



WEST HAVEN CITY PLANNING COMMISSION AGENDA

July 26, 2023
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **JULY 26, 2023** THE WEST HAVEN PLANNING COMMISSION WILL HOLD THE FOLLOWING **6:00 PM**: REGULAR PLANNING COMMISSION MEETING. JOIN US DIGITALLY FOR THE WORK SESSION AND COUNCIL MEETING AT [HTTPS://US06WEB.ZOOM.US/J/86539464549](https://us06web.zoom.us/j/86539464549). WATCH LIVE AT [HTTPS://WWW.YOUTUBE.COM/@CITYOFWESTHAVENUTAH4030](https://www.youtube.com/@cityofwesthavenutah4030).

6:00 PM REGULAR PLANNING COMMISSION MEETING

1. CALL TO ORDER CHAIRMAN DEEM
2. OPENING CEREMONIES
 - a. PLEDGE OF ALLEGIANCE- COMMISSION MEMBER WILSON
 - b. PRAYER/MOMENT OF SILENCE COMMISSION MEMBER NECE
3. ACTION ON MINUTES
 - a. APPROVE MINUTES FOR THE MEETING OF JULY 12, 2023.
4. REPORT
 - a. ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS
5. DISCUSSION
 - a. DISCUSSION ON SUBDIVISION ORDINANCE
6. ADJOURNMENT

Robyn VanCampen

Robyn VanCampen, Deputy Recorder

In compliance with the Americans with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 731-4519 or by email: emilyg@westhavencity.com at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed city recorder, does hereby certify that the above notice and agenda has been posted in the West Haven City Recorder's office; at the West Haven City Complex on the Notice Board and at westhavencity.com; emailed to the Standard-Examiner with a request that it be posted in their Wednesday night meeting section, mailed and emailed to the West Haven City Mayor and each West Haven City Council Member who has email capacity and to the city attorney.



Planning Commission Meeting Minutes
July 12, 2023 6:00 PM

City Council Chambers
4150 South 3900 West, West Haven, UT 84401

Present:	Darin Deem Andrew Reyna Becky Roundy Melinda Stimpson Matt Nece Jeff Reed	Chairman Vice Chairman Commission member
Absent:	Natalie Wilson	
Staff Present:	Robyn VanCampen Shari Phippen Alike Murphy Amy Hugie	Deputy Recorder Community Development Director City Planner City Attorney

5:00 COMMISSION WORK SESSION – In City Council Chambers

NO ACTION CAN OR WILL BE TAKEN ON ANY PLANNING COMMISSION MEETING AGENDA ITEMS DISCUSSED DURING PLANNING COMMISSION WORK SESSION - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.

MEETING TO ORDER: CHAIRMAN DEEM

REPORTS AND DISCUSSION AS FOLLOWS:

Shari spoke about the 2023 Legislative Changes Specific to Subdivisions and how it will or will not affect the City.

6:00 PM REGULAR PLANNING COMMISSION MEETING

- 1. CALL TO ORDER**
- 2. OPENING CEREMONIES**
 - A. PLEDGE OF ALLEGIANCE- COMMISSION MEMBER REED**
 - B. INVOCATION- COMMISSION MEMBER STIMPSON**
- 3. ACTION ON MINUTES**
 - a. APPROVE MINUTES FOR THE MEETING OF JUNE 14, 2023**

*Commission member Roundy stated that she was the one to do the invocation because Commission member Stimpson was late.

*Commission member Nece stated that on 8a it reflected the Nays:Absent: Commission member Nece, Commission member Reed and it needed to say Nays: Commission member Nece and Commission member Reed, and have Absent reflect nothing.,

*Commission member Reed stated that the voting box looks incorrect and needs to be separated, on item 9a it did not specify which member made the motion to table.

Commission member

*Commission member Reed stated that on 10a it stated that Vice Commission member Stimpson, and Vice needs to be removed. On the same line item is reflects again Nays: Absent: Chairman Reyna, Chairman Deem, Commission member Roundy, and it should say Nays: Vice Chairman Reyna, Chairman Deem, and Commission member Roundy.

Commission member Roundy made a motion to approve. Commission member Reed seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson, Commission member Nece, Commission member Reed
NAYS:	
ABSENT:	Commission member Wilson

4. REPORT

a. ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS

Shari stated that the Council adopt the "Mixed Use Ordinance", and denied the Rezoning Williams/Smith.

5. DISCUSSION AND ACTION ON PRELIMINARY SITE PLAN APPROVAL

a. TO CONSIDER APPROVAL OF A PRELIMINARY SITE PLAN FOR A GAS STATION/CONVENIENCE STORE LOCATED AT APPROXIMATELY 1900 W 2100 S (Applicant: KG2523, LLC, Agent: Douglas Rooney)

*Joe Wright was present from Kum & Go

*Alika recommends that they will need to adjust the size of the parking stalls to met the minimum requirement of the 180 sq ft (9' x 20') and currently they have 171 sq ft (9' x 20'), they will require a Will Serve Letter, final percentages of the elevations, as well as asphalt improvements to UDOT's right of way on the perimeter.

*Commission member Nece asked Alika why there were a couple of items in red on the minimum yard setbacks one for the front 165 and the side for 120 why are they in red. Alika indicated that it was just an editing error. Shari indicated that the highlighted in red was something Alika highlighted for her and she didn't change it back to black.

Vice Chairman Reyna made a motion to approve. Commission member Stimpson seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson, Commission member Nece
NAYS:	Commission member Reed
ABSENT:	Commission member Wilson

6. DISCUSSION AND ACTION ON PRELIMINARY SITE PLAN

a. TO CONSIDER APPROVAL OF A PRELIMINARY SITE PLAN FOR A CARWASH LOCATED AT 3600 S & MIDLAND DRIVE (Applicant: Olympus Pines, Agent: Wade Edwards)

*Michael Cianelli, Trevor Sperry, and Wade Edwards (Focus Engineering) were present from Olympus Pine (Tommy's Car Wash)

*Commission Member Roundy was concerned about the noise that would be generated from the vacuum's.

*Mr. Cianelli advised they could provide the noise study that they had conducted. Also with their operating hours they would close by 8pm.

*Commission member Nece requested what the overall height of the building was.

*Mr. Edwards advised it would be 28 feet.

*Commission member Reed was concerned on the how a dually would make the tight turn to get into the car wash, also he had noticed that they were trying to get a driveway from UDOT out to Midland Drive.

*Mr. Edwards stated they could provide a turning radius at the final approval if needed. They had already met with UDOT and had a pre application meeting and he indicated that they are meeting

UDOT's requirements to line up with the adjacent access across the street and there will be a shared access to the adjacent parcel.

*Commission member Reed was confused on what adjacent parcel, Shari had advised Commission member Reed that there is a parcel that accesses off of Midland and UDOT will not give them a new access, that access will be improved so that it would be shared access between both projects.

