



**WEST HAVEN CITY
PLANNING COMMISSION AGENDA**

September 27, 2023
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **SEPTEMBER 27, 2023** THE WEST HAVEN PLANNING COMMISSION WILL HOLD THE FOLLOWING PUBLIC MEETINGS **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).**

MEETING TO ORDER: CHAIRMAN DEEM

REPORTS AND DISCUSSION AS FOLLOWS:

6:00 PM REGULAR PLANNING COMMISSION MEETING

- 1. CALL TO ORDER**
- 2. OPENING CEREMONIES**
 - a. PLEDGE OF ALLEGIANCE- COMMISSION MEMBER ROUNDY
 - b. PRAYER/MOMENT OF SILENCE – COMMISSION MEMBER REYNA
- 3. ACTION ON MINUTES**
 - a. APPROVE MINUTES FOR THE MEETING OF 09/13/2023.
- 4. REPORT**
 - a. ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS
- 5. DISCUSSION AND ACTION ON A CONDITIONAL USE PERMIT**
 - a. TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT (ADU) LOCATED AT 4480 S 4575 W (APPLICANTS: DELINDA & COREY FARLEY)
- 6. 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 2405 HINCKLEY DRIVE (APPLICANT: JOHN RYAN (AGENT: JEREMY DRAPER))
- 7. DISCUSSION AND ACTION ON WEST HAVEN CITY ANNEXATION POLICY PLAN**
- 8. 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
September 13, 2023 6:00 PM

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

6:00 PM REGULAR PLANNING COMMISSION MEETING

MEETING TO ORDER: CHAIRMAN DEEM

REPORTS AND DISCUSSION AS FOLLOWS:

1. CALL TO ORDER – CHAIRMAN DEEM

2. OPENING CEREMONIES

- a. PLEDGE OF ALLEGIANCE- COMMISSION MEMBER NECE
- b. PRAYER/MOMENT OF SILENCE – COMMISSION MEMBER WILSON

3. ACTION ON MINUTES

- a. APPROVE MINUTES FOR THE MEETING OF 08/23/2023.

Commission member Reed stated that due to computer glitch with software the full name of the Commission members are being listed on the motions and just need to be changed from the full name to Commission member and last name. He would also like Ayes, Nays, Absent be moved down to their own line instead of being jumbled up together.

Commission member Reed made a motion to approve. **Commission member Nece** seconded the motion.

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

NAYS:

ABSENT:

4. REPORT

- a. ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS

Shari advised that anything that is passed tonight will be on the City Council Agenda in October due to the high work load for the City Council at this time, having closed door sessions on Green Farms issues, and getting a new City Manager hired.

5. PUBLIC HEARING

- a. ANNEXATION POLICY PLAN

Chairman Deem stated that notices were previously sent out to surrounding entities that may be affected and none of those entities responded. There have been no applications received requesting annexation. Chairman Deem requested more clarification on exhibit A.

Shari stated that the biggest point of discussion with the Annexation Policy Plan, there is a section that needs to be swapped out, it should have been an exhibit to the Staff Report.

Commission member Roundy made a motion Enter into Public Hearing. **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:

Commission member Wilson made a motion Leave Public Hearing. **Commission member Roundy** 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:

6. DISCUSSION AND ACTION ON PUBLIC HEARING

a. ANNEXATION POLICY PLAN

Shari advised that when reviewing the areas of possible annexation. The Commission and City Council need to take in consideration the cost of maintaining the infrastructure, especially with not having a City Property Tax. Lot sizes may need to be increased; Commercial areas be located around the city versus in one end of the town.

Commission member Roundy made a motion Table. **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:

7. PUBLIC HEARING

a. ZONING MAP

Chairman Deem indicated that City Staff went through the City Code and City Ordinances that were passed to find out what the real zones are in the City and have come up with an accurate map. Some zones were not zoned correctly. There are no current applications for rezoning.

Commission member Nece made a motion Enter into Public Hearing. **Commission member Roundy** 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:

Commission member Nece made a motion Leave Public Hearing. **Commission member Roundy** 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:

8. DISCUSSION AND ACTION ON PUBLIC HEARING

a. ZONING MAP

Shari indicated that she needs to get all parties on the same page with what is outlined in the ordinance.

Commission member Wilson asked if the commission just needs make the recommendation to the City Council.

Commission member Wilson made a motion to approve. **Commission member Roundy** 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:

9. ADJOURNMENT

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 Wilson, Commission member Nece, Commission member Reed

NAYS:

ABSENT:

Robyn Van Campen

Deputy City Recorder

Date Approve: [enter meeting date]

Planning Commission Staff Review Memo

September 27, 2023

Alika Murphy, City Planner I



ACCESSORY DWELLING UNIT IN EXCESS OF 1,200 SQUARE FEET

Request:	Consideration of a CUP for an accessory dwelling unit that exceeds the 1,200 sq ft maximum
Property Address:	4480 S 4575 W
Property Zone:	A-1
Property Size:	0.93 Acres
Applicant:	Delinda and Corey Farley

Governing Document(s):	WHZC Chapter 157.455-157.480 (online version)
Decision Type:	Administrative
Staff Recommendation:	See comments under "Staff Review"

Background

Delinda and Corey Farley are wanting to build an ADU in an accessory structure at their property located at 4480 S. 4575 W. The applicants have found a layout that best suits the family member that will be residing there especially since they are wanting more room for any wheelchair access, but the proposal is about 1,500 square feet, which exceeds the 1,200 sq ft maximum set by WHZC 157.463(B).

Staff Review/Recommendation

Staff is aware that previous applicants have requested something similar due to them having an existing building and this is not the case here. However, for any ADU exceeding 1,200 square feet there will be modifications for other requirements to mitigate the impact of the ADU on surrounding properties. For this lot, there is no direct neighbor behind (there is a canal behind them) and there is no dwelling near where the ADU will be. Even with this size, the ADU will still be able to comply with the 25% max coverage of the rear yard by accessory structures and the 35% max coverage for all combined structures on the property. The applicants will still have to comply with all other requirements of the ADU ordinance including having the accessory structure appearance be compatible with the appearance of the main dwelling which can include exterior materials, color, or roof pitch.

WHZC 157.474 allows the Planning Commission to grant a conditional use for an ADU in excess of 1,200 square feet. The text of 157.474, with staff review comments of each provision, are as follows:

The Planning Commission may issue a conditional use permit for ADU's which modify the requirements for an ADU with respect to maximum size, minimum parking, or setback.

1. *In approving a conditional use permit the Planning Commission may require additional conditions to mitigate the impact of the ADU on surrounding properties. Specifically, the Planning Commission may require:*

- a. *For ADU's that exceed the maximum size of 1,200 sq. ft.: **increased setbacks**, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.*

SR: The applicant is proposing to have 50' for rear setback and 20' for their side setback which is more than the minimum requirement of 20 feet for the rear setback for ADUs with openings (windows and doors) and the minimum side setback of 10'. They do not have a neighbor directly behind them, the proposed ADU will only be 1 story and where the ADU will be located, there is no dwelling nearby, but conditions can be put in place to limit windows or doors adjacent to an abutting property. There is also ample space for proposed additional parking.

- b. *For ADUs with reduced or no additional parking: restrictions on occupancy to tenants without vehicles.*

SR: N/A

- c. *For ADU's with reduced setbacks: privacy fencing and limitation on windows and doors adjacent to abutting property lines.*

SR: N/A

Staff recommends that the Commission grant the CUP for a 1,500 sq ft ADU at this location, with the following conditions:

- 1- **The applicants comply with the setbacks of 50' from the rear property line and 20' from the side property line as shown on their site plan.**
- 2- **There is a limit to openings that will but adjacent to their neighboring property.**
- 3- **There is a privacy fence put up around the ADU.**
- 4- **All requirements for their building permit shall be strictly adhered to.**

If any of the conditions are not agreed to by the applicants then it is staff positions that the Commission denies the application.



CONDITIONAL USE PERMIT APPLICATION

West Haven City Planning Commission

4150 S 3900 W West Haven, UT 84401

801-731-4519

Property Address 4480 SOUTH 4575 WEST Parcel# 08-232-0011
Existing Zone A-1 No. of Acres or Sq. Ft. 93 #Res. Units 1
Bldg. Sq. Ft. 1492 Building Height (stories & ft.) 1 STORY
What Use is requested? ADU

-Is the proposed use necessary or desirable to provide a service or facility which will contribute to the general well-being of the community? - ☐ Yes ☒ No If yes, please answer the following two questions:

-Describe how the use will be necessary or desirable to provide a service or facility to the community?

-Describe how the use will contribute to the general well-being of the community?

-Will the proposed use be detrimental to the health, safety, and general welfare of persons in the community? - ☐ Yes ☒ No

-Will the proposed use be injurious to property or improvements to the community? - ☐ Yes ☒ No

-Will the proposed use be compatible with and complimentary to the existing surrounding uses, buildings and structures?
☒ Yes ☐ No If yes, please answer the following questions about the proposed use in the proposed area:

-Will the proposed use generate traffic in the area? If so, how much is anticipated? 1 VEHICLE

-Will the proposed use have an impact on parking in the area? ☐ Yes ☒ No If so, how much is anticipated?

-Will the proposed use be compatible with the building and structure designs in the area? ☒ Yes ☐ No

-Will the proposed use be compatible with the building and structure uses in the area? ☒ Yes ☐ No

-Will the proposed use be compatible with landscaping and signs in the area? ☒ Yes ☒ No If a sign is requested, please attach photo. If there is landscaping involved in the request, please attach a site plan for the landscaping.

-Will the proposed use conform to the goals, policies, and governing principles and land use of the Master Plan for the City of West Haven? ☒ Yes ☐ No

-Will the proposed use lead to the deterioration of the environment or ecology in the general area? ☐ Yes ☒ No

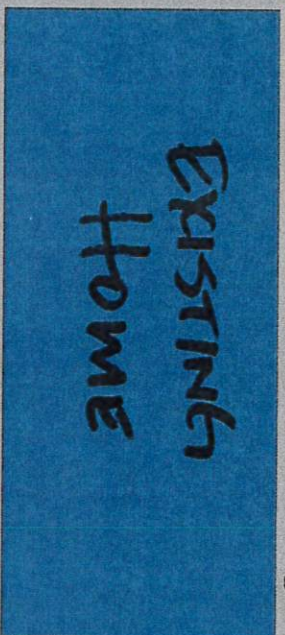
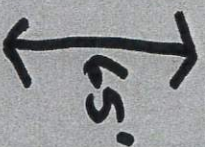
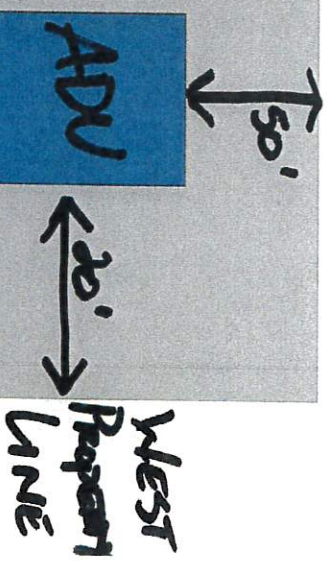
-Will the proposed use produce conditions or emit pollutants? - ☐ Yes ☒ No If yes, what type of pollutants shall be emitted or produced and how would they be disposed of or mitigated?

