

## CITY COUNCIL AGENDA

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**PUBLIC NOTICE is hereby given that the City Council of SOUTH WEBER CITY, Utah, will meet in a regular public meeting commencing at 6:00 p.m. on Tuesday, February 27, 2024, in the Council Chambers at 1600 E. South Weber Dr.**

**OPEN** (Agenda items may be moved to meet the needs of the Council.)

1. Pledge of Allegiance: Councilman Winsor
2. Prayer: Councilman Halverson
3. Public Comment: Please respectfully follow these guidelines.
  - a. Individuals may speak once for 3 minutes or less: Do not remark from the audience.
  - b. State your name & city and direct comments to the entire Council (They will not respond).

### **PRESENTATION**

5. Barlow Property Annexation & Development Concept

### **ACTION ITEMS**

6. Consent Agenda
  - a. February 3, 2024, Minutes
7. Petty Family Property Damage Compensation Request
8. Ordinance 2023-18: Title 10 Chapter 19 Accessory Dwelling Units Amendment

### **DISCUSSION ITEMS**

9. Legislative Review

### **REPORTS**

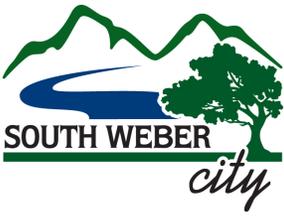
10. New Business
11. Council & Staff
12. Adjourn

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.*

The undersigned City Recorder for the municipality of South Weber City hereby certifies that a copy of the foregoing notice was mailed/emailed/posted to: City Office building; Mayor, Council, and others on the agenda; City Website [southwebercity.com/](https://southwebercity.com/); and Utah Public Notice website [www.utah.gov/pmn/index.html](https://www.utah.gov/pmn/index.html).

**DATE: 02-20-2024**

**CITY RECORDER:** Lisa Smith



5 Barlow  
CITY COUNCIL MEETING  
STAFF REPORT

MEETING DATE

February 27, 2024

PREPARED BY

David Larson

City Manager

ITEM TYPE

Legislative

ATTACHMENTS

None

PRIOR DISCUSSION DATES

None

AGENDA ITEM

Barlow Property Annexation & Development Concept

PURPOSE

Property owner wants to have an initial conversation with the Council about a possible development concept of property located on the City's annexation plan on the hill south of the city's boundary

RECOMMENDATION

NA

BACKGROUND

NA

ANALYSIS

The property is a portion of what has been referred to as the "south bench", which is a large flat area of unincorporated Davis County between the borders of South Weber and Layton City. The property is currently outside the City limits but is within the city's annexation map. The General Plan shows this property as open space.

# SOUTH WEBER CITY CITY COUNCIL RETREAT MEETING

**DATE OF MEETING:** 3 February 2024

**TIME COMMENCED:** 9:00 a.m.

**LOCATION:** South Weber City Office @ 1600 East South Weber Drive, South Weber, UT

**PRESENT:**

<b>MAYOR:</b>	Rod Westbroek
<b>COUNCIL MEMBERS:</b>	Jeremy Davis Joel Dills Blair Halverson Angie Petty Wayne Winsor
<b>CITY MANAGER:</b>	David Larson
<b>FINANCE DIRECTOR:</b>	Maryn Nelson
<b>CITY TREASURER:</b>	Tia Jensen
<b>CITY RECORDER:</b>	Lisa Smith
<b>CITY ENGINEER:</b>	Brandon Jones
<b>COMMUNITY RELATIONS:</b>	Shaelee King
<b>ADMIN SERVICES DIRECTOR:</b>	Maryn Nelson
<b>FIRE CHIEF:</b>	Derek Tolman
<b>RECREATION DIRECTOR:</b>	Curtis Brown
<b>PARKS MANAGER:</b>	Chay Olson
<b>PUBLIC WORKS DIRECTOR:</b>	Mark Larson
<b>WATER MANAGER:</b>	Mark Johnson
<b>SEWER MANAGER:</b>	Corey Wilson

**Minutes:** Michelle Clark

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**ATTENDEES:** Paul Sturm & Michael Grant

1. **Pledge of Allegiance:** Councilman Winsor

2. **Prayer:** Councilwoman Petty

**TRAINING**

3. **Open & Public Meetings Act (OPMA), Powers & Duties Review, and Ethics Review**  
(continued to 02-13-2024)

**BUSINESS**

4. **Mission/Vision/Values & Strategic Plan Review**

City Manager David Larson reviewed the vision for South Weber City is a family-focused community, driven by heritage, safety, and charm at its heart. The Primary Mission: South Weber dedicates itself to honoring its heritage, fostering a haven for families, weaving tight-knit neighborhood connections, providing reliable and financially sustainable municipal services, and building a community with heart. He conveyed staff is focusing on strategic directives which include community engagement, safety, smart growth and planning, fiscal sustainability, infrastructure, and employees.