*Commission member Roundy questioned if the parking stalls would be an issue on this as well. Alika stated that it would be the same minimum requirement of 180 sq ft.

*Chairman Deem advised that they would need to get the Will Serve letter from Taylor West Weber Water.

*Alika advised the Commission members that once the plans are submitted for a Building Permit it would be reviewed at that time as well that it meets all minimum requirements.

Commission member Roundy made a motion to approve. Vice Chairman Andrew Reyna seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson
NAYS:	Commission member Nece, Commission member Reed
ABSENT:	Commission member Wilson

7. DISCUSSION AND ACTION ON A PRELIMINARY AND FINAL PLAT

- a. TO CONSIDER APPROVAL OF AN AMENDED PRELIMINARY AND RECOMMENDATION OF AN AMENDED FINAL PLAT FOR A COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 3100 W4000 S (APPLICANT: CW LAND CO, AGENT: MCKENNA CHRISTENSEN)

Mckenna Christensen with LW Land was present.

*Shari asked, "If there was any questions about the plat"

*Chairman Deem asked if there was any negotiations.

*Ms Christensen stated that they have been in negotiations with Panda Express, and communications with other businesses but nothing more.

*Commission member Nece wanted to confirm that this is C3 not C2 with Shari, Shari advised that C3 is a typo and it is C2.

Commission member Stimpson made a motion to approve. Commission member Jeff Reed seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson, Commission member Nece, Commission member Reed
NAYS:	
ABSENT:	Commission member Wilson

Commission member Stimpson made a motion to amend the motion on item #7. Commission member Roundy seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson, Commission member Nece, Commission member Reed
NAYS:	
ABSENT:	Commission member Wilson

Vice Chairman Reyna made a motion to approve preliminary plat and recommend final approval to City Council. Commission member Stimpson seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson, Commission member Nece, Commission member Reed
NAYS:	

ABSENT: , Commission member Wilson,

8. DISCUSSION AND ACTION ON A PRELIMINARY AND FINAL PLAT

- a. TO CONSIDER APPROVAL OF A PRELIMINARY PLAT AND RECOMMENDATION OF FINAL PLAT FOR A COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 3275 W 4000 S (APPLICANT: CW LAND CO, AGENT: MCKENNA CHRISTENSEN)

McKenna Christensen was present.

*Ms. Christensen stated that they wanted to take the 3 parcels to make it one lot so they can attract some tenants.

*Shari stated that this project is very similar to the Kum & Go project to Midland Dr. & Hinckley Dr.

Commission member Roundy made a motion to approve. **Commission member Stimpson** seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson, Commission member Nece, Commission member Reed
NAYS:	
ABSENT:	Commission member Wilson

9. DISCUSSION AND ACTION ON A CONDITIONAL USE PERMIT

- a. TO CONSIDER A REQUEST FOR A COMMERCIAL DAYCARE LOCATED AT 3500 W 3300 S. (APPLICANT: DORA BUGARIN)

*Dora Bugarin was present.

*Justin Nielson the owner of the property was present via phone.

*Ms. Bugarin advised they would like a Daycare/Preschool to provide before/after programs for Kanesville Elementary. The state advised that they are required to get licensing for Child care not just Preschool.

Justin Nielson will provide 6 parking stalls for the business and would provide a sidewalk behind the building which could also be used as a drop off.

*Commission member Reed was curious as to where the sidewalk was going to connect because of the large culvert for collecting water. Also, if there is going to be a place for the Daycare children.

*Mr. Nielson stated that the sidewalk would be to the north of the retention pond where there is 20 ft of access space connecting to the sidewalk up front and running parallel east to the side of the building and then tying on to the existing sidewalk that is already there. They will also have a place for the daycare as the state advises them what is needed.

*Chairman Deem stated that the state will completely dictate what will be required.

Commission member Roundy made a motion Table. **Commission member Nece** seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson, Commission member Wilson, Commission member Nece, Commission member Reed
NAYS:	
ABSENT:	

10. DISCUSSION OF UPDATES TO THE WEST HAVEN CITY SUBDIVISION ORDINANCE

- a. SHARI INDICATED THE DRAFT THAT WAS SUPPOSE TO BE IN THE JUNE 28TH MEETING WASN'T ENCLOSED IN THIS PACKET. SHE RECOMMENDS THAT WE TABLE IT AND DIGEST WHAT WAS IN THE WORK SESSION AND IT CAN BE REVIEWED AT THE NEXT MEETING.

11. **ADJOURNMENT**

Commission member Reyna made a motion to adjourn. Commission member Reed seconded the motion.

AYES:	Vice Chairman Reyna, Chairman Deem, Commission member Roundy, Commission member Stimpson, Commission member Wilson, Commission member Nece, Commission member Reed
NAYS:	
ABSENT:	

Robyn VanCampen

Deputy City Recorder

Date Approve: [enter meeting date]

DRAFT

Planning Commission
Staff Review Memo

July 26, 2023

Shari Phippen, Community Development Director



**DISCUSSION OF UPDATES TO THE WEST HAVEN CITY
SUBDIVISION ORDINANCE**

The draft before the Commission in this packet is the one that was previously sent in preparation for the July 12, 2023 meeting. At that meeting, staff gave a thorough overview of the legislative changes that facilitated the update to the WHC subdivision ordinance. The Commission opted to take that information and further review the draft subdivision ordinance.

No changes have been made since the 7/12 meeting. Because of the Staff recommends that the Commission go through the ordinance one section at a time so that all aspects of the ordinance are covered.

The Commission should discuss and consider how to implement the following changes:

- Administrative Land Use Authority: we are required to have certain plats (single family, two family, townhomes) reviewed by an ALUA which must be a person, body, or commission. It cannot be the legislative body, nor can the ALUA, if it is a body or commission, contain a member of the legislative body.
- There is a process for review of engineering drawings related to subdivision development. The City does not have much wiggle room on this, as the State has mandated how reviews are to happen, but in anticipation of questions and discussion on those requirements, Staff has requested the City Engineer be present at the next several Planning Commission meetings.
- Because the ALUA does not cover all plats, there will need to be a discussion about whether plats not required to go through the ALUA will have a separate review process or whether we will have all plats follow the same requirements.

The City has until February 29, 2024 to complete the update of the subdivision ordinance, as those are when the State-mandated changes are in effect. While we do have seven months to complete this process, I would encourage the Commission to have the draft done much earlier than that so that it can be forwarded to the City Council for their review and recommendation.

