

Mayor
Kenneth Romney

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

City Recorder
Remington Whiting

**City Council
Representative**
Julie Thompson

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Robert Merrick

Vice Chairman
Corey Sweat

Commissioners
Laura Mitchell
Richmond Thornley
Dennis Vest

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 8TH, 2026, AT THE CITY OFFICES

Invocation/Thought – Commissioner Vest
Pledge of Allegiance – Commissioner Mitchell

1. Confirm Agenda
2. Public Hearing – Proposed Code Update – Appeal Authority.
3. Consider Recommendation for Proposed Code Change – Appeal Authority.
4. Public Hearing – Proposed Code Update – Detached Accessory Dwelling Units.
5. Consider Recommendation for Proposed Code Change – Detached Accessory Dwelling Units.
6. Discuss West Bountiful City Annexation Policy Draft.
7. Approve Meeting Minutes from August 25th, 2026.
8. Staff Reports.
9. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCityut.gov),
and posted at City Hall on September 8th, 2026, by Remington Whiting, City Recorder.*



MEMORANDUM

TO: Planning Commission

DATE: September 4th, 2026

FROM: City Staff

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

The purpose of this memo is to introduce a draft Detached Accessory Dwelling Unit (ADU) code for the planning commission to review and consider for recommendation to the city council.

Background

Utah Code now requires municipalities to adopt regulations by October 1, 2026, that permit Detached Accessory Dwelling Units (DADUs) on lots or parcels that are at least 11,000 square feet in size and contain an existing single-family dwelling.

After an initial joint session of the city council and planning commission in May, the commission worked towards a new DADU ordinance during several meetings. Another joint session was held on August 18 to review the work done, and on August 25th, the planning commission reviewed a draft code that had been prepared by staff.

Draft Code

On August 25, the planning commission reviewed a draft code prepared based on feedback provided by the city council during the joint session. Following the review, the planning commission directed staff to make the following changes to the proposed regulations:

- Reduce the required minimum lot size from 11,000 square feet to 10,000 square feet.
- Establish a minimum ADU size of 200 square feet, with the maximum ADU size limited to 35% of the backyard area.
- Increase the required rear yard setback to 20 feet in the R-1-10 District and 30 feet in the R-1-22 and A-1 Districts.
- Remove a separate maximum height limitation, with ADU height instead governed by the applicable zoning regulations for accessory structures.
- Remove the stormwater and grading requirements stating that stormwater may not drain onto neighboring properties and that grading must comply with building code requirements.

Recommendation

Following the public hearing, staff recommends that the planning commission forward a positive or negative recommendation of the proposed code.

Chapter 17.82 ACCESSORY DWELLING UNITS (ADU)

17.82.010 Purpose.

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

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

17.82.020 Definitions.

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

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

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

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

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

17.82.030 Accessory Dwelling Unit Permit Required.

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

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

- A. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of the absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- B. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed on any lot or parcel.
- C. Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. Parking stalls outside of a garage shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are also allowed.
 - 1. A minimum of one (1) additional off-street parking space shall be provided and designated for an internal ADU.
- D. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- E. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include obtaining a building permit or other permits as the codes may require.
- F. Entrance. A separate entrance to the ADU shall not be allowed to face the front yard. Any separate entrance shall be located to the side or rear of the primary dwelling.
- G. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under this chapter.
- H. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.

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

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

- A. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must occupy either the main structure or the ADU as the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of the absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- B. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed on any lot or parcel.
- C. Lot Size. The minimum lot size required for a detached ADU in all single-family residential zones shall be ten thousand (10,000) square feet.
- D. ADU Size. The minimum size of the ADU shall be two hundred one (201) square feet.

The maximum size of a detached ADU shall comply with the maximum allowable lot coverage requirements for accessory structures located within the required rear yard, as established in WBMC 17.16.050(D), 17.20.050(F) and 17.24.045(F). In no case shall a detached accessory dwelling unit combined with any other accessory structure occupy more than thirty-five percent (35%) of the rear yard in which it is located.

- E. Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or

carport. Parking stalls outside of a garage shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are also allowed.

