

**BOUNTIFUL CITY**  
**PLANNING COMMISSION AGENDA**  
**Tuesday, June 6, 2017**  
**6:30 p.m.**

**NOTICE IS HEREBY GIVEN** that the Bountiful City Planning Commission will hold a meeting in the Conference Room at City Hall, 790 South 100 East, Bountiful, Utah, 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. Approval of the minutes for May 16, 2017.
3. Consider approval of an amended site plan for a parking lot at Ridgewood Condominium at Maple Hills located at 1374 E Ridgewood Way, Ralph Mabey, representing the Ridgewood Condominium at Maple Hills HOA Board, applicant.
4. Consider preliminary and final subdivision approval for Hepworth Farms Subdivision located at 444 N 400 E, Janet Gold, applicant.
5. Consider approval of the Findings of Fact for a Variance to allow installation of a 6 foot fence in the front yard at 2933 Lewis Park Cove, Rudy Larsen, applicant.
6. Planning Director's report, review of pending applications and miscellaneous business.



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Chad Wilkinson, City Planner

**Bountiful City**  
**Planning Commission Minutes**  
**May 16, 2017**  
**6:30 P.M.**

Present: Chair – Sean Monson; Planning Commission Members –Dave Badham, Jesse Bell, Von Hill, Tom Smith and Sharon Spratley; City Council Representation – Richard Higginson; City Attorney – Clint Drake; City Planner – Chad Wilkinson; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

**1. Welcome and Introductions.**

Chair Monson opened the meeting at 6:30 pm and welcomed all those present.

**2. Approval of the minutes for May 2, 2017.**

Tom Smith made a motion to approve the minutes for May 2, 2017 as written. Dave Badham seconded the motion. Voting passed 7-0 with Commission members Badham, Bell, Hill, Higginson, Monson, Smith and Spratley voting aye.

**3. PUBLIC HEARING - Consider approval for a Variance to allow installation of a 6-7 foot tall fence in the front yard at 2933 Lewis Park Cove, Rudy Larsen, applicant.**

Rudy Larsen was present. Chad Wilkinson presented the staff report.

The applicant is requesting a variance to allow for a 6-7 foot tall fence within the required front yard. Section 14- 16-110 (B) limits the height of fences within the required front yard to 4 feet for an “open style” fence and 3 feet for a solid fence. The applicant proposes an open style wrought iron fence in order to provide a barrier between the sidewalk and a culvert associated with a creek running through the property. The owner plans to extend the fence onto an adjoining property that they own on the other side of the creek. The predominant issue is safety and providing a physical barrier to prevent falls into the deep creek/culvert area in this location. The applicant submitted an e-mail from Davis County indicating conditions for the fence to facilitate access to the creek for flood control maintenance of the culvert and creek. The applicant’s plans indicate that the fence would be extended out to the front property line surrounding the creek and then quickly transition back to the required 25 foot front yard setback on the other side of the creek.

One note not related to the variance is that the pool shown on the applicant’s future plan will require the combination of the two lots. Accessory structures and uses, such as the pool, are not allowed on a lot without a primary use.

Staff recommends approval of a variance to allow for a 6-foot tall fence within the required front yard subject to the following conditions:

1. Maintain access for Davis County Flood Control with size and type of access to be determined by the County.

Chair Monson Open and Closed the Public Hearing at 6:33 p.m. without comments.

Richard Higginson made a motion to approve a variance to allow for a 6-ft tall fence within the required front yard with one condition outlined by staff. Von Hill seconded the motion. Voting passed 7-0 with Commission members Badham, Bell, Higginson, Hill, Monson, Smith and Spratley voting aye.

**4. Consider final PUD Plat and site plan approval for a five unit townhome style multifamily development, located at 958 N 200 West, Robert Gibson, applicant.**

Robert Gibson was present. Paul Rowland presented the staff report.

Mr. Robert Gibson has completed the PUD site plans and the plat map for this development and is now requesting final approval for the 5 unit Enclave PUD. This PUD was granted preliminary approval by the Council on April 18, 2017. The proposed PUD consists of 5 units on 0.73 acres with attached parking for each. The developer has modified his plans to show the necessary private areas and front yards. The site plans, landscaping and building elevations were previously reviewed and approved with the Preliminary Plat/Final Site Plan approval on April 18, mentioned above.