CHAPTER 156: SUBDIVISION REGULATIONS

GENERAL PROVISIONS

~~§ 156.001- PURPOSE, INTENT, SCOPE- VALIDITY~~

~~156.002 DEFINITIONS~~

~~156.003 LAND USE AUTHORITY FOR SUBDIVISIONS~~

~~156.004 PRELIMINARY PLAT- REQUIREMENTS- APPROVAL PROCESS- TIME
LIMITATION- GRADING LIMITATION~~

~~156.005 FINAL PLAT – REQUIREMENTS – APPROVAL – TIME LIMITATION~~

~~156.006 REVIEW OF FINAL PLAT AND ~~SCOPE~~ SUBDIVISION IMPROVEMENT
PLANS – DISPUTE RESOLUTION~~

~~156.007 SUBDIVISION STANDARDS~~

~~156.008 SUBDIVISION IMPROVEMENTS REQUIRED~~

~~156.009 GUARANTEE OF IMPROVEMENTS~~

~~156.010 BOND FOR CURB, GUTTER DAMAGE~~

~~156.011 INSPECTION OF IMPROVEMENTS~~

~~156.012 CONDITIONS, COVENANTS, & RESTRICTIONS~~

~~156.013 PENALTY~~

~~§ 156.001 PURPOSE- INTENT- SCOPE- VALIDITY~~

A. The underlying purpose and intent of this chapter is to promote the health, safety, convenience, and general welfare of the inhabitants of the incorporated city in the matter of the subdivision of land and related matters affected by such subdivision.

B. No person shall subdivide any tract of land which is located wholly in the city, except in compliance with this chapter.

C. No person shall sell or exchange, or offer to sell or exchange, any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to, and in accordance with, the provisions of this chapter.

D. No permit for the erection, construction, reconstruction, alteration, or use of any structure will be issued until the subdivision has been approved and recorded according to the provisions of this chapter. Any license or permit issued in conflict with this chapter shall be null and void.

E. This chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in the city on March 1992.

~~D.A. This chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in the city on March 1992.~~

F. If any section, subsection, paragraph, or requirement of this Chapter is found to be invalid by a Court of competent jurisdiction, such finding shall not render any other portion of this Chapter as null and void.

G. Regulations in this Chapter notwithstanding, the design and layout of all subdivisions, regardless of type or size, shall be designed in accordance with the West Haven City Zoning Code and West Haven City Engineering Design Standards and Specifications.

§ 156.002 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

A. ADMINISTRATIVE LAND USE AUTHORITY. An individual, board, or commission, appointed or employed by West Haven City, including City staff or the WHC Planning Commission, which is tasked with the review and approval of subdivisions, as outlined in this Chapter. Does NOT include the West Haven Mayor or City Council nor does it include a member of the City Council. Referred to herein as ALUA.

B. ALLEY. A public thoroughfare less than 26 feet wide.

~~003~~ DEFINITIONS

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.~~

~~A. ALLEY. A public thoroughfare less than 26 feet wide.~~

B.C. AVERAGE PERCENT OF SLOPE. An expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a parcel or lot. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane in a 100% grade.

C.D. BLOCK. The land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a BLOCKblock on any recorded subdivision plat.

D.E. CITY. The City of West Haven, Utah.

E.F. CITY COUNCIL. The City Council of West Haven, Utah

F.G. CUL-DE-SAC. A minor terminal street provided with a turnaround.

79 G.H. EASEMENT. The portion of a lot or lots reserved for present or future use by a
80 person or agency other than the legal owner or owners of said property or properties. The
81 EASEMENT ~~teasement~~ may be for use under, on, or above said lot or lots.

82 I. FLOODPLAIN. ~~The~~ relatively flat area or lowlands adjoining a river stream,
83 watercourse, lake, or other body of standing water that has or may be covered by
84 floodwater. The boundaries of the floodplain are the boundaries of the base flood (100-
85 year flood) as identified by the Federal Flood Insurance Administration in its flood
86 hazard boundary map (FHB) (#490187A) dated May 2, 1978, as amended from time to
87 time.

88 J. HALF STREET. The portion of a street within a subdivision comprising of one-half the
89 required right-of-way width upon which improvements in accordance with one-half of an
90 approved typical street cross section are constructed.

91 K. HOUSING, CONDOMINIUM. A building or group of buildings containing individually-
92 owned single-family dwelling units where ownership is limited to the interior walls,
93 floors, and ceilings of the unit, where there may be units above or below, and where the
94 owner of each unit holds a common or joint ownership in all common areas and facilities
95 associated with the unit.

96 L. HOUSING, MULTI-FAMILY. A building or group of buildings under a single
97 ownership, which is designed and divided in such a manner that it contains three (3) or
98 more dwelling units.

99 M. HOUSING, SINGLE-FAMILY. An independent residential structure that sites on its own
100 land and is designed to house a single family.

101 N. HOUSING, TOWNHOME. A group of 3 or more attached single-family residential
102 structures, each of which is connected to one or more single-family residential
103 structure(s) by a ground-to-roof wall and where each structure is designed to be
104 individually owned and where no dwelling units are located above or below.

105 O. HOUSING, TWIN-HOME. A single-family residential structure which is connected to
106 one additional single-family residential structure by a ground-to-roof wall and where
107 each of the two structures are designed to be individually owned.

108 P. HOUSING, TWO-FAMILY. A dwelling under a single ownership, but which is
109 arranged, designed for, and occupied by two (2) families living independently of each
110 other and containing two (2) dwelling units. May also be referred to as a "duplex."

111 Q. MARGINAL ACCESS (STREET). A minor street which is parallel to and adjacent to a
112 limited access major street and which provides access to abutting properties and
113 protection from through traffic.

114 R. PRIVATE STREET. A thoroughfare within a subdivision which has been reserved by
115 dedication unto the subdivider or lot owners to be used as private access to serve the lots
116 platted within the subdivision and complying with the adopted street cross section
117 standards of the city and maintained by the subdivider or other private agency.

~~H.A. HALF STREET. The portion of a street within a subdivision comprising of one-half the required right-of-way width upon which improvements in accordance with one-half of an approved typical street cross section are constructed.~~

~~I.A. MARGINAL ACCESS (STREET). A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.~~

~~J.A. PRIVATE STREET. A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the city and maintained by the subdivider or other private agency.~~

S. REVIEW CYCLE. The occurrence of:

- a. The applicant's submittal of a complete subdivision land use application;
- b. West Haven City's review of said application;
- c. West Haven City's response to said application, in accordance with the terms of this Chapter; and
- d. The applicant's response to each and every of West Haven City's required modifications or request for additional information.

K.T. SUBDIVISION. Any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

a) Subdivision includes:

- i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- ii. Except as provided in this definition, divisions or land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b) Subdivision does not include:

- i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance.

- ii. A boundary line agreement recorded with the Weber County Recorder's Office between owners of adjoining parcels adjusting the mutual boundary, if no new parcel is created;
- iii. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels, or joining a lot to a parcel
- iv. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance. Such agreement shall be processed as a subdivision amendment.
- v. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division of land is in anticipation of future land use approvals on the parcel(s), does not confer any land use approvals, and has not been approved by the land use authority.
- vi. A parcel boundary adjustment
- vii. A lot line adjustment
- viii. A road, street, or highway dedication plat;
- ix. A deed or easement for a road, street, or highway purpose
- x. Any other division of land authorized herein-

U. SUBDIVISION IMPROVEMENT PLANS. The civil engineering plans associated with required infrastructure and utilities required for a subdivision.

