

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Chairman
Alan Malan

Commissioners
Laura Charchenko
Mike Cottle
Corey Sweat
Dennis Vest

AMENDED AGENDA

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, MAY 11, 2021 AT THE CITY OFFICES**

This meeting will be held in-person

1. Prayer/Thought by Commissioner Charchenko.
2. Accept Agenda.
3. Updated Concept Plan for Brookside Ranch PUD.
4. Discuss Modifications to WBMC 17.82, Accessory Dwelling Units and Set Public Hearing.
5. Staff report.
6. Consider Meeting Minutes from April 13, 2021.
7. Adjourn.

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City's website on May 10, 2021 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

DATE: May 10, 2021

FROM: Staff

RE: Brookside Ranch – Updated Concept for PUD Application

The developers of Brookside Ranch, Gardner-Plumb, LLC, submitted an application for a Planned Unit Development (PUD) on March 22, 2021. The planning commission discussed the proposal at its March 23 meeting.

Attached is updated information in response to the letter sent by the city on April 2. We have also attached a copy of the PUD ordinance, WBMC 17.68.

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Rodney Wood

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West Bountiful, Utah 84087

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Recorder
Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

April 2, 2021

Gardner – Plumb LLC
Attention: John Bankhead
Via email: johnb@gardnercompany.net

RE: Brookside PUD Noted Issues and Needed Items for a Complete Application

Thank you for your submittal to West Bountiful City of the Brookside Ranch PUD. We appreciated the introduction to your project with the Planning Commission on March 23rd. It was helpful to our understanding of the proposed project.

In reviewing the PUD ordinance, and given the document you have provided, we request you address the following issues and concerns and supply the following information. Some items are required by the PUD ordinance for a complete application. Please review Chapter 17.68 of the West Bountiful Municipal Code for those items. Additionally, since the decision to rezone to a PUD is a legislative decision, other items described below would be helpful to the City's review of and decision on your application. We anticipate a cooperative application process as envisioned by the ordinance.

Required Ordinance Items

- I. Traffic study – Please address access issues including the potential development to the north and south, traffic issues that the proposal could generate off-site—especially on 400 North—and access to the NE and SE, as well as standard generation information.
- II. Density – To calculate the bonus density requested, you are required first to calculate the base density. Please show/calculate how many standard lots you could fit on this property if it was a standard subdivision. From there, the city may grant up to a 20% density bonus as described in Section 17.68.090.
- III. Geotech Report – Please address the seasonal water table fluctuations with a minimum 6 months (a year preferred) of data including the spring month and summer months. Summer is included to provide for area induced water table fluctuation due to irrigation practices. Also, with drought conditions in Utah, please estimate the potential ground water levels with a normal water year and then normal plus ten percent. Since we are in a drought, we are very concerned that the water table information accounts for time periods with greater snow and rainfall amounts. Are basements being proposed? Also, large amounts of fill were placed on the property in 2015. What is its location, composition and how does it impact building (roads and houses)?
- IV. Conceptual building elevations – the ordinance requires conceptual building elevations. Provide schematics of the various architecture types. This could also include conceptual elevations of the architecture principles as described in the presentation.

- V. Description of amenities – this is included in the presentation, but please include items such as value of improvements, dedications, proposed or actual easement agreements, and maintenance plans (see item 3 below).
- VI. The conceptual improvement plan should address all public improvements such as storm drainage.
- VII. An initial draft of the development agreement should be submitted as part of the application. The application should include an outline of items to be covered in the development agreement.
- VIII. Will any non-residential structures be included in the plan? If so, please provide conceptual designs and descriptions.

General Issues and Information

1. 3rd Party Property: Please provide copies of any agreements or communications you have pursued with Utah Department of Transportation (UDOT), Rocky Mountain Power (RMP), and the Canal Company/County that transfer rights, allow access, and define improvements that could be accomplished in these areas. Please describe the limitations/restrictions that those organizations have concerning the use of their land. For example:
 - a. For the UDOT parcel – Is the land currently designated for wetlands? What limitations will exist on building a standard park?
 - b. How does the backyard canal on the southwest work? Is that an easement? Will that area be paved and fenced? Again, please clarify the canal company restrictions.
2. Access and Street Designs: We understand that your initial submission supplied a menu of street connections and designs, but we need more information (see section above on a Traffic Study) and we need you to take the lead on proposing the specific street designs for each proposed road. Here is some input that may be helpful:
 - a. Please describe the undefined road with the connection to the north east section of the development. The city understands this area to have an easement for certain property owners – are you proposing to acquire this land and build a new road?
 - b. Have you had any discussions with South Davis Metro Fire regarding their requirements for access to the development?
 - c. Do you expect the streets will need to be elevated to handle the potential water table issues?
 - d. The top street cross section has 42 feet of asphalt. Is a turning lane required or expected? Are bike lanes included in the wide street? Extra wide streets are generally for urban areas not rural.
 - e. The slightly curved streets are nice and will add a rural touch.
 - f. Streetscape design is important to the City, and that includes providing street trees. We believe that the 4' park strips are not useful for larger trees. The minimum park strip width should be 8' to have large deciduous street trees. Park strips are also excellent locations for stormwater management. The top two cross sections have a 4' park strip and the bottom one 6'. 8' is recommended. Also, the street trees should be carefully selected due to expected high ground water and possible saline soil conditions.
 - g. The streetlights are not a common standard that West Bountiful has used before – please provide the specs for the fixtures. They have a really good appearance but may be beyond our maintenance capabilities. We assume they are LED and dark sky compliant.
 - h. Long blocks – it may be important to break up the blocks for better walkability.

3. Parks/Trails – We understand parks to be one of the primary amenities being proposed to justify a PUD and a density bonus. Here are questions and thoughts we have so far:
 - a. See section above on 3rd party land.
 - b. We like the idea of using the power corridor for a trail but it is not clear what happens with the rest of that corridor. An idea could be to allow the grazing of horses on some of that property to help reinforce the theme. Fencing issues may need to be addressed along the corridor.
 - c. The majority of the housing is west of the power corridor, and you are proposing a larger park on the north. It would seem that the park location east of the power lines may be unnecessary and more difficult to access. Perhaps this space can be used to increase the size of the lots for a better buffer to the land east of the development.
 - d. The community garden park seems unnecessary for a development with large lot sizes. We doubt it will be beneficial since most people will have garden areas on their own large lot. Are you proposing that this would be used by West Bountiful residents outside the subdivision?
 - e. You have proposed general park improvement for the UDOT property – do you have an estimate of how much you are prepared to invest to build this park?
 - f. Please provide descriptions, ownership plans, management responsibility, cross section of trails and trail surface materials.
 - g. Providing multiple connections to Legacy Parkway trail could be a major benefit to Brookside and city residents. We are generally interested in seeing at least one mid-development connection to this trail.
 - h. Trailheads – the southwest access to the Legacy Highway needs to accommodate a few cars.
4. Stormwater – Given the high-water table and very flat land, storm water design is always a top priority for new development in West Bountiful.
 - a. Since the State is moving toward MS4 standards requirements, we would like the storm drainage plan to address retaining water from yards, roofs, and driveways as much as possible using Low Impact Development (LID) techniques/best practices. Currently an 80% standard is in use in many communities. Please provide plans to show how that can be accomplished, including drainage from roads and any parking lots provided.
 - b. Have you had discussions with Davis County regarding discharging directly into their system?
 - c. Are you planning for any other detention using parks or trail areas?
5. Secondary Water: Have you had discussions with Weber Basin Water District regarding the design requirements for the development? Please describe the availability of secondary water to the development. Are there sufficient secondary water rights for all property owners and the proposed parks and open spaces?
6. Homeowners' Association: Do you expect to have an HOA? If so, what responsibilities would they have?
7. Legacy Highway fencing – Are you concerned with noise from Legacy? Are you considering constructing any sound wall? If not, what sort of fence is suggested there?

Thank you for addressing these items in your next submittal.



BROOKSIDE RANCH PUD APPLICATION

WEST BOUNTIFUL, UTAH

7 MAY 2021

Narrative

We welcome the opportunity to provide more information on Brookside Ranch and how approving it as a PUD enables us to provide additional flexibility for the development that will ultimately benefit the City and development's residents through usable open space, higher quality design, diverse housing types, and an enhanced rural character all of which are in line with West Bountiful City's Code Section 17.68.010.

Our request for PUD approval is based solely around our desire to create a development with a slight increase in density and does not include any additional requests. As demonstrated in the supporting documents the base density of this development would be 105 units and we are requesting an additional 21 units, a 20% increase, to bring the total density up to 126 units.

As is encouraged by Section 17.68.010 of the city's code, Brookside Ranch would include a diversity of lot sizes, however, all lots will be above .5 acres as is illustrated in the table below.

