



WEST HAVEN CITY  
COUNCIL AGENDA

WEDNESDAY, SEPTEMBER 18, 2024 6:00 PM  
City Council Chambers  
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **September 18, 2024** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:00 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/UCEEQNQBTFZJWGTGOPHMCNCBA](https://www.youtube.com/channel/UCEEQNQBTFZJWGTGOPHMCNCBA).

**5:00 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. DISCUSSION-COUNCIL UPDATES
2. DISCUSSION-WESTERN WEBER TRAILS PLAN
3. DISCUSSION-TEXT MY GOV CONTRACT
4. DISCUSSION-REVIEW POSSIBLE GRANT PROJECTS

**6:00 PM REGULAR CITY COUNCIL MEETING**

1. **MEETING CALLED TO ORDER-**  
MAYOR VANDERWOOD
2. **OPENING CEREMONIES**
  - A. PLEDGE OF ALLEGIANCE-COUNCILMEMBER SWAPP
  - 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.
4. **UPCOMING EVENTS**  
Arts Festival-September 21, 2024-5:00 PM  
Senior Lunch Bunch-September 25, 2024-11:30 AM
5. **COUNCIL UPDATES**

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

6. PROCLAMATION RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS AND PREVENTION MONTH

7. **ACTION ON CONSENT AGENDA**

- A. CITY COUNCIL MINUTES-MEETING HELD-AUGUST 21, 2024
- B. ANDERSEN ASPHALT-\$217,077.27-INV.#2212-828

C. READING TRUCK-\$59,996.53-INV.#157896

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

- A. ACTION ON ORDINANCE 30-2024-2ND AMENDMENT TO THE RIVERWALK MASTER DEVELOPMENT AGREEMENT
- B. ACTION ON RESOLUTION 35-2024-AMENDMENT TO THE MODERATE INCOME HOUSING ELEMENT OF THE WEST HAVEN CITY GENERAL PLAN
- C. ACTION ON ORDINANCE 27-2024-AMENDMENT TO THE P.R.U.D. ORDINANCE
- D. ACTION ON ORDINANCE 26-2024-AMENDMENT TO THE CLUSTER SUBDIVISION ORDINANCE
- E. ACTION ON ORDINANCE 33-2024-AMENDMENT TO THE PARKING REGULATIONS ORDINANCE (CHAPTER 71)

9. **ACTION ON RESOLUTION 36-2024-DECLARING CERTAIN CITY PROPERTY AS SURPLUS TO ALLOW AUCTION OR SELL-PROPERTY AS FOLLOWS: ROPING CHUTE AND 2023 SILVERADO TRUCK**

10. **DISCUSSION-REVIEW AND PRIORITIZE SIDEWALK INVENTORY**

11. **ACTION ON RESOLUTION 39-2024  
EASEMENT AGREEMENT BETWEEN WEST HAVEN CITY AND JORDAN VALLEY WATER CONSERVANCY DISTRICT**

12. **DISCUSSION-CONTINUATION OF ANY AGENDA ITEM NOT PREVIOUSLY DISCUSSED OR OTHERWISE COMPLETED ON THE 5:00 WORK SESSION**

13. **ACTION ON RESOLUTION 40-2024 ON AMENDING THE CITY'S CONSOLIDATED FEE SCHEDULE**

14. **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](mailto: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](http://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

## STAFF REPORT

TO: Mayor and City Council  
FROM: Shawn Warnke, City Manager  
DATE: September 18, 2024  
SUBJECT: West Weber County Active Transportation Plan

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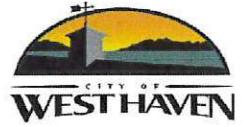
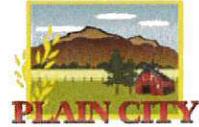
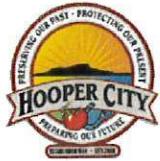
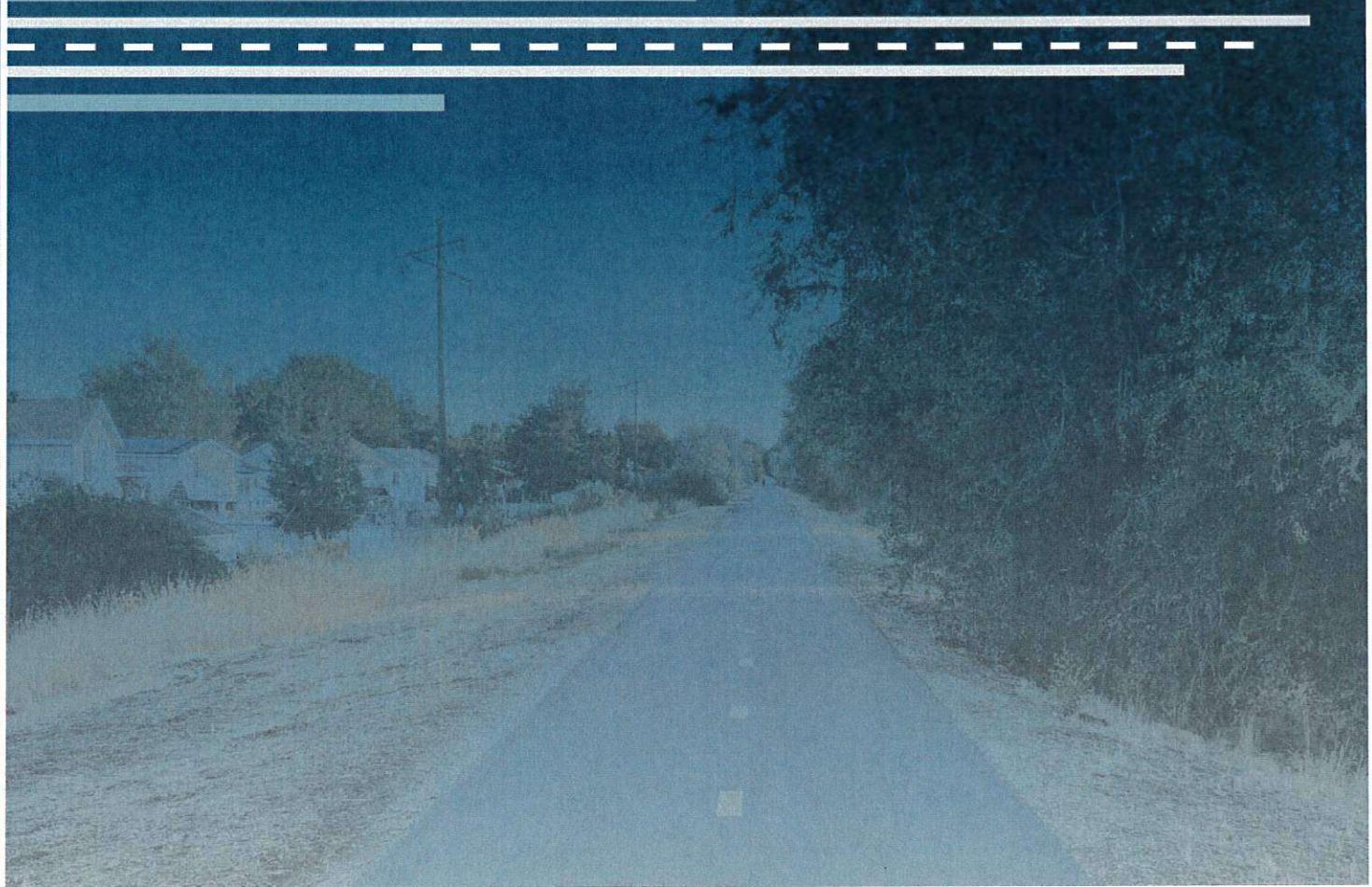
Wasatch Front Regional Council (WFRC) has spearheaded an effort to create the West Weber County Active Transportation Plan. This effort to create this active transportation plan started in October 2023 and is anticipated to be completed this fall. As part of the process, WFRC and their consultant facilitated a public open house on August 22, 2024.

Ed Mignone, Councilperson Swapp, and Councilperson Call attend this open house. Councilperson Swapp requested that this topic be discussed on a City Council workshop agenda. For your information, attached is the current draft of the plan.



# WESTERN WEBER

## Active Transportation Plan



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# — WESTERN WEBER ACTIVE TRANSPORTATION PLAN —

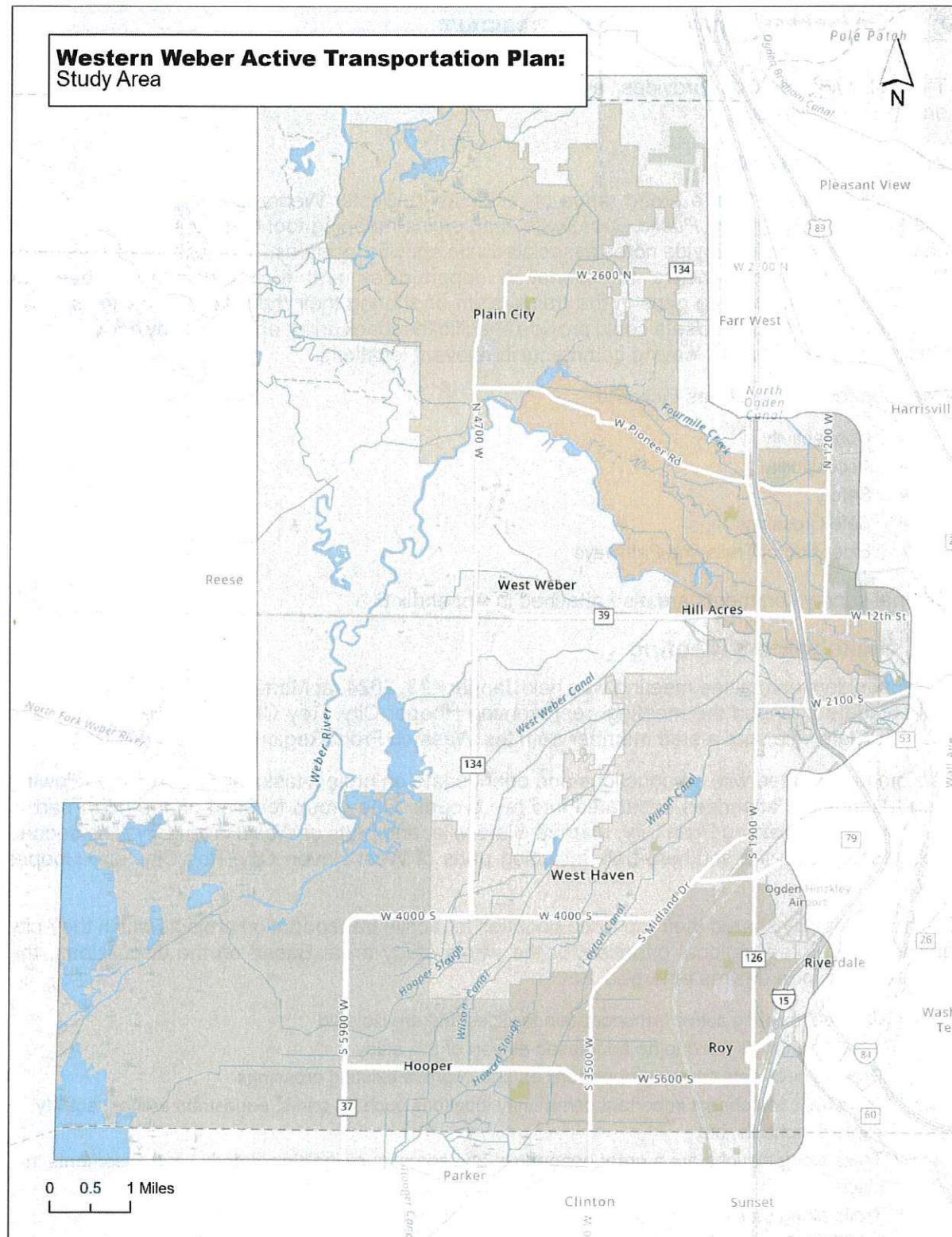


Figure 1 - Western Weber Active Transportation Plan: Study Area

- **Hooper Slough Trail** – extend north-east to the Weber River; extend north-west to the South Fork River/ Ogden Bay
- **Power Line Trail** – build a paved trail in the power line corridor, with a separate equestrian trail
- **5600 South/ 5500 South On-Street Trail** – extend the 5600 South trail project as a multi-use on-street trail to 5500 West
- **Marriott-Slaterville Loop** – build trails along the Weber River, Mill Creek, and Logan Canal to create a contiguous loop around Marriott-Slaterville and connect to Ogden City's trail system
- **4000 South/ State Route 37 On-Street Trail** – Midland Drive to 5900 West; continue south on 5900 West to 5500 South
- **Howard Slough** – extend from existing Howard Slough trail at Meadow Creek Pond in Roy; expand south-west into Davis County and connect to Clinton City Nature Trail; extend north until 3600 South and merge trail with Layton Canal Trail
- **Three Gates Trail** – priority #1 for Roy City; trail can connect to 4000 South On-Street Trail via 1900 West; connects into Ogden City, Riverdale, Sunset, Clearfield, and Hill Airforce Base; right-of-way mostly established for 6.2 miles
- **Layton Canal Trail** – build a trail segment in Marriott-Slaterville between Weber River and Mill Creek to complete a loop; opportunity for a complete trail along Layton Canal through the whole study area with opportunities to connect into other communities (Farr West on the north, Clinton in the south)
- **5500 West (southbound) On-Street Trail** – complete missing trail link on 500 West between existing Hooper Slough trail just north of 5100 South until 5300 South
- **South Fork Weber River Trail** – Potential extensions of Hooper Slough trail along the South Fork Weber River until 3300 South



Figure 2 - Stakeholder Meeting, Presentation



Figure 3 - Stakeholder Meeting, Group Discussion

## 2.3. Public Open House

Following the agency stakeholder meeting, the project team held a public open house for community members to learn more about the project and share their feedback and priorities for trails in the study area. 26 residents attended the open house.

Feedback received during the public open house is similar to what stakeholders shared during the stakeholder meeting. Residents would like to connect existing trail segments, especially along Hooper Slough, Howard Slough, and the Layton Canal. Continuing the Weber River Trail and building a trail along the Layton Canal was also frequently mentioned as a priority. Another trail that residents want extended is the on-street trail on 5600 South, wishing it to continue west into Hooper City and building a connection from Roy into Ogden City's downtown area.

Some residents shared that many of the existing trails and roads have unsafe crossing opportunities, especially considering the characteristics of the road that needs to be crossed. The existing crossing with a yellow-flashing beacon light at Midland Drive and 2400 South was mentioned as unsafe due to drivers not stopping for pedestrians. Further south, at Canterbury Xing Drive, a resident mentioned they'd like a crossing as there currently is none. Multiple residents mentioned the idea of building bridges over the FrontRunner train line, at 4400 South and 5175 South to alleviate congestion at the existing trail corridor crossings at 4000 South and 4800 South.

Four residents provided additional feedback on a comment form during the open house. Each comment was digitized and is included in **Appendix C**.



Figure 5 - Stakeholder Meeting, Presentation



Figure 6 - Stakeholder Meeting, Group Discussion



Figure 9 - Trail through West Haven

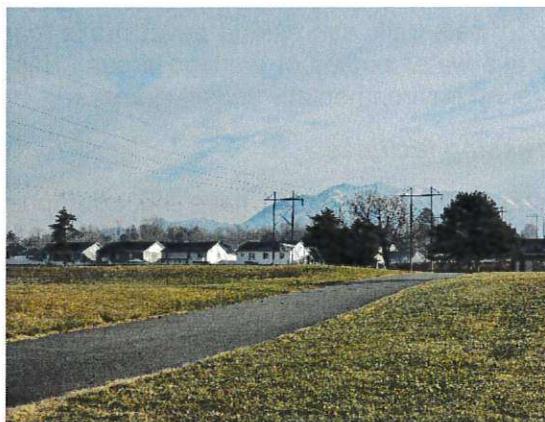


Figure 10 - Trail through Roy City's West Park

#### **On-street shared use path**

An on-street shared use path (SUP) is a paved and grade-separated facility along a road intended to be used by people walking, biking, rolling, or running. Shared use paths should be at least 6 inches above the road grade and can be immediately adjacent to a road or have additional separation through a landscape buffer.



Figure 11 - Shared Use Path in Hooper



Figure 12 - Shared Use Path in West Haven

#### **Alternative trails**

Alternative trails include trail types not classified within the three primary categories.

Stakeholders and the public expressed a need and desire for equestrian trails, which can be built in combination with new off-street trails.

A soft surface trail can complement a paved trail, providing a different experience for users. It is important to clearly differentiate soft surface trails from equestrian trails to avoid confusion and provide each user the appropriate trail surface and environment.

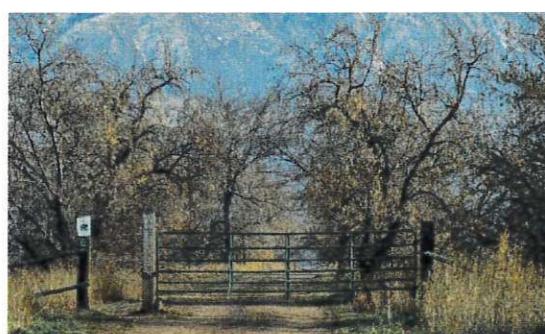


Figure 13 - Little Mountain Rail Trail in Western Weber

## ***Trail access and connections***

The ways in which people access a regional trail from a neighborhood – whether via a connecting local trail, a link from a cul-de-sac, a town center, or parking at a trailhead.

## ***Trail amenities***

Amenities – such as wayfinding and other community information, lighting, seating, public art, and other amenities – and where they should be located.

## ***Barriers and crossings***

The barriers that block movement of people on bikes, walking, and using other active modes – such as highways and other major roadways, train corridors, waterways, and large blocks and land uses – and the existing and potential locations where they can be safely crossed.

## ***Supporting active transportation environment***

The friendliness of the surrounding street network to walking, biking, and other active modes – whether through facilities like bike lanes and sidewalks or through more fundamental aspects of communities like connected streets, small blocks, mixed land uses, and slow traffic.

## ***Land use synergy***

The ways in which the land uses along the trails throughout Western Weber facilitate access to it and travel along it and how the trail brings active travelers to the specific land use – whether it be a residential neighborhood, a community park, a natural area, a shopping center, or a mixed-use town center.

### **3.3. Priority Regional Backbone Network**

**Table 1** shows each trail in a prioritized list. This is a preliminarily list of prioritizations. Further evaluation in terms of feasibility and community needs will be completed in the next phase of this project. **Figure 17** shows the backbone trail network, illustrating existing trails, trails facilities identified by the community and stakeholders, and additional recommended facilities to create a strong backbone trail network. **Figure 18** shows the type of trail facility for each recommended project. Finally, a corridor priority map with trail name and descriptions can be found in **Appendix A**.