With the conditions listed below, the proposed development meets the requirements of the Bountiful City Land Use Ordinance and design standards and the Planning Commission sends a positive recommendation for final approval to the City Council.

1. Post a bond to cover the costs of construction of required site improvements.
2. Make all necessary red line corrections to the drawings.
3. Prior to building permit, submit a final landscape plan meeting the requirements of Chapter 16 of the Bountiful City Zoning Ordinance.
4. Payment of all required fees.
5. Provide a current Title Report.
6. Sign a Development Agreement with the City

Sharon Spratley made a motion that the Planning Commission pass a recommendation for approval to the City Council for the final PUD Plat and site plan approval for a five unit townhome style multifamily development located at 958 N 200 W with the 6 conditions outlined by staff. Richard Higginson seconded the motion. Voting passed 6-0-1 with Commission members Badham, Bell, Higginson, Monson, Smith and Spratley voting aye with Hill abstaining.

**5. Consider approval of the Findings of Fact for a denial of a Variance to Section 14-5-105 A in order to allow for parking within the required front yard setback at 157 W 300 South, Robert McArthur, applicant.**

Sharon Spratley made a motion to approve the Findings of Fact for the denial of a variance to Section 14-5-105A in order to allow for parking within the required front yard setback at 157 W 300 South. Dave Badham seconded the motion. Voting passed 7-0 with Commission members Badham, Bell, Higginson, Hill, Monson, Smith and Spratley voting aye.

**6. Discussion of Downtown zone (DT) – Plat A Neighborhood.**

Chad presents background on Plat A. The Plat A is located from 400 N to 500 S and 400 E to 200 W.

Between 2006 and 2008 the City went thru a planning process with committee members made up of Bountiful City citizens and Bountiful City staff to discuss a master plan for the Plat A area.

After numerous meetings, the committee provided recommendations to the City Council. Some of these recommendations included specific building types and site design standards that could be incorporated into a Master Plan for the area. The Committee discussed having higher densities on Main Street while preserving the residential neighborhoods that flank the main street corridor. In 2009, the City Council adopted the Downtown Master Plan as part of the General Plan for the City. While some of the recommendations of the committee were incorporated into the plan, many were not. During recent public hearings many residents and participants in the original planning process expressed concern that the Downtown was not developing consistent with the recommendations of the 2006 planning process, particularly with regard to multifamily development.

There are several items to revisit and consider.

1. Building height standards
2. Lot size – minimum lot size in our code is 20,000 sq ft.
3. Horizontal or vertical mixed use
4. New home on existing lot doesn't meet the current code.
5. Design standards for Multi-family

Staff outlined that over the next several weeks the citizens would be invited to participate in a survey to decide on the next steps to be taken. Questions to be included:

1. Main Street corridor – should we make changes in code specific to Main St.
2. Is this still the vision that the citizens still want?
3. Citizens have stated that they understand there will be a bit of density, but would like to preserve the residential areas west of 100 W and east of 100 East.

Commission members suggested:

1. That the survey results are shared with them.
2. Meetings to be held with residents outside this area.
3. Public planning and documenting should be done in a conscious and public process.

Mr. Wilkinson explained that postcards would be sent to the properties in the Plat A area. Staff will give the Commission members an update of the survey results.

**5. Planning Director's report, review of pending applications and miscellaneous business.**

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:19 p.m.

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Chad Wilkinson, Bountiful City Planner

# Commission Staff Report

Item #3

**Subject:** Site Plan Amendment for Ridgewood of Maple Hills Condominiums

**Property Address:** 2135 Ridgewood Way

**Author:** Chad Wilkinson, Planning Director

**Department:** Planning

**Date:** June 6, 2017



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## **Background**

The applicant, Ralph Mabey, representing the Homeowners Association of the Ridgewood of Maple Hills Condominium development, is requesting a change to the site plan approved with the original development. The request is to convert an area currently occupied by two tennis courts into parking for nine vehicles and a modified recreational area. The revised recreation area will include a pickle ball court, basketball court and open grass area for use by residents and guests of the development.