5. **Financial Position Summary & Budget Overview**

Finance Director Maryn Nelson provided a summary of the City’s financial position.

Unrestricted Fund Balances June 2023		Cash On Hand December 2023  PTIF - \$14,449,758 ZIONS - \$938,236	Restricted Fund Balances June 2023	
General Fund	\$1,317,908		ARPA	\$498,464
Capital Fund	\$1,188,094	RAP Tax	\$93,083	
Recreation Fund	\$537,177	Class “C” Road	\$801,216	
Fire Fleet Fund	\$300,668	Road Impact Fee	\$263,258	
TUF Fund	\$873,198	Water Impact Fee	\$120,182	
Water Fund	\$3,039,034	Sewer Impact Fee	\$841,175	
Sewer Fund	\$4,096,728			
Sanitation Fund	\$543,357			
Storm Drain Fund	\$724,057			

Mrs. Nelson presented the assumptions used to create the fiscal year 2025 draft budget.

1. Hold the rate for property tax and plan 5% increase in revenue.
2. Combined 5% merit and COLA for employee wages.
3. No increase in sales tax.
4. Wildland program moves forward.

She then shared anticipated projects for 2025: Sewer will pay for Public Works Facility Bond Payment; Water, Storm Drain, and Transportation Utility Fee (TUF) will contribute to 7375 S and 925 E improvements. Supplemental budget requests included: Events (Community Services

\$2,000), Side by Side (Fire \$63,000), Replace 2002 and 2010 Trailers (Parks \$7,500), Playground Equipment at Cherry Farms (Parks \$160,000), Cameras at Cherry Farms & Train Station (Parks \$40,000), and Playground Equipment for Cedar Cove (Parks \$49,000). She noted there were no supplemental requests from the Administrative, Legislative, and Judicial Departments. Mayor Westbroek discussed upcoming legislative bills which may affect the budget. Questions surrounded property tax revenue at 5% and employee wages merit and COLA of 5%. City Manager David Larson gave the basis for the cost of living amount and agreed to research other cities concerning employee merit.

Mrs. Nelson reported on the various funds beginning with recreation whose revenue is down due to gravel pit 70% drop and impact fees decline. The city staff suggested a pricing study to help offset costs and brainstorming to increase recreation program participation. Mr. Larson divulged general fund monies have always supplemented recreation. He related programs fund themselves, but the administration and Family Activity Center (FAC) are supported by the general fund. It was stated that the Recreation, Arts, and Parks Tax (RAP) could be used to offset the deficit. It was suggested reviewing the bond on the Family Activity Center and the agreement between the City and Davis School District. Mrs. Nelson then covered the water, sewer, storm drain, transportation utility fee, and general funds and noted there will be an increase in sanitation costs due to Robinson Waste's 6% increase.

Next Mrs. Nelson moved on to budget expenses. The projected capital projects were recounted including a large apparatus reserve, fire side by side, streetlight replacement, holiday decorations, security cameras for parks, Cherry Farms Playground, and Cedar Cove Playground. She continued the review with Public Safety, Community Services, and TUF Expenses.

Dissolution of Youth Council and transferring that budget amount to events was deliberated. Councilwoman Petty met with Communities That Care which aims to prevent problems in youth before they develop. It is a cooperative, community-driven process proven to reduce alcohol and substance use, violence, crime, and other problematic behaviors. It is supported by Davis Behavioral Health. She announced Layton City is willing to work with South Weber City Youth Council and canvassed the City Council for opinions. The Council agreed to pursue that avenue.

## 6. Department Budget Specifics

Each Division and Department Head submitted budget requests and met with finance staff to discuss those requests. They took turns presenting their individual budgets to the Council.

### Recreation Expenses

Recreation Director Curtis Brown shared that referees have moved to employees and program costs have increased. A competition baseball tournament is scheduled at Cherry Farms Park. Raising rates for recreation programs may be possible and still be competitive and the FAC brings in money from rentals. Summer programs are scheduled for basketball, baseball, volleyball, and softball clinics. Council suggested the possibility of new programs bringing in more revenue for the department. Mr. Brown was also urged to investigate options for concessions at tournament events run by outside vendors.

### Parks Expenses

Parks Director Chay Olson referenced a recent inspection of playground equipment by the Utah Local Governments Trust who provides the city's insurance. Cherry Farms and Cedar Cove

Parks equipment need to be replaced for safety purposes. Cameras will be installed at Cherry Farms and the train station for \$40,000. Cedar Cove playground is budgeted at \$49,000.

### **Street Expenses**

Public Works Director Mark Larsen announced the TUF (\$1,000,000) will be used for 7375 S and 925 E improvements.

