

PLANNING COMMISSION AGENDA

Watch live, or at your convenience.

<https://www.youtube.com/c/southwebercityut>

PUBLIC NOTICE is hereby given that the Planning Commission of **SOUTH WEBER CITY, Utah**, will meet in a regular public meeting commencing at **6:00 p.m. on Thursday, December 12, 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: Chad Skola
2. 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).

ACTION ITEMS

3. Consent Agenda
 - a. November, 14, 2024 Minutes
4. Public Hearing for General Plan Amendment
5. General Plan Amendment for Kapp Legacy from Residential Low Moderate Density (R-LM) to Residential Moderate Density (R-M) at approximately 972 E South Weber Drive, applicants Thomas Hunt, Korey Kap
6. Public Hearing for Zone Change Amendment
7. Rezone Request for Kapp Legacy from (A) Agricultural Zone to (R-M) Residential Moderate Density Zone at approximately 972 E South Weber Drive, applicant Thomas Hunt, Korey Kap
8. Public Hearing for Subdivision Code Amendment
9. Code Amendment 11-8-3: Improvements Completion Assurance and Guarantee of Performance

REPORTS

10. Commission
11. 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 Deputy 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/; and Utah Public Notice website www.utah.gov/pmn/index.html.

DATE: 12/6/2024

DEPUTY RECORDER: Raelyn Boman

Raelyn Boman

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 14 November 2024

TIME COMMENCED: 6:00 p.m.

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

PRESENT:

COMMISSIONERS:

Gary Boatright
Julie Losee
Marty McFadden (excused)
Chris Roberts
Chad Skola

DEPUTY RECORDER:

Raelyn Boman

CITY ATTORNEY:

Jayne Blakesley

CITY ENGINEER:

Brandon Jones

**COMMUNITY DEVELOPMENT
MANAGER:**

Lance Evans

Minutes: Michelle Clark

ATTENDEES: Paul Sturm

Commissioner Losee called the meeting to order and welcomed those in attendance.

1. Pledge of Allegiance: Commissioner Losee

2. Public Comment: Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience. State your name & city and direct comments to the entire Commission (Commission will not respond).

ACTION ITEMS:

3. Approval of Consent Agenda

- **10 October 2024 Minutes**

Commissioner Losee called for the vote. Commissioners Losee, Skola, and Roberts voted aye. Commissioner Boatright abstained as he was excused from the meeting. The motion carried.

4. Professional Development Opportunity for Planning Commission Members, Training Session on Best Practices: City Attorney Jayme Blakesley discussed basic parliamentary rules. He explained a meeting is governed by the agenda with any matter that requires a decision to be on the agenda. He advised the Planning Commission not to spend a lot of time on items unless they are on the agenda. The chairperson leads the meeting with their prerogative as to how much time and discussion is spent on each agenda item with Robert's Rules of Order providing a guide. He noted for every action taken there should be a motion, a second to the motion, a discussion on the motion, discussion on the motion, and a vote on the motion. An ordinance and resolution require a roll call vote. At the end of the vote the chairperson will note what action was taken with the motion passing, failing, etc. Three yes votes are required to pass any item, with certain items requiring more than three votes (e.g., 2/3 for closed session). A motion to reconsider any item requires a majority vote pass. He noted there are specific rules for a motion to reconsider which must be made during the same meeting.

Mr. Blakesley reviewed the following **Types of Motions**:

- **Main motion** – Introduce a new item
- **Subsidiary Motion** (motions to amend or substitute motions) – Change or affect how to handle a main motion (vote on this before main motion)
- **Incidental Motion** – Questions procedure of other motions (must consider before the main motion)
- **Motion to Table** – Kills a motion
- **Motion to Continue/Postpone** – Delays a vote (can reopen debate on the main motion)

Discussion took place regarding types of land use decisions being administrative, legislative, and quasi-judicial (someone seeking a variance or adjudication). Mr. Blakesley explained there are administrative items the Planning Commission will be the deciding body and there are items where city staff is the deciding body. The City Council is the deciding body regarding commercial and conditional use permits. The Planning Commission's influence is as an advisory council to the City Council. He noted if the Planning Commission decides to table an item and if they do not make a recommendation, it goes forward without the Planning Commission's voice which can be a missed opportunity. Mr. Blakesley explained items cannot be continued indefinitely as a landowner has rights under state law.

Mr. Blakesley reviewed how the vote is taken with a roll call vote required for ordinances, resolutions, or any action which would create a liability against the city. He noted a simple "yes" or "no" is sufficient for all other matters.

Mr. Blakesley discussed the Land Use Development and Management Act ("LUDMA"). He noted the city is a political subdivision of the State of Utah. All lands use decisions in the city must comply with LUDMA. The city may adopt its own land use standards so long as they are consistent with state law. LUDMA mandates the creation of a Planning Commission,

establishment of a Land Use & Appeal Authorities, and adoption of a general plan with a process for considering land use applications. The City Council is the Legislative Body. The City Council, Planning Commission, or staff is the Land Use Authority.

Mr. Blakesley stated changes have been made to the public hearing process. He explained for administrative decisions such as conditional use permits and subdivision approvals it is not required to have a public hearing; however, there can still be public input. Public hearings are required for general plan, land use regulations, street vacation, property disposition, specifications for public improvements, sign regulations, and subdivision amendments (if requested by objecting owner).

Mr. Blakesley reviewed the Open & Public Meetings Act and explained that a chance meeting or social gathering is okay but do not conduct any city business. He stated the actual decision making needs to be in an open meeting. He suggested being careful about any communication outside of meetings which have been discussed in previous meetings. He noted once a person is sworn in, you cannot take off your public official hat for ethical purposes and Open & Public Meeting Acts purposes. He suggested the commissioners avoid weighing in on items outside of the public meeting setting. Discussion took place regarding meeting conduct. It was stated the Planning Commission has frequent interaction with the audience. Mr. Blakesley recommended following the agenda concerning public comments and public hearings and discouraged back and forth dialogue during the meeting. He added public hearing is not the time for the public to ask questions and expect a response. He noted the applicant has the right to respond to comments and questions.

Discussion took place regarding the timing of the city packet. Mr. Blakesley discussed the law is twenty hours for meeting packets and a notice for certain topics is 10 days. In regard to public hearings, the applicant can give an overview of their proposal and must be allowed to speak following the public hearing. It was stated some cities have a list of those individuals who wish to give public comments. Individuals may be timed for three minutes on a screen. It was suggested the chair or staff put on the agenda and the chair announce “We are considering and our role is.....”

REPORTS:

9. New Business: The APA Conference was this year. Mr. Lance Evans attended. The Legislature is working on several items that involve cities and towns. Recently, the city staff sent out a survey requesting citizen input on the gravel pits. Commissioner Boatright suggested if the city sends out a survey for general plan input, there should only be one survey. The next Planning Commission meeting will be December 12th.

11. ADJOURN: Commissioner Boatright moved to adjourn the Planning Commission meeting at 7:17 p.m. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Losee, Roberts, and Skola voted aye. The motion carried.

APPROVED: _____ **Date** _____

Chairperson: Julie Losee

Transcriber: Michelle Clark

Attest:

Deputy Recorder: Raelyn Boman

DRAFT

MEETING DATE

December 12, 2024

PREPARED BY

Lance Evans, AICP
Community Development
Manager

ITEM TYPE

General Plan Amendment

ATTACHMENTS

Application
Projected Land Use Map
Zoning Map

AGENDA ITEM

Public Hearing

Resolution 2024-033: General Plan Amendment
Applicant: Thomas Hunt and Korey Kap
Location: approximately 972 E. South Weber Drive
Acreage: approximately 10.7 acres

REQUEST

A General Plan Amendment to change the Projected Land Use Map from Residential Low Moderate Density (R-LM) to Residential Moderate Density (R-M) on approximately 10.7 acres.

| Property Information | |
|--|--|
| Site Location | Approximately 972 E South Weber Drive |
| Tax ID Numbers | 130210114, 130210027, 130210025, 13010026 |
| Applicant | Thomas Hunt and Korey Kap |
| Owner | Julie Cunningham, Korey Kap |
| Proposed Actions | Recommend approval or denial to City Council |
| Current Zoning | A (Agricultural) |
| Current General Plan Land Use Classification | Residential Low Moderate Density (R-LM) |
| Proposed General Plan Land Use Classification | Residential Moderate Density (R-M) |
| Acreage | 10.7 |

PROCESS

This is a request to amend the Projected Land Use Map from the 2020 South Weber City General Plan. South Weber City Code Section 10-3-5 allows for the General Plan to be amended. The Planning Commission is required to hold a public hearing to receive public comments on the proposed amendment, then make a recommendation to the City Council for the approval or denial of the proposed amendment. The City Council will then hold a meeting to review the Planning Commission’s recommendation and the application for a final determination.

