

MEMO

To: Weber County Commission

From: Charlie Ewert – Planning Division

Date: July 16, 2026

Re: *An ordinance proposing amendments to the West Weber Village street regulating plan, letter-of-credit requirements, and infrastructure acceptance provisions.*

At its July 21, 2026 meeting, the Weber County Commission will be asked to consider the attached ordinance amendments to the Weber County Land Use Code addressing the following three subjects:

1. West Weber Village Street Regulating Plan

The proposed amendment updates the Form-Based Zone street regulating plan for the West Weber Village area to reflect recently adopted development standards. The revised map also reduces the area's footprint and shifts it several hundred feet west in anticipation that higher-intensity development will gravitate westward toward the approved Bennett master-planned community. Background coloring has also been added to more clearly identify the street type applicable to each adjoining area.

2. Letters of Credit

Current code allows a letter of credit to be used as financial assurance only when a development is valued at more than \$1 million. In response to developer concerns and potential conflict with state code, the proposed amendment removes the minimum project-value requirement.

3. Infrastructure Acceptance Requirements

The proposed amendment clarifies the conditional and final acceptance requirements for water and other required infrastructure. Current code generally relies on water entities to administer inspections, financial assurances, warranty periods, and final acceptance for water infrastructure. In practice, however, water infrastructure is often located within, beneath, or near County infrastructure, creating potential risk to the County if installation deficiencies are overlooked.

The amendment will prevent related County infrastructure from entering the conditional acceptance and warranty period until the County receives verification from the applicable water entity that the water infrastructure was properly installed. This will help ensure that sufficient financial security and developer incentive remain available to promptly correct deficiencies before the County releases financial assurance.

The amendment also clarifies which incomplete improvements do not prevent other completed improvements from entering the conditional acceptance and warranty period.

Planning Commission Recommendations

Following duly noticed public hearings, the Planning Commission recommended approval of the Form-Based Zone map amendment on June 2, 2026, and recommended approval of the other two amendments on April 7, 2026.

ORDINANCE NO. 2026-____

**AN ORDINANCE AMENDING THE WEST WEBER VILLAGE STREET
REGULATING PLAN, LETTER-OF-CREDIT REQUIREMENTS, AND
INFRASTRUCTURE ACCEPTANCE PROVISIONS.**

WHEREAS, pursuant to Utah Code § 17-79-101, Weber County may enact ordinances, resolutions, rules, land use controls, and enter into development agreements that the County considers necessary or appropriate for the use and development of land within the unincorporated area of the County, and pursuant to Utah Code § 17-79-501, a legislative body may enact a land use regulation by ordinance; and

WHEREAS, Weber County has adopted land use regulations pursuant to state law, codified as Part II of the Weber County Code, commonly known as the Weber County Land Use Code; and

WHEREAS, pursuant to Utah Code § 17-79-401, in order to accomplish the purposes of the County Land Use, Development, and Management Act, a county is required to prepare and adopt a comprehensive, long-range general plan for the present and future needs of the county and for growth and development of land within the unincorporated portions of the county; and

WHEREAS, Weber County has adopted a general plan and applicable plan elements in compliance with Utah Code Title 17, Chapter 79, Part 4; and

WHEREAS, pursuant to Utah Code § 17-79-405, the general plan is an advisory guide for land use decisions, and the Weber County Commission finds that whenever possible the general plan should guide legislative land use decisions, including the adoption and amendment of land use regulations; and

WHEREAS, the Weber County Commission finds that provisions of the Weber County Land Use Code should be updated, corrected, or revised to better suit the land use governance of the unincorporated areas of Weber County, including revisions to the FB zone to provide an updated West Weber Street Regulating Plan and related FB zone updates, and including amendments to subdivision improvements assurance provisions and conditional and final acceptance of subdivision improvements; and

WHEREAS, the Weber County Commission finds that the proposed amendments are designed to help implement the adopted general plan applicable to the unincorporated areas of Weber County; and

WHEREAS, Utah Code § 17-79-302 requires the planning commission, with respect to land use regulations and amendments to existing land use regulations, to review and make a recommendation to the county legislative body and to hold a public hearing before making such recommendation; and

WHEREAS, after duly noticed public hearings held on April 7, 2026 and June 2, 2026, the Weber County Planning Commission forwarded a positive recommendations for adoption of the proposed amendments; and

WHEREAS, the Weber County Commission has reviewed the proposed amendments and the Planning Commission's recommendations and has determined that adoption of the proposed amendments is in the best interest of the public's overall health, safety, and welfare.