### **Water Expenses**

Water Manager Mark Johnson expressed the Cornia Drive replacement line is completed. Capital projects include upsizing to a 10" water line at 7375 S 925 E (\$125,000).

### **Sewer Expenses, Storm Drain Expenses, & Sanitation Expenses**

Storm Drain Manager Corey Wilson reviewed sewer, storm drain, and sanitation expenses.

### **Fire Expenses**

Fire Chief Tolman revealed suicide among firefighters is an enormous risk and current legislation is trying to address that problem by requiring each city's mental health program to include an outside provider and the employee assistance program (EAP) does not meet the requirement. He plans to apply for grants to help pay for the estimated cost of \$10,000 per year. He further declared new state law requires all fire departments to have a baby box which will alert the department through dispatch if an infant is left, and the cost is currently unknown. The city International Organization for Standardization (ISO) rating changed from 7 to 4 which is a substantial improvement. He acknowledged he is researching the purchase of an ice machine. Consolidation of Davis County dispatch will cost approximately \$4,000 per year. He communicated insurance companies have stopped paying for ambulance supplies which adversely affects revenue. He is looking at all possible wildland revenue options. The Fire Department requested a side-by-side vehicle to access trails and hillside locations. Councilman Winsor suggested contacting Weber Fire District who covers Uintah to see if they would be willing to jointly own a side by side. Councilwoman Petty advised leasing might be a better option.

City Manager David Larson portrayed the current large apparatus rotation funds. The desired delivery date is fall 2028 (FY 2029) with the current build time of 3 to 4 years bringing the order date to fall 2024. The current price for a quint is \$1.3 million with current savings at the end of FY24 projected at \$391,000. The balance to save over five FYs (25-29) would be \$909,000 annually. He presented options to get to that amount.

## **7. Major Projects or Purchases**

### **a. Public Works Facility**

### **b. Quint Purchase**

The City Council assigned the Public Safety Committee to review and report recommendations on purchase method for the Quint. Mr. Larson added City Treasurer Tia Jensen will be compiling information for fleet management and maintenance.

### **c. 7375 S & 925 E**

This project entails increasing the right-of-way, curb, gutter, and sidewalk along with infrastructure upgrades to storm drain and sewer. The total cost is estimated at \$3,133,993. Mayor Westbrook advocated looking at classifying this road as a regional collector for it to be eligible for state and county transportation funds. Councilman Winsor proposed city staff prepare a cash flow projection for this project. Councilman Halverson added it needs to be designed and bids obtained to understand the full cost of the project.

#### **d. Recycling Program**

City Manager David Larson reported there are 18 years of usability remaining at the landfill, and the goal is to look at ways to divert waste with universal recycling. The city needs to consider the cost of monthly utility fees and recycle cans, and type of process wanted. Mayor Westbrook discussed options of a service bundle, current residents opting out, and new residents automatically added to the program.

### **8. Council Committee Priorities**

Committee Chairs reviewed their 2024 priorities.

#### **Municipal Utilities:**

- Public works building on track and within budget.
- Conduct water rate study.
- Review process for streetlights conversion from Rocky Mountain Power (RMP) to City owned and ensure this continues.
- Vehicle replacement for both small vehicles and large equipment. (Establish rotation evaluation schedule and parameters)
- Determining where the American Rescue Plan Act (ARPA) money will be spent as it must be utilized this year.

#### **Admin/Finance:**

- Define role of the Administration & Finance committee
  - What goes to committee and what goes directly to Council?
- Develop fleet management policy.
- Develop reserve fund policy.
- Develop 5-year cash flow plan.

#### **Public Safety:**

- Quint purchase strategy
- Increasing public awareness of fire prevention and traffic
- Review contract with Davis County Sheriff's Department
- Look into Citizen Emergency Response Team (CERT) Program
- 5-year hazardous mitigation plan and projects

#### **Events Committee:**

- Way to increase attendance at events.
- Continue to drive excitement with all communication channels.
- Keep current on City website.

- Be judicious with expenses.
- Add value to all events.

**Parks/Recreation:**

- Manage funding for all the parks.
- Inspect each park.
- Develop needs versus wants list for the next 5 years.
- Continue to work with train club.
- Summer programs at the Family Activity Center

**Code Committee:**

- Continue updating City Code
- Soliciting City Council approval for primary focus items.

