e. Air content for Exposures F1-F3 must meet the requirements of Table 19.3.3.1 of ACI 318-14. Air-entraining admixtures shall conform to ASTM C260.
 - f. The cement type for Exposures S1-S3 must meet the requirements of Table 19.3.2.1 of ACI 318-14. Cement shall conform to ASTM C150
 - g. Calcium Chloride admixture shall not be used in Exposures S2 and S3
 - h. Normal weight aggregates - ASTM C33
 - ii. Reinforcing
 - a. Rebar - ASTM #615 Grade 60 (Fy = 60 ksi)
 - b. Welded wire - ASTM A1184
 - c. Epoxy/Adhesive - Simpson SET-XP (ICC-ES ESR-2508), Hilti RE-500V3 (ICC-ES ELC-3814), or Densit Pure10+ (ICC-ES ESR-3298) unless noted otherwise in the drawings.
- B. Anchor Rods/Bolts
 - i. All anchor rods shall be cast-in-place headed anchor rods. Use of post-installed (epoxy, adhesive, expansion, screw, etc.) anchors is not allowed without written permission from MVE or unless specifically noted in the drawings.
 - ii. Steel column anchor rods/bolts - ASTM F1554 Grade 36

- with ASTM A563 heavy hex nuts and hardened washers (unless noted otherwise)
- c. Wood framing anchors - ASTM A307 with A36 plate washers
- d. Headed stud anchors (HSA) - ASTM A108
- e. Deformed bar anchors (DBA) - ASTM A496
- f. Screw Anchors for Jambes as detailed in the typical anchor rod schedule - Simpson Title HD (ICC-ES ESR-2713), Hilti HUS-TZ (ICC-ES ESR-3027), or Densit Screwbolt (ICC-ES ESR-2595)
- g. Use of hooked anchor rods/bolts is limited under the ACI and the IBC. Hooked anchor rods/bolts must be used where indicated in the details.
- h. The symbols Q, AR, Q, AB, as shown in the drawings indicate the center line of the anchor rod/bolt pattern, not the center line of any individual anchor rod/bolt.
- B. Detail reinforcing to comply with ACI 315 "Manual of Standard Practice for Detailing Reinforcing Concrete Structures" and the Concrete Reinforcing Steel Institute (CRSI) recommendations.
 - i. Minimum clear concrete cover for reinforcement shall be as follows unless noted otherwise:
 - a. Concrete cast directly against and permanently exposed to earth - 3"
 - b. Concrete exposed to weather or earth:
 - 1. #6 bars or smaller - 1 1/2"
 - 2. #6 bars or larger - 2"
 - c. Concrete not exposed to weather or in contact with the ground - 1"
 - d. Slabs on grade - as shown in details, 1" min. from top of slabs not exposed to weather
 - ii. Lap Splice Lengths with 17' minimum clear cover
 - a. fc = 2500-3500 p.s.i.
 - 1. #6 and smaller - 48 bar diameters
 - 2. #7 and larger - 76 bar diameters
 - b. fc = 4000 p.s.i. or greater

- 1. #6 and smaller - 36 bar diameters
- 2. #7 and larger - 80 bar diameters
- c. Increase lap splice lengths by 50% where epoxy coated bars are used.
- iii. Stagger splices in walls so that no two adjacent bars are spliced in the same location, unless shown otherwise.
- iv. Make all bars continuous ground corners or provide corner bars of equal size and spacing.
- v. Where 12 inches or less of fresh concrete is placed below horizontal reinforcing lap splice length may be reduced by 30%.
- vi. Vertical bars in walls, grade beams, and piers to terminate in footings with ACI standard hooks (1/2 bar diameters) to within 4" of the bottom of the footing unless noted otherwise.
- vii. Horizontal wall reinforcing shall terminate at the ends of walls with a 90 degree hook plus a 6 bar diameter extension, unless shown otherwise.
- viii. Horizontal wall reinforcing shall be continuous through construction and control joints.
- ix. Splices in horizontal reinforcement shall be staggered. Splices in two curtains (where used) shall not occur in the same location.
- x. Use chairs or other support devices as required for proper clearance.
- xi. Rebar hairpins shall be centered in slabs and shall be wire tied to the slab reinforcing (if any). Rebar hairpins in slabs shall be continuous through walls and piers; lap splices in hairpins may only occur in the floor slab unless noted otherwise.
- C. Control joints in slabs on grade are recommended to control cracking. See plans for control joint spacing and details.
- D. Slabs and grade beams shall not have joints in a horizontal plane. All reinforcement shall be continuous through all construction joints.
- E. Floor slab thickness and reinforcing shown in these drawings are adequate to support typical uniform loads only. Mountain View Engineering has not designed the slab for any specific concentrated forces such as those from vehicles, storage racks, or heavy equipment (unless noted otherwise).
- F. Welding of rebar is not allowed unless specifically indicated in the