NOW, THEREFORE, the Board of County Commissioners of Weber County ordains as follows:

Section 1. Recitals Incorporated.

The foregoing recitals are incorporated into this ordinance as findings of the Weber County Commission.

Section 2. Adoption of Amendments to Part II of the Weber County Code.

The Weber County Commission hereby approves and ordains the amendments to Part II of the Weber County Code, known as the Weber County Land Use Code, as provided in **Attachment A**, attached hereto and incorporated herein by this reference.

Section 3. Codification.

The Weber County Clerk, the Weber County Planning Division, and any authorized code publisher are authorized and directed to make all necessary changes to the Weber County Code to codify the amendments adopted by this ordinance, including correction of numbering, formatting, cross-references, and other nonsubstantive clerical matters necessary to give effect to this ordinance and Attachment A.

Section 4. Repealer of Conflicting Provisions.

All ordinances, resolutions, policies, or provisions of the Weber County Code that conflict with the amendments adopted by this ordinance are hereby repealed, but only to the extent of such conflict.

Section 5. Severability.

If any section, clause, sentence, phrase, word, or other portion of this ordinance or Attachment A is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance or Exhibit A. The Weber County Commission declares that it would have adopted this ordinance and each portion thereof regardless of the invalidity of any particular portion.

Section 6. Effective Date.

This ordinance shall become effective upon publication in accordance with Utah Code § 17-64-502 and other applicable state law, but not sooner than the date permitted by Utah Code § 17-64-502.

PASSED, ADOPTED, AND ORDERED PUBLISHED this ____ day of _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
WEBER COUNTY, UTAH**

By: _____
Gage Froerer, Chair

ATTEST:

Weber County Clerk

Commission Vote:

Commissioner Froerer: ____
Commissioner Bolos: ____
Commissioner Harvey: ____

NOTICE OF ADOPTION AND PUBLICATION OF ORDINANCE NO. 2026-____

Notice is hereby given that on the ____ day of _____, 2026, the **Weber County Commission adopted **Ordinance No. 2026-__**, amending **Part II of the Weber County Code, known as the Weber County Land Use Code.****

The ordinance amends the street regulating plan for West Weber Village area, repeals minimum value to qualify for a letter of credit, and clarifies conditional and final infrastructure acceptance provisions.

A complete copy of the ordinance, including Attachment A containing the full text of the adopted amendments, is available for public inspection at the Weber County Clerk's Office, 2380 Washington Boulevard, Ogden, Utah, during regular business hours.

The ordinance vote of the commissioners is as follows:

Commissioner Froerer: ____
Commissioner Bolos: ____
Commissioner Harvey: ____

EXHIBIT A

Sec 104-22-8 Street Regulating Plans

- (a) The following maps depict the adopted Street Regulating Plans for their respective areas. The plans illustrate the intended street layout of the area and the designated street types. The plan is intended to be a guide for the placement of streets and mid-Block Alleys, and is not designed to survey-level accuracy. A street's placement shall be within 200 feet of the location depicted on these maps. A mid-Block Alley, denoted on the maps with thinner line types intersecting with Governmental and Institutional, Vehicle-Oriented Commercial, Mixed Use Commercial, and Multi-Family Residential streets, shall be provided as specified in Section 104-22-7.010. A land owner proposing development in an area that a street or Alley is planned shall be responsible for dedicating the land and constructing the street or Alley improvements.
- (b) The legend for each street regulating plan is as follows:

STREET TYPES AND AMENITIES	ABV.	SHORT DESCRIPTION
 General Open Space	OS	Area planned for open space.
 Estate Lot Residential	ELR	Single-family lot as small as 3 acres <u>20,000 square feet.</u> <u>Maximum one dwelling unit per acre.</u>
 Rural Residential	RR	Single-family lot as small as 40 <u>10,000</u> square feet. <u>Maximum 2 units per acre.</u>
 Large Lot Residential	LLR	Single-family lot as small as 20 <u>6,000</u> square feet. <u>Maximum 3 units per acre.</u>
 Medium-Large Lot Residential	MLLR	Single-family lot as small as 12 <u>5,000</u> square feet. <u>Maximum 4 units per acre.</u>
 Medium Lot Residential	MLR	Single-family lot as small as 8 <u>4,000</u> square feet. <u>Maximum 6 units per acre.</u>
 Small Lot Residential	SLR	Up to four family <u>Residential</u> lot as small as 3,000 square feet. <u>Maximum 11 units per acre.</u>