## **Analysis**

The site plan was originally approved in 1977 as part of the overall plan for the Ridgewood of Maple Hills Condominium development. As with all condominium communities, the original approval included the provision of common area open space and recreation areas as a part of a set of amenities for the residents of the development. The applicant states that the tennis courts have had declining use over the years and that the additional parking proposed is desirable for the residents of the development. The application materials also cite a need for additional parking for the club house located to the north west of the existing tennis courts.

At the time of approval, the development was required to provide 800 square feet of recreational open space per unit. This totaled approximately 120,800 square feet based on the number of units proposed. According to approved plans, the development originally provided approximately 126,242 square feet of recreation space which was  $\pm 5,400$  square feet in excess of the minimum required. The proposed parking area would reduce the recreational open space by approximately 4,900 square feet. Based on this reduction the development would still exceed the minimum requirements at the time of development by approximately 500 square feet. The parking will still benefit the residents and guests of the development by providing parking adjacent to the recreation area and club house.

The submitted plan also shows the "filling in" of a sloped area to the south west of the tennis courts. This change does not seem to be necessary and is not recommended for approval by staff.

## Aerial Photo



G:\ENG\Site Plans\Maple Hills Condo Amended Site Plan 6-6-17\PC Staff Report- Maple Hills Condo Amended Site Plan 6-6-17.docx

BOUNTIFUL BOULEVARD

W 43' 17" 05" E 1400.29'

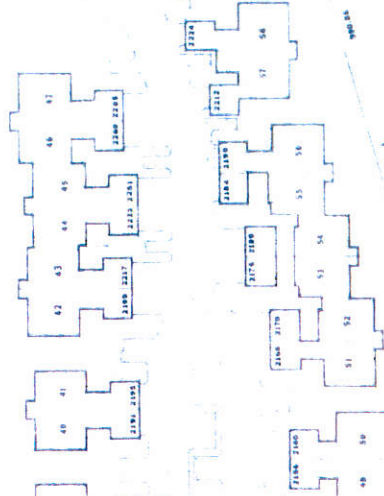
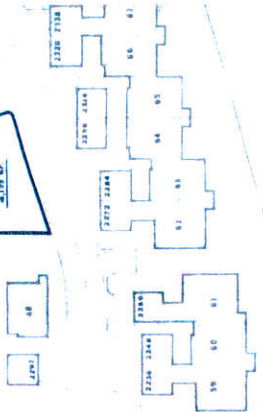
S 47' 12" 05" W

E 19' 04" 00"

E 19' 04" 00" S 199.17'

E 19' 04" 00" S 199.17'

E 19' 04" 00" S 199.17'



RIDGEWOOD WAY SOUTH



RIDGEWOOD W 4



RIDGEWOOD W 5

RIDGEWOOD LANE EAST



RIDGEWOOD W 6



SOUTH STREET

**RECREATION IDEAS**

AREA #1-7	= 78,754 sq.
WEST SITE AREA	= 10,440 sq.
NORTH SITE AREA	= 31,028 sq.
<b>TOTAL</b>	<b>120,222 sq.</b>

151 TOTAL CONDOMINIUM UNITS  
 100 CONDO UNITS @ 800 sq. ft./unit  
 (71) 150 @ 110,000 sq. ft. RESID.

GOLF COURSE

ridgewood of maple hills



ROBERT L. QUINCY, AIA  
Architect  
1100 E. 11th St.  
Ridgewood, N.Y. 11385

# Commission Staff Report

Item # 4

**Subject:** Preliminary and Final Subdivision Approval for  
Hepworth Farms Subdivision  
**Address:** 444 North 400 East  
**Author:** City Engineer  
**Department:** Engineering, Planning  
**Date:** June 6, 2017



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## Background

Ms. Janet Gold is requesting preliminary and final approval for a five lot subdivision at the northeast corner of 400 North and 400 East. The property is not in a subdivision and consists of three parcels which combined contain 3.21 acres and currently have four single family homes and a large detached barn/garage.

## Analysis

The proposed subdivision consists of five lots that front onto 400 North and also 400 East. Currently the three parcels consist of a large flag lot which fronts on to 400 East, a corner lot parcel with a single home and a large lot fronting on 400 North which contains two homes. The owners are anxious to subdivide the property so that each of the existing homes is on a lot that is compliant with current zoning regulations. The remaining property is then placed in a new single family lot.