BACKGROUND

This application is part of the potential development of 32.86 acres for single-family homes on moderate density lots. Twenty-two acres of the proposed development area is already designated as Residential Moderate Density in the General Plan. This request is to amend the R-LM density designation on the southern 10.7 acres of this project to R-M. (In a separate application the owners are requesting to rezone the entire project area of 32.286 acres from Agricultural to Residential Moderate Density.)

If the General Plan and rezones are approved the owners will begin the subdivision process on the property.

ANALYSIS

Consistence with General Plan

The proposed General Plan amendment will strike a balance between the goals for preservation of the rural feel and allowance of single-family housing in the central portion of the city. This potential changes has been prescribed in the General Plan since at least 2020.

Surrounding uses

| | CURRENT USE | | ZONE | PROJECTED LAND USE |
|-------|---------------------|--|--|--------------------|
| East | Single-Family Homes | Lot Sizes from 9,100 to 13,329 square feet. | Residential Moderate Density Zoning District | R-M |
| South | Single-Family Homes | Lot Sizes from 11,543 to 24,829 square feet. | Residential Moderate Density Zoning District | R-M |
| West | Agricultural | 35.69 acres | Agricultural Zoning Dist. | R-LM, R-M, R-P |
| North | I-84 | | None | NA |

Compatibility with Surrounding Uses

The General Plan map change is consistent with the surrounding lot sizes and densities of the existing single-family homes and should not create significant levels of noise, light or other adverse impacts to the adjacent properties or the surrounding neighborhood. The ground elevation change to the south will provide an additional buffer to the new homes. The potential development of single-family residential next to existing similar uses is a compatible land use. The additional traffic will be mitigated through the development of new roads as shown in the General Plan Vehicle Transportation Map. The site design will reduce the impact to the adjacent residences and is consistent with the surrounding building height, density, traffic impacts, and visual aesthetics though compliance with city development codes.

Environmental and Infrastructure Considerations

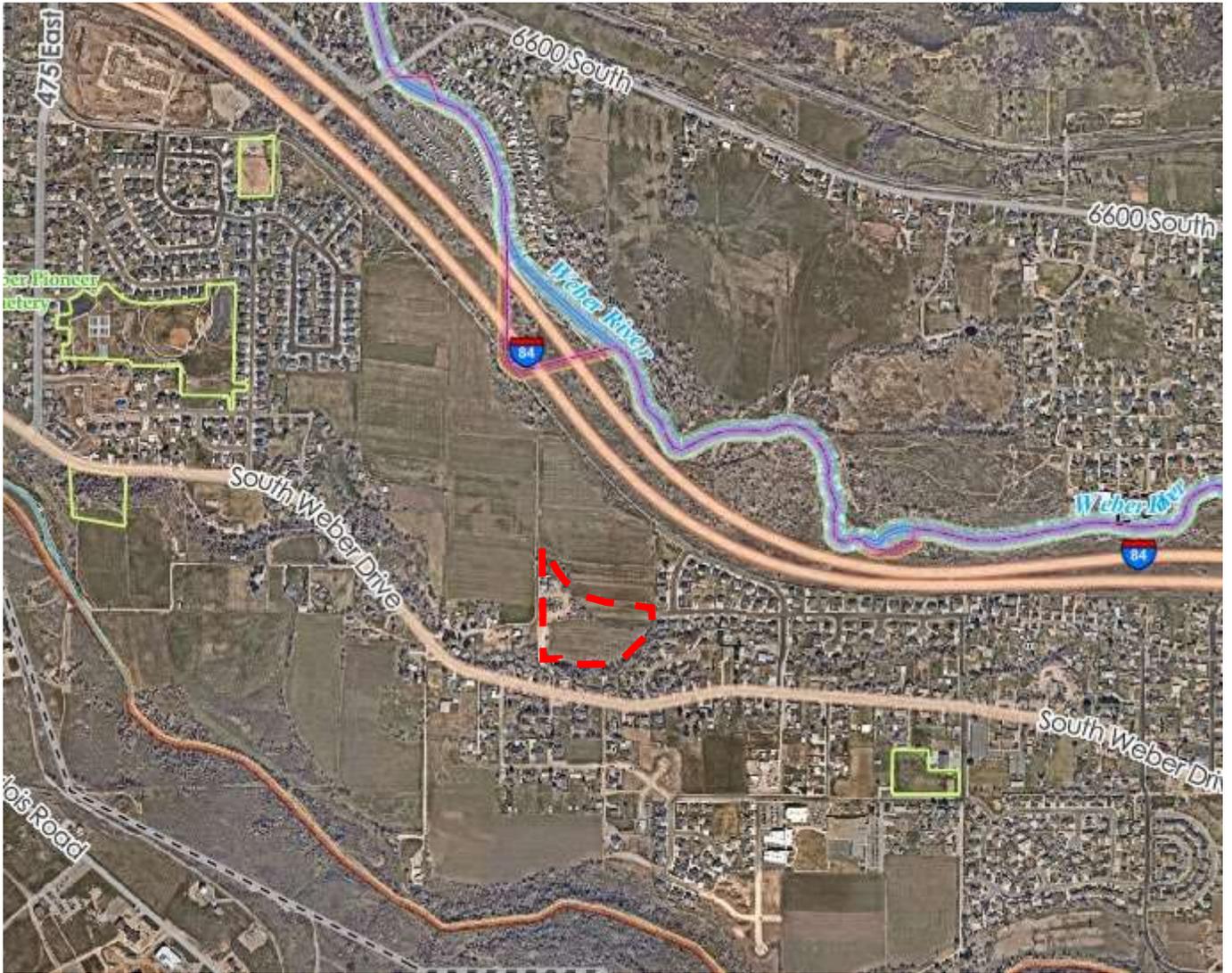
The proposed general plan amendment is surrounded by developed property, agricultural land and an interstate highway. The amendment will have minimal impacts on infrastructure (such as roads, utilities, and public services) and the natural environment (including water resources, wildlife habitats, and air quality).