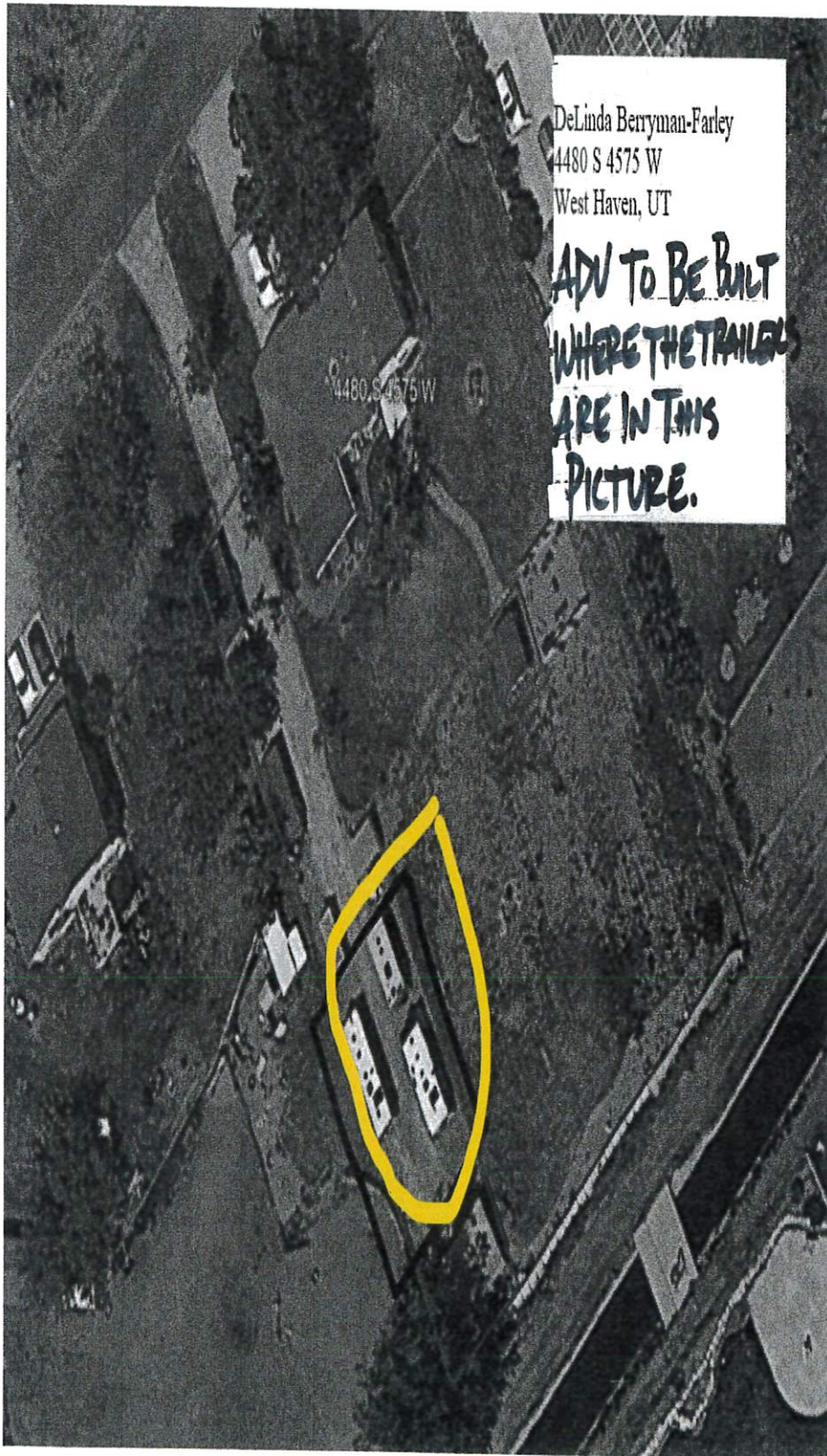
-Will such conditions or pollutants have a possible detrimental effect on the operation of existing uses of surrounding public and private properties in the immediate vicinity or the area as a whole? ☐ Yes ☒ No If yes, please explain

CONTINUED ON BACK

4480 S. 4575 W.

South Property Line





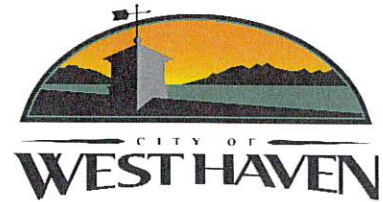
DeLinda Berryman-Farley
4480 S 4575 W
West Haven, UT

ADU TO BE BUILT
WHERE THE TRAILERS
ARE IN THIS
PICTURE.

Planning Commission Staff Review Memo

September 27, 2023

Alika Murphy, City Planner I



Preliminary/Final Plat Approval- Wingspan Subdivision

Request: To grant approval of a preliminary/final plat for a 13-lot subdivision

Property Address: 2405 Hinkley Dr.

Property Zone: R-3

Property Size: 14.81 acres

Applicant: John Ryan (Agent: Jeremy Draper)

Governing Document(s): WHZC Chapter 157

Decision Type: Administrative Recommendation

Staff Recommendation: See comments under "Staff Review"

Background

The applicant is presenting a 13-lot subdivision preliminary and final plat located at approximately 2405 Hinckley Drive. Previously, Wingspan received preliminary and final site plan approval and has since been constructing the approved buildings. The intent of the applicant is to subdivide the buildings into lots for financing reasons. Preliminary approval for the initial Wingspan project was given by Planning Commission on December 11, 2019 and was approved by City Council on December 18, 2019. Final approval from Planning Commission was given on September 23, 2020 and was approved by City Council on October 7, 2020.

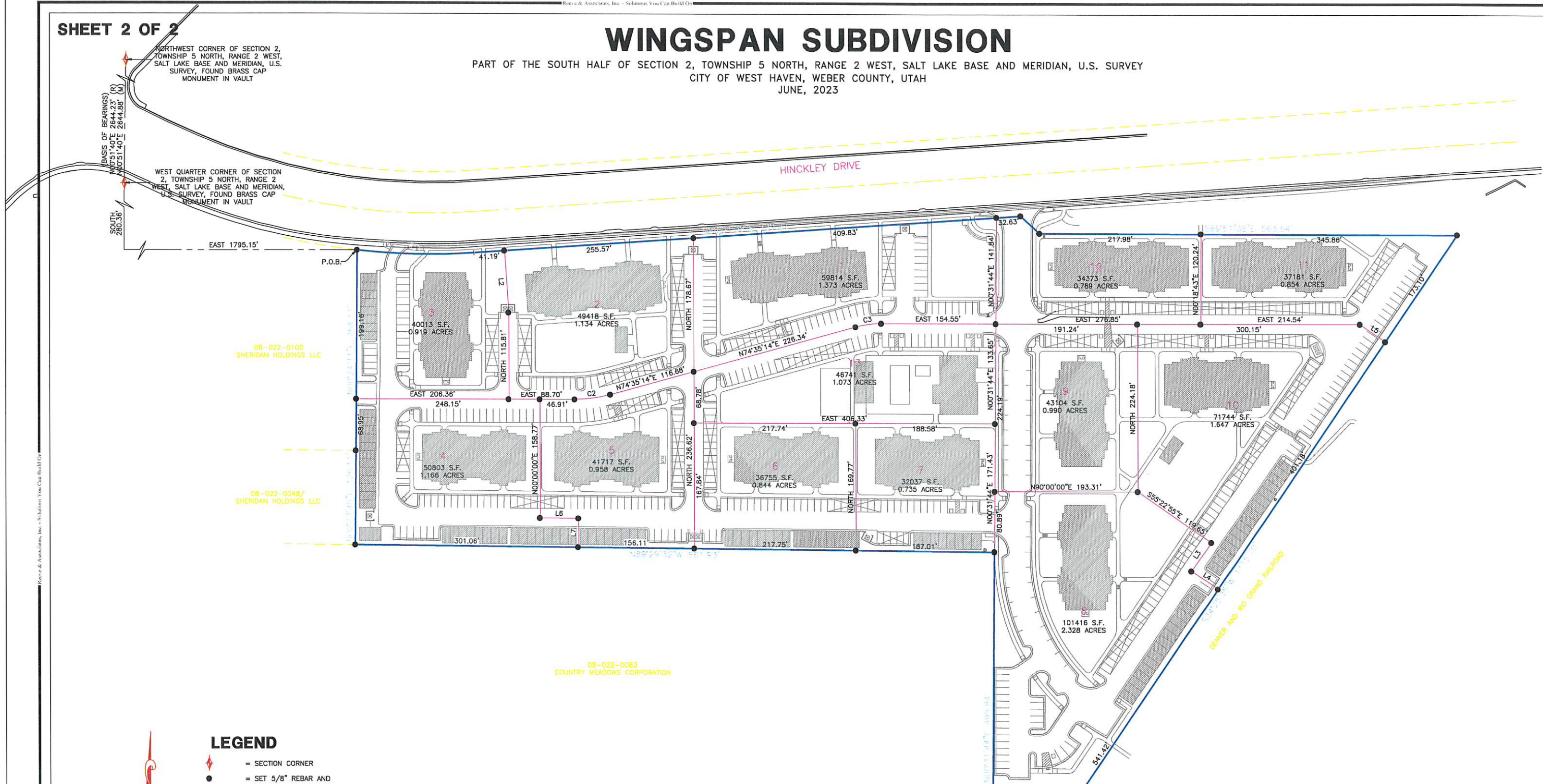
Because no site improvements are being done at this time, it is being presented for preliminary approval and final recommendation.

Staff Review

As mentioned, no site improvements are being done, the only action is subdividing the site into 13 lots, so it is **Staff's position that the Commission grant preliminary approval and recommend final plat approval to the Council.**

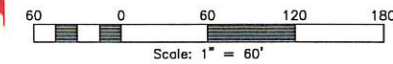
WINGSPAN SUBDIVISION

PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
CITY OF WEST HAVEN, WEBER COUNTY, UTAH
JUNE, 2023



LEGEND

- SECTION CORNER
- SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- BOUNDARY LINE
- LOT LINE
- ROAD CENTERLINE
- SECTION TIE LINE
- ADJOINING PROPERTY LINE



CURVE TABLE

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	888.01'	158.42'	158.21'	79.42'	S88°48'48"E	10°13'19"
C2	181.00'	48.69'	48.54'	24.49'	N82°17'37"E	15°24'46"
C3	131.00'	35.24'	35.13'	17.73'	N82°17'37"E	15°24'46"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S47°45'34"E	34.66'
L2	N03°55'22"W	83.08'
L3	S34°37'05"W	46.17'
L4	S55°34'25"E	42.70'
L5	S55°34'25"E	41.35'
L6	S89°31'43"E	51.71'
L7	N00°28'17"E	38.52'



Reeve & Associates, Inc.
2180 SOUTH 1500 WEST, WATSFORD, UTAH 84040
TEL: (801) 821-3100 FAX: (801) 821-2888 WWW.WINGSPANUTAH.COM
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

PROJECT INFO.
Surveyor: T. HATCH
Designer: N. ANDERSON
Begin Date: 6-14-2023
Name: WINGSPAN SUBDIVISION
Number: 6388-03
Revision:
Scale: 1"=60'
Checked:

WEBER COUNTY RECORDER
Entry No. _____ Fee Paid _____
Recorded, _____ At _____
Begin Date: _____ In Book _____ Of The _____
Official Records, Page _____
Recorded For: _____
Weber County Recorder _____
Deputy: _____

SUBDIVISION APPLICATION



Subdivision Name Wingspan

Location 2405 Hinckley Dr. West Haven, UT 84401

Parcel# 08-022-0073

Phase 1 No. of Lots 13 Zone R-3

Applicant name John Ryan

Agent Name Jeremy Draper

Signed: [Signature] Date: 6/27/23
(Owner/Petitioner)

I authorize Jeremy Draper to act as my representative in all matters relating to this application.