V. SUBDIVISION, MAJOR. A subdivision, as defined herein, containing ten (10) or more building lots, or which involves the construction and/or dedication of any new public infrastructure or improvements.

W. SUBDIVISION, MINOR. A subdivision, as defined herein, containing one (1) to nine (9) new building lots and which does not involve the construction and/or dedication of new public infrastructure or improvements.

X. SUBDIVISION ORDINANCE REVIEW. Review by West Haven City to verify that a subdivision land use application meets the criteria of this Chapter and by applicable City zoning standards.

Y. SUBDIVISION PLAN REVIEW. A review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with West Haven City Ordinances and other applicable standards and specifications.

L.Z. ZONING ORDINANCE. The uniform zoning ordinance of the city as adopted by the City Council, as amended from time to time.

§ 156.003 LAND USE AUTHORITY FOR SUBDIVISIONS

A. The following individual, board, or commission shall serve as the land use authority for single-family, twin-home, two-family, or townhome subdivision plats in West Haven City. (Note: minor subdivisions are eligible for consolidation into a single, combined preliminary and final plat, provided they meet the definition outlined above.)

<u>Subdivision Type</u>	<u>Plat Type</u>	<u>ALUA</u>	<u>Planning Commission</u>
<u>Minor</u>	<u>Preliminary</u>	<u>X</u>	
	<u>Final</u>		<u>X</u>
	<u>Combined</u>		<u>X</u>
<u>Major</u>	<u>Preliminary</u>	<u>X</u>	
	<u>Final</u>		<u>X</u>

B. The following shall serve as the land use authority for all non-residential subdivisions and those residential subdivisions which involve the construction of condominium or multi-family units, including subdivisions which will involve a combination of housing types, one of which is condominium or multi-family units.

<u>Subdivision Type</u>	<u>Plat Type</u>	<u>Planning Commission</u>	<u>City Council</u>
<u>Minor</u>	<u>Preliminary</u>	<u>X</u>	
	<u>Final</u>		<u>X</u>
	<u>Combined</u>	<u>X</u>	<u>X</u>
<u>Major</u>	<u>Preliminary</u>	<u>X</u>	
	<u>Final</u>		<u>X</u>

C. Administrative Land Use Authority:

i. The Administrative Land Use Authority (ALUA) shall be composed of the following:

- a) Community Development Director;
- b) City Attorney;
- c) City Engineer; and
- d) The Chair of the West Haven City Planning Commission.

ii. The ALUA shall set a regular meeting schedule for the review of those subdivision plats where it is the designated land use authority.

- iii. The ALUA shall ensure that all of the applicant's due process rights, as they relate to the subdivision of the property, are preserved and protected.

§ 156.004 PRELIMINARY PLAT- REQUIREMENTS- APPROVAL PROCESS- TIME LIMITATION- GRADING LIMITATION

A. Plat Requirements. Developers shall submit a preliminary plat for the entirety of the subdivision and not just for a phase. The preliminary plat shall be drawn to a scale not smaller than 100 feet to the inch and shall show:

- i. The proposed name of the subdivision;
- ii. The location of the development as part of a larger tract with a vicinity plan showing the relative location of the development to adjacent streets and geographic features.
- iii. Sufficient information to locate accurately the property shown on the plan;
- iv. The names and addresses of the subdivider, the engineer or surveyor of the development, and the owners of the land immediately adjoining the land to be subdivided;
- v. Contour map at intervals of two feet, five feet, or ten feet.
- vi. The boundary lines of the tract to be subdivided;
- vii. The location, widths, and other dimensions of all existing or platted streets and other important features, such as railroad lines, water courses, exceptional topography, and buildings within or immediately adjacent to the tract to be subdivided;
- viii. Existing sanitary sewers, storm drains, water supply mains, water wells, and culverts within the tract and within 100' of the boundary of the proposed development;
- ix. The location, widths, and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, other open spaces, and lots with proper labeling which shall be public and which shall be private; and
- x. North point, scale, and date.
- xi. If a developer intends on phasing the project, the preliminary plat shall show the proposed phasing plan.
 - a) Approval of the preliminary plat shall constitute approval of the proposed phasing plan. Should the subdivider determine to phase the plan differently than what was approved with the preliminary plat, they shall be required to receive approval of an amended preliminary plat.

B. APPROVAL PROCESS

- i. Within fifteen (15) days of the submittal of receiving a complete application, the West Haven City Administrative Land Use Authority (ALUA) shall review all preliminary subdivision applications. An application shall be considered complete when the City has received electronic copies of the following:

§ 156.004 CONDITIONS, COVENANTS, RESTRICTIONS.

- ~~A. Developers who elect to have commonly owned and maintained areas in their subdivision shall prepare restrictive covenants (CC&Rs) outlining provisions for the perpetual maintenance and management of such areas.~~
- ~~B. The CC&Rs shall be recorded with the Weber County Recorder's Office and West Haven City shall be provided with a copy of the recorded document prior to issuance of the first building permit on the project.~~
- ~~C. A. As CC&Rs are private contracts between the developer and homeowner(s), West Haven City takes no responsibility for the enforcement of CC&Rs, nor assumes any liability for the failure of a developer to perform any representations contained therein.~~

§ 156.005 STAMPED BY LICENSED ENGINEER.

- ~~A. Any other provision of this chapter or any other city ordinance notwithstanding, each preliminary or final subdivision, or other development, plan submitted for review to the city shall, be required to be stamped by a engineer or surveyor, duly licensed by the State of Utah, and as appropriate to the plan submitted.~~

156.006 DEVELOPER TO BEAR ENGINEERING COSTS

~~Any other provision of this chapter, or any other city ordinance notwithstanding, developers submitting preliminary or final subdivision, or other development, plans for review by the City Engineer shall be required to pay the cost of those plan reviews. The City provide the developer with a documented billing record of such reviews and developer will pay the billing directly to the city.~~

§ 156.006 BOND FOR CURB, GUTTER DAMAGE.

- ~~A. Each builder of a home shall be required to post a bond in the amount of \$500 to ensure that any damage done to the city's curbs and gutters during the building construction on adjacent lots will be able to be repaired at no cost to citizens.~~
- ~~B. A. Upon inspection by, and approval of, the City Engineer, either:~~
- ~~a. 1. The funds posted under the bond required above shall be utilized to repair damage done to curbs and gutters during construction, if any, with:~~
- ~~b. 1. Any monies not used for those repairs to be returned to the individual who posted the bond; or~~
- ~~c. 1. If the money posted under the bond is insufficient to cover the cost of repairs as determined to be required by the City Engineer, the builder will be contacted and~~

shall provide such additional sums as shall reasonably be necessary to complete the repairs.

C.A. If there is no damage identified by the City Engineer, the bond shall be released to the party who provided the bond.