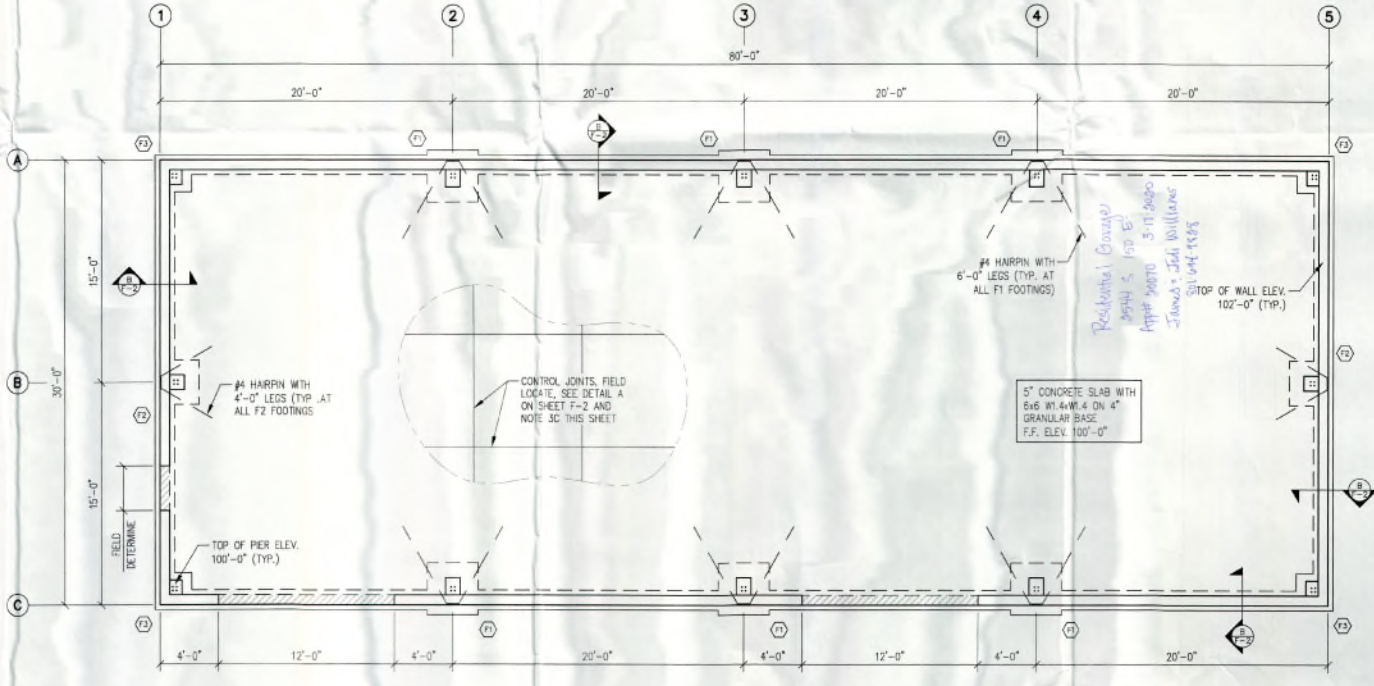
drawings. All embedments, reinforcing, and dowels shall be securely tied to framework or to adjacent reinforcing prior to placement of the concrete. Tack welding of rebar joints in grade beams, walls, or cages is not allowed. Where welding of rebar is shown in the drawings, all rebar to be welded shall be ASTM A706 Grade 60.

4. Special Inspections

- A. Concrete
 - i. Spot Footings - Not required (IBC 1705.3 Exception 1)
 - ii. Continuous Flgs. - Not required (IBC 1705.3 Exception 2.3)
 - iii. Slabs - Not required (IBC 1705.3 Exception 3)
 - iv. Grade Beams - Not required (IBC 1705.3 Exception 4)
 - v. Walls - Not required (IBC 1705.3 Exception 4)
 - vi. Anchor rods/bolts - Required (IBC Table 1705.3) Special inspection may be waived subject to the approval of the building official.
- B. Steel Reinforcement
 - i. Placement - Third party special inspection of reinforcing placement need only be performed where specifically required by the building official.
 - ii. Welding - Special inspection of rebar welding is required (if any is used).

5. Miscellaneous

- A. The contractor shall notify engineer of any variations in dimensions.
- B. The engineer is not responsible for any deviations from these plans unless such changes are authorized in writing by the engineer.



DIA.	EMBED	OPTION A: HEADED BOLT	OPTION B: THERMAD ROD WITH HEAVY HEX NUT
1/2"	10"		
3/8"	12"		
1/2"	14"		
5/8"	16"		
1"	22"		
1 1/8"	24"		
1 1/2"	24"		

*AT OPENING JAMBS, 1/2"x4" SCREW ANCHORS MAY BE USED IN LIEU OF CAST-IN-PLACE ANCHORS. OPENING JAMB ANCHORS ARE NOT SHOWN ON THIS DRAWING. SEE METAL BUILDING ANCHOR PLAN.

NOTE: VERIFY ALL DOOR SIZES AND LOCATIONS WITH AMERICAN BUILDINGS PRIOR TO CONSTRUCTION

(F) INDICATES APPLICABLE FOOTING DETAIL

FOUNDATION PLAN
SCALE: 1/4"=1'-0"

NOTE: COORDINATE THIS DRAWING WITH THE AMERICAN BUILDINGS ANCHOR BOLT PLAN.

Design
MOUNTAIN VIEW ENGINEERING, INC.
Consulting
Structural Engineering
345 North Main Street, Ste. A, Bountiful, Utah 84002 (801) 734-9700 Fax: (801) 734-9919