Brookside Ranch Proposed Lot Sizes									
Acreage	.5 - .6	.6 - .7	.7 - .8	.8 - .9	.9 - 1.0	1.0 - 2.0	2.0 - 3.0	3.0 +	Total
Number of Lots	15	35	27	17	8	21	2	1	126

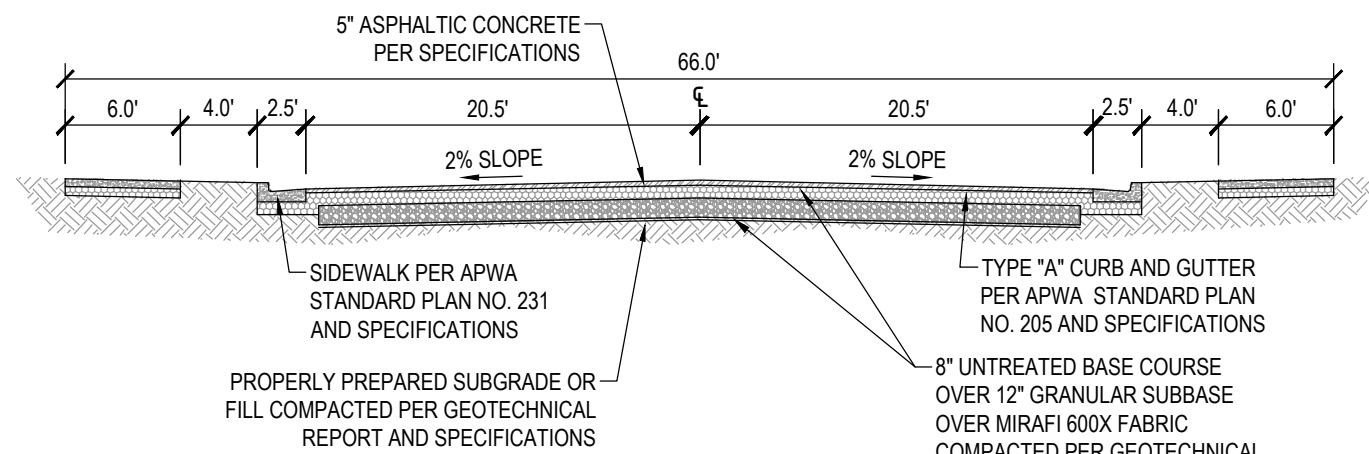
As shown in the supporting documents, the lots on the eastern border will be at least 1 acre to act as a buffer to neighboring properties.

As has been previously presented, the Brookside Ranch will have heightened design standards that will enable the project to consistently hold its value over time. In addition to these initial enhancements in design standards, Brookside Ranch's CC&Rs will be crafted to provide further assurance that the development's design includes and maintains amenities, housing designs, and streetscapes that are reflective of a rural community which is inline with West Bountiful City's Code Section 17.68.01.

As part of the subdivision construction the developer will work with UDOT to deed 10 acres of open space to West Bountiful City and will contribute \$500,000 towards the construction of a city park on the UDOT property. Additionally, the developer will improve the existing trail system and the Rocky Mountain Power corridor for pedestrian and equestrian use. The park would be designed, owned and maintained by West Bountiful City to ensure that it effectively meets the

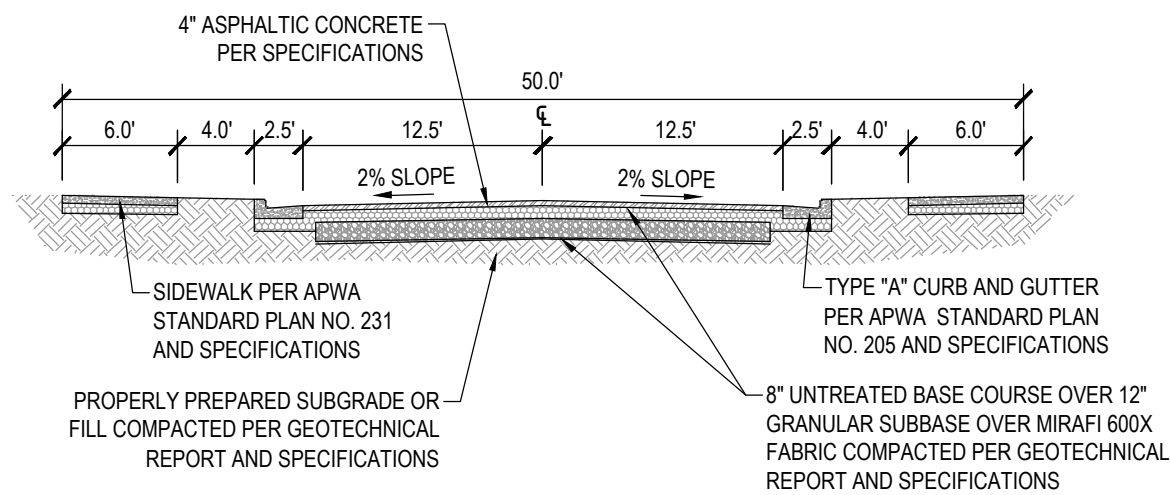
city's vision and standards. The trail system in the Rocky Mountain Power corridor will be maintained by the Brookside Ranch's HOA.

The rest of this packet includes the following attachments that further illustrate how our plans for Brookside Ranch meet the city's requirements for a PUD by both promoting rural characteristics and preserving natural features of the site while simultaneously providing a substantial public benefit for the city and the development's residents.



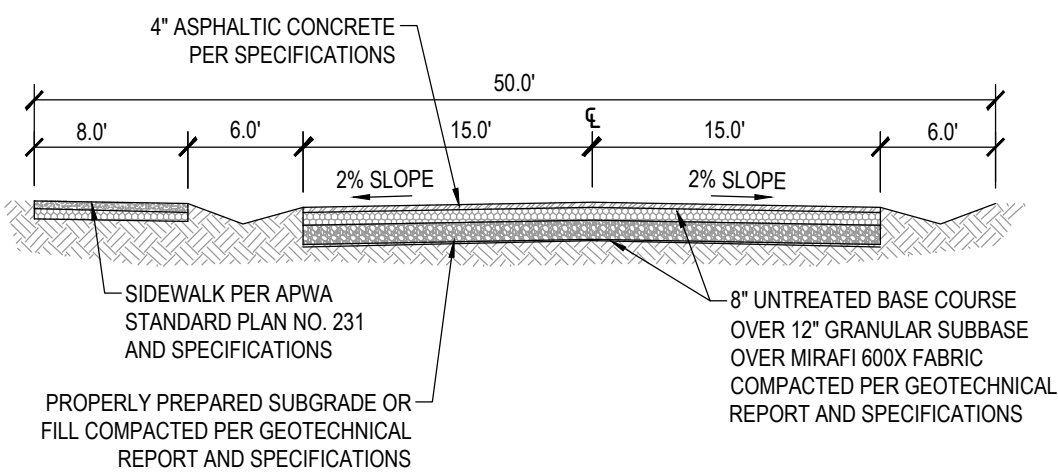
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SCALE: NONE