Traffic Impacts

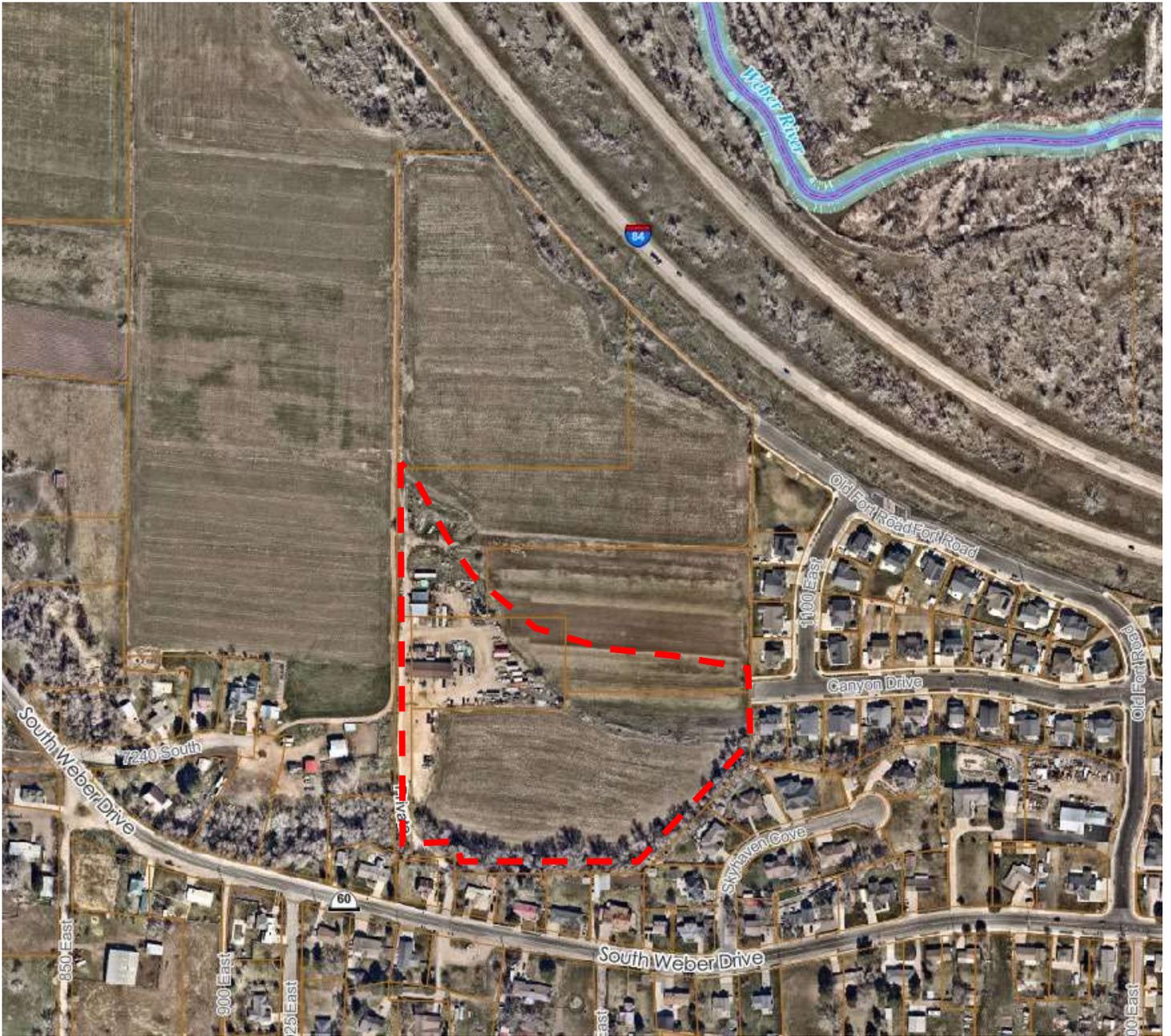
The traffic impacts of the potential development will be analyzed in detail during the subdivision process. However, the South Weber Vehicle Transportation Map shows that two east/west roadway connections will need to be constructed to provide additional travel corridors. Old Fort Road and Canyon Drive will be extended to accommodate additional traffic from potential development. A north/south collector road is also required by the general plan, connecting the Old Fort Road on the north to South Weber Drive. These travel corridors as required by the General Plan will provide additional travel routes and distribute the traffic load on to multiple roadways and lessen the overall transportation impact while providing additional routes for emergency services.

Conclusion

The proposed General Plan Land Use Map amendment is consistent with the goals and objectives of the General Plan. Staff recommends approval of the General Plan amendment for the 10.7 acres.

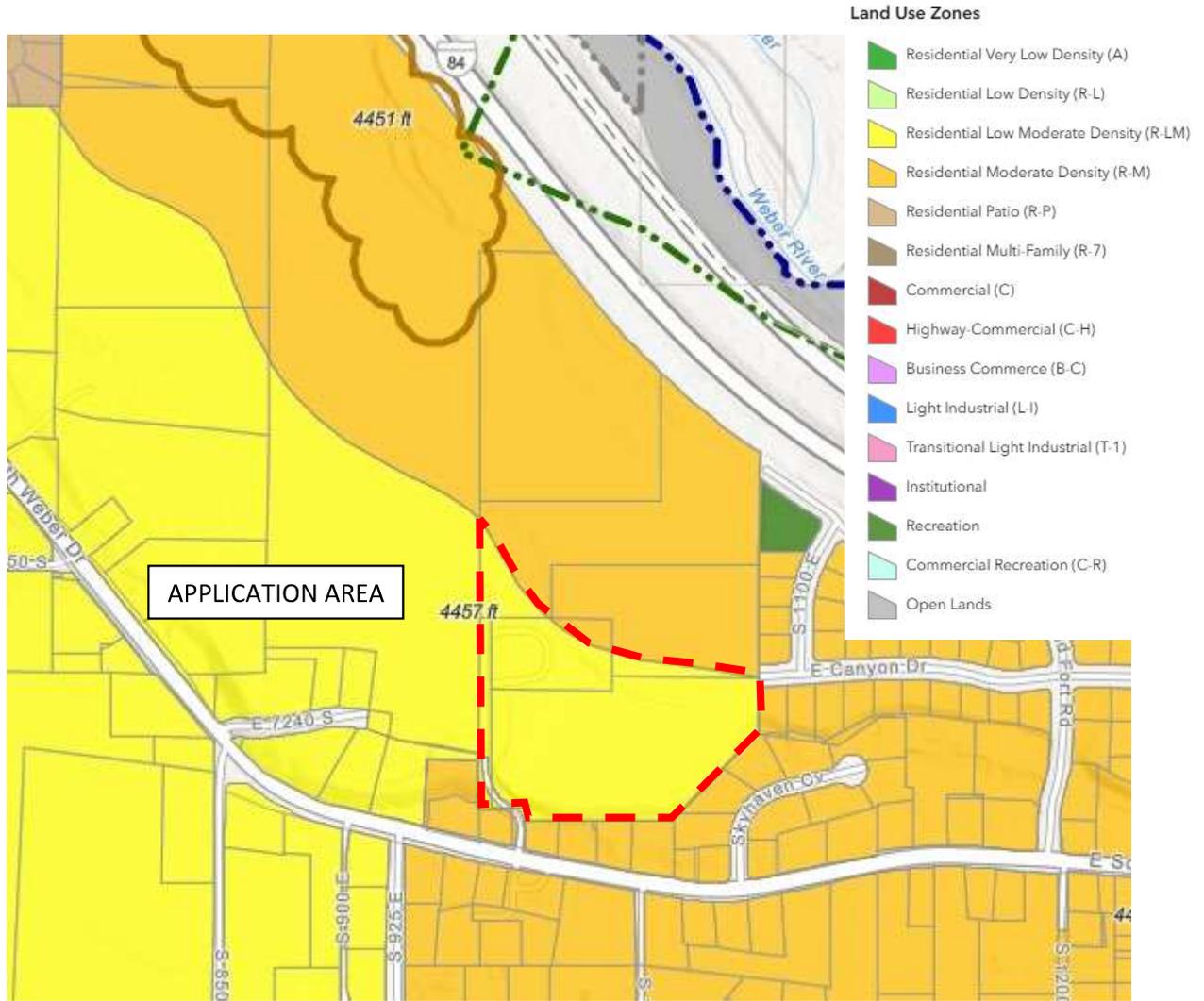


[Vicinity Map](#)