This property is located in the R-4 Zone. All of the proposed lots exceed the minimum lot size and frontage requirements, with the smallest lot at 8,532 sq.ft., and the largest at 70,983 sq.ft. Although the lots are not nice rectangular parcels, they have been divided so that all of the existing houses meet the required setbacks and side yards.

Currently, there is a large overhead power transmission line running over what will become lot 3 and lot 4. A new 15 ft. wide utility easement will need to be shown on the final plat covering the power lines.

The proposed new lot faces 400 East along the newly reconstructed concrete street. Culinary water is available from a 6" fire hydrant line just north of the lot, irrigation water is already stubbed into the property and while 400 East was under construction, a sewer lateral to serve the lot was installed so that the new street would not have to be excavated to provide for utilities. Obviously, all of the other homes are already attached to utilities. Power in the area is all overhead and will be available to the new lot.

Because the only new lot fronts onto the recently reconstructed 400 East Street, the walk and the curb and gutter are almost brand new. No overall bond will be required for the subdivision, however the damaged curb and walk and drive approaches along the 400 North frontage will be required to be removed and replaced with Bountiful standard improvements. In addition,



the concrete will be required to be removed from the park strips and replaced with landscaping meeting Bountiful City ordinances along the 400 North frontage in the area where the walk and curb are replaced. A bond will be required to cover that work.

With this being an already developed area, no on-site storm water detention basin will be required, rather the developer will be required to pay the normal Storm Water Impact Fee.

### **Department Review**

The proposed preliminary plat has been reviewed by the Engineering Department and Planning Department.

### **Recommendation**

With the conditions listed below, the proposed development meets the requirements of the Bountiful City Land Use Ordinance and design standards. Staff recommends the Planning Commission pass along a recommendation for preliminary and final approval with the following conditions.

1. Remove and replace the damaged C&G and walk along 400 North and remove the corresponding concrete park strip and replace with approved landscaping
2. Payment of all required fees.
3. Post a bond and sign a development agreement for the required subdivision improvements
4. Provide a current Title Report.

### **Significant Impacts**

This places 5 homes where there has historically only been four so all of the impacts are minor and will not have a detrimental effect on the surrounding area.

### **Attachments**

Aerial photo showing the area to be subdivided  
A copy of the Hepworth Farms Subdivision Preliminary Plat.  
A copy of the Hepworth Farms Subdivision Final Plat.