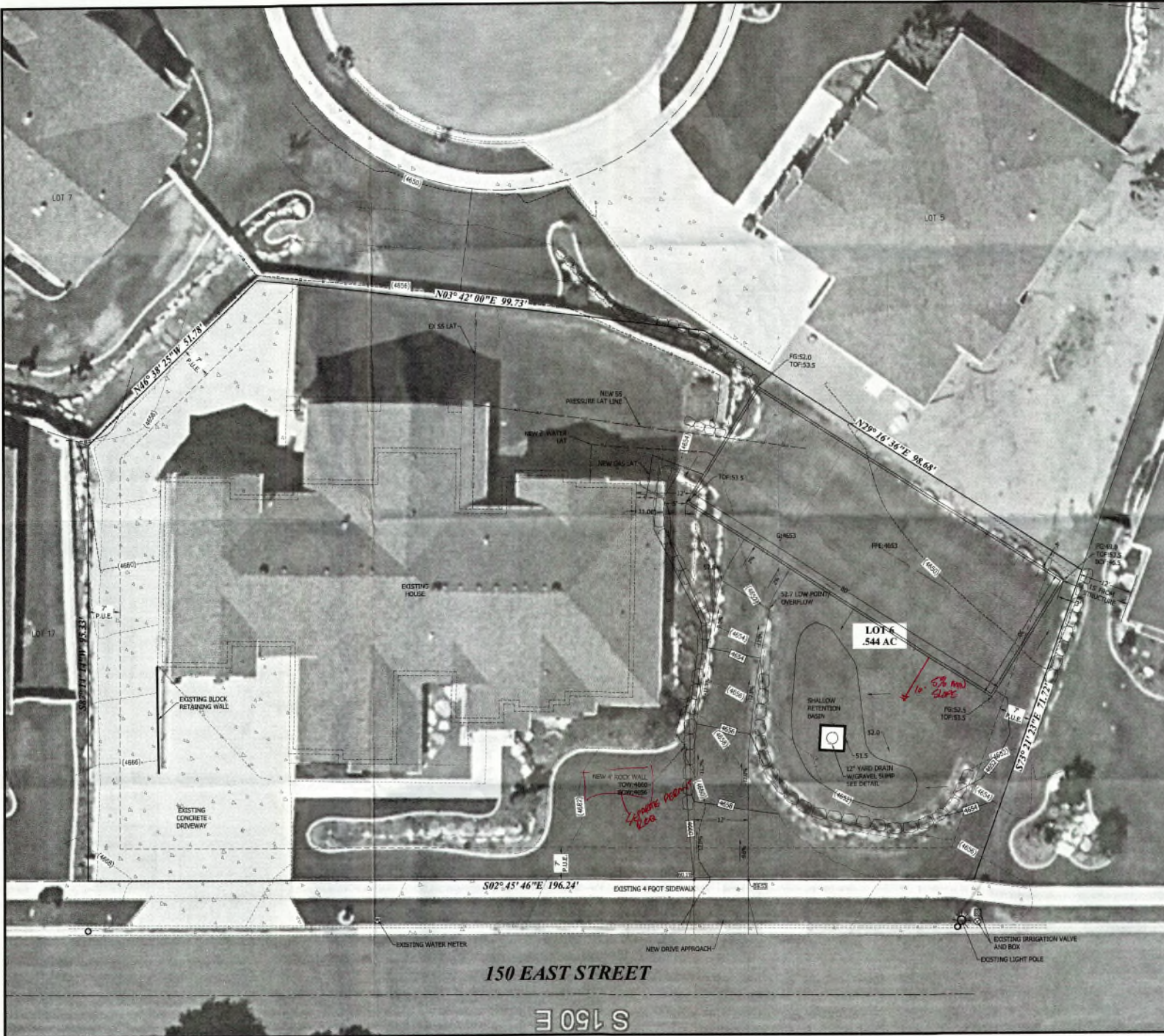
FOUNDATION PLAN
JOB NAME: JIM WILLIAMS GARAGE
LOCATION: BOUNTIFUL, UTAH
CONTRACTOR:

DATE	REV.	DESCRIPTION	DATE FOR PERMIT
2-13-20	1.0	FOR PERMIT	

Professional Engineer Seal
No. 26466-2020
MOUNTAIN VIEW ENGINEERING, INC.
DATE OF ISSUANCE: FEB 13 2020

SHEET NUMBER:
F-1

DRAWN BY: L.W.
ENGINEER: B. OOK
MVE JOB NUMBER: **200050**



TOTAL LOT AREA: 23697 SF
 EX HARD SURFACE/HOUSE: 9727 SF
 NEW ADDITION W/DRIVEWAY: 2400 SF
 HARD SURFACE: 54.18%

Scale: 1" = 10'
 North Arrow

TOPOGRAPHIC PLAN

THIS DRAWING IS FOR TOPOGRAPHICAL INFORMATION ONLY. ALL BOUNDARIES AND EASEMENTS ARE APPROXIMATE AND ARE BASED SCALELY ON THE INFORMATION AVAILABLE ON THE SUBDIVISION PLAN OR OTHERWISE PROVIDED TO THE SURVEYOR.

LEGEND

PROPERTY LINE	—————
ADJACENT PROPERTY	-----
ROAD CENTERLINE	-----
EASEMENT LINE	-----
CURB, GUTTER, SIDEWALK	-----
FENCE LINE	-----
WALL	◻◻◻◻◻◻◻◻◻◻

Reviewed 2-25-2020 ROAD CLASSED

181 North 200 West, Suite #4
 Bountiful, UT 84010
 Phone 801.298.2236
 www.Entellus.com



JIM WILLIAMS - SALT FLATS GARAGE

2544 SOUTH 150 EAST
 LOT 6 IN THE PLAT FOR THE SALT FLATS SUBDIVISION
 LOCATED IN THE SE 1/4 OF SECTION 11, T.3N., R.1E., S.18E., U.T.A.M.
 BOUNTIFUL CITY, DAVIS COUNTY, UTAH

DRAWN: S/T 12/17/2018
 APPROVED: J/C 12/28/2018
 PROJECT: 2018-001
 20-1-2.dwg
C400
 SITE PLAN

Attachment F - Engineer's Letter & Exhibit regarding Open Space

Intelligent. Innovative.
Inclusive.