2 TYPICAL 50' ROW CROSS SECTION

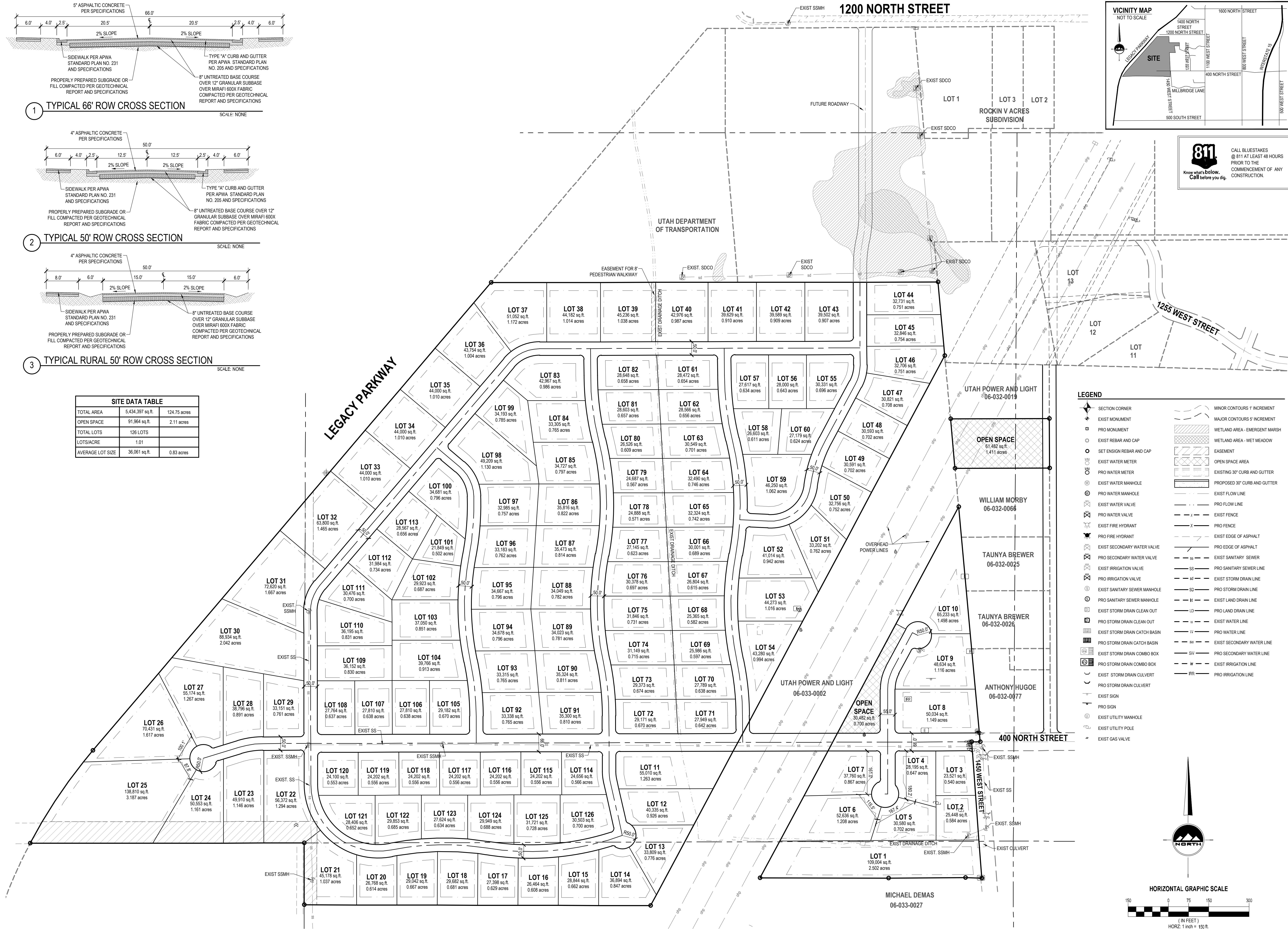
SCALE: NONE



3 TYPICAL RURAL 50' ROW CROSS SECTION

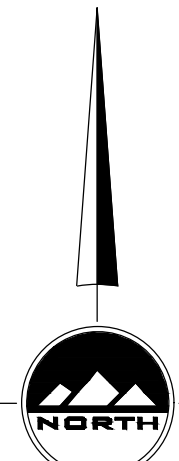
SCALE: NONE

SITE DATA TABLE		
TOTAL AREA	5,434,397 sq.ft.	124.75 acres
OPEN SPACE	91,964 sq.ft.	2.11 acres
TOTAL LOTS	126 LOTS	
LOTS/ACRE	1.01	
AVERAGE LOT SIZE	36,061 sq.ft.	0.83 acres

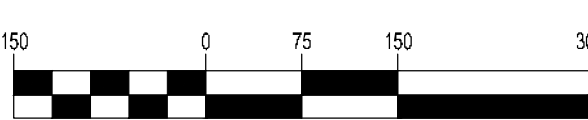


LEGEND

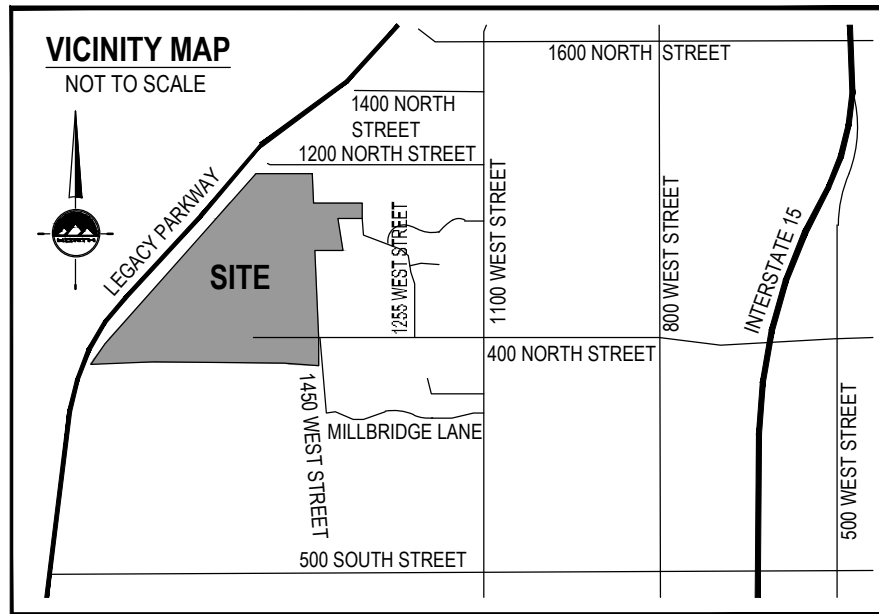
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- EXIST SSMH
- PRO MONUMENT
- EXIST REBAR AND CAP
- EXIST WATER METER
- PRO WATER METER
- EXIST WATER MANHOLE
- PRO WATER MANHOLE
- EXIST WATER VALVE
- PRO WATER VALVE
- EXIST FIRE HYDRANT
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- EXIST SECONDARY WATER VALVE
- PRO SECONDARY WATER VALVE
- EXIST IRRIGATION VALVE
- PRO IRRIGATION VALVE
- EXIST SANITARY SEWER MANHOLE
- PRO SANITARY SEWER MANHOLE
- EXIST STORM DRAIN CLEAN OUT
- PRO STORM DRAIN CLEAN OUT
- EXIST STORM DRAIN CATCH BASIN
- PRO STORM DRAIN CATCH BASIN
- EXIST STORM DRAIN COMBO BOX
- PRO STORM DRAIN COMBO BOX
- EXIST STORM DRAIN CULVERT
- PRO STORM DRAIN CULVERT
- EXIST SIGN
- PRO SIGN
- EXIST UTILITY MANHOLE
- PRO UTILITY MANHOLE
- EXIST UTILITY POLE
- PRO UTILITY POLE
- EXIST GAS VALVE
- PRO GAS VALVE
- MINOR CONTOURS 1' INCREMENT
- MAJOR CONTOURS 5' INCREMENT
- WETLAND AREA - EMERGENT MARSH
- WETLAND AREA - WET MEADOW
- EASEMENT
- OPEN SPACE AREA
- EXISTING 30" CURB AND GUTTER
- PROPOSED 30" CURB AND GUTTER
- EXIST FLOW LINE
- PRO FLOW LINE
- EXIST FENCE
- PRO FENCE
- EXIST EDGE OF ASPHALT
- PRO EDGE OF ASPHALT
- EXIST SANITARY SEWER
- PRO SANITARY SEWER LINE
- EXIST STORM DRAIN LINE
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- EXIST WATER LINE
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- PRO SECONDARY WATER LINE
- EXIST IRRIGATION LINE
- PRO IRRIGATION LINE



HORIZONTAL GRAPHIC SCALE



HORZ: 1 inch = 150 ft.



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CLIENT CITY STATE ZIP

CONTACT:

CLIENT CONTACT

PHONE: 801-000-0000

BROOKSIDE RANCH

1500 WEST 400 NORTH STREET
WEST BOUNTIFUL, UTAH

CONCEPT PLAN

PROJECT NUMBER

L22496

PRINT DATE

5/7/21

DRAWN BY

M.ELMER

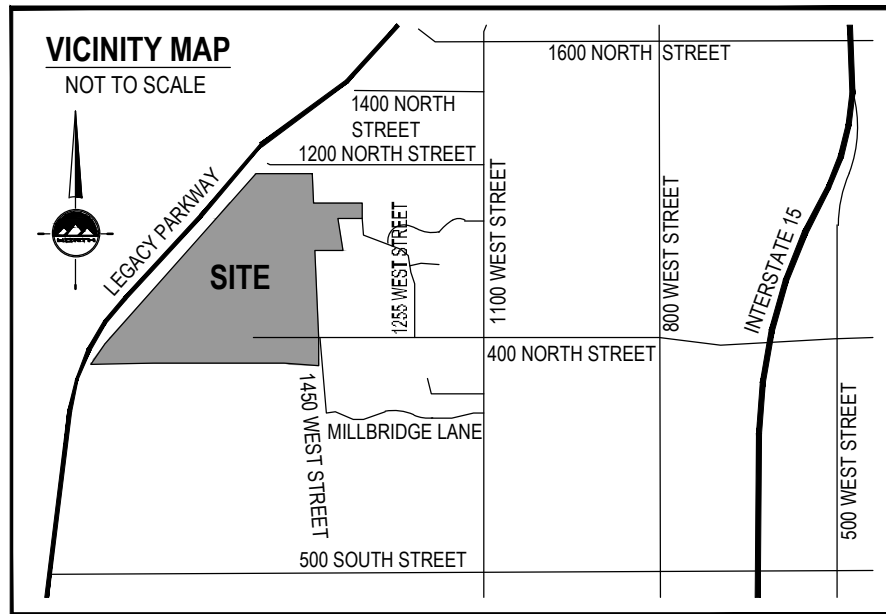
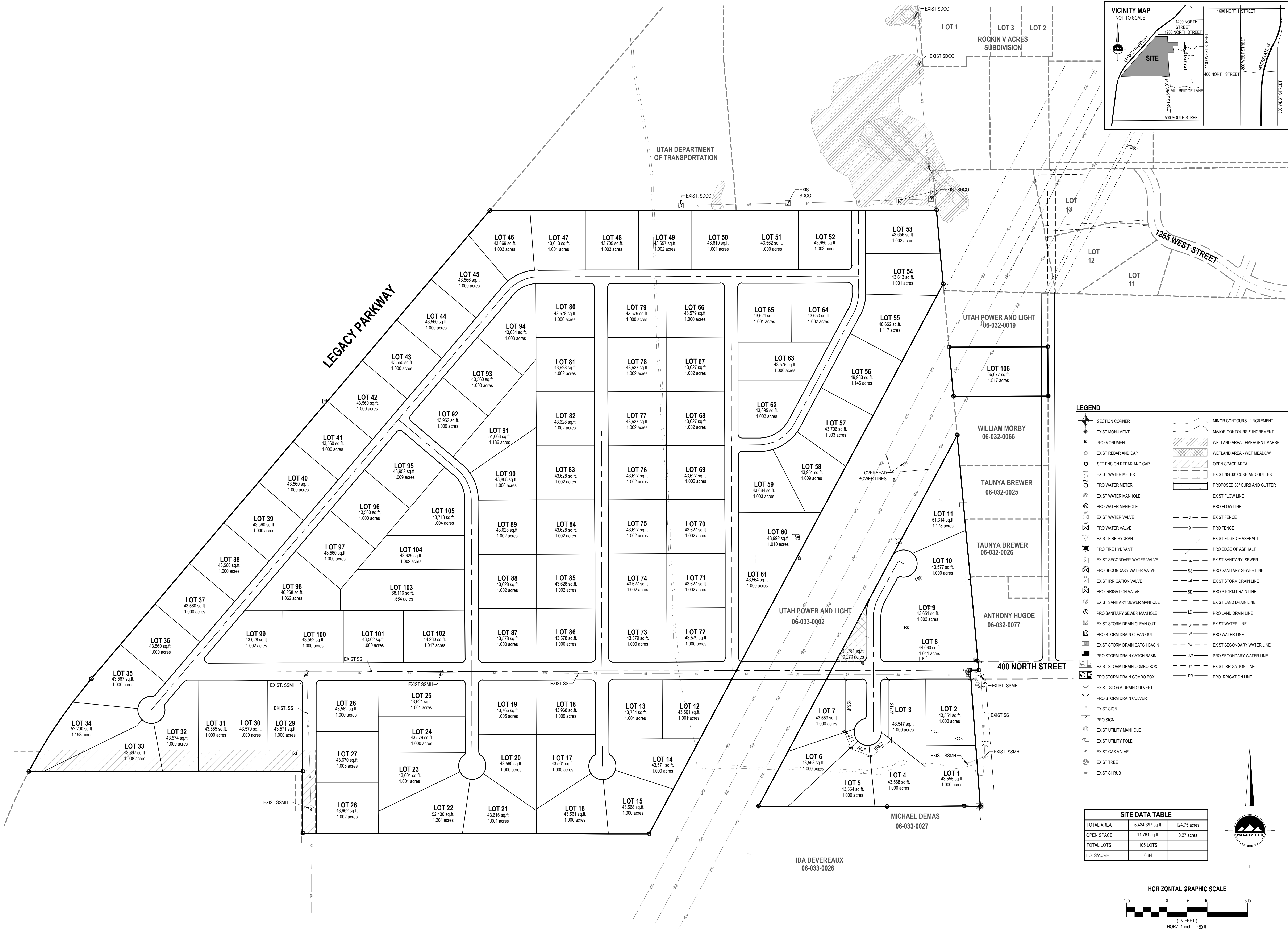
CHECKED BY

