


**BOUNTIFUL CITY**  
**PLANNING COMMISSION AGENDA**  
**Tuesday, September 18, 2018**  
**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 September 4, 2018.
3. **PUBLIC HEARING** – Consider amending Section 14-14-124 of the Bountiful City Land Use Ordinance in order to allow accessory units to be leased and/or occupied by persons who are not immediate family members of the owner-occupant of the dwelling and other related changes.
4. **PUBLIC HEARING** – Consider approval of a proposed Variance to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% and to allow for cuts and fills and retaining walls in excess of 10 feet in height located at 1581 Stone Hollow Dr, William Low, applicant.

  
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Chad Wilkinson, City Planner

**Bountiful City  
Planning Commission Minutes  
September 4, 2018  
6:30 P.M.**

Present: Chair – Sean Monson; Planning Commission Members – Jesse Bell, Jim Clark, Tom Smith and Sharon Spratley; City Council Representation – Richard Higginson; City Attorney – Clint Drake; City Planner – Chad Wilkinson; Asst City Planner – Curtis Poole; Asst. City Engineer – Lloyd Cheney; and Recording Secretary – Darlene Baetz

Excused: Vice Chair – Von Hill; City Engineer – Paul Rowland

**1. Welcome and Introductions.**

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

**2. Approval of the minutes for August 14, 2018.**

Jim Clark made a motion to approve the minutes for August 14, 2018 as written.

Sharon Spratley seconded the motion. Voting passed 4-0-2 with Commission members Clark, Higginson, Monson, and Spratley voting aye with Bell and Smith abstaining.

**3. Consider preliminary and final P.U.D. approval for Midtown Townhomes P.U.D. located at 83/85 North 300 East, 276/278 East 100 North, Brad F. Hutchings, applicant.**

Brad Hutchings was present. Lloyd Cheney presented the staff report.

Mr. Brad Hutchings, owner of two duplexes at the corner of 300 East and 100 North is requesting preliminary and final PUD conversion approval for these four units. This is an existing two~twin-home style apartment development which is now requesting to be condominiumized for ownership purposes. This type of conversion is allowed under the Bountiful City zoning ordinance for developments with four or more units.

This development met the requirements for parking and landscaping when it was granted site plan approval and has continued as a legal four unit apartment development ever since. The Bountiful City Zoning Ordinance provides that “any legally existing multi-family development...that does not have vertically stacked units may be platted as a PUD development regardless of whether or not it was developed under current or previous iterations of the Planned Development Overlay Zone”. One of the requirements for conversion is that the development must have at least 4 units, which this proposal meets.

Recommend preliminary and final PUD plat approval for the Midtown Townhomes PUD with the following conditions:

1. Submit a current Title Report.
2. Make any and all other redline corrections.
3. Pay the required fees.

Richard Higginson made a motion that the Planning Commission forward to the City Council a recommendation of approval for preliminary and final PUD Plat located at 83 N 300 East with the 3 conditions outlined by staff.

Sharon Spratley seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye.

**4. Consider final site plan approval for a 12-unit multi-family development located at 105 South 100 West, Brian Knowlton, applicant.**

Brian Knowlton was present. Chad Wilkinson presented the staff report.

The applicant, Knowlton General, requests final site plan approval for a 12 unit multifamily development located at 105 S 100 West. The property is located within the DN (Downtown) zone.

The project received preliminary site plan review from the Planning Commission on August 14 and preliminary approval from the City Council on August 28. There were no significant changes required as a part of the preliminary approval. The applicant has submitted final landscape plans for the development in order to comply with previous conditions of approval. As discussed in the previous review, the development of the building requires the use of parking located on the adjacent parcel. Therefore, a condition of approval has been included that requires either the parcels be combined or that an easement or agreement for shared parking be recorded on the property to the south and east.

The development is occurring in an area with urban levels of infrastructure already in place. Impacts from the development of this property have been anticipated in the design of the existing storm water, sewer, and water and transportation system.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for final site plan review for the proposed 12 unit multifamily building subject to the following conditions:

1. Prior to issuance of the building permit, either consolidate the parcels or provide a shared parking and access agreement or easement in favor of the new development.