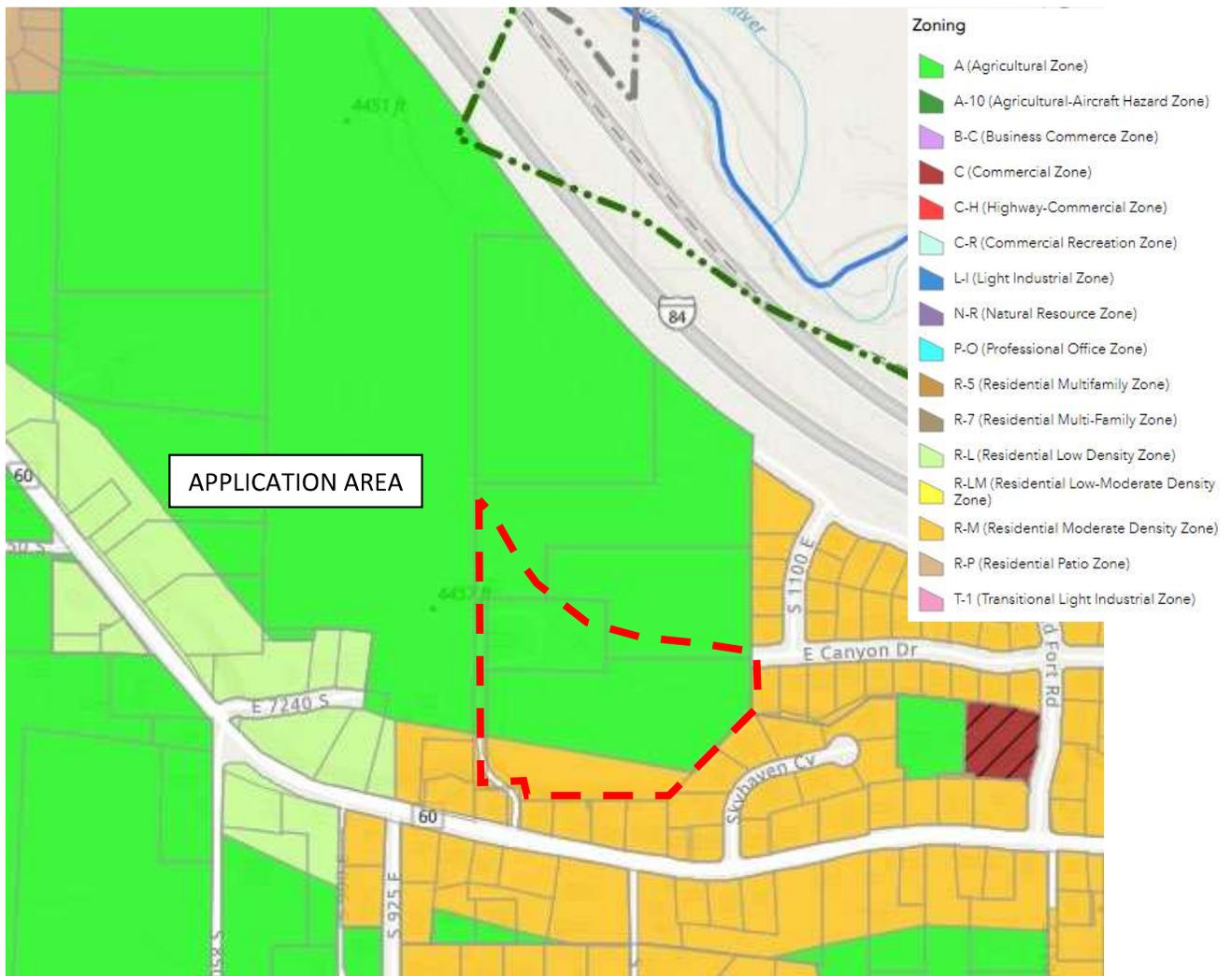


[Property Map](#)

5 General Plan Amendment Kapp Legacy



[Projected Land Use Map](#)



[Zoning Map](#)

APPLICABLE CITY CODE

10-3-5: POWERS AND DUTIES:

A. Entrance Upon Land: The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys, and place and maintain necessary monuments and marks thereon. The Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote Municipal planning.

B. Administrative Duties: The Planning Commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the City Council;

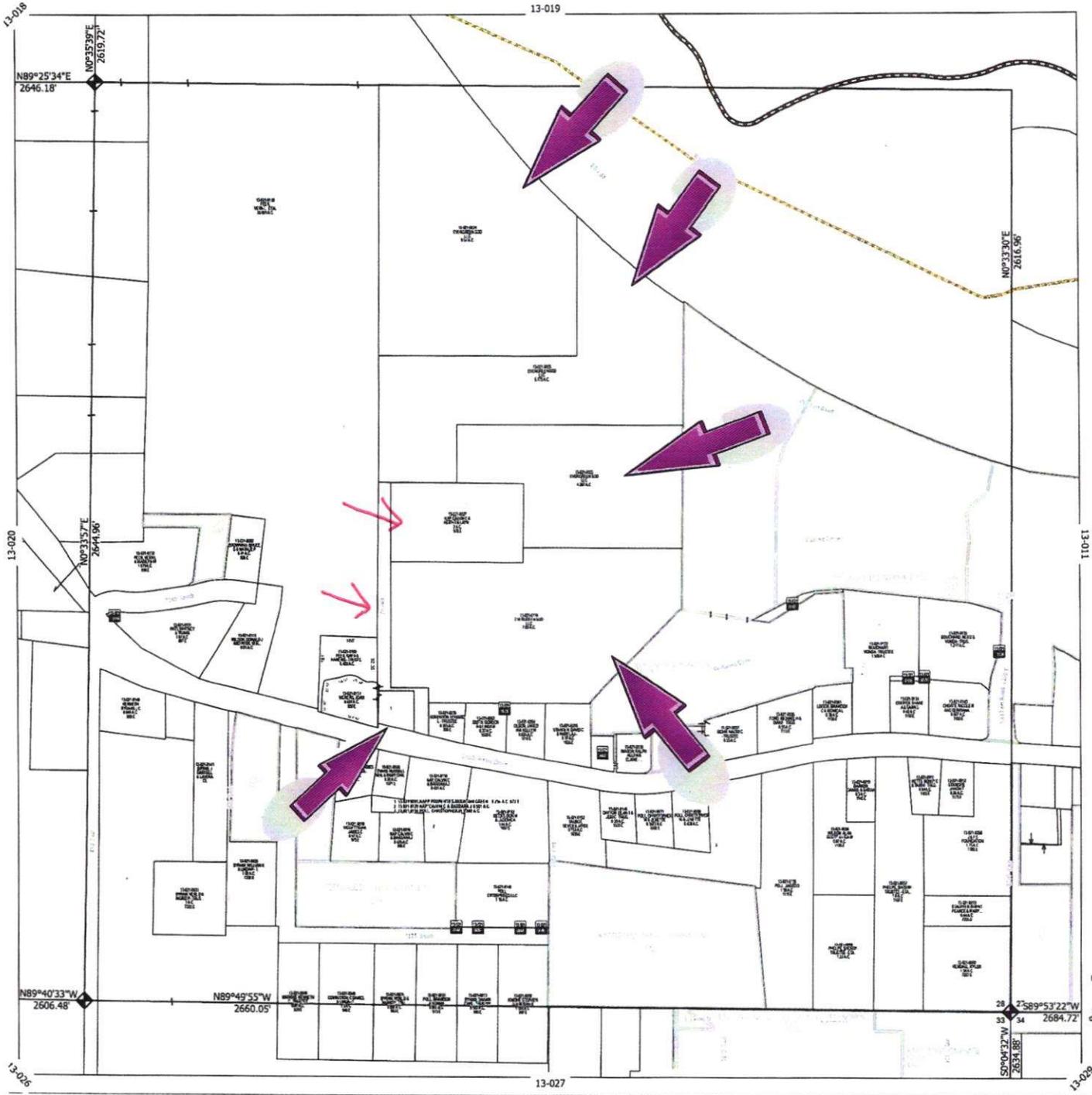
C. Public Hearings; Reports and Recommendations: For purposes of holding public hearings, the Planning Commission is recognized as the Land Use Authority for South Weber City, as defined by Utah Code Annotated 10-9a-103; 10-9a-404, 10-9a-502, 10-9a-503, 10-9a-602, and 10-9a-608, or as otherwise required. The Planning Commission may hold public hearings and shall do so as required by law. It may make reports and recommendations relating to the plan and development of the City to public officials and agencies, other organizations and citizens. It may recommend to executive or legislative officials, programs for public improvements. The City Council shall not hold any public hearing for any Land Use Ordinances, applications, or amendments unless specifically required by State law or a procedural motion approved by the City Council. (Ord. 19-08, 3-12-2019; amd. Ord. 2021-01, 2-23-2021)

SE Quarter
Section 28
5N 1W
SLB & M

Tax ID Prefix

13 - 021

Sheet 1 of 1



BOOK - PAGE
PLAT NUMBER

1 inch = 200 feet



NOTE: Distance, bearings and radius values are approximate. User needs to refer to the recorded legal descriptions for exact bearing and distances. For cadastral or technical information see the dedicated plat and/or legal descriptions in recorded documents.