[Signature]
(Owner)

[Signature]
(Agent as Authorized by Owner)

State of Utah)

§

County of WEBER)

On this 27 day of JUNE, in the year 2023, before me, CHRIS CAVE

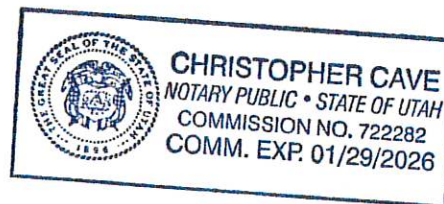
a notary public, personally appeared TYRELL JAMES WARE, proved on the basis of satisfactory
name of document signer

evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and

acknowledged (he/she/they) executed the same.

Witness my hand and official seal.

[Signature]



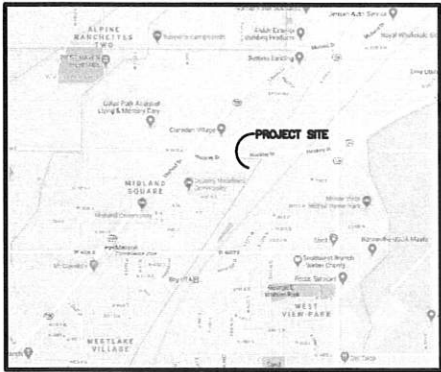
N/A	Received	N/A	Received	Letters of acknowledgment/approval/conditions from
				PRELIMINARY
☐				Affidavit of Understanding and Acceptance of Fees
		☐	☐	Secondary Water Company
		☐	☐	Culinary Water Company
		☐	☐	Fire District
		☐	☐	All other items required by City Planner
				FINAL

ALL APPLICABLE ITEMS MUST BE RECEIVED BEFORE BEING ADDED TO THE AGENDA

SHEET 1 OF 2

WINGSPAN SUBDIVISION

PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
CITY OF WEST HAVEN, WEBER COUNTY, UTAH
JUNE, 2023



VICINITY MAP
NOT TO SCALE

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE WEST QUARTER CORNER AND THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 2 WEST, SHOWN HEREON AS: N00°51'40"E.

NARRATIVE

THE BOUNDARY WAS DETERMINED BY DEED AND EXISTING RIGHT-OF-WAY FROM FOUND MONUMENTATION AS SHOWN. ALL LOT CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES".

NOTES

- ALL AREA OUTSIDE OF BUILDINGS IS CONSIDERED PUBLIC UTILITY EASEMENT.
- ALL DRIVABLE SURFACES ARE CONSIDERED CROSS ACCESS EASEMENTS IN FAVOR OF ALL LOT OWNERS.

BOUNDARY DESCRIPTION

PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HINCKLEY DRIVE, SAID POINT BEING DUE SOUTH 280.36 FEET AND DUE EAST 1795.15 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 2 (WEST QUARTER CORNER BEING SOUTH 00°51'40" WEST 2644.88 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 2); THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HINCKLEY DRIVE THE FOLLOWING TWO (2) COURSES: (1) ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 888.01 FEET, AN ARC LENGTH OF 158.42 FEET, A DELTA ANGLE OF 10°13'19", A CHORD BEARING OF SOUTH 88°48'48" EAST, AND A CHORD LENGTH OF 158.21 FEET; AND (2) NORTH 86°04'38" EAST 739.22 FEET; THENCE SOUTH 47°45'34" EAST 34.66 FEET; THENCE SOUTH 89°51'38" EAST 563.84 FEET; THENCE SOUTH 34°25'35" WEST 1115.70 FEET; THENCE NORTH 00°31'44" EAST 495.84 FEET; THENCE NORTH 89°29'32" WEST 861.93 FEET; THENCE NORTH 00°27'45" EAST 126.11 FEET; THENCE NORTH 00°24'11" EAST 268.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 645,116 SQUARE FEET OR 14.810 ACRES.

SURVEYOR'S CERTIFICATE

I, **TREVOR J. HATCH**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD A LICENSE IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF **WINGSPAN SUBDIVISION** IN **WEST HAVEN, WEBER COUNTY, UTAH**, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE **WEBER COUNTY** RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND, I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF **WEST HAVEN CITY, UTAH**, CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____.

9031945
UTAH LICENSE NUMBER



OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AS SHOWN HEREON AND NAME SAID TRACT, **WINGSPAN SUBDIVISION**, AND GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS AND ALSO DEDICATE THE PRIVATE ACCESS EASEMENTS SHOWN ON LOTS 1-10 TO THE OWNERS OF SAID LOTS TO BE OWNED AND MAINTAINED BY THE SAME AND DO HEREBY DEDICATE A 15' PUBLIC DRAINAGE EASEMENT TO WEST HAVEN CITY FOR STORM DRAIN PURPOSES AND TO BE OWNED AND MAINTAINED BY THE SAME.

SIGNED THIS _____ DAY OF _____, 20____.

515 INVESTMENT GROUP LLC

NAME/TITLE

DATE

ACKNOWLEDGMENT

STATE OF UTAH } ss.
COUNTY OF _____ }

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID LLC AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID LLC FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES

NOTARY PUBLIC

 Reeve & Associates, Inc. 5160 SOUTH 1500 WEST, RENO, NV 89405 TEL: (801) 821-3100 FAX: (801) 821-2555 www.reeve.com LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS		PROJECT INFO. Surveyor: T. HATCH Designer: N. ANDERSON Begin Date: 6-14-2023 Name: WINGSPAN SUBDIVISION Number: 6388-03 Revision: _____ Scale: 1"=60' Checked: _____
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WEST HAVEN CITY ENGINEER

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEST HAVEN CITY ENGINEER

THIS _____ DAY OF _____, 20____.

WEST HAVEN CITY ENGINEER

WEST HAVEN CITY PLANNING COMMISSION

APPROVED BY THE WEST HAVEN CITY PLANNING COMMISSION

THIS _____ DAY OF _____, 20____.

WEST HAVEN CITY CHAIRMAN

WEST HAVEN CITY ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED AND ACCEPTED BY WEST HAVEN CITY

THIS _____ DAY OF _____, 20____.

ATTEST

TITLE

WEST HAVEN CITY ATTORNEY

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEST HAVEN CITY ATTORNEY

THIS _____ DAY OF _____, 20____.

WEST HAVEN CITY ATTORNEY

WEBER COUNTY RECORDER

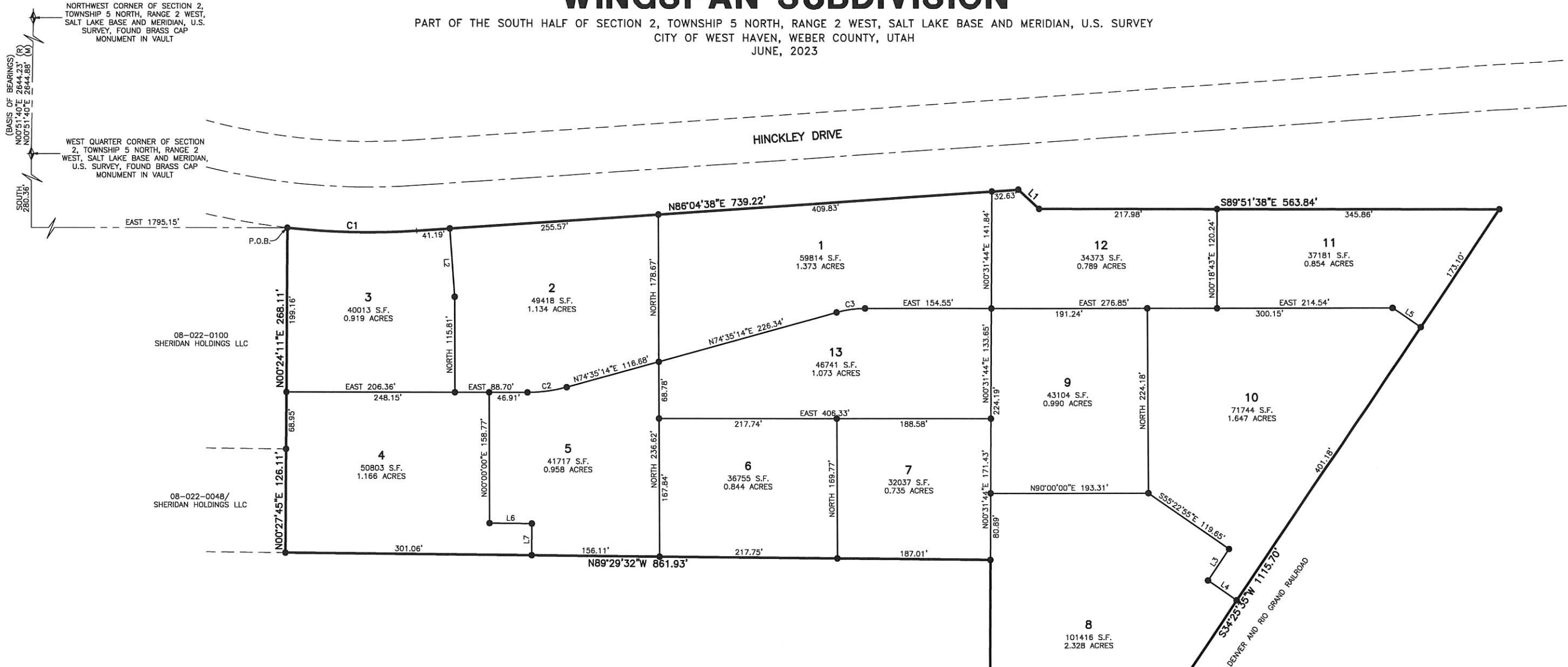
Entry No. _____ Fee Paid _____
Recorded, _____ Filed For Record And _____ At _____
In Book _____ Of The _____
Official Records, Page _____
Recorded For: _____

Weber County Recorder

Deputy,

WINGSPAN SUBDIVISION

PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
CITY OF WEST HAVEN, WEBER COUNTY, UTAH
JUNE, 2023



LEGEND

- SECTION CORNER
 - SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
 - BOUNDARY LINE
 - LOT LINE
 - ROAD CENTERLINE
 - SECTION TIE LINE
 - ADJOINING PROPERTY LINE
- Scale: 1" = 60'

CURVE TABLE

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	888.01'	158.42'	158.21'	79.42'	S88°48'48"E	10°13'19"
C2	181.00'	48.69'	48.54'	24.49'	N82°17'37"E	15°24'46"
C3	131.00'	35.24'	35.13'	17.73'	N82°17'37"E	15°24'46"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S47°45'34"E	34.66'
L2	N03°55'22"W	83.08'
L3	S34°37'05"W	46.17'
L4	S55°34'25"E	42.70'
L5	S55°34'25"E	41.35'
L6	S89°31'43"E	51.71'
L7	N00°28'17"E	38.92'



Reeve & Associates, Inc.
3160 SOUTH 1500 WEST, RIVERDALE, UTAH 84405
TEL: (801) 621-3100 FAX: (801) 621-2888 www.ra-inc.com
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

PROJECT INFO.

Surveyor: T. HATCH
Designer: N. ANDERSON
Begin Date: 6-14-2023
Name: WINGSPAN SUBDIVISION
Number: 6388-03
Revision:
Scale: 1"=60'
Checked:

WEBER COUNTY RECORDER

Entry No. Fee Paid
Filed For Record And
Recorded, At
In Book Of The
Official Records, Page
Recorded For:

Weber County Recorder

Deputy.