**9. Adjourn**

**Councilwoman Petty moved to adjourn the meeting at 2:42 p.m. Councilman Halverson seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Davis, Dills, Halverson, Petty, and Winsor voted aye. The motion carried.**

**APPROVED:** \_\_\_\_\_ **Date 02-27-2024**  
**Mayor: Rod Westbrook**

\_\_\_\_\_  
**Transcriber: Michelle Clark**

**Attest:** \_\_\_\_\_  
**City Recorder: Lisa Smith**

MEETING DATE

February 27, 2024

PREPARED BY

David Larson  
City Manager

ITEM TYPE

Legislative

ATTACHMENTS

Compensation Request with documents

PRIOR DISCUSSION DATES

None

AGENDA ITEM

Petty Family Property Damage Compensation Request

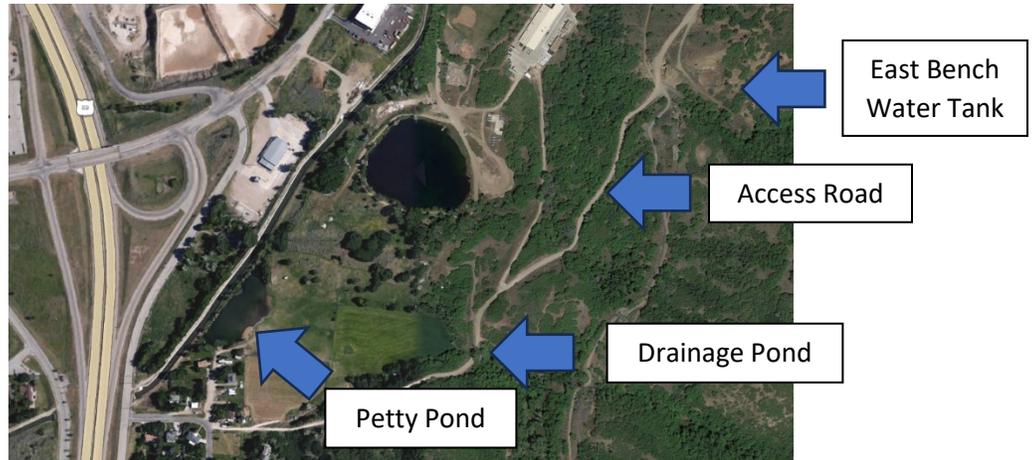
PURPOSE

The Petty family is requesting \$10,000 in compensation for damage to their pond and property that they feel is a result of the City's East Bench Transmission Line Project.

RECOMMENDATION

NA

BACKGROUND



South Weber City Contracted with Toncco to complete a full replacement of the water transmission line connecting the City's east bench water tank to the delivery system pipes within the city. The project rerouted the previous transmission line which went through the Weber Basin Job Corps to a new location down an access road that bifurcates property owned by the United States Federal Government and various members of the Petty family.

Easements were obtained from each property owner prior to construction of the waterline with the understanding that when the city was done with the project that the road would be as if the City had never been there.

South Weber City requested and received a license agreement from the Bureau of Reclamation (BOR), administered locally by Weber Basin Water Conservancy District, for the new waterline being installed within the access road. To receive the license agreement, specific requirements were made, including pipe material and how the access road should be graded upon completion of the project (with a slight grade toward the hillside). There was an understanding at the time that Weber Basin would

come after the city project and complete some additional drainage work in the area which would be necessary after the road grading adjustment.

After the City completed its project and prior to Weber Basin commencing their additional drainage work, a significant weather event occurred which brought sand and debris down the road, into a drainage pond just east of the road, through a culvert under the road, down the hill into a small ditch through pastureland, and into the Petty pond. The family asserts that this is the first time a significant weather event has carried so much sediment into their ponds. They claim it is due to the city's waterline project disturbing and regrading the road, thus creating a drainage channel that wasn't there before which concentrates and carries the debris to their property. They have had to spend time cleaning out the drainage pond and the ditch. They claim the fish they had stocked in the pond have died and that their pasture has had damage as well.

A meeting was held on-site on November 28, 2023 with the Petty family, CJ Nix (Toncco), Dana, Ben, Brandon (Jones & Associates), and Mayor Westbroek, David, and Bryan (South Weber City). Necessary repairs and responsibility were discussed. An understanding of the repairs requested by the Petty family included the following:

- remove the sediment deposited in the gravel adjacent to the road down by the stream channel
- regrade the private access road entry
- install rock check dams along the east side of the road to help slow and filter future drainage
- build a large berm between the private road entry, along the east side of the road until it keys into the hillside on the south

It was pointed out, as this proposed repair was being discussed, that building the berm would cause a pond to form in the road because the berm would prevent any water from draining off the road. When this was pointed out, there were several members of the Petty family that indicated that this was fine, and they could live with dealing with the ponding on the road.

The City authorized Toncco to proceed with the repair work and it was completed on December 6, 2023. Also, a verbal offer was made of \$2,500 to cover the additional damage and fulfill the City's responsibility to the family. The offer was rejected and \$10,000 was requested. A breakdown and justification of the amount was requested. An email was received with the breakdown a week later but additional details were requested. Those details were received on February 9, 2024.