Sharon Spratley made a motion that the Planning Commission forward to the City Council a recommendation of approval for final site plan for a 12-unit multi-family development located at 105 South 100 West with the 1 condition outlined by staff.

Tom Smith seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye.

**5. Consider the approval of the Findings of Fact for the denial of a variance to section 14-4-105 J. 2. b. to allow for the building footprint of accessory structures to exceed 15 % of the lot or parcel area located at 146 W 100 South, Jan Rawlins, applicant.**

Jim Clark made a motion to approve the Findings of Fact for the denial to allow for the building

footprint of accessory structures to exceed 15 % of the lot or parcel area located at 146 W 100 South, Jan Rawlins.

Sharon Spratley seconded the motion. Voting passed 6-0 with Bell, Clark, Higginson, Monson, Smith and Spratley voting aye.

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

1. Next Planning Commission meeting will be discussing Accessory Dwelling Units – September 18, 2018.
2. Utah APA meeting will be held at Jordan Commons on October 4 and 5, 2018.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 6:39 p.m.

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Chad Wilkinson, Bountiful City Planner

# Commission Staff Report

**Subject:** Public Hearing-Proposed Amendment to Section 14-14-124 and Chapter 3: Definitions related to Accessory Dwelling Units

**Applicant:** Bountiful City

**Author:** Chad Wilkinson, Planning Director

**Date:** September 18, 2018



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## Description of Request

Consider an amendment to Section 14-14-124 Related to accessory dwelling units. Specifically consider an amendment to the residency requirements of the ordinance and other changes to clarify owner occupancy provisions.

## Background and Analysis

The City Council has directed staff to bring forward changes to the accessory dwelling unit (ADU) ordinance for review. Specifically, the Council has asked staff to consider changes to the code to allow for non-relatives to occupy an accessory unit. Current code restricts occupants of an ADU to “members of the immediate family of the principal owner-occupants of the dwelling and shall be limited only to legal dependents, children, parents, siblings, grandchildren, and grandparents.”

The City has enforced this restriction by requiring the owner to obtain a conditional use permit and sign a deed restriction acknowledging the standards for ADU’s and recording the restriction against the property. Other than these requirements, the City has no way of knowing whether an ADU is rented to a non-relative once the use has been approved. The relative requirement was placed as a way to limit the number of accessory units in the City and to mitigate conflicts and potential complaints related to these units. In reality the City receives very few complaints about permitted ADU’s because of the owner occupancy requirement. The City currently implicitly requires that the owner of the property live in the principal unit. However, the owner occupancy requirement could be made clearer. In addition to allowing non-relatives to occupy an ADU, it is recommended that the owner occupancy requirements be clarified.

A few other issues that are worth clarifying in the ADU standards relate to parking and the size and design of an ADU. In relation to parking, it is recommended that the parking standards be modified slightly to clarify that all occupant vehicles must be accommodated off-street. This may restrict some properties from having an accessory unit. However, this is the primary complaint from neighboring property owners related to accessory units. It is suggested that a change to clarify that a second entrance which is visible from the front or exterior side yard is not allowed also be included in the revised ordinance.

One other issue that has created difficulty with past accessory units, particularly attached units, is the overall size of the unit. Currently accessory units are limited to 25 percent of the total square footage of the primary dwelling structure. Most often, attached accessory units are located in the basement of a home. Most of these attached units are designed to occupy the majority of the

basement area with the principal unit being upstairs. Limiting the unit to 25 percent of the primary dwelling structure usually results in a unit that can only occupy half of the basement. This often creates difficulty since a unit may be on the opposite side of the home from an access doorway or staircase. It is suggested that increasing the allowed size to 40 percent of the total square footage of the structure will take care of this issue.

### **Department Review**

This item has been reviewed by the City Planner, City Engineer, the City Attorney, and City Manager.