Last update: 4/10/202

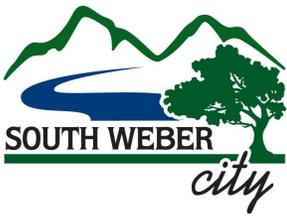
A PROPOSED CHANGE IN ZONING FROM A (AGRICULTURAL ZONE) TO R-M (RESIDENTIAL MODERATE DENSITY ZONE) FOR PARCELS 130210025, 130210026, AND 13021027, AND PORTIONS OF PARCELS 130210024 AND 130210114 CONTAINED WITHIN THE FOLLOWING BOUNDARY DESCRIPTION:

A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SOUTH WEBER CITY, DAVIS COUNTY, UTAH. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SOUTH 89°28'31" EAST 985.68 FEET ALONG THE SOUTHERLY SECTION LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28; THENCE NORTH 00°31'29" EAST 758.64 FEET; THENCE NORTH 00°31'29" EAST 112.56 FEET ALONG ESTABLISHED BOUNDARY LINE; THENCE SOUTH 89°28'31" EAST 462.93 FEET ALONG ESTABLISHED BOUNDARY LINE; THENCE NORTH 44°02'01" EAST 113.27 FEET ALONG ESTABLISHED BOUNDARY LINE RUNNING THENCE;

THENCE NORTH 79°41'55" WEST 703.20 FEET ALONG APPROXIMATE ZONE A AND R-M BORDER REFERENCING THE SOUTH WEBER CITY ZONING MAP DATED 10/23/2018; THENCE NORTH 00°55'03" EAST 1654.18 FEET; THENCE NORTH 89°45'16" EAST 236.15 FEET; THENCE ALONG A CURVE TO THE LEFT ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 84 A DISTANCE OF 678.86 FEET HAVING A RADIUS OF 4316.43 FEET A CENTRAL ANGLE OF 09°00'40" AND CHORD BEARING AND DISTANCE OF SOUTH 43°38'31" EAST 678.16 FEET; THENCE ALONG A CURVE TO THE LEFT ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 84 A DISTANCE OF 207.15 FEET HAVING A RADIUS OF 2994.79 FEET A CENTRAL ANGLE OF 03°57'47" AND CHORD BEARING AND DISTANCE OF SOUTH 50°52'17" EAST 207.11 FEET; THENCE SOUTH 00°42'06" WEST 883.12 FEET; THENCE NORTH 81°30'34" WEST 6.32 FEET; THENCE SOUTH 44°02'01" WEST 260.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,205,975 SQUARE FEET OR 27.685 ACRES, MORE OR LESS.



MEETING DATE

December 12, 2024

PREPARED BY

Lance Evans, AICP
 Community Development
 Manager

ITEM TYPE

Zone Change

ATTACHMENTS

- Application
- Projected Land Use Map
- Zoning Map

AGENDA ITEM

Public Hearing

Resolution 2024-034: Zone change
 Applicant: Thomas Hunt and Korey Kap
 Location: approximately 972 E. South Weber Drive
 Acreage: approximately 27.6 acres

REQUEST

A zone change from A (Agricultural Zone) to R-M (Residential Moderate Zone) on approximately 27.6 acres.

| Property Information | |
|-------------------------------|--|
| Site Location | Approximately 972 E South Weber Drive |
| Tax ID Numbers | 130210114, 130210027, 130210025, 13010026 |
| Applicant | Thomas Hunt and Korey Kap |
| Owner | Julie Cunningham, Korey Kap |
| Proposed Actions | Recommend approval or denial to City Council |
| Current Zoning | A (Agricultural) |
| Proposed Zone District | R-M (Residential Moderate Density Zone) |
| Acreage | 27.6 |

PROCESS

This is a request to amend the South Weber City Zoning Map. South Weber City Code Section 10-3-5 allows for the Zoning Map to be amended. The Planning Commission is required to hold a public hearing to receive public comments on the proposed amendment, then make a recommendation to the City Council for the approval or denial of the proposed amendment. The City Council will then hold a meeting to review the Planning Commission’s recommendation and the application for a final determination.

BACKGROUND

This application is part of the potential development of 32.86 acres for single-family homes on moderate density lots. This request is to amend the A – Agricultural Zone for 27.6 acres of this project to R-M. Approximately two acres of the owner’s property is already zoned R-M. If the General Plan and rezones are approved the owners will begin the subdivision process on the property.

ANALYSIS

Consistence with General Plan

The proposed zone change matches the land use designation for the majority of the property and if the general plan amendment of 10.7 acres to Moderate Density is approved rezoning the 27.6 acres is consistent with the entire property. If the general plan amendment to moderate density is not approved approximately eight acres should be considered for a different zone district at a low-moderate density.

Surrounding uses

| | CURRENT USE | | ZONE | PROJECTED LAND USE |
|-------|---------------------|--|--|--------------------|
| East | Single-Family Homes | Lot Sizes from 9,100 to 13,329 square feet. | Residential Moderate Density Zoning District | R-M |
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| North | I-84 | | None | NA |

Compatibility with Surrounding Uses

The General Plan map change is consistent with the surrounding lot sizes and densities of the existing single-family homes and should not create significant levels of noise, light or other adverse impacts to the adjacent properties or the surrounding neighborhood. The elevation change to the south will provide an additional buffer to the new homes. The potential development of single-family residential next to existing similar uses is a compatible land use. The additional traffic will be mitigated through the development of new roads as shown in the Vehicle Transportation Map. The site design will reduce the impact to the adjacent residences and is consistent with the surrounding building height, density, traffic impacts, and visual aesthetics though compliance with city development codes.

Environmental and Infrastructure Considerations

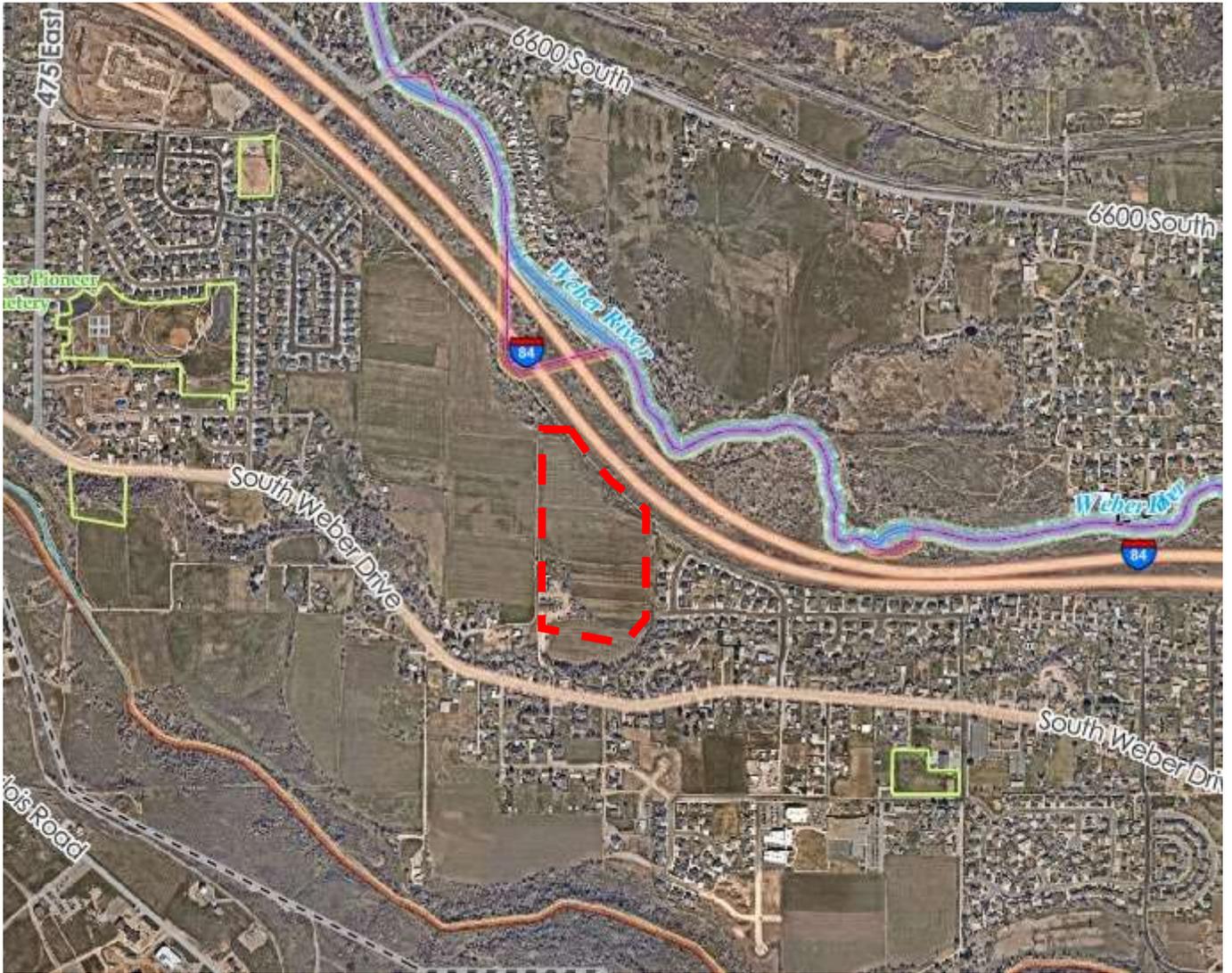
The proposed Zone change is surrounded by developed property, agricultural land and an interstate highway. The amendment will have minimal impacts on infrastructure (such as roads, utilities, and public services) and the natural environment (including water resources, wildlife habitats, and air quality).