C.PRESTON

PROJECT MANAGER

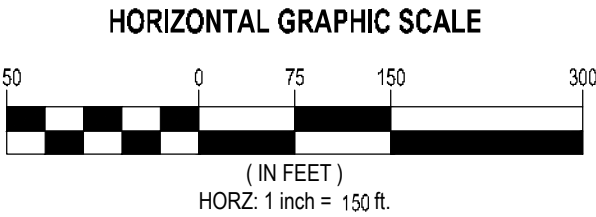
C.PRESTON

1 OF 1



- LEGEND**
- SECTION CORNER
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TOTAL LOTS	105 LOTS	
LOTS/ACRE	0.84	



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BROOKSIDE RANCH

1500 WEST 400 NORTH STREET

WEST BOUNTIFUL, UTAH

YIELD PLAN

PROJECT NUMBER
L22496

PRINT DATE
5/7/21

DRAWN BY
M.ELMER

CHECKED BY
C.PRESTON

PROJECT MANAGER
C.PRESTON



Babcock Design

WEST BOUNTIFUL - SITE CONCEPT

West Bountiful, Utah | Gardner

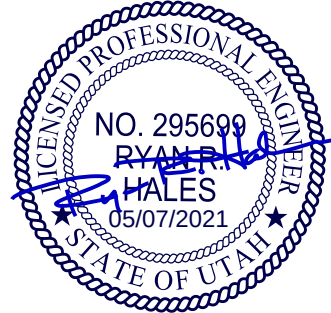
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1" = 300'

7 MAY 21

MEMORANDUM

Date: May 7, 2021
To: Howard Cooke – Gardner Company
From: Hales Engineering



Subject: West Bountiful Brookside Ranch Trip Generation Study

UT21-1899

This memorandum discusses the trip generation study completed for the proposed Brookside Ranch located in West Bountiful, Utah. A vicinity map of the proposed development is shown in Figure 1.

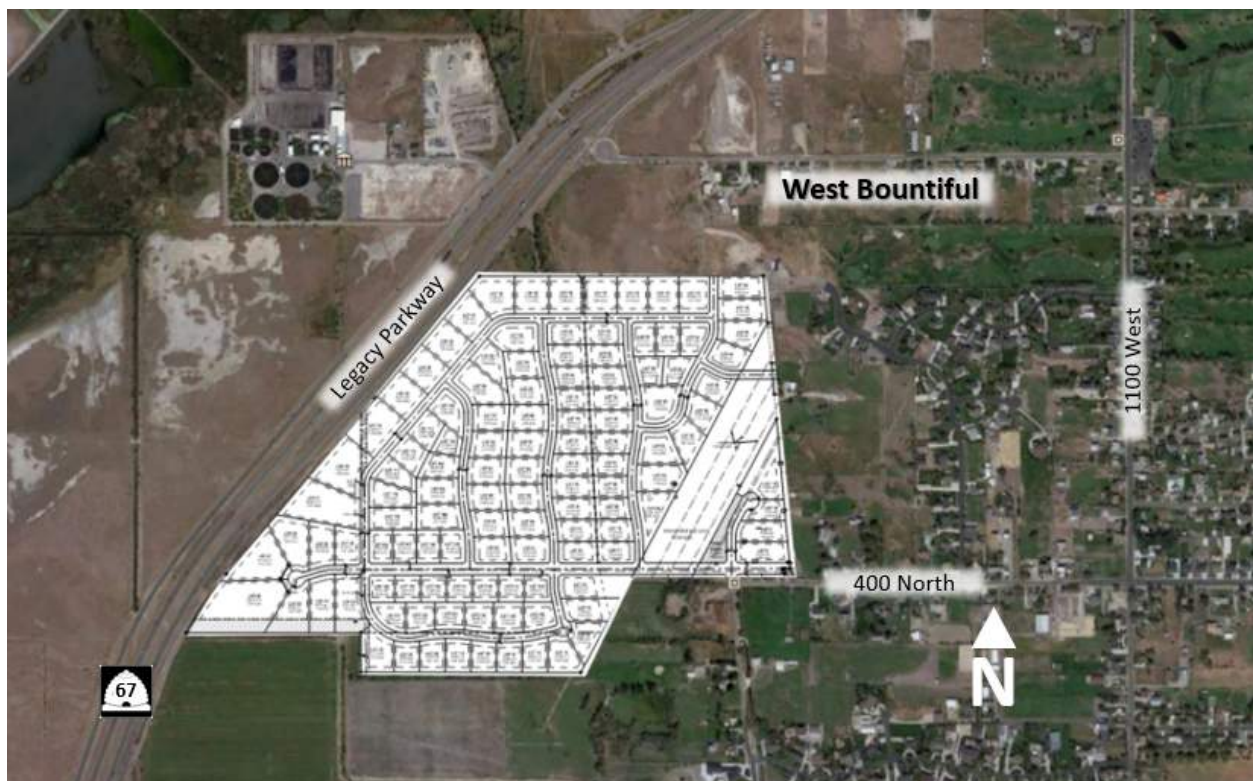


Figure 1: Vicinity map of the proposed development in West Bountiful, Utah

Background

The proposed Brookside Ranch subdivision could be comprised of 100 or 126 single-family dwelling unit lots located in West Bountiful, Utah, west of Legacy Parkway (S.R. 67), and primarily north of 400 North.

Trip Generation

Trip generation for the development was calculated based on evening peak hour counts at the proposed Brookside Ranch location. Trip generation for the proposed 100 or 126 single family dwelling units are included in Table 1.

As shown in Table 1, it is anticipated that a 100-lot subdivision will generate a total of 1,040 daily trips, and 76 morning and 102 evening peak hour trips on an average weekday. The 126-lot subdivision will generate a total of 1,288 daily trips, and 96 morning and 128 evening peak hour trips.

Table 1: Trip Generation

Trip Generation West Bountiful - Brookside Ranch								
Weekday Daily Land Use ¹	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total New Daily Trips
Single-Family Detached Housing (210)	100	Dwelling Units	1,040	50%	50%	520	520	1,040
Single-Family Detached Housing (210)	126	Dwelling Units	1,288	50%	50%	644	644	1,288
Morning Peak Hour Land Use ¹	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total New AM Trips
Single-Family Detached Housing (210)	100	Dwelling Units	76	25%	75%	19	57	76
Single-Family Detached Housing (210)	126	Dwelling Units	96	25%	75%	24	72	96
Evening Peak Hour Land Use ¹	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total New PM Trips
Single-Family Detached Housing (210)	100	Dwelling Units	102	63%	37%	64	38	102
Single-Family Detached Housing (210)	126	Dwelling Units	128	63%	37%	81	47	128

1. Land Use Code from the Institute of Transportation Engineers (ITE) *Trip Generation*, 10th Edition, 2017.

SOURCE: Hales Engineering, May 2021

Conclusions

The findings of this study are as follows:

- The proposed 100 single-family dwelling units will generate the following trips
 - 76 morning peak hour trips (19 entering / 57 exiting)
 - 102 evening peak hour trips (64 entering / 38 exiting)
 - 1,040 daily trips with (520 entering / 520 exiting)
- The proposed 126 single-family dwelling units will generate the following trips
 - 96 morning peak hour trips (24 entering / 72 exiting)

- 128 evening peak hour trips (81 entering / 47 exiting)
- 1,288 daily trips with (644 entering / 644 exiting)

Please let us know if you have any questions, or if you need additional information.