**Planning Commission
Staff Review Memo**

September 25, 2023

Shari Phippen, Community Development Director



**Discussion And Action Concerning A Proposal
To Update The West Haven City Annexation Policy Plan**

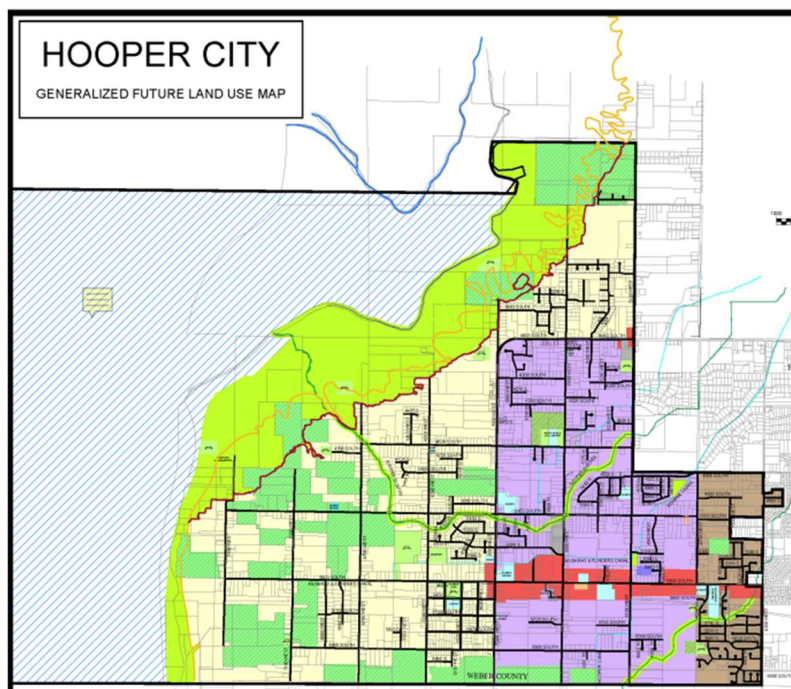
Updates for the 9/27/2023 Commission Meeting

Based on our discussions at the 9/13 meeting, I have made the following changes to the draft which is before you on 9/27/23:

- 1- Extended the annexation boundaries West to 5100 West and North to 1150 North.
- 2- Shaded in the areas that are already developed in the County
- 3- Swapped out the section on Petition Requirements to be compliant with changes made by the State Legislature in the 2023 General Session

Density In County: Staff has gone through the developed parcels in the annexation boundaries. Generally speaking, if a parcel is larger than 2 acres, it is not in a subdivision in the County. There are approximately 1,203 parcels in the annexation area which are under 2 acres. Those 1,203 parcels comprise 968.6 acres, for an average lot size of 32,700, or 1.33 units per acre.

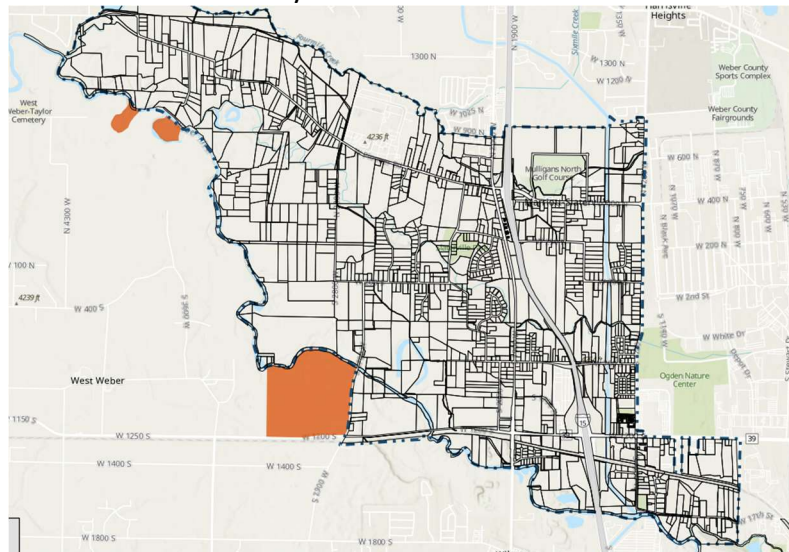
Overlapping Boundaries: There are no overlapping areas with either Hooper or Marriott-Slaterville in the proposed expanded annexation area.



Hooper

Hooper City does not have any areas east of 5100 West in their future annexation areas, so there is no need to worry about overlapping annexation areas with them. The North/South road that runs from the green down through the yellow and purple is 5100 West.

M-S does not have any annexation areas south of 1200 South, as shown below.



Based on the changes listed above, it is staff's position that the Commission make a recommendation to the City Council for adoption of the revised Annexation Policy Plan.

Before the Commission this evening is a proposal to update the Annexation Policy Plan. This is a full repeal and replace of the existing plan, as the text of the City's current plan has not been updated since 2004. The last update to the annexation boundaries map was last amended in late 2018.

I have stated it before and it said so on the public hearing notice, but I want to reemphasize that the City does not currently have any annexation petitions being considered. As many are aware, the State of Utah governs how cities must process annexations and what annexation plans have to contain. This repeal and replace is to bring the City into compliance with legislative changes that have occurred since the text of the plan was last updated.

Utah State Code 10-2-401.5(3) (https://le.utah.gov/xcode/Title10/Chapter2/10-2-S401.5.html?v=C10-2-S401.5_2021031620210316) outlines the requirements for a City's annexation policy plan. A list of those requirements and where they may be found in the draft Plan is listed below:

- 1- A map of the expansion area which may include territory located outside the county in which the municipality is located.

Draft Location: Page 5/11

Staff Comments: We do not have any area outside of Weber County. The main thing that the Commission and Council will want to consider when examining the map is whether or not to expand the areas the City will consider for annexation. In the past

years, there have been discussions with surrounding municipalities and Weber County about taking the City's boundaries all the way west to 5100 West and then up to 1150 North, so that the annexation boundary area is squared off. Staff recommends the Commission give idea this serious consideration when making a recommendation to the Council. Whether or not the boundaries expand to that extent, they do need to expand, for a few reasons:

- a. The west side of Weber County will be where almost all of the growth will occur between now and 2050, regardless of what type of housing cities allow. Simply because of its location, West Haven will take a bulk of the burden of the growth- it will tax our infrastructure and City resources, so the City should be ensuring it is able to make the development pay for the upgrades that will come.
 - b. Annexation boundaries should follow current or future roads so that parcels are not split in pieces. As it stands right now, there are portions of our annexation boundaries that follow canals and split parcels. This needs changed- it facilitates better long-term growth planning to go along roads.
- 2- A list of the specific criteria that will guide the municipality's decision on whether or not to grant future annexation petitions, addressing matters relevant to those criteria, including:
- a. The character of the community
 - b. The need for municipal services in developed and undeveloped incorporated areas.
 - c. The municipality's plans for extension of municipal services;
 - d. How the services will be financed
 - e. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area
 - f. The interests of all affected entities

Draft Location: Page 3/11

Staff Comments: Annexations are really where the rubber meets the road for a city. Cities have the greatest amount of regulatory leeway with annexations. That leeway gets smaller as you go through each stage of development.

Because West Haven does not currently have a property tax, subsection (e) above does not have a significant impact on the City's annexations. However, at some point in the future, likely within 15 years, if the City does not annex additional properties and allow development at a density of more than a single unit per acre, the City will be in a position where the sales tax and other revenues do not keep up with the need for municipal funding, and will be forced to seriously consider a property tax. Because, as stated previously, West Haven will be taking the bulk of the burden when it comes to impact on our infrastructure, the City needs to ensure that it is making wise annexation decisions so that incoming development pays its proportional share. Boiled down, we will get the burden, we need also to get the benefit (fees, population growth, etc.)

Discussion of the costs should be had with planning, engineering, and public works when the City receives an annexation petition so that the Council and Commission can have an overall idea of the current and projected costs to annex and maintain potential new areas of the City.

- 3- Justification for excluding from the expansion area any area containing urban development within ½ mile of the municipality's boundary.

Draft Location: Page 3/11

Staff Comments: There are some areas within the 5100/1150 boundary referenced earlier which are already developed but remain in Weber County. As it stands in the draft, the City would consider annexing those areas. If the Commission and Council wish to exclude those areas, there needs to be justification beyond just a lack of desire for the development to be in the City.

- 4- A statement addressing any comments made by affected entities at or within 10 days after the public meeting which was held on August 9, 2023.

Draft Location: 5/12

Staff Comments: we received no comments from affected entities within the deadlines imposed.

Pages 6-11 cover the process that is outlined in UCA 10-2-4 and its various subsections. For the most part the language is directly taken from State code and the City has little leeway on how the petitions can be processed.

2023 Legislative Updates to Petition Requirements: in the 2023 General Session, the Utah Legislature passed changes which were not in effect when this plan was first drafted and which staff was unaware of until preparing this staff report, but which impact the petition requirements. The petition requirements are on pages 7/8 of the draft- they should be replaced with the Exhibit A attached to this staff report, as the exhibit contains those changes which were made in the 2023 legislative changes.

Staff Summary/Recommendation: Staff recommends the Commission consider the following in their discussion and recommendation to the City Council:

- 1- Does the City want to expand its annexation area west to 5100 West and north to 1150 North?
- 2- Replace the section on Petition Requirements with the attached Exhibit.
- 3- Discuss if there are certain elements of City character related to annexations that the Commission would like to ensure are included in the annexation portion of the general plan.

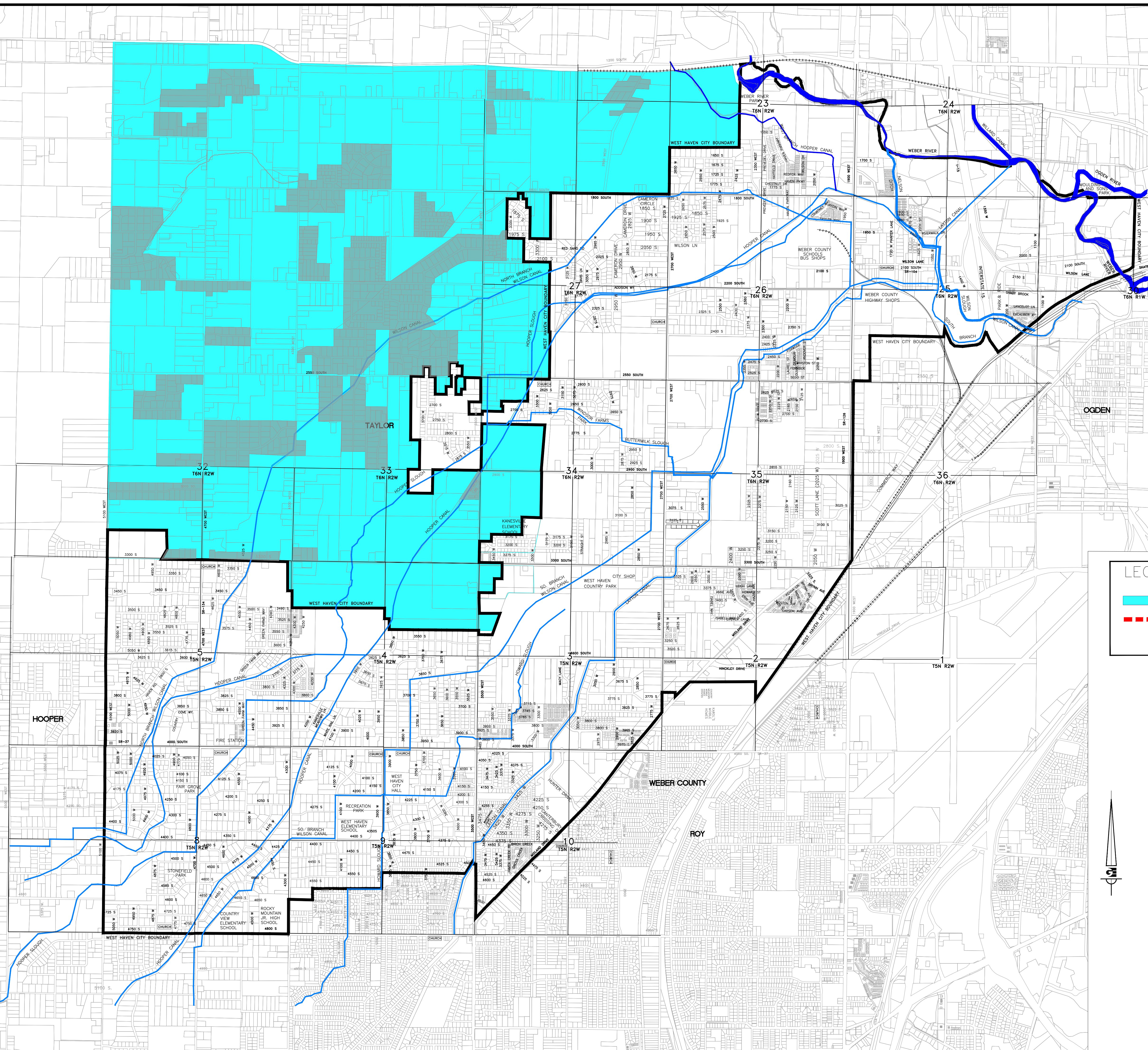
Specifically, items 1 and 2 should be part of any motion to recommend the updated plan to the Council. The Commission can request that staff take character elements into account in the

general plan, but that does not need to be specifically motioned, as the general plan will come to the Commission for review at some point.