Table 1 - Regional Backbone Network

Trail #	Trail Name	Facility Type	Description
1	<b>Hooper Slough Trail</b>	Waterway trail, boardwalk	Extend north-east to the Weber River; extend north-west to the South Fork River/ Ogden Bay in the form of a boardwalk where needed; fill in trail gaps in Hooper
2	<b>Power Line Trail</b>	Off-street trail, alternative trail	New off-street paved trail with adjacent equestrian trail in the power line corridor from Davis/Weber County line to Weber/Box Elder County line
3	<b>5600 South/ 5500 South Shared Use Path</b>	On-street shared use path	Extend existing on-street shared use path on 5600 South in Roy until 5900 West in Hooper

Trail #	Trail Name	Facility Type	Description
14	1200 South/ S.R. 39 Shared Use Path	On-street shared use path	On-street shared use path from 500 West in Ogden until the new West Davis Corridor
15	5100 West/ West Davis Corridor Shared Use Path	On-street shared use path	On-street shared use path on existing section of 5100 West; continue along new West Davis Corridor until I-15 interchange in Box Elder County
16	Plain City Canal Trail	Waterway trail, on-street shared use path	Waterway trail along Dix Creek/ Plain City Canal from Little Mountain Rail Trail until canal meets Fourmile Creek; shared use path where necessary
17	1800 South Shared Use Path	On-street shared use path	On-street shared use path on 1800 South in unincorporated Weber County from proposed Power Line Trail until Weber River
18	Plain City Shared Use Path	On-street shared use path	On-street shared use path through Plain City: 4200 West, 2675 North, 4425/4400 West until 1500 North

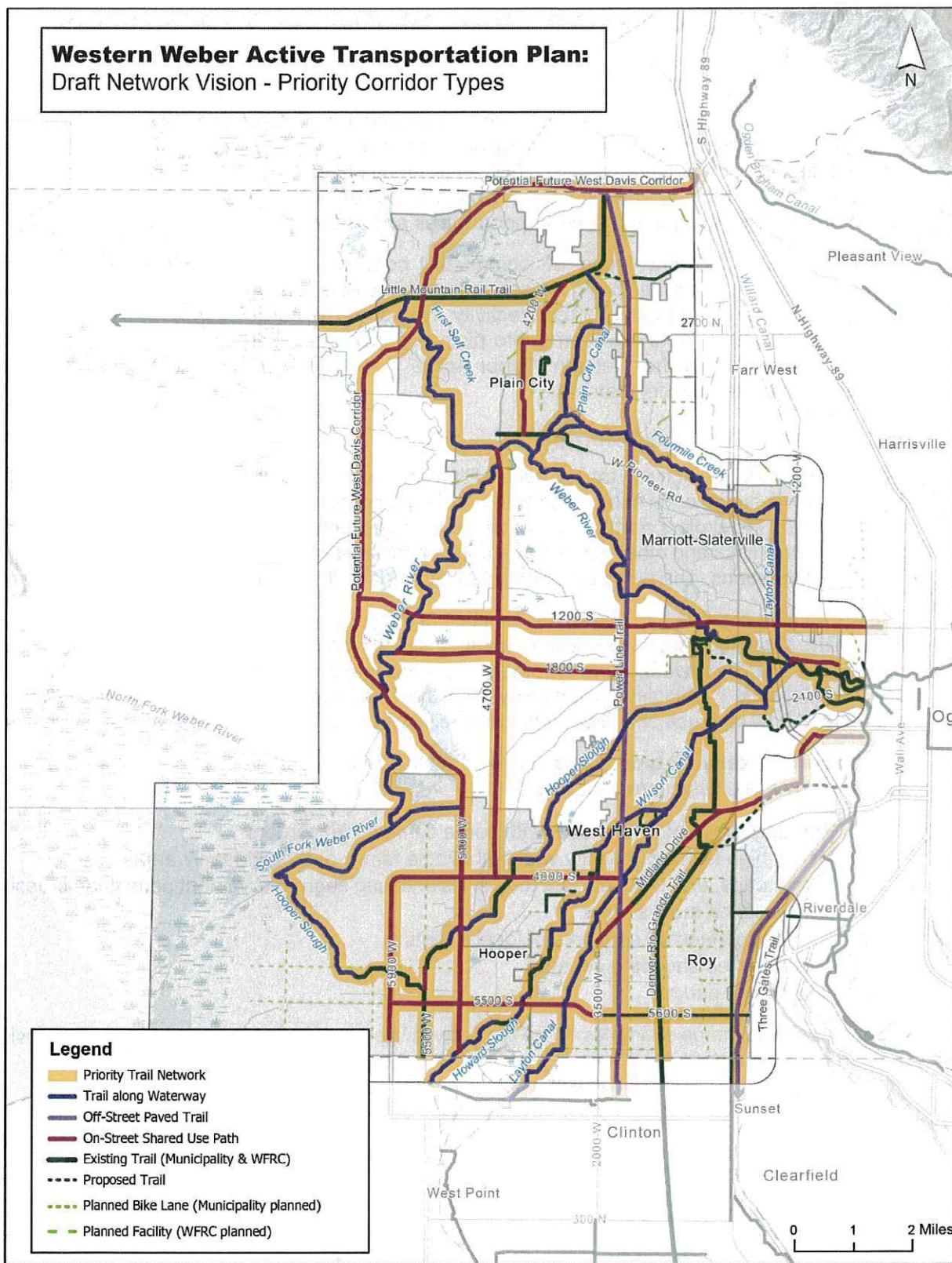


Figure 18 - Western Weber Active Transportation Plan: Priority Corridor Types



*Figure 19 - Example Images of Suburban Network Typology in Western Weber*

The **Rural Network type** was the dominant context in much of the area 10 or 20 years ago, but growth in the area has converted much of Western Weber to the suburban context. However, many rural places remain in the area. The Rural Network is characterized by:

- A mix of agricultural and residential land uses
- Lower density residential with almost exclusively single family
- Some gridded historic town centers with parks, places of worship, and other community facilities
- Narrower rural roads with smaller/no shoulder
- No or few sidewalks
- Little commercial
- Significant natural areas, often tied to waterways and water bodies

**Figure 21** shows image examples of the typology in Western Weber area and **Figure 22** provides a diagram of the typical conditions.

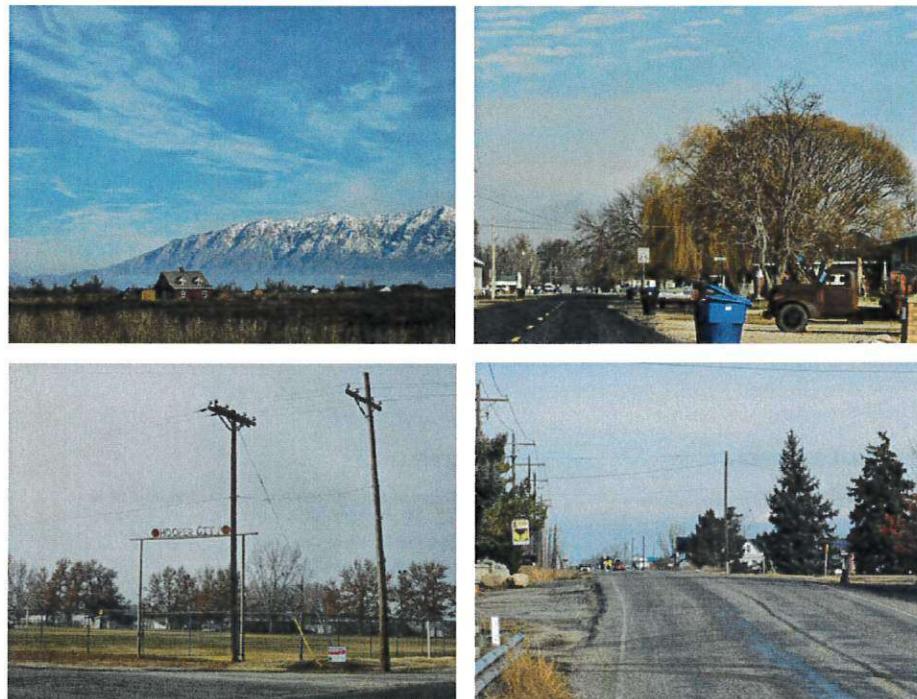


Figure 21 - Example Images of Rural Network Typology along the Wasatch Front

The **Town Center Network type** is a future-facing context for active transportation in Western Weber that includes walkable town centers within the communities that may be more intense than surrounding areas. Generally, it is a context with a more favorable environment for active transportation. It is characterized by:

- A mix of residential and walkable commercial land uses
- A mix of housing types and residential densities
- Active public spaces
- Slower major streets with more frequent pedestrian crossings
- Well-connected streets and shorter blocks
- A series of greenways that can pair with trails
- Activation of recreational and natural areas such as parks and river corridors

**Figure 23** shows image examples of the typology in primarily Wasatch Front locations and **Figure 24** provides a diagram of the typical conditions.

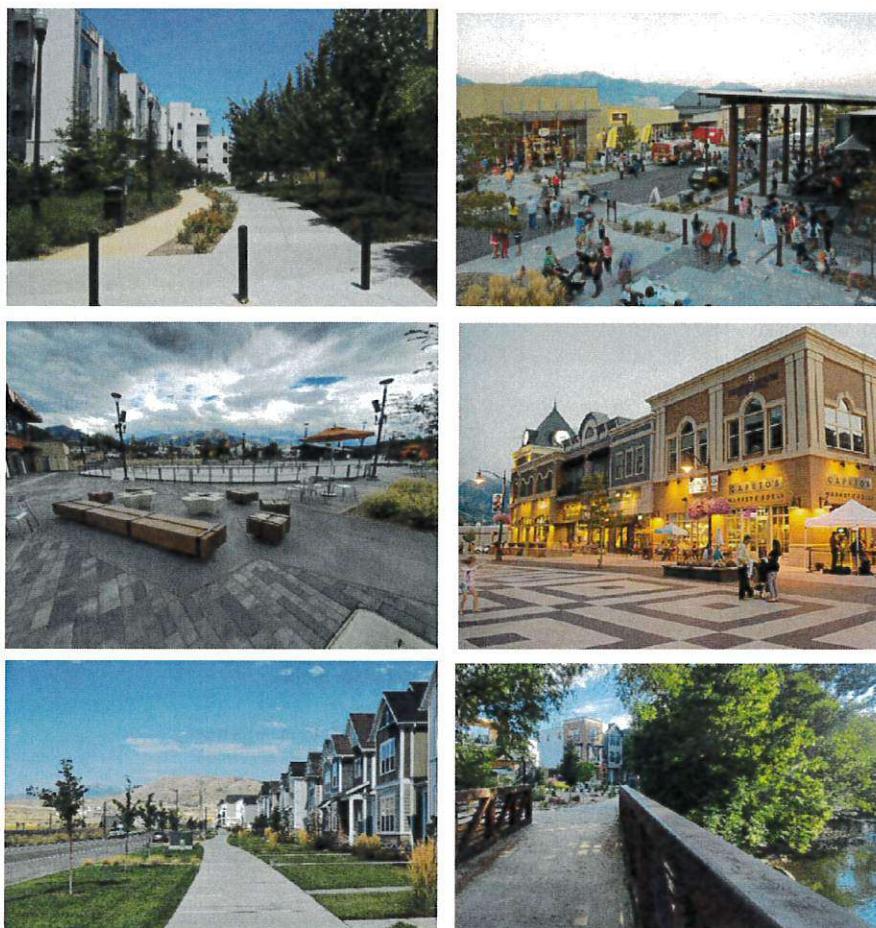


Figure 23 - Example Images of Rural Network Type along the Wasatch Front

#### 4.3. How the typologies will be used

As **Figure 20**, **Figure 22**, and **Figure 24** demonstrate, each typology contains similar network elements – generally a half-mile grid of arterials and collectors crossed by canals, sloughs, creeks, and rivers in the Weber River system. These are generally the best opportunities for the regional backbone network. In the diagram of each typology, these elements are consistent – but the land uses and local street network are different. These typical land use patterns and transportation networks provide a canvas onto which the Plan integrates guidance for each context, illuminating unique challenges and opportunities.

And while the trail design guidance in this Plan will not be context-dependent (a shared use path will have the same design guidance and be more dependent on right-of-way availability), the typologies will provide guidance for integrating these designs into the opportunities provided by the land use and networks.

The Network Typologies will also provide encouragement and guidance for adding more trails to support the regional backbone trail network, based on opportunities that emerge from new development or other land use or property changes.

In addition, the Network Typologies will offer guidance for the other Trail Considerations – Trail access and connections, trail amenities, overcoming barriers and improving crossings, creating a supportive overall active transportation environment, and synergy with the surrounding land uses.

**APPENDIX A  
PRIORITY CORRIOR NETWORK MAP**

# Western Weber Active Transportation Plan:

## Draft Network Vision - Priority Corridors

### **1 Hooper Slough Trail**

Extend north-east to the Weber River; extend north-west to the South Fork River/ Ogden Bay in the form of a boardwalk where needed; fill in trail gaps in Hooper.

### **2 Powerline Trail**

New off-street paved trail with adjacent equestrian trail in the power line corridor from Davis/Weber County line to Weber/Box Elder County line.

### **3 5600 South/ 5500 South SUP**

Extend existing on-street shared use path on 5600 South in Roy until 5900 West in Hooper.

### **4 Marriott-Slaterville Loop Trail**

Continue waterway trail along Weber River; build new waterway trail along Fourmile Creek and Layton Canal to create a loop.

### **5 4000 South/ S.R. 37 SUP**

New on-street shared use path on 4000 South from Midland Drive to 5900 West (S.R. 37); continue south on 5900 West until 5500 South.

### **6 Howard Slough/ Wilson Canal Trail**

Extend trail along Howard Slough south towards Clinton City Nature trail; extend north to connect to existing Weber River trail; fill gaps through Roy.

### **7 Three Gates Trail**

New trail in existing rail corridor according to UDOT's plans (UDOT has purchase agreement with UPRR); connect north-east to Ogden River trail.

### **8 Layton Canal Trail**

Paved trail on the canal's service road starting at the Fourmile Creek; along the Wilson Canal until it splits; continue south until the Weber/Davis County line.

### **9 5500 West SUP**

Complete the missing trail link on 5500 West southbound from 5100 South to 5300 South.

### **10 South Fork Weber River Trail**

A boardwalk along the South Fork Weber River trail from the west end of the Hooper Slough trail; connect to 5100 West at 3300 South.

### **11 Midland Drive SUP**

On-street shared use path from 3500 West; continue into Ogden and follow Ogden's trail alignment along FrontRunner corridor and Pennsylvania Avenue until W 25th Street; continue to Miles Goodyear Park.

### **12 Weber River Trail Extension**

Waterway trail, and boardwalk where necessary, along the Weber River from 4700 West until it meets the South Fork Weber River.

### **13 4700 West SUP/ First Salt Creek Trail**

On-street trail along 4700 West from 4000 South until the Weber River; waterway trail along First Salt Creek from Weber River until Little Mountain Rail Trail.

### **14 1200 South/ S.R. 39 SUP**

On-street shared use path from 500 West in Ogden until the new West Davis Corridor.

### **15 5100 West/ West Davis Corridor SUP**

On-street shared use path on existing section of 5100 West; continue along new West Davis Corridor until I-15 interchange in Box Elder County.

### **16 Plain City Canal Trail**

Waterway trail along Dix Creek/ Plain City Canal from Little Mountain Rail Trail until canal meets Fourmile Creek; shared use path where necessary.

### **17 1800 South SUP**

On-street shared use path on 1800 South in unincorporated Weber County from proposed Power Line Trail until Weber River.

### **18 Plain City SUP**

On-street shared use path through Plain City: 4200 West, 2675 North, 4425/4400 West until 1500 North.

Description	Category	Created On	Lat	Lng
Would love to see a trail that connects this to Downtown Ogden, the 25th street area.	Other Suggestions	1/17/24	41.1918333354429	-112.027452592396
As someone who lives further north, I'd love to see an expanded trails system that connects to some of the trails that run around 12th street.	Other Suggestions	1/23/24	41.3141729060063	-112.060417795407
I would like to see an accessible trail that leads to Downtown Ogden.	Other Suggestions	1/23/24	41.196895126716	-112.02157690399
crossings along 5500 S and 5600 S need to have more overhead crossing lights or a more safe method of crossing those streets. there appears to be disjointed crossing gap here exists without any stop sign or light to control traffic across 5500 south.	Crossing Gap or Issue	1/23/24	41.1639440740016	-112.127722902535
This trail does not currently have any vehicular bollards and needs at least one bollard at the road crossing to protect bicyclists and pedestrians from vehicles that could turn onto this paved path. A modal filter could save lives here.	Crossing Gap or Issue	1/23/24	41.1636048833794	-112.103045174026
continuing with a bicycle lane along 5500S. to 5600 S. would be of great benefit to people especially if they are trying to get to and from the shopping center or Davis hospital at 5500s. and 3500S from the west side.	Other Suggestions	1/23/24	41.1615447762177	-112.046362347989
gap from west and east side trails don't connect here major shopping area, which would be nice to have bicycle access to. extending this trail would be ideal to get to this nearby city center area	Bicycle Gap or Issue	1/23/24	41.1637049336044	-112.076172492953
at the least bicycle lanes connecting the proposed path to an existing one would make these trails much more useful.	Bicycle Gap or Issue	1/23/24	41.1805982427373	-112.087733730636
Connect existing trail to new trail. Trail follows the river.	Desirable Destination	1/23/24	41.1435286361004	-112.063101991653
Path along willard canal to connect to weber river path	Bicycle Gap or Issue	1/23/24		
Bike lane along 1200 W	Bicycle Gap or Issue	1/24/24		

**APPENDIX C**  
**OPEN HOUSE COMMENTS (DIGITIZED)**

## STAFF REPORT

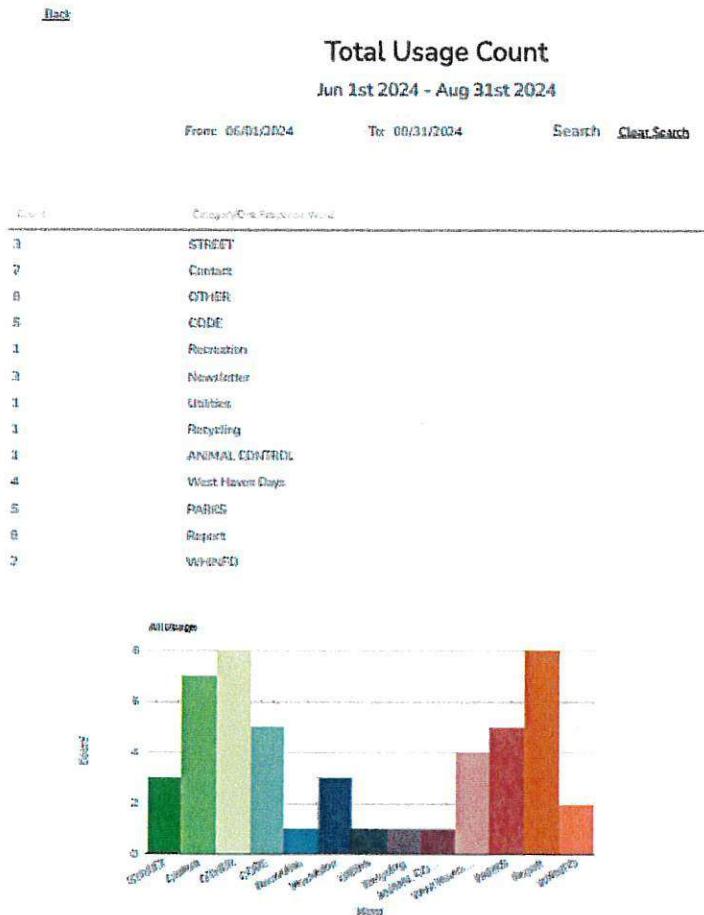
TO: Mayor and City Council  
FROM: Shawn Warnke, City Manager  
DATE: September 18, 2024  
SUBJECT: Text My Gov



In December 2021, the City implemented the Text My Gov feature to increase communication with residents. This communication method has not been well used despite the City's advertising of Text My Gov on social media, the City's website, and flyers at City offices. There are 259 subscribers out of the City's population of 26,000. During the last 90 days, 49 messages have been sent. Below is a snapshot of the usage reports for the previous 90 days.