17.68 Planned Unit Developments (PUDS)17.68.010 Purpose And Intent17.68.020 Rezone Application Requirements17.68.030 Development Agreement17.68.040 Base Density17.68.050 Lots17.68.060 Area17.68.070 Uses17.68.080 Ownership17.68.090 Density Bonus Consideration17.68.100 Payment In Lieu17.68.110 Design17.68.120 Considerations17.68.130 Approval17.68.140 Subdivision Processing17.68.150 Limitations On Application**17.68.010 Purpose And Intent**

The purpose of the Planned Unit Development ("PUD") Overlay zone is to provide additional flexibility for the development of larger properties as well as those that have significant impediments to traditional development in the underlying zone. A PUD is a residential development planned as a whole, connected project. It incorporates a clear development theme which includes the elements of usable open spaces, diversity of lot sizes and/or housing design, amenities that reflect a rural community, enhanced streetscapes, and attractive entrances as part of the design.

West Bountiful City supports development that is creative and serves a purpose beyond the simple division of land. A PUD should benefit the City overall as well as the residents of the development in terms of such items as: usable open space, higher quality development, diverse housing types, or enhanced rural character. The purpose of a PUD is not to increase density, but to increase the quality of life in the community. In order to increase the quality of life in West Bountiful City, the City is willing to allow clustering or additional density of dwelling units in exchange for appropriate amenities.

A PUD may be allowed at the discretion of the City Council following a recommendation of the Planning Commission in any agricultural or residential zone. Denial of a PUD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all of the requirements of Title 16 and all other chapters of this Title. The City Council need not provide detailed findings or reasons for denial of a PUD since its decision is legislative.

The owner, or authorized agent, of a proposed PUD shall apply for and secure approval of the proposed PUD Overlay Zone in accordance with this Chapter before a subdivision application for the PUD can be submitted. The requirements of this PUD Overlay Chapter are intended to be in addition to the other requirements of this Title, and rely on, but not necessarily strictly adhere to, the requirements of the underlying zone.

Subsequent to an approved rezone and development agreement, any development that satisfies the requirements of this Chapter may be considered for approval for a PUD subdivision utilizing the requirements of Title 16, Subdivisions, and other requirements of Title 17. In the case of conflicting requirements of this Chapter and Title 16, Subdivisions, and Title 17, Zoning, this Chapter combined with the approved development agreement, shall govern.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.020 Rezone Application Requirements

An application for a rezone to a PUD Overlay will be accompanied by:

- A. A written description of how the subject property and the rezone application meet the intent of this zone, including the design theme proposed, as well as the means in which it furthers the City's goal of continuing the rural theme into the future.
- B. A conceptual development plan. This plan must be drawn to scale and show property boundaries, proposed uses, proposed lots, and proposed roads.
- C. Conceptual building elevations, materials, and commitments to architectural features.
- D. Proposed, typical street cross sections addressing the width of street pavement, park strips and sidewalks, type of curb and gutter, park strip landscaping, street lighting and street furniture.
- E. A written description of the recreational amenities.
- F. If applicable, a density bonus justification – address the criteria found in Section 17.68.090.
- G. A detailed description of the flexibility being requested over traditional development in the current zone.
- H. A conceptual improvement plan for all amenities and public improvements such as storm drainage.
- I. A draft development agreement to be considered concurrently with the rezone that commits in writing to the concepts described above. See Section 17.68.030.
- J. Project expectations – all PUD requests will include the following at a minimum:
 - 1. Parking. Garages and Parking Lots. Each dwelling unit in a PUD shall include at least a two (2) car garage constructed in accordance with West Bountiful City building standards. In addition, every PUD shall provide for adequate off street parking of vehicles, including recreational vehicle parking, unless specifically excluded in the Development Agreement and CCRs.

All parking spaces, parking areas, and driveways shall be hard surfaced and properly drained. Large expanses of asphalt should be reduced and broken into smaller parking lots. Parking lots should include ample landscaping to buffer cars from neighboring properties.

- 2. Attractive Elevations - Variety in Architecture. Structures in the PUD must include, at a minimum, the following design elements:
 - a. A variety of elevations, roof types (e.g., mansard, hip, gabled, traditional), colors, materials, and other architectural features must be incorporated into the housing units so as to eliminate or greatly reduce the impression of tract housing.
 - b. The appearance of garage doors must be mitigated. Side entry garages that do not face public streets, garage doors that are recessed from the front of the structure, front elevations where the overall width of the building is at least twice the width of the garage or other creative solutions, such as windows, carriage door style, and/or color coordination, are highly encouraged.
 - c. Dwellings with the same or similar elevations, façade, exterior design, or appearance generally should not be placed adjacent to each other or across the

street from dwellings with the same or similar characteristics.

3. **Upgraded Materials.** The materials used to construct the structures in a PUD will represent an upgrade from typical construction practices. At a minimum, all residential structures within a PUD will include at least eighty (80) percent hard surface exterior materials defined as brick, stucco, stone, stacked stone, simulated/composite wood concrete siding, or similar materials. The applicant must present samples of proposed materials to the City for review in connection with approval of the PUD Overlay Zone.
4. **Vehicular and Pedestrian Access.** Adequate vehicular and pedestrian access must be provided. A traffic impact study may be required, as part of the preliminary PUD Overlay plan, to project auto and truck traffic generated by the uses proposed. The traffic impact study shall be prepared by a registered traffic engineer, unless otherwise expressly waived by the City. The traffic study shall include, as a minimum, an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, recommended traffic flow enhancements, origin/destination studies and peak traffic generation movements.

K. **Project considerations** – all PUD requests will include the following, as applicable:

1. **Open spaces.** Preservation, maintenance and ownership of all open spaces within the development shall be accomplished by either:

- a. Dedication of land to the City as a public park or parkway system; or
- b. Creation of a permanent, open space easement on and over private open spaces to guarantee that the open space remains perpetually as open space or as an agricultural or recreational use, as the case may be, with ownership and maintenance being the responsibility of a corporation or other association established with articles of association and bylaws or similar rules, which are satisfactory to the City.

As part of the subdivision process for a PUD, the applicant shall submit a detailed improvement plan indicating the landscaping, trails, facilities, and other amenities proposed in the development. Upon approval of the amenities package by the City Council, the applicant will be required to complete all improvements in accordance with the development approval. Furthermore, if any open space area is anticipated to be dedicated to West Bountiful City, the landscaping materials, irrigation system and other improvements shall be completed in accordance with any design or improvement standards adopted by West Bountiful City.

2. **Connection with Trails.** Any PUD that is traversed by or connected to a City or regional trail will be required to install the trail connection or extension, consistent with all applicable ordinances and improvement standards of West Bountiful City.
3. **Non-residential structures.** Any proposed nonresidential structures, such as recreational amenities, should be complementary to the surrounding and historic architecture in terms of scale, massing, roof shape, exterior materials, etc. Such structures should not create masses out of proportion to the residential structures in the development and surrounding neighborhoods, but should be scaled down into groupings of smaller attached structures, that imitate single family home design or incorporate features that are consistent with the historical or rural characteristics of the City.
4. **Signage.** Entry feature signage should help unify the project and provide a positive image. Signage for any nonresidential community buildings within the PUD should be part of a coordinated signage system for the entire PUD project. Natural materials such as

wood, stone, rock, and metal with external illumination are encouraged for all development-specific signs. The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting (down lighting only) shall be detailed in the application. The size and location of signage shall conform to the requirements and guidelines for monument signage from Chapter 17.48 of this Title unless modifications are approved as part of the PUD Overlay.

- L. General Contributions. The City, as part of the approval of a PUD Overlay, shall review any contributions, as specified in the Development Agreement.

Contributions may include, but are not limited to any combination of the following:

1. Dedication of land for public park purposes.
2. Dedication of land for public school purposes.
3. Dedication of land for public road right-of-way purposes.
4. Construction of, or addition to, roads servicing the proposed project when such construction or addition is reasonably related to the traffic to be generated.
5. Installation of required traffic safety devices.
6. Reservation of areas containing significant natural, environmental, historic, archaeological or similar resources.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.030 Development Agreement

"Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must (1) specify the existing subdivision and land use standards that will be changed in the PUD Overlay Zone and (2) detail the amenities and other benefits being provided to the City and its residents.

The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement must include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if a subdivision plat consistent with the Development Agreement is not recorded within one (1) year of execution of the Agreement.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.040 Base Density

The base density for each PUD Overlay Zone is the density that would be permitted in the zone in which the proposed development is located if the development were completed as a regular subdivision under Title 16 with each lot containing a minimum buildable area of thirty feet by fifty feet (30' X 50') while meeting the size and width requirements of the underlying zone.

A density bonus may be considered as described in Section 17.68.090.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.050 Lots

Because the lot sizes in a PUD are flexible, a building footprint shall be indicated on each lot, identifying the buildable area of the lot and the required setback area for the lot. The City Council may require the buildable area of the lots to be increased if it is determined to be important that an average size dwelling, in comparison with other dwellings in the general vicinity, cannot be constructed on the proposed lots.