If the Commission chooses to adopt items 1 and 2 and to make a recommendation to the Council at the 9/13/2023 meeting, an appropriate motion would be:

"I motion that the annexation policy plan draft be forwarded to the City Council with a recommendation for approval, subject to the expansion of the City's annexation boundaries being moved west to 5100 West and north to 1150 North, and also subject to replacing the section on Petition Requirements with Exhibit A, attached to this staff report."

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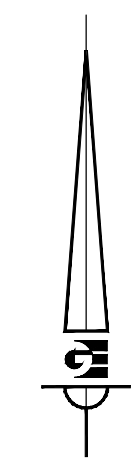


LEGEND

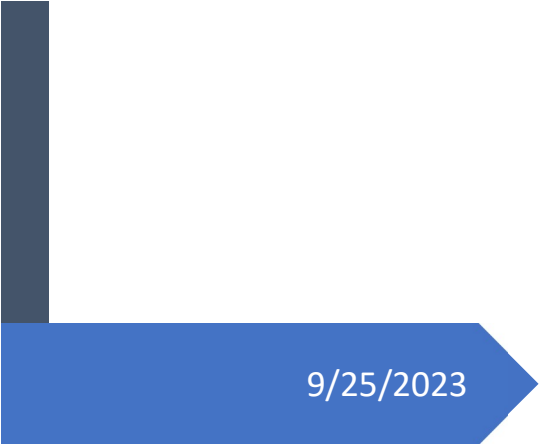
-  FUTURE ANNEXATION AREA
-  CURRENT CITY BOUNDARY



FUTURE ANNEXATION
AREA PLAN
OF
WEST HAVEN CITY
WEBER COUNTY, UTAH



DRAFT: 9/21/23

A dark blue vertical bar runs down the left side of the page. A blue arrow points to the right from the bar, containing the date.

9/25/2023

West Haven City

Annexation Policy Plan

Several thin, curved lines in dark blue and light gray originate from the bottom left corner and sweep upwards and to the right, creating a sense of movement and design.

Introduction

Utah Code Annotated (UCA) 10-2-4 requires that all municipalities in the State of Utah adopt an Annexation Policy Plan. Within that Annexation Policy Plan, cities are required to provide a map of the areas the city will consider for annexation into its municipal boundaries.

Additionally, cities are required to outline the conditions under which they will consider annexation and the process for handling such requests. All of this is to enable cities to guide the growth and development of the city for the next 20 years.

The West Haven City Annexation Policy Plan (the “Plan”) is intended to guide elected officials, appointed officials, and staff when evaluating, recommending, and making decisions regarding annexations. Additionally, as West Haven City (the “City”) continues to grow, the Plan will allow the City to coordinate annexation requests with other affected entities. Such entities may include, but are not limited to, special service districts, school districts, Weber County, the Weber County Sheriff’s Office, Weber Fire District, and surrounding municipalities.

West Haven Background

Since its incorporation in 1991, West Haven has grown from an agricultural-based community of just over 2,000 to a thriving suburban city with a population of more than 18,000. This has been accomplished through a series of annexations, as well as steady development within the City’s original boundaries.

West Haven City recognizes that some of the factors driving its steady growth are:

- Proximity to Interstate 15
- Ample agricultural land that is suitable for development
- Growth of Utah’s population
 - o The majority of Utah’s growth is coming from natural increase (births minus deaths) and Utah residents who were born here, left for a time, and are returning.¹²
- Proximity to Hill Air Force Base
 - o HAFB is one of Northern Utah’s largest employers, as more than 30,000 civilian jobs are either directly or indirectly tied to the Base.

West Haven strives to be a welcoming place where a wide variety of people choose to live, work and recreate, both now and in the future. This desire guides current and future land use decisions.

¹ <https://gardner.utah.edu/wp-content/uploads/Migrant-Demographic-Characteristics-June2021-Final.pdf>

² <https://gardner.utah.edu/wp-content/uploads/UPC-Estimates-Dec2022.pdf?x71849>

Population Growth

The 2020 US Census records West Haven City's population as 16,739, an increase of 63% over the 2010 Census figure of 10,272, or a 5% per year average population increase. Clearly, West Haven City is growing at a rapid pace.

In the first quarter of 2021, West Haven City accounted for 33% of Weber County's total building permits for new residential construction, despite being only 6% of the County's 2020 census population.

In 2012, the Governor's Office of Planning & Budget issued baseline population projections for West Haven City, demonstrating how the City is anticipated to grow from 2010-2060. Those figures/estimates were:

2010	2020	2030	2040	2050	2060
10,272	13,121	21,731	32,674	44,760	58,405

Revising those figures to account for the 2020 Census population and accounting for a continued 5% growth rate per year, the City would grow as follows:

	2010	2020	2030	2040	2050	2060
5%	10,272	16,739	27,266	44,413	72,344	117,842

While the City cannot be certain it will continue to grow at the rate it has, either set of population projections place West Haven City as the second largest city in Weber County by the year 2060, second only to Ogden.

Recognizing the City's guaranteed growth, the City will be judicious in ensuring that properties which are annexed into its boundaries are able to be maintained at the same level of service provided to existing residents and properties.

Consideration

West Haven City considers requests for annexation using criteria outlined in UCA 10-2-401.5:

- 1- The area is within the boundaries of the City's approved expansion area (i.e. the Annexation Declaration Boundary found on the General Plan Map.)
- 2- The following are the standards of review by which annexation into the City's municipal boundaries shall be evaluated:
 - a. Compliance with the City's General Plan and overall character of the community.
 - i. The General Plan shall serve as a guide for defining and outlining the character of West Haven City.
 - b. The need for municipal services in developed and undeveloped incorporated areas:
 - i. The City's plan for extension of municipal services; and
 - ii. How such services will be financed.
 - c. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
 - d. The interests of all affected entities.
- 3- West Haven City is required to justify excluding from the expansion area any area containing urban development within ½ mile of the municipality's boundaries.
 - a. There are areas containing urban development within ½ mile of West Haven City's boundaries. The City will consider those areas for annexation if petitioned as required by Utah State Code and West Haven City ordinances.
- 4- In developing, considering and adopting the annexation area map, the City will:
 - a. Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities
 - b. Consider population growth projections for the City and adjoining areas for the next 20 years
 - c. Consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - i. To facilitate full development of the area within West Haven; and
 - ii. To expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
 - d. Consider, in conjunction with West Haven City's general plan, the need for additional land suitable for residential, commercial, and industrial development over the next 20 years.
- 5- Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality

Municipal Taxes and Services

At the time this Plan's adoption, West Haven City does not have a property tax, nor does it serve as a culinary water, secondary water, or sanitary sewer provider. Such services are provided by a

variety of special service districts. Those special service districts have master plans for financing and growth of their areas.

Despite the City not having a property tax, the City will consider whether the expansion of City infrastructure ~~which that~~ can be directly attributed to the annexation will cause the City to reach a point where implementation of a property tax would be necessary.

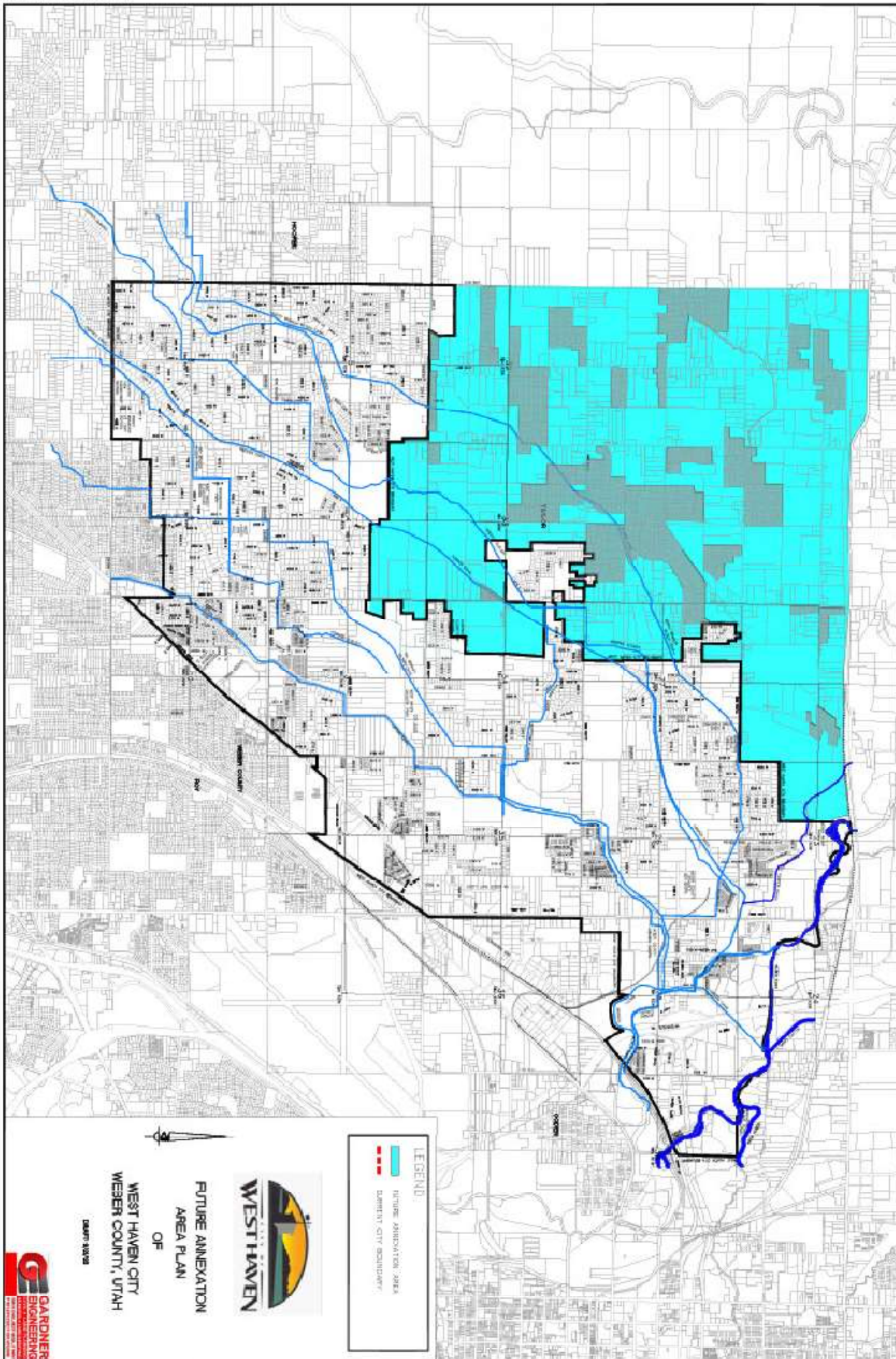
Additionally, the petitioner for annexation shall be required to submit documentation showing that the relevant special service district(s) are aware of the annexation request and are part of the service district's current or proposed boundaries.