Bountiful City
RE: Jim Williams Salt Flats Garage
2544 South 150 East
Bountiful, UT

Please consider this letter notice that this project meets the city ordinances for open space. Please refer to the following table and attached drawing for surface area totals.

Total Lot Area: 23,716 SF
Ex Hard Surface/House: 9,727 SF
New Addition: 2400 SF
New Driveway: 875 SF
Hard Surface: 56.2%
Landscape: 43.8%



Sincerely,

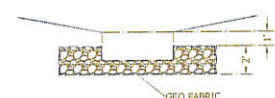
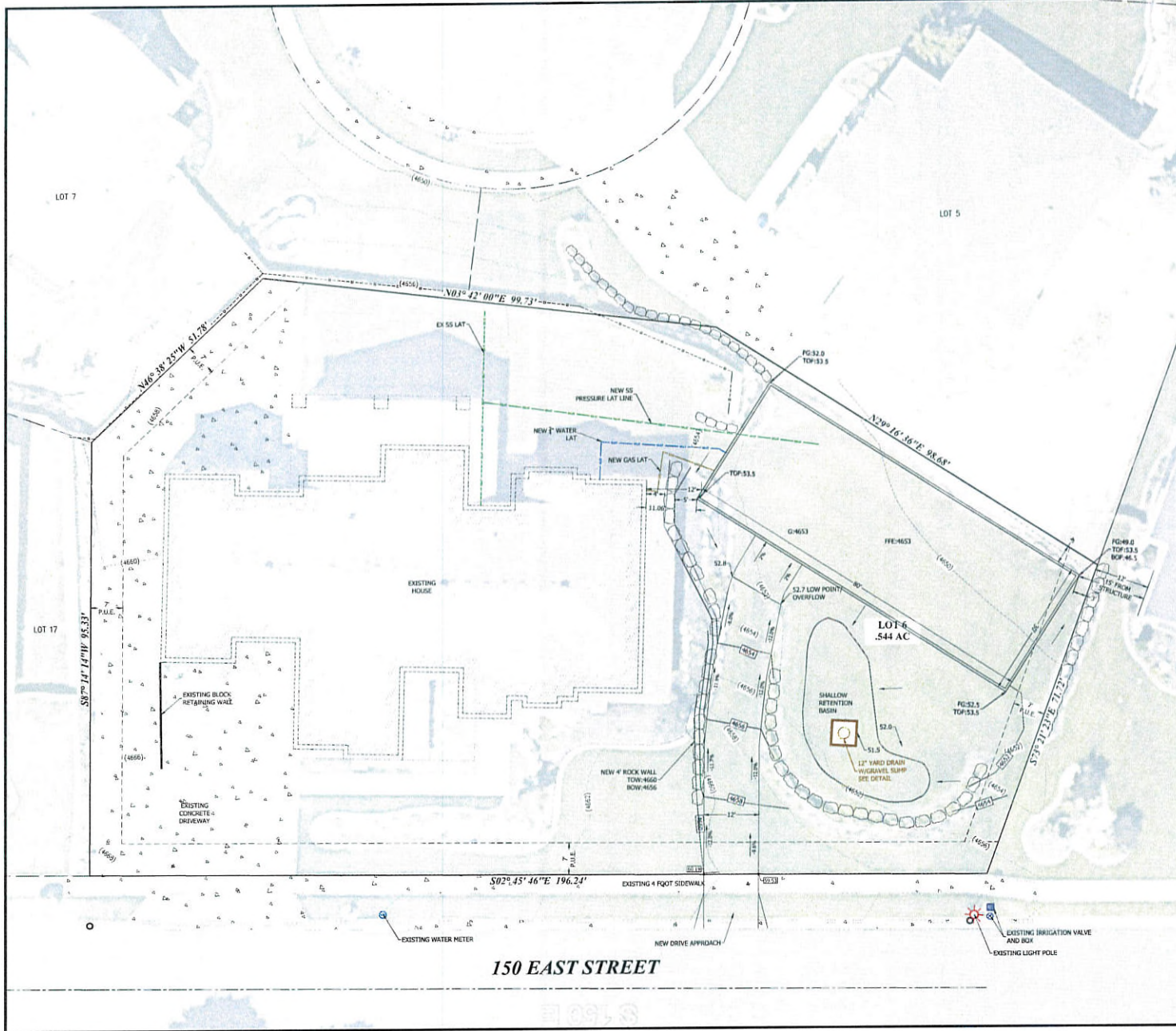


Scott T. Argyle, PE

1470 South 600 West
Woods Cross, Utah
84010

Tel. 801.298.2236
Web www.entellus.com

Attachment F - Engineer's Letter & Exhibit regarding Open Space



TOTAL LOT AREA: 23716 SF
 EX HARD SURFACE/HOUSE: 9727 SF
 NEW ADDITION: 2400 SF
 NEW DRIVEWAY: 875 SF
 HARD SURFACE: 56.2%
 LANDSCAPE: 43.8%



TOPOGRAPHIC PLAN
 THIS DRAWING IS FOR TOPOGRAPHICAL INFORMATION ONLY. ALL BOUNDARIES AND EASEMENTS ARE APPROXIMATE AND ARE BASED SOLELY ON THE INFORMATION AVAILABLE ON THE SURVEYOR'S PLAN OR OTHERWISE PROVIDED TO THE SURVEYOR.