### **Significant Impacts**

Accessory dwelling units are an effective way to provide additional affordable housing in Bountiful City. Many of the impacts from accessory dwelling units have already been anticipated in the existing ordinance. A few changes have been suggested to address issues such as parking, clarifying owner occupancy provisions and increasing the allowed square footage of the units in order to improve the ability for staff to effectively administer the ordinance.

### **Recommendation**

Staff recommends that the Planning Commission forward a recommendation of Approval for the attached changes to the Accessory Dwelling Unit ordinance.

### **Attachments**

1. Proposed text Amendment

14-3-102

4. ACCESSORY DWELLING UNIT (also "Accessory In-Law Apartment"): A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities. ~~living unit located on the same property as a principal dwelling and occupied by a relative or relatives (as defined) of the principal occupant of the principal dwelling.~~

**14-14-124 ACCESSORY DWELLING UNIT**

A. Purpose:

The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

1. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
2. Provide for affordable housing opportunities;
3. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
4. Provide opportunities for additional income to offset rising housing costs;
5. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and
6. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

A.B. An accessory dwelling unit shall only be approved as a conditional use.

B.C. An accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all of the following criteria:

1. An accessory dwelling unit shall be conditionally permitted only within a single-family residential zone, and shall not be permitted in any other zone.
2. It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.
3. It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a conditional use permit or without written authorization from the

Bountiful City Planning Department.

4. A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on any lot or parcel in a single-family zone.
5. It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single-family dwelling.
6. A deed restriction limiting the use of a property to a single-family use, prepared and signed by the Bountiful City Planning Director and all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.
- ~~6.7. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.~~
- ~~7. Those that reside in the accessory dwelling unit shall be members of the immediate family of the principal owner-occupants of the dwelling and shall be limited only to legal dependents, children, parents, siblings, grandchildren, and grandparents.~~
8. Separate utility service connections shall not be allowed.
9. Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family residential use. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
10. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit and a conditional use permit.
11. Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title. In no case shall fewer than four (4) total off street parking spaces be provided with at least 2 of the spaces provided in a garage. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas.
- C.D. An attached accessory dwelling unit shall be deemed unlawful and shall not be occupied unless all of the following criteria are met:



1. Shall not ~~exceed-occupy more than twenty fiveforty~~ percent (~~2540~~%) of the total floor area square footage of the primary dwelling structure,<sup>17</sup>
2. Shall not exceed five percent (5%) of the buildable land of the lot,
3. Shall be at least three hundred fifty (350) sq ft in size,
4. Shall meet all of the requirements of the International Building Code relating to dwelling units,
5. An attached accessory dwelling unit shall meet all of the required setbacks for a primary dwelling.
6. Shall not have a room used for sleeping smaller than one hundred twenty (120) square feet, exclusive of any closet or other space,
- ~~7. The owner shall record a deed restriction on the property stating that the use of the property is for a single family dwelling, and that the accessory dwelling unit shall only be used in accordance with the provisions of the Bountiful City Land Use Ordinance as it may be amended from time to time.~~

D.E. A detached accessory dwelling unit shall meet all of the above criteria, plus the following:

1. Shall require a conditional use permit, reviewed and approved by the Bountiful City Administrative Committee.
2. Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.
3. Shall be configured so that any exterior doors, stairs, windows, or similar features are located as far away from adjoining properties as is reasonably possible to provide privacy to those properties.
4. Shall meet all of the setbacks required of a detached accessory structure requiring a conditional use permit.

# Commission Staff Report

Item # 4

**Item:** PUBLIC HEARING – Request for a variance to allow for encroachments on slopes exceeding 30 percent and to allow for cuts and fills and retaining walls greater than 10 feet in height.  
**Address:** 1581 Stone Hollow Drive  
**Author:** Chad Wilkinson, Planning Director  
**Date:** September 18, 2018



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## Description of Request

The applicant, William Low, has requested a variance to allow for encroachments on slopes greater than 30 percent and for cuts and fills and retaining walls greater than 10 feet in height for the property located at 1581 Stone Hollow Drive in the R-F (Residential Foothill) zone. The proposed variance would allow for construction of a new home on the site.