Although flexibility in lot arrangement is a feature of a PUD, the lots in the development will be reviewed to ensure that the lots can be used for their intended purpose. Each lot should accommodate a dwelling compatible with other dwellings in the development and access should be provided in a reasonable manner. Lots in a PUD should not be designed in a manner that creates odd-shaped lots to simply obtain additional lots.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.060 Area

No application for a Planned Unit Development Overlay Zone shall have an area less than:

- A. Twenty (20) acres of land in the B-U/A-1 Zone;
- B. Fifteen (15) acres of land in the R-1-22 Zone;
- C. Ten (10) acres of land in the R-1-10 Zone.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.070 Uses

Only residential uses and accessory uses are allowed.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.080 Ownership

The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

HISTORY

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.090 Density Bonus Consideration

An applicant for a Planned Unit Development Overlay Zone may be eligible for a density bonus based on the value the City Council places on proposed amenities provided in the project. Density in excess of the Base Density may be considered for projects which satisfy the intent of the requirements, as determined by the City, of one or more of the density bonus amenities listed below. The bonus is granted, as determined by the City Council, in the rezoning/development agreement process. A density bonus shall not exceed twenty (20) percent above the Base Density.

Amenities for a particular project may vary from those of another project because of the project type and market for which the project is being built. Types of amenities may include, but are not limited to, substantial landscaping; public tennis or pickle ball courts; trails; equestrian facilities; recreation facilities; parks; permanent open space; common useable agricultural or farming open spaces; or other similar

features. Open spaces lacking a particular use/function or a high level of maintenance do not contribute toward granting a bonus density. Such open spaces shall be privately maintained through the PUD. The City shall consider the total project and the proposed amenities, and determine the amount of density bonus, if any, a project may receive. When figuring total project density, the number of lots will always be rounded down to the nearest lot.

A density bonus shall always be at the option of the City. If the City determines that a density bonus is not appropriate in a certain area, the bonus will not be given. Additionally, the City may limit the number of additional lots allowed in a certain project.

The following list of amenity categories shall be considered by the City for a density bonus in a PUD Overlay Zone. The Council will use one or more of these categories to grant up to a 20% density bonus. If a project receives the density bonus, the Base Density will be multiplied by the percentage granted to determine the additional units. Such calculations that result in fractional density results shall be rounded down to the nearest whole number. In order to determine total project density, the City shall add all additional units to the Base Density.

To be considered for a density bonus, the amenities shall add value to the project and result in a more desirable project for the community as defined below. Developers are expected to provide amenities beyond those found in typical subdivisions to receive a bonus, based on the overall project quality and the following:

- A. **Rural site design and features.** The City will consider an innovative site plan which promotes rural characteristics and preserves natural features of the site. To qualify for this density bonus, the overall site plan should incorporate rural design features such as, but not limited to: horse pasture, crop cultivation, community gardens, orchards, open space for grazing of animals, preservation of open irrigation ditches or their enhancement, unique curb/gutter and sidewalk configurations, deeper and varied setbacks, historical materials with a rural architectural theme, etc.
- B. **Substantial Public Benefit.** The City will consider this amenity bonus if substantial public benefit through the provision of public facilities (such as park dedication, trail system, or other recreational facilities), that are both unique in character from other City facilities and serve the needs of an area greater than the immediate development, is provided by the project. No density increase for substantial public benefit may be approved unless the public facilities provided are considered an enhancement of the typically required street improvements, sidewalks or trails, public recreational amenities, utilities, drainage facilities, and contribute to the rural theme of the area.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.100 Payment In Lieu

Payment in lieu of any of the minimum requirements or amenities of this Chapter cannot be accepted.

HISTORY

Adopted by Ord. 392-17 on 5/8/2017

17.68.110 Design

The City shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected as described below.

- A. **Density.** Density of land use shall in no case be more than twenty (20) percent higher than

allowed in the current zoning district.

- B. **Arrangement.** Where feasible, the least height, density of buildings and uses, and/or greater setbacks shall be arranged around the boundaries of the development.
- C. **Specific regulations.** Lot area, width, front and rear yard requirements, height, density, and coverage regulations shall be determined through approval of the rezone and development agreement and guided by the existing underlying zone. Side yard setbacks cannot be changed as part of a PUD.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.120 Considerations

In carrying out the intent of this Chapter, the City shall consider the following principles:

- A. It is the intent of this Chapter that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The City may require the applicant to engage such professional expertise as a qualified designer or design team.
- B. It is not the intent of this Chapter that control of the design of a PUD by the City is so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Chapter that the control exercised be the minimum necessary to achieve the purposes of this Chapter.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.130 Approval

Rezoning to the PUD Overlay may be allowed in any agricultural or residential zoning district upon Planning Commission recommendation and City Council approval through the rezone process. All such rezone requests shall be accompanied by a development agreement.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.140 Subdivision Processing

Only PUD subdivisions previously approved for a rezone with an approved development agreement shall be allowed in this zone. All PUD's developed under the PUD Overlay Zone shall be processed using the subdivision ordinance, except that after Planning Commission approval of the preliminary and final plats, and subsequent plat corrections, if needed, the City staff may proceed with recordation of the PUD subdivision.

- A. **Relationship of PUD to This Title and Other Development Ordinances of West Bountiful City.** This Chapter is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Chapter, all requirements of this Title and all other development ordinances of West Bountiful City must be satisfied with the following exceptions:

1. The frontage and lot area requirements may be modified for all lots, pads, or parcels within the Planned Unit Development except those located directly across a public street from a development that satisfies the standard frontage requirements of Title 17, Zoning.

2. The density of the development shall be calculated based on Sections 17.68.040 and 17.68.090.

B. Phasing. All residential subdivisions with more than ten (10) lots, pads, parcels, or units shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the Preliminary Plat.

The phasing plan shall include the number of units or parcels to be developed in each phase; the approximate timing of each phase; the timing of construction of public improvements and subdivision amenities to serve each phase, whether onsite or offsite; and the relationship between the public improvements in the PUD subdivision and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan, which may be necessary due to conditions such as changing market conditions, inclement weather or other factors. Should a developer fail to install amenities in a particular phase, the City may withhold building permits on the next phase until the missing amenities are installed.

C. Landscaping. Landscaping, fencing and screening of the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the Planning Commission with the PUD subdivision.

D. Guarantees and Covenants. In addition to a development agreement, adequate guarantees shall be provided for permanent retention and maintenance of all open space areas before final plan approval can be granted.

1. Open Space Guarantees. The City shall require the preservation, maintenance and ownership of all open space through one or more of the following:

- a. Dedication of the land as a public park or parkway system.
- b. Dedication of the land as permanent open space on the recorded plat.
- c. Granting the City a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation or agricultural use, with ownership and maintenance being the responsibility of a residential corporation or association.
- d. Through compliance with the provisions of the Condominium Ownership Act, as outlined in Utah Code Annotated, Title 57, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

In the event the common open space and other facilities are not maintained in a manner consistent with the approved final PUD subdivision plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible corporation or association.

2. Performance Guarantee. In order to ensure that the PUD subdivision will be constructed to completion in an acceptable manner, the applicant shall post performance guarantees as outlined in the subdivision ordinance. The escrow account shall include the completion of offsite improvements, including, among other things, landscaping, sprinkling or irrigation systems, drives, storm drains, street surfacing, parking areas, sidewalks, curbs and gutters.

3. Covenants, Conditions and Restrictions for private amenities/improvements. The applicant for

any PUD subdivision shall, prior to the conveyance of any unit, submit to the City a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. The declaration shall include management policies which shall set forth the quality of maintenance that will be performed, and shall specify the party responsible for such maintenance within the development. The declaration shall also contain, at a minimum, the following:

- a. The establishment of a corporation or other association responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the development.
- b. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of the committee; and including the person or entity with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.
- c. The method of calling a meeting of the members of the corporation or other association, with the members thereof that will constitute a quorum authorized to transact business.
- d. The manner of collection from unit owners for their share of common expenses, and the method of assessment.
- e. The establishment of an initial reserve fund for the corporation or other association, to adequately cover maintenance and operation expenses until such time as the corporation or association is fully operational and self-sustaining.
- f. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.
- g. The method and procedure by which the declaration may be amended.
- h. The declaration required herein, amendments, and any instrument affecting the property or any unit therein, are subject to approval by the City and must be recorded with the County Recorder.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

17.68.150 Limitations On Application

- A. Construction on a PUD subdivision shall start within one (1) year of the approval of the PUD subdivision, and such construction, or approved stages thereof, shall be completed within four (4) years after the date construction begins, unless these time frames are renegotiated with the City Council for good cause by the applicant. Failure to meet the one year deadline will result in fines and/or action to nullify the Development Agreement and Zone change, and such actions shall be described in the Development Agreement.
- B. Upon approval of a PUD subdivision, construction shall proceed only in accordance with the plans and specifications approved by the City Council in the development agreement.
- C. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures outlined in this Chapter and may require a modification to the development agreement.

- D. All deviations from the executed Development Agreement require the approval of the City Council. Any change that increases project density, reduces any lot size or required setback, alters an amenity, or otherwise alters requirements in Title 16 or Title 17 requires a recommendation by the Planning Commission, after a public hearing, prior to the City Council consideration.
- E. The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development agreement and PUD subdivision plat and with any conditions imposed in conjunction with those approvals.