LEGEND

PROPERTY LINE	---
ADJACENT PROPERTY	---
ROAD CENTERLINE	---
EASEMENT LINE	---
CURB, GUTTER, SIDEWALK	---
FENCE LINE	---
WALL	○ ○ ○ ○ ○

181 North 200 West, Suite #4
 Bountiful, UT 84010
 Phone: (801) 248-2226
 www.Entellus.com



JIM WILLIAMS - SALT FLATS GARAGE
 2544 SOUTH 150 EAST
 LOT 6 OF THE SALT FLATS NORTH SUBDIVISION
 LOCATED IN THE SE 1/4 OF SECTION 12, T4N, R10E, S4M.
 BOUNTIFUL CITY, DAVIS COUNTY, UTAH

DRAWN: SJJ 12/7/2018
 APPROVED: JAC 12/18/2018
 PROJECT: 180586
C400
 SITE PLAN

Attachment G - Bountiful City Land Use Code § 14-4-105(J) Accessory Structure, Primary Use Required

- A. Front Yard – Each lot or parcel shall have a front yard setback of not less than twenty-five (25) feet from the front lot line. Except for corner lots, where the elevation of the ground differs ten (10) feet or more from the curb level, as measured at a point fifty (50) feet from the front lot line and midway between the side lot lines, said front yard setback may be reduced to twenty (20) feet.
- B. Side Yard; Interior Lot – Each interior lot or parcel of land shall have two (2) side yards as indicated below for the sub-zone in which the lot or parcel is located:

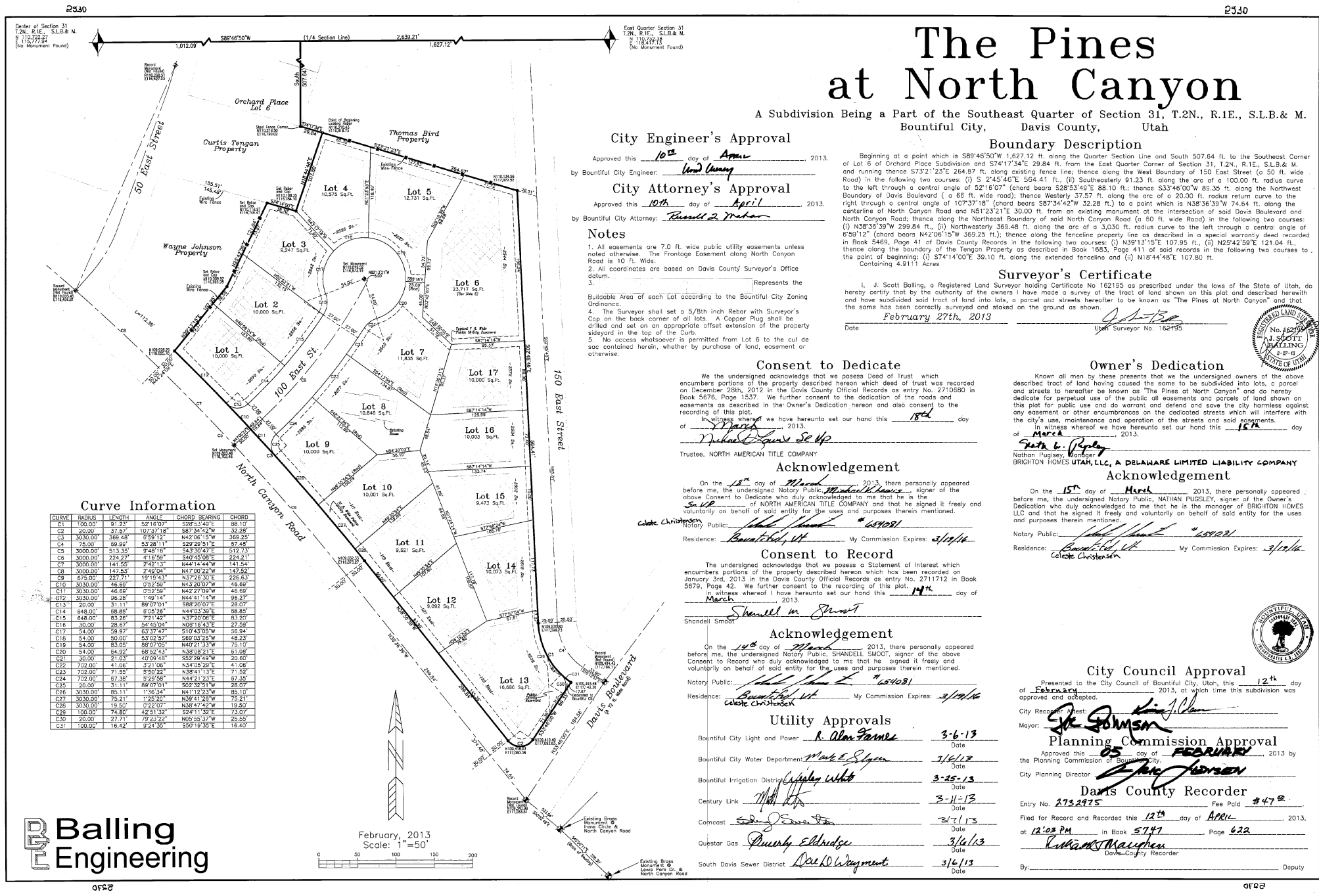
<u>Subzone</u>	<u>Minimum Side Yard (ft)</u>	<u>Total Combined (ft)</u>
R-3, R-4, R-1	8	16
R-F	8	20