Affected Entities Comment and Response

On July 25, the following affected entities were sent a copy of the proposed Annexation Policy Plan and issued an invitation to the August 9, 2023 Planning Commission meeting where this Plan was discussed.

- Hooper City
- Marriott-Slaterville City
- Roy City
- Ogden City
- Weber School District
- West Haven Special Service District
- Bona Vista Water
- Taylor-West Weber Water
- Hooper Water Improvement District

The purpose of that discussion was to help West Haven City coordinate its potential growth with municipalities and other governmental organizations. No comments were received from affected entities prior to the August 9, 2023 Planning Commission meeting, nor in the required 10-day period after said meeting.



Annexation Petition Process

State law governs how West Haven City and other municipalities in Utah must process petitions for annexation. West Haven City intends to fully comply with State requirements. As of this Plan's adoption, the following process outlines how petitions for annexation into West Haven City will be processed.



Upon approval of an annexation petition, the City will send the required documentation (ordinance, plat, petition) to the Weber County Commission, as well as the Lieutenant Governor's Office.

The area proposed for annexation must meet the following requirements, outlined in UCA 10-2-402:

- 1- The area proposed for annexation must be a contiguous, unincorporated area that is contiguous to the municipality, see UCA 10-2-402(1)(a); and
 - a. Does not leave or create an unincorporated island or peninsula (except as provided by UCA 10-2-418(1)(b); or unless the county and the municipality have otherwise agreed, see UCA 10-2-402(1)(b)(iii), and
 - b. Is located within the municipality's proposed expansion area, see UCA 10-2-402(1)(b)(iv); and
- 2- The area to be annexed must include whole parcels only, unless the owner of a parcel of which only a part is desired to be annexed joins in the petition. See UCA 10-2-402(3).
- 3- An area cannot be annexed for the sole purpose of acquiring municipal revenue or to impede the capacity of another municipality to annex the same area unless the

municipality has the ability and intent to benefit the annexed area by providing municipal services. See UCA 10-2-402(4).

Notice Prior to Filing A Petition Required (UCA 10-2-403)

Prior to filing a petition to annex, the person or persons intending to file a petition is required to:

- 1- File a notice of intent with the West Haven City recorder; and
- 2- Send a copy of the notice of intent to each affected entity, including an accurate map of the area proposed for annexation.

Weber County is required to mail the notices of intent, as outlined in UCA 10-2-403(b)(i). The person or persons who file the notice of intent shall coordinate distribution of the notices of intent with the Weber County clerk's office, who shall follow the procedures outlined in UCA 10-2-403(2)(b)(i).

Petition Requirements (UCA 10-2-403)

Except as provided in UCA 10-2-418, a petition to annex is required prior to West Haven City beginning the process to review and consider annexation into its corporate boundaries. The petition shall:

- 1- Be filed with the city recorder. See UCA 10-2-403(3)(a).
- 2- Contain the signatures of, if all the real property within the area proposed for annexation is owned by an entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:
 - a. Is located within the area proposed for annexation;
 - b. Covers a majority of the private land area located within the proposed annexation area, see UCA 10-2-403(3)(b)(ii)(A) & (iii);
 - c. Covers 100% of rural real property within the area proposed for annexation, see UCA 10-2-403(3)(b)(ii)(B) and UCA 17B-2a-1107; and
 - d. Covers 100% of the private land area within the proposed annexation area or a migratory bird production area, see UCA 10-2- 403(3)(b)(ii)(C) and UCA 23-28-101 et seq.; or
 - e. \
- 3- Be accompanied by an accurate and recordable map, prepared by a licensed surveyor, of the proposed annexation area. See UCA 10-2-403(3)(c)(i).
 - a. If practical and feasible, the boundaries of an area proposed for annexation shall be drawn:
 - i. Along the boundaries of existing special districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow City boundaries, and along the boundaries of other taxing entities;
 - ii. To eliminate islands and peninsulas of territory that is not receiving municipal-type services;

- iii. To facilitate the consolidation of overlapping functions of local government;
 - iv. To promote efficient delivery of services; and
 - v. to encourage the equitable distribution of community resources and obligations.
- 4- Contain a copy of the notice sent to affected entities as required by UCA 10-2-403-2(a)(i)(B) and a list of the affected entities to which the notice was sent.
- 5- Contain on each signature page a notice in bold and conspicuous terms that states substantially the following:
 - a. Notice: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the West Haven City Recorder. If you choose to withdraw your signature, you shall do so no later than thirty (30) days after West Haven City receives notice that the petition has been certified.
- 6- Designate five (5) signers as sponsors, one of whom is designated as the contact sponsor and include mailing addresses of all sponsors. See UCA 10-2-403(3)(f).
- 7- If the proposed annexation area includes property from another county, the petition must also include a resolution from that county's county commission approving the proposed annexation..
- 8- The proposed annexation area cannot include an area that was included in a previously filed petition that has not been denied, rejected, or granted by the City. See UCA 10-2-403(4).
- 9- In addition to delivery of the petition to the city recorder, on the date of filing, the petition sponsors must deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located. See UCA 10-2-403(6).

City Council Review UCA 10-2-405

The City Council may deny or accept the petition for further consideration. See UCA 10-2-405(1)(a)(i). (Note: the petition is considered to have been accepted for further consideration if the city council does not act on the petition at the next regularly scheduled meeting of the city council that is at least fourteen (14) days after the date the petition was filed. See UCA 10-2-405(1)(a)(ii)(B)).

DENIED – Mail written notice of denial within five (5) days after the denial to:

- 1- The petition's contact sponsor;
- 2- The clerk of the county in which the area proposed for annexation is located. See UCA 10-2-405(1)(b).

ACCEPTED FOR FURTHER CONSIDERATION – Within thirty (30) days of acceptance for further consideration, the city recorder shall:

- 1- Obtain from the county assessor, clerk, surveyor, and recorder of the county in which the proposed annexation area is located the records the city recorder needs to determine whether the petition meets the petition requirements (as explained above), See UCA 10-2-405(2)(a); and
- 2- With the assistance of the city attorney, determine whether the petition meets the petition requirements. See UCA 10-2-405(2)(b).

If the petition meets the petition requirements, the city recorder shall:

- 1- Certify the petition; and
- 2- Mail or deliver written notice of certification to:
 - a. The city council body;
 - b. The contact sponsor; and
 - c. The county legislative body. See UCA 10-2-405(2)I(i).

If the petition fails to meet the petition requirements, the city recorder shall:

- 1- Reject the petition; and
- 2- Mail or deliver notice of rejection and the reasons the petition was rejected to:
 - a. The city council body;
 - b. The contact sponsor; and
 - c. The county legislative body. See UCA 10-2-405(2)I(i).

A petition which has been rejected may be modified and resubmitted, subject to the same review provisions as the original petition. See UCA 10-405-3.

Publishing & Providing Notice of Certified Petition UCA 10-2-406

After receiving notice of certification of the petition from the city recorder, the City Council shall provide notice:

- 1- Within the area proposed for annexation and the unincorporated are within ½ mile of the area proposed for annexation, no later than 10 days after the day on which the Council receives notice of certification:
 - a. By posting one notice, and at least one additional notice per 2,000 population within the combined area, in places within the combined area that are most likely to give notice to the residents within, and the owners of real property located within, the combined area, subject to a maximum of 10 notices; or
 - b. By mailing the notice to each residence within, and to each owner of real property located within, the combined area.

- 2- Within twenty (20) days of receiving notice of the certification of the petition, mail notice to each affected entity. See UCA 10-2-406(1)(c). UCA 10-2-401(1)(a) defines “Affected entity” as:
 - a. County of the first or second class in whose unincorporated area the area proposed for annexation is located;
 - b. A county of the third, fourth, fifth, or sixth class in whose unincorporated area proposed for annexation is located, if the area included residents or commercial or industrial development;
 - c. A local district under Title 17B, Limited Purpose Local Government Entities – Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
 - d. A school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
 - e. A municipality whose boundaries are within 1/2 mile of an area proposed for annexation.
- 3- By posting notice on the West Haven City website for three (3) weeks.

The published and mailed notices shall:

- 1- State that a petition has been filed proposing annexation;
- 2- Provide the date the city council received notification of the certified petition;
- 3- Describe the area proposed to be annexed;
- 4- State that the complete petition is available for inspection and copying at the city recorder’s office;
- 5- State that the city council may grant the petition unless, within thirty (30) days after the city council received notice of the certified petition, a written protest is filed with the commission and a copy of the written protest is delivered to the city recorder of the proposed annexing municipality;
- 6- Provide the address of the commission, or if one has not yet been created, the address of the county clerk, where a protest to the petition may be filed;
- 7- Provide the action date that is thirty (30) days after the notice is published by which written protests must be filed;
- 8- (If applicable) State that the proposed annexation area will be annexed to a local district providing emergency services if (a) the city lies entirely within a local district’s boundaries that provides emergency services and an election was not required to form the district, and (b) the area to be annexed does not already lie within the boundaries of a local district; and
- 9- (If applicable) State that the area will be automatically withdrawn from a local district providing emergency services if (a) the petition proposed annexation of an area that lies within a local district that provides emergency services in the creation of which an

election was not required to form the district, and (b) the city is not within the boundaries of the local district.

Protest to Annexation Petition

Subject to the terms and process outlined in UCA 10-2-407, certain entities may file a protest to the annexation. Such protests shall be reviewed and acted upon by a boundary commission which shall be established in accordance with UCA 10-2-409.

Final Review by City Council- Protest Filed

APPROVAL OF ANNEXATION – If the city council waits to take further action after receipt of the boundary commission’s decision on a protest, upon receipt of the decision the city council may either:

- 1- Deny the petition; or
- 2- Approve the annexation consistent with the commission’s decision. See UCA 10-2-408(1).

DENIAL OF ANNEXATION – If the city council denies the annexation based on the filing of a timely protest, it must provide written notice within five (5) days after denial to:

- 1- The petition’s contact sponsor;
- 2- The boundary commission; and
- 3- Each entity that filed a protest. See UCA 10-2-407(5)(b).

Final Review by City Council- No Protest Filed

If no protest was timely filed, the city council may approve the petition after holding a public hearing for which written notice was provided for at least ten (10) days before the hearing in:

- 1- By posting one notice, and at least one additional notice per 2,000 population within the combined area, in places within the combined area that are most likely to give notice to the residents within, and the owners of real property located within, the combined area, subject to a maximum of 10 notices; or
- 2- By mailing the notice to each residence within, and to each owner of real property located within, the combines area.
- 3- Posted on the Utah Public Notice Website (<http://www.utah.gov/pmn/index.html>). See UCA 10-2-407(3)(b).
- 4- West Haven City’s website

Planning Commission Review and Zoning Recommendation

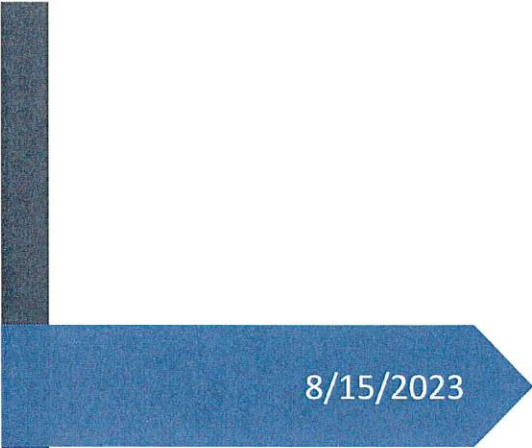
The West Haven City Planning Commission’s responsibility is to recommend zoning of the subject parcels if annexed. An annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the West Haven

Municipal Code. The Planning Commission shall hold a public hearing and recommend zoning prior to the final review of the annexation petition.