## Authority

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests within the R-F zone related to disturbance of slopes exceeding 30 percent and retaining walls and cuts and fills exceeding 10 feet in height.

## Background and Analysis:

The application for variance is submitted in conjunction with a proposal for a new residence. The lot is over 19 acres in size and the proposed development is located predominantly on slopes that are less than 30 percent. The application does include some encroachments on slopes greater than 30 percent and cuts and fills and retaining walls greater than 10 feet in height in order to accommodate the driveway accessing the new home. These areas are limited to isolated patches of 30 percent slope crossed by the driveway and to some retaining walls built around the perimeter of the home.

## Variance Findings

Utah Code 10-9a-702 establishes the criteria for review of a variance request. In order to grant a variance each of the following criteria must be met:

- (i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

**Staff Response:** The “Purposes and Objectives” section of the Residential Foothill standards recognizes the need for some flexibility in administering the hillside protection standards of the Code. The Code also states that the encroachments should be the minimum necessary to allow for reasonable development of the property. The proposed

design does a good job of keeping the home and improvements out of the steepest areas of the lot in favor of areas of less than 30 percent slope. The small encroachments in 30 percent areas have been kept to a minimum. The design has also made every effort to limit cuts and fills and retaining walls to less than 10 feet in height. With a few changes outlined in the attached annotated site plan the variance will be the minimum necessary to allow the proposed development.

(ii) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

**Staff Response:** Unlike many undeveloped properties in the R-F Zone, the lot has a large portion (which is several acres in size) that is less than 30 percent slope. The challenge comes in accessing in the buildable areas without encroachments into 30 percent slope areas. The lot has a few small pockets of 30 percent slope that the development plan has tried to avoid to the extent possible and has limited heights of retaining walls and cuts and fills in order to make use of the buildable areas.

(iii) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*

**Staff Response:** There are a few areas of encroachment shown on the plan that are not necessary to develop the proposed home. The attached annotated site plan includes a limit of disturbance that constitutes a reasonable disturbance of the lot in order to building the proposed home.

(iv) *The variance will not substantially affect the general plan and will not be contrary to the public interest;*

**Staff Response:** For the most part the design has avoided encroachments into 30 percent slopes. With a few modifications as shown on the annotated site plan, the variance is consistent with the general plan and the Code which limits disturbances in steep slope areas to the minimum necessary to provide for reasonable development of the property.

(v) *The spirit of the land use ordinance is observed and substantial justice done*

**Staff Response:** The purpose of the land use ordinance that requires improvements be located on slopes less than 30 percent is to preserve the hills and manage runoff and erosion on properties located in the foothills. The Code anticipates that there are existing lots with special circumstances and that the variance process provides a way for those lots to be developed. However, Section 14-4-101 of the Code also stipulates that the alteration of sensitive lands should be the minimum necessary to allow for reasonable use of the property. As proposed, the area of disturbance includes impacts to areas that are not required in order to construct the desired home. It is recommended that the approval of the variance should be contingent on the limit of disturbance indicated on the annotated site plan.