- C. Side Yard; Corner Lot – On each corner lot or parcel of land, the side yard setback contiguous to the street shall not be less than twenty (20) feet, and shall not be paved or used for vehicle parking, except for a legally constructed driveway or parking area. The interior side yard setback shall be the same as the side yard setback for an interior lot. The twenty (20) foot street side yard extends from the minimum front yard setback to the rear property line.
- D. Side Yard; Flag Lot – A flag lot shall have a minimum side yard setback equal to the minimum required rear yard setback.
- E. Side Yard; Deep Setback – Any home that is located more than one hundred (100) feet from the front property line shall have a minimum side yard setback equal to the minimum required rear yard setback.
- F. Side Yard; Driveway – When used for vehicle access to a garage, carport, or parking area in the rear yard, an interior side yard setback shall include at least eight (8) feet of unobstructed paved surface exclusive of window wells, stairs, door stoops, chimneys and other obstructions. Vehicle access to rear yards shall be in accordance with the minimum dimensions shown on Figure 14-4-1.
- G. Side Yard; Accessory Structure – No accessory structures shall be allowed in any required side yard setback.
- H. Rear Yard – Each lot or parcel shall have a rear yard setback of not less than twenty (20) feet.
- I. Rear Yard; Irregular Lot – On any lot which is not generally rectangular in shape, the required minimum rear yard setback may be an average of the distances measured from the rear corners of the main building directly to the rear property line(s). However, at no point may the main building be closer than fifteen (15) feet to the rear property line(s).
- J. Accessory Structure, Primary Use Required – An accessory structure shall not be permitted on any lot or parcel of land unless a primary structure is first constructed on the site. If the primary structure is removed and not immediately replaced, any accessory structure must also be removed. A lot or parcel shall not be subdivided such that an accessory structure is located on a lot or parcel without a primary structure.

Attachment G - Bountiful City Land Use Code § 14-4-105(J) Accessory Structure, Primary Use Required

1. Accessory Structure, Permitted Use – An accessory structure allowed as a permitted use shall meet all of the following:
 - a. The total footprint of any and all accessory structures shall not exceed ten percent (10%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision.
 - b. An accessory structure shall meet all of the setbacks of a primary structure, or it shall be located behind the rear building line of a primary structure, and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line.
 - c. An accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys and any other protrusion on either the accessory building or the primary structure.
 - d. No part of an accessory structure, excluding the eaves, shall be closer than twelve (12) feet to any primary dwelling on an adjacent property.
 - e. The eaves of an accessory structure shall be setback at least one (1) foot from any property line.
 - f. An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.
 - g. An accessory structure shall meet all applicable provisions of the International Building Code.
 - h. An accessory structure shall not encroach on any easements, recorded or otherwise.
 - i. The sidewall of an accessory structure shall not exceed fifteen (15) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet or similar feature.
 - j. The height of an accessory structure shall not exceed twenty (20) feet.
 - k. Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway.
2. Accessory Structure, Conditional Use – An accessory structure may be allowed as a conditional use in accordance with the following:
 - a. The approval body shall consider the following when reviewing the proposed accessory structure:

Attachment H - The Pines at North Canyon (2013) Subdivision Plat



The Pines at North Canyon

A Subdivision Being a Part of the Southeast Quarter of Section 31, T.2N., R.1E., S.L.B.& M. Bountiful City, Davis County, Utah

City Engineer's Approval

Approved this 10th day of April, 2013.
 by Bountiful City Engineer: David Gunn

City Attorney's Approval

Approved this 10th day of April, 2013.
 by Bountiful City Attorney: Russell L. Mahan

Notes

- All easements are 7.0 ft. wide public utility easements unless noted otherwise. The Frontage Easement along North Canyon Road is 10 ft. wide.
- All coordinates are based on Davis County Surveyor's Office datum.
- Represents the Bullcable Area of each Lot according to the Bountiful City Zoning Ordinance.
- The Surveyor shall set a 5/8th inch Rebar with Surveyor's Cap on the back corner of all lots. A Copper Plug shall be drilled and set on an appropriate offset extension of the property sideyard in the top of the curb.
- No access whatsoever is permitted from Lot 6 to the cul de sac contained herein, whether by purchase of land, easement or otherwise.

Boundary Description

Beginning at a point which is S89°46'50"W 1,627.12 ft. along the Quarter Section Line and South 507.64 ft. to the Southeast Corner of Lot 6 of Orchard Place Subdivision and S74°17'34"E 29.84 ft. from the East Quarter Corner of Section 31, T.2N., R.1E., S.L.B.& M. and running thence S73°21'23"E 264.87 ft. along existing fence line; along the West Boundary of 150 East Street (a 50 ft. wide Road) in the following two courses: (i) S 2°45'46"E 564.41 ft.; (ii) Southeastery 91.23 ft. along the arc of a 100.00 ft. radius curve to the left through a central angle of S2°16'07" (chord bears S28°53'49"E 89.10 ft.; thence S33°46'00"W 83.35 ft. along the Northwest Boundary of Davis Boulevard (a 66 ft. wide road); thence Westerly 37.57 ft. along the arc of a 20.00 ft. radius return curve to the right through a central angle of 107°37'18" (chord bears S87°34'42"W 32.28 ft.) to a point which is N38°36'39"W 74.64 ft. along the centerline of North Canyon Road and N51°23'21"E 30.00 ft. from an existing monument at the intersection of said Davis Boulevard and North Canyon Road; thence along the Northeast Boundary of said North Canyon Road (a 50 ft. wide Road) in the following two courses: (i) N38°36'39"W 299.84 ft.; (ii) Northwesterly 369.48 ft. along the arc of a 3,030 ft. radius curve to the left through a central angle of 6°59'12" (chord bears N42°06'15"W 350.25 ft.); thence along the fence line property line as described in a special warranty deed recorded in Book 5409, Page 41 of Davis County Records in the following two courses: (i) N39°13'15"E 107.95 ft.; (ii) N29°42'59"E 121.04 ft.; thence along the boundary of the Tengan Property as described in Book 1683, Page 411 of said records in the following two courses to the point of beginning: (i) S74°14'00"E 39.10 ft. along the extended fence line and (ii) N8°44'48"E 107.80 ft. Containing 4.9111 Acres