Traffic Impacts

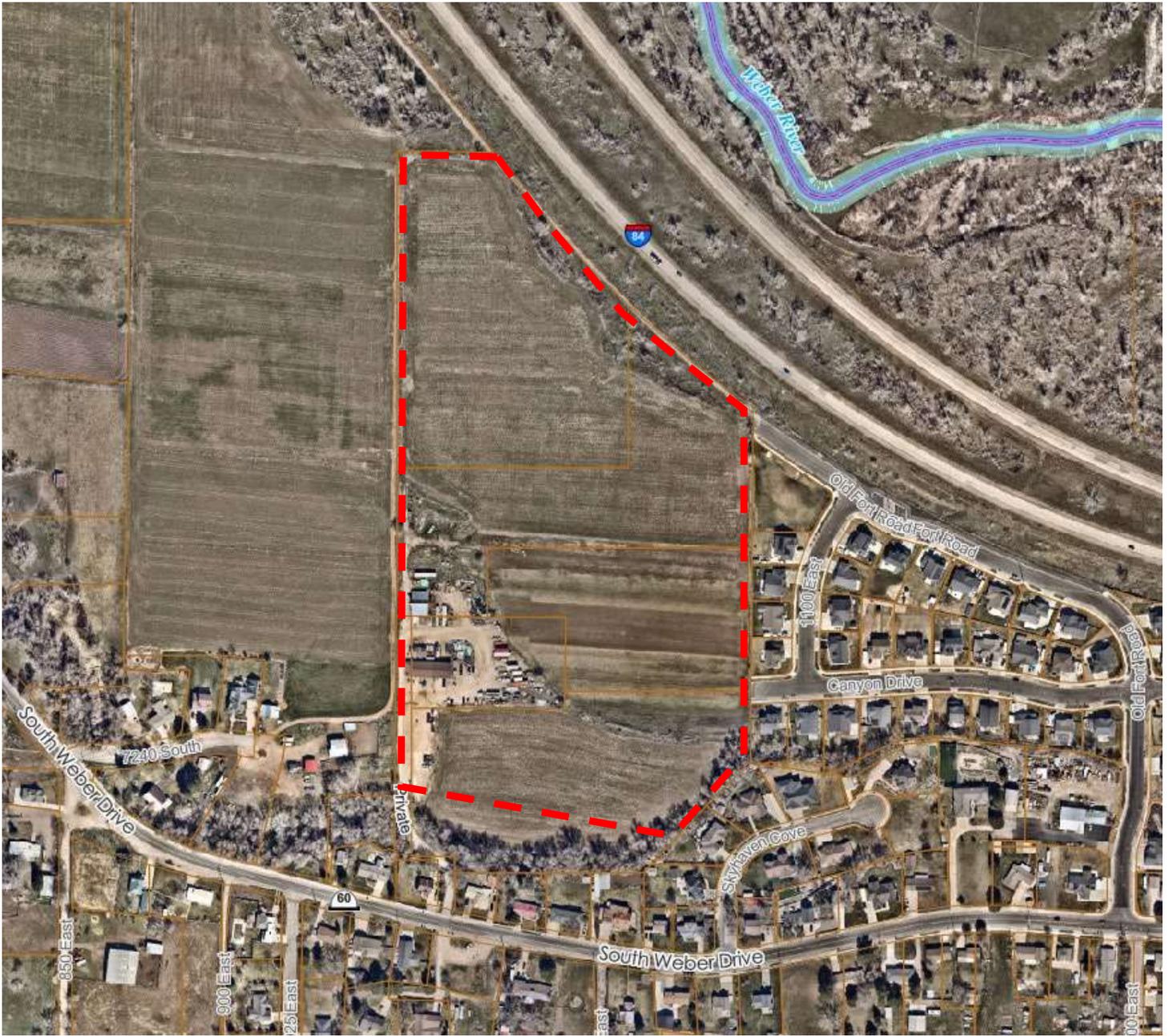
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Conclusion

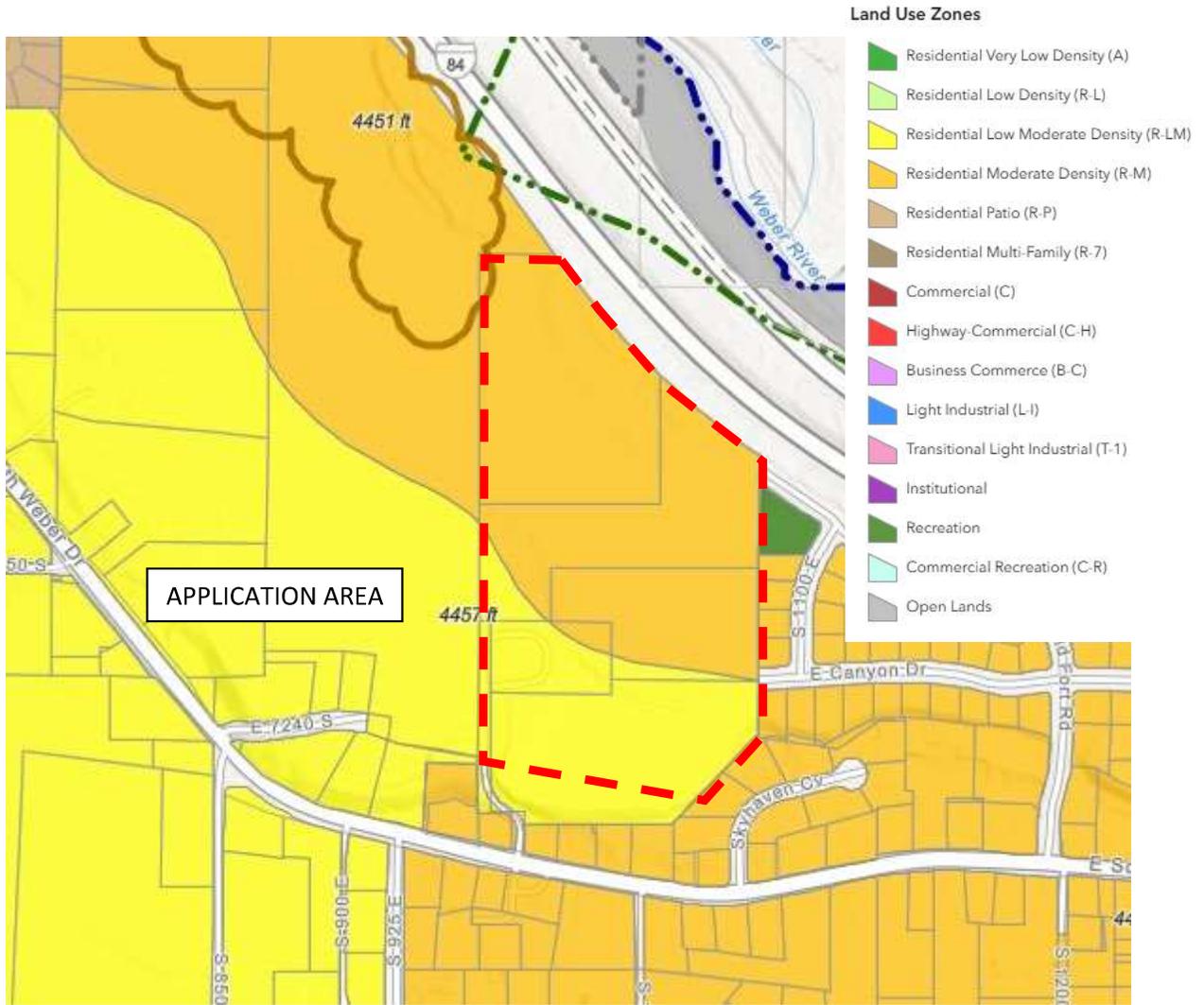
The proposed zone change is consistent with the goals and objectives of the General Plan as stated in the staff report. Staff recommends approval of the zone change for the 27.6 acres from A – Agricultural to R-M- Residential Moderate Density Zone.