Zoning of the Subject Parcels by the City Council

In the case of zoning, an annexation petition shall be treated the same as a petition for zone change; a public hearing shall be ~~scheduled~~scheduled, and notice provided as specified in the West Haven Municipal Code. The City Council shall hold a public hearing and approve zoning of the subject parcels considering the recommendation of the Planning Commission. The City Council and Planning Commission intend to follow the General Plan and Future Land Use Map as the primary guide in zoning decision.

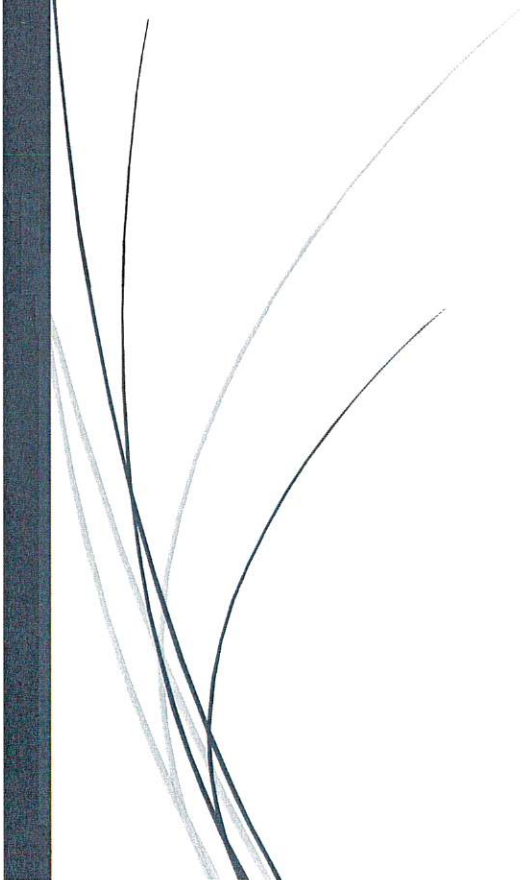
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8/15/2023

West Haven City

Annexation Policy Plan



Introduction

Utah Code Annotated (UCA) 10-2-4 requires that all municipalities in the State of Utah adopt an Annexation Policy Plan. Within that Annexation Policy Plan, cities are required to provide a map of the areas the city will consider for annexation into its municipal boundaries. Additionally, cities are required to outline the conditions under which they will consider annexation and the process for handling such requests. All of this is to enable cities to guide the growth and development of the city for the next 20 years.

The West Haven City Annexation Policy Plan (the “Plan”) is intended to guide elected officials, appointed officials, and staff when evaluating, recommending, and making decisions regarding annexations. Additionally, as West Haven City (the “City”) continues to grow, the Plan will allow the City to coordinate annexation requests with other affected entities. Such entities may include, but are not limited to, special service districts, school districts, Weber County, the Weber County Sheriff’s Office, Weber Fire District, and surrounding municipalities.

West Haven Background

Since its incorporation in 1991, West Haven has grown from an agricultural-based community of just over 2,000 to a thriving suburban city with a population of more than 18,000. This has been accomplished through a series of annexations, as well as steady development within the City’s original boundaries.

West Haven City recognizes that some of the factors driving its steady growth are:

- Proximity to Interstate 15
- Ample agricultural land that is suitable for development
- Growth of Utah’s population
 - o The majority of Utah’s growth is coming from natural increase (births minus deaths) and Utah residents who were born here, left for a time, and are returning.¹²
- Proximity to Hill Air Force Base
 - o HAFB is one of Northern Utah’s largest employers, as more than 30,000 civilian jobs are either directly or indirectly tied to the Base.

West Haven strives to be a welcoming place where a wide variety of people choose to live, work and recreate, both now and in the future. This desire guides current and future land use decisions.

¹ <https://gardner.utah.edu/wp-content/uploads/Migrant-Demographic-Characteristics-June2021-Final.pdf>

² <https://gardner.utah.edu/wp-content/uploads/UPC-Estimates-Dec2022.pdf?x71849>

Population Growth

The 2020 US Census records West Haven City's population as 16,739, an increase of 63% over the 2010 Census figure of 10,272, or a 5% per year average population increase. Clearly, West Haven City is growing at a rapid pace.

In the first quarter of 2021, West Haven City accounted for 33% of Weber County's total building permits for new residential construction, despite being only 6% of the County's 2020 census population.

In 2012, the Governor's Office of Planning & Budget issued baseline population projections for West Haven City, demonstrating how the City is anticipated to grow from 2010-2060. Those figures/estimates were:

2010	2020	2030	2040	2050	2060
10,272	13,121	21,731	32,674	44,760	58,405

Revising those figures to account for the 2020 Census population and accounting for a continued 5% growth rate per year, the City would grow as follows:

	2010	2020	2030	2040	2050	2060
5%	10,272	16,739	27,266	44,413	72,344	117,842

While the City cannot be certain it will continue to grow at the rate it has, either set of population projections place West Haven City as the second largest city in Weber County by the year 2060, second only to Ogden.

Recognizing the City's guaranteed growth, the City will be judicious in ensuring that properties which are annexed into its boundaries are able to be maintained at the same level of service provided to existing residents and properties.

Consideration

West Haven City considers requests for annexation using criteria outlined in UCA 10-2-401.5:

- 1- The area is within the boundaries of the City's approved expansion area (i.e. the Annexation Declaration Boundary found on the General Plan Map)
- 2- The following are the standards of review by which annexation into the City's municipal boundaries shall be evaluated:
 - a. Compliance with the City's General Plan and overall character of the community.
 - i. The General Plan shall serve as a guide for defining and outlining the character of West Haven City.
 - b. The need for municipal services in developed and undeveloped incorporated areas:
 - i. The City's plan for extension of municipal services
 - ii. How such services will be financed
 - c. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
 - d. The interests of all affected entities.
- 3- West Haven City is required to justify excluding from the expansion area any area containing urban development within ½ mile of the municipality's boundaries.
 - a. There are areas containing urban development within ½ mile of West Haven City's boundaries. The City will consider those areas for annexation if petitioned as required by Utah State Code and West Haven City ordinances.
- 4- In developing, considering and adopting the annexation area map, the City will:
 - a. Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities
 - b. Consider population growth projections for the City and adjoining areas for the next 20 years
 - c. Consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - i. To facilitate full development of the area within West Haven; and
 - ii. To expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
 - d. Consider, in conjunction with West Haven City's general plan, the need for additional land suitable for residential, commercial, and industrial development over the next 20 years.
- 5- Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality

Municipal Taxes and Services

At the time this Plan's adoption, West Haven City does not have a property tax, nor does it serve as a culinary water, secondary water, or sanitary sewer provider. Such services are provided by a

variety of special service districts. Those special service districts have master plans for financing and growth of their areas.

Despite the City not having a property tax, the City will consider whether the expansion of City infrastructure that can be directly attributable to the annexation will cause the City to reach a point where implementation of a property tax would be necessary.

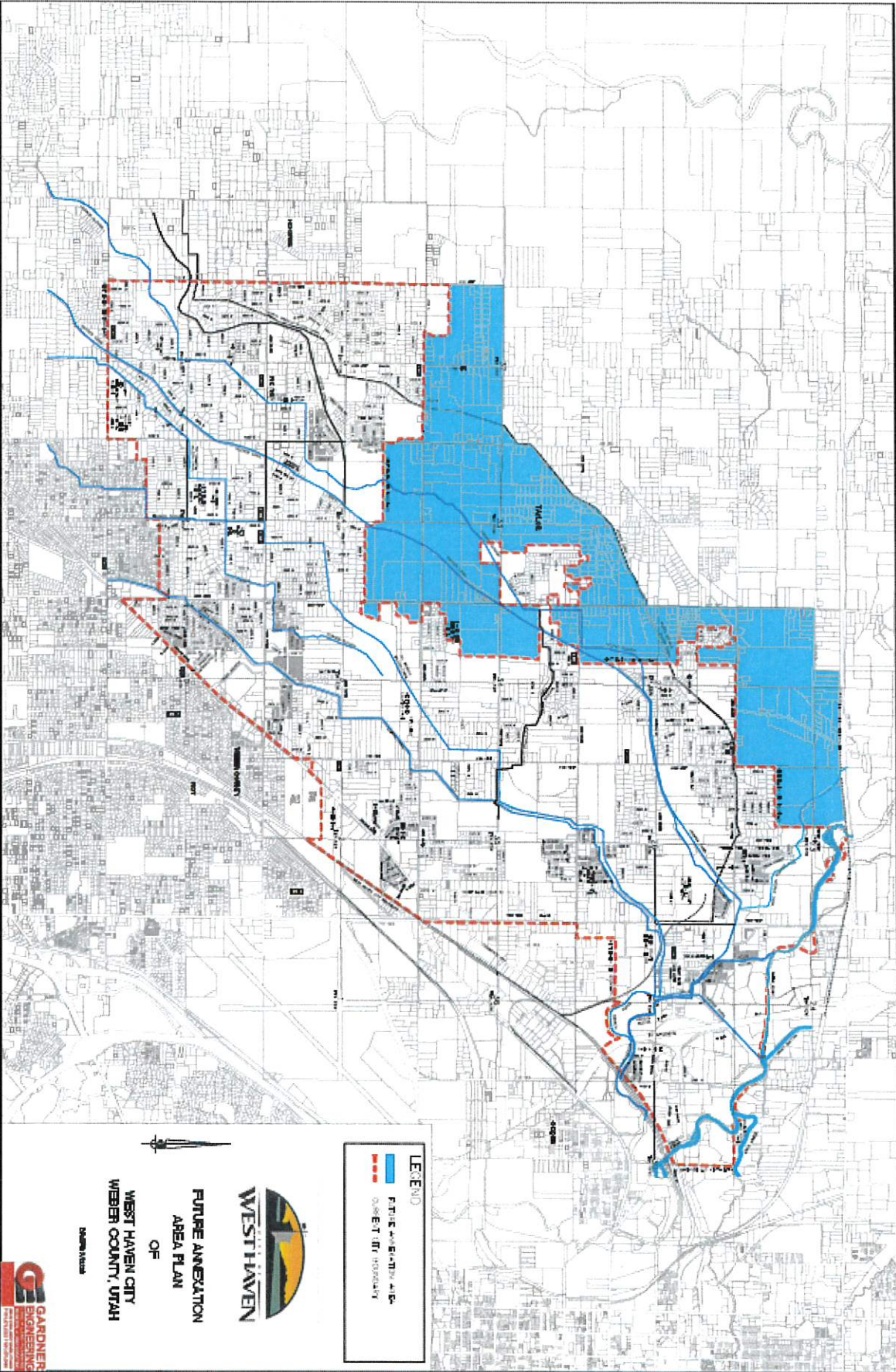
Additionally, the petitioner for annexation shall be required to submit documentation showing that the relevant special service district(s) are aware of the annexation request and are part of the service district's current or proposed boundaries.

Affected Entities Comment and Response

On July 25, the following affected entities were sent a copy of the proposed Annexation Policy Plan and issued an invitation to the August 9, 2023 Planning Commission meeting where this Plan was discussed.

