



WEST HAVEN CITY COUNCIL AGENDA

WEDNESDAY, OCTOBER 04, 2023 6:00 PM
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **October 04, 2023** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **3:00 PM**: COUNCIL WORKSHOP **6:00 PM**: REGULAR WEDNESDAY CITY COUNCIL MEETING. JOIN US DIGITALLY FOR THE WORK SESSION AND COUNCIL MEETING AT [HTTPS://US06WEB.ZOOM.US/J/81581435918](https://us06web.zoom.us/j/81581435918). WATCH LIVE AT [HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCeeQNBTFZJWtGOPHMCNCBA](https://www.youtube.com/channel/UCeeQNBTFZJWtGOPHMCNCBA).

3:00 Council Workshop – In City Council Chambers

NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.

MEETING TO ORDER: MAYOR VANDERWOOD

REPORTS AND DISCUSSION AS FOLLOWS:

1. SITE VISIT-3:15 PM-MOULDING AND SONS PARK-2100 S 910 W
2. SITE VISIT-3:45 PM-PREVEDEL PARK-1300 S 2300 W
3. SITE VISIT-4:05 PM-WINDSOR FARMS PARK-2683 S 3150 W
4. SITE VISIT-4:30 PM-STAKER FARMS PARK-2900 S 3500 W
5. SITE VISIT-4:45 PM-SALT POINT-3275 W 3800 S
6. DISCUSSION-4150 S 3900 W-CITY HALL-MASTER PLAN FOR WINDSOR PARK AND R. KENNETH BALDWIN COUNTRY PARK

6:00 PM REGULAR CITY COUNCIL MEETING

1. MEETING CALLED TO ORDER-MAYOR VANDERWOOD
 2. OPENING CEREMONIES
 - A. PLEDGE OF ALLEGIANCE-COUNCILMEMBER MORSE
 - B. PRAYER/MOMENT OF SILENCE-COUNCILMEMBER DIXON
 3. PUBLIC PRESENTATION: Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.
 4. UPCOMING EVENTS
Senior Lunch Bunch-October 25, 2023-11:30 AM
Pumpkin Walk-October 26, 2023-7:00 PM
 5. COUNCIL UPDATES
- ***AGENDA ACTION ITEMS*****
6. ACTION ON CONSENT AGENDA
 - A. CITY COUNCIL MINUTES-MEETING HELD-SEPTEMBER 6, 2023
 - B. CITY COUNCIL MINUTES-MEETING HELD-SEPTEMBER 20, 2023

- C. ANDERSEN ASPHALT-\$93,254.07-INV#3426
- D. STAKER PARSON COMPANIES-\$733,105.91-INV#213851-4
- E. BELSON OUTDOORS-\$156,054.12-WQ335652
- F. HOGAN & ASSOCIATES CONSTRUCTION-\$83,488.00-INV#2022-023
- 7. DISCUSSION AND POSSIBLE ACTION-CHRISTMAS LIGHTS INSTALLATION-BROCK RANDALL
- 8. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)
 - A. PRELIMINARY SUBDIVISION APPROVAL-COMMERCIAL SUBDIVISION-APPROX. 2405 HINCKLEY DRIVE-JOHN RYAN
- 9. DISCUSSION-GENERAL PLAN-SHARI PHIPPEN
- 10. DISCUSSION AND POSSIBLE ACTION-GENERAL PLAN ADVISORY COMMITTEE
- 11. DISCUSSION-ANNEXATION POLICY PLAN
- 12. ACTION ON RESOLUTION 37-2023-EASEMENT BETWEEN WEST HAVEN CITY AND DOMINION ENERGY
- 13. DISCUSSION AND POSSIBLE ACTION-GREEN FARMS MASTER DEVELOPMENT DEFAULT
- 14. DISCUSSION AND POSSIBLE ACTION-SALT POINT ROAD IMPACT FEES REDUCTION
- 15. ADJOURNMENT

Emily Green

Emily Green, City 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

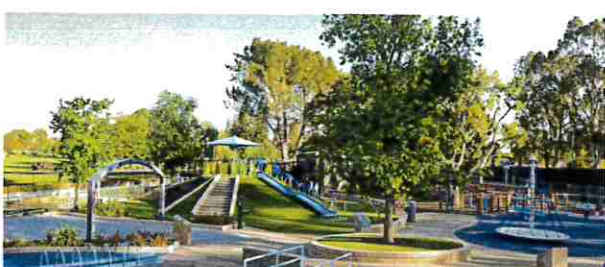
The undersigned, duly appointed city recorder, does hereby certify that the above notice and agenda has been posted in the West Haven City Recorder's office; at the West Haven City Complex on the Notice Board and at westhavencity.com; emailed to the Standard-Examiner with a request that it be posted 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



TRAILHEAD WITH KIOSK AND SEATING



BASKETBALL COURT



PLAYGROUND EXAMPLE



PLAYGROUND EXAMPLE



SLOPED BERMS AROUND PLAYGROUND AREA



BOARDWALK PATH



REST AREA WITH BENCHES



PEDESTRIAN BRIDGE



RODEO ARENA WITH EXPANDED SEATING



TREES IN TREE GRATE STRIP



FIREPLACE WITH CHAIRS



SEATING AND TABLES WITH SHADE SAILS



SHADE SAILS



STONE DUST AREA WITH FOOD TRUCKS AND MOVABLE TABLES

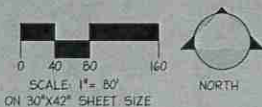


SYMBOL	DESCRIPTION
1	25' ENTRY DRIVE
2	HISTORIC TREE
3	EXISTING UTOPIA BUILDING 10'X10'
4	92'X66' BASKETBALL COURT
5	EXISTING PAVILION
6	EXISTING MONUMENT
7	TREE IN 8' ROUND TREE GRATE
8	AREA FOR WEST HAVEN DAYS STAGE
9	PLAYGROUND AREA
10	PLANTER AREA WITH BENCHES
11	SEATING AND TABLES WITH SHADE SAILS
12	26'X36' RESTROOM
13	10 FT. WALKING PATH, TYP.
14	RAISED PLANTERS WITH SEAT WALLS
15	PLAZA WITH MOVABLE TABLES
16	FIREPLACE WITH CHAIRS
17	EXISTING PICKLEBALL COURTS
18	EXISTING BASEBALL FIELDS
19	ADD LIGHTS TO EXISTING BASEBALL FIELDS
20	EXISTING CONCESSION BUILDING WITH RESTROOMS
21	EXISTING PARKING STALLS (266 STALLS, 9 ADA)
22	SLOPED BERMS AROUND PLAY AREAS
23	BENCHES, TYP.
24	NEW SCOREBOARDS WITH BLUETOOTH
25	OPEN LAWN AREA
26	BERMED PLANTERS
27	30'X42' PAVILION (10 TABLES)
28	TREES IN TREE GRATE STRIP
29	STONE DUST FOOD TRUCK AREA WITH MOVABLE TABLES
30	RODEO ARENA WITH EXPANDED SEATING
31	COVERED RODEO SEATING
32	UPGRADED BUCKING CHUTES
33	ANNOUNCER'S STAND TO BE LOCATED ABOVE BUCKING CHUTES
34	GATE FOR EVENT CLOSURE
35	EXISTING RODEO PARTICIPANT PARKING
36	ADJUSTED RODEO DRIVE
37	EXISTING OVERSTOCK BINS
38	ADD LIGHTING TO EXISTING OVERSTOCK BINS
39	SOUTH ACCESS ROAD
40	EXPANDED PARKING LOT WITH LIGHTING (APPROX. 191 STALLS, PREVIOUSLY 51 STALLS)
41	TRAILHEAD WITH SIGN KIOSK AND SEATING
42	PEDESTRIAN BRIDGE, TYP.
43	BOARDWALK PATH
44	REST AREA WITH BENCHES
45	UPGRADE ELECTRICAL PANEL



KENNETH BALDWIN COUNTRY PARK CONCEPT

West Haven, UT
September 25th, 2023



G.BROWN:DESIGN INC
SITE LANDSCAPE ARCHITECTS
678 East Vine Street, Ste 10
Murray, Utah 84107
p. 801.575.6066 f. 801.575.6166
www.gbrowndesign.com



REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
1	PARALLEL PARKING (10 STALLS)
2	EXISTING POWER POLES
3	PLANTING AREA
4	LAWN
5	PUMP TRACK DROP IN
6	WORKOUT STATION
7	10' RUNNING / WALKING PATHWAY
8	INTERMEDIATE LEVEL PUMP TRACK. PUMP TRACK HEIGHT NOT TO EXCEED 5'
9	A-FRAME BIKE OBSTACLE
10	BANKING BIKE OBSTACLE
11	BERTH LAWN AREA
12	BIO-NATIVE GRASS
13	BIKE PATH OBSTACLE
14	WALKWAY CONNECTION BETWEEN PARK SPACES
15	TREES UNDER POWER LINES (TO BE A MAXIMUM HEIGHT OF 12')
16	BEGINNER LEVEL PUMP TRACK
17	ROCK GARDEN BIKE OBSTACLE
18	NARROW RAIL BIKE OBSTACLE
19	ENTRY PLAZA
20	PARK SIGN
21	SEE SPECIAL NOTES FOR IMPROVEMENTS UNDER ROCKY MOUNTAIN POWER LINES.
22	PAVED PATHWAY
23	PLAYGROUND
24	PAVILION
25	PARKING (8 STALLS)
26	EXISTING SLOUGH
27	TWO WAY ASPHALT DRIVE
28	JERSEY BARRIER AROUND EXISTING POWER POLE
29	OVER FLOW DRAINAGE BASIN
30	PARKING (12 STALLS)
31	NATURE PLAY AREA WITH CLIMBING BOULDER, LOG BALANCE, STUMP HOPPERS, LARGE LOG CLIMBER, AND PLAY MOUND WITH TUNNEL.
32	PARKING (14 STALLS)
33	EXISTING TREES TO REMAIN
34	RESTROOM
35	DRY CREEK BED TO COLLECT SURFACE DRAINAGE
36	DECK OVERLOOK
37	BRIDGE
38	DISC GOLF TEE PAD
39	DISC GOLF BASKET
40	DISC GOLF COURSE SIGN

SPECIAL NOTES FOR IMPROVEMENTS UNDER ROCKY MOUNTAIN POWER LINES

1. PUMP TRACK ELEVATION NOT TO EXCEED 5'.
2. SITE ELEMENTS AND TREES HEIGHT NOT TO EXCEED 12'.
3. JERSEY BARRIER TO BE INSTALL AROUND EXISTING POWER POLE NEXT TO ACCESS ROAD.
4. FINAL DESIGN AND CONSTRUCTION DRAWINGS WILL REQUIRE FINAL APPROVAL FROM ROCKY MOUNTAIN POWER.



Windsor Park Master Plan

West Haven, UT

DECEMBER 2019
SCALE: 1" = 80'
ON 30"x42" SHEET



G. BROWN: DESIGN INC
SITE AND LANDSCAPE ARCHITECTS

610 East South Temple, Ste 50
Salt Lake City, Utah 84102
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PUMP TRACK & BIKE OBSTACLES



PUMP TRACK



NARROW RAIL BIKE OBSTACLE



BIKE PATH WITH OBSTACLES



ROCK GARDEN BIKE OBSTACLE

WORKOUT STATION EXAMPLES



A FRAME CLIMBER



UNSTABLE BRIDGE STATION



CLIMBING STATION



STRETCHING AND CORE STATION

NATURE PLAY



LOG BALANCE AND STUMP HOPPERS



CLIMBING BOULDER



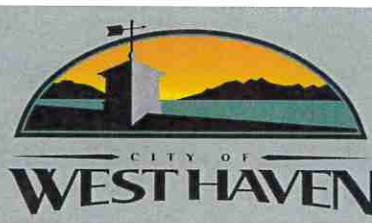
LARGE LOG CLIMBERS



PLAY MOUND WITH TUNNEL

NOTE:

IMAGES ARE USED TO CONVEY DESIGN INTENT ONLY. IMAGES ARE NOT INTENDED TO REPRESENT EXACT MATERIALS, EQUIPMENT, AND/OR IMPROVEMENTS.



Windsor Park Character Images
West Haven, UT

G. BROWN: DESIGN INC
SITE AND LANDSCAPE ARCHITECTS

610 East South Temple, Ste 50
Salt Lake City, Utah 84102
p. 801.575.6056 f. 801.675.6166
www.gbrowndesign.com

ENHANCEMENTS



NATURAL DRAINAGE CHANNEL



OVERLOOK DECK



DRY CREEK BED



BRIDGE



BIO-NATIVE GRASS

DISC GOLF



DISC GOLF TEE PAD



DISC GOLF BASKET



DISC GOLF COURSE SIGN

NOTE:
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WEST HAVEN CITY COUNCIL MEETING MINUTES

September 06, 2023 6:30 PM
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

1. MEETING CALLED TO ORDER-MAYOR VANDERWOOD

*The Council met at their regularly scheduled meeting in the council chambers.
Mayor Vanderwood brought the meeting to order at 6:31 pm. and welcomed those in attendance.*

2. OPENING CEREMONIES

A. PLEDGE OF ALLEGIANCE-COUNCILMEMBER MORSE

B. PRAYER/MOMENT OF SILENCE-COUNCILMEMBER SWAPP

AGENDA ACTION ITEMS

3. DISCUSSION AND POSSIBLE ACTION- GRANTS AND GENERAL PLAN

Councilmember Swapp asked if the city has a dedicated dog park.

Brock Randall said that we have one in Tuscan Meadows and that a section of Prevedel Park could be used for that purpose.

Councilmember Swapp asked if there are some detention ponds that could be used as a dog park.

Brock Randall said that we do have some that could be utilized as a dog park.

Mayor Vanderwood expressed concern about the property the city owns in front of West Haven Elementary and what the purpose is for it. He suggested reviewing properties that the city owns.

Amy Hugie suggested a special meeting that goes to the different parks that we own.

Council agreed to do it in the first week of October.

Councilmember Swapp suggested getting rid of properties we don't need.

Councilmember Dixon asked about the community center grant and if everyone wanted to apply for it again.

Councilmember Saunders said he liked the idea of indoor pickleball courts.

Councilmember Morse agreed with the indoor pickleball courts.

Sheri Bingham said she does not think there are any indoor pickleball courts in Weber County.

Councilmember Call said she is in favor of using the large grant for an art and recreation center. She also suggested looking at grants to expand the bathrooms at the R. Kenneth Baldwin Country Park.

Mayor Vanderwood asked about the deadlines on the General Plan with the consulting group.

Shari Phippen said she is hoping to have the draft of the mailer by tomorrow.

4. EXECUTIVE SESSION-THE COUNCIL WILL ENTER INTO A CLOSED MEETING FOR THE PURPOSE OF A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY TO BE HELD IN ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-205

Ryan Saunders made a motion Enter into Executive Session. **Carrie Call** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Swapp
NAYS:	
RECUSED:	

Mayor Vanderwood said the executive session was used to discuss the purchase exchange or lease of real property.

Nina Morse made a motion Leave Executive Session. **Ryan Saunders** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Swapp
NAYS:	
RECUSED:	

5. **DISCUSSION-PERSONNEL POLICY**

City Council reviewed the last of the personnel policy.

City Council agreed to approve compensation and the personnel policy at the same time.

6. **ADJOURNMENT**

Carrie Call made a motion to adjourn at 9:04 PM. **Ryan Saunders** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Swapp
NAYS:	
RECUSED:	

Emily Green
City Recorder

Date Approve:



**WEST HAVEN CITY
COUNCIL MEETING MINUTES**

September 20, 2023 4:00 PM
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

1. **MEETING CALLED TO ORDER-MAYOR VANDERWOOD**

Mayor Vanderwood called the meeting to order at 4:02 pm.

2. **OPENING CEREMONIES**

- A. PLEDGE OF ALLEGIANCE-COUNCILMEMBER CALL
- B. PRAYER/MOMENT OF SILENCE-COUNCILMEMBER MORSE

3. **PUBLIC PRESENTATION:**

Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.

Brooke Mitchell came in to express her concern for the speeding problems on 2200 S and made a suggestion to put some speed humps in. She also expressed concern about the future road placement connecting 2100. She also expressed concern for the lack of sidewalks.

*****AGENDA ACTION ITEMS*****

4. **EXECUTIVE SESSION-THE COUNCIL WILL ENTER INTO A CLOSED MEETING FOR THE PURPOSE OF STRATEGY SESSION TO DISCUSS THE CHARACTER AND PROFESSIONAL COMPETENCE OF AN INDIVIDUAL; TO BE HELD IN ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-205**

Kim Dixon made a motion Enter into Executive Session. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

Nina Morse made a motion Leave Executive Session. **Carrie Call** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

5. **COUNCIL UPDATES**

Mayor Vanderwood asked for an update on Staker Farms.

Amy stated that installed drainage pipes because of water issues which effected grass growth. They are putting in trees with a berm, the trees will be placed when the weather cools.

Councilmember Dixon stated that the Pumpkin Walk will be October 26 starting at 7:30 pm.

Councilmember Saunders thanked the Day of Service Volunteers that helped spread bark at Prevedel Park.

6. **UPCOMING EVENTS**

Senior Lunch Bunch-September 27, 2023-11:30 AM
Evening of Art-September 23, 2023-3:00 PM

7. **ACTION ON CONSENT AGENDA**
- A. CITY COUNCIL MINUTES-MEETING HELD-AUGUST 16, 2023
 - B. CITY COUNCIL SPECIAL MEETING MINUTES-MEETING HELD-AUGUST 30, 2023
 - C. WEBER COUNTY SHERIFF-\$456,290.00-INV#48268
 - D. STAKER PARSONS COMPANIES-\$207,998.56-INV#213851-3

Councilmember Call said that the August 16 workshop minutes state that Mayor Vanderwood called the meeting to order but it was actually her.

Nina Morse made a motion to approve items A-D with the changes stated. **Ryan Saunders** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

8. **DISCUSSION-WEBER COUNTY SHERIFF REPORT**

Amy Hugie updated the council on the Sheriff Department Report

9. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**

A. ACTION ON ORDINANCE 18-2023-REVISED WEST HAVEN CITY ZONING MAP

Shari Phippen stated that her and Alika have gone through every rezone ordinance that has been done since the city incorporated to verify zoning, in order to make sure the map reflects those zones correctly. She let the council know that there are some properties that need to be corrected but those can be done at a later date.

Carrie Call made a motion to approve Ordinance 18-2023. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

10. **ACTION ON RESOLUTION 35-2023-EASEMENTS BETWEEN WEST HAVEN CITY AND DOMINION ENERGY**

Amy Hugie explained that the easements are for UTOPIA. Councilmember Saunders asked Amy to reach out to Dominion Energy and ask if they would be willing to agree to having a mutule reciprocal indemnification and they said that they would.