~~§ 156.020 SUBDIVISION APPLICATION REVIEW~~

~~Each person who proposes to sub-divide land within the city limits is encouraged to confer with City staff before submitting any development proposal in order to become familiar with the city subdivision requirements and existing master plans which may impact the proposed development.~~

~~§ 156.022 PRELIMINARY SUBDIVISION APPLICATION REVIEW~~

~~A.i. Within fifteen (15) days of the submittal of receiving a complete application, the West Haven City Administrative Land Use Authority (ALUA) shall review all preliminary subdivision applications. An application shall be considered complete when the City has received electronic copies of the following:~~

~~1.a) A preliminary plat, containing the information outlined in this Chapter, and which shows the entirety of the subdivision, including all phases, and not just a portion of the overall property;~~

~~b) A subdivision application containing the developer's contact information, the proposed name, zone, number of units, type of housing, and a brief narrative of the subdivision;~~

~~1. If the developer is not the owner of record of the subject property, developer shall provide the City with a notarized statement from the owner stating developer has the authority to act in the owner's name.~~

~~2.a) A subdivision application containing the developer's contact information, the proposed name, zone, number of units, type of housing, and a brief narrative of the subdivision;~~

~~a) 1. If the developer is not the owner of record of the subject property, developer shall provide the City with a notarized statement from the owner stating developer has the authority to act in the owner's name.~~

~~c) An acknowledgement that the applicant has received and reviewed the most current version of the West Haven City Engineering Design Standards and Specifications.~~

~~3.d) All applicable filing fees~~

~~a) 1. Such fees shall be set by resolution or ordinance of the City Council and shall be found in the West Haven City consolidated fee schedule.~~

4.e) Documentation from the Weber County Recorder's Office verifying that all parcels in the proposed subdivision are under a single ownership.

B.ii. The ALUA shall set a time for reviewing the preliminary subdivision application and shall notice said review in the same manner as other public bodies.

C.iii. After the ALUA has reviewed the preliminary application, they shall provide the developer with any and all changes which need made prior to the preliminary subdivision application being reviewed.

D.iv. Any re-submissions shall be reviewed within fifteen (15) days of their submittal and shall be reviewed/noticed in the same manner as the original submission.

E.v. Upon approval of the preliminary subdivision application by the ALUA, the developer shall proceed to the prepare the final subdivision application review.

F.vi. Within two (2) business days of approval, the ALUA shall provide the developer with written notice of the approval, together with any conditions which the ALUA shall deem necessary prior to or as part of the approval of the final plat-~~approval~~.

§ 156.024 PRELIMINARY PLAN REQUIREMENTS.

~~—(A) The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch and shall show:~~

~~i. (1) The proposed name of the subdivision;~~

~~i. (2) The location of the development as part of a larger tract with a vicinity plan showing the relative location of the development to adjacent streets and geographic features.~~

~~i. (3) Sufficient information to locate accurately the property shown on the plan;~~

~~i. (4) The names and addresses of the subdivider, the engineer or surveyor of the development, and the owners of the land immediately adjoining the land to be subdivided;~~

~~—(5) Contour map at intervals of two feet, five feet, or ten feet, as determined by the Planning Commission;~~

~~i. (6) The boundary lines of the tract to be subdivided;~~

~~i. (7) The location, widths, and other dimensions of all existing or platted streets and other important features, such as railroad lines, water courses, exceptional topography, and buildings within or immediately adjacent to the tract to be subdivided;~~

~~i. (8) Existing sanitary sewers, storm drains, water supply mains, water wells, and culverts within the tract and within 100' of the boundary of the proposed development;~~

~~i. (9) The location, widths, and other dimensions of proposed public streets, private streets, or private access rights of way, alleys, utility easements, parks, other open spaces, and lots with proper labeling which shall be public and which shall be private; and~~

~~i. (10) North point, scale, and date.~~

~~i. (11) If a developer intends on phasing the project, the preliminary plat shall show the proposed phasing plan.~~

C. § 156.026 TIME LIMITATION.

(A)i. Approval of the preliminary ~~plan~~plat by the ALUA shall be valid for period of twelve (12) months, unless, upon application of the subdivider, the ALUA grants an extension, which may only be granted if the subdivider applies for such extension prior to the expiration of the approval.

(B)ii. If the approval has expired, the subdivider shall be required to restart the approval process and shall comply with ordinances which are in place at the time of the new application.

~~a.a)~~ An approval shall be considered expired if the final ~~plans~~plat for the first phase of the subdivision has not been submitted within the twelve (12) months.

§ 156.027 GRADING LIMITATION.

D. No site excavation or grading may occur prior to the ALUA approval of the preliminary ~~plan~~plat unless developer has obtained the written approval of the West Haven City Engineer and if such approval is granted, excavation or grading shall only occur in accordance with any applicable ordinance.

§ 156.005 FINAL PLAT

~~§ 156.040 FINAL PLAT REQUIRED.~~

~~—(A) Upon approval of the preliminary plat by the appropriate land use authority, the subdivider shall proceed to prepare the final plat.~~

~~i. (B) A complete final plat application shall be submitted to the City no less than two weeks prior to the meeting date at which the applicant wishes it to be considered, for the designated land use authority for the plat.~~

~~§ 156.041 FINAL PLAT – REQUIREMENTS, – APPROVAL – TIME LIMITATION~~

A. ~~Description:~~Plat Requirements. The final plat shall be drawn to scale on standard twenty-four inch by thirty-six inch (24"x36") paper and shall include the following information:

1.i. The proposed name of the subdivision and which phase (if applicable) the plat covers.

2.ii. The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project.

3.iii. A legal description of the property.

4.iv. The names and addresses of the owner, subdivider, if other than owner, and the engineer or surveyor of the subdivision.

5.v. Date of preparation.

6.vi. Scale.

7.vii. The base heading of true north.

B. The final plat shall contain the following information:

1.i. Accurate dimensions for each lot, street, alley, easement, areas to be dedicated as open space and other important features. Dimensions shall be shown in feet and hundredths. Lot sizes shall be expressed in acreage.

2.ii. The street address for each lot. Lots on the north and west sides of the street shall have odd numbers. Lots on the south and east sides of the street shall have even numbers.

3.iii. An indication, based on the required geotechnical report, of whether lots will require land drains.

iv. If the base flood elevations render lots within the subdivision unsuitable for basements, then the final plat shall have a restriction on each lot indicating no basements are allowed.

4.v. A description and delineation of other angles, distances, points, monuments, markers, boundaries and other geometries as described in the West Haven City Engineering Standards and Specifications.