**Department Review**  
City Planner, City Engineer

**Recommended Action**

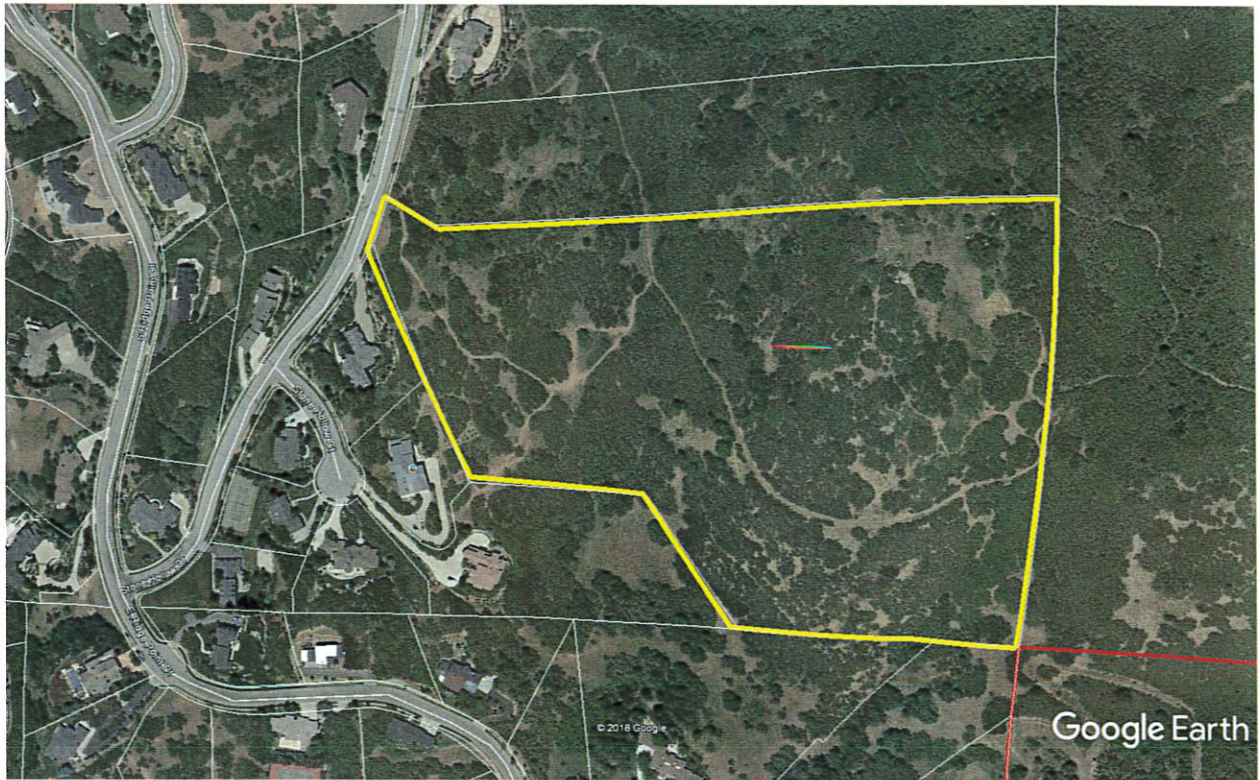
Based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant, staff recommends that the Planning Commission approve the variance with the following condition:

1. The disturbance of the property shall be limited to areas within the “Limit of Disturbance” noted on the annotated site plan in order to retain as much native vegetation as possible and to minimize impacts on slope areas.

**Attachments**

1. Aerial Photo
  2. Applicant’s Narrative
  3. Proposed Plan
  4. Annotated Site Plan
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Aerial Photo-1581 Stone Hollow Drive



**Darlene Baetz**

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**From:** Josh Arrington <josh@upwalldesign.com>  
**Sent:** Tuesday, September 04, 2018 10:25 AM  
**To:** Darlene Baetz  
**Subject:** Re: Low Variance Application  
**Attachments:** low variance.pdf

Here is the narrative from the engineer, I believe he touched on all the points but I will lay them out here.

- i) Due to the fire marshall's requirement that we have a fire truck turn around at the end of the driveway and the requirement to stay out of 30% grades, this makes it impossible to build the driveway with less than 10' Cut or fill.
- ii) This lot is steeper than most and the buildable area is further up on site requiring a longer driveway to reach.
- iii) Granting this variance is essential to being able to develop a home on this lot as it is currently not possible to get the driveway where it needs to go without the variance.
- iv) The impact will be minimal since the main area that that will be affected is behind the home and not visible to the public.
- v) the spirit of the land use ordinance is observed as these areas are strictly for the drive access and not for landscape grading.

Let me know if you need anything else.