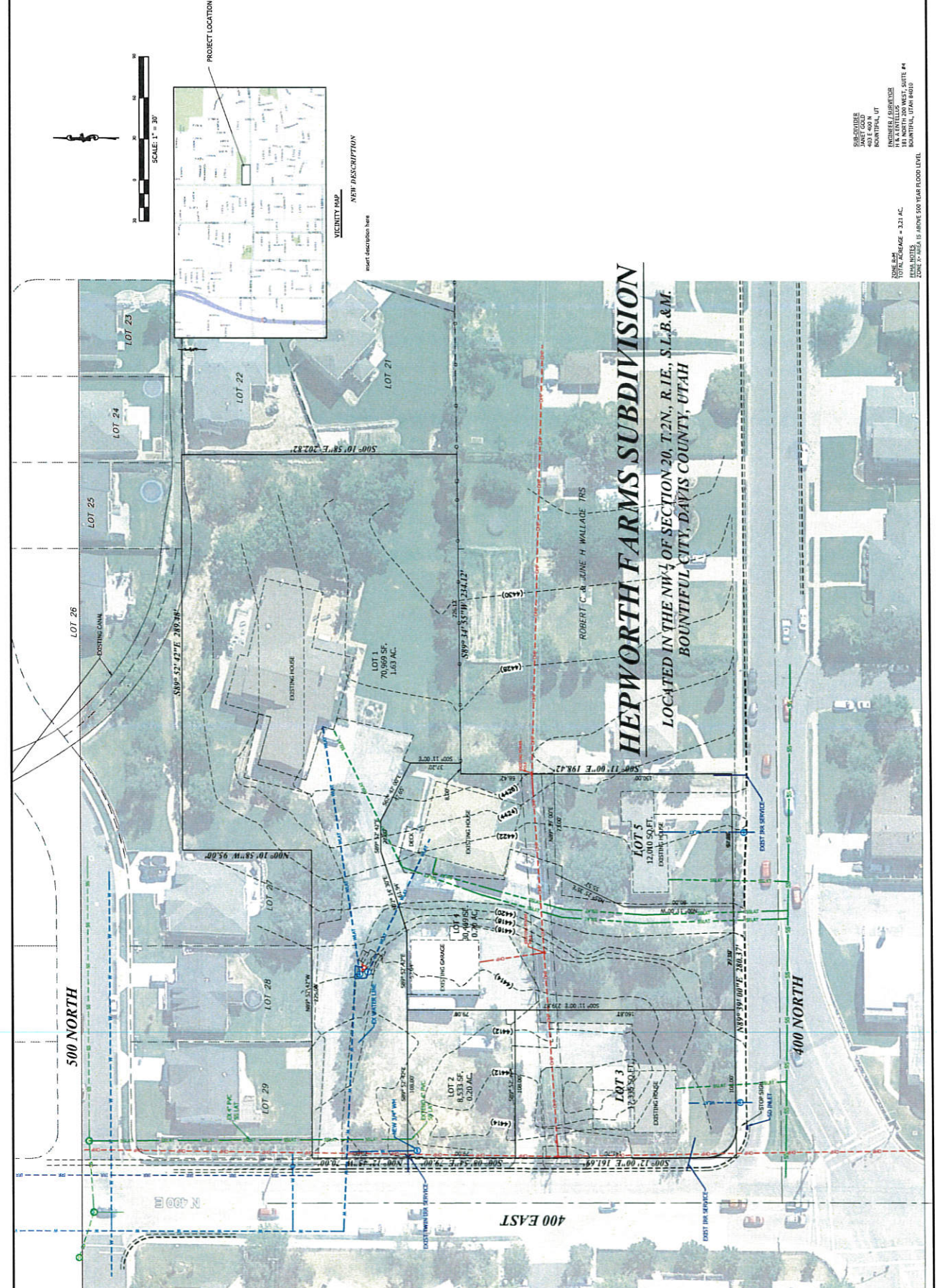
Aerial Photo of the Proposed Hepworth Farms Subdivision



HEPWORTH FARMS SUBDIVISION  
 PRELIMINARY PLAT  
 400 NORTH AND 400 EAST  
 LOCATED IN THE NW 1/4 OF SECTION 20, T.2N., R.1E., S.L.B.&M.  
 BOUNTIFUL CITY, DAVIS COUNTY, UTAH

APPROVED DATE: 11/25/2021  
 DATE OF FILING: 12/15/2021  
 PROJECT: C400  
 PRELIMINARY SHEET #4

ENTELLUS  
 ENGINEERS/SURVISORS  
 181 NORTH 200 WEST, SUITE #4  
 BOUNTIFUL, UTAH 84010  
 PHONE 801-298-2236



**NEP DESCRIPTION**  
 Insert description here

**SCALE: 1" = 30'**  
 N  
 0 10 20 30  
 S  
 E

**VICINITY MAP**  
 PROJECT LOCATION

**500 NORTH**

**400 EAST**

**400 NORTH**

**HEPWORTH FARMS SUBDIVISION**  
 LOCATED IN THE NW 1/4 OF SECTION 20, T.2N., R.1E., S.L.B.&M.  
 BOUNTIFUL CITY, DAVIS COUNTY, UTAH