In the meantime, an event took place in January 2024 where the repaired berm was breached, and additional sediment went down the stream. Whitaker Construction admitted to purposely breaking the berm so the water would not pond on the road.

In early February, another weather event heightened the family's concerns again and contact was made by email to the City and Weber Basin. Weber Basin responded with swift action to install drainage culverts up the road which significantly reduce the amount of water and sediment that reaches the Petty property.

**Schedule of Events**

(Link to pictures referenced below – [PICTURES](#))

September 12, 2023	Bill Petty came to a City Council meeting on September 12, 2023 and gave public comment informing the city of the event and requesting assistance.
November 14, 2023	Bill Petty emailed Mayor Westbroek, City Manager David Larson, and Public Works Direct Mark Larsen indicating remaining concerns and requesting a site visit.
November 28, 2023	On-site meeting with the Petty family, CJ Nix (Toncco), Dana, Ben, Brandon (J&A), and Rod, David, and Bryan (SWC). Concerns raised where drainage and sediment was leaving the road and getting into the Petty's stream. The group walked the road and discussed the main areas of concern being the road, the stream, and the pond. A verbal understanding was reached of what repairs would be needed to satisfy the family.
November 29-December 6, 2023	A verbal offer was made of \$2,500 to compensate for the additional damage. That offer was rejected and \$10,000 was requested verbally. Staff requested documentation & justification of that amount.
December 1, 2023	Ben visited the site to document pre-repair conditions. (Picture #1). Recent snowstorm, existing conditions not very visible.
December 4, 2023	Ben visited the site to document pre-repair conditions. (Pictures #2-16). Snow melting, running water can be seen.
December 5, 2023	Ben visited the site to document pre-repair conditions. (Pictures #17-21). More snow melted, drier conditions
December 6, 2023	Repairs completed. Ben visited the site to document <u>repaired</u> conditions. (Pictures #22-29) Rock check dams installed - Pictures #22 - #25. Private access road entry directly adjacent to the previously damaged area restored and graded to direct drainage away from the entry - Picture #25. Deposited sediment that was previously identified during the 11/28/2023 site visit removed - Picture #26. Berm constructed between the private access road entry, along the southeast side of the road, and ended at south hillside - Pictures #27 - #29. Berm built into the south hillside - Picture #29
December 13, 2023	City Manager received an email from the family that broke down the \$10,000 request - \$2,000 replace fish killed from polluted water and \$8,000 to remove and haul silt from pond and streams. Includes hiring out contractor to clean out pond and renting mini excavator to remove silt from ditches.
December 15, 2023	City Manager response email requesting a further breakdown with actual quotes/costs.
January 18, 2024	Family sent pictures of berm breach and dirty water (Pictures #30-33). Poned water along the edge of the road (berm breach can be seen) - Picture #30. Dirty water leaving the road through the breached berm down into the stream area - Pictures #31 and #32. Dirty water in the stream - Picture #33.
January 19, 2024	Ben visited the site to document concerns (Pictures #34-52). Snow melting, running water can be seen - Pictures #38, #41 - #52. Pond of water on the southeast side of the road - Pictures #34, #36, #37, and #41. Large portion of the berm removed (breached area) - Pictures #34, #36, #37, and #41. Dirty water running through the breached area down into the stream area - Pictures #37 - #40. Erosion of soil along channel edges and bottom, likely caused by initial water flow after breach - Pictures #37 - #40. New gravel appears to have been installed along the breached area, perhaps to try and filter out the sediment - Pictures #36 - #38. Road has been snow-plowed, which displaced the road check dams installed by Toncco - Pictures #35, #43, #45, #46, #48, and #51.

February 5, 2024	After another weather event, email sent from the family to the City and Weber Basin expressing continued concerns and desired immediate action.
February 6, 2024	Email sent from Weber Basin addressing family concerns, promising a swift response, and outlining an action plan.
February 6, 2024	City Manager received email from family with the breakdown of costs included in the packet.
February 7, 2024	Weber Basin installs culverts farther up the road to divert water away from the Petty property.

ANALYSIS

NA

Estimation of repairs for Petty/Smith family property due to damages from Toncco on  
East Bench Water line project

\*excludes damages to road and water spring

Replace fish killed from polluted water	\$2000
Weekly rental of 17,000 lb excavator to clean pond of silt:	\$1930
Weekly rental of 7,000 lb excavator to clean ditches:	\$1160
Lost time in wages to run excavators/ make repairs	\$3000
Haul off excess material:	\$700
Top soil to replenish field:	\$600/load x 3 = \$1,800
Pasture grass mix to replenish fields:	\$171

TOTAL: **\$10,731**

RENTAL CATEGORY / EARTHMOVING EQUIPMENT / EXCAVATOR 17000-18000 LB

## EXCAVATOR 17000-18000 LB



### Rental Rates

1/2 DAY	DAY	WEEK	4 WEEK
\$630	\$630	\$1,930	\$4,675

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### Description

EXCAVATOR 17000-18000 LB The Cat® 307E2 Mini Hydraulic Excavator delivers high performance, durability and versatility in a standard design to help you work in a variety of applications.