Mayor Vanderwood stated that the verbiage needs to be changed where is says City Manager, it should say Interim City Manager and change the dates to the correct date.

Ryan Saunders made a motion to adopt resolution 35-2023 easements between West Haven City and Dominion Energy with the indemnification clause reciprocal and grammatical changes. **Kim Dixon** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

11. DISCUSSION AND POSSIBLE ACTION-GREEN FARM DEFAULT

Amy Hugie updated the council on the Notice of Default and the Meet and Confer period. She stated that Nilson Homes brought in 2 possibilities to replace the water feature. one being a windmill and one being a larger pavilion.

Mayor Vanderwood asked if any of the residents have had any input.

Amy said that Jedd Reed and Marilyn Weaver said they would be happy either way.

Mayor Vanderwood expressed his concern for the height of the windmill and people possibly climbing on it.

Council Members Dixon, Saunders and Morse all stated they liked the pavilion.

Councilmember Swapp asked if the city would have to cover any of the cost and Amy said they would not, it is in the MDA that they will cover it.

Council and Amy reviewed the punch list that was assembled by Nilson Homes, based off of a walkthrough with City Staff. The punch list outlines what items need to be completed and what has been completed. Amy recommended that the city does not accept the property dedications until some issues have been addressed and rectified.

Councilmember Morse asked for an update on the Community Center.

Mr. Flood said the center was permitted a couple months ago, when construction was ready to start, they were halted because of a waterline that was discovered. The building was then moved 10' North of the water line and resubmitted the site plan. It took about 2 ¹/₂ weeks to get a response back and then they were asked to move it another 1 ¹/₂ to move it outside of a ROW, that was submitted 2 ¹/₂-3 weeks ago and they haven't heard anything.

Councilmember Swapp asked if there are any landscape maintenance plans given to the city.

Mr. Baylis said there is a plan that they are working on.

Councilmember Swapp asked about the detention areas and what looks like tumbleweeds.

Mr. Baylis said they have been hydro seeded but should be treated with weed killer.

Kim Dixon made a motion Table any action on Green Farms Default. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

Ryan Saunders made a motion to approve the alternate number 2, a pavilion in the Open Space area. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

12. ACTION ON RESOLUTION 36-2023-DOCK GRANT APPROVAL

Brock worked with the Department of Natural Resources on getting a grant for a dock at the Green Farm Pond. They will reimburse the city up to \$70,750.00 for the pond completion.

There was a discussion about what the name of the pond is on the grant submittal.

Amy said that because of the way the way the application was written, it needs to stay that way or it can cause issues with the DNR.

Kim Dixon made a motion to approve Resolution 36-2023 Dock Grant approval. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

13. **EXECUTIVE SESSION-THE COUNCIL WILL ENTER INTO A CLOSED MEETING FOR THE PURPOSE OF STRATEGY SESSION TO DISCUSS THE CHARACTER AND PROFESSIONAL COMPETENCE OF AN INDIVIDUAL; TO BE HELD IN ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-205**

Nina Morse made a motion Enter into Executive Session. **Ryan Saunders** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

Nina Morse made a motion Leave Executive Session. **Carrie Call** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

14. **DISCUSSION AND POSSIBLE ACTION-REGARDING THE CITY MANAGER CONTRACT**

Nina Morse made a motion Table any action regarding the City Manager Contract. **Ryan Swapp** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

15. **ADJOURNMENT**

Carrie Call made a motion to adjourn at 9:06 PM. **Nina Morse** seconded the motion.

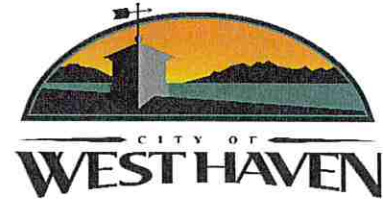
AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

Charis Sully

City Council Staff Review Memo

September 27, 2023

Alika Murphy, City Planner I



Final Plat Approval- Wingspan Subdivision

Request: To grant approval of a 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 Hinkley 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

At the 9/27/2023 meeting, the Planning Commission unanimously recommended that the Council grant approval of the final plat. In accordance with that, and based on the fact that no site improvements are being done, the only action is subdividing the site into 13 lots, so it is **Staff's position that the Council grant final plat approval.**

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)

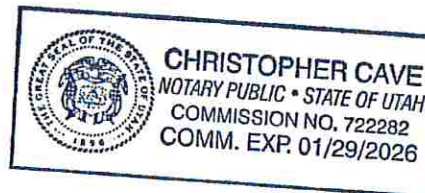
On this 27 day of JUNE, in the year 2023, before me, CHRISTOPHER CAVE

a notary public, personally appeared TYLER JAMES WALKER, 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.

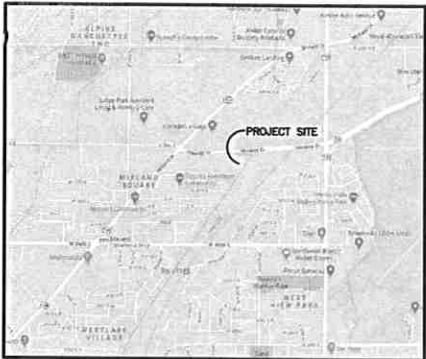


N/A	Received	N/A	Received	Letters of acknowledgment/approval/conditions from
<u>PRELIMINARY</u>		<u>FINAL</u>		
☐	Affidavit of Understanding and Acceptance of Fees	☐	☐	Secondary Water Company
		☐	☐	Culinary Water Company
		☐	☐	Fire District
		☐	☐	All other items required by City Planner

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

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, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF 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 ERRECTED 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, RIVERDALE, UTAH 84405
TEL: (801) 621-2100 FAX: (801) 621-2666 www.reeve.co
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: _____

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

NORTHWEST CORNER OF SECTION 2,
TOWNSHIP 5 NORTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN, U.S.
SURVEY, FOUND BRASS CAP
MONUMENT IN VAULT

WEST QUARTER CORNER OF SECTION
2, TOWNSHIP 5 NORTH, RANGE 2
WEST, SALT LAKE BASE AND MERIDIAN,
U.S. SURVEY, FOUND BRASS CAP
MONUMENT IN VAULT

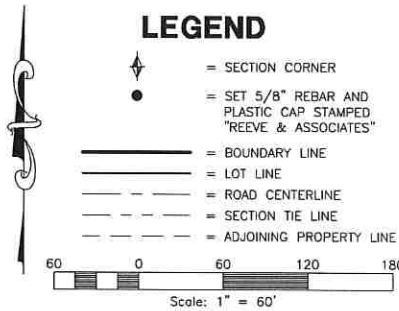
(BASIS OF BEARINGS)
N00°51'40"E 2644.23' (K)
N00°51'40"E 2644.18' (M)
SOUTH 286.35'

08-022-0100
SHERIDAN HOLDINGS LLC

08-022-0048/
SHERIDAN HOLDINGS LLC

08-022-0083
COUNTRY MEADOWS CORPORATION

LEGEND



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.**

5100 SOUTH 1500 WEST, REVERSHALE, UTAH 84405
TEL: (801) 621-3100 FAX: (801) 621-2668 www.reeve.co
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Checked:

WEBER COUNTY RECORDER

Entry No. _____ Fee Paid
Recorded: _____ 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

NORTHWEST CORNER OF SECTION 2,
TOWNSHIP 5 NORTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN, U.S.
SURVEY, FOUND BRASS CAP
MONUMENT IN VAULT

WEST QUARTER CORNER OF SECTION
2, TOWNSHIP 5 NORTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN, U.S.
SURVEY, FOUND BRASS CAP
MONUMENT IN VAULT

HINCKLEY DRIVE

EAST 1795.15'

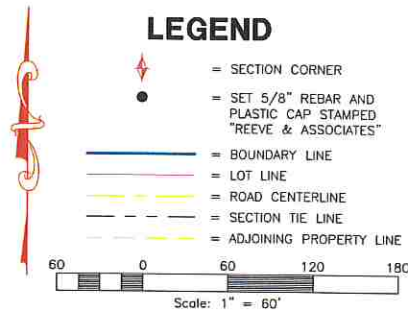
P.O.B.

08-012-2100
SHERIDAN HILLTOPS LLC

08-024-0048
SHERIDAN HILLTOPS LLC

08-072-0013
COUNTRY MEADOWS CORPORATION

LEGEND



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"
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In Book _____ Of The
Official Records, Page _____
Recorded For:

Weber County Recorder
Deputy.

City Council Staff Review Memo

September 28, 2023

Shari Phippen, Community Development Director



General Plan- Plan Status and Advisory Committee Information

Advisory Committee Thoughts

On August 7, 2023, I sent the Council an email with some advice on what types of residents to consider when formulating the General Plan advisory committee. To reiterate those thoughts, below is the text of that email. The Council should consider:

- Parents with school-age children
- Retired
- New (less than 5 years) residents
- Long-term (more than 20 years) residents
- Local business community
- Residents who are vocal (but not antagonistic) about city issues
- Mid to late career residents
- Local building community
 - o Not outside developers, but a resident who works in development and can help the City understand trends
- Residents who may have land use/planning backgrounds

At this stage, I would not recommend having Commission & Council directly involved as committee members, only because that tends to put a damper on the free-flow of conversation and lead to an opinion of "it doesn't matter what we say, the City will do whatever it wants". I'd like this advisory committee to be just residents so that the information and recommendations that come out of the committee are not influenced by elected or appointed officials.

Plan Status

I sent a current draft of the GP to Amy on Thursday afternoon. As of right now, the plan has the MIHP element done, the Water section done, the background, demographic and City history section done. Ed and I are meeting on Monday (10/2) morning and after that, I will put together the information on the Transportation section. I have also documented the things that need included in the land use section, as well as ideas for the future land use map, land use-specific goals, and a few other things. I will draft the language for those on Tuesday.

The next things that need to happen are:

- Appoint the General Plan advisory committee

- I will write the draft language for the Transportation and Land Use sections on Monday and Tuesday.
- Once the public survey data is in, take that section and formulate it into statements on residents desires and how the City will choose to factor those desires into how it views growth, recognizing the statutory limits cities are up against.
- Present initial complete draft to Commission, Council, & Committee in joint meeting- take comments into account and prepare revised draft for Committee.
- Have 2-3 meetings with advisory committee to get input and make adjustments
- Have committee draft advertised 2-3 weeks before PC holds their public hearing so that there is ample time to review.
- PC reviews and makes recommendation then Council does the same

It's been previously discussed that this full process will take into January, depending on the level of input from the public and how long the Commission and Council take in their deliberations. I believe that timeframe/timeline is still reasonable.

###

City Council
Staff Review Memo

September 28, 2023

Shari Phippen, Community Development Director



**Discussion And Action On An Ordinance Amending The West Haven City
Annexation Policy Plan**

Planning Commission Action: At the September 27, 2023 meeting, the Planning Commission unanimously voted to recommend the Council adopt the annexation policy plan, as presented.

Before the Council is an ordinance 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 5/12

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. 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 3/12

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 3/12

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

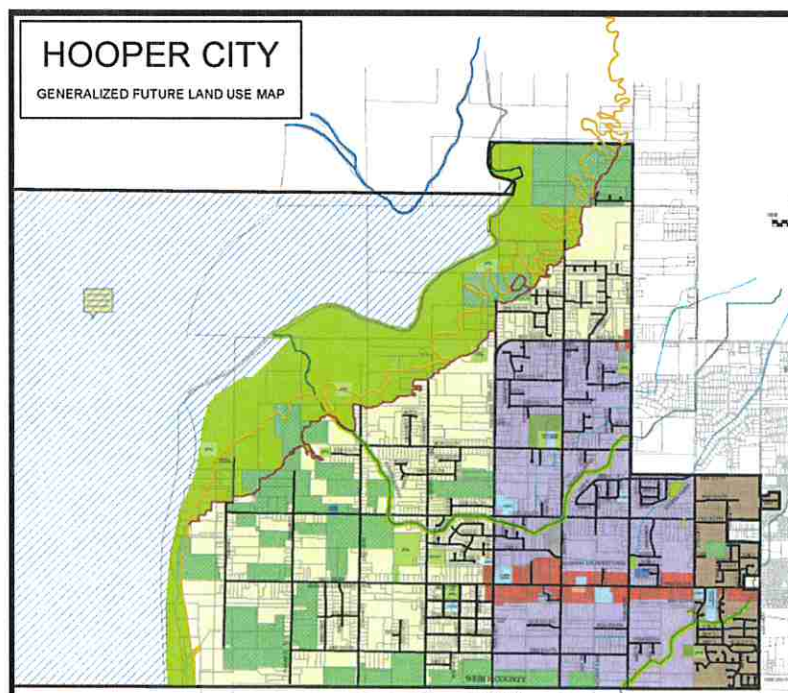
Staff Comments: we received no comments from affected entities within the deadlines imposed.

Pages 6-12 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.

Staff Comments on Density & Adjacent Cities

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.

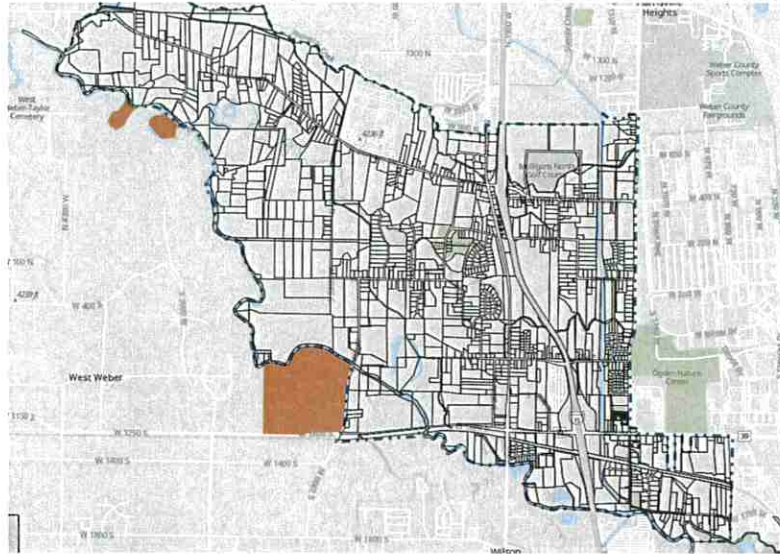


Hooper

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.

Marriott-Slaterville

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

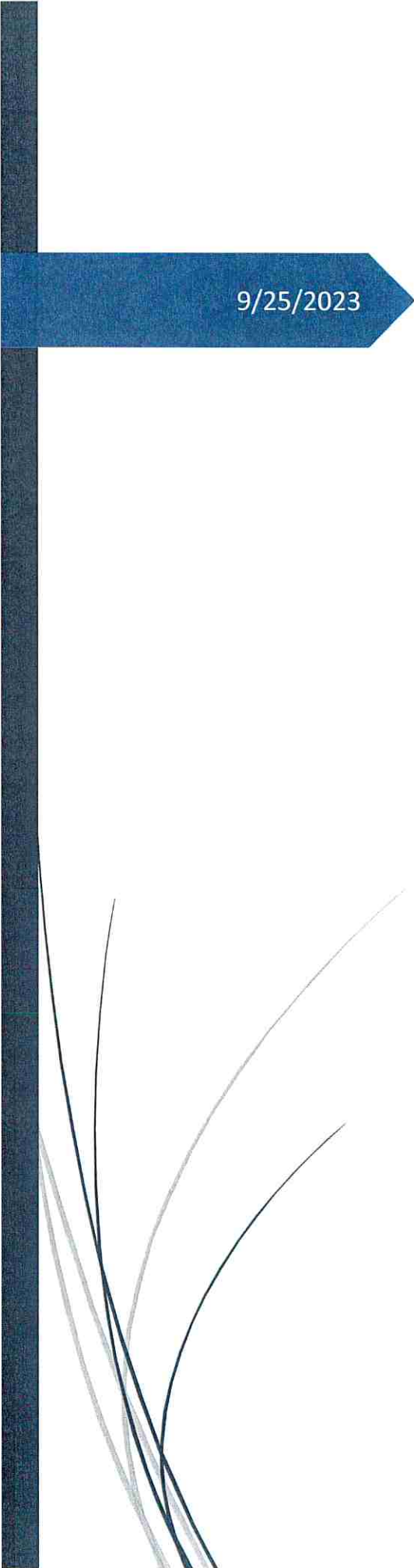


Staff Recommendation

It is staff's position that the Council should adopt the Annexation Policy Plan as presented so that the City is up to date on the State's requirements and so that the City may plan areas of future growth and development.

As to the issue of how to zone things upon annexation- because there are areas in the proposed annexation area which are located in Weber County but which are already developed, staff recommends that the City not make a determination in this Plan as to the zone West Haven will implement upon annexation. The zoning of the annexation area should be examined as the General Plan process goes forward, taking into account the density of the existing development, and then proposed densities should be on the Future Land Use Map which will be adopted in the General Plan.

###

A decorative graphic on the left side of the page. It consists of a thick, dark blue vertical bar. A horizontal blue arrow points to the right from the middle of this bar. The date '9/25/2023' is written in white text inside the arrow. At the bottom of the vertical bar, there are several thin, curved, light blue lines that sweep upwards and to the right.

9/25/2023

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 comes from natural increase (births minus deaths) and Utah residents who were born here, left, and are returning.^{1 2}
- 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.

Population Growth

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>

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 of 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 can be directly attributed to the annexation will cause the City to reach a point where implementation of a property tax would be necessary.