**ROBERT C. & JUNE H. WALLACE TRS.**

**LOT 1**  
 70,969 SF,  
 1.63 AC.

**LOT 2**  
 10,469 SF,  
 0.24 AC.

**LOT 3**  
 10,469 SF,  
 0.24 AC.

**LOT 5**  
 12,000 SQ.FT.  
 0.28 AC.

**LOT 21**  
 70,969 SF,  
 1.63 AC.

**LOT 22**  
 70,969 SF,  
 1.63 AC.

**LOT 23**  
 70,969 SF,  
 1.63 AC.

**LOT 24**  
 70,969 SF,  
 1.63 AC.

**LOT 25**  
 70,969 SF,  
 1.63 AC.

**LOT 26**  
 70,969 SF,  
 1.63 AC.

**LOT 27**  
 70,969 SF,  
 1.63 AC.

**LOT 28**  
 70,969 SF,  
 1.63 AC.

**LOT 29**  
 70,969 SF,  
 1.63 AC.

**LOT 30**  
 10,469 SF,  
 0.24 AC.

**LOT 31**  
 10,469 SF,  
 0.24 AC.

**LOT 32**  
 10,469 SF,  
 0.24 AC.

**LOT 33**  
 10,469 SF,  
 0.24 AC.

**LOT 34**  
 10,469 SF,  
 0.24 AC.

**LOT 35**  
 10,469 SF,  
 0.24 AC.

**EXISTING GARAGE**

**EXISTING HOUSE**

**EXISTING CANNAL**

**EXISTING PAVEMENT**

**NEW WATER SERVICE**

**NEW SEWER SERVICE**

**NEW ELECTRIC SERVICE**

**NEW STOP SIGN**

**NEW SIDEWALK**

**NEW DRIVEWAY**

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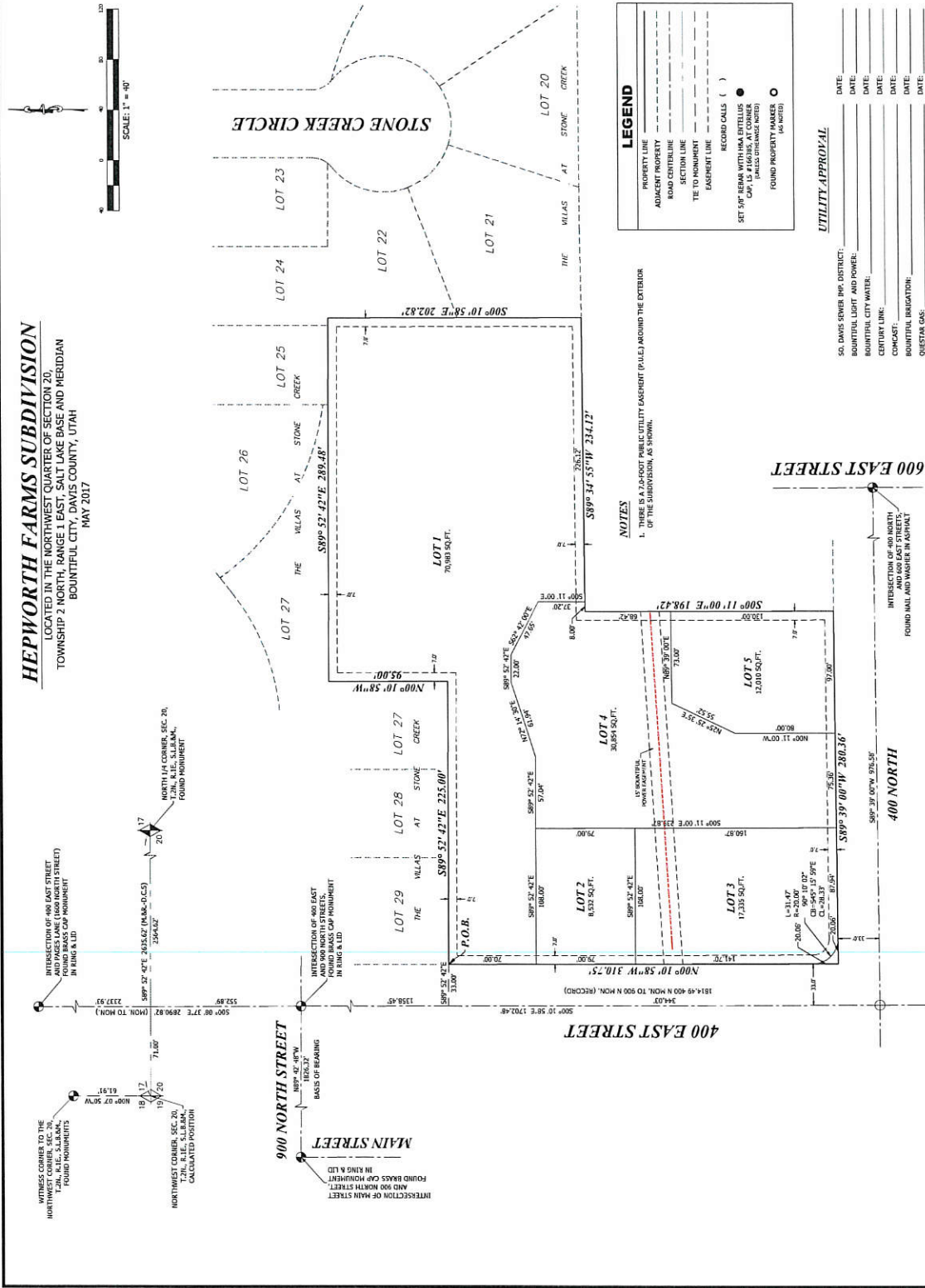
**NEW DRIVEWAY**