On Tue, Sep 4, 2018 at 8:30 AM Darlene Baetz <[dbaetz@bountifulutah.gov](mailto:dbaetz@bountifulutah.gov)> wrote:

Hey Josh – We still need the responses for the 5 state criteria today.

Thanks,

Darlene

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**From:** Darlene Baetz  
**Sent:** Wednesday, August 29, 2018 11:25 AM  
**To:** 'Josh Arrington'  
**Subject:** RE: Low Variance Application

Thanks – Lloyd has them.

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**From:** Josh Arrington [mailto:[josh@upwalldesign.com](mailto:josh@upwalldesign.com)]  
**Sent:** Wednesday, August 29, 2018 11:09 AM  
**To:** Darlene Baetz  
**Subject:** Re: Low Variance Application

August 28, 2018

Re: Low Residence

To whom it may concern:

The owners of the lot are requesting a variance from Bountiful City Ordinance 14-4-117 dealing with the cuts and fills from existing ground over ten feet.

There are some areas in which the ordinance could not be followed completely. We are using the driveway slopes which are necessary to get to the area for the house. The driveway needs to be long enough to get to the required elevation for the house. This causes the driveway to have some fills over ten feet in one area. The upper driveway has cuts over ten feet because the Fire Marshall requires a turnaround large enough for his emergency vehicles which pushed the driveway into the hill to the East. We have done our best to mitigate and minimize the areas that do not comply and hope that you find what we have done to be acceptable.



181 N. 200 West,  
Suite 4  
Bountiful, UT  
84010

Tel: 801 298-2230  
Fax: 801 298-5985  
Web: [www.entellus.com](http://www.entellus.com)

Sincerely,  
Scott T. Argyle, P.E.





181 North 200 West, Suite #4  
 Bountiful, UT 84010  
 Phone: 801.298.2336  
 www.Entellus.com

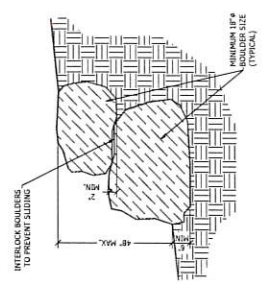
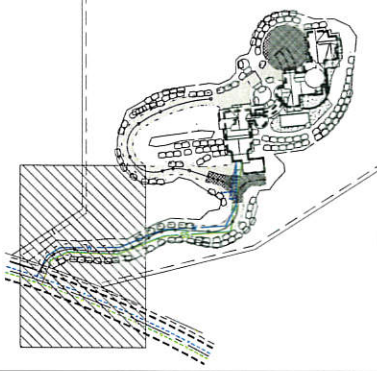