The cost of the services is \$3,750 and was for three years. The City has to provide 60 days notice to cancel the contract. Otherwise, the term of the agreement will revert to a year-to-year term. As such, the City will need to provide notice soon if it intends to cancel; otherwise, the City will be under contract for another year.

Based on the low use, City staff recommends terminating the contract with Text My Gov.



# TextMyGov

TextMyGov  
P.O. Box 3784  
Logan, Utah 84323  
435-755-5126

## Partnership Proposal

### TextMyGov - Everyone Is Texting

TextMyGov was developed to open lines of communication with local government agencies and citizens. The system works 24 hours a day and easily connects with your website and other communication methods.

Using the regular messaging app on any smartphone, the smart texting technology allows the citizen to ask questions and get immediate responses, find links to information on the agency's website, address problems, report any issues and upload photos.

According to the Pew Research Center, **97% of smartphone owners text regularly.**

The technology analysts at Compuware reported **that 80 to 90% of all downloaded apps are only used once and then eventually deleted** by users.

### TextMyGov Solutions:

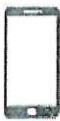
Communicate, Engage, Boost Website Traffic, Track, and Work



### Communicate

TextMyGov uses smart texting technology to communicate with citizens. Local government agencies can answer questions, send links to their website, and provide details on garbage pickup, utility payment, city news, events, office hours, department locations and more. If your goal is to increase communication and reduce calls- You need TextMyGov.





## Engage

TextMyGov uses smart texting technology to engage with citizens. Citizens can easily report code violations, public works issues like potholes, sign down, drainage problems, tree trimming, sewer smell, and more. Agencies can engage citizens and ask specific guided questions regarding location, address, street name and more. If your goal is to engage with citizen and get smart valuable data- You need TextMyGov.



## Boost Website Traffic

TextMyGov uses smart texting technology to maximize a cities website. Citizens can text in keywords like festival, parking, ticketing, meeting, sporting event, etc. The smart texting technology can answer the question or send a link from the city's website with additional information. Local government agencies spend thousands of dollars each year on their website. TextMyGov is the best way to benefit from that investment. If your goal is to benefit from your website investment- You need TextMyGov.



## Track

TextMyGov uses smart texting technology to track and record all the information that is sent in. Agencies can track the cell phone number, date, and time of every request. If your agency wants to be compliant with the Freedom of Information Act (FOIA)- You need TextMyGov.



## Work

Smart texting uses detailed information to track a citizen request or create a work order. Work orders and requests can be generated and completed. Smart texting allows you to easily collect information like name, location, street name, address, and allows the user to upload a photo. If your agency wants to track real request and real work orders submitted by a real cell phone number- You need TextMyGov.

## Implementation

### Getting Started

After the execution of the basic service agreement, a project manager will be assigned to assist the client through implementation. A local phone number will be obtained for use with TextMyGov.

### Configuration

The project manager will work with the client to customize interactive responses, create automation flows, and keyword lists. Training will be provided on how to quickly create and edit data.

### Media Kit

Advertising materials will be provided to the client, including an infographic for the website and downloadable flyer for social media and other communication methods used by the agency.

## Unlimited Training and Support

After initial implementation and training, unlimited on-going support is included. Our experts are available M-F 8am-5pm MST.

## Quote

This quote represents a subscription to TextMyGov with an initial TERM of 3 Year(s). The agreement is set to automatically renew after the initial TERM. See below for package price and other details.

*Terms and conditions can be printed and attached as Exhibit A or view at [www.TextMyGov.com/terms/](http://www.TextMyGov.com/terms/).*

### Prepared for:

West Haven  
4150 S 3900 W  
West Haven, UT 84401

### Prepared by:

Jerica Jensen  
TextMyGov  
P.O. Box 3784  
Logan, UT 84323  
jjensen@textmygov.com

## Subscription Cost Breakdown

Package	Package Price	Billing
TextMyGov	\$3,750.00	Annual
Package includes:		
• TextMyGov Web-Based Software		
• Local Phone Number		
• Short Codes (citizen opt-in outgoing messages)		
• Unlimited Users		
• Unlimited Departments		
• Unlimited Support for Every User		
• 50,000 Text Messages Per Year		
• 10 GB Managed online data storage		
• Additional text messages can be purchased for: (\$750 for 100,000), (\$550 for 50,000), (\$300 for 25,000)		
Implementation/Setup Fee	\$1,000.00 Waived	One Time
Total (First Year)	\$3,750.00	
Total (Ongoing)	\$3,750.00	

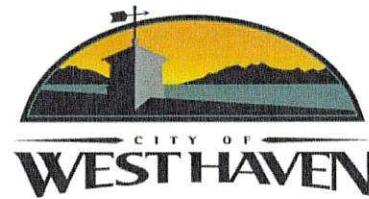
## Notes

1. After the initial TERM of this agreement, the agreement can be cancelled by providing a 60-day written notice.
2. After the initial TERM of the agreement, the agreement will revert to a year to year.
3. Customer is required to put Text My Gov widget on the Agencies Web Home page
4. As an iWorQ customer, requests submitted through TextMYGov will be integrated into your iWorQ application or into an existing request module at no additional cost.

## STAFF REPORT

TO: Mayor and City Council  
FROM: Sheri Bingham, Special Events Coordinator  
DATE: September 11, 2024  
SUBJECT: Ramp Grants 2025

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The following staff report discusses ideas for Ramp Grants selection 2025

### Background

Weber County awards grants each year in the following categories:

*Major Grant* - Parks and Recreation, and Arts and Museums. These grants are for \$200,000 or more.

*Parks and Recreation* - An entity can apply for 3 grants. These grants are for less than \$200,000.

*Arts and Museums* - An entity can apply for 3 grants. These grants are for less than \$200,000.

An entity can also apply for 3 EZ Grants for \$2,000.

Major, Arts and Museum Grant, Parks and Recreation Grants are all due January 10th, EZ are due March 21st.

### Analysis

Suggested grants -

*Major Grant* - It has been suggested that we not apply for a major grant this year. This discussion is based on receiving a major grant in 2024 in the amount of \$222,000. There are always multiple entities that apply for major grants. If an entity has been awarded a major grant the year prior, that sometimes diminishes their chances of receiving a major grant the following year. This is not a rule, but usually occurs. The major grant received in 2024 is for infrastructure costs for Windsor Park. Making an emphasis on applying for and receiving grants in the Arts and Museums and Parks and Recreation would probably benefit the city more productively.

Note - These are estimated costs. Exact bids will be secured prior to submitting grant applications.

For maximum scoring, West Haven needs to provide 50% of the total cost of each project. These costs can include volunteer hours, equipment expenses, overtime labor of employees, and other expenses associated with each project.

### **Arts and Museums**

West Haven Days Concert - \$25,000

Grant will include expenses for entertainment, stage rental, advertising and miscellaneous expenses.

West Haven Days Adult and Youth Rodeo - \$16,000

Grant will include expenses for Rodeo Contractor

Arts Festival - \$10,000

Grant will include expenses for entertainment, advertising and general supplies for the event.

### **Parks and Recreations**

New playground Windsor Park - \$150,000

Grant will include the cost of Big T recreation (state approved contractor), playground. This will include all materials and installation of the playground.

New restrooms Windsor Park - \$125,000

Grant will include cost of CXT (state approved contractor), restrooms including construction, delivery and set-up of restrooms.

Family Pavilion Prevedel Park - \$130,000

Grant will include the cost of construction, delivery and installation of the pavilion

Options

City Council vote on grant options

City Council table discussion to suggest other ideas

City Council prepares grant ideas for the next meeting.



**A PROCLAMATION RECOGNIZING  
October as Domestic Violence Awareness and Prevention Month**

**Whereas**, "Domestic violence" or "domestic violence offense" is defined as any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. (Utah Code Section 77-36-1)

**Whereas**, domestic violence is an abuse of power that tears apart the fabric of relationships and families and undermines the well-being of communities.

**Whereas**, domestic violence affects hundreds of individuals in Weber County, causes significant harm to the physical and mental health of survivors and their families, undermines their economic stability and overall well-being, and is a stain on the conscience of our community.

**Whereas**, from 2019 to 2024 within Weber County, there have been 1773 reported incidents of domestic violence (see attachment).

**Whereas**, in 2024, within West Haven City, there have been six deaths attributed to domestic violence or other forms of abuse.

**Whereas**, West Haven City recognizes the important roles of the public, non-profit organizations, communities, and individuals in helping to prevent and address domestic violence and create a culture that refuses to tolerate abuse.

**Whereas**, the West Haven Mayor and City Council commend those in our community who bravely stepped forward to report suspected cases of abuse or domestic violence.

**Whereas**, while significant progress has been made in reducing domestic violence and improving services and support for survivors, much work remains to be done to expand prevention efforts, expand effective treatment of perpetrators to reduce recidivism, provide greater access to safety and healing, and expand efforts regarding affordable housing, affordable food, and job security.

**Whereas**, the West Haven Mayor and City Council come together to reaffirm our commitment to supporting domestic violence survivors and to work toward solving the underlying problems that contribute to domestic violence.

**Now, therefore**, the Mayor and City Council of West Haven City, Utah, proclaim October to be Domestic Violence Awareness and Prevention Month. We honor the tremendous dedication of advocates and

service providers, honor the courage and resilience of survivors, and recommit ourselves to standing with them for safety, dignity, and justice.

**Now, therefore**, we call on all West Haven Citizens to rededicate ourselves in creating a society where domestic violence is not tolerated, where survivors are supported, and where all people have an opportunity to thrive without fear of violence or abuse.

**Further, therefore**, we call on all West Haven Citizens to speak out against domestic violence and support efforts to educate our citizens about healthy relationships centered on mutual respect; support victims and survivors; and support the efforts of victim advocates, service providers, health care providers, and the legal system, in working to end domestic violence.

APPROVED AND ADOPTED this 2nd day of October 2024.

WEST HAVEN CITY MAYOR and CITY COUNCIL

West Haven City

Mayor Rob Vanderwood

Councilperson Kim Dixon

Councilperson Carrie Call

Councilperson Nina Morse

Councilperson Ryan Saunders

Councilperson Ryan Swapp

ATTEST:

Emily Green, City Recorder

**ATTACHMENT**

Year	Number of reported incidents
2019	239
2020	300
2021	308
2022	352
2023	340
2024(Year to date)	234
Grand Total	1773



## WEST HAVEN CITY COUNCIL MEETING MINUTES

August 21, 2024 6:00 PM  
City Council Chambers  
4150 South 3900 West, West Haven, UT 84401

### PRESENT

Mayor - Rob Vanderwood  
Councilmember - Carrie Call  
Councilmember - Ryan Saunders  
Councilmember - Nina Morse  
Councilmember - Kim Dixon  
Councilmember - Ryan Swapp

### EXCUSED

None

**5:00 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. DISCUSSION-COUNCIL UPDATES

*Councilmember Dixon suggested the Council do a proclamation against domestic violence.*

*Shawn Warnke said they are currently working on a draft of it.*

*Councilmember Saunders said they have a new yard of the month winner and will be posting on social media soon.*

#### 2. REPORT-PREVEDEL PARK-BROCK RANDALL

*Councilmember Call asked if the restrooms are locked.*

*Brock Randall said they are always open.*

#### 3. OPEN AND PUBLIC MEETINGS ACT TRAINING-AMY HUGIE

*Amy Hugie gave a training on the Open and Public Meetings Act.*

#### 4. PRESENTATION-MODERATE INCOME HOUSING ANNUAL REPORT-ALIKA MURPHY

*Alika Murphy went over the moderate income housing report.*

#### 5. DISCUSSION-PARKING ORDINANCE

*Daniel Tanner went over the new parking ordinance and suggested adding that perpendicular parking is now allowed in culs de sac.*

#### 6. DISCUSSION-PRUD AND CLUSTER ORDINANCES

## 6:00 PM REGULAR CITY COUNCIL MEETING

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

*The council met at their regularly scheduled meeting held in the council chambers. Mayor Vanderwood called the meeting to order at 6:01 pm. and welcomed those in attendance.*

### 2. OPENING CEREMONIES

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

### 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.

*Mike Anderson said that he would like to get a business license for an auto repair shop that he runs out of the garage/shop at his home. He said the ordinance requires a minimum of one acre for this and he does not have that.*

### 4. UPCOMING EVENTS

*Senior Lunch Bunch-August 28, 2024-11:30 AM  
Arts Festival-September 21, 2024-5:00 PM  
Wester Weber County Active Transportation Plan Open House-August 22, 2024-2:30-4:30 PM*

*Mayor Vanderwood said there will be a ribbon cutting ceremony at LKL on September 12, 2024. He said there is also the fall conference for the Utah League of Cities and Towns on September 4-5, 2024.*

### 5. COUNCIL UPDATES

*Mayor Vanderwood said he wanted to thank the council for last meeting because they were able to support the tree planting for Gavin Peterson.*

*Councilmember Morse said Mountain View Jr. High had a ribbon cutting last week.*

### \*\*\*AGENDA ACTION ITEMS\*\*\*

### 6. ACTION ON CONSENT AGENDA

- A. CITY COUNCIL MINUTES-MEETING HELD-JULY 17, 2024
- B. WEBER COUNTY SHERIFF-\$322,378.00-INV.#55674

**Nina Morse made a motion to approve. Ryan Saunders seconded the motion.**

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

### 7. PRESENTATION-WEBER COUNTY SHERIFF STAFFING

*Lt. Terance Lavelly gave an overview of the staffing issues that Weber County is currently facing. He said they changed the legislation to require a deputy at each school all day, and they have shifted the staffing a little bit to make that possible.*

Councilmember Dixon asked if they are hiring more to compensate.

Lt. Lavelry confirmed they will be asking the Weber County Commission for 2 more school resource positions and a chief of security to cover that mandate.

Councilmember Morse asked if there was a reason that the Sheriff's office does not hire laterals from other agencies.

Lt. Lavelry said that they do not pay enough to hire laterals from other agencies.

Councilmember Morse asked if they were doing anything to solve that issue.

Lt. Lavelry said that the Weber County Commission put out and request for proposal for a wage study that will go into effect in fiscal year 2026.

Councilmember Swapp asked if the County is budgeting for 75 full time employees does the school district pay for the resource officers.

Chief Gard said the budgeted enforcement comes from the County and 8 contract cities.

Councilmember Dixon said it looks like they are not using all of their budgeted funds currently and asked if that was being used to help with the lower wages.

Chief Gard said that they would like to use the unused funds for pay incentives to stay.

Councilmember Morse said she had heard a few weeks ago that the street crimes unit was not active. She said she would like to see it back in place after seeing the areas where they typically patrolled beforehand. She said she is concerned for the officers and the city.

Chief Gard said that his number one priority is safety and he has been shifting the deputies around to compensate for that.

Councilmember Swapp asked if there was a way to help the Sheriff currently with their under staffing.

Shawn Warnke said it could be addressed when the contract is renewed. He said to let him think about it a bit more to see if there was another solution.

Councilmember Morse asked if we could draft a letter to the Weber County Commissioners.

Mayor Vanderwood confirmed we could do that.

8.

#### ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)

##### **A. ACTION ON ORDINANCE 28-2024-REZONE FROM A-2 TO R-2-PARCEL NUMBERS 080290053 AND 080290054- JEREMY BRAND/JON SHAW**

Mayor Vanderwood said that this was initially set to be patio homes.

John Shaw said this is not a set plan.

Councilmember Call asked if they intended to put 3 homes here.

Mr. Shaw said that is the goal but they need to figure out the easement.

Councilmember Saunders asked if there was enough room for a third lot.

Alika Murphy said she thinks there is enough room.

Councilmember Morse said that this is supposed to be A-2 in the general plan and she would like to stick to it.

Councilmember Saunders asked if the properties to the north are A-2.

Alika Murphy confirmed they are.