#### ENGINE

Engine Model

Cat® C2.4 Turbo

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RENTAL CATEGORY / EARTHMOVING EQUIPMENT / EXCAVATOR 6000-7000 LB

# EXCAVATOR 6000-7000 LB



## Rental Rates

1/2 DAY	DAY	WEEK	4 WEEK
\$290	\$425	\$1,160	\$2,595

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## Description

EXCAVATOR 6000-7000 LB The Cat® 302 CR Mini Excavator delivers power and performance in a compact size to help you work in a wide range of applications.

### ENGINE

Engine Model

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19.2 HP

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Bag Size

25 lbs

50 lbs

Quantity

-

1

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Bags

50 lbs covers:

87,120 - 108,900 sq.ft.  
2 - 2.5 acres

\$159.00



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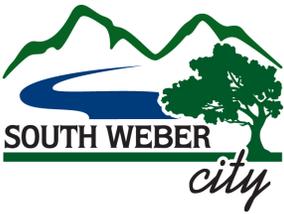


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# CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

February 27, 2024

PREPARED BY

David Larson  
City Manager

ITEM TYPE

Legislative

ATTACHMENTS

ORD 2023-18

PRIOR DISCUSSION DATES

December 12, 2023

AGENDA ITEM

ORD 2023-18: Title 10 Chapter 19 Accessory Dwelling Units Amendment

PURPOSE

Take steps to complete the City’s Moderate Income Housing Plan by addressing Accessory Dwelling Units

RECOMMENDATION

The Planning Commission recommends approval along with a cap on external accessory dwelling units (EADUs) based on analysis from the City Engineer and affects to the City infrastructure.

The Code Committee recommends approval.

BACKGROUND

Council discussed the proposed changes in their meeting on December 12, 2023, and requested the Code Committee spend more time looking at limiting the number of units allowed throughout the city possibly as a percentage, minimum lot sizes necessary for allowing an EADU, and setbacks of 10 feet away from the primary structure.

ANALYSIS

Code Committee met on January 23, 2024, and discussed the desired topics. The ordinance coming before the Council is exactly as it was in December, save the following committee recommendations (in redline format):

**10-19-3: PERMITTED USE - LIMITATIONS:**

B. Regardless of the location of a proposed ADU, no ADU may be located on parcels which:

1. Are smaller than six thousand (6,000) square feet for IADUs;
2. Are smaller than 0.2533 acres for EADUs;

**10-19-8: STANDARDS OF APPROVAL – EADU CONSTRUCTION:**

D. Setbacks: All setbacks for EADUs shall comply with the underlying zoning requirements and the requirements of this Chapter. If the setback requirements conflict, then the EADU shall comply with the greater setback requirement.

a. EADUs shall be setback no less than 10 feet from the primary residence, as measured from the furthest protruding structure or fixture from either the primary residence or the EADU.

**ORDINANCE 2023-18**

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL  
AMENDING TITLE 10 CHAPTERS 1, 5, 8, AND 19**

**WHEREAS**, the City Council created a code committee to review and make recommendations to align city code with state code and best practices; and

**WHEREAS**, that same committee has identified the need to encompass regulations for external accessory dwelling units (EADUs) coordinating with the recently updated Moderate Income Housing Plan; and

**WHEREAS**, to maintain a consistent look and feel these structures should mimic the primary dwelling in design, construction, and overall aesthetics; and

**WHEREAS**, Planning Commission reviewed these proposed changes on November 9, 2023 and recommended Council add a cap on EADUs based on analysis from the City Engineer and the effects upon the city infrastructure; and

**WHEREAS**, Council has now evaluated all supporting information and the code alterations;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1. Amendment:** Title 10 Chapter 1 Section 10 Definitions shall add the following:

DWELLING, ACCESSORY UNIT:	A residential dwelling unit that is added to, created within, or detached from, a primary residential structure, located on the same lot as the primary residential structure, and that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU may be either an internal or external unit.
DWELLING, ACCESSORY UNIT INTERNAL (IADU)	An ADU that is created within or added to the primary residential structure.
DWELLING, ACCESSORY UNIT EXTERNAL (EADU)	An ADU that is detached from the primary residential structure.