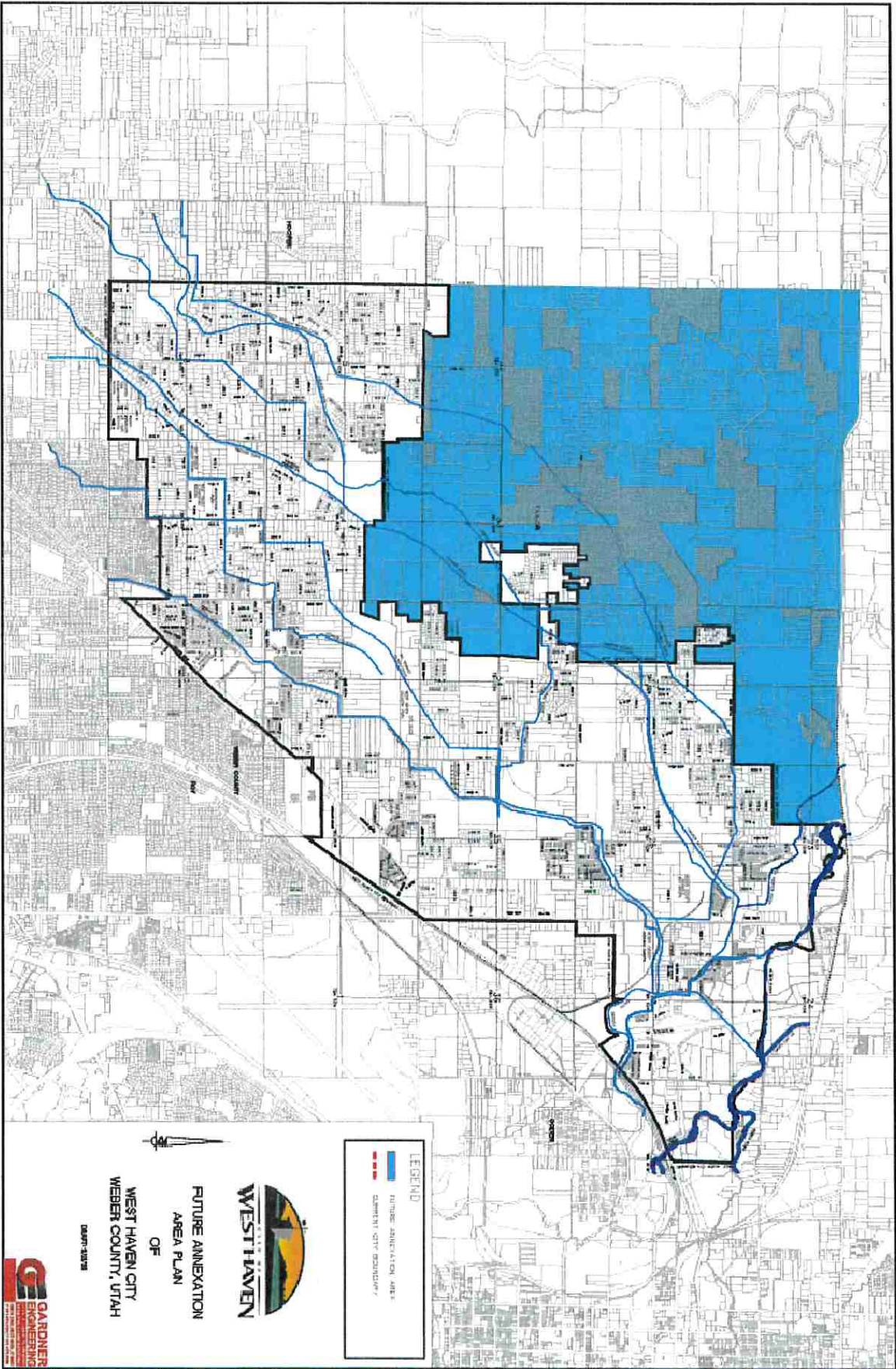
Additionally, the petitioner for annexation shall be required to submit documentation showing that the relevant special service district(s) are aware of the annexation request and are part of the service district's current or proposed boundaries.

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:

- 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 combined 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

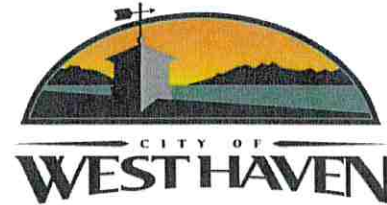
Municipal Code. The Planning Commission shall hold a public hearing and recommend zoning prior to the final review of the annexation petition.

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, 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.

STAFF REPORT

TO: Mayor and City Council
FROM: Amy Hugie and Emily Green, Co-Interim City Managers
DATE: September 28, 2023
SUBJECT: Dominion Energy Easements for UTOPIA



The following staff report discusses the need to repeal and replace the Resolution from last City Council meeting:

Background

On September 20, 2023, the City Council passed Resolution 35-2023, which adopted the Dominion Energy Easements for UTOPIA with the caveat that the indemnification clause would be reciprocal. The Dominion Energy representative stated on September 20th, before the meeting, that their legal counsel was good with this change. On September 21, 2023, the Dominion Energy representative contacted the City and stated that their legal counsel was now saying that they were unwilling to have a reciprocal indemnification clause. The two choices were that the indemnification clause remain the way it was (with only the City indemnifying Dominion Energy) or it could be completely removed. I opted to have it completely removed.

Analysis

The City Council needs to make a decision regarding whether to accept the changes made to the Dominion Energy Easements that completely removes the indemnification clause.

Options

1. The City Council makes a motion adopting the amended Dominion Energy Easements so that UTOPIA can proceed.

RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF EASEMENTS BETWEEN WEST HAVEN CITY AND DOMINION ENERGY; AUTHORIZING THE CITY MAYOR TO SIGN THIS RESOLUTION; AUTHORIZING THE INTERIM CITY MANAGER OR MAYOR TO SIGN THE EASEMENTS ON BEHALF OF THE CITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

SECTION I – RECITALS:

WHEREAS, the City Council of West Haven City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of UCA § 10-3-717, the governing body of the City may exercise all administrative powers by resolution including, but not limited to entering into contracts and agreements regarding protecting the health, safety, and welfare of the public; and,

WHEREAS, the City entered into a Fiber Communications Service and Acquisition Contract ("Contract") in order to ensure that fiber connection services are available and offered to all citizens of the City; and,

WHEREAS, Utah Infrastructure Agency ("UIA") is a separate legal entity, body politic and corporate, and political subdivision of the State of Utah, and had the ability to offer connection services to the City; and

WHEREAS, part of the Contract is that the City and UIA will enter into Cable and Facilities Easements so that UIA can install certain infrastructure in order to fulfill the contract of ensuring fiber connection services within the City; and

WHEREAS, as part of that Contract, it is necessary for the City to enter into easements with Dominion Energy, a utility corporation of the State of Utah, granting Dominion Energy access to service and maintain lines going to the four new UTOPIA sites; and

WHEREAS, after review of all of the information and the Contract and the easements with Dominion Energy, the City feels that the easements will best serve the citizens of the City and now desires to adopt the easements that are attached as Attachment A by accepting the terms thereof; and,

WHEREAS, the City finds that the public convenience and necessity requires the actions herein contemplated,

NOW, THEREFORE, BE IT RESOLVED by the City of West Haven as follows:

SECTION II. EASEMENTS:

1. That Resolution 35-2023 be repealed and replaced with this Resolution.

2. That the Easements between West Haven City and Dominion Energy, a copy of which is attached as Attachment A to this Resolution, are hereby adopted by the City Council.
3. That the Interim City Manager or the Mayor is authorized to sign any and all documents necessary to affect those easements, including signing the easements themselves.
4. That the Mayor is authorized to sign this Resolution adopting the Easements.

SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:

All orders, and Resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION V - SAVINGS CLAUSE:

If any provision of this Resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the City Council of West Haven City.

SECTION VI. DATE OF EFFECT

This Resolution shall be effective immediately upon its passage on the 4th day of October 2023.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 4th day of October 2023.

WEST HAVEN CITY

Mayor Rob Vanderwood

ATTEST:

City Recorder

VOTING:

___ YES ___ NO

Councilmember Carrie Call

___ YES ___ NO

Councilmember Kim Dixon

___ YES ___ NO

Councilmember Nina Morse

___ YES ___ NO

Councilmember Ryan Saunders

___ YES ___ NO

Councilmember Ryan Swapp

DRAFT

ATTACHMENT “A”

EASEMENTS BETWEEN WEST HAVEN CITY AND DOMINION ENERGY

DRAFT

WHEN RECORDED MAIL TO:
Questar Gas Company
P.O. Box 45360, Right-of-way
Salt Lake City, UT 84145-0360
SL0004141532; TG

Space above for County Recorder's use
PARCEL I.D. #08-050-0006

RIGHT-OF-WAY AND EASEMENT GRANT

WEST HAVEN CITY, a body corporate and politic of the State of Utah, with an address of 4150 South 3900 West; West Haven, Utah 84401 ("**Grantor**"), does hereby convey to QUESTAR GAS COMPANY dba Dominion Energy Utah, a corporation of the State of Utah ("**Grantee**"), its successors and assigns, for the sum of TEN DOLLARS (\$10.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, a non-exclusive right-of-way and easement ("**Easement**") to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) pipelines, valves, valve boxes and install cathodic monitoring and mitigation facilities and other gas transmission and distribution facilities (collectively, the "**Facilities**"), said Easement being situated in the County of Weber, State of Utah, as shown on **Exhibit "A"** attached hereto and by this reference made a part hereof and more particularly described as follows, to-wit:

THE BASIS OF BEARING FOR THIS EASEMENT IS NORTH 89°19'02" WEST 2662.98 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE NORTH QUARTER CORNER OF SECTION 9 AND THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN MEASURED IN UTM 12 NORTH, NAD83 ZONE, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS SOUTH 89°19'02" EAST 28.28 FEET AND SOUTH 00°40'58" WEST 1290.43 FEET FROM THE NORTH QUARTER CORNER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°39'19" EAST 6.66 FEET; THENCE SOUTH 43°49'45" EAST 21.14 FEET; THENCE SOUTH 46°10'15" WEST 20 FEET; THENCE NORTH 43°49'45" WEST 12.21 FEET TO A POINT ON THE WESTERLY PROPERTY LINE OF PARCEL 08-050-0006; THENCE NORTH 05°30'48" EAST ALONG THE WESTERLY PROPERTY LINE OF PARCEL 08-050-0006 FOR 14.77 FEET; THENCE NORTH 01°41'47" EAST ALONG THE WESTERLY PROPERTY LINE OF PARCEL 08-050-0006 FOR 5.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 398.53 SQ. FT. OR 0.009 ACRES

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns, in perpetuity, with the right of ingress and egress to and from said Easement to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) the same. This Easement shall carry with it the right to use any available access road for the purpose of conducting the foregoing activities. During temporary periods, Grantee may use such portion of the property along and adjacent to the Easement as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the Facilities. Grantor shall have the right to use said premises except for the purposes for which this Easement is granted to Grantee, provided such use does not interfere with the Facilities or any other rights granted to Grantee hereunder.

Without limiting the generality of the foregoing, Grantor does hereby covenant, warrant and agree as follows:

1. Grantor shall not build or construct, nor permit to be built or constructed, over or across the Easement, any building, retaining walls, rock walls, footings or improvement which impairs the maintenance or operation of the Facilities.
2. Grantor shall not change the contour within the Easement without prior written consent of Grantee.
3. Grantor shall not plant, or permit to be planted, any deep rooted trees, or any vegetation with roots that may damage the Facilities, within the Easement, without prior written consent of Grantee.
4. Grantor shall not place personal property within the Easement that impairs the maintenance or operation of the Facilities.
5. Grantee shall have the right to cut and remove timber, trees, brush, overhanging branches, landscaping and improvements or other obstructions of any kind and nature which may injure or interfere with Grantee's use, occupation or enjoyment of this Easement, without liability to Grantor, and without any obligation of restoration or compensation.

This Easement shall be binding upon and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee, and may be assigned in whole or in part by Grantee.

It is hereby understood that any parties securing this grant on behalf of Grantee are without authority to make any representations, covenants or agreements not herein expressed.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereunto affixed this ____ day of _____, 2023.

ATTEST:

WEST HAVEN CITY

Secretary

Mayor

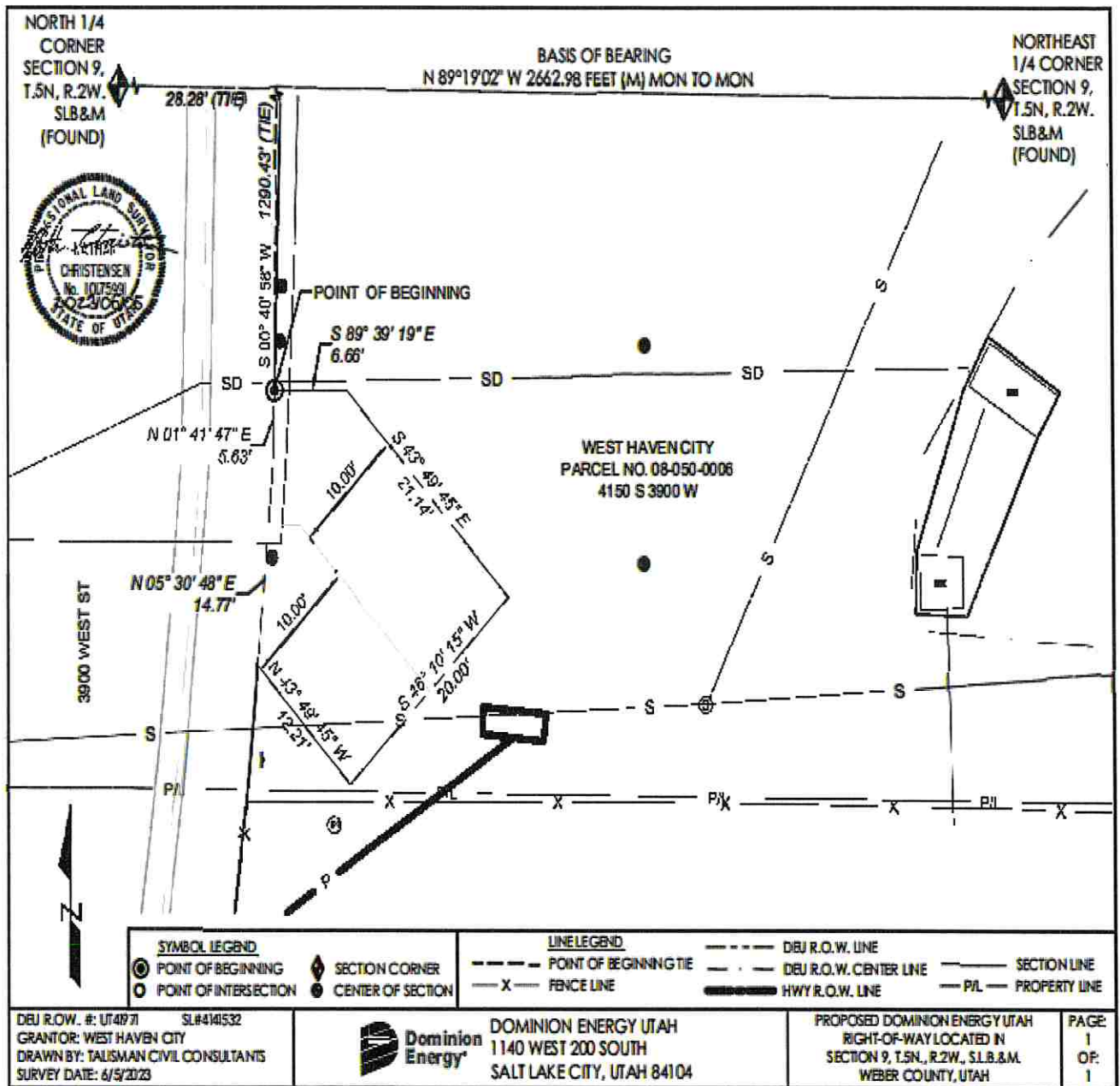
(SEAL)

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On the ____ day of _____, 2023 personally appeared before me _____, and _____ who, being duly sworn, did say that they are the _____ and _____, respectively, of _____, and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors or its Bylaws, and said _____ and _____ acknowledged to me that said corporation duly executed the same.

Notary Public

EXHIBIT "A"



WHEN RECORDED MAIL TO:
Questar Gas Company
P.O. Box 45360, Right-of-way
Salt Lake City, UT 84145-0360
SL0004141572; TG

Space above for County Recorder's use
PARCEL I.D. #08-495-0002

RIGHT-OF-WAY AND EASEMENT GRANT

WEST HAVEN CITY, a body corporate and politic of the State of Utah, with an address of 4150 South 3900 West; West Haven, Utah 84401 ("**Grantor**"), does hereby convey to QUESTAR GAS COMPANY dba Dominion Energy Utah, a corporation of the State of Utah ("**Grantee**"), its successors and assigns, for the sum of TEN DOLLARS (\$10.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, a non-exclusive right-of-way and easement ("**Easement**") to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) pipelines, valves, valve boxes and install cathodic monitoring and mitigation facilities and other gas transmission and distribution facilities (collectively, the "**Facilities**"), said Easement being situated in the County of Weber, State of Utah, as shown on **Exhibit "A"** attached hereto and by this reference made a part hereof and more particularly described as follows, to-wit:

THE BASIS OF BEARING FOR THIS EASEMENT IS NORTH 89°34'03" WEST 2719.48 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE NORTH QUARTER CORNER OF SECTION 8 AND THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN MEASURED IN UTM 12 NORTH, NAD83 ZONE, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS NORTH 89°34'03" WEST 521.5 FEET AND SOUTH 00°25'57" WEST 1303.8 FEET FROM THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°49'53" EAST 182.07 FEET; THENCE SOUTH 00°10'07" WEST 30.00 FEET; THENCE NORTH 89°49'53" WEST 20.00 FEET; THENCE NORTH 00°10'07" EAST 10.00 FEET; THENCE NORTH 89°49'53" WEST 138.51 FEET; THENCE NORTH 00°10'07" EAST 4.00 FEET; THENCE NORTH 89°49'53" WEST 23.56 FEET; THENCE NORTH 00°10'07" EAST 16.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3747.16 SQ. FT. OR 0.086 ACRES

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns, in perpetuity, with the right of ingress and egress to and from said Easement to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) the same. This Easement shall carry with it the right to use any available access road for the purpose of conducting the foregoing activities. During temporary periods, Grantee may use such portion of the property along and adjacent to the Easement as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the Facilities. Grantor shall have the right to use said premises except for the purposes for which this Easement is granted to Grantee, provided such use does not interfere with the Facilities or any other rights granted to Grantee hereunder.

Without limiting the generality of the foregoing, Grantor does hereby covenant, warrant and agree as follows:

1. Grantor shall not build or construct, nor permit to be built or constructed, over or across the Easement, any building, retaining walls, rock walls, footings or improvement which impairs the maintenance or operation of the Facilities.
2. Grantor shall not change the contour within the Easement without prior written consent of Grantee.
3. Grantor shall not plant, or permit to be planted, any deep rooted trees, or any vegetation with roots that may damage the Facilities, within the Easement, without prior written consent of Grantee.
4. Grantor shall not place personal property within the Easement that impairs the maintenance or operation of the Facilities.
5. Grantee shall have the right to cut and remove timber, trees, brush, overhanging branches, landscaping and improvements or other obstructions of any kind and nature which may injure or interfere with Grantee's use, occupation or enjoyment of this Easement, without liability to Grantor, and without any obligation of restoration or compensation.

This Easement shall be binding upon and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee, and may be assigned in whole or in part by Grantee.

It is hereby understood that any parties securing this grant on behalf of Grantee are without authority to make any representations, covenants or agreements not herein expressed.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereunto affixed this ____ day of _____, 2023.