181 STONE HOLLOW DRIVE  
 LOT 1604  
 BOONVILLE, DAVIS COUNTY, UTAH

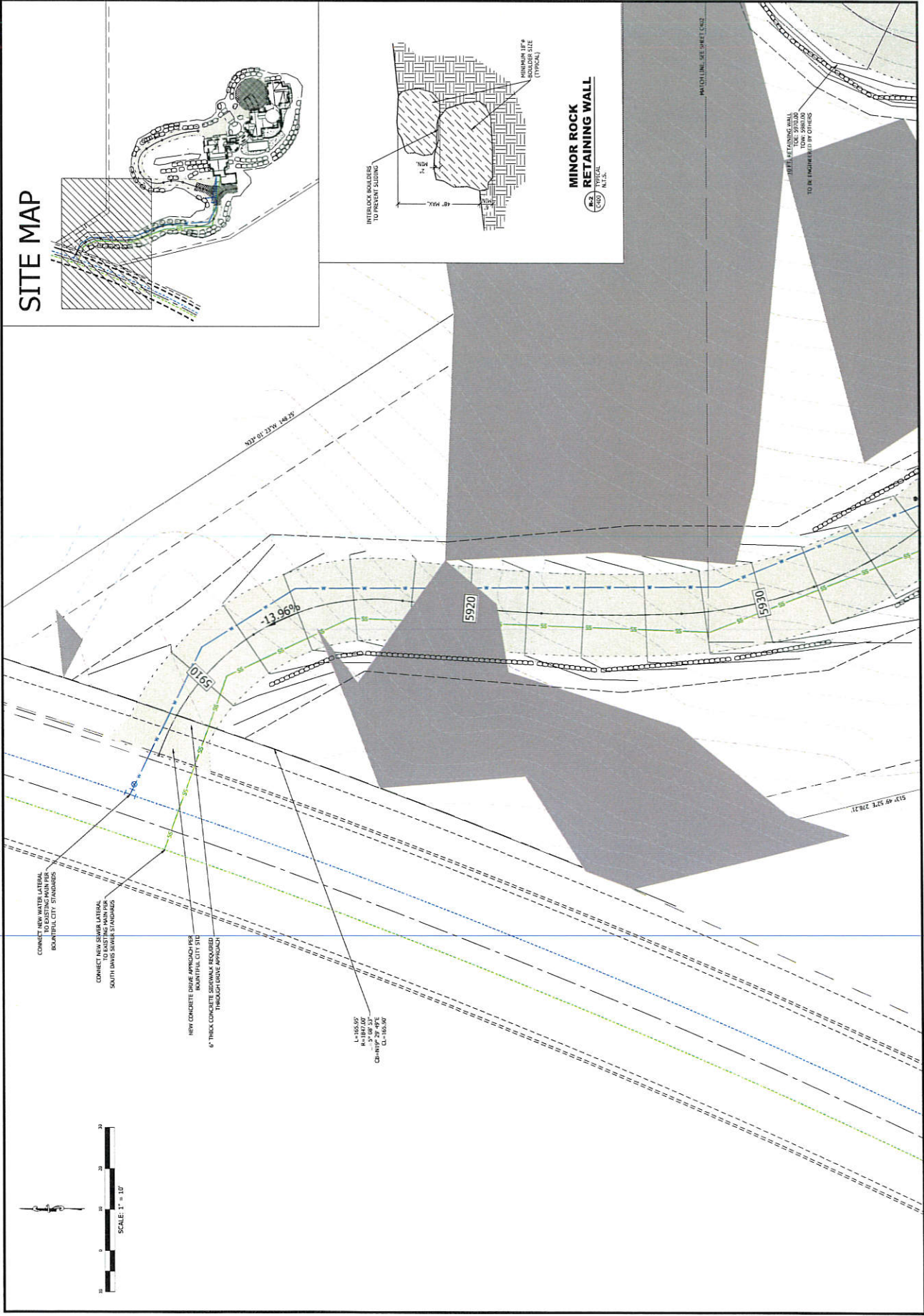
LOW RESIDENCE

DESIGNED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE
PROJECT NO.	
<b>C401</b>	
SITE PLAN	

SITE MAP



MINOR ROCK RETAINING WALL

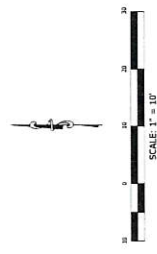


CONNECT NEW WATER LATERAL TO EXISTING MAIN FOR BOUNTIFUL CITY STANDARDS

CONNECT EXISTING WATER LATERAL TO EXISTING MAIN FOR SOUTH DAVIS SEWER STANDARDS

NEW CONCRETE BRIDGE APPROACH TO EXISTING MAIN FOR 6" THICK CONCRETE BRIDGE REQUIRED THROUGH UNDER APPROACH

L=105.55'  
 R=187.00'  
 CB=114° 25' 49.1"  
 CL=103.00'







181 North 2nd West, Suite #4  
 Boulder, UT 84010  
 Phone: 801.298.2236  
 www.Entellus.com



181 STONE HOLLOW DRIVE  
 LOT #60  
 BOONVILLE, DAVIS COUNTY, UTAH

LOW RESIDENCE

DATE:	08/10/11
BY:	ENTELLUS
PROJECT:	181 NORTH 2ND WEST, SUITE #4
CHECKED:	SCOTT B. SMITH
SCALE:	1" = 10'

C404  
 SITE PLAN