Ryan Swapp made a motion to deny ordinance 28-2024. Nina Morse seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Morse, Councilmember Swapp
<b>NAYS:</b>	Councilmember Saunders, Councilmember Dixon
<b>RECUSED:</b>	

B. ACTION ON ORDINANCE 29-2024-5<sup>TH</sup> AMENDMENT TO THE GREEN FARM MASTER DEVELOPMENT AGREEMENT

*Amy Hugie went over the changes.*

*Councilmember Dixon asked when the pond will be completed.*

*Amy Hugie said next May along with the road.*

*Councilmember Saunders asked if Nilson Homes pays the sub-contractors and we reimburse them.*

*Amy Hugie confirmed we do.*

Ryan Saunders made a motion to adopt ordinance 29-2024. Nina Morse seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

C. ACTION ON ORDINANCE 30-2024-2ND AMENDMENT TO THE RIVERWALK MASTER DEVELOPMENT AGREEMENT

*Alika Murphy said they are asking to build a dedicated leasing office at the beginning of the development and removing the trail from the plat.*

*Councilmember Swapp asked why the trail is being removed.*

*Alika Murphy said that there wasn't room left for a trail. She said the original master development agreement seems like it was supposed to be a much bigger development that it ended up being and because of that the trail would lead to nowhere. She said that she met with the Parks and Recreation Director to see if it could tie into another place and he said there are no plans that it could tie into.*

*Shawn Warnke suggested them paying the cost of the trail towards trail improvements elsewhere in the city.*

*Councilmember Saunders suggested tabling this for the trail but said he does not see any issues with the leasing office.*

Ryan Saunders made a motion Table. Nina Morse seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

9. ACTION ON RESOLUTION 33-2024-AUTHORIZING A GARBAGE COLLECTION RATE INCREASE

*Shawn Warnke went over the rate increases for garbage fees. He said he thinks this increase will cover us until 2027.*

*Councilmember Call said that the resolution does not show the increased rates of \$14.15 for the first can and \$9.95 for the second can.*

*Shawn Warnke agreed that would need to be changed in the ordinance.*

*Councilmember Dixon suggested putting off the change for a month to allow time to notify the public of the changes.*

**Kim Dixon made a motion** to adopt resolution 33-2024 amending the rates and effective date. **Nina Morse** seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

**10. BID AWARD-2700 W-2050 TO 2190 SIDEWALK IMPROVEMENT PLANS**

*Councilmember Saunders said there is a discrepancy on the amounts to be reimbursed to the property owners in the agreement.*

*Edward Mignone said that the agreement is incorrect.*

*Councilmember Swapp asked if there had been a takings of property.*

*Edward Mignone said no, that when the original subdivision was created they had dedicated the right of way to the city at that time.*

**Carrie Call made a motion** to award the bid to Next Construction in the amount of \$109,387.28. **Kim Dixon** seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

**11. BID AWARD-WINDSOR PARK ROAD AND PARKING LOT-2683 S 3150 W**

**Ryan Saunders made a motion** to award the bid to Staker & Parson Companies in the amount of \$265,000. **Kim Dixon** seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

**12. DISCUSSION-CONTINUATION OF ANY AGENDA ITEM NOT PREVIOUSLY DISCUSSED OR OTHERWISE COMPLETED ON THE 5:00 WORK SESSION**

*Alika Murphy asked for any new corrections on the draft for the PRUD and Cluster Subdivision Ordinances.*

*Councilmember Saunders said that open space needs the same definition to either include parking or not include parking.*

*Alika Murphy suggested taking out the parking in the open space definition in both ordinances.*

*Mayor Vanderwood said that in the cluster subdivision ordinance in section 157.573 subsection B it should said that "All driveways shall be from the front property line 25'."*

*Councilmember Saunders suggested adding Council approval with the Parks and Recreation Department approval to the cluster subdivision ordinance section 157.575 subsection B and 2.*

*Councilmember Call expressed concern in the cluster subdivision ordinance in section 157.576 she said it reads like they are only reviewing the open space concept.*

*Councilmember Saunders suggested changing overall to gross in the PRUD ordinance in section 157.434 subsection B.*

*Amy Hugie suggested adding City Council approval in the PRUD ordinance in section 157.434 subsection B, 3, 2.*

*Councilmember Saunders suggested taking out the power corridor in the PRUD ordinance 157.434 subsection C.*

*Councilmember Call said she liked that included.*

*Councilmember Morse agreed.*

*Councilmember Dixon agreed with taking it out.*

*Councilmember Swapp agreed with leaving it in.*

13.

**EXECUTIVE SESSION-THE COUNCIL WILL ENTER INTO A CLOSED MEETING FOR THE PURPOSE OF A 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. **Carrie Call** seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

*Mayor Vanderwood said the executive session was used to discuss the character and professional competence of an individual.*

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

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

14.

**ACTION ON RESOLUTION 34-2024-PROFESSIONAL SERVICE AGREEMENT BETWEEN WEST HAVEN CITY AND AMY F. HUGIE ATTORNEY AT LAW FOR INTERIM CITY PLANNER SERVICES**

**Ryan Swapp made a motion** to adopt resolution 34-2024. **Nina Morse** seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

15.

**ADJOURNMENT**

Kim Dixon made a motion to adjourn at 8:57 PM. Nina Morse seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

Emily Green

City Recorder

Date Approve:

DRAFT

**City Council  
Staff Review Memo**

**September 18, 2024**  
Alika Murphy, City Planner  
Amy Hugie, City Attorney and Interim City Planner



**Riverwalk MDA-2<sup>nd</sup> Amendment**

**Background**

The City entered into a Master Development Agreement (MDA) for Riverwalk, LLC on March 6, 2019, and recorded in Entry No. 2971288 at the Weber County Recorder's office. Then Riverwalk entered into a first amendment on November 6, 2019, and recorded in Entry No. 3120255 at the Weber County Recorder's office. Phase 1 of Riverwalk has since been bought by new owners and is split into Riverwalk TH I and Riverwalk TH II ICG LLC.

**Staff Review**

This second amendment is to build a new office building within their common area. The attached plat shows the placement of the new office building along with the proposed concept plan. With the new building, the applicant is proposing 4 new parking stalls. No new residential units are being added. Additionally, wording has been added addressing the trail that was shown on the plat originally. Staff has spoken with the Parks and Recreation Director to go over any initial plan of having a trail at this property and if there is a plan of adding a trail system or potential to connect the trail in question to any existing trail system. It was concluded that there are no plans to have a trail system in this area, so the applicants are removing it from the plat and will no longer be putting one in the development. Planning Commission recommended approval to City Council on August 14, 2024.

Attached is the revised updated portion of the MDA. The Developer has been working with staff to make sure that everything is acceptable.

**UPDATE**

On August 21, 2024, at the City Council meeting, the Developers presented their request to amend the Riverwalk MDA. There was a discussion regarding the trail and removing the trail from the plat. The City Council expressed their desire to have the Developer pay a fee in lieu of installing the trail since the development had already been completed. The Developer stated that they would look into that.

Since then, the Developer got an estimate from a contractor regarding how much it would cost to excavate and install a trail to the specifications in the original Riverwalk MDA. The estimated cost was \$20,162.00, for a section of trail that was 600 ft long and 10 feet wide for asphalt and

then 2.5 feet on each side for gravel. (The estimate is attached to this staff report.) The estimate was emailed to Ryan Christensen and Ed Mignone to see if that was a reasonable amount. Ryan responded that it seemed a little low and that a more reasonable amount would be \$60 per foot for trail installation. That would include excavation, base under the trail, 3" asphalt trail, and road base shoulders. Thus, they feel like the amount should be around \$30-35k. The Developer is consulting with their contractor.

#### **OTHER REQUESTED INFORMATION**

The City Council requested that a review be done of the Riverwalk MDA to determine if there are any other requirements that need to be addressed with this particular Developer or others in the Riverwalk development. A review was completed. The trail is the only requirement for Phase 1 for this Developer. Phase 2 – there is the requirement for a trail. However, it was not recorded on the plat so that presents some challenges. For other property owners, there are some requirements, which it is not clear as to how the City will enforce certain provisions because they did not sign the MDA. Only one landowner signed the MDA. In the north part of Riverwalk which has not been developed, on page 2 of the original MDA, there is a required 50-foot easement which follows the riverbank. There is also a public park to be no less than 2 acres and pond next to that park. Then of course the trail that is supposed to go around the whole development.

#### **ACTION**

The City Council needs to decide whether the proposed language and payment amount for a fee in lieu of building the trail should be approved or not in the proposed Riverwalk MDA 2<sup>nd</sup> Amendment, and whether it should be approved for the Developer to be able to build a business office.

**Resolution No. 30-2024**

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF THE SECOND AMENDMENT TO THE RIVERWALK DEVELOPMENT MDA BETWEEN THE CITY AND RIVERWALK TH I ICG, LLC; AUTHORIZING THE CITY MAYOR TO SIGN THIS RESOLUTION; AUTHORIZING THE INTERIM CITY MANAGER TO SIGN THE IMPROVEMENT AGREEMENT 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 with regarding protecting the health, safety, and welfare of the public; and,

WHEREAS, the City and Riverwalk, LLC, entered into a Master Development Agreement relating to the Riverwalk Development (hereinafter the "MDA") effective as of March 6, 2019; and

WHEREAS, the parties amended the MDA in November 2019 (the "First Amendment"); and

WHEREAS, the owner of this phase of Riverwalk, Riverwalk TH I ICG, LLC ("Developer") wishes to amend the MDA to add a small sales office to the phase; and

WHEREAS, the Planning Commission held a public hearing regarding this Second Amendment to the MDA and made recommendations to the City Council to adopt the Second Amendment; and

WHEREAS, the City feels that adopting this Second Amendment will best serve the citizens of the City, and now desires to adopt the document that is 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. CONTRACT:**

1. That the Second Amendment to the Riverwalk Development MDA between West Haven City and the Developer, a copy of which is attached as Attachment "A" to this Resolution, is hereby adopted by the City Council.

2. That the City Manager is authorized to sign any and all documents necessary to affect this Second Amendment, including signing the Amendment itself and any other documents outlined in the Second Amendment.
3. That the Mayor is authorized to sign this Resolution adopting the Second Amendment.

The foregoing recitals are fully incorporated herein.

**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 18th day of September 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 18th day of September 2024.

WEST HAVEN CITY

---

Mayor Rob Vanderwood

ATTEST:

---

Emily Green, City Recorder

Mayor Rob Vanderwood	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	Yes _____	No _____

**ATTACHMENT “A”**

ATTACHMENT TO RESOLUTION NO. 30-2024  
SECOND AMENDMENT TO THE RIVERWALK DEVELOPMENT MDA



PIERCE  
design + build

Estimate

1281 COUNTRY HILLS DR  
OGDEN, UT 84403  
801 3947757  
steve@piercedesignbuild.com  
piercedesignbuild.com

ADDRESS

Riverwalk Townhomes  
1700 W 1930 S  
West Haven, UT

ESTIMATE #	DATE	
1339	09/13/2024	

ACTIVITY	QTY	RATE	AMOUNT
<b>2001 - Excavation/Backfill/Grading - Labor</b> Install a 600' x 10' asphalt walkway, complete with 2.5' wide gravel borders on each side, extending the full 600' length.	1	36,800.00	36,800.00

This estimate covers the labor and materials for the installation of the walkway.      **TOTAL**  
The work will be carried out according to the specifications outlined in the  
plans, which detail an asphalt walkway with a gravel border.

**\$36,800.00**

Accepted By

Accepted Date

Thank you for your confidence in us!

\*\*\*All invoices payed with Pay-Pal, or credit cards, will be charged an additional 3.4% + \$.25 to cover card fees. \*\*\*

Licence#: 9398175-5501

**SECOND AMENDMENT TO  
MASTER DEVELOPMENT AGREEMENT**

This SECOND AMENDMENT TO MASTER DEVELOPMENT AGREEMENT ("2<sup>nd</sup> Amendment") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, by RIVERWALK TH I ICG LLC, a Washington limited liability company ("Riverwalk TH I"), and RIVERWALK TH II ICG LLC, a Washington limited liability company ("Riverwalk TH II" and together with Riverwalk TH I, "Owner"), and the City of West Haven, a Utah municipal corporation ("City"). Capitalized terms used by not otherwise defined herein shall have the meanings set forth in the MDA (as defined below).

**RECITALS**

**WHEREAS**, the City and RIVERWALK, LLC, a Utah limited liability company ("Developer"), entered into that Master Development Agreement between City of West Haven, Utah and Riverwalk, LLC dated as of March 6, 2019 and recorded March 25, 2019 as Entry No. 2971288 in the office of the Weber County Recorder, as amended by that First Amendment to Riverwalk, LLC Master Development Agreement dated November 6, 2019, recorded January 25, 2021, as Entry No. 3120255, in the office of the Weber County Recorder (as so amended, the "MDA").

**WHEREAS**, the MDA provides certain terms and conditions under which Developer and its successors and assigns, including Owner, may develop and operate the "Property" as defined, depicted, and legally described in the MDA.

**WHEREAS**, Owner, as an indirect successor-in-interest to Developer, as of the date hereof, owns a fee title interest in the real property described on attached Schedule 1 (the "Riverwalk Townhomes No. 1 Property"), and the Riverwalk Townhomes No. 1 Property comprises a portion of the Property (as defined in the MDA) and is subject to the terms and conditions of the MDA.

**WHEREAS**, Owner and the City desire to amend the MDA with respect to only the Riverwalk Townhomes No. 1 Property as set forth herein.

**AGREEMENT**

**NOW, THEREFORE**, for valuable consideration received, the receipt and sufficiency of which is hereby acknowledged by all parties, Owner and the City do hereby covenant and agree as follows:

1. Riverwalk Townhomes No. 1 Property Development. The MDA is amended to allow Owner to construct and develop a leasing office ("Leasing Office") at the Riverwalk Townhomes No. 1 Property for the sole and exclusive use by Owner, pursuant to and to the extent set forth in a separate agreement to be entered into between the two parties comprising Owner, in connection with Owner's ownership and operation of the Riverwalk Townhomes No. 1 Property. The Leasing Office will be constructed pursuant to plans and specifications prepared by or on behalf of Owner and submitted to and approved by the City. Owner shall be permitted to construct the Leasing Office in a certain portion of the Riverwalk Townhomes No. 1 Property designated as "Common Area" by the plat of Riverwalk Townhomes No. 1 recorded in Book 87, Pages 29-32 ("Riverwalk TH No. 1 Plat"). In connection with the construction and development of the Leasing Office, Owner shall be permitted to amend the Riverwalk TH No. 1 Plat, and any declarations, covenants, conditions, and restrictions therein, as necessary to permit and allow the construction, development, and use of the Leasing Office by Owner in the Common Area of the

Riverwalk Townhomes No. 1 Property as designated in the Riverwalk TH No. 1 Plat. The City has approved the amendments to the MDA set forth herein and the recording of Owner's proposed amendment to the Riverwalk TH No. 1 Plat depicted and described on attached Schedule 2 ("Amended Plat").

2. Walking/Biking Trail The Riverwalk TH No. 1 Plat depicts a walking/biking trail ("Trail") that is no longer contemplated by the City and Owner, and no longer required by the City under the MDA. In lieu of the construction of the Trail at the Riverwalk Townhomes No. 1 Property, the City hereby accepts a one-time payment from Owner in the amount of **\$36,800.00** to be paid within three (3) business days of the mutual execution and delivery of this 2<sup>nd</sup> Amendment. The parties agree that the use of the fee-in-lieu payment shall be at the sole discretion of the City for the construction of any future park, recreation, open space, or trail improvement or the rehabilitation of any existing public parks, recreation, open space, or trail improvements. Upon the mutual execution and delivery of this 2<sup>nd</sup> Amendment by Owner and the City, any and all obligations of Owner to construct the Trail at the Riverwalk Townhomes No. 1 Property are extinguished, and the parties agree that the Trail will not be constructed. The Amended Plat, attached as Schedule 2, is amended to remove the Trail.

3. Incorporation by Reference. The terms of the MDA (as amended hereby) are incorporated herein by reference.

4. Counterparts. This 2<sup>nd</sup> Amendment may be executed and delivered (electronic or otherwise) in two counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

5. Recordation. Upon the mutual execution and delivery of this 2<sup>nd</sup> Amendment, Owner may record this 2<sup>nd</sup> Amendment and the Amended Plat in the office of the Weber County Recorder.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties hereto have executed this 2<sup>nd</sup> Amendment by and through their respective, duly authorized representatives.

**CITY:**

**City of West Haven**

**ATTEST:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Recorder

STATE OF \_\_\_\_\_ )  
                    ) ss.  
COUNTY OF \_\_\_\_\_ )

On this day personally appeared before me \_\_\_\_\_, to me known to be the person that executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said person.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

\_\_\_\_\_  
Name (printed) \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
\_\_\_\_\_, residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

**OWNER:**

**Riverwalk TH I ICG LLC,**  
a Washington limited liability company

By: ICG Apartment Fund 8 Manager LLC,  
a Washington limited liability company, its manager

By: \_\_\_\_\_  
Name: Michael A. Christian  
Its: Manager

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this day personally appeared before me Michael A. Christian, Manager of ICG Apartment Fund 8 Manager LLC, Manager of Riverwalk TH I ICG LLC, to me known to be the person that executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said person.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

\_\_\_\_\_  
Name (printed) \_\_\_\_\_  
NOTARY PUBLIC in and for the State of \_\_\_\_\_  
\_\_\_\_\_, residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

**Riverwalk TH II ICG LLC,**  
a Washington limited liability company

By: ICG Apartment Fund 8 Manager LLC,  
a Washington limited liability company, its manager

By: \_\_\_\_\_  
Name: Michael A. Christian  
Its: Manager

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this day personally appeared before me Michael A. Christian, Manager of ICG Apartment Fund 8 Manager LLC, Manager of Riverwalk TH II ICG LLC, to me known to be the person that executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said person.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

\_\_\_\_\_  
Name (printed) \_\_\_\_\_  
NOTARY PUBLIC in and for the State of \_\_\_\_\_  
\_\_\_\_\_, residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

**Schedule 1**

**Riverwalk Townhomes No. 1 Property Legal Description**

**PARCEL 1:**

Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 & 35, RIVERWALK TOWNHOMES NO 1, West Haven City, Weber County, Utah, as shown on the Plat recorded in Book 87, Pages 29-32; and

ALL OF COMMON AREA A, B, & C and all Private Roads in RIVERWALK TOWNHOMES NO. 1, WEST HAVEN CITY, WEBER COUNTY, UTAH, AS SHOWN ON THE PLAT RECORDED IN BOOK 87, PAGES 29-32, Less and Except that portion in Riverwalk Townhomes No. 2 as shown on the Plat recorded in Book 89, Page 46.

TOGETHER WITH rights established by Reciprocal Permanent Access Easement dated May 14, 2021 and recorded May 14, 2021, as Entry No. 3153026.

**PARCEL 2:**

UNITS 36 THRU 110, RIVERWALK TOWNHOMES PHASE 1, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WEBER COUNTY RECORDER'S OFFICE, STATE OF UTAH.

TOGETHER WITH RECIPROCAL PERMANENT ACCESS EASEMENT, RECORDED MAY 14, 2021, AS ENTRY NO. 3153026.

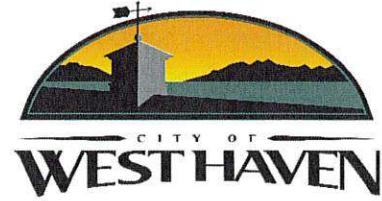
**Schedule 2**

**Amended Plat**

[See attached]



**CITY COUNCIL**  
**Staff Review Memo**



**September 18, 2024**

Amy Hugie, City Attorney/Interim City Planner  
Alikia Murphy – City Planner

**Moderate Income Housing Reporting**

**Decision Type:** Legislative

**Staff Recommendation:** See comments below

**Background**

At the beginning of last year Resolution 04-2023 was adopted by council which amended the moderate-income housing (MIH) element of the general plan. The resolution outlined four goals and their strategies that the city could report on to fulfill the state requirement. The minimum requirement is to report on three goals which is what the city ended up doing. Those goals included, updating the mixed-use ordinance, updating the parking ordinance, and setting a deadline to look at reducing the impact fees for moderate income housing developments. After the reporting period had closed, the city received a letter of noncompliance due to the wording of one of the goals not matching exactly to the state goal. Staff met with a representative from the state and updated the wording. Resolution 41-2023 was adopted on November 15, 2023 by the council and the city received a letter of compliance. Every year the city must report on the selected goals and the reporting is due by August otherwise we will have to pay a daily fine of \$250 per day and if it continues the consecutive year it will double to \$500 per day.