**NEW DRIVEWAY**

**NEW DRIVEWAY**

# HEPWORTH FARMS SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 20,  
TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN  
BOUNTIFUL CITY, DAVIS COUNTY, UTAH  
MAY 2017



**SURVEYOR'S CERTIFICATE**

I, VON R. HILL, A PROFESSIONAL LAND SURVEYOR HOLDING CERTIFICATE NO. 16188 AS PRESCRIBED BY THE UTAH PROFESSIONAL LAND SURVEYING ACT, HAVE EXAMINED THE ORIGINAL SURVEY RECORDS AND HAVE SHOWN THAT THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED THEREON IS THE UNDIVIDED PART OF THE TRACT OF LAND SHOWN ON PLATS AND RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF DAVIS, UTAH, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN.

VON R. HILL, P.L.S., UT #16188 \_\_\_\_\_ DATE \_\_\_\_\_

**BOUNDARY DESCRIPTION**

BEGINNING AT THE SOUTHWEST CORNER OF LOT 29, THE VILLAS AT STONE CREEK, LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, SAID POINT BEING SOUTH 00°15'00" WEST 136.145 FEET ALONG THE PORTION LINE OF 400 EAST STREET AND SOUTH 89°25'42" EAST 33.80 FEET FROM THE POINT OF BEGINNING TO THE POINT OF BEGINNING OF THE VILLAS AT STONE CREEK, 71.00 FEET ALONG THE SECTION LINE AND SOUTH 89°25'42" EAST 50.00 FEET ALONG THE CENTER LINE OF 400 EAST STREET FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 2 NORTH, TO THE POINT OF BEGINNING OF THE VILLAS AT STONE CREEK, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 52°42'12" EAST 225.00 FEET;  
 SOUTH 52°42'12" WEST 225.00 FEET;  
 NORTH 00°15'00" WEST 95.00 FEET;  
 SOUTH 00°15'00" EAST 202.82 FEET;  
 THENCE SOUTH 89°25'42" WEST 234.12 FEET;  
 TO THE NORTH LINE OF 400 NORTH STREET;  
 THENCE SOUTH 89°25'42" WEST 296.26 FEET ALONG SAID STREET TO THE EAST LINE OF 400 EAST STREET;  
 THENCE SOUTH 00°15'00" WEST 310.75 FEET ALONG SAID STREET TO THE POINT OF BEGINNING, CONTAINING 3.509 ACRES.

**OWNERS DEDICATION**

WHEREAS, THIS TRACT OF LAND, BEING THE VILLAS AT STONE CREEK, IS THE SAME DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SURVEYED INTO PRIVATE LOTS, HEREAFTER TO BE KNOWN AS HEPWORTH FARMS SUBDIVISION, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC THE PORTION OF SAID TRACT OF LAND SHOWN ON THIS PLAN AS 400 NORTH STREET, 400 EAST STREET, AND 600 EAST STREET, AND DO WARRANT AND DEFEND AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENT OR OTHER ENCUMBRANCE WHICH WILL INTERFERE WITH THE CITY'S USE, MAINTENANCE, AND OPERATION OF THE STREETS AND SAID DEDICATION.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

XXXXXXXXXXXXXXXXXXXX

**UTILITY APPROVAL**

DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

50. DAVIS SEWER INC. DISTRICT;  
 BOUNTIFUL LIGHT AND POWER;  
 BOUNTIFUL CITY WATER;  
 CERTILITY LINE;  
 COMCAST;  
 BOUNTIFUL IRRIGATION;  
 QUESTIA GAS;

**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY
- ROAD CENTERLINE
- SECTION LINE
- EASEMENT LINE
- EASEMENT LINE