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

F. Yard Regulations.

1. Detached ADUs shall not be located in the front yard of the primary dwelling.
2. Detached ADUs in the A-1 and R-1-22 zones must adhere to the following setbacks:
 - i. Rear Yard: Thirty feet (30') from property line.
 - ii. Side Yard: Ten feet (10') from property line.
 - iii. Street Side Yard: Twenty feet (20') from property line.
 - iv. Primary dwelling: Eight feet (8') from primary dwelling.
3. Detached ADUs in the R-1-10 zone must adhere to the following setbacks:
 - i. Rear Yard: Twenty feet (20') from property line.
 - ii. Side Yard: Ten feet (10') from property line.
 - iii. Street Side Yard: Twenty feet (20') from property line.
 - iv. Primary dwelling: Eight feet (8') from primary dwelling.

G. Height. The maximum height for detached ADUs shall comply with the maximum height requirements for a main structure within the applicable zoning district.

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

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

1. The ADU shall be sanitary sewered by gravity flow.

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

K. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the

property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under this chapter.

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

City	Min. Lot Size	Parking Requirement >650 sq ft	Parking Requirement <650 sq ft	Parking Requirement (pre UCA 10-21-304)	Min. Size	Max. Size	Height	Lot Coverage	Rear Setback	Side Setback	Other Structure Setback	Front Yard/Street Side Yard	STR	# ADUs	Owner Occupancy	Setback Standards
Bountiful	8,000 Sq Ft	1 additional	1 additional	1 Additional	350 Sq Ft	1,250 Sq Ft	20'	10%	3'	3	5'	25', 20'	No	1	Yes	Accessory Structure Setbacks
North Salt Lake	Single Family Zone, but may not cover more than 25% of rear yard.	1 Additional	2 Additional	2 Additional	300 Sq Ft	1200 sq ft	20'	25%	10ft, under certain circumstances 5ft	8'	NA	30"	Yes	1	Yes	Side - Must meet primary dwelling setbacks. Rear - 10ft unless no windows, doors, or other openings are adjacent to property line, in which case setback is 5 ft.
Farmington	10,000 Sq Ft	1 Additional	1 Additional	1 Additional	Subordinate or equal to primary dwelling.	Subordinate or equal to primary dwelling.	15'	25%	5'	5'	NA	25', 20'	No	1	Yes	Accessory Structure Setbacks
West Point	10,000 Sq Ft	1 Additional	2 Additional	2 Additional	N/A	650 Sq Ft on lots less than 12,000 Sq Ft. 800 Sq Ft on Lots greater than 12,000 Sq Ft.	No taller than primary dwelling	NA	10'	10'	NA	30' 10'	No	1	Yes	Side - 10' Rear - 10'
West Haven	May not cover more than 25% of rear yard.	1 Additional	2 Additional	2 Additional	300 Sq Ft	1200 Sq Ft	35'	25%	20ft, under certain circumstances 15ft	5'	NA	5'	Yes	1	Yes	Side - Must meet primary dwelling setbacks. Rear - 20ft unless no windows, doors, or other openings are adjacent to property line, in which case setback is 15 ft.
Centerville - Working Draft	8,500 Sq Ft	1 Additional	2 Additional		350 sq ft	1250 sq ft	20', No 2nd Story	standard	8'	standard	6'	standard	No	1	Yes	
WEST BOUNTIFUL PLANNIG COMMISSION	10,000 Sq Ft	1 Additional	1 additional	1 additional	200 Sq ft	Must not exceed maximum percentage	No taller than maximum height of Accessory Structure.	35%	20' - R1-1-10 30' R-1-22 & A-1	10'	NA	30', 20'	No	1	Yes	Front and rear, must meet primary dwelling setbacks.
WBC PC GOAL/JUSTIFICATION	PC is open to owners in the R-1-10 zone having a DADU if they can meet other requirements	Current code requires 1 additional space and is sufficient.	Current code requires 1 additional space and is sufficient.	Current code requires 1 additional space and is sufficient.	Current WBMC requires ADUs to have bathroom, kitchen and living area.	Will be limited by allowed lot coverage percentage	Current height standard should apply to all dwellings.	Currently allowed for accessory structures	Restrictive, but allows residents to build if they have ample space.	Restrictive, but allows residents to build if they have ample space.	PC believes current code does not require accessory structures to be a certain distance away from other accessory structures.	Restrictive, but allows residents to build if they have ample space.	No, current code does not allow for STRs. Maybe in the future.	Do not want multiple units being rented out on property.	Current WBMC Regulation	Restrictive, but allows residents to build if they have ample space.