5.vi. Standard signature forms, the wording of which is found in the West Haven City Engineering Standards and Specifications, for the following:

1.a) Registered land surveyor's certificate of survey, as applicable under Utah law;

2.b) Owner's signature of dedication;

3.c) Notary public acknowledgment;

4.d) City engineer's certificate of approval;

5.e) Utility companies' approval;

6.f) Land Use Authority approval;

7.g) City approval, signed by the Mayor and City Recorder if City Council is required to approve the plat;

8.h) _____ City attorney approval;

9.i) A block for use by the County Recorder containing the required recording information

C. Additionally, construction plans shall be submitted with the final plat. These plans shall detail the size, design, type and location of all infrastructure improvements proposed for construction as part of the phase, including, but not limited to, streets, sidewalks, curbs, utility pipes and other infrastructure. Construction plans shall be prepared in accordance with the standards outlined herein and other such standards as may be found in the West Haven City Engineering Standards and Specifications.

D. \$156.044 — FINAL SUBDIVISION REVIEW AND APPROVAL

i. Upon approval of the preliminary plat by the appropriate land use authority, the subdivider shall proceed to prepare the final plat.

ii. A complete final plat application shall be submitted to the City no less than two weeks prior to the meeting date at which the applicant wishes it to be considered, for the designated land use authority for the plat.

iii. Upon submission of a complete application for final plat approval, the ~~Administrative Land Use Authority~~ Planning Commission shall proceed to review the application.

~~B.~~iv. An application shall be considered complete when the City has received electronic copies of the following:

1. A final plat, containing the information outlined in this Chapter;
2. A subdivision application containing the developer's contact information, the proposed name, zone, number of units, type of housing, and a brief narrative of the subdivision;
3. All applicable filing fees, which shall be set by resolution or ordinance of the City Council and shall be found in the West Haven City consolidated fee schedule.
 - a) ~~Such fees shall be set by resolution or ordinance of the City Council and shall be found in the West Haven City consolidated fee schedule.~~
4. A complete set of all ~~drawings~~ subdivision improvement plans related to the project infrastructure, both public and private.
5. "Will-Serve" letters as outlined in this Chapter
6. A geotechnical report

~~C.~~v. The ~~ALUA~~ Planning Commission shall ~~set a time for reviewing~~ review the final subdivision application and ~~shall notice said review in at its next regularly scheduled meeting which is not less than fourteen (14) days from the same manner as other public bodies~~ time the complete application is received.

D.vi. After the ALUA Planning Commission has reviewed the final application, they shall provide the developer with any and all changes which need made prior to granting approval of the final application plat.

E.vii. Any re-submissions shall be reviewed within fifteen (15) days of their submittal and shall be reviewed/noticed in the same manner as the original submission.

F.viii. Upon approval of the final plat application, the subdivider shall proceed to prepare a mylar for recording with the Weber County Recorder's Office

E. Time Limitation. Any final plat which has not been recorded within one (1) year of the date of approval shall be null and void and shall be required to file a new final plat application and comply with the processes and standards in place at the time of the new submission.

§ 156.006

REVIEW OF FINAL PLAT AND SUBDIVISION IMPROVEMENT PLANS – DISPUTE RESOLUTION

A. No later than twenty (20) business days after receipt of a complete application for review of the subdivision final plat and subdivision improvement plans for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, West Haven City shall complete a first review cycle of such application and plans.

B. In reviewing such application and plans, West Haven City shall provide notice to the applicant which requires:

i. Additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvement; and

ii. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

C. West Haven City's request for the above-information or modification to plans shall be specific and shall include citations to ordinances, standards, or specifications that require said modifications and shall be logged in an index of requested modifications/additions.

D. West Haven City shall not require more than four review cycles; however, a review cycle shall not be considered complete and closed until the applicant has made all requested modifications in the notice.

E. If the applicant does not submit a revised plan within twenty (20) business days after West Haven City provides notification of the needed correction(s) or modification(s), West Haven City shall have an additional twenty (20) business days to make its next response.

511 F. Should applicant make a material change to the plans after the City has begun the review
512 cycle process, the City shall restart the review at the first review of the final application,
513 with respect to that portion of the plans affected by the material change(s).

514 G. Changes or corrections not addressed in the City's plan review, unless such changes or
515 corrections are necessitated by the applicants adjustment to plans/phases which thereby
516 adjusts the needed public infrastructure, are hereby waived.

517 i. Regardless of the above, modifications or changes which are necessary to protect
518 public health and safety or to enforce state or federal law may not be waived.

519 H. After the applicant has responded to the final review cycle and complied with each
520 modification requested in the prior cycle, West Haven City shall not require any
521 additional changes unless the applicant materially changes the plan, unless such changes
522 are in response to requested modifications or corrections.

523 I. Applicant shall be required to provide written, specific, and comprehensive responses to
524 West Haven City's review comments, identifying and citing standards, ordinances, or
525 sources for those comments with which applicant declines to comply.

526 J. Disputes arising from the review and implementation of the fourth or final review cycle
527 shall be handled as follows:

528 i. For disputes arising from review and implementation of the subdivision
529 ordinance, the applicant shall be advised, in writing, of the deficiencies and shall
530 have the right to appeal the determination to the West Haven City Administrative
531 Hearing Officer.

532 ii. For disputes arising from the review of subdivision improvement plans, West
533 Haven City shall assemble an appeal panel as outlined below, which panel shall
534 review and approve or deny the final set of revised plans:

535 a. The panel shall consist of:

536 1. One licensed engineer, designated by West Haven City;

537 2. One licensed engineer, designated by the applicant; and

538 3. One licensed engineer, mutually agreed upon and designed by the
539 engineers previously designed above.

540 b. A member of the panel may not have an interest in the application
541 under appeal.

542 c. The applicant and City shall equally share the costs of the panel.

543 d. The applicant shall be responsible for the City's established appeal fee.

544 e. The decision of the appeal panel is final, subject to a petition to District
545 Court for review of the decision, which must be filed not later than 30
546 days from the time the panel issues its decision.

K. The review of non-residential subdivisions and those residential subdivisions which involve the construction of condominium or multi-family units, including subdivisions which will involve a combination of housing types, one of which is condominium or multi-family units, shall proceed in a similar manner as above, with the review time limit increasing to thirty days (30) per review cycle.

§ 156.007 SUBDIVISION STANDARDS

A. Stamped By Licensed Engineer. Any other provision of this chapter or any other city ordinance notwithstanding, each preliminary or final subdivision, or other development, plan submitted for review to the city shall, be required to be stamped by a engineer or surveyor, duly licensed by the State of Utah, and as appropriate to the plan submitted.

B. Developer to Bear Engineering Costs. Any other provision of this chapter, or any other city ordinance notwithstanding, developers submitting preliminary or final subdivision, or other development, plans for review by the City Engineer shall be required to pay the cost of those plan reviews. The City provide the developer with a documented billing record of such reviews and developer will pay the billing directly to the city.

Related To Adjoining Street Systems.

~~**§ 156.055 RELATED TO ADJOINING STREET SYSTEMS.**~~

C. ~~—(A)—~~Streets shall be located within the subdivision so that they connect with existing streets. Streets shall be located so that the adjoining land is not diminished in value. If the adjoining land is zoned for residential purposes, streets shall be located so that the adjoining land can be efficiently subdivided and shall terminate at the adjoining property line.