RECORD CALLS ( )

SET 5"0" BEARINGS WITH INKA ENTTELLUS  
 (INKA ENTTELLUS BEARS)

FOUND PROPERTY ADJACENT ○

**NOTES**

1. THERE IS A 24-FOOT PUBLIC UTILITY EASEMENT (P.U.E.) AROUND THE OUTSIDE OF THE SUBDIVISION AS SHOWN.

**CITY ENGINEER'S APPROVAL**

APPROVED BY THE BOUNTIFUL CITY ENGINEER, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 BOUNTIFUL CITY ENGINEER

**CITY COUNCIL'S APPROVAL**

PRESENTED TO THE CITY COUNCIL OF BOUNTIFUL CITY, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 CITY RECORDER ATTEST.

\_\_\_\_\_  
 MAYOR.

**PLANNING COMMISSION APPROVAL**

APPROVED BY THE PLANNING COMMISSION OF BOUNTIFUL CITY, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 PLANNING DIRECTOR

**CITY ATTORNEY'S APPROVAL**

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 BOUNTIFUL CITY ATTORNEY

**DAVIS COUNTY RECORDER**

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_

FILED FOR RECORD AND RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AT \_\_\_\_\_ IN BOOK \_\_\_\_\_

COUNTY RECORDER \_\_\_\_\_

BY \_\_\_\_\_ DEPUTY

**HA Entellus**

181 North 300 West, Suite #4  
 Bountiful, Utah 84010  
 Phone: 801-228-2236  
 PROJECT #16030  
 04/20/2017  
 04/20/2017

**BOUNTIFUL CITY PLANNING COMMISSION  
FINDINGS OF FACT AND CONCLUSIONS**

**APPLICANT:** Rudy Larsen

**APPLICATION TYPE:** Request for a variance in order to allow installation of a 6 foot fence within the required front yard

**I. DESCRIPTION OF REQUEST:**

The applicant, Rudy Larsen, has requested a variance to allow for installation of a 6 to 7-foot high fence within the front yard of the residence located at 2933 Lewis Park Cove.

**II. LAND USE ORDINANCE AUTHORITY:**

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests related to fencing.

**III. APPEAL PROCEDURE:**

Bountiful City Land Use Ordinance section 14-2-108 states that 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.

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.

#### IV. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B. The minutes of the public meeting held by the Planning Commission on **Tuesday, May 16, 2017** which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

#### V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given at the public hearing the Planning Commission made the following findings:

- A. **The literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;**

The proposed variance is limited to the area immediately adjacent to the creek and culvert and will provide for a barrier between the culvert and the sidewalk. While the purpose of the ordinance is to provide for open areas adjacent to the street and limit fence height in front yards, the location of the creek and culvert is a unique circumstance not anticipated by the land use ordinance. Because the variance should be limited to the minimum necessary to overcome the hardship, the height of the fence should be limited to six feet.

- B. **There are special circumstances attached to the property that do not generally apply to other properties in the district;**

The location of the creek and culvert constitute a special circumstance that does not apply generally to properties in the neighborhood.

- C. **Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district;**

Other property owners have a right to a 4-foot open style fence in their front yard. In this case, because of the culvert and creek location, a four-foot fence would not provide enough of a barrier between the culvert and the sidewalk. In addition, extending the six foot fence across the creek at the front setback line is not desirable as it will potentially collect debris and could contribute to flooding.

- D. The variance will not substantially affect the general plan and will not be contrary to the public interest;

Providing a barrier between the public sidewalk and the culvert crossing is in keeping with the public interest as long as access is maintained for Davis County Flood Control maintenance.

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

The applicant has limited the encroachment of the proposed fence into the front yard area to the minimum required to enclose the culvert. These limits are consistent with the spirit of the ordinance.

## VI. DECISION AND SUMMARY

The Planning Commission approved the variance to allow for a 6-foot tall fence within the required front yard by a vote of 7-0. The approval is subject to the following condition:

1. Maintain access for Davis County Flood Control with size and type of access to be determined by the County.

## VII. FINDINGS OF FACT APPROVED BY THE Bountiful City Planning Commission this \_\_\_\_\_ day of May 2017.

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Sean Monson, Chair  
Bountiful City Planning Commission