Surveyor's Certificate

I, J. Scott Bolling, a Registered Land Surveyor holding Certificate No. 162195 as prescribed under the laws of the State of Utah, do hereby certify that by the authority of the owners I have made a survey of the tract shown on this plat and described herewith and have subdivided said tract of land into lots, a parcel and streets hereafter to be known as "The Pines at North Canyon" and that the same has been correctly surveyed and staked on the ground as shown.
 Date February 27th, 2013
 J. Scott Bolling
 Utah Surveyor No. 162195



Consent to Dedicate

We the undersigned acknowledge that we possess Deed of Trust which encumbers portions of the property described hereon which deed of trust was recorded on December 28th, 2012 in the Davis County Official Records as entry No. 2710880 in Book 5676, Page 1637. We further consent to the dedication of the roads and easements as described in the Owner's Dedication hereon and also consent to the recording of this plat.
 In witness whereof we have hereunto set our hand this 18th day of March, 2013.
Nathan Pugley Sr. & P. P.
 Trustee, NORTH AMERICAN TITLE COMPANY

Owner's Dedication

Know all men by these presents that we the undersigned owners of the above described tract of land having caused the same to be subdivided into lots, a parcel and streets to hereafter be known as "The Pines at North Canyon" and do hereby dedicate for perpetual use of the public all easements and parcels of land shown on this plat for public use and do warrant and defend and save the city harmless against any easement or other encumbrances on the dedicated streets which will interfere with the city's use, maintenance and operation of the streets on said easements.
 In witness whereof we have hereunto set our hand this 18th day of March, 2013.
Nathan Pugley
 Nathan Pugley, Manager
 BRIGHTON HOMES UTAH, LLC, A DELAWARE LIMITED LIABILITY COMPANY

Acknowledgement

On the 18th day of March, 2013, these personally appeared before me, the undersigned Notary Public, Nathan Pugley, signer of the above Consent to Dedicate who duly acknowledged to me that he is the owner of NORTH AMERICAN TITLE COMPANY and that he signed it freely and voluntarily on behalf of said entity for the uses and purposes therein mentioned.
 Notary Public: Nathan Pugley *649081
 Residence: Bountiful, UT My Commission Expires: 3/19/16

Acknowledgement

On the 15th day of March, 2013, these personally appeared before me, the undersigned Notary Public, NATHAN PUGLEY, signer of the Owner's Dedication who duly acknowledged to me that he is the manager of BRIGHTON HOMES LLC and that he signed it freely and voluntarily on behalf of said entity for the uses and purposes therein mentioned.
 Notary Public: Nathan Pugley *649081
 Residence: Bountiful, UT My Commission Expires: 3/19/16
Cathie Christensen

Consent to Record

The undersigned acknowledge that we possess a Statement of Interest which encumbers portions of the property described hereon which was recorded on January 3rd, 2013 in the Davis County Official Records as entry No. 2711712 in Book 5676, Page 42. We further consent to the recording of this plat.
 In witness whereof I have hereunto set our hand this 14th day of March, 2013.
Shendell M. Smoot

Acknowledgement

On the 14th day of March, 2013, these personally appeared before me, the undersigned Notary Public, SHANDELL SMOOT, signer of the above Consent to Record who duly acknowledged to me that he signed it freely and voluntarily on behalf of said entity for the uses and purposes therein mentioned.
 Notary Public: Shendell M. Smoot *649081
 Residence: Bountiful, UT My Commission Expires: 3/19/16
Cathie Christensen

Utility Approvals

- Bountiful City Light and Power: R. Alan Farmer 3-6-13 Date
- Bountiful City Water Department: Mark E. Sjogren 3/6/13 Date
- Bountiful Irrigation District: Wayne White 3-25-13 Date
- Century Link: Mark H. H. 3-11-13 Date
- Comcast: Shirley S. Smith 3/7/13 Date
- Questar Gas: Dwight Eldridge 3/6/13 Date
- South Davis Sewer District: David Wraymont 3/6/13 Date

City Council Approval

Presented to the City Council of Bountiful City, Utah, this 12th day of February, 2013, at which time this subdivision was approved and accepted.

City Recorder: Kim J. Johnson
 Mayor: Steve Johnson
 Approved this 05 day of FEBRUARY, 2013 by the Planning Commission of Bountiful City.
 City Planning Director: Steve Johnson
 Davis County Recorder
 Entry No. 273,2975 Fee Paid \$47.00
 Filed for Record and Recorded this 12th day of APRIL, 2013, at 12:03 PM in Book 5747 Page 622
Kimberly Maughan
 Davis County Recorder
 Deputy