HISTORY

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

Repealed & Reenacted by Ord. 392-17 on 5/8/2017

Amended by Ord. 408-18 on 6/21/2018

MEMORANDUM



TO: Planning Commission

DATE: May 7, 2021

FROM: Staff

RE: Proposed Updates to Accessory Dwelling Unit Regulations

Background

The commission has been reviewing Accessory Dwelling Units (ADUs) since last fall when John Janson and Jake Young, our consulting planners, provided information related to land use issues as part of the city's stated goals in response to SB 34 (2020). At that time, the Commission unanimously supported moving ADUs from Conditional to Permitted Use as sufficient standards exist in code to mitigate any detrimental effects.

During the 2021 legislative session, SB 82 was passed which modified portions of single-family housing law dealing with ADUs. It requires cities to classify internal ADUs as a permitted land use; eliminates "unrelated" in single family definition referring to whom the ADU can be rented; prohibits many restrictions including size and lot area; and makes changes to the International Residential Code to make it easier to convert/establish internal ADUs in existing homes. The new law applies to "internal" ADUs which are defined as being created within a primary dwelling or within the footprint of the primary dwelling.

A joint meeting with city council was held last month to discuss the new legislation and consider policy changes such as expanding the current ordinance to allow detached ADUs. It was decided that ADUs will continue in their current form which is internal or attached to a primary dwelling.

Discussion

A redline and clean copy of WBMC 17.82 is attached for discussion purposes. Changes have been made to comply with the new state law and to implement previously discussed items as we move ADUs from Conditional Use to Permitted Use. It includes comments from John Jansen, Steve Doxey, and staff.

Several issues remain for discussion.

1. We have proposed an application process for all ADUs. This will allow staff to ensure the applicant is aware of and complies with all regulations. It also provides a means to track ADUs within the city.
2. We have added exceptions for determining owner occupied status.
3. SB-82 takes away much of the City's authority for "internal" ADUs. West Bountiful currently also allows "attached" ADUs. Is there any reason to treat these differently than internal ADUs?
4. Short term rentals. Do we want to allow, prohibit, or ignore short term rentals?
5. Impact Fees. We currently waive impact fees on internal and attached ADUs. This was included as a benefit in our Moderate Income Housing report from 2020.
6. Any other concerns?

A public hearing will need to be scheduled before sending a proposal to city council.

17.82.010 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

- A. To accommodate such housing in single family residential neighborhoods in accordance with state law.
- B. To provide an alternative housing option.
- C. To provide uniform standards for ADUs.

17.82.020 Definition

An accessory dwelling unit, or ADU, is defined as a separate dwelling unit, which is created within or attached to a single family dwelling that complies with the provisions of this chapter.

17.82.030 Scope

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

17.82.040 Development Standards

The development standards in this section shall apply to all ADUs.

- A. Application. An application in a form provided by the City will be required for all ADUs. The application will be processed as a permitted use.
- B. Location. An ADU shall be allowed only within, or attached to, an owner-occupied single family dwelling. The owner of the property shall have permanent residence in the primary dwelling or the ADU, subject to allowed absences under section 17.82.050.I
- C. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
- D. Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. A minimum of one (1) additional off-street parking space shall be provided and designated for each ADU, regardless of whether the primary dwelling is existing or new construction when the ADU is created. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers; provided that gravel parking stalls or driveways are allowed if the structure to be used as an ADU was in existence at the time of adoption of this ordinance, and the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance.
- E. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- F. Size. No minimum or maximum size is established for an ADU by this ordinance except that the unit shall contain at least a living area, kitchen area, sleeping area and bathroom facilities that comply with applicable provisions of this title, the current building codes adopted by the City, and state law.
- G. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled.-This shall include the obtaining of a building permit or other permits as the codes may require.

- H. Architecture. An ADU that is added onto or created within an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the number or location of garage doors, carports, outside entries, or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.
- I. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding two years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- J. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU as per section 17.82.040.I
- K. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.
- L. Short Term Rentals. ADUs shall not be used for short term rentals, defined as a leased time of less than thirty (30) days.
- M. Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.
- N. Penalties. Penalties may be imposed to assure compliance with this ordinance as per section 2.64.

17.82.010 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

- A. To accommodate such housing in single family residential neighborhoods, ~~as long as it produces only minimal impacts on the neighborhood in terms of traffic, noise, parking, and congestion, compatible scale and appearance of residential buildings in accordance with state law.~~
- B. ~~To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single family residential neighborhoods~~ To provide an alternative housing option.
- C. To ~~establish~~ provide uniform standards for ADUs.

~~ADUs are intended to be an exception to the requirement of only single family dwellings in agricultural and residential zoning districts as long as the requirements of this chapter and other provisions of this title are met.~~

17.82.020 Definition

An accessory dwelling unit, or ADU, is defined as a separate dwelling unit, which is created within or attached to a single family dwelling that complies with the provisions of this chapter.

17.82.030 Scope

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

17.82.040 Conditional Use

~~Any ADU shall conform to the development standards of Section 17.82.050, and shall constitute a conditional use in all residential zones subject to the approval and issuance of a conditional use permit by the Planning Commission, recorded with the County Recorder.~~

17.82.045 Development Standards

The development standards ~~set forth~~ in this section shall apply to all ADUs. ~~any ADU allowed as a conditional use.~~

- A. Application. An application in a form provided by the City will be required for all ADUs. The application will be processed as a permitted use.
- ~~A.B.~~ Location. An ADU shall be allowed only within, or attached to an owner-occupied single family dwelling. The owner of the property shall have permanent residence in the primary dwelling or the ADU, subject to allowed absences under section 17.82.050.I
- ~~B.C.~~ Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
- ~~C.D.~~ Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. A minimum of ~~four~~ one (1) additional off-street parking spaces shall be provided and designated for each ADU, regardless of whether the primary dwelling is existing or new construction when the ADU is created Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or

~~carport. At least one (1) space shall be designated for the ADU.~~ Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers; provided that gravel parking stalls or driveways ~~may be~~ are allowed ~~at the discretion of the Zoning Administrator~~ if the structure to be used as an ADU was in existence at the time of adoption of this ordinance, and the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance. ~~and the surface is sufficient to allow for access by public safety vehicles.~~

~~D.E.~~ Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.

~~E.F.~~ Size of Accessory Dwelling Unit. ~~An ADU shall contain a minimum of 300 square feet; provided that the dimensions and sizes of~~ No minimum or maximum size is established for an ADU by this ordinance except that the unit shall contain at least a living area, kitchen area, sleeping area and bathroom facilities that comply with applicable provisions of this title, ~~and~~ the current building codes adopted by the City, and state law.

~~F.G.~~ Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.

~~G.H.~~ Architecture. An ADU that is added onto or created within an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the ~~scattered~~ number or location of garage doors, carports, outside entries, or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.

~~H.I.~~ Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as the ~~owner's~~ owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding two years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of absence. At no time shall both the ADU and the primary dwelling be rented as separate units.

~~I.J.~~ ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU as per section 17.82.040.I

~~J.~~ Findings and Impacts. ~~Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of Chapter 17.60 of this title.~~ Lease Agreement.

~~K.~~ Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.

~~L.~~ Short Term Rentals. ADUs shall not be used for short term rentals, defined as a leased time of less than thirty (30) days.

~~M.~~ Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.

~~N.~~ Penalties. Penalties may be imposed to assure compliance with this ordinance as per section 2.64.

West Bountiful City

April 13, 2021

Planning Commission Meeting

PENDING – NOT APPROVED

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on April 9, 2021 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 13, 2021 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

Due to the Coronavirus outbreak this meeting was held by teleconference measures using Zoom.

MEMBERS ATTENDING: All attending via Zoom: Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko, and Council member Kelly Enquist.

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Community Development) in house, Steve Doxey (City Attorney), and Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: Virginia Benard, Gary Jacketta, Jamie Adams, Jeff Drown, Amy Paget, Jodi Hugo, Jay Gough, Jay Jenkins, Laurie, Shea Bennett, Amber Brown, Julie Thompson.

The Planning Commission meeting was called to order at 7:30 pm by Chairman Malan.

1. **Chairman Alan Malan read the following message:** *The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.*

2. **Prayer by Commissioner Vest**

3. **Accept Agenda**

Chairman Malan reviewed the proposed agenda. Corey Sweat moved to approve the agenda to include postponing Item 6 to a future date and moving Item 10 to follow Item 7. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

4. **Consider Chairman Malan's Recommendation for Vice Chairman of Planning Commission**

The Bylaws of the Planning Commission state that the Vice Chairman will be appointed by the Chairman with the consent of Planning Commission. Chairman Malan recommended Corey

Sweat for Vice Chairman and asked for the Commissioner's consent. The commission unanimously voted to accept the recommendation.

5. Public Hearing- Proposed Updates to Height Regulations in the City's Residential District

Cathy Brightwell explained to the public that the planning commission has been discussing modifications to height regulations in residential zones for several months. In 2019, the city moved away from the conditional use process required when additional height was requested by implementing a sliding scale that increased setbacks based on height. Proposed changes also include specific direction about how to consistently measure structures. Staff has incorporated previous comments and suggestions. A clean copy of the final document was presented and charts for each section will be added to the final updated document. Ms. Brightwell summarized the regulations in each residential zone.

Kris Nilsen explained to the public how the height measurement is calculated using a diagram to show the details. Structures will be measured from the top back of curb, or center of road if there is no curb. He noted that these changes will simplify the process and make it more consistent.