~~—(B)—~~Minor streets shall approach the major or collector streets at an angle of not less than 80 degrees.

~~**§ 156.056 STREET AND ALLEY WIDTHS, CUL-DE-SACS, EASEMENTS.**~~

D. ~~—(A)—~~Phasing. Phasing of subdivisions shall be done in a manner which maximizes connectivity with pre-existing streets and subdivisions surrounding the proposed development and in a manner which reduces the impact on pre-existing streets in subdivisions to the extent possible.

E. Street And Alley Widths, Cul-De-Sacs, Easements.

i. Streets in subdivisions shall be dedicated to the city as public streets, unless otherwise approved by the ~~City Council~~ Planning Commission, upon recommendation of the City Engineer.

ii. ~~—(B)—~~Major and collector streets shall conform to the width designated on the Transportation Master Plan.

iii. ~~—(C)—~~The width, grade, and design of all streets shall conform to the West Haven City Engineering Standards and Specifications, specifically the section "Road Standards."

- iv. ~~(F)~~ Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved unless reviewed and approved by the City Engineer.

~~§ 156.057 BLOCKS.~~

~~F. (A) Blocks~~

- i. The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall be 500 feet. Blocks over 800 feet in length may, at the discretion of the Planning Commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.

- ii. ~~(B)~~ The width of blocks shall be sufficient to allow two tiers of lots, or as otherwise approved by the Planning Commission because of design, terrain, or other unusual conditions.

- iii. ~~(C)~~ Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

~~§ 156.058 LOTS.~~

~~G. (A) Lots~~

- i. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing requirements.

- ii. ~~(B)~~ All lots shown on the subdivision plat must conform to the minimum area and width requirements of the zoning ordinance for the zone in which the subdivision is located

- iii. ~~(C)~~ Each lot shall abut on a public street, private street, or private access right-of-way dedicated by the subdivision plat or an existing publicly-dedicated street, all of which must conform to the West Haven City Road Standards.

- iv. ~~(E)~~ Corner lots shall have extra width sufficient for the maintenance of required building lines on both sides.

- v. ~~(F)~~ Side lines of lots shall be approximately at a right angle, or radial, to the street line.

- vi. ~~(G)~~ Remainder parcels are not permitted.

- H. ~~(J)~~ Post Office Coordination. Regulations promulgated by the United States Postal Service relating to mailboxes and similar receptacles, including, but not limited to, the

installation and approved types of said receptacles, are hereby incorporated by this reference as if fully set out herein, and a violation of said regulations shall constitute a violation of this subchapter.

§ 156.061 IDENTIFICATION OF FLOODPLAIN.

~~A. (A) The FLOODPLAIN, as used herein, shall mean the relatively flat area or lowlands adjoining a river stream, watercourse, lake, or other body of standing water that has or may be covered by floodwater. The boundaries of the floodplain are the boundaries of the base flood (100-year flood) as identified by the Federal Flood Insurance Administration in its flood hazard boundary map (FHBM) (#490187A) dated May 2, 1978, as amended from time to time.~~

I. (B) Identification Of Floodplain.

i. In all major subdivisions of at least nine lots, base flood and ground elevation data shall be provided for each lot by the developer and approved by the City Engineer. ~~their engineer.~~

~~—(1) Such data shall appear on the final subdivision linen. In subdivisions of fewer than nine lots, the base elevation shall be determined by the City Engineer.~~

~~—(2) Any existing base flood elevation from federal, state, or local sources shall be utilized to determine such flood elevations.~~

ii. (C) In accordance with guidelines set by the ~~Federal~~ National Flood Insurance Administration Program, the elevations of the lowest inhabitable floor for any building or structure shall be equal to or higher than the base flood elevation as determined by the flood hazard boundary map and the City Engineer.

§156.008 SUBDIVISION IMPROVEMENTS REQUIRED

§ 156.090 OWNER OF SUBDIVISION RESPONSIBLE FOR COSTS.

~~(A)~~ The owner of any land to be platted as a subdivision shall, at his or her own expense, install the following improvements prior to recording the final plat, or except as provided in § 156.091(A)(2)(b), according to the specifications and standards contained in the West Haven City Engineering Design Standards and Specifications.

§ 156.091 IMPROVEMENTS REQUIRED.

~~(A) Culinary Water supply.~~

A. ~~(1)~~ As part of the preparation and submission of engineering civil documents for a subdivision, subdivider shall be required to provide written notification ("will-serve letter") from the water district in which the property lies. Such will-serve letter shall be dated no more than 30 days prior to the date of the submission and shall state clearly that the water district has reviewed the proposed subdivision and has the capability of providing adequate culinary water supplies to the subdivision.

~~(B) Sewage disposal.~~

B. — (1) Sanitary Sewer. As part of the preparation and submission of engineering civil documents for a subdivision, subdivider shall be required to provide written notification (“will-serve letter”) from the West Haven Special Service District and the Central Weber Sewer District. Such will-serve letter shall be dated no more than 30 days prior to the date of the submission and shall state clearly that the water district has reviewed the proposed subdivision and has the capability of providing adequate sanitary sewer service to the subdivision

C. — (C) Stormwater.

i. — (1) — All subdivisions in West Haven City are required to dispose of stormwater, the design and function of which must be approved by the City Engineer. The City Engineer may require such design to include any easement necessary for the stormwater structure to serve its intended purpose.

ii. — (2) — Drainage structures, such as stormwater detention facilities shall be dedicated or otherwise transferred to the city or its designate. If the developer chooses to maintain the drainage structure privately, the developer shall present the City with evidence that the necessary mechanisms are in place for the ongoing ownership and maintenance of the structures, in which case the City shall be granted an easement over the detention facilities to guarantee such facilities will remain and be used as intended for stormwater detention purposes.

~~(E) Curb, Gutter, Sidewalk~~

D. — (1) — As part of the design of streets in a subdivision, developer shall provide curb, gutter and sidewalk unless the subdivision is located in the A-1 or A-2 zone, in which case curb, gutter and sidewalk shall not be required, but developer shall be required in those zones to provide adequate facilities for the removal of surface water, the design of which shall be approved by the City Engineer.

E. — (G) — Monuments. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type specified in the City Engineering Design Standards & Specifications.

F. — (H) — Street ~~trees~~ Trees. Street trees shall be planted by the subdivider when so required by the Planning Commission and of a variety and location as approved by the Planning Commission.

G. — (I) — Street ~~signs~~ Signs. Street signs shall be installed by the subdivider at all locations as designated by the City Engineer. The City will provide the subdivider with the necessary signs

~~H.~~ ~~(J)~~—Developers proposing to develop or subdivide adjacent to a canal shall, as part of the preparation and submission of engineering civil documents for a subdivision, subdivider shall be required to provide written documentation that the canal company responsible for that canal is satisfied that the development will not encroach on the canal company's maintenance right-of-way or otherwise impede canal operations;

~~I.~~ ~~(K)~~—Staking ~~of lots~~~~Of Lots~~. Survey stakes shall be placed at all lot corners to clearly identify the lot boundaries on the ground.