**Staff Review**

While staff was updating the Cluster Subdivision ordinance and PRUD ordinance, staff thought that these ordinances, especially the PRUD ordinance could be a good opportunity for an item to report on for moderate income housing. Staff had a meeting with a representative from the state to ask a few questions regarding the reporting, and it was confirmed that these ordinances could fall under a reporting strategy for moderate income housing.

Another strategy that staff is adding to the MIH report is updating the accessory dwelling unit (ADU) ordinance. A month or so ago, staff was going over the ADU ordinance and found that there are a couple elements that could be updated to make obtaining an ADU easier. Also, since there have been new commissioners in the last year it would be great to revisit the ordinance as a whole and get new perspective.

**RESOLUTION NO. 35-2024**

**A RESOLUTION ADOPTING AN AMENDMENT TO THE MODERATE-INCOME  
HOUSING ELEMENT OF THE WEST HAVEN CITY GENERAL PLAN**

**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 adopting and amending elements of the City's General Plan promoting the health, safety, and welfare of the public; and

WHEREAS, over the years West Haven City has permitted a variety of housing options for the existing and future citizens of the City, including moderate income housing options; and

WHEREAS, Moderate Income Housing means housing occupied or reserved for occupancy by households with a gross household income of less than eighty percent (80%) of the Area Median Income (AMI) of the rural statistical area for households of the same size; and

WHEREAS, the State of Utah Legislature is committed to facilitating affordable housing options for the citizens of Utah and, to this end, has statutory requirements contained in Utah Code 10-9a-403 that requires cities to adopt Moderate Income Housing Plans as an element of their General Plan; and

WHEREAS, as part of creating a Moderate Income Housing Plan as an element of the City's General Plan, the City is required to select Strategies contained in Utah Code §10-9a-403(2)(b)(i); and

WHEREAS, Utah Code §10-9a-408 requires that the City prepare and submit an annual report on its progress in implementing its moderate income housing Strategies contained in its Plan to the Housing and Community Development Division of the Department of Workforce Services (hereafter "Division"); and

WHEREAS, if the Division, after reviewing West Haven's annual report, determines that the report does not comply with the Utah Code or the City's Moderate Income Housing Plan, the Division shall send a notice of noncompliance to the City Council along with a period to cure the noncompliance; and

WHEREAS, beginning in 2024, Utah Code requires West Haven City to pay a fee to the Olene Walker Housing Loan Fund of \$250 per day and in 2025, a fee of \$500 per day in a consecutive year, for noncompliance; and

WHEREAS, the West Haven City Council initiated a review of the Moderate Income Housing Plan as part of preparing its annual report; and

Strategy 2 – The City will create an ordinance that clearly defines the site development standards for commercial overlay within a mixed-use zone

Completion Timeline – after preparation and review by the Planning Commission, this ordinance will be before the Council for review and adoption by June 15, 2023

Goal 2 – Strategy (I) amend land use regulations to allow for single room occupancy developments;

Strategy 1— The City will ensure that multi-family developments may have single room occupancy units in their project.

Completion Timeline —after preparation and review by the Planning Commission, the mixed-use ordinance allowing for single room occupancy units will be before the Council for review and adoption by the end of October 2024.

Goal 3 – Strategy (L) reduce, waive, or eliminate impact fees related to moderate income housing;

Strategy 1 – The City will examine the feasibility of providing a credit against certain impact fees for moderate income housing projects.

Completion Timeline - By the end of October 2024, after review by the Planning Commission, an ordinance will be before the Council for review and adoption. **The City will continue to monitor the use of this ordinance until the end of 2029.**

Goal 4 –Strategy (H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;

Strategy 1 – require developers to submit a parking study if they are requesting reduced parking in a multi-family development

Strategy 2 – create an ordinance dictating that the number of required parking stalls in multi-family projects will be based on the number of bedrooms as opposed to the number of units.

Strategy 3 – create an ordinance simplifying and, where practical, reducing the number of required parking stalls in commercial areas

Completion Timeline – after review and recommendation by the Planning Commission, an ordinance outlining strategies 1-3 above will be before the Council for review and adoption by December 15, 2023. **The City will continue to report on all development that takes advantage of reduced parking until the end of 2027.**

Goal 5 – Strategy (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

**SECTION V - SAVINGS CLAUSE:**

If any provision of this Resolution be held or deemed or be invalid, inoperative, or unenforceable, such reason will render no other provision or provisions invalid, inoperative, or unenforceable to any extent whatever, this Ordinance being deemed 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 18<sup>th</sup> day of September 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 18th day of September 2024.

WEST HAVEN, a municipal corporation

by: \_\_\_\_\_  
Mayor Rob Vanderwood

Attested and recorded

Emily Green  
City Recorder

Mayor Rob Vanderwood  
Councilmember Carrie Call  
Councilmember Kim Dixon  
Councilmember Nina Morse  
Councilmember Ryan Saunders  
Councilmember Ryan Swapp

Yes \_\_\_\_\_ No \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

ORDINANCE NO. 27-2024

**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE PLANNED  
RESIDENTIAL UNIT DEVELOPMENT (PRUD) REQUIREMENTS; AND PROVIDING  
AN EFFECTIVE DATE FOR THESE CHANGES.**

**Section 1 – Recitals**

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

WHEREAS, the City Council finds that in conformance with UC §10-3-702, 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 the laws of the State of Utah or any other provision of law; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding zoning and acceptable uses within those zones in the City; and

WHEREAS, the City Council finds that certain changes to the West Haven City Zoning Code in regards to amending the language for §157.430 through and including §157.441 should be made; 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 action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED by the City Council of West Haven City, Utah that the following portions of the West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

- a. **§ 157.430 through and including §157.441 - “Planned Residential Unit Development (PRUD)” is amended as found in the additions in red and the deletions on the attached Exhibit “A”.**

The forgoing Recitals are fully incorporated herein.

**Section 2 – Prior Ordinances and Resolutions**

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

**Section 3 – Repeater of Conflicting Enactments**

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts thereof, which conflict with this Ordinance are, for such

conflict, repealed, except that this repeal will not be construed to revive any act, order or resolution, or part.

## **Section 4 – Savings Clause**

If any provision of this Ordinance be held or deemed invalid, inoperative, or unenforceable, such will render no other provision or provisions invalid, inoperative, or unenforceable to any extent whatsoever, this Ordinance being deemed the separate independent and severable act of the City Council of West Haven City.

## Section 5 – Date of Effect

This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

DATED the 18<sup>th</sup> day of September 2024

## WEST HAVEN CITY

Rob Vanderwood  
Mayor

ATTEST:

Emily Green, City Recorder

Mayor Rob Vanderwood  
Councilmember Carrie Call  
Councilmember Kim Dixon  
Councilmember Nina Morse  
Councilmember Ryan Saunders  
Councilmember Ryan Swapp

## EXHIBIT “A”

Exhibit Attached to Ordinance 27-2024

Amendments to §157.430 through and including §157.441 - “Planned Residential Unit Development (PRUD)”

DRAFT

## PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

### § 157.430 DEFINITIONS.

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

**COMMON OPEN SPACE.** Land area in a planned residential unit development reserved and set aside for recreation uses, landscaping, open green areas, and areas of enjoyment for the residents of the PRUD.

**COMMON OPEN SPACE EASEMENT.** A required right-of-use granted to the city by the owner of a planned residential unit development on and over land in a planned residential unit development designated as common open space, which easement guarantees to the city that the designated common open space and recreation land is permanently reserved for access, parking, and recreation, and open green space purposes, in accordance with the plans and specifications approved by the Planning Commission and City Council at the time of approval of the PRUD, or as such plans are amended from time to time with the approval of the City Council.

**PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD).** A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site, building design and location, and housing mix in accordance with an approved plan and imposed general requirements.

**SENSITIVE LANDS.** Land that has little to no development potential. Sensitive lands can include floodplains or wetlands.

(Prior Code, § 32.02) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

### § 157.431 PURPOSE AND INTENT.

(A) A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urban areas.

(B) To this end, the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located on separate unrelated lots, and shall consist of a "mix" rather than a standardized group of similar housing and building types.

(C) Substantial compliance with the zone regulations and other provisions of this subchapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed without unduly inhibiting the advantages of large-scale planning for residential and related purposes.

(Prior Code, § 32.04) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

#### § 157.432 PERMITTED ZONES.

A planned residential unit development shall be permitted as a conditional use in all Agricultural and Residential Zones **A-1, A-2, R-1, R-2, and R-2.5**, and notwithstanding any other provisions of this subchapter, the provisions as hereinafter set forth shall be applicable if any conflict exists. **Clustering of homes is allowed within a PRUD Subdivision.**

(Prior Code, § 32.06) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

#### § 157.433 USE REQUIREMENTS.

(A) An overall development plan and **master development agreement** for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common open spaces, and the like may be approved by the Planning Commission and City Council, and building permits issued in accordance with such plan, even though the residential uses and dwelling types, and the location of the buildings proposed, may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed; provided the requirements of this chapter are complied with. Accessory non-residential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the Planning Commission; provided, agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics, and physical design to the city's satisfaction are filed by, and entered into by, the developer to assure that the approved necessary service's intent is maintained.

(B) Once the overall development plan showing details of buildings, structures, and uses has been approved **according to the subdivision ordinance, by the City Council after recommendations of the Planning Commission**, no changes or alterations to said development plans or uses shall be made without first obtaining the approval of the Planning Commission and City Council.

~~(C) Any housing units to be developed or used for timeshare condominiums, rental apartments, lockout sleeping rooms for nightly rentals, and the like shall be declared and designated on the site development plan.~~

(Prior Code, § 32.08) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

#### § 157.434 AREA REGULATIONS.

(A) A PRUD shall contain a minimum area of ten acres and consist of a least 24 housing units-in all Agricultural Zones, and contain a minimum area of four acres in all qualified Residential Zones.

(B) A PRUD shall require a minimum of 20% of the gross site as open space. A completed plan showing landscaping, amenities, and maintenance information is required at preliminary approval. Common space and recreational areas should be the focal point for the overall design of the development and easily accessible to pedestrians.

1. Open space areas shall not include areas that are occupied by buildings, lots, structures, parking areas or streets. Additionally, required open space shall not include:
  1. Area between buildings
  2. Front, rear, and side yard setbacks or any area within a residential lot
  3. Paved areas such as driveways and private sidewalks.
2. The open space may include walking pathways, park benches, playground equipment, sport courts, picnic areas, covered pavilions, gardens, and shade trees. Any proposed building within the open space shall not be used as a residence.
3. Recreation and/or open space areas to be permanently reserved shall be improved, landscaped, and maintained in accordance with a plan approved by the Planning Commission and City Council. The landscaping plan must comply with the landscaping ordinance as outlined in 157.985-157.999.
  1. To ensure that the recreation and/or open space parcels are permanently reserved and maintained, the city shall require appropriate covenants and agreements restricting the land perpetually as open space for common use and for permanent maintenance of such areas by a Homeowners' Association.
  2. Any open space that is being considered to be deeded to the city shall meet all set requirements outlined by the Parks and Recreation Department and be approved by City Council. One of the requirements shall be a contiguous area of 7 acres of area to be used as open space excluding any additional parking area for the open space.

(C) The basic number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same in which the PRUD is located. The lot area may be reduced to match the Clustering Subdivision ordinance. Land used for schools, churches, other non-residential service-type buildings, and designated open space and uses for streets and exclusively for access to the useable area of a PRUD, shall not be included in the area for determining the number of allowable dwelling units. The density shall be calculated on the gross area of the site, but shall not include sensitive lands or any land within the powerline easement. Sensitive lands are defined as having little to no development potential. Sensitive lands can include floodplains or wetlands.

(D) The basic number of dwelling units in a PRUD may be increased by up to **20% above the base density** if the Planning Commission **and City Council**, in **their** judgment, determines that the concept, site layout and design, the residential groupings, and the aesthetic and landscaping proposals will provide a superior residential development and environment to that which would result through the normal land subdivision process. **It will be up to Planning Commission and City Council to choose to**

(E) The following is required for the additional density:

1. Enhanced landscaping

- i. Landscape includes one (1) 2-inch caliper tree per unit planted within the park strip to create neighborhood identity.
- ii. At least 40% of the open space shall include xeriscape, native plants, and/or any type of water-wise landscape.

2. Upgraded Fencing

- i. Fencing must be upgraded from chain link. Upgraded fencing may include white 3-rail fencing, vinyl or brick.

3. Architecture

- i. All units shall feature a front porch or balcony with sufficient space for two seats and a walkway.
- ii. Architectural variation between each household is required.
- iii. Duplicating building facades on the same side of the street shall not be allowed more than every fourth building.

4. Moderate Income Housing Restriction

- i. At least 10% of the development shall be dedicated to moderate income housing ownership and shall follow the Utah State Code §10-9a-103(39) definition, and as amended, as "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located. The homes shall be deed restricted for a minimum of ten (10) years. The master development agreement shall have a section dedicated to this requirement.
5. Any additional requirements that the Planning Commission and City Council see fit may be added.
6. The applicant may choose to do all of the above requirements or propose any other amenity approved by Planning Commission and City Council.

(E) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone; however, the units allowed in each zone must be constructed in the respective zone.

(F) (1) ~~It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what city development ordinances would normally allow by requesting The city shall not allow housing unit credit and transfer for lands to be included in the PRUD boundary as being used as common open spaces which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, and mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, and the like. Therefore, the Planning Commission shall determine what part, if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD, and when such determination justifies such inclusion, the Planning Commission shall allow the transfer of units.~~

—(2) In making this determination, the Planning Commission shall be guided by the following factors:

—(a) ~~The physical relationship of the proposed common areas to the developable area of the PRUD shall be such that the common areas are suitable for landscaping and/or developed open space, or for recreational uses of direct benefit, access, and use ability to the unit owners;~~

—(b) ~~The lands shall contribute to the actual quality, livability, and aesthetics of the PRUD and shall be physically integrated into the development design; and~~

—(c) ~~The lands must be suitable for, and possess the capability for, housing development.~~

(Prior Code, § 32.10) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

## § 157.435 GENERAL REQUIREMENTS.

(A) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.

(B) The property adjacent to the planned residential unit development shall not be adversely affected, and to this end the Planning Commission may require, in the absence of appropriate physical boundaries, that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.

(C) Building uses, building locations, lot area, width, yard, height, and coverage regulations proposed shall be determined acceptable by approval of the site development plan and ~~included in the required master development agreement. All proposed roads~~

within the development shall follow the subdivision ordinance and the West Haven Public Works Standards.

(D) There must be a minimum of 25' setback from the property line to the garage and the width must be equivalent to the width of the garage structure. The interior of the garage must provide at least 180 square feet for each car parking inside.

(F) All parking must comply with the requirements set in the Parking Ordinance (157.631-157.640). All guest parking must be evenly distributed throughout the development.

(G) Any proposed fencing shall comply with section 157.600 under Supplementary and Qualifying Regulations. Any additional height desired for the fencing must be approved by Planning Commission.

(G) The City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance, and ownership of the common open space utilizing, at the city's option, one of the following methods:

(1) Dedication of the land as a public park or parkway system **if it is seen appropriate by the Parks and Recreation Director**;

(2) Granting to the city a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation, or open space uses, with ownership and maintenance being the responsibility of a Homeowners' Association established with articles of association and bylaws which are satisfactory to the city; or

(3) Complying with the provisions of the Condominium Ownership Act, UCA Title 57, Chapter 8, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

(H) Recreation uses and facilities may be developed within the common open space areas in compliance with the recreation and landscaping plan being as part of the approved final level development plan of the PRUD.

(I) The developer shall be required to provide a surety by **cash bond**, escrow, or bank letter of **line of credit** in an amount determined by the City Engineer, sufficient to guarantee the completion of the development of the common open space, or a phase thereof **along with a one year warranty amount**. When completed in accordance with the approved plan, the **bond-surety** shall be released, **except for the warranty amount**.

(J) If uncompleted at the end of two years, the city will review the progress and may proceed to use the **bond surety** funds to make the improvements to the open space areas in accordance with the approved plan. The **bond** shall be approved by the **City Council City Manager** and shall be filed with the City Recorder. If the second or third methods, as set forth above, are utilized to maintain the common open spaces, but the organization fails to maintain the open space in reasonable order and condition, the city may, at its option, do or contract to have done the required maintenance, and shall assess ratable the open space

and individually owned properties within the PRUD. Such assessment shall be a lien against the property and shall be filed with the City Recorder, or the city may bring suit to collect the maintenance fees together with reasonable attorney's fees and costs.

(K) If the planned residential unit development, or phase thereof, is to be subsequently divided as a subdivision into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a subdivision.

(L) The area shall be adaptable to a unit-type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.

(M) All proposed residential developments, with the exception of normal land subdivisions, within the city equal to, or in excess of, the minimum area requirements for a PRUD as set forth in § 157.434 shall comply with the provisions of this subchapter and be developed as a planned residential unit development.

(Prior Code, § 32.12) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

(Prior Code, § 32.16) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

#### **§ 157.439 PLANNING COMMISSION ACTION.**

~~The Planning Commission, subject to the requirements of this subchapter, may recommend approval or denial with conditions of the PRUD to the City Council.~~

(Prior Code, § 32.18) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

#### **§ 157.436 BUILDING PERMIT ISSUANCE.**

The Building Inspector shall not issue any permit for any proposed building structure or use within the project unless such building, structure, or use is conditionally imposed. Approved development plans shall be filed with the Planning Commission, Building Inspector, and City Engineer.

(Prior Code, § 32.22) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

#### **§ 157.437 TIME LIMIT.**

(A) Unless there is substantial action leading toward completion of a PRUD, or an approved phase thereof, within a period of 18 months from the date of approval, as determined by the City Council, such approval shall expire unless, after reconsideration of the progress of the project, an extension is approved.

(B) Upon expiration, the land and structures thereon, if any, may be used for any other permitted use in the zone in which the project is located.

(C) Reserved open space shall be maintained where necessary to protect and blend existing structures into alternate land use proposals after abandonment of a project.