MEMORANDUM



TO: Planning Commission

DATE: September 4th, 2026

FROM: City Staff

RE: Land Use Appeal Authority - Draft Code

The purpose of this memo is to introduce draft revisions to West Bountiful City's land use appeal authority provisions in response to recent changes to Utah State Code.

Background

The West Bountiful City Council has served as the land use appeal authority for many years. Per 2026's SB 284, most municipalities may no longer designate the city council as the appeal authority for land use decisions. Instead, cities are required to establish one or more independent appeal authorities to hear:

- Requests for variances from land use ordinances;
- Appeals from land use decisions applying a land use ordinance; and
- Appeals from certain land use fees.

Draft Code

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

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

The draft has received an initial review by legal counsel.

Recommendation

On August 25th, the planning commission directed staff to schedule a public hearing for September 4th, 2026, so that a recommendation could be forwarded to the city council.

Following the public hearing, the planning commission can forward a positive or negative recommendation to the city council for consideration.

16.24.010 Appeal Authority

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

16.24.020 Variances

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

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

16.24.030 Appeals

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

17.08.120 Appeal From Decision of Land Use Authority

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

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

1. Qualification and Selection

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

~~B.~~

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

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

17.08.130 Variances

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

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

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

PENDING – NOT APPROVED

Posting of Agenda - *The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on August 21, 2026, per state statutory requirement.*

Minutes of the Planning Commission of West Bountiful City held on Tuesday, August 25, 2026, at West Bountiful City Hall, Davis County, Utah.

MEMBERS ATTENDING: Chairman Robert Merrick, Vice Chairman Corey Sweat, Commissioners Dennis Vest, Laura Mitchell, Richmond Thornley (Alternate), and Council member Julie Thompson.

MEMBERS/STAFF EXCUSED:

STAFF ATTENDING: Kris Nilsen (City Engineer), Remington Whiting (Community Development), and Debbie McKean (Secretary).

PUBLIC ATTENDING: Alan Malan, Mike Sowby

Thought/Invocation by Commissioner Merrick
Pledge of Allegiance- Commissioner Vest

1. Confirm Agenda

Chairman Merrick reviewed the proposed agenda. Laura Mitchell moved to approve the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor.

2. Public Hearing - A-1 Height Regulations Code Change

Remington Whiting explained that WBMC 17.16.060 regulates the maximum height for main and accessory structures in the A-1 district. Structures have a standard maximum of 35' with allowances of up to an additional 5' depending on the side setbacks. The exception allowing the additional 5' was enacted in 2014.

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

On August 11, 2026, the Planning Commission directed staff to draft amendments addressing increased side yard setbacks for structures greater than 35', as well as limitations on the height exceptions applicable to certain structural features in all residential zones.

Remington Whiting presented the code change proposals for public review.

Action Taken:

Dennis Vest moved to open the public hearing at 7:32 pm regarding A-1 Height Regulations Code Change. Richmond Thornley second the motion and voting was unanimous in favor.

Public Comment:

Alan Malan expressed his appreciation for making ordinance for property owner and not their neighbors.

Action Taken:

Corey Sweat moved to close the public hearing at 7:33 pm regarding A-1 Height Regulations Code Change. Dennis Vest second the motion and voting was unanimous in favor.

3. Consider Recommendation for A-1 Height Regulation Code Change

Action Taken:

Corey Sweat moved to forward a positive recommendation for the A-1 Height Regulation Code Change as was drafted in the August 21, 2026 memorandum. Laura Mitchell seconded the motion and voting was unanimous in favor.

4. Detached Accessory Dwelling Unit Discussion

The commissioner packet included a memorandum dated August 21, 2026, from Staff. The purpose of this memo is to introduce the first draft of new city code for Detached Accessory Dwelling Units.

Mr. Whiting explained that Utah Code now requires municipalities to adopt regulations by October 1, 2026, that permit Detached Accessory Dwelling Units (DADUs) on lots or parcels that are at least 11,000 square feet in size and contain an existing single-family dwelling.