~~J.~~ ~~(L)~~—Peripheral ~~fencing~~~~Fencing~~. Subdivisions adjacent to agricultural operations shall provide fencing on the perimeter of the subdivision so as to provide protection to adjacent farming lands from the adverse effects of residential living, and vice versa.

~~(M)~~—Secondary ~~water~~.

~~K.~~ ~~(1)~~—~~Water~~. Not all subdivisions in West Haven City will have access to secondary water. Subdividers who choose to provide secondary water shall, as part of the preparation and submission of engineering civil documents for a subdivision, provide the City with written documentation ("will-serve letter") of the secondary water provider's review and acceptance of any proposed secondary water facilities, structures, or plans.

~~L.~~ ~~(N)~~—Fire ~~hydrants~~~~Hydrants~~. All portions of a subdivision, including lots, streets, open space and other infrastructure or amenities, whether public or private, are required to be located within 500' of a fire hydrant. The review and approval of hydrant placement shall be done by the Weber Fire District. Subdividers shall be required to provide the City with written documentation of the Weber Fire District approval.

~~(O)~~—Private ~~land drains~~.

~~M.~~ ~~(1)~~—~~Land Drains~~. Areas in West Haven City have fluctuating groundwater levels that may render individual lots unsuitable for basements without the inclusion of a private land drain. The required geotechnical report shall indicate which lots in the subdivision will need land drains prior to construction of a basement.

~~i.~~ ~~(2)~~—Land drains shall be inspected as part of the building inspection process.

~~ii.~~ ~~(3)~~—The design of private subsurface land drains shall be approved as part of the review and approval of the subdivision engineering civil design documents.

~~iii.~~ ~~(4)~~—No building permit will be issued for any lot until the subdivider provides the City with clear indication of whether or not a land drain is needed for that lot.

~~§ 156.092.009~~ **GUARANTEE OF IMPROVEMENTS.**

~~(A)~~—In lieu of actual installation of the improvements required by this chapter, the subdivider may guarantee the installation thereof by one of the methods specified as follows:

749 A. —(1)—The subdivider may furnish and file with the City Manager a letter of credit from
750 a financial institution, such a financial institution being approved by the City Manager, in
751 an amount equal to the future cost of the installation of the improvements at the
752 termination of the bonding period, as estimated by the City Engineer, to assure the
753 installation of such improvements within a two-year, or shorter or longer, period if
754 otherwise established by the City Council from the approval date of the subdivision plat
755 by the City Council, which bond shall be approved by the City Council; and

756 B. —(2)—The subdivider may deposit in escrow, with an escrow holder approved by the
757 City Manager, an amount of money equal to the future cost of the improvements at the
758 termination of the escrow period estimated by the City Engineer, as foresaid, under an
759 escrow agreement to assure the installation of said improvements within a two-year, or
760 shorter or longer, period if otherwise established by the City Council, from the approval
761 date of the subdivision plat by the City Council, and shall be filed with the City Clerk.

762 C. —(B)—The documents aforesaid shall contain such terms and conditions required by the
763 City Manager and shall be approved as to form by the City Attorney. The Community
764 Development Director is authorized to prescribe by administrative rules or regulations,
765 forms, and procedures to ensure the orderly, regular, and efficient processing of
766 applications for the approval of a proposed subdivision and the guarantee of
767 improvements in strict compliance with the requirements of this chapter.
768

769 D. —(C)—Whenever the subdivider develops a subdivision a portion at a time, such
770 development shall be in an orderly manner and in such a way that the required
771 improvements will be made available for the full, effective, and practical use and
772 enjoyment thereof by the lessees or grantees of any of the lands subdivided within the
773 time hereinbefore specified.
774

775 E. —(D)—The City Council is authorized and directed from time to time, at the request of
776 the subdivider or his or her successors in interest, to execute a release of record from the
777 burden of the aforesaid bond, or escrow agreement, when all obligations as to which have
778 been fully performed by the installation of the improvements.
779

780
781 **§ 156.010 BOND FOR CURB, GUTTER DAMAGE.**

782 A. Each builder of a home shall be required to post a bond in the amount of \$500 to ensure
783 that any damage done to the city's curbs and gutters during the building construction on
784 adjacent lots will be able to be repaired at no cost to citizens.

785 B. Upon inspection by, and approval of, the City Engineer, either:

786 1. The funds posted under the bond required above shall be utilized to repair damage
787 done to curbs and gutters during construction, if any, with:

788 2. Any monies not used for those repairs to be returned to the individual who posted
789 the bond; or

3. If the money posted under the bond is insufficient to cover the cost of repairs as determined to be required by the City Engineer, the builder will be contacted and shall provide such additional sums as shall reasonably be necessary to complete the repairs.

C. If there is no damage identified by the City Engineer, the bond shall be released to the party who provided the bond.

093-§ 156.011 INSPECTION OF IMPROVEMENTS.

— The City Engineer, Building Official, and Public Works Director, or their designee, shall inspect, or cause to be inspected, all buildings, structures, streets, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation, repair, and the like. Excavation for fire hydrants, water, and sewer mains, and laterals shall not be covered over or back filled until such installations shall have been approved by the City Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the City Engineer.

§ 156.012 CONDITIONS, COVENANTS, & RESTRICTIONS

A. Developers who elect to have commonly owned and maintained areas in their subdivision shall prepare restrictive covenants (CC&Rs) outlining provisions for the perpetual maintenance and management of such areas. Such CC&Rs shall be recorded with the Weber County Recorder's Office.

B. As CC&Rs are private contracts between the developer and homeowner(s), West Haven City takes no responsibility for the enforcement of CC&Rs, nor assumes any liability for the failure of a developer to perform any representations contained therein.

ENFORCEMENT AND PERMITS

§ 156.105 SUBDIVISION APPROVAL REQUIRED FOR PERMIT.

~~A. No permit for the erection, construction, reconstruction, alteration, or use of any structure will be issued until the subdivision has been approved and recorded according to the provisions of this chapter. Any license or permit issued in conflict with this chapter shall be null and void.~~

§ 156.106 SUBDIVISION FEE SCHEDULE.

~~(B) Fee schedule.~~

~~— (1) Subdividers shall pay application fees in accordance with the schedule below. Additionally, subdividers are responsible for engineering fees which the City may incur in the review and processing of subdivision plats and accompanying plans.~~

# of Lots	Subdivision Filing Fee	Preliminary Per Lot Fee	Final Per Lot Fee	Per Lot Inspection Fee
1-5	\$200	\$125	\$75	\$150
6+	\$450	\$75	\$50	\$150

~~§ 156.999~~ § 156.013 PENALTY.

— Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or imprisonment in the County Jail for a period not exceeding six months, or by both fine and imprisonment.