ATTEST:

WEST HAVEN CITY

Secretary

Mayor

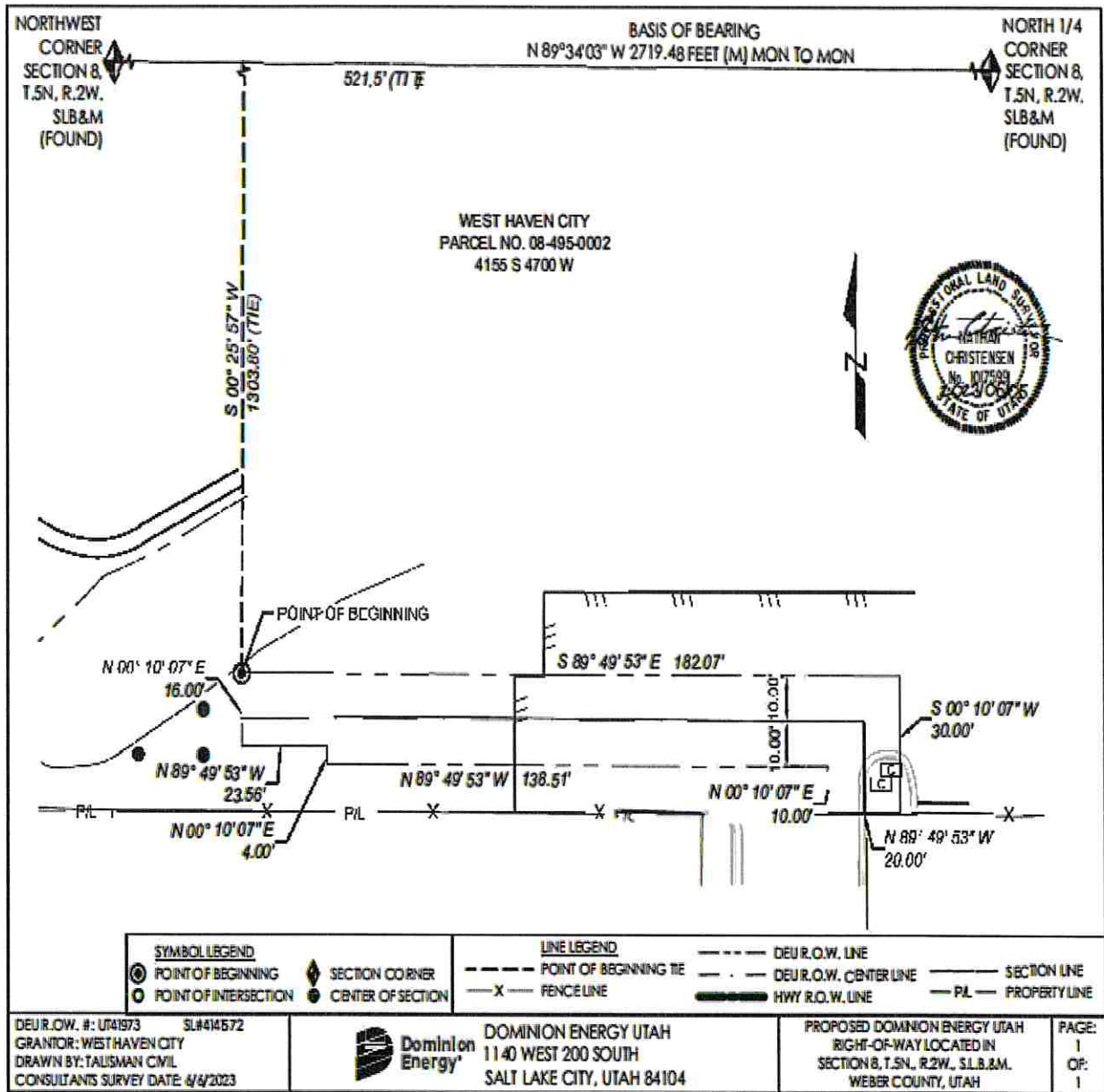
(SEAL)

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On the ____ day of _____, 2023 personally appeared before me _____, and _____ who, being duly sworn, did say that they are the _____ and _____, respectively, of _____, and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors or its Bylaws, and said _____ and _____ acknowledged to me that said corporation duly executed the same.

Notary Public

EXHIBIT "A"



WHEN RECORDED MAIL TO:

Questar Gas Company
P.O. Box 45360, Right-of-way
Salt Lake City, UT 84145-0360
SL0004141545; TG

Space above for County Recorder's use
PARCEL I.D. #08-030-0039

RIGHT-OF-WAY AND EASEMENT GRANT

WEST HAVEN CITY, a body corporate and politic of the State of Utah, with an address of 4150 South 3900 West; West Haven, Utah 84401 ("**Grantor**"), does hereby convey to QUESTAR GAS COMPANY dba Dominion Energy Utah, a corporation of the State of Utah ("**Grantee**"), its successors and assigns, for the sum of TEN DOLLARS (\$10.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, a non-exclusive right-of-way and easement ("**Easement**") to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) pipelines, valves, valve boxes and install cathodic monitoring and mitigation facilities and other gas transmission and distribution facilities (collectively, the "**Facilities**"), said Easement being situated in the County of Weber, State of Utah, as shown on **Exhibit "A"** attached hereto and by this reference made a part hereof and more particularly described as follows, to-wit:

THE BASIS OF BEARING FOR THIS EASEMENT IS SOUTH 89°13'28" EAST 2639.96 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE NORTH QUARTER CORNER OF SECTION 3 AND THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN MEASURED IN UTM 12 NORTH, NAD83 ZONE, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS SOUTH 89°13'28" EAST 851.7 FEET AND SOUTH 40.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°13'28" EAST ALONG THE NORTHERLY PROPERTY LINE OF PARCEL 08-030-0039 FOR 20.00 FEET; THENCE SOUTH 01°28'54" WEST 4.32 FEET; THENCE SOUTH 04°06'03" WEST 46.11 FEET; THENCE SOUTH 84°22'18" EAST 13.46 FEET; THENCE SOUTH 05°37'42" WEST 20.00 FEET; THENCE NORTH 84°22'18" WEST 32.94 FEET; THENCE NORTH 04°06'03" EAST 65.13 FEET; THENCE NORTH 01°28'54" EAST 3.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 1655.8 SQ. FT. OR 0.038 ACRES

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns, in perpetuity, with the right of ingress and egress to and from said Easement to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) the same. This Easement shall carry with it the right to use any available access road for the purpose of conducting the foregoing activities. During temporary periods, Grantee may use such portion of the property along and adjacent to the Easement as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the Facilities. Grantor shall have the right to use said premises except for the purposes for which this Easement is granted to Grantee, provided such use does not interfere with the Facilities or any other rights granted to Grantee hereunder.

Without limiting the generality of the foregoing, Grantor does hereby covenant, warrant and agree as follows:

1. Grantor shall not build or construct, nor permit to be built or constructed, over or across the Easement, any building, retaining walls, rock walls, footings or improvement which impairs the maintenance or operation of the Facilities.
2. Grantor shall not change the contour within the Easement without prior written consent of Grantee.
3. Grantor shall not plant, or permit to be planted, any deep rooted trees, or any vegetation with roots that may damage the Facilities, within the Easement, without prior written consent of Grantee.
4. Grantor shall not place personal property within the Easement that impairs the maintenance or operation of the Facilities.
5. Grantee shall have the right to cut and remove timber, trees, brush, overhanging branches, landscaping and improvements or other obstructions of any kind and nature which may injure or interfere with Grantee's use, occupation or enjoyment of this Easement, without liability to Grantor, and without any obligation of restoration or compensation.

This Easement shall be binding upon and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee, and may be assigned in whole or in part by Grantee.

It is hereby understood that any parties securing this grant on behalf of Grantee are without authority to make any representations, covenants or agreements not herein expressed.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereunto affixed this ____ day of _____, 2023.

ATTEST:

WEST HAVEN CITY

Secretary

Mayor

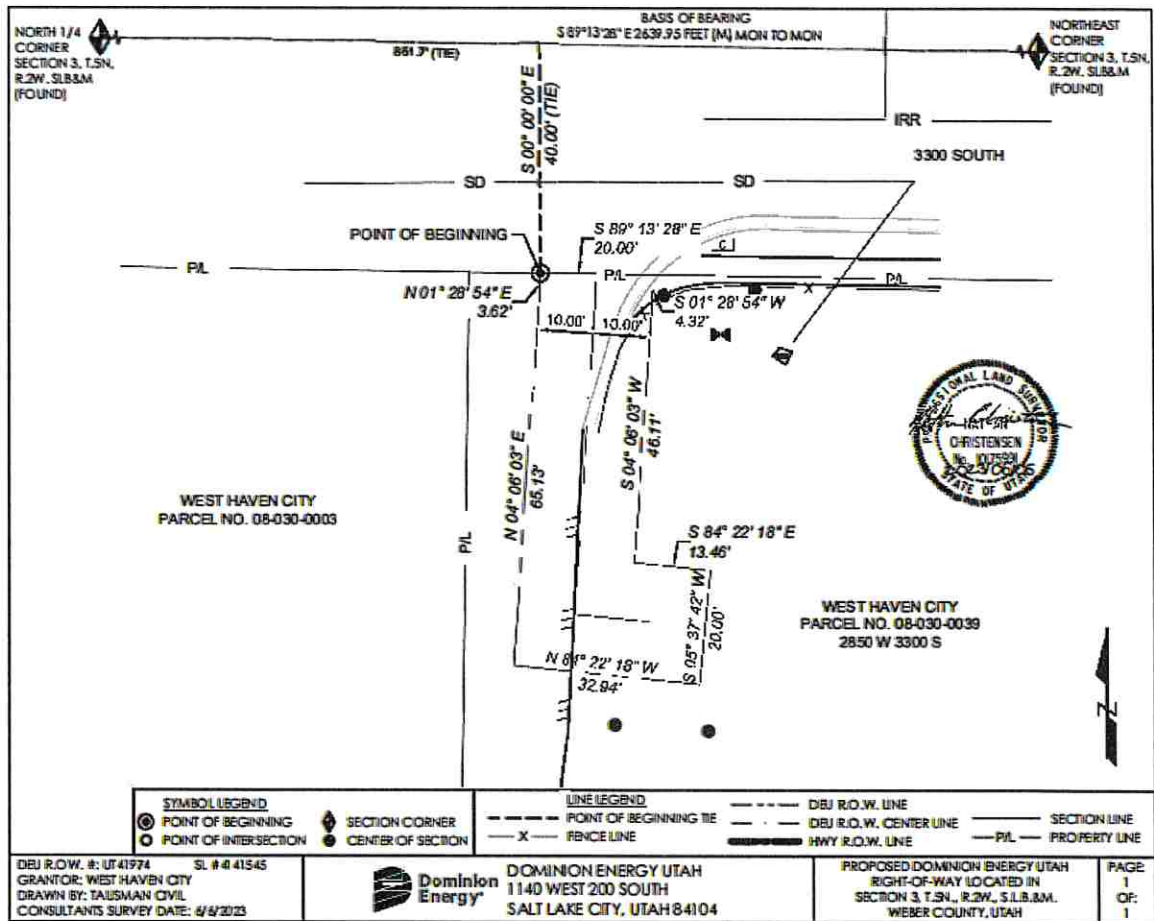
(SEAL)

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On the ____ day of _____, 2023 personally appeared before me _____, and _____ who, being duly sworn, did say that they are the _____ and _____, respectively, of _____, and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors or its Bylaws, and said _____ and _____ acknowledged to me that said corporation duly executed the same.

Notary Public

EXHIBIT "A"



WHEN RECORDED MAIL TO:

Questar Gas Company
P.O. Box 45360, Right-of-way
Salt Lake City, UT 84145-0360
SL0004141539; TG

Space above for County Recorder's use
PARCEL I.D. #15-420-0069

RIGHT-OF-WAY AND EASEMENT GRANT

WEST HAVEN CITY, a body corporate and politic of the State of Utah, with an address of 4150 South 3900 West; West Haven, Utah 84401 ("**Grantor**"), does hereby convey to QUESTAR GAS COMPANY dba Dominion Energy Utah, a corporation of the State of Utah ("**Grantee**"), its successors and assigns, for the sum of TEN DOLLARS (\$10.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, a non-exclusive right-of-way and easement ("**Easement**") to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) pipelines, valves, valve boxes and install cathodic monitoring and mitigation facilities and other gas transmission and distribution facilities (collectively, the "**Facilities**"), said Easement being situated in the County of Weber, State of Utah, as shown on **Exhibit "A"** attached hereto and by this reference made a part hereof and more particularly described as follows, to-wit:

THE BASIS OF BEARING FOR THIS EASEMENT IS SOUTH 89°16'46" EAST 822.21 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE INTERSECTION OF 2550 WEST STREET AND 1775 SOUTH STREET AND THE INTERSECTION OF 2425 WEST STREET AND 1775 SOUTH STREET, SECTION 23, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN MEASURED IN UTM 12 NORTH, NAD83 ZONE, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS SOUTH 38.31 FEET AND EAST 1.77 FEET FROM THE FOUND MONUMENT AT THE INTERSECTION OF 2425 WEST & 1775 SOUTH AND RUNNING THENCE SOUTH 19°04'22" EAST 15.22 FEET; THENCE SOUTH 70°55'38" WEST 20.00 FEET; THENCE NORTH 19°04'22" WEST 13.02 FEET TO A POINT ON THE NORTHERLY PROPERTY LINE OF PARCEL 15-420-0069; THENCE NORTHEASTERLY 20.20 FEET ALONG THE ARC OF A 65 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS NORTH 64°39'50" EAST 20.12 FEET) TO THE POINT OF BEGINNING.

CONTAINING 271.845 SQ. FT. OR 0.006 ACRES

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns, in perpetuity, with the right of ingress and egress to and from said Easement to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) the same. This Easement shall carry with it the right to use any available access road for the purpose of conducting the foregoing activities. During temporary periods, Grantee may use such portion of the property along and adjacent to the Easement as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the Facilities. Grantor shall have the right to use said premises except for the purposes for which this Easement is granted to Grantee, provided such use does not interfere with the Facilities or any other rights granted to Grantee hereunder.

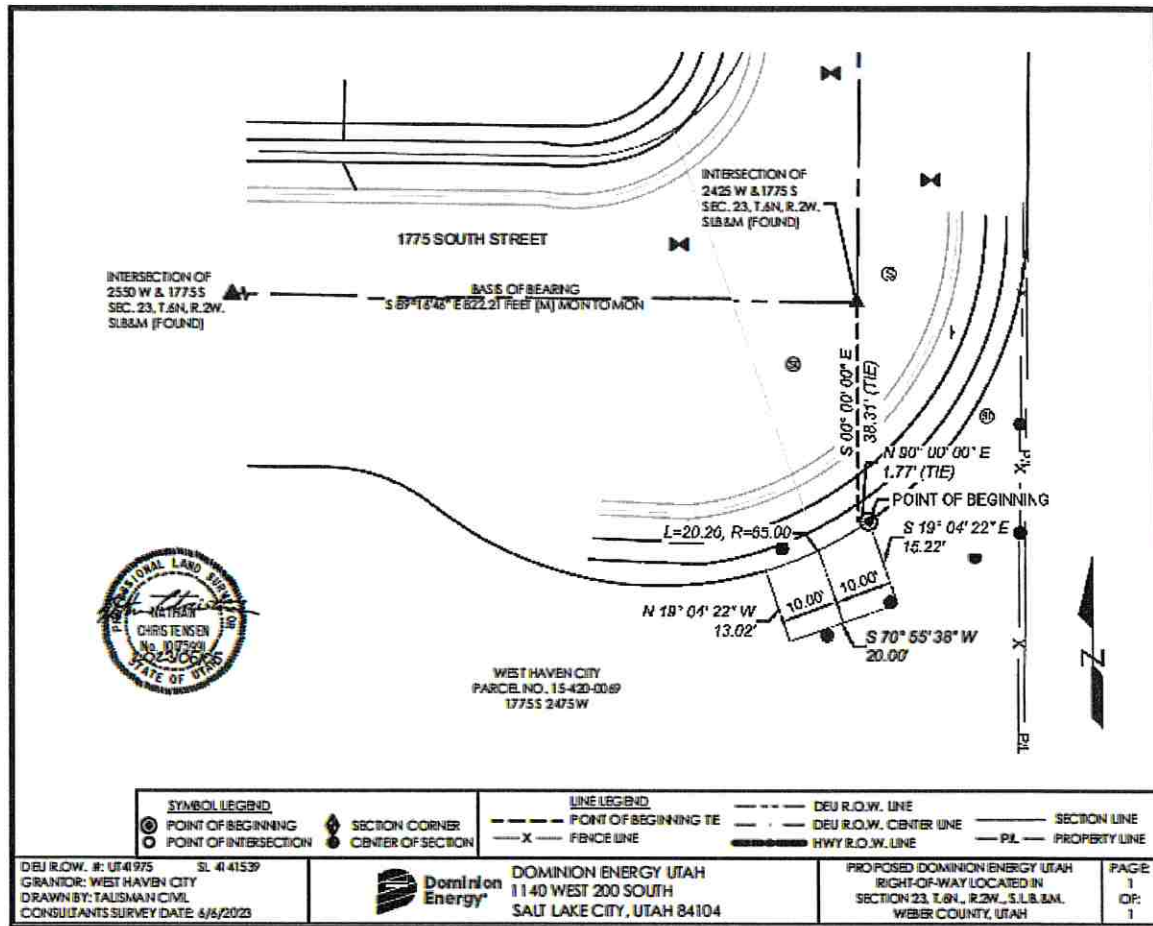
Without limiting the generality of the foregoing, Grantor does hereby covenant, warrant and agree as follows:

1. Grantor shall not build or construct, nor permit to be built or constructed, over or across the Easement, any building, retaining walls, rock walls, footings or improvement which impairs the maintenance or operation of the Facilities.
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3. Grantor shall not plant, or permit to be planted, any deep rooted trees, or any vegetation with roots that may damage the Facilities, within the Easement, without prior written consent of Grantee.
4. Grantor shall not place personal property within the Easement that impairs the maintenance or operation of the Facilities.
5. Grantee shall have the right to cut and remove timber, trees, brush, overhanging branches, landscaping and improvements or other obstructions of any kind and nature which may injure or interfere with Grantee's use, occupation or enjoyment of this Easement, without liability to Grantor, and without any obligation of restoration or compensation.

This Easement shall be binding upon and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee, and may be assigned in whole or in part by Grantee.

It is hereby understood that any parties securing this grant on behalf of Grantee are without authority to make any representations, covenants or agreements not herein expressed.

EXHIBIT "A"



STAFF REPORT

TO: Mayor and City Council Members
FROM: Amy F. Hugie, City Attorney/Interim City Manager
DATE: September 29, 2023
SUBJECT: Notice of Default Letter - Green Farms MDA



The following staff report discusses the Notice of Default Letter that was issued to Nilson Homes and the work that has been completed to this point.