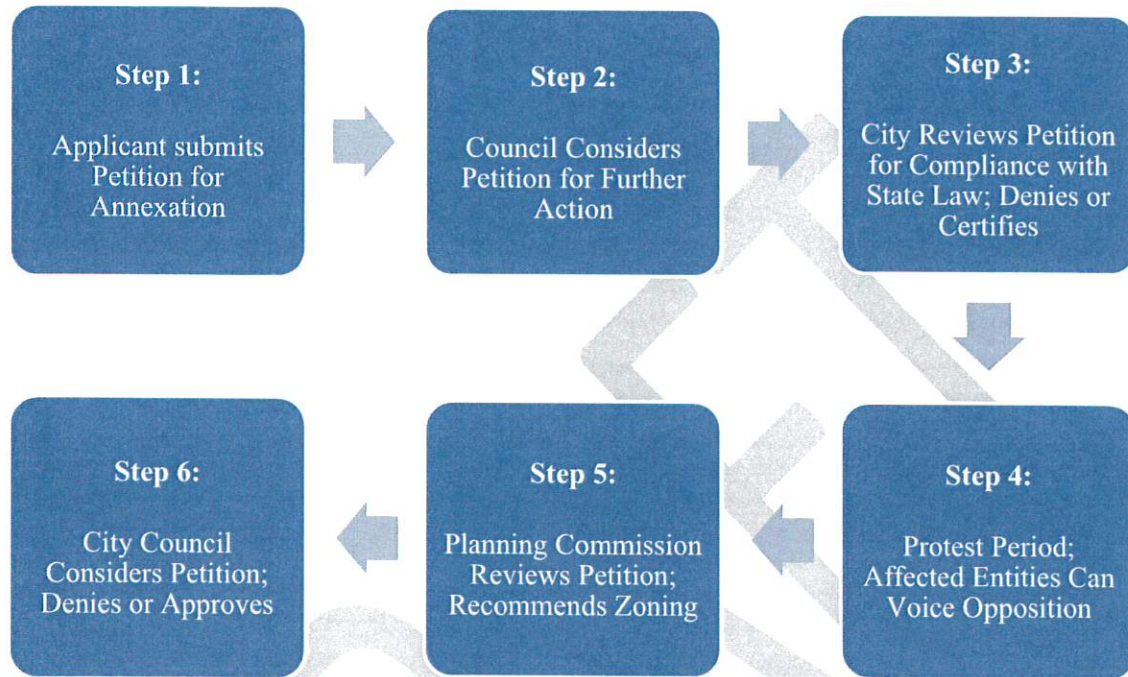
- Hooper City
- Marriott-Slaterville City
- Roy City
- Ogden City
- Weber School District
- West Haven Special Service District
- Bona Vista Water
- Taylor-West Weber Water
- Hooper Water Improvement District

The purpose of that discussion was to help West Haven City coordinate its potential growth with municipalities and other governmental organizations. No comments were received from affected entities prior to the August 9, 2023 Planning Commission meeting, nor in the required 10-day period after said meeting.



Annexation Petition Process

State law governs how West Haven City and other municipalities in Utah must process petitions for annexation. West Haven City intends to fully comply with State requirements. As of this Plan's adoption, the following process outlines how petitions for annexation into West Haven City will be processed.



Upon approval of an annexation petition, the City will send the required documentation (ordinance, plat, petition) to the Weber County Commission, as well as the Lieutenant Governor's Office.

The area proposed for annexation must meet the following requirements, outlined in UCA 10-2-402:

- 1- The area proposed for annexation must be a contiguous, unincorporated area that is contiguous to the municipality, see UCA 10-2-402(1)(a); and
 - a. Does not leave or create an unincorporated island or peninsula (except as provided by UCA 10-2-418(1)(b); or unless the county and the municipality have otherwise agreed, see UCA 10-2-402(1)(b)(iii), and
 - b. Is located within the municipality's proposed expansion area, see UCA 10-2-402(1)(b)(iv); and
- 2- The area to be annexed must include whole parcels only, unless the owner of a parcel of which only a part is desired to be annexed joins in the petition. See UCA 10-2-402(3).
- 3- An area cannot be annexed for the sole purpose of acquiring municipal revenue or to impede the capacity of another municipality to annex the same area unless the

municipality has the ability and intent to benefit the annexed area by providing municipal services. See UCA 10-2-402(4).

Notice Prior to Filing A Petition Required (UCA 10-2-403)

Prior to filing a petition to annex, the person or persons intending to file a petition is required to:

- 1- File a notice of intent with the West Haven City recorder; and
- 2- Send a copy of the notice of intent to each affected entity, including an accurate map of the area proposed for annexation.

Weber County is required to mail the notices of intent, as outlined in UCA 10-2-403(b)(i). The person or persons who file the notice of intent shall coordinate distribution of the notices of intent with the Weber County clerk's office, who shall follow the procedures outlined in UCA 10-2-403(2)(b)(i).

Petition Requirements (UCA 10-2-403)

Except as provided in UCA 10-2-418, a petition to annex is required prior to West Haven City beginning the process to review and consider annexation into its corporate boundaries. The petition shall:

- 1- Be filed with the city recorder. See UCA 10-2-403(3)(a).
- 2- Contain the signatures of:
 - a. Owners of a majority of the private land area located within the proposed annexation area (property must be equal to at least one-third (1/3) of the value of all private property located within the proposed annexation area, see UCA 10-2-403(3)(b)(ii)(A) & (iii);
 - b. Owners of 100% of rural real property within the area proposed for annexation, see UCA 10-2-403(3)(b)(ii)(B) and UCA 17B-2a-1107; and
 - c. Owners of 100% of the private land area within the proposed annexation area if the area is within an agricultural protection area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 17-41-101 et seq., or a migratory bird production area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 23-28-101 et seq.; or
 - d. The owner of all the publicly owned property if all property in the proposed annexation area is owned by a public entity other than the federal government. See UCA 10-2-403(3)(b).
- 3- Be accompanied by an accurate and recordable map, prepared by a licensed surveyor, of the proposed annexation area. See UCA 10-2-403(3)(c)(i).
- 4- Contain a copy of the notice sent to affected entities as required by UCA 10-2-403-2(a)(i)(B) and a list of the affected entities to which the notice was sent.
- 5- Include a signature page formatted as outlined in UCA 10-2-403(d) and containing the information described therein.
- 6- Designate five (5) signers as sponsors, one of whom is designated as the contact sponsor and include mailing addresses of all sponsors. See UCA 10-2-403(3)(f).

- 7- If the proposed annexation area includes property from another county, the petition must also include a resolution from that county's county commission approving the proposed annexation. (as detailed above).
- 8- The proposed annexation area cannot include an area that was included in a previously filed petition that has not been denied, rejected, or granted by the City. See UCA 10-2-403(4).
- 9- In addition to delivery of the petition to the city recorder, on the date of filing, the petition sponsors must deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located. See UCA 10-2-403(6).

City Council Review UCA 10-2-405

The City Council may deny or accept the petition for further consideration. See UCA 10-2-405(1)(a)(i). (Note: the petition is considered to have been accepted for further consideration if the city council does not act on the petition at the next regularly scheduled meeting of the city council that is at least fourteen (14) days after the date the petition was filed. See UCA 10-2-405(1)(a)(ii)(B)).

DENIED – Mail written notice of denial within five (5) days after the denial to:

- 1- The petition's contact sponsor;
- 2- The clerk of the county in which the area proposed for annexation is located. See UCA 10-2-405(1)(b).

ACCEPTED FOR FURTHER CONSIDERATION – Within thirty (30) days of acceptance for further consideration, the city recorder shall:

- 1- Obtain from the county assessor, clerk, surveyor, and recorder of the county in which the proposed annexation area is located the records the city recorder needs to determine whether the petition meets the petition requirements (as explained above), See UCA 10-2-405(2)(a); and
- 2- With the assistance of the city attorney, determine whether the petition meets the petition requirements. See UCA 10-2-405(2)(b).

If the petition meets the petition requirements, the city recorder shall:

- 1- Certify the petition; and
- 2- Mail or deliver written notice of certification to:
 - a. The city council body;
 - b. The contact sponsor; and
 - c. The county legislative body. See UCA 10-2-405(2)I(i).

If the petition fails to meet the petition requirements, the city recorder shall:

- 1- Reject the petition; and
- 2- Mail or deliver notice of rejection and the reasons the petition was rejected to:

- a. The city council body;
- b. The contact sponsor; and
- c. The county legislative body. See UCA 10-2-405(2)I(i).

A petition which has been rejected may be modified and resubmitted, subject to the same review provisions as the original petition. See UCA 10-405-3.

Publishing & Providing Notice of Certified Petition UCA 10-2-406

After receiving notice of certification of the petition from the city recorder, the City Council shall provide notice:

- 1- Within the area proposed for annexation and the unincorporated area within ½ mile of the area proposed for annexation, no later than 10 days after the day on which the Council receives notice of certification:
 - a. By posting one notice, and at least one additional notice per 2,000 population within the combined area, in places within the combined area that are most likely to give notice to the residents within, and the owners of real property located within, the combined area, subject to a maximum of 10 notices; or
 - b. By mailing the notice to each residence within, and to each owner of real property located within, the combined area.
- 2- Within twenty (20) days of receiving notice of the certification of the petition, mail notice to each affected entity. See UCA 10-2-406(1)(c). UCA 10-2-401(1)(a) defines “Affected entity” as:
 - a. County of the first or second class in whose unincorporated area the area proposed for annexation is located;
 - b. A county of the third, fourth, fifth, or sixth class in whose unincorporated area proposed for annexation is located, if the area included residents or commercial or industrial development;
 - c. A local district under Title 17B, Limited Purpose Local Government Entities – Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
 - d. A school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
 - e. A municipality whose boundaries are within 1/2 mile of an area proposed for annexation.
- 3- By posting notice on the West Haven City website for three (3) weeks.

The published and mailed notices shall:

- 1- State that a petition has been filed proposing annexation;

- 2- Provide the date the city council received notification of the certified petition;
- 3- Describe the area proposed to be annexed;
- 4- State that the complete petition is available for inspection and copying at the city recorder's office;
- 5- State that the city council may grant the petition unless, within thirty (30) days after the city council received notice of the certified petition, a written protest is filed with the commission and a copy of the written protest is delivered to the city recorder of the proposed annexing municipality;
- 6- Provide the address of the commission, or if one has not yet been created, the address of the county clerk, where a protest to the petition may be filed;
- 7- Provide the action date that is thirty (30) days after the notice is published by which written protests must be filed;
- 8- (If applicable) State that the proposed annexation area will be annexed to a local district providing emergency services if (a) the city lies entirely within a local district's boundaries that provides emergency services and an election was not required to form the district, and (b) the area to be annexed does not already lie within the boundaries of a local district; and
- 9- (If applicable) State that the area will be automatically withdrawn from a local district providing emergency services if (a) the petition proposed annexation of an area that lies within a local district that provides emergency services in the creation of which an election was not required to form the district, and (b) the city is not within the boundaries of the local district.

Protest to Annexation Petition

Subject to the terms and process outlined in UCA 10-2-407, certain entities may file a protest to the annexation. Such protests shall be reviewed and acted upon by a boundary commission which shall be established in accordance with UCA 10-2-409.

Final Review by City Council- Protest Filed

APPROVAL OF ANNEXATION – If the city council waits to take further action after receipt of the boundary commission's decision on a protest, upon receipt of the decision the city council may either:

- 1- Deny the petition; or
- 2- Approve the annexation consistent with the commission's decision. See UCA 10-2-408(1).

DENIAL OF ANNEXATION – If the city council denies the annexation based on the filing of a timely protest, it must provide written notice within five (5) days after denial to:

- 1- The petition's contact sponsor;
- 2- The boundary commission; and
- 3- Each entity that filed a protest. See UCA 10-2-407(5)(b).

Final Review by City Council- No Protest Filed

If no protest was timely filed, the city council may approve the petition after holding a public hearing for which written notice was provided for at least ten (10) days before the hearing in:

- 1- By posting one notice, and at least one additional notice per 2,000 population within the combined area, in places within the combined area that are most likely to give notice to the residents within, and the owners of real property located within, the combined area, subject to a maximum of 10 notices; or
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Planning Commission Review and Zoning Recommendation

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