(Prior Code, § 32.24) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

#### § 157.438 SUBMISSION OF APPLICATION.

(A) An application for a planned residential unit development shall be **submitted** to the Planning Commission **and City Council** and shall be accompanied by an overall development plan showing uses, dimensions, and locations of proposed structures, areas reserved for public uses, such as schools and playgrounds, landscaping, recreational facilities and open spaces, areas reserved, and proposals for, accommodating vehicular and pedestrian circulations, parking, and the like, development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

(B) Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

(Prior Code, § 32.14) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

#### § 157.439 PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION AND ACTION.

In considering the proposed planned residential unit development, the Planning Commission **and City Council** shall consider:

(A) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal;

(B) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation, and off-street parking;

(C) The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings;

(D) The size, location, design, and nature of signs, if any, and the intensity and direction of the area of floodlighting;

(E) The residential density of the proposed development, the amount of housing "mix," and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or master plan proposals of the city as being a desirable future residential density; and

1. The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established

(F) In approving an application, the City Council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this subchapter. Approval of the City Council, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the one in which it is proposed.

#### **§ 157.437 CITY COUNCIL ACTION.**

~~The City Council, after holding a public hearing thereon, may approve or disapprove the application for a PRUD. In approving an application, the City Council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this subchapter. Approval of the City Council, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the one in which it is proposed.~~

~~(Prior Code, § 32.20) (Ord. 05-09, passed --; Ord. 2-92, passed -- 1992)~~

#### **§ 155.440 PROCEDURES FOR PROCESSING A PLANNED RESIDENTIAL UNIT DEVELOPMENT.**

(H) Application Conference. Prior to applying for a PRUD, the applicant shall arrange for and attend a meeting with planning, engineering staff, parks and recreation and fire department. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this Article before incurring substantial expense in the preparation of plans, surveys and other data.

(I) Concept Plan. The plan should include the following: overall density ranges, general location of all proposed structures, their types, general location of streets, paths and open space, exterior design, any additional special features, and approximate phasing of the development. Planning Commission and City Council shall consider, but are not limited to, the following criteria for a PRUD:

- a. Degree of consistency of the proposed PRUD with the surrounding area in terms of character and density.
- b. The nature, intent, and compatibility of the required common open space, including the proposed method of maintenance and conservation.
- c. The feasibility of the specified stages contained in the preliminary development plan to exist as an independent development.

- d. The benefits of the development to the general public and/or any reasoning for the added density.

(J) Preliminary Approval and Master Development Agreement (MDA). After receiving approval of the concept plan, the rest of the checklist for preliminary approval shall be completed and an MDA shall be drafted and reviewed by planning staff and the City Attorney. After that review, the MDA will be noticed up for public hearing and it will be reviewed by Planning Commission in which they will give a motion to City Council. City Council is the legislative body that may approve the MDA.

(K) Final Plan. Following approval of the concept plan and MDA, the applicant shall receive a checklist with all necessary items needed to get final approval. Items include obtaining a Geotech report, prepare the final civil drawings, receive final engineering review, fire review, and get all necessary will-serve letters. Engineering staff may require a traffic report and if applicable UDOT approval shall be required. The application shall proceed and be acted upon in accordance with the procedures in the subdivision ordinance.

#### **157.441 MASTER DEVELOPMENT AGREEMENT REQUIREMENTS (MDA).**

(A) Subdivision ordinance requirements shall apply to all subdivisions. The developer shall submit a residential development plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with City ordinances and standards with approval from the City Council. The property shall be developed in accordance with the development agreement, and current City ordinances, including the development requirements as identified within this chapter.

(B) The MDA for review shall include, but is not limited to, the following:

1. A legal description of the land subject to the agreement and the names of the legal and equitable owners;
2. A general description of the development, the development uses permitted on the land including proposed densities, and building uses and height, and a description of the impacts and benefits of the development;
3. A description of the public facilities that will service the development, including those that are to be dedicated, constructed or financed by the developer;
4. The date construction of such new facilities will be completed and operation of such facilities will begin;
5. Descriptions of all proposed phases;
6. A schedule to assure public facilities are available concurrent with impacts of the development;
7. A description of any reservations or dedications of land for public purpose;

8. A description of all local development permits approved or needed to be approved for the development of the land;
9. A provision that all public facilities to be provided by the Applicant will be constructed or bonded prior to the issuance of a building permit for all or any portion of the proposed development; and
10. Such other provisions as are determined by the City to be necessary for the public health, safety, or welfare. The Development Agreement is subject to the approval of City Council as part of the approval process. The applicant shall record the development agreement in the Weber County Recorder's Office.

**ORDINANCE NO. 26-2024**

**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE CLUSTER  
SUBDIVISION SPECIAL PROVISIONS REQUIREMENTS; AND PROVIDING AN  
EFFECTIVE DATE FOR THESE CHANGES.**

**Section 1 – Recitals**

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

WHEREAS, the City Council finds that in conformance with UC §10-3-702, 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 the laws of the State of Utah or any other provision of law; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding zoning and acceptable uses within those zones in the City; and

WHEREAS, the City Council finds that certain changes to the West Haven City Zoning Code in regards to amending the language for §157.570 through and including §157.577 should be made; 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 action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED by the City Council of West Haven City, Utah that the following portions of the West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

- a. § 157.570 through and including §157.577 - “Cluster Subdivision Special Provisions” is amended as found in the additions in red and the deletions on the attached Exhibit “A”.**

The forgoing Recitals are fully incorporated herein.

**Section 2 – Prior Ordinances and Resolutions**

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

**Section 3 – Repeater of Conflicting Enactments**

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts thereof, which conflict with this Ordinance are, for such

conflict, repealed, except that this repeal will not be construed to revive any act, order or resolution, or part.

## **Section 4 – Savings Clause**

If any provision of this Ordinance be held or deemed invalid, inoperative, or unenforceable, such will render no other provision or provisions invalid, inoperative, or unenforceable to any extent whatsoever, this Ordinance being deemed the separate independent and severable act of the City Council of West Haven City.

## Section 5 – Date of Effect

This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

DATED the 18th day of September 2024

## WEST HAVEN CITY

Rob Vanderwood  
Mayor

ATTEST:

Emily Green, City Recorder

Mayor Rob Vanderwood  
Councilmember Carrie Call  
Councilmember Kim Dixon  
Councilmember Nina Morse  
Councilmember Ryan Saunders  
Councilmember Ryan Swapp

Yes \_\_\_\_\_ No \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

## EXHIBIT “A”

Exhibit Attached to Ordinance 26-2024

**Amendments to §157.570 through and including §157.577 - “Cluster Subdivision Special Provisions”**

**DRAFT**

## CLUSTER SUBDIVISION SPECIAL PROVISIONS

### § 157.570 INTENT; DEFINITIONS

(A) Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of homes on lots smaller than normally required for the zone in which the subdivision is located, and by dedicating or reserving the land so saved to needed open space.

(B) It is not intended that this type of subdivision be universally applied, but only where circumstances of natural features and land use make it appropriate, and of special benefit to the residents of the subdivision and surrounding area.

(C) **Definitions.** The below items, as contained in this section, shall have the following meaning(s):

**GROSS PROJECT SIZE.** The total acreage of the property under consideration for development, inclusive of all open space, parking areas, and rights-of-way (public and private).

**OPEN SPACE.** Land reserved from development that shall be used for resting, recharging and play. It is set aside for recreation uses, landscaping, open green areas, and the enjoyment of the residents.

(Prior Code, § 40.02) (Ord. 2-92, passed - -1992; Ord. 17-92, passed 10-7-1992)

### § 157.571 GENERAL REGULATIONS.

(A) A cluster subdivision may be permitted in A-1, A-2, R-1, R-2, and R-2.5.

(B) Where land is proposed for subdivision into lots and a subdivider dedicates, or permanently reserves, land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located may be approved by the City Council upon recommendation of the Planning Commission.

(C) All Permitted and Conditional uses of the base zone shall still be permitted.

(D) A master development agreement shall be adopted to include lot area, width, setbacks, and any other necessary information for the subdivision.

~~(B) (E)~~ Provided, the provisions of this subchapter are met, and further provided that the cluster subdivision receives subdivision approval.

(Prior Code, § 40.04) (Ord. 2-92, passed - -1992; Ord. 17-92, passed 10-7-1992)

### § 157.572 LOT AREA REGULATIONS.

The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located as follows:

(A) No lot may have an area less than 60% of the required lot area.

(B) ~~In the Agriculture A-1 and A-2 Zones, up to a 33.333% reduction; and~~

~~(B) The number of homes shall not exceed the number of acres in the subdivision. The density of the base zone shall still apply for the cluster subdivision unless combined with the Planned Residential Unit Development Code.~~

(Prior Code, § 40.06) (Ord. 2-92, passed - -1992; Ord. 17-92, passed 10-7-1992)

#### § 157.573 WIDTH, YARD, HEIGHT REGULATIONS, AND PARKING REGULATIONS.

A. Yard use and height regulations shall be the same as for the zone in which the cluster subdivision is located. The minimum lot width may be reduced below the width normally required in the zone in which the cluster subdivision is located as follows: ~~In the Agriculture A-1 and A-2 Zone, For all allowable zones, there may be up to a 25% 40% reduction.~~

B. All driveways shall be 25' from the front property line to the garage.

C. All parking must comply with the parking requirements outlined in 157.631-157.640.

D. Any additional guest parking must be evenly distributed throughout the development.

(Prior Code, § 40.08) (Ord. 2-92, passed - -1992; Ord. 17-92, passed 10-7-1992)

#### § 157.574 OPEN SPACE SUBSTITUTION.

(A) ~~There shall be permanently reserved within the subdivision for recreation and/or open space parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located; provided, however, that no such parcel of land shall be less than three acres. There shall be a minimum of 20% of permanently reserved open space within the subdivision.~~

(B) Open space areas shall not include areas that are occupied by buildings, lots, structures, parking areas or streets. Additionally, required open space shall not include:

- Area between buildings
- Front, rear, and side yard setbacks or any area within a residential lot
- Paved areas such as driveways and private sidewalks.

(C) The open space may include walking pathways, park benches, playground equipment, sport courts, picnic areas, covered pavilions, gardens, and shade trees. Any proposed building within the open space shall not be used as a residence.

(Prior Code, § 40.10) (Ord. 2-92, passed - -1992; Ord. 17-92, passed 10-7-1992)

## § 157.575 OPEN SPACE PRESERVATION.

(A) Recreation and/or open space areas to be permanently reserved shall be improved, landscaped, and maintained in accordance with a plan **approved** by the Planning Commission and City Council. **The landscaping plan must comply with the landscaping ordinance as outlined in 157.985-157.999.**

(B) To ensure that the recreation and/or open space parcels are permanently reserved and maintained, the city may require either:

—**(1) Open space easements for such parcels be deeded to the city prior to the recording of the final plat of the cluster subdivision; and/or**

**(1) Appropriate covenants and agreements restricting the land perpetually as open space for common use and for permanent maintenance of such areas by a homeowners' association developer, or the recording of the final plat of the cluster subdivision.**

**(2) Any open space that is being considered to be deeded to the city shall have an open space easement, shall meet all requirements that the Parks and Recreation Department sets, and be approved by City Council. One of the requirements shall be a contiguous area of 7 acres of area to be used as open space excluding any additional parking area for the open space.**

(Prior Code, § 40.12) (Ord. 2-92, passed - -1992; Ord. 17-92, passed 10-7-1992)

## § 157.576 PROCEDURE.

A **preliminary concept** plan of the **entire** cluster subdivision showing all proposed building lots, **and** the areas within the subdivision to be permanently reserved for recreation and/or open space, and plans showing the proposed use, improvements, and method of maintenance of such areas, shall be approved by the Planning Commission and City Council before the cluster subdivision proposal becomes a permitted use in the zone in which it is proposed. **Once the concept plan is approved, the applicant may follow the subdivision approval process and prepare a master development agreement.**

(Prior Code, § 40.14) (Ord. 2-92, passed - -1992; Ord. 17-92, passed 10-7-1992)

## 157.577 MASTER DEVELOPMENT AGREEMENT REQUIREMENTS (MDA).

(A) Subdivision ordinance requirements shall apply to all cluster subdivisions. The developer shall submit a residential development plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with City ordinances and standards with final approval by the City Council. The property shall be developed in accordance with the development agreement, and current City ordinances, including the development requirements as identified within this chapter.

(B) The MDA for review shall include, but is not limited to, the following:

1. A legal description of the land subject to the agreement and the names of the legal and equitable owners;
2. A general description of the development, the development uses permitted on the land including proposed densities, and building uses and height, and a description of the impacts and benefits of the development;
3. A description of the public facilities that will service the development, including those that are to be dedicated, constructed or financed by the developer;
4. The date construction of such new facilities will be completed and operation of such facilities will begin;
5. Descriptions of all proposed phases;
6. A schedule to assure public facilities are available concurrent with impacts of the development;
7. A description of any reservations or dedications of land for public purpose;
8. A description of all local development permits approved or needed to be approved for the development of the land;
9. A provision that all public facilities to be provided by the Applicant will be constructed or surety prior to the issuance of a building permit for all or any portion of the proposed development; and
10. Such other provisions as are determined by the City to be necessary for the public health, safety, or welfare. The Development Agreement is subject to the approval of City Council as part of the approval process. The applicant shall record the development agreement in the Weber County Recorder's Office.

**City Council  
Staff Review Memo**

September 18, 2024

Dan Tanner, Code Enforcement



**Parking Regulations**

**Governing Document:** Chapter 71 Parking Regulations

**Decision Type:** Legislative

**Staff Recommendation:** See comments under "Staff Review"

**Public Hearing Posting:** A public hearing was already held with the Planning Commission.

**Background**

Code Enforcement received complaints about perpendicular parking and the need to add that portion to our Parking Regulation ordinance. Staff proceeded with adding language to the ordinance similar to what is found in Utah Code §41-6a-1402. Staff also went through and updated any other part that needed to be clarified.

**Staff Review**

All changes to the ordinance are in red on the attached ordinance sheet. The following are the changes that are being suggested by staff to be made to the ordinance:

1. Under City Code Section **71.03, PARKING OR BLOCKING STREETS, HIGHWAYS, OR ALLEYS**  
**PROHIBITED:** Item (F) was added which talks about only allowing cars to park parallel to the curb or shoulder of the street and prohibits perpendicular or angle parking.
2. Under City Code Section **71.04, Vehicles for Sale:** The language regarding 48 or more consecutive hours was crossed out. Added complete description to the penalty.
3. Under City Code Section **71.06, Specific Prohibited Parking; Permit:** Item (A) - Removed language defining specific allowed limited parking and added language that is inclusive of all types of trailers, RV, and boat be allowed to be parked for the purpose of loading and unloading for no more than 24 hours.

Planning Commission held a public hearing on these parking regulation amendments. On September 11, 2024, the Planning Commission voted to recommend the City Council approve the proposed amendments to Chapter 71 Parking Regulations.

**Staff Recommendation**

Staff recommends that the City Council approve the proposed amendments to Chapter 71 Parking Regulations as outlined.

**ORDINANCE NO. 33-2024**

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY  
CODE SECTIONS 71.03, 71.04, AND 71.06 REGARDING PARKING  
REGULATIONS; MAKING CERTAIN AND NECESSARY LANGUAGE  
CHANGES TO THE CITY CODE TO AFFECT THOSE CHANGES; AND  
ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**Section 1. Recitals:**

**WHEREAS**, 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 UCA § 10-3-707, the governing body of the City may revise, codify, and compile from time to time and to publish in book, pamphlet, or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

**WHEREAS**, West Haven City has adopted and promulgated City ordinances regarding parking regulations; and,

**WHEREAS**, City staff has found that there needs to be certain changes and clarifications to the City Code regarding certain parking regulations; 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 action by the City as noted above;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that:**

1. The West Haven City Code **Sections 71.03, 71.04, and 71.06** shall be amended as shown in red along with the deletions shown, as seen on Attachment “A”.

The foregoing Recitals are fully incorporated herein.

**Section 2. Repealer of Conflicting Enactments:**

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

### **Section 3. Prior Ordinances and Resolutions:**

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

### **Section 4 - Savings Clause:**

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

### **Section 5 - Date of Effect:**

**BE IT FURTHER ORDAINED** this Ordinance will become effective on the 18th day of September 2024 and after publication or posting as required by law.

DATED this 18<sup>th</sup> day of September 2024.

WEST HAVEN, a municipal corporation

by: \_\_\_\_\_  
Mayor Rob Vanderwood

Attested and Recorded

---

Emily Green, City Recorder

Mayor Rob Vanderwood	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	Yes _____	No _____

## EXHIBIT "A"

**Exhibit Attached to Ordinance \_\_\_\_\_**  
**Amendments to West Haven City Code Sections 71.03, 71.04, and 71.06 – Parking  
Regulations**

## **§71.03 PARKING OR BLOCKING STREETS, HIGHWAYS, OR ALLEYS PROHIBITED.**

Besides the parking provisions in the State Traffic Code, as adopted by this city, and re-adopted by ordinance, it shall be unlawful for any person to:

- (A) Remain standing, lying, or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon;
- (B) Willfully remain standing, lying, or sitting on any street or highway in such manner for more than one minute after being requested to move by any law enforcement agency representative;
- (C) Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into, or out of, any property abutting upon the street or highway, or any property having access to such street or highway;
- (D) Willfully park, or allow to remain parked, a motor vehicle within an alley in such manner, or under such conditions, as to leave less than ten feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property; and
- (E) It shall be unlawful to park or stop a vehicle upon any highway when signs or traffic markings give notice that parking or stopping is prohibited.

**(F) It shall be unlawful to park any vehicle in a manner other than parallel to the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, and within twelve inches (12") from the curb. Where there is no curb, or the curb is obscured, the right-hand wheels must be as close as practicable to the edge of the right-hand shoulder or snow bank, whichever is nearer to the traffic lane. The vehicle must not obstruct traffic when parked. It shall be unlawful to park any vehicle perpendicular or diagonal to the curb or shoulder of the street.**

(Prior Code, § 10.10.030) (Ord. 04-2018, passed 4-18-2018; Ord. 01-2020, passed 1-15-2020; Ord. 16-2020, passed 5-20-2020) Penalty, see § [71.99](#)

## **§71.04 VEHICLES FOR SALE.**

It shall be unlawful to park upon a street any vehicle, trailer, **watercraft**, or boat to display such object for sale. ~~for 48, or more, consecutive hours, and a~~ Any vehicle, **trailer, watercraft, or boat** so parked or left standing may be impounded or removed by the law enforcement representative of the city.

(Prior Code, § 10.10.040) (Ord. 04-2018, passed 4-18-2018) Penalty, see § [71.99](#)

## **§ 71.06 SPECIFIC PROHIBITED PARKING; PERMIT.**

- (A) *Trailers and recreational-type vehicles.* It shall be unlawful for any person to park or leave standing, ~~for 24 hours or more hours at any time~~, on any public road, street, alley, or city property, any unattached trailer of any type, whether for the occupancy of people, storage of items, or for towing purposes, and whether the same be loaded or not, any boat ~~or watercraft~~ on an unattached trailer or otherwise, or camper not mounted on a vehicle, any motor home or mini-motor home of any length, and any combination of a pulling or towing vehicle with an attached trailer whether loaded or not; ~~provided, however, that it shall be lawful to park such a combination, or a motor home that is being loaded or is ready for departure, for a period not to exceed 24 hours.~~

(B) *Gross vehicle weight.* Except as provided above, as regards to recreational vehicles, it is further unlawful and an infraction to park in, or on, any such area, city street, or public parking facility, at any time, any vehicle or motor vehicle having a registered gross weight capability of 12,000 pounds or more.