Background

The City entered into a Master Development Agreement (MDA) for the Green Farm Project with Nilson Homes on May 2, 2017. The parties amended the MDA in November 2018 (First Amendment). The parties amended the MDA again in July 2019 (Second Amendment). The parties amended the MDA again in September 2022 (Third Amendment). Since that time, there have been issues with the project, including missed deadlines on certain improvements.

As part of the MDA (Section 13.1), if the Master Developer fails to perform respective obligations and if the City believes that a default has occurred, then the City shall provide notice to the other party of that default. Section 13.2 outlines specifically what has to be in the Notice of Default. Section 13.3 states that once the Notice of Default has been issued then the parties shall engage in "Meet and Confer". The "Meet and Confer" process is outlined in Section 6.5 and states that the parties shall meet within 15 business days to attempt to resolve the issues outlined in the Notice of Default. On August 18, 2023, the City issued a Notice of Default outlining items that the City believes were in default (see Notice of Default attached to this Staff Report). The parties met on September 7, 2023 for the "Meet and Confer" to discuss how the issues outlined in the Notice of Default could be cured. Nilson Homes has been providing weekly updates for the past two weeks regarding progress on the issues outlined in the Notice of Default.

On September 20, 2023, at the City Council meeting, the Council made a motion to proceed with a large pavilion instead of the required water feature. After hearing evidence regarding Nilson Homes' progress in Green Farms open spaces, the City Council made a motion to table the matter until October 4, 2023 City Council meeting so that it could be better determined as to the status of some matters that were pending.

Analysis

Nilson Homes has continued to make progress on the deficiencies in Open Area 1, 2, 3, 4, and 5. The Council has been provided notice from Nilson Homes regarding the progress made, and those current notices are provided in this packet. Brock will be going out to the site on Monday morning to check on the status of the remainder of the punchlist and also the overall status.

Two more park benches have been installed. The pavilions are finished. Other items have been completed as shown on the notices provided. There are items that still need to be worked on, but there has been significant progress still.

The road should be able to be connected on October 15, 2023.

RECOMMENDATION:

As for the Notice of Default itself, I would recommend, based on the work that has been completed and also the work continuing to move forward, that the Council consider entering into a Fourth Amendment to the MDA which would adjust completion dates of certain things and also address the amendment of the water feature to the large pavilion. A couple of the items that should be addressed are regarding the issues with Rocky Mountain Power and also those areas that have been hydroseeded but will not manifest until Spring 2023. I would recommend not accepting dedication of any open space area until Spring 2024 when the City would be able to verify the status of those areas and the hydroseed and issues with power have been resolved. I would recommend that the Fourth Amendment require the weekly updates and completing the checklist created by staff.

Nilson Homes would have to take that Fourth Amendment to the Planning Commission where a public hearing would be held and then the Fourth Amendment would come back to the City Council for consideration. At the time that it comes back to the City Council, the road should be connected and some of the other items that are suggested to be completed in mid-October should be completed also.

At this time, I would recommend that City Council make a motion, based on the Developer's work on the project, that the Developer work with the City Manager to draft a Fourth Amendment to the MDA and proceed to the planning commission.

Updated: 9/28/23

City Personnel:

Brock Randall (Parks Dir): 801-920-3293
brandall@westhavencity.com

Garrett Harper (Parks): 801-710-5475
gharper@westhavencity.com

Scott Venstra (PW Dir): 801-920-0699
scott@westhavencity.com

Will not be complete by 10/4/23. See note.

➔ In progress. See note.

✓ Completed as of the date of this document.

△ Identified at 9/11/23 walk-through w/City staff

△ Identified at 9/18 walk-through w/City staff

■ Added by Nilson Homes

General Items or
More than one area



CITY PUNCHLIST:

UNLESS OTHERWISE NOTED, THIS CITY PUNCHLIST WILL BE COMPLETED BY 10/4/23.

OS-AREA 1 (MDA 3)

- 1 ✓ NLD/BigT: Benches (2)
- 2 ✓ NLD/MCH: PB Court fencing (stretch/add middle ends)
- 3 ✓ KR: Complete 18" concrete ribbon along south edge of courts
- 4 ➔ NLD/Mason: Court Lighting - Push button timer (30/45/60...), and, override in box (get w/Garrett at City) Waiting on transformer & power connection by RMP - no date determined
- 1 ✓ WL: French drain for low area west of PB Courts to exist drain box
- 4 ✓ WL: Weed mat & cobble rock in space south of western hammerhead

OS-AREA 2 (MDA 1)

- 5 ✓ WL/NLD: Send seed mix to Brock; remove wildflower on remaining seeding.
- 6 ✓ KR: R&R all broken sidewalk, ramps, etc around perimeter of sod area
- 7 ✓ KR/NLD: Seal coat all trails and parking lots w/AP4 (Anderson Asphalt) Spring '24. Companies are booked out through fall.
- 8 ➔ NLD/Mason: Pavilion switches - Push button timer (30/45/60...), and, override in box (get w/Garrett at City) Finish electrical w/power connection by RMP
- 9 ✓ KR: Creek - Pipe flowline in middle section of the creek w/6" perf pipe w/Cobble over top
- 10 ✓ KR: R&R all concrete walks that are cracked (damaged by all equipment)
- 11 ✓ KR: Asphalt scarring on trails - skim patch before AP4 seal Spring '24. Companies are booked out through fall.
- 12 ✓ WL: All Filters - flush more often?
- 13 ✓ KR/WL: Raise SW meter box at OS2-West main (leak was identified & repaired at top of parkstrip, running down parkstrip to this location)
- 14 ➔ WL: Lock boxes for sprinkler controls? Delivery 9/26. Install when perm power installed.
- 15 ✓ WL: Tree Replacement status? All dead or top struggling trees
 - o Leave tree stakes in place per Brock at City; Re-tether if needed
- 16 ✓ KR: Grind sidewalk heave (more than 1/2")
- 17 ✓ KR: ADA Ramp - clean out gap, fill with foam filler, Sikaflex 3/4"
- 18 ✓ WL: Sprinkler causing erosion in upper creek still not shored up. Re-set in different location
- 19 ✓ WL: All Sprinkler Heads above ground - Metal stakes to be 12"-14" from ground, no more. Drive them down to meet this spec
- 20 ✓ KR: Creek, upper section - need to re-work section at bottom by inlet, needs to drain.
- 21 ✓ WL: Clean up all grass/sod piles along south grass border of Area 2 - this is from sod replacement & curbing set up.

OS-AREA 4 (MDA 4)

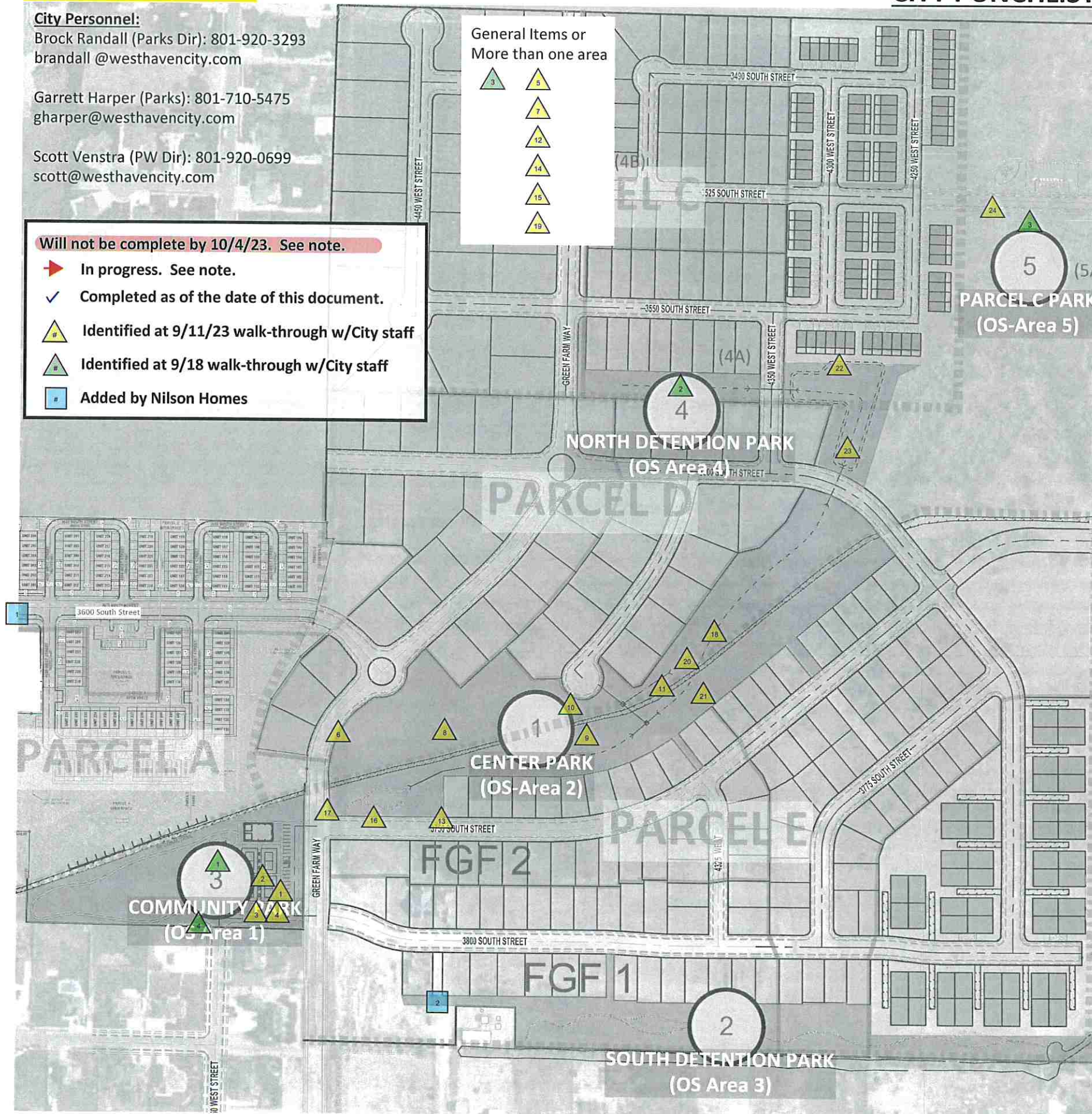
- 22 ✓ WL: Bury sprinkler control box
- 23 ✓ KR: Standing water in basin - Pipe flowline from middle of the basin area w/6" perf pipe w/Cobble over top
- 2 ✓ KR: Creek - Pipe flowline of the creek w/6" perf pipe w/Cobble over top

OS-Area 5 (MDA 5)

- 24 ✓ KR: Sidewalk on south side - transition from narrow to wide, add an S-curve and not 90deg angles
- 3 ✓ WL: Hydroseed prepped disturbed natural areas (by Oct 15) Not due by MDA3 till 12/31/23

3675 So. Connection to 4700 West

- 1 ➔ Complete road connection through to 4700 West Expected completion 10/15
 - ✓ KR: Storm drain connection along east side of 4700 So (access point only--remaining will be done with widening after irrigation shutdown)
 - ✓ KR: Water extension out of new asphalt to tie in when road extension is completed.
 - ➔ KR: Road buildup, roadbase, asphalt
- 2 ■ Barricade 4450 S. temp access connection to 3800 S. by SS office



STAFF REPORT

TO: City Council
FROM: Shari Phippen, Community Development Dir.
DATE: September 29, 2023
SUBJECT: Transportation Impact Fee Adjustment Request- CW Land



The City has received a request from CW Land to adjust the road impact fee they were charged for a commercial multi-tenant building located at 2944 W 4000 S.

CW's paid for and received Permit 23-0334 on September 7, 2023. At that time, they were charged \$150,996.51 in road impact fee. They paid the fee, marking the check "paid in protest", and at the same time, they delivered the attached request.

Ordinance 34-2019 gives the City Council the ability to adjust an impact fee at the time it is charged. While the ordinance is unclear on whether that means they have to file the request prior to payment, both Amy and I are of the opinion that they filed the request in a manner consistent with the intent of the ordinance.

When considering whether or not to make an adjustment to an impact fee, the Utah Impact Fee Act, UCA 11-36a-701(3)(b)(2) states that when someone challenges the actual fee and not the method the City used to enact the fee, the only remedy available to that individual/entity is a refund of the difference between what should have been charged and what was charged.

In this situation, the applicant was undercharged on the road impact fee by approximately \$100,000. Had the impact fee been calculated properly, it would have been as follows:

Total Building Square Footage: 6,074

Fast Foot w/Drive Thru Square Footage: 4,577¹

General Commercial Square Footage: 1,497

	$(4,577/1,000) * 53,056.40 =$	\$242,839.14
	$(1,497/1,000) * 5,613.76 =$	+\$ 8,403.80
Total Fee		\$251,242.94
Fee Charged		-\$150,996.51
Amount Undercharged		\$100,246.43

I have spent time this week trying to figure out where the mistake was made and cannot- the permit software does not show who entered the fees. We have taken steps to remedy that situation to prevent this in the future.

It is staff's position that where the fee was not improperly calculated, that the Council should deny the request.

¹ The impact fee is based on the following basic formula- (square footage/1,000)*fee for use = road impact fee

09/07/2023

West Haven City

To Whom It May Concern:

We believe the transportation impact fees being imposed on our Salt Point Commercial Development for drive-through windows (permit number PEND23-0148) to be disproportional to the actual impact that our development will have on the city, and we elect to pay these fees in protest.

CW Land Co. formally requests an adjustment to the transportation impact fees according to Section 33.025 of the West Haven City Ordinances, as well as a request for an itemization/accounting of the enacted fee per Utah Code §11-36a-701.

In reviewing the impact fee schedules of neighboring cities, we have found the following transportation/road impact fee schedules:

Layton City		
Fast Food:		\$9,814.77 per 1,000 sq. ft.
West Point City		
General Commercial:		\$4,529 per 1,000 sq. ft.
Clinton City		
General Commercial:		\$---
Roy		
General Commercial:		\$---
Syracuse:		
Restaurant with Drive-Through Window		Maximum fee of \$16,654.40

A road impact fee of \$150,996.51 on a 6,074 square foot building (4,577 square feet of drive-through space) severely impacts the viability of this and future commercial developments within West Haven City. We request that this fee be adjusted down and refunded to us.

Best,

McKenna Christensen
Director of Retail Development
mckenna@builtbycw.com
801-907-1745

ORDINANCE NO. 34-2019

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, ADOPTING AN
INCREASED TRANSPORTATION IMPACT FEE AND AN
INCREASED REGIONAL PARKS & RECREATION IMPACT FEE IN
CONFORMANCE WITH THE PROVISIONS OF UTAH'S IMPACT
FEES ACT, TITLE 11, CHAPTER 36a; ENACTING THOSE FEES IN
ACCORDANCE WITH THE IMPACT FEES ACT; CONFIRMING THE
FINDINGS OF THE IMPACT FEE ANALYSIS AND THE SUMMARY
OF THE IMPACT FEE ANALYSIS FOR BOTH TRANSPORTATION
AND REGIONAL PARKS AND RECREATION; AND
ESTABLISHING AN EFFECTIVE DATE FOR THESE ACTIONS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH AS
FOLLOWS:**

Section 1. Recitals

WHEREAS, the City of West Haven (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of the laws of the State of Utah, the City Council as the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, in conformance with the provisions of the laws of the State of Utah, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 11-36a-101 et.seq., the City is authorized to enact and promulgate certain impact fees within the City; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 11-36a-101 et seq., the City has in the past enacted and promulgated certain impact fees within the City; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 11-36a-301 et.seq., the City has complied with preparing an Impact Fee Facilities Plan and it is attached as Exhibit A; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 11-36a-303, the City has prepared a written Impact Fee Analysis and a summary of the Impact Fee Analysis designed to be understood by a lay person for

transportation and regional parks and recreation and that those documents are attached as Exhibit A; and

WHEREAS, the City Council finds that they reviewed the Impact Fee Analysis and the summary of that analysis, and found that the analysis provided a reasonable plan to base an increase of impact fees for transportation and regional parks & recreation; and

WHEREAS, the City Council finds that the Impact Fee Analysis and summary was adopted by the City following a public hearing before the City Council on October 16, 2019; and

WHEREAS, the City Council finds that in conformance with the provisions of Utah Impact Fees Act, Title 11, Chapter 36a, the City's Impact Fee Analysis and summary (See Exhibit A) identifies: (i) the anticipated impact on a public facility by the anticipated development activity; (ii) the anticipated impact on system improvements by the anticipated development activity to maintain the established level of service for each public facility; (iii) how the anticipated impacts are reasonably related to the anticipated development activity; (iv) estimation of the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity; and (v) how the impact fee was calculated; and,

WHEREAS, the City Council finds, based on its Impact Fee Analysis and summary, that the increased impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received; and,

WHEREAS, the City Council finds that in analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the City has identified, as applicable: (i) the cost of existing public facilities that have excess capacity to serve the anticipated development resulting from the new development activity; (ii) the cost of system improvements for each public facility; (iii) other than impact fees, the manner of financing for existing public facilities, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants; (iv) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes; (v) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future; (vi) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development; (vii) extraordinary costs, if any, in servicing the newly developed properties; and (viii) the time-price differential inherent in fair comparisons of amounts paid at different times; and,

WHEREAS, the City Council finds that the City may not impose impact fees that exceed the highest fee justified by the impact fee analysis performed pursuant to UCA § 11-36a-401; and,

WHEREAS, the City Council finds that in calculating the impact fee, the City may include: (i) the construction contract price; (ii) the cost of acquiring land, improvements, materials, and fixtures; (iii) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and (iv) debt service charges, if the City might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements; and,

WHEREAS, the City Council finds that they have based impact fee amounts calculated under the preceding paragraph on realistic estimates and that the assumptions underlying those estimates are disclosed in the impact fee analysis; and

WHEREAS, the City Council finds that the City has caused to be developed and adopted the Transportation Impact Fee Analysis and the Regional Parks and Recreation Impact Fee Analysis (See Exhibit A) that addresses and meets each of these immediately above-listed criteria; and,

WHEREAS, the City Council finds that the City has given public notice of the proposed Impact Fee Analysis and summary and has made a copy of the Impact Fee Analysis and summary available to the public at least 10 days before the date of the public hearing on said Impact Fee Analysis; and,

WHEREAS, the City Council finds that the City has held a public hearing to hear public comment on the plan in accordance with the notice and hearing requirements of UCA § 10-9a-205 and 10-9a-502; and,

WHEREAS, the City Council finds that prior to enacting an impact fee, the City is required to establish one or more service areas within which it shall calculate and impose impact fees for various land use categories; and,

WHEREAS, the City Council finds that UCA § 11-36a-601 requires special individualized accounting for impact fees; and,

WHEREAS, the City seeks to be in compliance with current statutory requirements; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires the ratification of the Impact Fees Analysis and summary by the City together with the adoption of a Transportation Impact Fee and a Regional Parks & Recreation Impact Fees; now,

THEREFORE, BE IT ORDAINED by the City of West Haven City as follows:

Section 2. Transportation Impact Fee Service Area and Regional Parks & Recreation Service Area Established:

The Transportation Impact Service Area will be all future development within the City's boundaries. The Regional Parks & Recreational Service Area will be all future development within the City's boundaries.