Action Taken:

Corey Sweat moved to open the public hearing for Proposed Updates to Height Regulations in the City's Residential District at 7:44 pm for public comment. Dee Vest seconded the motion and voting was unanimous in favor.

Public Comments:

Jay Gough is a developer of Highgate Estates and future resident. He expressed his confusion regarding the new measurement standards as they seem to be more restrictive than the current methods. Mr. Gough stated that the A-1 zone is a perfect place for taller buildings because the lots are so large. He added that he is aware of concerns about the height of a neighboring structure, but he believes the problem is better handled by increasing setbacks than by reducing the overall allowed height. He noted that due to the elevation of ground water on his lot he will need to build his yard up and would still like to have a 40-foot tall building. Also, from a developer perspective, it is important for people to be able to do what they want on their property. He is opposed to height caps but favors setback control.

Kris Nilsen explained the exceptions that would be allowed in a few instances found under Section C. which includes the ground water issue.

Action Taken:

Mike Cottle moved to close the public hearing at 7:52 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

6. Public Hearing- Proposed Updates to Permitted, Conditional, and Prohibited Uses in the City's Residential, Commercial, and Industrial Zones.

This public hearing was tabled and will be held at a future meeting pending further review by the commission and preparation by the staff.

7. Conditional Use Application – ADU – Drown

Commissioner packets included a memorandum dated April 8, 2021 from Cathy Brightwell regarding a Conditional Use Application for an Accessory Dwelling Unit with an attached site plan.

Ms. Brightwell explained that the Drown's recently purchased the home at 726 N 800 West and would like to add an accessory dwelling unit to a former garage space in their home. They have applied for a building permit to complete the construction. WBMC Chapter 17.82 currently requires a conditional use for an ADU subject to the development standards specifically listed in Section 17.82.050. Staff provided a list of those standards for the commissioner's review.

No questions or comments from Commissioners.

Action Taken:

Corey Sweat moved to approve the conditional use permit for an ADU for the Drown family at 726 N 800 West with the following findings and conditions:

Findings:

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;***
- 2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;***
- 3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; and***
- 4. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.***

Conditions:

- 1. Applicant will construct the addition in such a manner that WBMC 17.82.050 and the International Residential Building Code (IRC) requirements for a second dwelling unit are satisfied.***
- 2. Language will be included in any rental or lease agreement for the ADU that the lease will terminate upon sale of the property.***
- 3. This Permit is not transferable – If at any time the home is not occupied by the applicant or his immediate family or the applicant sells the property, the Permit shall be revoked pursuant to WBMC 17.60.080.***

4. A signed Conditional Use permit/ADU agreement will be recorded in the County Recorder's office.

Motion was seconded by Laura Charchenko and voting was unanimous in favor.

8. Consider Proposed Changes to Height Regulations

Cathy Brightwell shared several new items staff is asking the commission to consider from previous drafts related to height regulations. Currently, accessory structures in the R-1-10 and R-1-22 zones require windows within 20 feet of a property line and above ten feet tall to be non-opening, translucent glass. On occasion, this may apply to windows facing the homeowner's yard. Staff would like to add language that clarifies the restriction only applies when the windows face an adjacent property. There was also discussion about changing the distance from 20 feet to 15 feet. It was decided to leave the 20-foot requirement, but to add the proposed clarifying language regarding which direction the windows face.

Discussion took place regarding item D. Exceptions to height limitations. Many of the exceptions only apply to commercial structures and staff asked if the list should be separated between residential and non-residential uses. Chairman Malan feels we do not need to make any changes to this section as there may be a situation where one of the typical non-residential exceptions may be needed for a residential use. Commissioners agreed that the original language should be kept in place.

Action Taken:

Corey Sweat moved to accept the proposed changes to Height Regulations in West Bountiful City's residential districts as present this evening and send it to City Council for their review and consideration. Mike Cottle seconded the motion and voting was unanimous in favor.

9. Consider Proposed Changes to Uses in Residential, Commercial, and Industrial Zones.

Cathy Brightwell noted a proposed change in the Commercial and Industrial zones regarding the catch-all statement regarding businesses and uses which are similar to those listed in each section. Currently, the determination is to be made by the planning commission. As this may not always be practical, staff is proposing the determination be made by the zoning administrator. She added that this change does not affect an applicant's ability to appeal a decision.

Steve Doxey suggested new catch-all language for prohibited uses that clarify that anything not listed as Permitted or Conditional is Prohibited. It is assumed that if a use is not on the list it is not allowed. This proposal was supported by all commissioners.

Staff explained that now that the list of uses has been determined, a review is necessary to ensure clear standards are in place to deal with uses that have been moved from conditional to permitted. At that point, a public hearing will be necessary.

10. Consider Final Plat for Doug's Corner/Deppe Farms Subdivision (*moved up on agenda*)

Commissioner packets included a memorandum dated April 13, 2021 from Kris Nilsen regarding Doug Coon's Subdivision and final plat status with an attached site plan.

Kris Nilsen reviewed the submittal from Doug Coons which consists of a three (3) lot subdivision located on the west side of 550 West street at 1000 North. The property is within the R-1-10 zone and consists of 0.696 acres. The lots appear to meet the required R-1-10 zoning requirements for size and frontage although a final plat has not yet been provided.

Mr. Nilsen noted that Doug Coons has addressed the items from last meeting regarding the preliminary approval and submitted the following resolutions:

Resolution of items included in preliminary approval.

1. All lots appear to meet the required R-1-10 zoning requirements for size (10,000 sf) and frontage (85 ft) although staff is still waiting to review a final plat.
2. All lots are designed with a 30-foot front and rear setback to the buildable area.
3. All existing structures (buildings) on the site are shown to be demolished and removed as part of subdivision.
4. No new streetlight is required with the project as there is a streetlight on the southeast corner of 550 W and 1000 N.
5. Street widening improvements will include curb, gutter, and sidewalk along the frontage of the project.
6. A double inlet storm drain box will be added to existing inlet box on the northeast corner of the intersection of 675 West and 1000 North.

Kris Nilsen summarized his review of the required items from the municipal code. Because a final plat has not been provided, he is not able to finalize his review. He made the following recommendation.

After review of the submitted Site Plan drawing and construction plans, an approval by the planning commission should be subject to the following conditions:

1. Submit a final plat for review.
2. Submit revised construction drawings for review.
3. Submit a title report for review.
4. All City staff comments addressed.

It was determined by the commission that Mr. Coons address all of the items requested by the city engineer and then return for consideration of the final plat.

Action Taken:

Corey Sweat moved to table the final plat approval for Doug Coon's Corner Subdivision at 550 W 1100 North until all the requirements have been met. Laura Charchenko seconded the motion and voting was unanimous in favor.

Cathy Brightwell noted that they have received several emails and comments expressing negative comments regarding building 3 lots on the property. There are concerns that it will result in more problems on a currently unsafe corner.

Chairman Malan asked the public if they had any comments.

Amy Paget lives to the west of the development at 600 W 1000 North and has concerns about the traffic in that area and the number of accidents that occur there. She opposes this development for safety reasons. She would like to know how the additional traffic will be addressed. Is it possible to get a stop sign? She added that it should not be called Deppe Farms as she believes the Deppe family would not approve of this development.

Amber Brown, 955 N 600 West supports the comments of Amy Paget and is concerned about the safety of her young children. She calls the corner a death trap because drivers do not slow down for the corner. She has come closer to being hit several times while pushing a stroller and noted the high speeds and accidents that occur on that corner including cars running into the fences.

Laura Charchenko asked for clarification of what type of accidents are occurring. Ms. Paget and Ms. Brown shared a few incidents they have seen.

Chairman Malan responded that if the 3 lots fit on the property as required by the municipal code, they must be allowed to be built but without a plat, we have not determined that. Kris Nilsen added that if the corner is developed, it will look very different. The trees and overgrown bushes will be gone, and homes will sit back a minimum of 30 feet from the road. Curb and sidewalk will also improve the corner. It will look like most corners in the city with homes and driveways close to corners.

11. Staff Report

Kris Nilsen:

- Highgate-2 subdivision is moving forward
- Beverly Estates plat has been submitted to the county recorder and building permits for the 2 lots are expected soon.
- Well house construction will begin in May and hopefully be completed by December
- Pickleball contractors will begin construction sometime this week

Cathy Brightwell:

- A joint work session with City Council has been scheduled for 6:00 pm on April 27th to discuss ADU's, Brookside Ranch development, and increased density in areas like 500 West (Evergreen Circle) and 500 South. It is planned as an in-person meeting with dinner provided. Dee Vest would like to discuss PUD's as well. Planning Commission will hold a regular meeting after the work session.

Mike Cottle read a letter from a citizen (Michelle Curtis) on 660 West stating her concern of safety regarding lack of sidewalks in areas of the city and safety signage and pointed out a few other safety issues. Councilmember Enquist noted that she addressed City Council last week and they shared with her the future plans of the city in those regards.

Laura Charchenko noted another letter that Bud and Jeanette Ingles sent to her and she has addressed the issues with both the Hughes and Ingles. City staff is working with them and noted that civil issues need to be handled between parties and the city is not involved. Hughes have not been found in violation of any city regulations.

12. Consider Meeting Minutes from March 23, 2021

Action Taken:

Mike Cottle moved to approve of the minutes of the March 23, 2021 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

13. Adjourn

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:00 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on April 27, 2021, by unanimous vote of all members present.

Cathy Brightwell – City Recorder