ORD 2023-18 ADUs

**Section 2. Amendment:** Title 10 Chapter 1 Section 10A: Land Use Matrix shall add the line below.

10-1-10A: LAND USE MATRIX:												
	C	CH	CR	LI	TI	NR	A	RL	RLM	R M	RP	R5
Dwelling, Accessory Unit (External)							C	C	C	C		

**Section 3. Amendment.** Title 10 Chapter 5A, 5B, 5D, and 5E Section 5: Location of Structures shall each add the following:

Structures	Front Setback	Side Setback	Rear Setback
External Accessory Dwelling Units	25 Feet from all front lot lines.	10 feet minimum on each side, except 20 feet on side fronting on a street.	10 Feet

**Section 4: Amendment.** Title 10 Chapter 8 Section 5 D Number of Parking Spaces shall add

USE	NUMBER OF PARKING SPACES REQUIRED
External Accessory Dwelling Unit	2 per dwelling unit (this is in addition to the number of parking spaces required for the primary dwelling unit)

**Section 5: Amendment:** Title 10 Chapter 19 shall be retitled Accessory Dwelling Units and read as shown in **Exhibit 1**.

**Section 6. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 7. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the 27<sup>th</sup> day of February 2024.

\_\_\_\_\_  
**MAYOR: Rod Westbroek**

\_\_\_\_\_  
**ATTEST: City Recorder, Lisa Smith**

Roll call vote is as follows:		
Council Member Halverson	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Dills	FOR	AGAINST
Council Member Davis	FOR	AGAINST
Council Member Winsor	FOR	AGAINST

:

**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 2023-18 was passed and adopted on the 27th day of February, 2024 and that complete copies of the ordinance were posted in the following locations within the City this 28<sup>th</sup> day of February 2024.

1. South Weber City Building, 1600 E. South Weber Drive
2. City Website [www.southwebercity.com](http://www.southwebercity.com)
3. Utah Public Notice Website [Utah.gov/pmn](http://Utah.gov/pmn)

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**Lisa Smith, City Recorder**

**EXHIBIT 1 CHAPTER 19  
ACCESSORY DWELLING UNITS**

**CHAPTER 19  
ACCESSORY DWELLING UNITS****10-19-1: PURPOSE:**

The purpose of this chapters is to regulate the construction and use of internal and external accessory dwelling units (ADUs); to ensure such uses comply with all applicable building codes; to promote affordable housing options in South Weber City; and to protect the character of residential zones.

**10-19-2: DEFINITIONS:**

The definitions contained in this Chapter shall have such meaning as may be found in Title 10, Chapter 1, Section 10 of this code.

**10-19-3: PERMITTED USE - LIMITATIONS:**

- A. Accessory Dwelling Units, both Internal and External Accessory Dwelling Units, (IADU & EADU) shall be permitted in those zones identified in Title 10, Chapter 1, Section 10-A of this code, also known as the South Weber City land use matrix.
- B. Regardless of the location of a proposed ADU, no ADU may be located on parcels which:
  - 1. Are smaller than six thousand (6,000) square feet for IADUs;
  - 2. Are smaller than .33 acres for EADUs;
  - 3. Do not contain an owner-occupied single-family residence;
  - 4. Are serviced by a failing septic tank; or
  - 5. Have a recreational vehicle as the primary dwelling unit.
- C. ADUs shall not be rented for less than a thirty-day period.
- D. No parcel may contain more than one ADU.
- E. Ownership of an ADU shall not be subdivided or transferred apart from its principal dwelling unit.
- F. External accessory dwelling units may be permitted subject to additional requirements as outlined in this chapter.

**10-19-4: BUSINESS LICENSE REQUIRED:**

Prior to leased occupancy of an ADU, the owner of record of any parcel shall first apply for and obtain a business license from South Weber City.

**10-19-5: BUILDING PERMIT REQUIRED:**

Prior to beginning construction on a new ADU, the owner of record, or their designee, shall apply for and receive a building permit from South Weber City.

**10-19-6: STANDARDS OF APPROVAL- GENERAL:**

ADUs located in South Weber City shall adhere to the following standards:

- A. Single-family homes with an ADU shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105. The property owner shall provide a signed ownership affidavit attesting to this fact.
- B. Either the ADU or the primary dwelling unit shall be owner-occupied and shall be verified prior to approval.
- C. Utility Connections:
  - 1. EADU: The unit shall have separate utility meters from the primary dwelling unit.
  - 2. IADU: The primary dwelling unit and IADU shall be served by a single utility meter.
- D. A separate mailing address shall be created for both IADUs and EADUs.
- E. No ADU shall be rented to more than one family unit, as defined in South Weber City Code.