(C) *Time-limited.* It shall further be unlawful for any person to park or leave standing on any public road, street, alley, or city property any motor vehicle for 48, or more, consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the law enforcement representative of the city. For purposes of impoundment and removal, the law enforcement representative of the city may, after making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for 48 consecutive hours. The cost of impoundment and removal shall be charged to the owner, or to any person who claims the impounded motor vehicle.

(D) *Special permit.* For good cause shown and upon application to, and receipt of, a special permit from the law enforcement agency, a person may receive a temporary permit to park a vehicle otherwise prohibited for three days and nights.

(E) *Junk vehicles.* It shall be unlawful for any person or entity to cause or permit junked, wrecked, dismantled, inoperative, discarded, or abandoned vehicles to be on any public road, street, alley, or city property for 24, or more, consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the law enforcement representative of the city. For purposes of impoundment and removal, the law enforcement representative of the city may, after making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for 24 consecutive hours. The cost of impoundment and removal shall be charged to the owner, or to any person who claims the impounded motor vehicle.

(Prior Code, § 10.10.060) (Ord. 04-2018, passed 4-18-2018; Ord. 25-2019, passed 7-17-2019; Ord. 01-2020, passed 1-15-2020; Ord. 15-2020, passed 5-6-2020; Ord. 16-2020, passed 5-20-2020; Ord. 27-2020, passed 7-1-2020) Penalty, see § 71.99

**CITY COUNCIL**

Meeting Date: September 18, 2024  
Agenda Item: Resolution to Declare Surplus  
Roping Chute  
Parks & Recreation Director Truck  
Prepared by: Shawn Warnke, City Manager

**EXECUTIVE SUMMARY**

Staff requests that the Council declare as surplus property a roping chute used in the arena that has since been replaced with a new roping chute.

Additionally, the Staff requests that the Council declare the Parks Director's truck (2023 Chevrolet Silverado) as surplus property only if the private sale of this vehicle equals the cost of the new truck. Please see the narrative below for an expanded explanation.

**REVIEW**

The City Council must declare City property surplus before selling or disposing of it. City staff request that the Council consider declaring the following property surplus.

Roping Chute. The roping chute at the arena was replaced some time ago. Since that time, the previous roping chute has been stored in the Public Works yard. The City has no ongoing use of this roping chute, so it is recommended that it be declared surplus property.

Parks Director's Truck Trade-In. In the past, it has been a strategy for the City to trade in relatively new vehicles with less than 10,000 miles to a dealership and receive a new vehicle without any out-of-pocket expense. This allows the City to have vehicles under warranty.

The Parks Director truck is a 2023 truck under 10,000 miles. As such, there is no need to get a new truck unless the proceeds for the existing truck can be equal to or be greater than the cost of the City purchasing a new truck. As such, the City Council's declaration of this truck being surplus would be a condition on the proceeds, for the existing being equal to or be greater than the cost of the City purchasing an equivalent new truck.

This strategy has worked because the City purchases vehicles under the State Purchase Contract and, as such, gets new vehicles below market rates. Currently, the trade-in values at the dealership are lower than in the recent past, so the Parks and Recreation Truck would need to be sold on the open market. The Parks and Recreation Director would use a government surplus website and set the minimum bid equal to the cost that the City could acquire a new truck based on the governmental price.

If the truck does not sell at a price that exceeds the City's cost for a new truck, the City will retain the existing truck.

## EXHIBIT A

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**Resolution No. 36-2024**

**RESOLUTION OF WEST HAVEN CITY DECLARING A CERTAIN ROPING CHUTE AND  
2023 CHEVROLET SILVERADO TRUCK AS SURPLUS TO THE CITY'S NEEDS;  
AUTHORIZING THE SELLING OF SUCH SURPLUS PROPERTY; AUTHORIZING THE CITY  
MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EFFECTUATE THE DISPOSAL  
OF THE PROPERTY; AND AUTHORIZING THE MAYOR TO SIGN THIS RESOLUTION;  
AND, PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1 - RECITALS:**

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

WHEREAS, in conformance with Utah Code ("UC"), the governing body of the City may exercise all administrative powers by resolution; and,

WHEREAS, the City finds that it owns a roping chute; and

WHEREAS, the City finds that the roping chute specifically outlined in this Resolution are deemed to be surplus to the City's needs; and

WHEREAS, the City finds that selling this roping chute via competitive bidding or transferring them to another governmental agency, under terms favorable to the City is in the best interest of the City; and,

WHEREAS, it has been a strategy for the City to trade in relatively new vehicles with less than 10,000 miles and receive a new vehicle without any out-of-pocket expense; and,

WHEREAS, this strategy allows the City to have vehicles under warranty and keep the fleet current; and

WHEREAS, the Parks Director truck is a 2023 Chevrolet Silverado truck under 10,000 miles and as such there is no need to get a new truck unless the proceeds for the existing truck can be equal to or be greater than the cost of the City purchasing a new truck; and

WHEREAS, the City finds that 2023 Chevrolet Silverado truck outlined in this Resolution is deemed surplus conditioned upon the City being able to get a new truck of equal or greater value; and

WHEREAS, the City finds that the public convenience and necessity, public safety, health and welfare is at issue and requires administrative action by the City as noted above.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Haven:

1. The City declares the City's roping chute as surplus to the City's needs.

2. The City directs that this specific roping chute be sold via competitive bidding, transferred to another governmental agency, or disposing the surplus property under terms favorable to the City.
3. The City declares the 2023 Chevrolet Silverado (Unit 2) as being surplus with the condition that the sale or trade in of this truck being equal to or be greater than the cost of the City purchasing an equivalent new truck.
4. The City directs the Parks and Recreation Director to use a government surplus website and set the minimum bid of the 2023 Chevrolet Silverado equal to the cost that the City could acquire a new truck based on the governmental price.
5. The City authorizes the City Manager to sign all contracts, agreements, or other documents necessary to complete this property disposition of the 2023 Chevrolet Silverado and authorizes the City Recorder to sign any documents as required attesting to the City Manager having been duly authorized to enter into such arrangements for the City.
6. The City authorizes the Mayor to sign this resolution.
5. That the foregoing recitals are incorporated herein by this reference.

**BE IT FURTHER RESOLVED** the foregoing recitals are incorporated herein and this Resolution shall become effective immediately upon its passage.

### **SECTION III - PRIOR ORDINANCES AND RESOLUTIONS**

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

### **SECTION IV - REPEALER OF CONFLICTING ENACTMENTS**

All orders, and Resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with any of this Resolution, are, for such conflict, repealed, except 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 be invalid, inoperative, or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative, or unenforceable to any extent whatever, 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 on the 18th day of September 2024, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH**, on this 18th day of September 2024.

**WEST HAVEN CITY**

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Rob Vanderwood  
Mayor

**ATTEST:**

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Emily Green  
City Recorder

Mayor Rob Vanderwood	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	Yes _____	No _____

## STAFF REPORT

TO: Shawn Warnke, City Manager  
FROM: Ed Mignone, City Engineer  
DATE: September 12, 2024  
SUBJECT: City Sidewalk Inventory

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### Background

Last year, Staff briefed the Council on a City-wide inventory of all existing public sidewalks. The objectives were to identify areas with or without any existing sidewalks or significant gaps between otherwise continuous sections of sidewalk. Then, based on the results of the inventory, identify, and preliminarily prioritize projects that could be incorporated into the City's Capital Improvement Plan for future design and construction. The City-wide sidewalk inventory exhibit is attached.

### Discussion

The inventory was developed based on a combination of aerial imagery, as-built construction/subdivision plans and visual inspections. The attached City map presents the results of the inventory. Sidewalks are categorized as follows: existing/installed sidewalk; proposed sidewalks to be completed with planned road improvement projects and proposed priority sidewalks. Staff's initial criterion to assign high priority was sidewalks and/or gaps that exist safe walking routes to school (as identified by Weber County Board of Education). Secondary and tertiary priority were assigned to pedestrian routes to public parks/facilities.

Once a priority was assigned to a project, Staff assessed the "complexity" of each project which affects constructability, cost, and time to start/complete. Factors included consideration of whether power poles or if other utilities would need to be relocated; would right-of-way acquisition be required; would existing storm or irrigation ditches have to be piped to accommodate a sidewalk; whether curb and gutter would have to be installed. Increasing complexity will have a significant impact on ultimately implementing a project.

The original sidewalk inventory table was comprised of thirty-two (32) individual projects. Projects were also weighted with regard to obstructions to construction such as extensive utility work or relocations; right-of-way acquisitions or could the project stand alone as sidewalk only.

Staff have updated and revised the attached sidewalk inventory project table to suggest four (4) Staff-identified priority projects for the Council's consideration. An exhibit showing project locations is attached.

### Recommendations/Council Actions

The Council should review the initial Staff ranking of priority projects and may also suggest other projects previously identified that warrant priority consideration.

The Staff identified projects range in estimated construction costs from approximately \$300,000 to \$1.14M. For initial budget planning, construction costs should be increased by 20% to account for engineering, survey, future cost increases and contingencies. Issues that have impact on a specific project are described in the "notes" section of the priority projects table. These may result in a project costing more or require additional time to develop plans and ultimate completion.

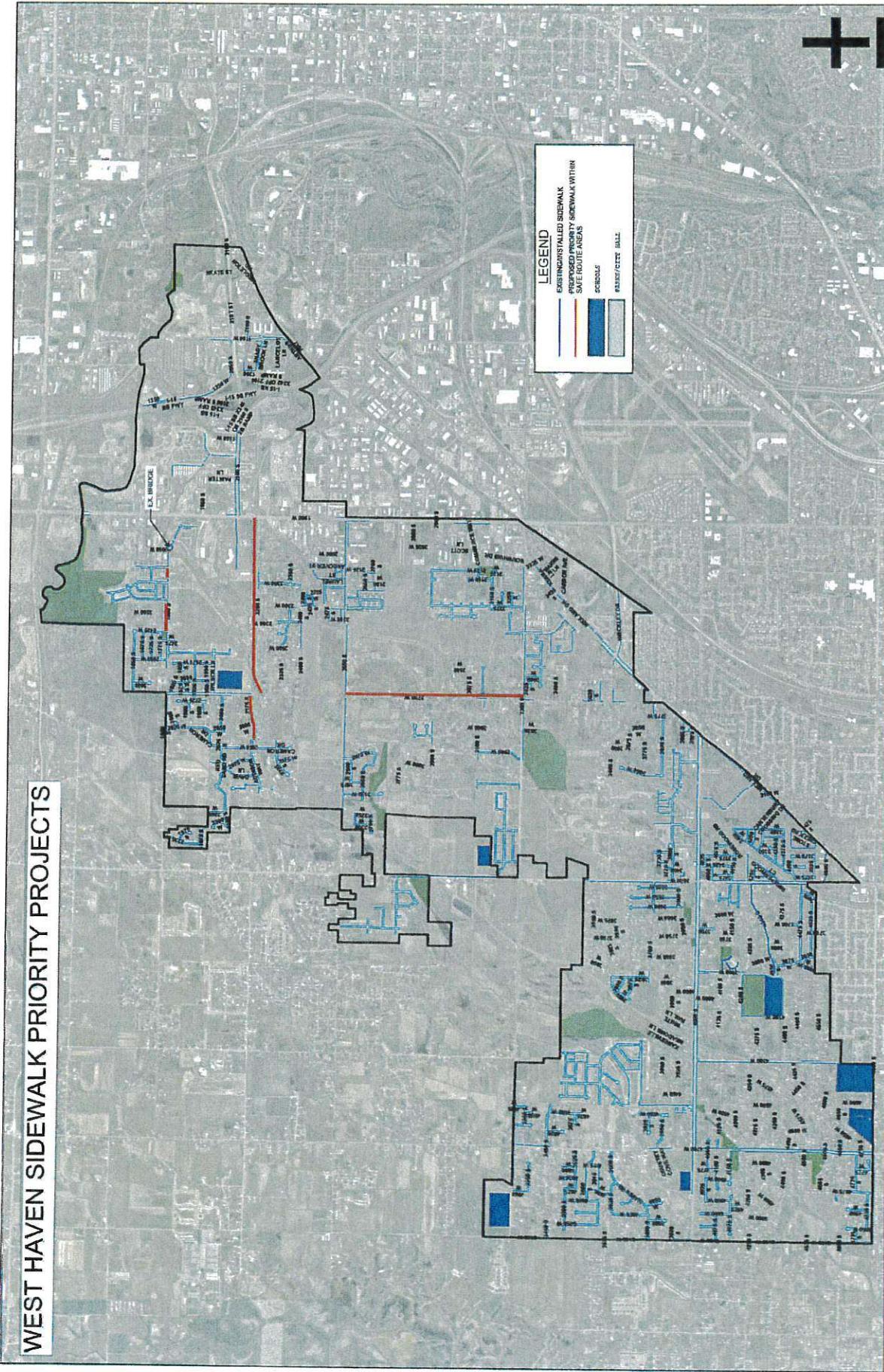
None of these projects is identified for funding in the current FY25 budget. Council should be aware that for all four (4) of these projects, there may be the potential lesser-cost alternative of building temporary rotomill paths along the shoulders of those roads; similar to what was done for the elementary schools. Although this would not be considered a long-term improvement, it would be the most time and cost-effective means of installing identifiable pedestrian access routes until more comprehensive projects can be constructed. Any of these options would have to be investigated in more detail. If specific constraining issues such as modifying existing grading, road drainage, open ditches, utility poles, etc., would necessarily increase the overall cost.

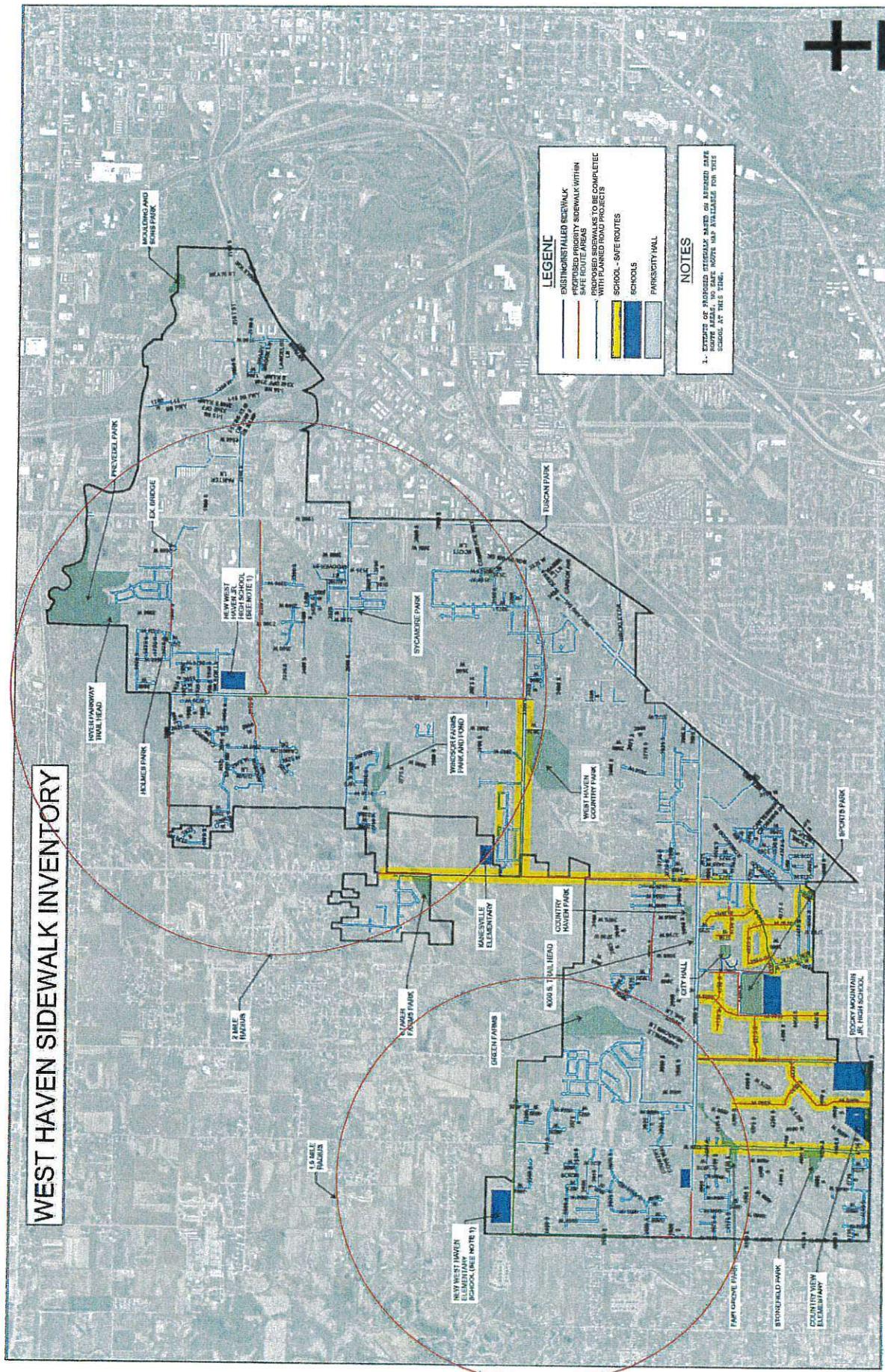
If the Council chooses to pursue grant opportunities for funding, it would be prudent to expect up to an additional one (1) year or more delay for grant awarding, availability of funding and time to complete design, bid and construct.

Based on Council's expressed preferences, Staff will do more in-depth planning and construction cost assessment and brief the Council again at that time.