Section 3. Transportation Impact Fee Enacted:

That based on and in consideration of the above-listed findings of the City Council, the data contained in the City's General Plan, and Impact Fee Analysis (Exhibit A), the City Council finds that there should be, and there is hereby enacted the following Transportation Impact Fees, the applicability of which to the categories indicated is hereby confirmed, for the above established Transportation Impact Service Area, said fee having been determined to comport as required with applicable law and the findings of the Impact Fee Analysis:

Impact Fee Assessment to New Development

Proposed Land Use – Residential (per unit)	Calculated Impact Fee
Single Family (Unit)	\$2,126.99
Apartment (Multi Family Low Rise Unit)	\$1,649.32
Apartment (Multi Family Mid Rise Unit)	\$1,225.72
Senior Adult Housing-Detached (Unit)	\$962.10
Senior Adult Housing-Attached (Occ.Unit)	\$775.09
Assisted Living (Beds)	\$585.82
Hotel (Rooms)	\$1,883.65
Proposed Land Use – Non-Residential (per 1,000 square feet)	Calculated Impact Fee
Light Industrial	\$1,117.57
Industrial Park	\$759.32
Mini Warehouse	\$340.23
Elementary School	\$4,398.18
Middle/Jr. High School	\$4,544.63
High School	\$3,170.20
Daycare Center	\$10,729.57
Nursing Home	\$1,496.10

Proposed Land Use – Non-Residential (per 1,000 square feet) – Cont'd	Calculated Impact Fee
Clinic	\$8,598.08
Church	\$1,565.95
General Office	\$2,194.58
Medical Dental Office	\$7,841.01
Free-Standing Discount Store	\$11,423.55
Hardware/Paint Store	\$1,523.95
Shopping Center/General Commercial	\$5,613.76
New Car Sales	\$6,097.06
Tire Store	\$6,426.03
Supermarket	\$15,397.95
Convenience Market w/Gas Pumps	\$52,037.75
Discount Club	\$5,933.48
Home Improvement Superstore	\$4,017.21
Department Store	\$5,155.24
Pharmacy/Drugstore w/Drive Thru	\$12,543.73
Drive-In Bank	\$14,649.97
Quality Restaurant	\$10,578.70
High Turnover/Sit Down Restaurant	\$14,407.32
Fast Food with Drive Thru	\$53,056.40
Automobile Care Center	\$506.96

Section 4. Regional Parks & Recreation Impact Fee Enacted:

That based on and in consideration of the above-listed findings of the City Council, the data contained in the City's General Plan, and Impact Fee Analysis (Exhibit A), the City Council finds that there should be, and there is hereby enacted the following Regional Parks & Recreation Impact Fees, the applicability of which to the categories indicated is hereby confirmed, for the above established Regional Parks & Recreation Impact Service Area, said fee having been determined to comport as required with applicable law and the findings of the Impact Fee Analysis:

Impact Fee Assessment to New Development

Proposed Land Use	Calculated Impact Fee
Single Family (Per Unit)	\$2,143.75
Multiple Family (Per Unit)	\$1,795.55

Section 5. Fee Schedule:

That the schedule of fees previously set out in the City's Fee Schedule is reaffirmed. Where existing fees differ from any fees established in this Ordinance, the former are hereby repealed to the extent of that difference and the fees adopted herein are now placed in the Fee Schedule in their stead. Where fees established in this Ordinance are not listed in the City's Fee Schedule, the fees adopted herein are now placed in the Consolidated Fee Schedule the same are hereby adopted as part of the official fee schedule for West Haven City.

Section 6. Adjustment of Standard Impact Fee:

The City Council may adjust the standard impact fee at the time the fee is charged to respond to: (a) unusual circumstances in specific cases; or (b) a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected and to ensure that the impact fees are imposed fairly.

The City Council may also adjust the calculation of the amount of an impact to be imposed on a particular development based upon studies and data submitted by the developer.

Section 7. Impact Fee Credits:

The City Council shall ensure that a developer, including a school district or a charter school, shall receive a credit against or proportionate reimbursement of an impact fee if the developer: (a) dedicates land for a system improvement; (b) builds or dedicates some or all of a system improvement; or (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.

The City County shall give a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities: (a) are system improvements; or (b)(i) are dedicated to the public; and (ii) offsets the need for an identified system improvement.

Section 8. Fees from Prior Ordinances and Resolutions:

That the above fees, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and, further, that the body and substance of those prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 9. Repealer of Conflicting Enactments:

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 10 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

Section 11. Date of Effect

BE IT FURTHER ORDAINED that this Ordinance shall be approved on the 16th day of October, 2019, shall be published or posted as required by law, and shall become effective 90 (ninety) days after the approval date.

DATED this 7th day of October, 2019.

WEST HAVEN CITY, a municipal corporation

by: 
Mayor

Attested and recorded



TRANSPORTATION IMPACT FEE ANALYSIS (IFA) WEST HAVEN, UT

SEPTEMBER 2019

SUBMITTED BY:
LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

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IMPACT FEE CERTIFICATION

Lewis Young Robertson & Burningham, Inc. certifies that the Impact Fee Analysis ("IFA") prepared for transportation services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 - d. offsets costs with grants or other alternate sources of payment; and
3. complies in each and every relevant respect with the Impact Fees Act.

Lewis Young Robertson & Burningham, Inc. makes this certification with the following caveats:

1. All of the recommendations for implementation of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



DEFINITIONS

The following acronyms or abbreviations are used in this document:

AADT: Average Annual Daily Trips

FT: Feet

HH: Household

IFA: Impact Fee Analysis

IFFP: Impact Fee Facilities Plan

LOS: Level of Service

LYRB: Lewis Young Robertson and Burningham, Inc.



SECTION I: EXECUTIVE SUMMARY

The purpose of the Transportation Impact Fee Analysis ("IFA") is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fee Act," and help West Haven City (the "City") plan necessary capital improvements for future growth. This document will determine the appropriate impact fee the City may charge to new growth to maintain the level of service ("LOS") for the transportation system. This analysis is supported by the 2019 West Haven Transportation Capital Facilities Plan and Impact Fee Facilities Plan.

- ☞ **Impact Fee Service Areas:** The impact fees related to transportation will be assessed within the proposed Service Area, which incorporates the entire municipal boundaries.
- ☞ **Demand Analysis:** The demand unit utilized in this analysis are trips on existing and proposed roadways. As residential and commercial growth occurs within the City, it generates new trips on existing and proposed roadways. The capital improvements identified in this study are designed to maintain the current level of service for new growth.
- ☞ **Level of Service:** LOS assesses the level of congestion on a roadway segment or intersection. LOS is measured using a letter grade A through F, where A represents free flowing traffic with absolutely no congestion and F represents grid lock. The City has adopted an acceptable standard of LOS D for its street network and intersections.
- ☞ **Excess Capacity:** It is anticipated that new development will benefit from the existing roadways that have been constructed within the service area. Approximately 33.7 percent of the total demand on the system will occur within the IFFP planning horizon. As a result, \$3,235,504 of the total original system cost is included in this analysis, based on the original cost of system improvements as identified in the City's financial records.
- ☞ **Capital Facilities Analysis:** The IFFP has identified the growth-related projects needed within the next ten years. The total cost related to growth is \$7,766,064, based on construction timing and inflation of 3.0 percent annually. A total of \$2,535,858 is related to the demand within the next ten years.
- ☞ **Financing of Future Facilities:** The future capital projects which are intended to serve new growth will be financed using inter-fund loans or the issuance of bonds. Thus, costs associated with future debt are included in the Impact Fee Analysis.

PROPORTIONATE SHARE ANALYSIS

The proportionate share analysis determines the cost assignable to new development based on the proposed capital projects and the new growth served by the proposed projects. The impact fee per trip is \$225.32 as shown in **Table 1.1** below.

TABLE 1.1: PROPORTIONATE SHARE ANALYSIS

	TOTAL COST	ALLOCATION TO IFFP	COST TO IFFP	TRIPS SERVED	COST PER TRIP
Existing Facilities	\$9,592,999	33.7%	\$3,235,504	27,093	\$119.42
Future Roadways	\$7,766,064	32.7%	\$2,535,858	27,093	\$93.60
Future Intersections	\$991,905	32.7%	\$323,887	27,093	\$11.95
Professional Expense	\$9,250	100.0%	\$9,250	27,093	\$0.34
					\$225.32

IMPACT FEE SUMMARY BY LAND USE TYPE

The impact fee by land use type is illustrated in **Table 1.2**.

TABLE 1.2: IMPACT FEE SUMMARY BY LAND USE TYPE

LAND USE CATEGORY	TRIPS	PROPOSED IMPACT FEE
Cost per Trip		\$225.32
Residential (per unit)		
Single Family Residential (Unit)	9.44	\$2,126.99
Apartment (Multi Family Low Rise Unit)	7.32	\$1,649.32
Apartment (Multi Family Mid Rise Unit)	5.44	\$1,225.72



LAND USE CATEGORY	TRIPS	PROPOSED IMPACT FEE
Senior Adult Housing-Detached (Unit)	4.27	\$962.10
Senior Adult Housing-Attached (Occ. Unit)	3.44	\$775.09
Assisted Living (Beds)	2.60	\$585.82
Hotel (Rooms)	8.36	\$1,883.65
Non-Residential (per 1,000 sq feet)		
Light Industrial	4.96	\$1,117.57
Industrial Park	3.37	\$759.32
Mini Warehouse	1.51	\$340.23
Elementary School	19.52	\$4,398.18
Middle/Jr. High School	20.17	\$4,544.63
High School	14.07	\$3,170.20
Daycare Center	47.62	\$10,729.57
Nursing Home	6.64	\$1,496.10
Clinic	38.16	\$8,598.08
Church	6.95	\$1,565.95
General Office	9.74	\$2,194.58
Medical Dental Office	34.80	\$7,841.01
Free-Standing Discount Store	50.70	\$11,423.55
Hardware/Paint Store	6.76	\$1,523.95
Shopping Center/General Commercial	24.92	\$5,613.76
New Car Sales	27.06	\$6,097.06
Tire Store	28.52	\$6,426.03
Supermarket	68.34	\$15,397.95
Convenience Market w/ Gas Pumps	230.95	\$52,037.75
Discount Club	26.33	\$5,933.48
Home Improvement Superstore	17.83	\$4,017.21
Department Store	22.88	\$5,155.24
Pharmacy/Drugstore w/ Drive Thru	55.67	\$12,543.73
Drive-In Bank	65.02	\$14,649.97
Quality Restaurant	46.95	\$10,578.70
High Turnover/Sit Down Restaurant	63.94	\$14,407.32
Fast Food with Drive Thru	235.48	\$53,056.40
Automobile Care Center	2.25	\$506.96

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for a non-standard impact fee is as follows:

FORMULA FOR NON-STANDARD TRANSPORTATION IMPACT FEES:

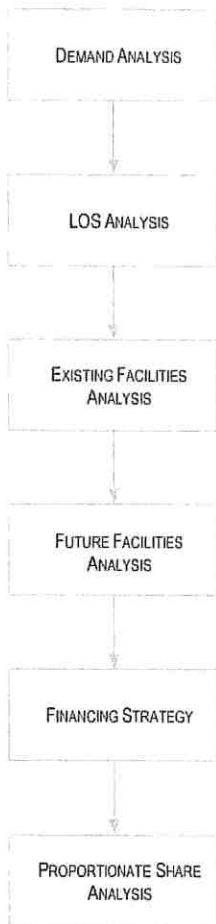
Estimate Trips per Unit x \$225.32 = Impact Fee per Unit

¹ 11-36a-402(f)(c)



SECTION II: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP is designed to identify the demands placed upon existing facilities by future development and evaluate how these demands will be met. The IFFP is also intended to outline the improvements which are intended to be funded by impact fees. The IFA is designed to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. Each component must consider the historic level of service provided to existing development and ensure that impact fees are not used to raise that level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact public facilities.

LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing "Level of Service" ("LOS"). Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the level of service which is provided to a community's existing residents and ensures that future facilities maintain these standards. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible, the Impact Fee Facilities Plan provides an inventory of the existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory, and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the level of service. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources, and the dedication of system improvements, which may be used to finance system improvements.² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³

PROPORTIONATE SHARE ANALYSIS

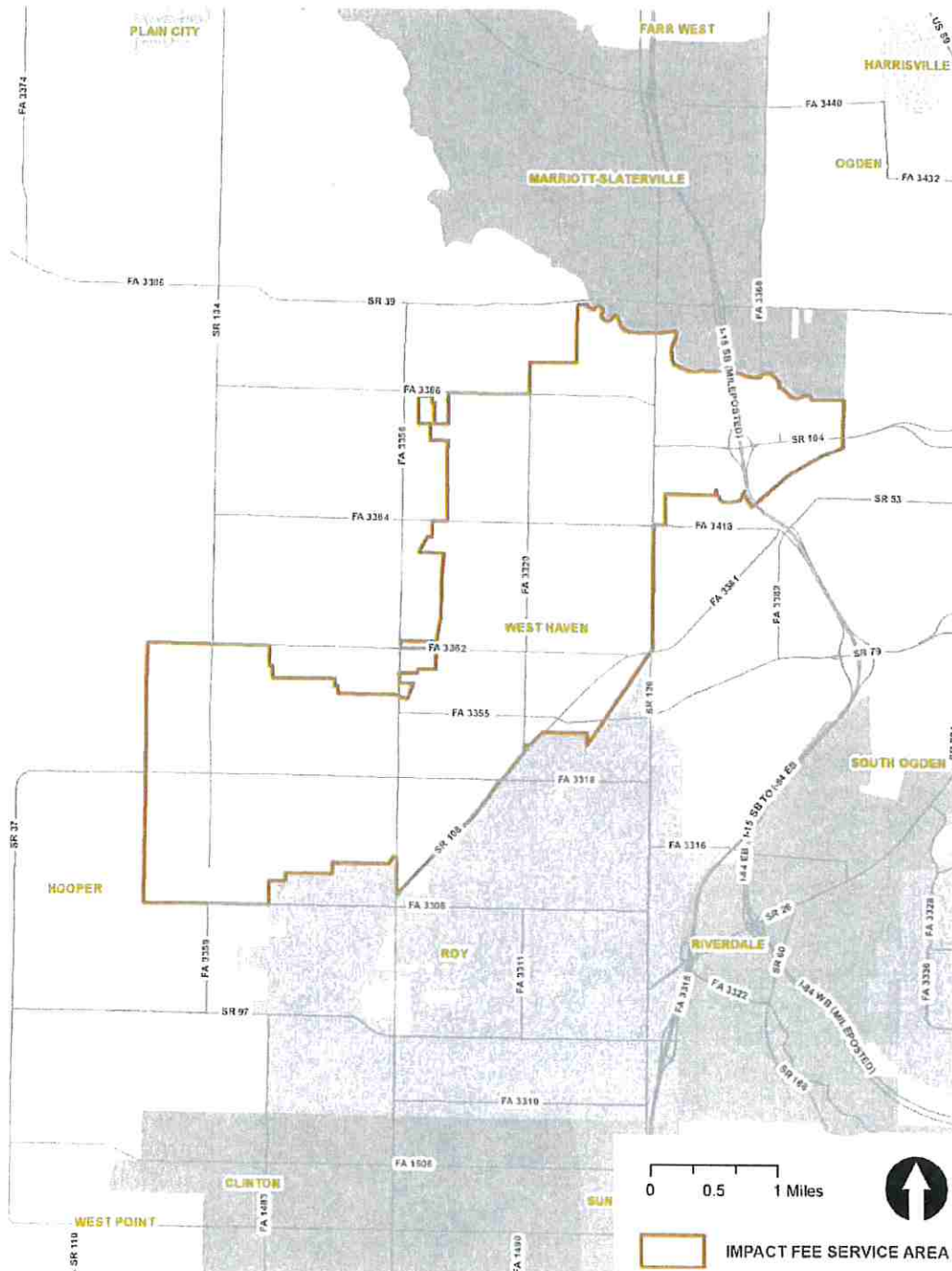
The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future (UCA 11-36a-302).

SECTION III: OVERVIEW OF SERVICE AREA, DEMAND AND LEVEL OF SERVICE

SERVICE AREA

Figure 3.1 illustrates the proposed impact fee service area, which incorporates the entire municipal boundary of the City. The impact fees related to transportation will be assessed within the proposed service area.

FIGURE 3.1: PROPOSED SERVICE AREA





DEMAND UNITS

The demand units utilized in this analysis are based on undeveloped residential and commercial land and the new trips generated from these land-use types. As residential and commercial growth occurs within the City, additional trips will be generated on the City's roadways. The transportation capital improvements identified in this study are based on maintaining the current level of service as defined by the City. The proposed impact fees are based upon the projected growth in demand units which are used as a means to quantify the impact that future users will have upon the City's system. The demand unit used in the calculation of the transportation impact fee is based upon each land use category's impact and road usage characteristics expressed in the number of trips generated. The existing and future trip statistics used in this analysis were prepared by the City and their engineers based on existing modeling software.

To determine the proportionate impact from each land use type, the existing trips are allocated to the different land use types based on trip statistics as presented in the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th Edition. The most common method of determining growth is measuring the number of trips within a community based on existing and future land uses. Appropriate adjustment factors are applied to remove pass-by traffic. Based on the growth in trips, the City will need to expand its current facilities to accommodate new growth. Growth from new development will create an additional 27,093 trips by 2029, as show in Table 3.1.

TABLE 3.1: PROJECTED TRAFFIC BY LAND USE TYPE

LAND USE	2018	2024	2029	2040
Residential	37,741	47,755	58,102	89,447
Commercial	171,385	186,108	198,565	225,368
Industrial	6,470	6,673	6,875	7,246
Raw Trip Gen Total	215,596	240,536	263,542	322,061
34% Commercial Reduction for Pass-by	(58,271)	(63,277)	(67,512)	(76,625)
30% Reduction for Double Count	(47,198)	(53,178)	(58,809)	(73,631)
Projected Total City Trips	110,128	124,081	137,221	171,805
New Trips		13,953	27,093	61,677

LEVEL OF SERVICE

LOS assesses the level of congestion on a roadway segment or intersection. LOS is measured using a letter grade A through F, where A represents free flowing traffic with absolutely no congestion and F represents grid lock. West Haven City has adopted an acceptable standard of LOS D for its street network and intersections.⁴

⁴ See Section 10.1.1.1 of the City of West Haven's 2015 Comprehensive Zoning Ordinance, Chapter 10.1.1.1.