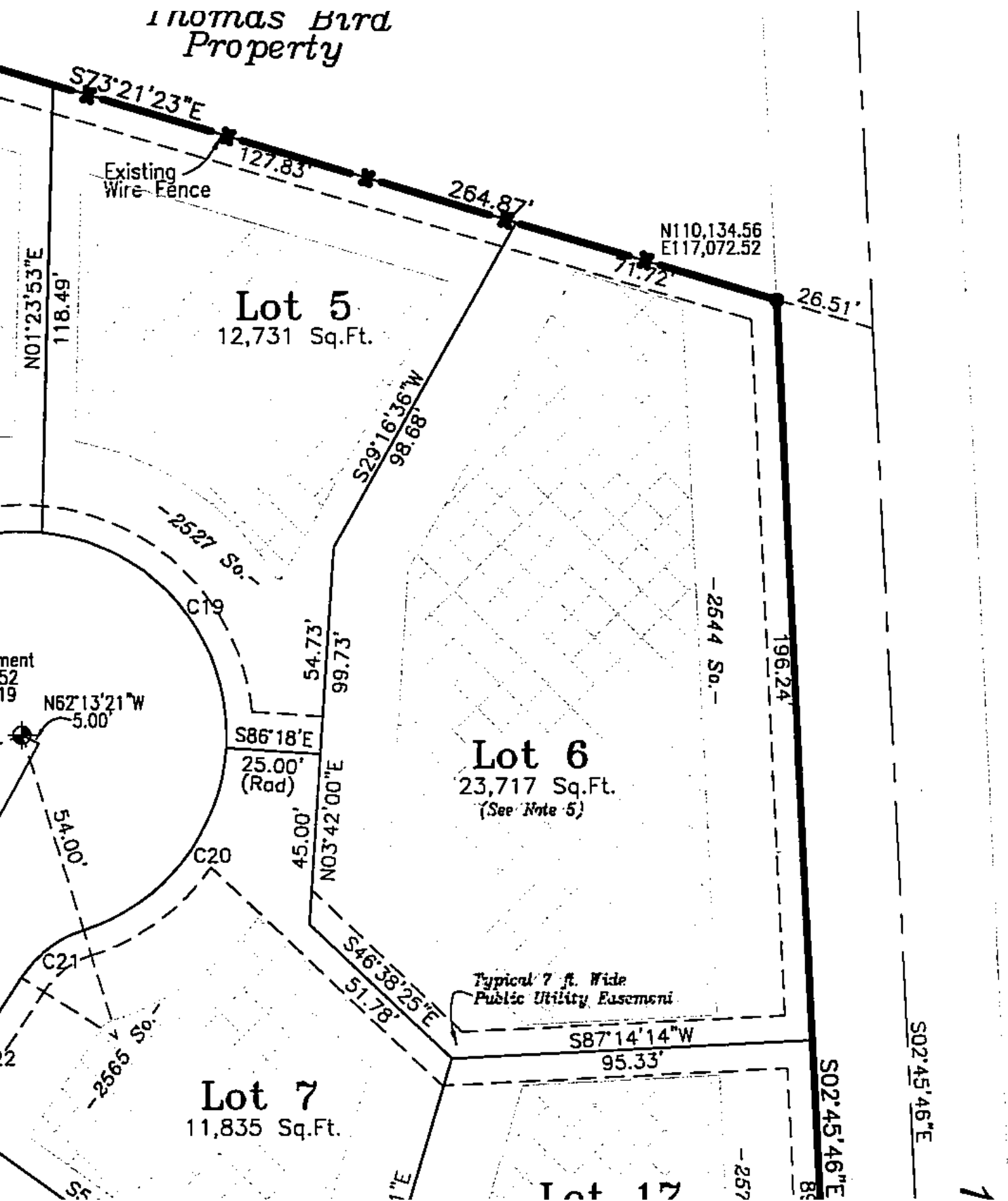


Curve Information

CURVE	RADIUS	LENGTH	ANGLE	CHORD BEARING	CHORD
C1	100.00	31.32	52°18'07"	S36°51'42"E	88.12
C2	20.00	37.57	107°37'18"	S87°34'42"W	32.28
C3	3030.00	369.48	6°59'12"	N42°06'15"W	359.25
C4	75.00	89.89	53°08'11"	S29°28'11"E	57.48
C5	3000.00	513.35	9°48'18"	S43°30'42"E	512.73
C6	3000.00	224.27	4°16'58"	S49°45'08"E	224.21
C7	3000.00	141.55	2°45'46"	N44°14'54"W	141.54
C8	3000.00	147.53	2°49'04"	N47°00'22"W	147.52
C9	675.00	222.71	18°16'43"	N37°28'30"E	222.63
C10	3030.00	46.89	7°52'55"	N43°20'09"W	46.89
C11	3030.00	46.89	7°52'55"	N42°27'09"W	46.89
C12	3030.00	96.38	14°51'45"	N37°01'46"W	96.37
C13	20.00	31.17	89°07'01"	S88°20'07"E	28.07
C14	648.00	88.88	6°05'26"	N44°03'39"E	88.85
C15	648.00	83.76	7°21'42"	N37°20'08"E	83.22
C16	30.00	28.67	54°45'04"	N05°16'43"E	27.59
C17	30.00	59.97	63°37'49"	S10°43'05"W	36.94
C18	54.00	50.00	53°02'57"	S69°03'56"W	48.23
C19	54.00	83.05	88°07'05"	N49°21'33"W	75.10
C20	54.00	84.92	88°32'43"	N35°08'21"E	51.05
C21	30.00	21.03	40°04'43"	S52°08'49"W	26.82
C22	722.00	41.08	3°21'06"	N34°05'29"E	41.08
C23	722.00	71.35	5°50'23"	N38°41'13"E	71.32
C24	722.00	67.38	5°29'58"	N44°21'23"E	67.35
C25	20.00	31.11	89°07'01"	S02°32'51"W	28.07
C26	3030.00	85.11	1°30'34"	N41°12'32"W	85.10
C27	3030.00	75.21	1°25'20"	N39°41'25"W	75.21
C28	3030.00	19.55	2°22'07"	N38°42'42"W	19.50
C29	100.00	74.86	4°25'12"	S24°11'32"E	73.07
C30	20.00	27.71	79°23'22"	N05°55'37"W	25.55
C31	100.00	16.42	9°24'35"	S50°19'35"E	16.40



February, 2013
 Scale: 1"=50'



by E

by E