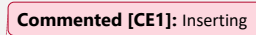
	Multi-Family Residential	MFR	Multi-family lot, street-level commercial optional . Maximum 20 units per acre . restricted height, no lot minimum.
	Mixed-Use Commercial	MUC	Commercial at street level, multi-family and other uses above and behind. Maximum 20 units per acre . restricted height, no lot minimum.
	Vehicle-Oriented Commercial	VOC	Same as MUC with special considerations for vehicle-oriented uses.
	Government and Institutional	G&I	Same as VOC with special considerations for government and institutional uses.
	Limited Access Arterial or Collector	LTD.	Access to street generally limited to planned intersections.
	Street Roundabout		Planned roundabout.

COMMUNITY FEATURES

	Long-Term Open Space	Area desired for long-term open spaces.
	Trails	Required trail.
	Park	Area desired for long-term open space held as park.
	Trailhead	Area desired for trailhead and/or trail access.
	Water Body	A body of water.

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Sec 104-22-8.040 West Weber's 4700 Area Street Regulating Plan Map



Commented [CE1]: Inserting



Commented [CE2]: Deleting



Commented [CE3]: Deleting

Sec. 106-4-2.010 Water Supply

(c) *Water supply and delivery system improvements required.*

(1) *Improvements required for water service provider.* The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.

- g. *Prior to County's **final conditional** acceptance.* The applicant shall submit to the county written approval and acceptance of new culinary and secondary water infrastructure from the culinary water service provider and secondary water service provider prior to **final conditional** acceptance of the subdivision's improvements by the County.

Sec 106-4-3 Guarantee Of Improvements

- (a) *Financial guarantee for the completion of improvements.*

(3) ***Allowed financial guarantees.***

...

- b. ***Letter of credit.*** An applicant may only use a letter of credit if the following conditions are met:

~~1. The engineer's cost estimate for installation of the improvements exceeds \$1,000,000.00;~~

~~2~~1. The applicant and, if applicable, the applicant's subsidiaries and the applicant's members or shareholders has a history of positive performance, with no incidences of negative performance, in its development related contractual obligations in the State of Utah, and has a history of positive performance, with no incidences of negative performance, in completing developments in the State of Utah. The Planning Director or County Engineer may require the applicant to provide a performance history from other jurisdictions;

~~3~~2. The applicant's financial institution has a history of positive performance in fulfilling its financial obligations, as determined by the county treasurer and based on typical conventions of the financial industry;

~~4~~3. The applicant's financial institution provides the letter of credit on a standard letter of credit form supplied by Weber County or in a form that provides equal or greater financial protection to the county, as determined by the County Attorney;

~~5~~4. The County Attorney, County Treasurer, and County Engineer approve the letter of credit, which they shall do if all of the conditions above are met unless they have reasonable, objective indications of a substantial risk that either the applicant or the applicant's financial institution will not fulfill its obligations related to the completion of improvements or the financial guarantee; and

~~6~~5. A cash escrow is deposited with the county treasurer at the time the letter of credit is executed equal to the full cost to revegetate any removed vegetation in the event the applicant, his successors or heirs, or his financial institution fails to perform.

...

(d) ***Warranty guarantee, and conditional acceptance of improvements.***

- (1) Upon satisfactory completion of all improvements, as determined by the County Engineer, the improvements shall enter a conditional acceptance period. At this time, remaining financial guarantee funds may be released except those necessary for the warranty guarantee, as specified in Subsection (d)(2) of this section. At the discretion of the County Engineer, if a required street trees, or other required landscaping, or any required driveway aprons, for lots with a lot width greater than 60 feet, are is not installed by the time the rest of all the other required improvements meet satisfactory completion, then, ~~at the discretion of the County Engineer,~~ all other improvements may enter the conditional acceptance period.

Sufficient financial assurance for the installation of the missing improvements shall be retained.

- (2) Ten percent of the estimated cost of all improvements, using current market costs as approved by the County Engineer, shall be remitted or retained by the county for a warranty guarantee, for a period as defined by Utah Code § 17-79-102. If any improvement fails within the warranty guarantee period, the failure shall be remediated by the developer, and the warranty guarantee period shall restart. At the discretion of the County Engineer, the warranty guarantee period, and conditional acceptance, may be restarted for individual improvements needing replacement or repairs, rather than restarting the entire warranty guarantee period.