SECTION IV: EXISTING FACILITIES INVENTORY

EXCESS CAPACITY & BUY-IN

Transportation impact fees are justified when trips are added to system-wide roadways that are at or nearing capacity or when new system-wide roadways are needed to meet the demands of growth. A buy-in component is contemplated for the roadways that have sufficient capacity to handle new growth while maintaining safe and acceptable levels of service.

EXISTING TRANSPORTATION SYSTEM BUY-IN

The determination of a buy-in component related to existing roadways is based on a capacity utilization analysis of existing roadways. According to the analysis shown in Table 4.1, approximately 33.7 percent of the existing system roadways will be used by new demand in the IFFP planning horizon. This analysis excludes State or County owned road facilities, as well as project improvements (neighborhood roadways).

TABLE 4.1. ALLOCATION OF BUY-IN COMPONENT

ROADWAY	FROM	TO	EXISTING AADT	EXISTING LOS D CAPACITY	EXISTING EXCESS CAPACITY	LINK LENGTH (FT)	% OF ROAD CAPACITY	% OF TOTAL CAPACITY	LENGTH AS % OF TOTAL	2029 AADT	NEW GROWTH	CAPACITY USED	% OF ROAD CAPACITY
4000 South	4700 West	3500 West	10,200	30,500	20,300	7,905	67%	4%	5%	16,600	6,400	6,400	21%
4000 South	3500 West	Midland Drive	9,000	30,500	21,500	4,390	70%	4%	3%	21,000	12,000	12,000	39%
3300 South	5100 West	3500 West	1,300	10,500	9,200	10,595	88%	2%	7%	4,700	3,400	3,400	32%
3300 South	3500 West	1900 West	560	10,500	9,940	10,580	95%	2%	7%	5,300	4,740	4,740	45%
2550 South	3500 West	2700 West	6,000	11,500	5,500	5,270	48%	1%	4%	12,000	6,000	5,500	48%
2550 South	2700 West	1900 West	6,000	13,000	7,000	5,290	54%	1%	4%	12,000	6,000	6,000	46%
2550 South	1900 West	I-15	11,000	13,000	2,000	5,270	15%	0%	4%	14,000	3,000	2,000	15%
2100 South	1900 West	I-15	14,000	30,500	16,500	3,560	54%	3%	2%	22,000	8,000	8,000	26%
2100 South	I-15	East Border	15,000	30,500	15,500	4,630	51%	3%	3%	24,500	9,500	9,500	31%
1800 South	1900 West	2700 West	3,300	10,500	7,200	5,290	69%	1%	4%	6,700	3,400	3,400	32%
1800 South	2700 West	3500 West	3,300	10,500	7,200	5,300	69%	1%	4%	6,700	3,400	3,400	32%
4700 West	4800 South	4000 South	550	10,500	9,950	5,375	95%	2%	4%	4,300	3,750	3,750	36%
4700 West	4000 South	3300 South	4,500	11,500	7,000	5,400	61%	1%	4%	11,300	6,800	6,800	59%
3500 West	4000 South	1200 South	3,000	13,000	10,000	19,570	77%	2%	14%	8,500	5,500	5,500	42%
3500 West	4800 South	4000 South	5,200	13,000	7,800	5,325	60%	1%	4%	10,600	5,400	5,400	42%
2700 West	Midland Drive	North Border	1,300	10,500	9,200	14,820	88%	2%	10%	5,200	3,900	3,900	37%
1900 West	South Border	Midland Drive	16,000	30,500	14,500	610	48%	3%	0%	23,500	7,500	7,500	25%
1100 West	South Border	North Border	8,700	10,500	1,800	3,775	17%	0%	3%	10,400	1,700	1,700	16%
Midland Drive	3500 West	4000 South	20,000	30,500	10,500	6,300	34%	2%	4%	24,000	4,000	4,000	13%
Midland Drive	4000 South	Hinckley	14,000	30,500	16,500	3,440	54%	3%	2%	29,500	15,500	15,500	51%
Midland Drive	Hinckley	1900 West	13,000	13,000	0	5,000	0%	0%	3%	21,000	8,000	0	0%
Midland Drive	1900 West	East Border	4,800	11,500	6,700	200	58%	1%	0%	8,800	4,000	4,000	35%
Hinkley Drive	Midland Drive	1900 West	11,000	30,500	19,500	4,000	64%	4%	3%	13,500	2,500	2,500	8%
Hinkley Drive	1900 West	East Border	16,000	30,500	14,500	2,060	48%	3%	1%	24,000	8,000	8,000	26%
				533,000	290,090	143,955		54%	100%				
Weighted % to Growth													33.7%



SECTION V: CAPITAL FACILITY ANALYSIS

The IFFP has identified the growth-related projects needed within the next 10 years. Capital projects related to curing existing deficiencies were not included in the calculation of the impact fees. Total future projects applicable to new development are shown below.

FUTURE CAPITAL PROJECTS

Table 5.1 illustrates the estimated cost of future capital improvements within the Service Area, as identified in the IFFP. The total cost related to growth is \$7,766,064, based on construction timing and inflation of 3.0 percent annually. A total of \$2,535,858, or 32.7 percent, is related to the demand within the next 10 years.

TABLE 5.1: SUMMARY OF FUTURE ROADWAY SYSTEM IMPROVEMENTS WITHIN IFFP PLANNING HORIZON

ROADWAY	FROM	TO	ESTIMATED CITY	ESTIMATED DATE	CONST. YR. COST	% TO IFFP	COST TO IFFP
2550 South	2700 West	City Boundary	\$1,413,012	2020	\$1,455,402	33.3%	\$485,134
*1800 to 2100 South	1800 South	2100 South	\$3,464,894	2025	\$4,137,265	29.5%	\$1,220,832
Wilson Lane	2700 West	2400 West	\$976,123	2025	\$1,165,542	26.1%	\$304,054
*1700 South	2050 West	1650 West	\$950,000	2021	\$1,007,855	52.2%	\$525,837
		Total	\$6,804,029		\$7,766,064	32.7%	\$2,535,858

Table 5.1 details the future cost of intersection improvements in the IFFP. Similar to roadway improvements, 32.7 percent is related to demand in the planning horizon. (See Table 5.1). The total intersection cost attributable to the IFFP is \$323,887.

TABLE 5.2: SUMMARY OF FUTURE SIGNALIZATION SYSTEM IMPROVEMENTS WITHIN IFFP PLANNING HORIZON

INTERSECTION		WEST HAVEN CITY	UDOT/OTHER	ESTIMATED DATE	CONST. YR. COST	% TO IFFP	COST TO IFFP
3500 West	3300 South	\$267,201	-	2025	\$319,052	32.7%	\$104,180
3500 West	2550 South	\$223,688	-	2024	\$259,316	32.7%	\$84,675
5100 West	4000 South	\$60,090	\$180,270	2025	\$71,751	32.7%	\$23,429
Midland Dr	3300 South	\$141,870	\$141,870	2023	\$159,676	32.7%	\$52,139
4000 South	3050 West	\$53,750	\$161,250	2019	\$53,750	32.7%	\$17,551
4000 South	4300 West	\$107,500	\$107,500	2025	\$128,361	32.7%	\$41,914
	Total	\$854,099	\$805,890		\$991,905		\$323,887

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to service areas within the community at large.⁵ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.⁶ To the extent possible, this analysis only includes the costs of system improvements related to new growth within the proportionate share analysis.

FUNDING OF FUTURE FACILITIES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.⁷ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁸

In considering the funding of future facilities, the IFFP has identified the portion of each project that is intended to be funded by the City, as well as funding sources from other government agencies. The capital projects that will be constructed to cure the existing system deficiencies will be funded through general fund revenues. All other capital projects within the next six years which are intended to serve new growth will be funded through impact fees or on a pay-as-you-go approach. Where these revenues are not sufficient, the City may need to issue bonds or issue inter-fund loans to construct the proposed projects. At this time, the cost

⁵ 30 Pa.C.S. § 201
⁶ 30 Pa.C.S. § 204
⁷ 30 Pa.C.S. § 205
⁸ 30 Pa.C.S. § 206



associated with future debt is not included in the Impact Fee Analysis. If bonding is used in the future, this cost can be included in the analysis.

The City does not anticipate any donations from new development for future system-wide capital improvements related to transportation facilities. A donor will be entitled to a reimbursement for the negotiated value of system improvements funded through impact fees if donations are made by new development. The impact fees should also be adjusted if grant monies are received. New development may be entitled to a reimbursement for any grants or donations received by the City for growth related projects or for developer funded IFFP projects.

Impact fees are an ideal mechanism for funding growth-related infrastructure. Impact fees will be charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. An impact fee analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer: (a) dedicates land for a system improvement; (b) builds and dedicates some or all of a system improvement; or (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.⁹

The facilities must be considered system improvements or be dedicated to the public and offset the need for an improvement identified in the IFFP.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues such as general fund revenues will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

⁹ 11-1374BDS



SECTION VI: TRANSPORTATION IMPACT FEE CALCULATION

The transportation impact fees proposed in this analysis will be assessed to the Service Area as defined in Section III. The impact fee calculations include the costs of constructing future transportation improvements (including an annual inflation rate for projects constructed after 2019).

PROPOSED TRANSPORTATION IMPACT FEE

The proportionate share analysis determines the cost assignable to new development based on the proposed capital projects and the new growth served by the proposed projects. The impact fee per trip is \$225.32 as shown in Table 6.1 below.

TABLE 6.1: PROPORTIONATE SHARE ANALYSIS

	TOTAL COST	ALLOCATION TO IFFP	COST TO IFFP	TRIPS SERVED	COST PER TRIP
Existing Facilities	\$9,592,999	33.7%	\$3,235,504	27,093	\$119.42
Future Roadways	\$7,766,064	32.7%	\$2,535,858	27,093	\$93.60
Future Intersections	\$991,905	32.7%	\$323,887	27,093	\$11.95
Professional Expense	\$9,250	100.0%	\$9,250	27,093	\$0.34
Impact Fee Fund Balance	-	100.0%	-	27,093	-
					\$225.32

IMPACT FEE SUMMARY BY LAND USE TYPE

The impact fee by land use type is, is illustrated in Table 6.2.

TABLE 6.2: IMPACT FEE SUMMARY BY LAND USE TYPE

LAND USE CATEGORY	TRIPS	PROPOSED FEE
Cost per Trip		\$225.32
Residential (per unit)		
Single Family Residential (Unit)	9.44	\$2,126.99
Apartment (Multi Family Low Rise Unit)	7.32	\$1,649.32
Apartment (Multi Family Mid Rise Unit)	5.44	\$1,225.72
Senior Adult Housing-Detached (Unit)	4.27	\$962.10
Senior Adult Housing-Attached (Occ. Unit)	3.44	\$775.09
Assisted Living (Beds)	2.60	\$585.82
Hotel (Rooms)	8.36	\$1,883.65
Non-Residential (per 1,000 sq feet)		
Light Industrial	4.96	\$1,117.57
Industrial Park	3.37	\$759.32
Mini Warehouse	1.51	\$340.23
Elementary School	19.52	\$4,398.18
Middle/Jr. High School	20.17	\$4,544.63
High School	14.07	\$3,170.20
Daycare Center	47.62	\$10,729.57
Nursing Home	6.64	\$1,496.10
Clinic	38.16	\$8,598.08
Church	6.95	\$1,565.95
General Office	9.74	\$2,194.58
Medical Dental Office	34.80	\$7,841.01
Free-Standing Discount Store	50.70	\$11,423.55
Hardware/Paint Store	6.76	\$1,523.95
Shopping Center/General Commercial	24.92	\$5,613.76
New Car Sales	27.06	\$6,097.06
Tire Store	28.52	\$6,426.03
Supermarket	68.34	\$15,397.95
Convenience Market w/ Gas Pumps	230.95	\$52,037.75
Discount Club	26.33	\$5,933.48



LAND USE CATEGORY	TRIPS	PROPOSED FEE
Home Improvement Superstore	17.83	\$4,017.21
Department Store	22.88	\$5,155.24
Pharmacy/Drugstore w/ Drive Thru	55.67	\$12,543.73
Drive-In Bank	65.02	\$14,649.97
Quality Restaurant	46.95	\$10,578.70
High Turnover/Sit Down Restaurant	63.94	\$14,407.32
Fast Food with Drive Thru	235.48	\$53,056.40
Automobile Care Center	2.25	\$506.96

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹⁰ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for a non-standard impact fee is as follows:

FORMULA FOR NON-STANDARD TRANSPORTATION IMPACT FEES:

Estimate Trips per Unit x \$225.32 = Impact Fee per Unit

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See Section V for further discussion regarding the consideration of revenue sources.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the IFPP planning horizon should be spent only on those projects outlined in the IFPP as growth related costs to maintain the LOS.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. A three percent annual construction inflation adjustment is applied to the proposed capital improvements identified in this analysis. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.

¹⁰ 11-36a-402(1)(c)

PARKS AND RECREATION IMPACT FEE FACILITIES PLAN (IFFP) & IMPACT FEE ANALYSIS (IFA) WEST HAVEN, UT

SEPTEMBER 2019

SUBMITTED BY:
LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



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IMPACT FEE CERTIFICATION

IFFP & IFA Certification

Lewis Young Robertson & Burningham, Inc. certifies that the attached Impact Fee Facilities Plan ("IFFP") and Impact Fee Analysis ("IFA") prepared for parks and recreation services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and
4. complies in each and every relevant respect with the Impact Fees Act.

Lewis Young Robertson & Burningham, Inc. makes this certification with the following caveats:

1. All of recommendations for capital improvements identified in the IFFP/IFA are completed by staff and elected officials.
2. If all or a portion of the IFFP/IFA is modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



DEFINITIONS

The following acronyms or abbreviations are used in this document:

HH: Household

IFA: Impact Fee Analysis

IFFP: Impact Fee Facilities Plan

LOS: Level of Service

LYRB: Lewis Young Robertson and Burningham, Inc.



SECTION 1: EXECUTIVE SUMMARY

The purpose of the Parks and Recreation Impact Fee Analysis ("IFA") is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act," and help the city of West Haven (the "City") plan necessary capital improvements for future growth. This document will address the parks and recreation infrastructure (both existing and future) needed within the Service Area through the next ten years, as well as the appropriate impact fees the City may charge to new growth to maintain the level of service ("LOS").

- ☐ **Impact Fee Service Area:** The Service Area for the parks and recreation impact fees includes all areas within the municipal boundary of the City. Figure 3.1 illustrates the proposed Service Area.
- ☐ **Demand Analysis:** The demand unit utilized in this analysis is population. The population of the City is expected to reach 25,684 by 2029, which represents an addition of 9,704 residents.
- ☐ **Level of Service:** The existing LOS is defined by the per capita value of park land and improvements. The land value per capita is \$247 and the improvement value per capita is \$396.
- ☐ **Excess Capacity:** No excess capacity has been identified related to parks and recreation facilities.
- ☐ **Capital Facilities Analysis:** Based on the existing level of service and proposed growth, the City will be able to invest approximately \$6,239,254 toward additional parks and recreation land acquisitions and/or amenities.
- ☐ **Outstanding Debt:** There is no outstanding debt related to parks and recreation facilities.
- ☐ **Funding of Future Facilities:** This analysis assumes future growth-related facilities will be funded through a combination of impact fee revenues and general fund revenues. Future bonding is not contemplated in this analysis.

SUMMARY OF IMPACT FEES

The impact fees proposed in this analysis will be assessed within the Service Area. Table 1.1 illustrates the impact fee for parks and recreation per capita. Based on the per capita fee of \$644.25, the proposed impact fee per household ("HH") is summarized in Table 1.2.

TABLE 1.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

	LAND VALUE PER CAPITA	VALUE OF IMPROVEMENTS PER CAPITA	TOTAL VALUE PER CAPITA
All Parks	\$247.37	\$395.59	\$642.96
Professional Services Fee	-	\$1.29	\$1.29
Estimate of Impact Fee Per Capita			\$644.25

Professional Services Fee assumes a fee of \$1.29 to complete the Impact Fee Analysis.

TABLE 1.2: PARK IMPACT FEE SCHEDULE

IMPACT FEE PER UNIT	PERSONS PER HH	PROPOSED FEE PER UNIT
Single Family	3.33	\$2,143.75
Multi-Family	2.79	\$1,795.55

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for a non-standard impact fee is as follows:

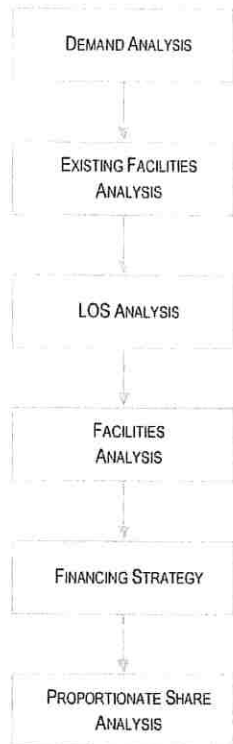
FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:

Estimate Population per Unit x \$644.25 = Impact Fee per Unit

¹ 11-36a-402(1)(c)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP identifies the demands placed upon the city's existing facilities by future development and evaluate how these demands will be met by the city. The IFFP is also intended to outline the improvements, which are intended to be funded by impact fees. The purpose of IFA is to allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. The Impact Fee Act requires that the IFFP and IFA consider the historic level of service provided to existing development and ensure that the proposed impact fees maintain the existing level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP and IFA. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will affect system facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

"Level of service" or LOS means the defined performance standard or unit of demand for each capital component of a public facility within a service area. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the existing LOS that is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing

² 11-36a-302(2)
³ 11-36a-302(3)



system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future (UCA 11-36a-302).

IMPACT FEE METHODOLOGIES

There are two methods employed in this analysis to determine the maximum allowable impact fees: the Growth-Driven Approach or the Plan Based Approach.

GROWTH-DRIVEN (PERPETUATION OF EXISTING LOS)

The growth-driven method utilizes the existing level of service and perpetuates that level of service into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e. park facilities).