**10-19-7: STANDARDS OF APPROVAL – IADU CONSTRUCTION:**

Construction of all IADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

- A. In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.
- B. Each IADU shall have cooking, bathing, living, and sleeping areas that are separate from and in addition to those in the primary dwelling unit.
- C. One off-street parking space per IADU shall be required, in addition to any off-street parking provided for the primary dwelling in compliance with Chapter 8 of this title.
- D. In the event a garage or carport is converted to an IADU, and such conversion reduces the number of available off-street parking spaces below the minimum amount required by [10-8-5](#), then the eliminated spaces shall be on a space-per-space basis up to the minimum amount required.
- E. All IADUs shall have egress windows in any such room as required by the State Construction Code and Title 9 of South Weber City Code.
- F. An IADU may be constructed either as an addition to an existing home, a remodel of a garage, carport, or basement, or as part of new construction.
  - 1. Regardless of the manner of construction, all setbacks, height limits and other similar regulations shall be adhered to.
  - 2. Each unit's entrance shall be distinct from the other and shall be on separate planes or stories of the primary dwelling unit.
- G. If an IADU is constructed as an addition to an existing home, to the greatest extent possible, shall be similar quality construction materials and design as the primary dwelling unit .

**10-19-8: STANDARDS OF APPROVAL – EADU CONSTRUCTION:**

Construction of all EADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

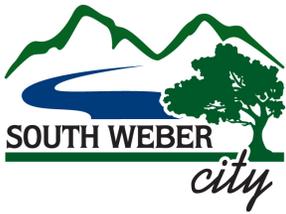
- A. Qualifications: To qualify as an EADU, the building must be separate from the primary dwelling.
  - 1. An EADU may be an existing detached accessory building or new construction.
  - 2. Construction of an EADU is allowed on lots meeting the requirements of this Chapter that are located in approved zones (Matrix).
- B. Restrictions: Recreational vehicles shall not be considered an EADU.
- C. Site Location Restriction: EADU shall be situated in a location other than the front of the main building on the property.
- D. Setbacks: All setbacks for EADUs shall comply with the underlying zoning requirements and the requirements of this Chapter. If the setback requirements conflict, then the EADU shall comply with the greater setback requirement.
  - a. EADUs shall be setback no less than 10 feet from the primary residence, as measured from the furthest protruding structure or fixture from either the primary residence or the EADU.
- E. Size and Footprint: EADUs shall have a maximum livable floor area of 1250 square feet and a minimum livable floor area of 400 square feet.
- F. Lot Coverage: Building coverage, including all structures, shall not exceed 60% of the total lot area.
- G. Height Restriction: The height of an EADU shall not exceed the height measurement of the primary building located on the same parcel. In instances where the elevation heights of the buildings differ, the height of each building will be calculated in accordance with the provisions set forth in this Title.
- H. Construction Standards: An EADU, to the greatest extent possible, shall be similar quality construction materials and design as the primary dwelling unit.
- I. Living Spaces: Each EADU shall have cooking, bathing, living, and sleeping areas that are separate from and in addition to those in the primary dwelling unit.
- J. Parking: Shall meet the requirements of Chapter 8 of this title.
  - 1. In the event a garage or out building is converted to an EADU, and such conversion reduces the number of available off-street parking spaces below the minimum amount required by section 10-8-5, then the eliminated spaces shall be replaced on a space-per-space basis up to the minimum amount required.

**10-19-9: VIOLATION:**

Failure to adhere to any of the provisions contained in this Chapter shall constitute a violation of city code and may result in one or more of the following:

- A. Following the procedures outlined in State law, a lien may be filed with the Davis County recorder until such time as the violation is remedied.

- B. Prosecution of the property owner.
- C. Daily fines up to the maximum amount allowed under state law.
- D. Revocation of a business license until such time as the violations are remedied.
- E. Any and all other fines and penalties available under City code or State law. (Ord. 2021-12, 9-14-2021)



9 Legislation  
CITY COUNCIL MEETING  
STAFF REPORT

MEETING DATE

February 27, 2024

PREPARED BY

Lisa Smith

City Recorder

ITEM TYPE

Discussion

ATTACHMENTS

None

PRIOR DISCUSSION DATES

N/A

AGENDA ITEM

Legislative Review

PURPOSE

Keep the City Council aware of bills that may affect the city.

RECOMMENDATION

Utilize the bill trackers available to stay informed on progress.

[2024 Bills and Resolutions](#)

[2024 Bills which have passed](#)

[Utah League of Cities and Towns \(ULCT\)](#)

BACKGROUND

The 2024 State Legislative Session runs from January 16 to March 1. During this time hundreds of bills are presented to committees then to the house and senate floors. It can be difficult to assess which may affect South Weber City. Becoming familiar with bill tracking websites can be a step toward simplifying the process. City Manager David Larson, as part of the Legislative Policy Committee, attends the ULCT weekly meetings and brings to Council a summary of those most likely to impact the city positively or negatively.

ANALYSIS

New state laws can have a significant impact on city policies and budgets by dictating requirements. As Council Members become aware, they can reach out to state legislators and express their opinions on how South Weber could be affected. These communications can be crucial to whether a bill passes.