[Vicinity Map](#)



[Property Map](#)



[Projected Land Use Map](#)



Zoning Map

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Sheet 1 of 1



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Last update: 4/10/202

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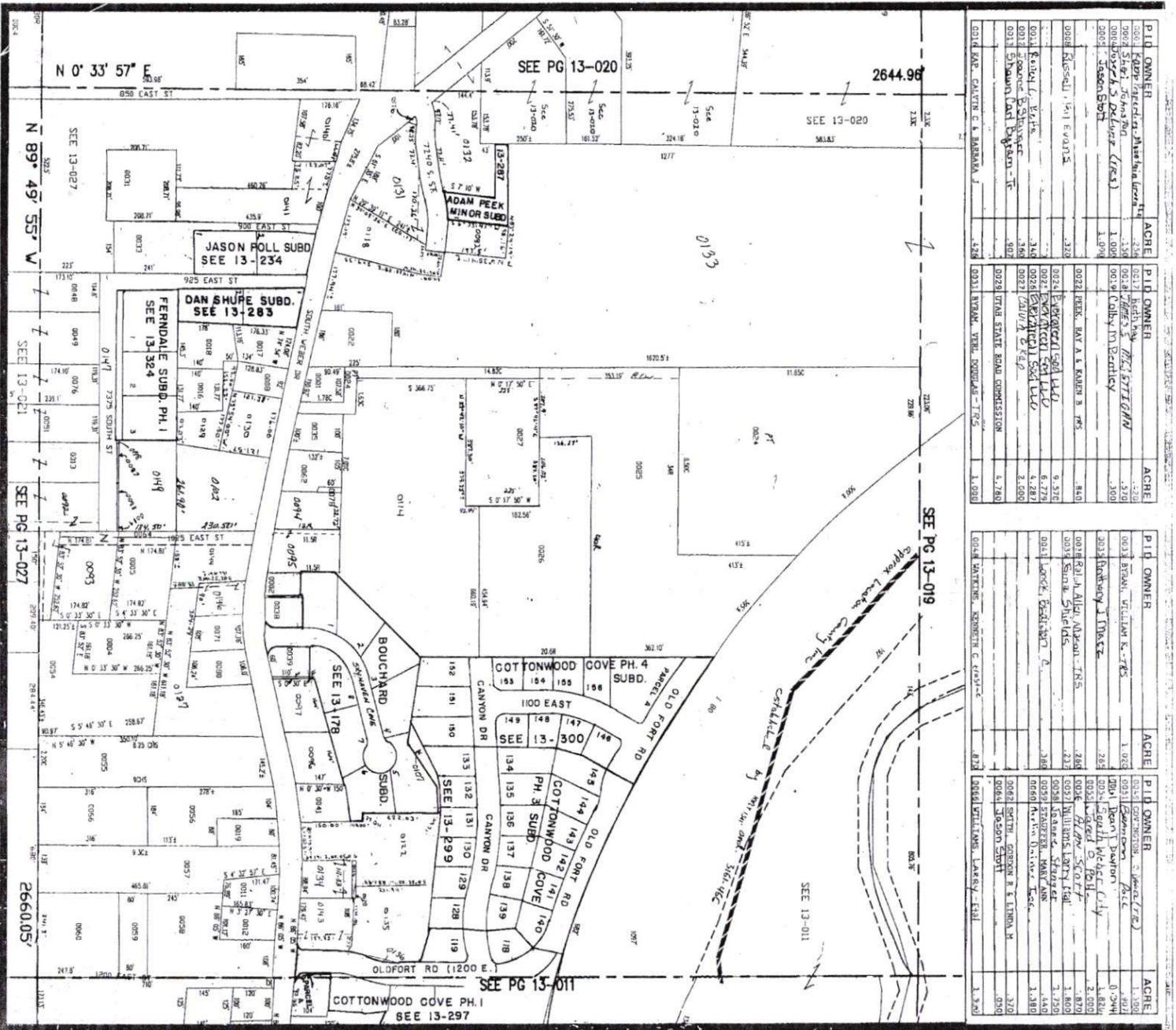
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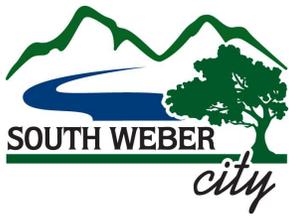
13

021 1 of 2



| P.L.D. OWNER | ACRE | P.L.D. OWNER | ACRE | P.L.D. OWNER | ACRE |
|------------------------------------|-------|------------------------------------|-------|------------------------------|-------|
| 0001 KAPP Legacy - Kapp Legacy LLC | 1.358 | 0021 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0041 RALPH ALLEN ADKIN - TRS | 1.265 |
| 0002 SHAR, JENNIFER | 1.000 | 0022 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0042 DEAN DAWSON | 1.000 |
| 0003 JASON POLL | 1.000 | 0023 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0043 GAIL WELCH CITY | 1.820 |
| 0004 JASON POLL | 1.000 | 0024 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0044 HENRY SCOTT | 2.000 |
| 0005 JASON POLL | 1.000 | 0025 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0045 WILLIAMS LARRY ERL | 1.870 |
| 0006 RUSSELL, W. I. EVANS | 1.328 | 0026 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0046 ASHLEY STANLEY | 3.295 |
| 0007 RUSSELL, W. I. EVANS | 1.328 | 0027 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0047 STANLEY STANLEY | 1.480 |
| 0008 RUSSELL, W. I. EVANS | 1.328 | 0028 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0048 KATHY L. STANLEY | 1.380 |
| 0009 RUSSELL, W. I. EVANS | 1.328 | 0029 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0049 GORDON F. LINDA M | 1.270 |
| 0010 RUSSELL, W. I. EVANS | 1.328 | 0030 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0050 JASON SWIFT | 0.900 |
| 0011 RUSSELL, W. I. EVANS | 1.328 | 0031 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0051 JASON SWIFT | 0.900 |
| 0012 RUSSELL, W. I. EVANS | 1.328 | 0032 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0052 JASON SWIFT | 0.900 |
| 0013 RUSSELL, W. I. EVANS | 1.328 | 0033 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0053 JASON SWIFT | 0.900 |
| 0014 RUSSELL, W. I. EVANS | 1.328 | 0034 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0054 JASON SWIFT | 0.900 |
| 0015 RUSSELL, W. I. EVANS | 1.328 | 0035 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0055 JASON SWIFT | 0.900 |
| 0016 RUSSELL, W. I. EVANS | 1.328 | 0036 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0056 JASON SWIFT | 0.900 |
| 0017 RUSSELL, W. I. EVANS | 1.328 | 0037 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0057 JASON SWIFT | 0.900 |
| 0018 RUSSELL, W. I. EVANS | 1.328 | 0038 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0058 JASON SWIFT | 0.900 |
| 0019 RUSSELL, W. I. EVANS | 1.328 | 0039 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0059 JASON SWIFT | 0.900 |
| 0020 RUSSELL, W. I. EVANS | 1.328 | 0040 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0060 JASON SWIFT | 0.900 |
| 0021 RUSSELL, W. I. EVANS | 1.328 | 0041 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0061 JASON SWIFT | 0.900 |
| 0022 RUSSELL, W. I. EVANS | 1.328 | 0042 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0062 JASON SWIFT | 0.900 |
| 0023 RUSSELL, W. I. EVANS | 1.328 | 0043 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0063 JASON SWIFT | 0.900 |
| 0024 RUSSELL, W. I. EVANS | 1.328 | 0044 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0064 JASON SWIFT | 0.900 |
| 0025 RUSSELL, W. I. EVANS | 1.328 | 0045 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0065 JASON SWIFT | 0.900 |
| 0026 RUSSELL, W. I. EVANS | 1.328 | 0046 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0066 JASON SWIFT | 0.900 |
| 0027 RUSSELL, W. I. EVANS | 1.328 | 0047 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0067 JASON SWIFT | 0.900 |
| 0028 RUSSELL, W. I. EVANS | 1.328 | 0048 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0068 JASON SWIFT | 0.900 |
| 0029 RUSSELL, W. I. EVANS | 1.328 | 0049 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0069 JASON SWIFT | 0.900 |
| 0030 RUSSELL, W. I. EVANS | 1.328 | 0050 KAPP Legacy - KAPP Legacy LLC | 1.358 | 0070 JASON SWIFT | 0.900 |