NEW FACILITY – PLAN BASED (FEE BASED ON DEFINED CIP)

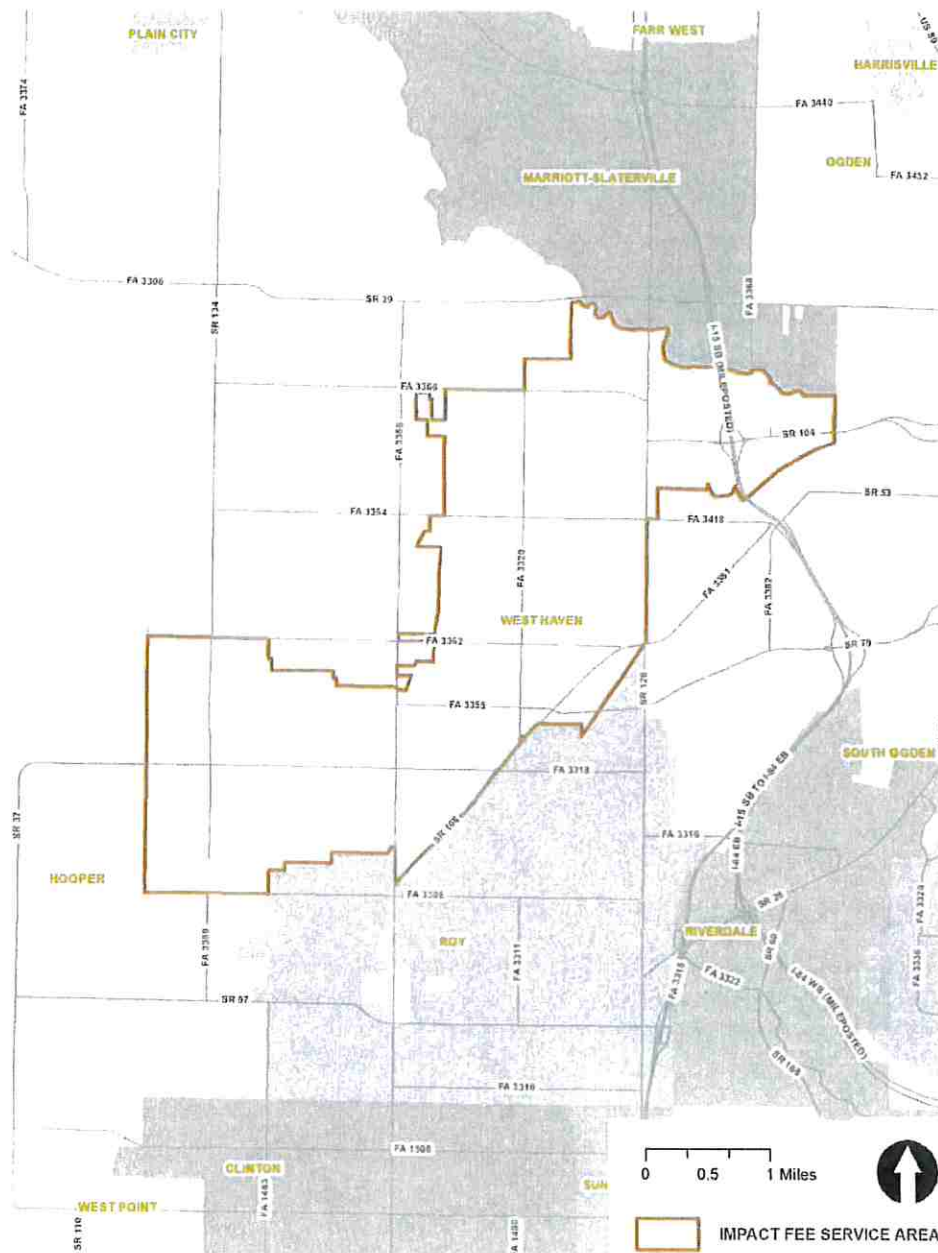
Impact fees can be calculated based on a defined set of capital costs specified for future development. The improvements are identified in a capital plan or impact fee facilities plan as growth-related system improvements. The total cost is divided by the total demand units the improvements are designed to serve. Under this methodology, it is important to identify the existing level of service and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality and level of service.

SECTION 3: OVERVIEW OF SERVICE AREA, DEMAND AND LOS

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁴ The Service Area for the parks and recreation impact fees includes all areas within the municipal boundaries of the City, as shown in **Figure 3.1**. This document identifies the necessary future system improvements for the Service Area that will maintain the existing level of service ("LOS") into the future.

FIGURE 3.1: SERVICE AREA



² UC 11-36a-402(b)(a)



DEMAND UNIT

The demand unit utilized in this analysis is population. As of 2019, the City population was 15,980. Based on the 2010 Census, the average HH size in the City is 3.21 persons. Thus, the population is expected to increase to 25,684 by 2029, an increase of 9,704 residents as shown in Table 3.1. As new development and redevelopment occurs within the City, it generates increased demand for parks and recreation in order to maintain the existing LOS.

TABLE 3.1: POPULATION PROJECTIONS

YEAR	POPULATION
2019	15,980
2020	16,757
2021	17,571
2022	18,425
2023	19,320
2024	20,259
2025	21,244
2026	22,276
2027	23,369
2028	24,494
2029	25,684
New population	9,704
Average HH Size (Single-Family)	3.21
HH Size based on ACS 2013-2017	

LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the LOS to current or future users of capital improvements. The LOS for this analysis is based on maintaining the existing level of investment in current parks and recreation facilities. The LOS consists of two components – the land value per capita and the improvement value per capita. The valuation included in this analysis includes the cost to purchase land and make improvements in today's dollars, resulting in a total value per capita for parks and recreation. This approach uses current construction costs to determine the current value, which allows the City to maintain the current LOS standard through the collection and expenditure of impact fees.

Table 3.2 includes the total value per capita for park land and improvements within the City. Per capita, the park land is valued at \$247 and park improvements are valued at \$396 per capita resulting in a total value per capita of \$643.

TABLE 3.2: PARKS LEVEL OF SERVICE

PARK TYPE	CITY FUNDED ACREAGE	PER CAPITA	EST. LAND VALUE	PER CAPITA	EST. IMPROV. VALUE	PER CAPITA	TOTAL PER 1,000 CAPITA
Combined	79.06	4.95	\$3,953,000	\$247	\$6,321,451	\$396	\$643

LAND VALUATION

Current costs are used to determine the actual cost, in today's dollars, of duplicating the current LOS for future development in the City and does not reflect the value of the existing improvements within the City. For the purposes of this analysis, the cost to acquire new land is approximately \$50,000 per acre.⁵

The timing of construction for growth-related park and recreation facilities will depend on the rate of development and the availability of funding. For purposes of this analysis, a specific construction schedule is not required. The construction of parks and recreation facilities can lag behind development without impeding continued development activity. This analysis assumes that construction of needed parks and recreation facilities will proceed on a pay-as-you-go basis.

⁵ Source: West Haven City. Based on recent sale of developed lots in the City.



SECTION 4: EXISTING FACILITIES INVENTORY

EXISTING FACILITIES

The City's existing park inventory and park acres are shown in Table 4.1. This inventory is used to help calculate the LOS in the City that will need to be perpetuated as additional residents locate in the City. The improvement costs for parks and recreation are based on the current value of existing amenities.

TABLE 4.1: EXISTING PARK INVENTORY

Country Park				
Total Acreage	City Funded %	Donated %	Other %	Estimated Value of City Funded
30.00	100%	-	-	
Land Value				\$1,500,000.00
Existing Amenity	City Funds	RAMP Funds	Donated	Estimated Value of City Funded
Pickleball Courts	60%	0.40	-	\$235,000
Baseball Fields (3)/Building	100%	-	-	\$90,000
Playground	100%	-	-	\$94,500
Pavilions/Kitchen/Restrooms	50%	50%	-	\$257,625
Bleachers	50%	50%	-	\$25,000
Basketball Court	100%	-	-	\$50,000
Volleyball Court	100%	-	-	\$10,000
Rodeo Arena	100%	-	-	\$800,000
Sidewalk/Trail (3500 lf)	100%	-	-	\$87,500
Open Space/Fields (759,100 sf)	100%	-	-	\$569,325
Parking lot (128,327 sf)	100%	-	-	\$705,799
Land and Improvement Value				\$4,424,748.50
Stonefield Park				
Total Acreage	City Funded %	Donated %	Other %	Estimated Value of City Funded
6.82	-	100%	-	
Land Value				\$0.00
Existing Amenity	City Funds	RAMP Funds	Donated	Estimated Value of City Funded
Multi Use Fields/Open Space (262,820 sf)	100%	-	-	\$197,115
Play Ground	100%	-	-	\$24,750
Pavilion	100%	-	-	\$94,050
Land and Improvement Value				\$315,915.00
Country Haven Park				
Total Acreage	City Funded %	Donated %	Other %	Estimated Value of City Funded
2.70	100%	-	-	
Land Value				\$135,000.00
Existing Amenity	City Funds	RAMP Funds	Donated	Estimated Value of City Funded
Open Space	100%	-	-	\$88,209
Trails (Road base 6600 lf)	-	-	100%	-
Land and Improvement Value				\$223,209.00



TABLE 4.1: EXISTING PARK INVENTORY (CONT.)

Fair Grove Park				
Total Acreage	City Funded %	Donated %	Other %	
8.78	-	100%	-	
Land Value				\$0.00
Existing Amenity	City Funds	RAMP Funds	Donated	
Parking	100%	-	-	\$43,120
Trail (800 lf)	-	-	100%	-
Open Space/Landscape (8.24 acres)	-	-	100%	-
Land and Improvement Value				\$43,120.00
Windsor Farms Park				
Total Acreage	City Funded %	Donated %	Other %	
16.88	-	100%	-	
Land Value				\$0.00
Existing Amenity	City Funds	RAMP Funds	Donated	
Frisbee Golf	100%	-	-	20,000.00
Land and Improvement Value				\$20,000.00
Recreation Complex Park				
Total Acreage	City Funded %	Donated %		Other %
18.05	100%	-	-	
Land Value				\$902,500.00
Existing Amenity	City Funds	RAMP Funds		Donated
Baseball Fields (2)	50%	50%	-	\$60,000
Multi Use Fields/Open Space (14.43 ac)	50%	50%	-	471,428.10
Pavilion	100%	-	-	135,900.00
Playground	50%	50%	-	96,450.00
Tennis Courts (2)	50%	50%	-	150,000.00
Basketball Courts (6 Hoops)	50%	50%	-	65,000.00
Parking Lot	100%	-	-	568,194.50
Score Boards/Bleachers	50%	50%	-	25,000.00
Land and Improvement Value				\$2,474,472.60
Moulding and Sons Park				
Total Acreage	City Funded %	Donated %	Other %	
10.85	-	100%	-	
Land Value				\$0.00
Existing Amenity	City Funds	RAMP Funds		Donated
Pavilions (2)	100%	-	-	\$41,040
Trails (685 lf)	100%	-	-	34,250.00
Land and Improvement Value				\$75,290.00
Prevedel Park/Weber River Park				
Total Acreage	City Funded %	Donated %	Other %	
57.31	44%	56%	-	
Land Value				\$1,265,500.00
Existing Amenity	City Funds	RAMP Funds	Donated	
	-	-	-	
Land and Improvement Value				\$1,265,500.00
Tuscan Park				
Total Acreage	City Funded %	Donated %	Other %	
3.00	100%	-	-	
Land Value				\$150,000.00
Existing Amenity	City Funds	RAMP Funds	Donated	
Open Space/Landscape (86,300 sf)	100%	-	-	\$64,725
Playground	100%	-	-	\$40,800
Trail (413 lf)	100%	-	-	\$10,325
Dog Park (5250 sf)	100%	-	-	\$3,938
Land and Improvement Value				\$269,787.50



TABLE 4.1: EXISTING PARK INVENTORY (CONT.)

Holmes Park				
Total Acreage	City Funded %	Donated %	Other %	
1.01	-	100%	-	
Land Value				\$0.00
Existing Amenity	City Funds	RAMP Funds	Donated	
Open Space	50%	-	50%	\$16,498
Playground	100%	-	-	\$12,450
Land and Improvement Value				\$28,948.35
River Parkway Trail Head				
Total Acreage	City Funded %	Donated %	Other %	
0.20	-	100%	-	
Land Value				\$0.00
Existing Amenity	City Funds	RAMP Funds	Donated	
Parking Lot (8220 sf)	100%	-	-	\$45,210
Land and Improvement Value				\$45,210.00
Sycamore park				
Total Acreage	City Funded %	Donated %	Other %	
1.01	-	100%	-	
Land Value				\$0.00
Existing Amenity	City Funds	RAMP Funds	Donated	
Pickleball Courts	-	100%	-	\$58,750
Playground	50%	50%	-	\$7,500
Land and Improvement Value				\$66,250.00
River Park Trail System				
Total Acreage	City Funded %	Donated %	Other %	
-	-	-	-	
Land Value				\$0.00
Existing Amenity	City Funds	RAMP Funds	Donated	
Trail (9144 lf) (east of I-15)	100%	-	-	\$457,200
Trail (4940 lf) (I-15 to 1900 W)	50%	-	50%	\$123,500
Trail (8652 lf) (west of 1900 W)	50%	-	50%	\$216,300
Trail (10096 lf) (UDOT Trail)	match	-	UDOT / UTA	\$225,000
Land and Improvement Value				\$1,022,000.00

LEVEL OF SERVICE ANALYSIS

Table 4.2 includes the total value per capita for park land and improvements within the City. Per capita, the park land is valued at \$3,953,000 or \$247 per capita. Park improvements include lawn and irrigation systems, children's equipment, sports courts, etc. and are valued at \$6,321,451 or \$396 per capita. The total land and improvement LOS value per capita is \$643.

TABLE 4.2: PARKS LEVEL OF SERVICE

SUMMARY LEVEL OF SERVICE (COST PER CAPITA)	LAND VALUE PER CAPITA	IMPROVEMENT VALUE PER CAPITA	TOTAL LOS VALUE PER CAPITA
All City Funded Parks	\$247	\$396	\$643

EXCESS CAPACITY

No excess capacity has been identified related to parks and recreation facilities.



SECTION 5: FUTURE CAPITAL FACILITIES

Future planning for park land is an ongoing process, based on the changes in population and community preference. The City will purchase and improve parks and recreational facilities to maintain the LOS defined in this document. A summary of the City's estimated future investment is found in Table 5.1 below. Actual future improvements will be determined as development occurs, and the opportunity to acquire and improve park land arises. Impact fees will only be assessed to the proportionate fee to maintain the existing LOS.

TABLE 5.1: FUTURE PARK AND RECREATION INVESTMENT

TYPE OF IMPROVEMENT	POPULATION INCREASE IFFP HORIZON	TOTAL LOS VALUE PER CAPITA	ESTIMATED FUTURE INVESTMENT
Parks and Recreation	9,704	\$643	\$6,239,254

The estimated future investment in Table 5.1 excludes buy-in to existing facilities. This service area includes all areas within the City. Future investment will be used to acquire additional parks and recreation land and fund new park improvements and amenities or make improvements to existing park facilities to add capacity to the system. The following types of improvements may be considered:

- | | |
|--|--|
| ☐ Land Acquisition | ☐ Basketball Courts |
| ☐ Sod and Irrigation Improvements | ☐ Pickleball Courts |
| ☐ Pavilions | ☐ Other Recreational Courts and Facilities |
| ☐ Restrooms and other Parks and Recreation Buildings | ☐ Baseball/Softball Field Facilities |
| ☐ Picnic Tables | ☐ Multi-Purpose Fields |
| ☐ Playgrounds | ☐ Field Lighting |
| ☐ Trailways/Walkways | ☐ Concession/ Buildings |
| ☐ Volleyball Courts | ☐ Parking |
| ☐ Tennis Courts | ☐ Skate Parks |
| | ☐ Other Park and Recreation Amenities |

In addition, the City may need to acquire additional parks and recreation land, fund new park improvements and amenities, or make improvements to existing park facilities to add capacity to the system not identified above.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to the community at large.⁶ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.⁷ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. Only park facilities that serve the entire community are included in the LOS. The following park facility types are considered system improvements:

- ☐ Open Space, Trails, Greenbelt and Natural Lands;
- ☐ Mini, Neighborhood and Community Parks;
- ☐ Undeveloped Park Space;
- ☐ Special-Use Areas; and,
- ☐ Park Improvements and Amenities.

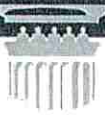
FINANCING STRATEGY & CONSIDERATION OF ALL REVENUE RESOURCES

This analysis assumes that construction of needed park facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements. In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁸

⁶ 11-36a-102(20)

⁷ 11-36a-102(13)

⁸ 11-36a-302(3)



PROPERTY TAX REVENUES

It is anticipated that the City will continue to utilize property tax revenues, as part of the total General Fund revenues, to maintain existing park facilities. Impact fee revenues will be a continual source of revenue to fund growth related improvements.

GRANTS AND DONATIONS

The City does not anticipate any donations from new development for future system-wide capital improvements related to park facilities. A donor will be entitled to a reimbursement for the negotiated value of system improvements funded through impact fees if donations are made by new development. The City may receive grant monies to assist with park construction and improvements. This analysis has removed all funding that has come from federal grants and donations to ensure that none of those infrastructure items are included in the LOS. Therefore, the City's existing LOS standards have been funded by the City's existing residents. Funding the future improvements through impact fees places a similar burden upon future users as that which has been placed upon existing users through impact fees, property taxes, user fees, and other revenue sources.

IMPACT FEE REVENUES

Impact fees are an ideal mechanism for funding growth-related infrastructure. Impact fees will be charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. An impact fee analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

DEBT FINANCING

In the event the City has not amassed sufficient impact fees in the future to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt (i.e. interest costs). Debt financing has not been considered in the calculation of the park impact fee.



SECTION 6: PROPOSED IMPACT FEE

The calculation of the parks and recreation impact fee is based on the growth-driven approach, which is based on the growth in residential demand. The growth-driven methodology utilizes the existing LOS and perpetuates that LOS into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e. parks and recreation facilities).

PARKS AND RECREATION IMPACT FEE CALCULATION

Utilizing the estimated value per capita and the value per capita to provide the same level of improvements, with the addition of the professional expense and the impact fee fund balance, the total fee per capita is shown in Table 6.1 below.

TABLE 6.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

	LAND VALUE PER CAPITA	VALUE OF IMPROVEMENTS PER CAPITA	TOTAL VALUE PER CAPITA
All Parks	\$247.37	\$395.59	\$642.96
Professional Services Fee ¹	-	\$1.29	\$1.29
Estimate of Impact Fee Per Capita			\$644.25

¹Professional Services Fee assumes a fee of \$6,800 to complete the Impact Fee Analysis.

Based on the per capita fee of \$644.25, the proposed impact fee per household is summarized in Table 6.2.

TABLE 6.2: PARK IMPACT FEE SCHEDULE

IMPACT FEE PER UNIT	PERSONS PER HH	PROPOSED FEE PER UNIT	EXISTING FEE PER UNIT
Single Family	3.33	\$2,143.75	\$1,277.00
Multi-Family	2.79	\$1,795.55	

NON-STANDARD IMPACT FEE

The proposed fees are based upon population growth. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon park facilities.⁹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:

Estimate Population per Unit x \$644.25 = Impact Fee per Unit

⁹ 11-36a-402(1)(c)