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

The planning commission's work combined with the feedback provided by the city council at the most recent joint session. Highlights included:

- The draft language updates the entire ADU code to ensure consistency with IADUs and DADUs.
- The definition of an IADU is updated to clarify what "attached" means, eliminating the use of breezeways or roof extensions for purposes of attaching an IADU.

- There is an emphasis on ensuring that DADUs are “accessory” in nature. This is done by:
 - Limiting the size of the DADU in relation to the primary dwelling.
 - Limiting the height of the DADU.
- The draft utilizes the limitations allowed in state code, such as:
 - Allowing DADUs only on lots of 11,000 sq ft or larger.
 - Requiring two parking spaces when the DADU is larger than 650 sq ft.

Remington Whiting noted that Duane and legal council have drafted this document for their review.

Corey Sweat asked where the numbers came from. Julie Thompson informed commissioners that she met with Duane Huffman and went through the entire document with him. She stated that he included all the things he felt should be in the document. She stated that while reviewing this draft tonight, the commission is welcome to suggest the changes they feel should be made.

The Planning Commission reviewed and discussed the draft as presented this evening. Some modifications were made and a public hearing will be scheduled for the Sept. 8th commission meeting, after which the commission will make a final recommendation to the city council.

Modifications to the proposed draft for DADU were as follows:

Chapter 17.82 ACCESSORY DWELLING UNITS (ADU)

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

Chairman Merrick would like a checklist designed so that applicants can know upfront if they qualify for a DADU on their property.

Much discussion took place on the following modifications. Below are the suggested changes from the Planning Commissioners:

C. Lot Size. The minimum lot size required for a detached ADU in all single-family residential zones shall be **ten thousand (10,000) square feet.**

D. ADU Size. The gross floor area of the ADU shall be less **than thirty percent (35%)** of the square footage footprint of the primary dwelling **and meet all current zoning setbacks. The minimum size of the ADU shall be greater than 200 square feet.**

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

F. Yard Regulations. **Use current setbacks according to each zone.**

G. Height. **Must match the zone it is in.**

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

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

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

J. Short Term Rentals. By applying for an ADU, the property owner shall agree that the main dwelling and the proposed ADU will not be used as a short-term rental. **(This will not be allowed until an ordinance is passed).**

A public hearing will be set for September 8, 2026, and a matrix will be prepared for public information.

5. Appeal Authority Discussion

Commissioner packet included a memorandum from Staff dated August 21, 2026, regarding Appeal Authority procedure. The purpose of this memo is to introduce draft revisions to West Bountiful City's land use appeal authority provisions in response to recent changes to Utah State Code.

Mr. Whiting explained that the West Bountiful City Council has served as the land use appeal authority for many years. Per 2026's SB 284, most municipalities may no longer designate the city council as the appeal authority for land use decisions. Instead, cities are required to establish one or more independent appeal authorities to hear:

- Requests for variances from land use ordinances;
- Appeals from land use decisions applying a land use ordinance; and
- Appeals from certain land use fees.

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

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

Legal Counsel has reviewed the initial draft. The planning commissioners reviewed the draft and made no modification to it. A public hearing will be scheduled for the Sept. 8th commission meeting, after which the commission will make a final recommendation to the city council.

6. Approve Meeting Minutes from August 11, 2026.

Action Taken:

Corey Sweat moved to approve the minutes for the Planning Commission Meeting on August 11, 2026 as presented. Richmond Thornley seconded the motion, and voting was unanimous in favor.

7. Staff Reports

a. Engineering (Kris Nilsen)

- Highgate #2 Someone has bought 3 lots on the north side to build on to make one big lot. Still 3 lots available on the south side.
- Belmont 2 B (8 Lots) A is 11 lots. Need to figure out the connection of the roads. Staff, Engineering will be working on that issue. There are some issues on the west side to consider. It will eventually come before them.
- Project sealing roads.

b. Community Development (Remington Whiting)

- Building permits have slowed down a bit.
- Code Enforcement continuing to monitor

- Working on Checklist for all Land Use Applications and are online and will complete by October.
- ADU applications
- Developing a checklist and tracker sheet for all our subdivisions to keep on top of deadlines.
- Working on the Newsletter
- Part-time position is open for an Administrative Assistant
- Working on closing some old open permits.

Julie hopes that the decisions made on the DADU's will be of benefit to families and not just for money making.

8. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:06 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

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