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 DAVIS COUNTY, UTAH - RECORDERS OFFICE
 SCALE: 1" = 200'
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PLANNING COMMISSION MEETING STAFF REPORT

MEETING DATE

November 14, 2024

PREPARED BY

Lance Evans, AICP
Community Development
Manager

ITEM TYPE

Legislative

AGENDA ITEM

Legislative Action: Code Amendment Title 11, Chapter 8, Section 3, IMPROVEMENTS COMPLETION ASSURANCE AND GUARANTEE OF PERFORMANCE

REQUEST

Amend the South Weber Land Use Code by modifying Title 11, Chapter 8, Section 3, Improvements Completion Assurance and Guarantee of Performance to change the required forms of subdivision improvement guarantees from cash escrow or letter of credit to cash escrow, cash bond, or a surety bond.

LEGISLATIVE ACTION

Amend Title 11, Chapter 8, Section 3, Improvements Completion Assurance and Guarantee of Performance to clarify the forms of Improvement Completion Assurance for Subdivisions in South Weber City.

BACKGROUND

South Weber City is required by Utah State Code to allow more than one form of subdivision improvement guarantee. The code currently allows "Cash Escrow account or Letter of Credit guarantee with a federally insured financial institution."

City Staff is concerned that the letter of credit will not provide enough assurance to the city for the completion of a subdivision should it be required. Staff recommends allowing three options for improvement completion assurance.

- 1) cash escrow account guarantee with a federally insured financial institution, or
- 2) a cash bond with the city, or
- 3) a surety bond with a reputable bond provider who is licensed to issue surety bonds in the State of Utah.

The code amendment to allow these three forms of assurance will better protect the city and assure completion of all subdivision improvements.

PLANNING CODE

South Weber City Code

TITLE 11 – SUBDIVISION REGULATIONS

CHAPTER 8 - DEVELOPMENT ACTIVITY PRIOR TO PLAT RECORDING

11-8-3: IMPROVEMENTS COMPLETION ASSURANCE AND GUARANTEE OF PERFORMANCE:

A. Purpose: To assure the completion of required improvements and infrastructure as required by the approved plans, Public Works Standards, and all applicable ordinances, the Subdivider shall establish a ~~Cash Escrow account or Letter of Credit guarantee with a federally insured financial institution.~~

1. Cash escrow account guarantee with a federally insured financial institution, or
2. a cash bond with the City, or
3. a surety bond with a reputable bond provider who is licensed to issue surety bonds in the State of Utah. The City reserves the right to review any proposed bond provider's performance and may reject a proposed provider whose past performance has been questionable or who has been in business less than five (5) years.

This completion assurance shall be established prior to recording the Subdivision plat. If the Subdivider installs the infrastructure and improvements and such infrastructure and improvements are inspected and approved by the City prior to recording the plat, then only warranty portion of the completion assurance shall be required.

The provisions of this section do not supersede the terms of a valid Development Agreement, an adopted phasing plan, or the State Construction Code.

B. Cost Estimate: The Subdivider shall submit an updated Engineer's Cost Estimate for all improvements and infrastructure required within the Subdivision. The cost estimate shall include quantities, units, and costs for all improvements and infrastructure required, and shall indicate which items have already been installed.

The City Engineer shall review and approve the cost estimate and may adjust the costs to meet current industry standards. Those items that are deemed "direct costs" shall be removed from the escrow and shall be accounted for separately.

C. Guarantee Amount: The guarantee shall be equal to one hundred ten percent (110%) of the cost estimated and approved by the City Engineer.

1. One hundred percent (100%) shall be for the cost of those improvements and infrastructure not yet installed; and
2. Ten percent (10%) shall be for a required one-year (1) warranty period (see subsection [11-9-1D](#)). The warranty amount calculated shall be based upon the total cost of all required improvements and infrastructure.

D. Liability: The Subdivider and/or contractor shall indemnify and hold harmless the City and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorney's fees, arising out of, or resulting from the installation of the required

improvements and infrastructure. The indemnity required hereby shall be included in the applicable Escrow Agreement.

E. Default: In the event the Subdivider is in default with any provision of this Section, or fails or neglects to satisfactorily install the required improvements and infrastructure within two (2) years from the date of approval of the final plat, or to pay all liens in connection therewith, or to correct deficiencies or damages to the improvements and infrastructure required for final acceptance (see Subsection 10 hereof), the City may declare the escrow forfeited and the City may install, repair, or cause the required improvements and infrastructure to be installed or repaired, using the proceeds from the collection of escrow to defray the expense thereof.

The City may apply all sums deposited in escrow against the cost of completing all required improvements and infrastructure and to pay all expenses, including, but not limited to, all unreimbursed engineering expenses related to the development, a ten percent (10%) administration fee for the securing of contracts, and court costs and attorney fees. The default provisions required hereby shall be included in the applicable Escrow Agreement.

F. Release Of Funds: The Subdivider shall be responsible for the quality of all materials and workmanship. If improvements and infrastructure are properly installed and verified via City inspections and testing, liens are paid, and other conditions are found to be satisfactory, then the City's Escrow Agent shall authorize the money held in escrow for the specific improvement completed (except for the ten percent (10%) held during the hereinafter described warranty period) to be released. If the conditions of material or workmanship show unusual depreciation, or do not comply with the acceptable standards of durability, or if required inspections or testing have not been done, or if any outstanding liens are not paid, then the City may withhold releasing the money and the City may declare the Subdivider in default. The City shall have exclusive control over the release of the escrow funds, and they may be released only upon written approval by the City.

G. Direct Costs: The Subdivider shall pay the following direct costs at the time they establish the required Improvements Completion Assurance. The funds collected for each item will be used for the construction and installation of said items by the city; thus, removing the Subdivider's responsibility for the installation of these items as part their development:

1. Half percent (0.5%) of the total construction cost shall be to cover administrative costs.
2. Funds for the current Public Works Standard seal coat treatment. The amount shall be established by the City Engineer in accordance with recent bid prices received for similar treatment(s).
3. Funds for current Public Works Standard Streetlights and all associated infrastructure costs.
4. Funds for current Public Works Standard Street Signs.
5. Funds for mailbox combination boxes, if Subdivider would like them to be installed by the city (optional).
6. Funds associated with any cost agreement(s) with the city that was established as a condition of approval.

(Ord. 2023-17, 11-28-2023, eff. 1-1-2024)