EJM:ejm  
Attachments: Exhibit - West Haven City Sidewalk Inventory  
Table – West Haven Sidewalk Priority Projects  
Exhibit – West Haven Priority 1 Projects

## WEST HAVEN SIDEWALK PRIORITY PROJECTS





# WEST HAVEN SIDEWALK PRIORITY PROJECTS

ROAD	FROM	TO	LENGTH (FT)	ESTIMATED CONSTRUCTION COSTS (6' width) <i>(NOTE: COSTS DO NOT INCLUDE CURB AND GUTTER OR ADDITIONAL ROAD RECONSTRUCTION)</i>	NOTES
1800 S (NORTH SIDE)	2475 W	2050 W / Canal	1205	\$762,700	<ul style="list-style-type: none"> <li>INTENDED TO FILL IN SIDEWALK ON THE NORTH SIDE OF 1800 SOUTH BETWEEN HOLMES ESTATE AND HAWK HAVEN WITH CONNECTION TO THE CITY TRAIL.</li> <li>NOTE HOOPER CANAL CROSSING REQUIRED (EST \$500K).</li> </ul>
2175 S (NORTH OR SOUTH SIDE)	2950 W	2700 W	1340	\$292,100	<ul style="list-style-type: none"> <li>INTENDED TO INSTALL SIDEWALK, ON ONE SIDE OF 2175 S, FROM 2950 W TO 2700 W TO IMPROVE PEDESTRIAN ACCESS TO THE JR HIGH.</li> </ul>
2700 W (EAST OR WEST SIDE)	2550 S	3300 S	5248	\$1,144,100	<ul style="list-style-type: none"> <li>INTENDED TO INSTALL SIDEWALK ON ONE SIDE OF 2700 WEST BETWEEN 3300 S AND 2550 S TO EXTEND PEDESTRIAN ACCESS TO THE JR HIGH.</li> <li>NOTE PERMANENT SIDEWALK MAY REQUIRE UTILITY RELOCATION, RIGHT OF WAY ACQUISITION, AND CULVERTS FOR DRAIN DITCHES.</li> </ul>
2200 S (NORTH OR SOUTH SIDE)	2700 W	1900 W	5250	\$1,144,500	<ul style="list-style-type: none"> <li>INTENDED TO INSTALL SIDEWALK ON ONE SIDE OF 2200 SOUTH BETWEEN 2700 W AND 1900 W TO IMPROVE PEDESTRIAN ACCESS TO JR HIGH.</li> <li>NOTE PERMANENT SIDEWALK MAY REQUIRE UTILITY RELOCATION, RIGHT OF WAY ACQUISITION, AND CULVERTS ETC.</li> </ul>

**STAFF REPORT**

TO: Shawn Warnke  
City Manager

FROM: Ed Mignone, City Engineer  
Scott Venstra, Public Works Director

DATE: September 12, 2024

SUBJECT: Concept Plan  
Temporary Pedestrian Pathway  
2700 W (2550 S to 3300 S)



**Background**

Residents have raised concern regarding the lack of sidewalk 2700 W south of 2550 S and children walking to the new middle school.

Staff was asked to do an initial feasibility analysis of installing a temporary rotomill pathway, similar to what the City and Hooper did along 5100 S.

**Discussion**

Based on field visits and internal discussions, Staff believe that installation of a path similar to that on 5100 W is feasible. The most feasible option would be to construct a six (6') foot wide path on the west side 2700 W from 3300 S to 2550 S, a distance of approximately one (1) mile. Additional safety improvements are recommended including speed limit signs with radar and additional street lighting. The attached exhibit shows the project scope and limits.

The preliminary cost estimate for just the path is approximately \$169,000.00. Costs for speed signs and streetlights have not yet been determined.

The path on 2700 West is more difficult to build in comparison to the path installed for the school on 5100 W for two specific reasons. The first is that the City used their own stockpiled rotomill to create the path. There is not enough quality rotomill left to build the proposed path on 2700 West. Rotomill would have to purchase from another source.

The second reason is the lack of shoulder at the Wilson Canal and the Buttermilk Slough crossings. Both of these crossings require extending or rebuilding culverts to make room for the proposed path along the shoulder of 2700 W.

**Recommended Action**

Staff awaits further direction from the Council on how/if this project should proceed.

EJM:SV/ejm

Attachment: Overview Pedestrian Path 2700 West (3300 S – 2550 S)  
Concept Budget 2700 West Rotomill Path

# WEST HAVEN SIDEWALK PRIORITY PROJECTS

ROAD	FROM	TO	LENGTH (FT)	ESTIMATED CONSTRUCTION COSTS (6' width) (NOTE: COSTS DO NOT INCLUDE CURB AND GUTTER OR ADDITIONAL ROAD RECONSTRUCTION)	NOTES
1800 S (NORTH SIDE)	2475 W	2050 W / Canal	1205	\$762,700	<ul style="list-style-type: none"> <li>INTENDED TO FILL IN SIDEWALK ON THE NORTH SIDE OF 1800 SOUTH BETWEEN HOLMES ESTATE AND HAWK HAVEN WITH CONNECTION TO THE CITY TRAIL.</li> <li>NOTE HOOPER CANAL CROSSING REQUIRED (EST \$500K).</li> </ul>
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**POTENTIAL IMPROVEMENTS**

1. ADDITIONAL SPEED LIMIT SIGNS (WITH RADAR)
2. ADDITIONAL STREET LIGHTS (ADD TO POLES)
3. PATH ON WEST SIDE OF ROAD

**ESTIMATED REQUIRED ROW FOR  
CONTINUOUS 30 FT ROW  
[54.225 FT]**

**ROADWAY LENGTH - 5000 FT**

**OVERVIEW**

**2700 WEST**

**3300 S - 2650 S**

**WEST HAVEN CITY, UTAH**

**REVIEWS**

**DATE**

**DESIGNATION**

**REVISIONS**

**DWG. NO.**

**1**

**22-05-001**

**CIVIL • LAND PLANNING**

**MONUMENT • LAND SURVEYS**

**GARDNER ENGINEERING**

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**MONUMENTS • SURVEYS • LAND PLANNING**

## STAFF REPORT

TO: Mayor, City Council, and Shawn Warnke, City Manager  
FROM: Ed Mignone, City Engineer  
DATE: September 12, 2024  
SUBJECT: 2700 W Road Improvement Project  
Right-of-way Acquisition  
Real Estate Purchase Contract  
Public Access Easement Agreement between West Haven City and  
Jordan Valley Water Conservation District

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### Background

Council is aware that the City has received WACOG funding for the second phase of roadway improvements to 2700 W. Utility installations/relocations are currently underway. As is common in such projects, the City has to acquire right-of-way along the frontage of properties within the project limits.

Jordan Valley Water Conservation District (JVWCD) owns three (3) parcels with significant frontage on the west and east sides of 2700 W. JVWCD was notified in advance of final design proceeding that the City would be interested in purchasing seven (7') feet along their frontages for the widening of 2700 W. Discussions were had with JVWCD right-of-way group and their attorney. Among the initial issues was JVWCD's position that their property line coincided with the centerline of the road meaning the road was technically already on their property. In practical terms, their initial position was that if the City wanted to purchase seven (7') feet out of the existing right-of-way, they would have to be compensated also for the property from the centerline of the road to the right-of-way boundary.

The City's acquisition agent ordered appraisals to determine a fair estimate of value and presented an offer to JVWCD. These appraisals were conducted with the general understanding that the JVWCD property line was the outer boundary of the right-of-way. After some time, JVWCD subsequently contacted the State Ombudsman's office citing objection with the value determined and requested a second appraisal. The Ombudsman's Office then ordered the City to have another appraisal conducted at the City's cost. The second appraisal was about 10% less than the first one presented to JVWCD.

At that point, JVWCD requested to meet with the City again and made a proposal whereby JVWCD would sell their property that they claim is in the existing sixty-six-foot (66') right-of-way; and in lieu of payment, they will provide the City with public access easements over the seven (7') additional feet needed for the road widening. This requires two (2) separate transactions: execution of a real estate purchase contract for the sixty-six-foot (66') right-of-way and approval of a public access easements agreement for the additional seven (7) additional feet on each side of the roadway. Attachment "A" to the Resolution has both documents. An exhibit showing the property is attached to this staff report.

You may or may not be aware, but JVWCD has acquired large parcels and swaths of property, north and south of and through West Haven for the construction of a long-range planned water treatment facility and pipeline to be constructed with Weber Basin Water Conservancy District. Currently, there is not any officially released timeline or schedule, but all parties would concur that it is not in the near or maybe intermediate

MEMO

Shawn Warnke

2700 W Road Improvement Project

Public Access Easement Agreement between West Haven City  
and Jordan Valley Water Conservation District

September 11, 2024,

Page 2 of 2

future. Regardless, JVWCD's attorney believes that granting the City an easement will allow the City to complete its project and protect and maintain their rights over the area.

The one condition that JVWCD is requiring as condition of granting the easement is that the City assume maintenance of the new sidewalks along their frontages (physical repair, snow removal, weeds, etc.) until such time JVWCD submits a site plan for their proposed water treatment facility. The City will acquire fee simple to both of the seven-foot (7') easements once JVWCD moves forward with their facility or if they transfer the property to an entity other than one of their associates involved in the water treatment facility.

The benefit of proceeding this way is that the City will not have to spend any money acquiring this property but will end up with it in the long run. JVWCD benefits because they will not have to maintain the sidewalk and will be able to move forward with their facility eventually.

The City Attorney and Staff have engaged in several rounds of comments and changes initiated by both sides and the attached proposed real estate purchase contract and public access easements agreement has the support of Staff from both agencies.

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#### Recommended Action

JVWCD's Board approved both the real estate purchase contract and the public access easements agreement at their September 11, 2024, Board Meeting.

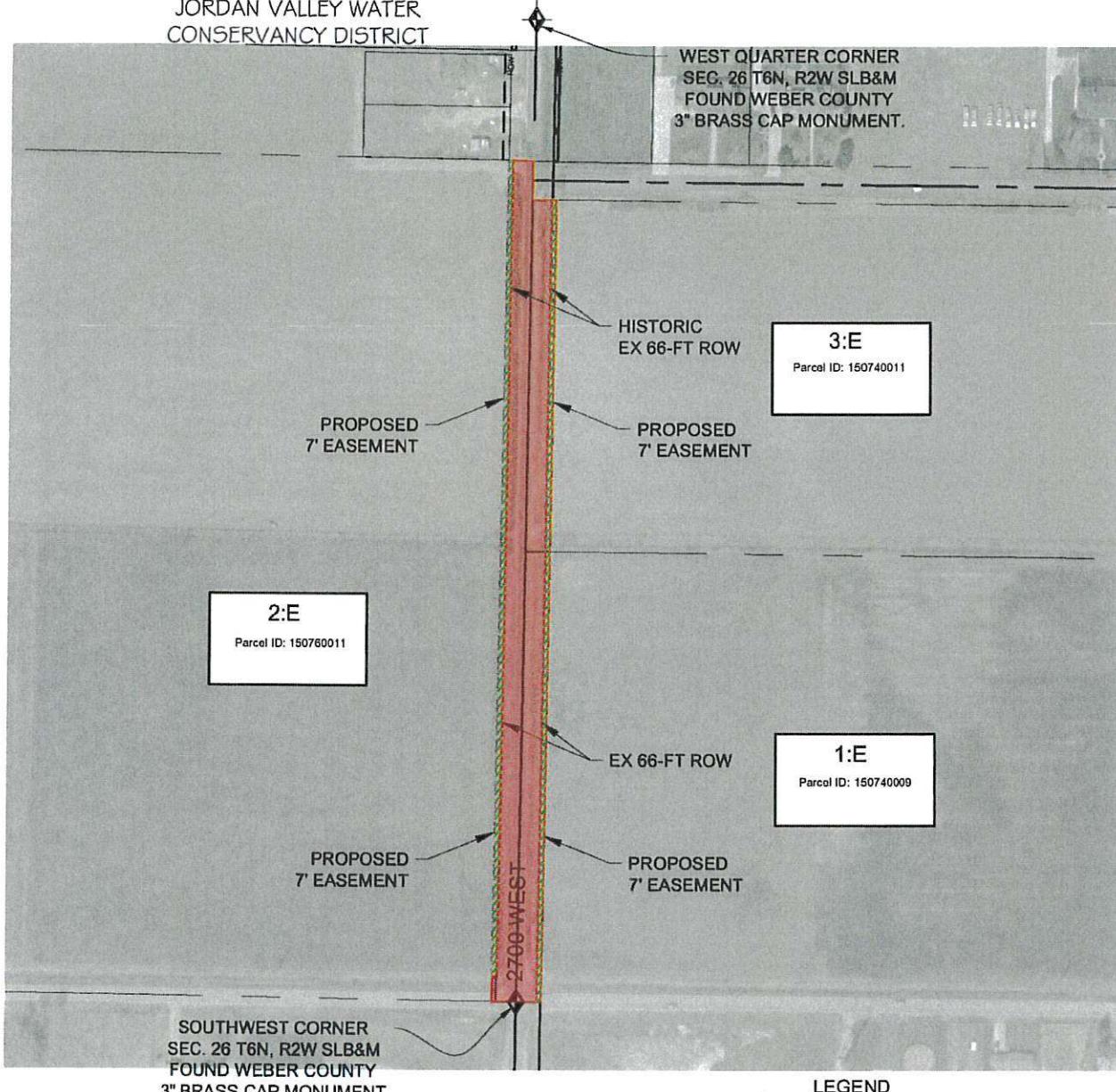
Staff would like to bring this matter for the Council's discussion and action at the September 18 City Council meeting with a favorable recommendation. Staff and the City Attorney believe that the interests of the City are protected and advanced by entering into these agreements. Staff is confident that assuming maintenance responsibilities for the to-be-constructed sidewalk will not be burdensome or detract from delivery of core services to the residents of West Haven.

EJM/ejm

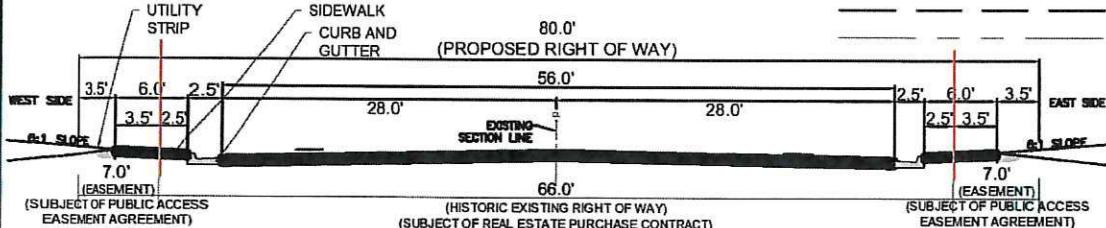
Attachment: Exhibit – JVWCD/WHC proposed property sale and limits of public access easements

WEST HAVEN CITY  
2700 WEST STREET IMPROVEMENT PROJECT  
PUBLIC ACCESS EASEMENT / REAL ESTATE PURCHASE  
EXHIBIT

JORDAN VALLEY WATER  
CONSERVANCY DISTRICT



1"=250'  
1"=250'  
1"=250'



**GARDNER**  
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CIVIL LAND PLANNING  
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100 W 2500 S, WEST HAVEN, UT 84403  
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**Resolution No. 39-2024**

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF THE PUBLIC  
ACCESS EASEMENTS AGREEMENT AND REAL ESTATE PURCHASE CONTRACT  
BETWEEN JORDAN VALLEY WATER CONSERVANCY DISTRICT AND THE CITY;  
AUTHORIZING THE CITY MAYOR TO SIGN THIS RESOLUTION AND THE CITY  
MANAGER TO SIGN THE AGREEMENT AND REAL ESTATE PURCHASE  
CONTRACT 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 agreements; and,

WHEREAS, the City is currently in the process of widening 2700 West within West Haven, which includes property acquisition when necessary; and

WHEREAS, Jordan Valley Water Conservancy District ("JVWCD") owns property on both sides of 2700 West within West Haven; and

WHEREAS, the City and JVWCD has been in negotiations regarding the right-of-way and the value of the property that the City needs to widen the road; and

WHEREAS, the parties have agreed that they will enter into a Public Access Easements Agreement and Real Estate Purchase Contract regarding the property that the City needs; and

WHEREAS, the City and JVWCD have negotiated the Public Access Easements Agreement and Real Estate Purchase Contract that are attached as Attachment "A" to this Resolution; and

WHEREAS, JVWCD's Board of Directors voted on September 11, 2024, during their monthly board meeting, to approve both documents; and

WHEREAS the City now desires to adopt both documents 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. AGREEMENTS:**

1. That the Public Access Easements Agreement and the Real Estate Purchase Contract between JVWCD and the City, copies of both documents of which are attached as Attachment "A" to this Resolution, is hereby adopted by the City Council.
2. That the City Manager is authorized to sign any and all documents necessary to affect these documents, including signing the documents themselves.
3. That the City Manager is authorized to negotiate and approve any minor changes that may need to be made to either document before they are signed, including correcting any legal descriptions.
4. That the Mayor is authorized to sign this Resolution adopting the documents.

The foregoing recitals are fully incorporated herein.

## **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 18th day of September 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 18th day of September 2024.

WEST HAVEN CITY

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Mayor Rob Vanderwood

ATTEST:

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Emily Green, City Recorder

Mayor Rob Vanderwood	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	Yes _____	No _____

**ATTACHMENT “A”**

Attachment to Resolution       -2024        
Public Access Easements Agreement and Real Estate Purchase Contract  
between Jordan Valley Water Conservancy District and West Haven City

WHEN RECORDED MAIL TO:

Jordan Valley Water Conservancy  
District  
Attn: Property Manager  
8215 South 1300 West  
West Jordan, UT 84088

COURTESY COPY MAILED TO:

Attn: City Recorder  
4150 S 3900 W  
West Haven, UT 84401

[PARCEL ID #15-076-0011  
#15-074-00411  
# 15-074-0009]

PUBLIC ACCESS EASEMENTS AGREEMENT

This Agreement ("Agreement") is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024, (the "Effective Date"), between Jordan Valley Water Conservancy District, a Utah special district ("Grantor"), and West Haven City, a Utah municipality ("Grantee"). Grantor and Grantee may be referred to collectively as the "Parties" and may be referred to individually as "City" or "Party."

RECITALS:

- A. Grantor owns real property in the vicinity of 2550 South 2700 West, West Haven, Weber County, Utah ("Property"). The Property is described in attached Exhibit 1;
- B. Grantor purchased the Property with the intent and expectation of constructing and operating a drinking water treatment facility together with related infrastructure and improvements in conjunction with Weber Basin Water Conservancy District and the Utah Division of Water Resources ("Grantor's Associates").

C. Grantee desires to obtain from Grantor, and Grantor is willing to grant to Grantee, perpetual easements and a right-of-way in, on, over and across the Property of Grantor, consistent with the terms set forth in this Agreement as part of a City transportation project.

TERMS:

The Parties agree as follows:

1. As described in Exhibit 2, attached hereto and incorporated herein by reference, Grantor hereby grants to Grantee permanent easements and a right-of-way (collectively, the "Easements"), in, on, over and across the Property of Grantor for public pedestrian and non-motorized vehicle access, to and from adjacent property, for the purposes of constructing, reconstructing, installing, operating, and maintaining a paved sidewalk or pedestrian walkway adjacent to, and parallel with the east and west sides of 2700 West Street from 2550 South to about 2400 South and installing and maintaining ordinary traffic control devices which do not require footings or other support in addition to the supporting pole or post, such as speed limit signs and pedestrian crossing signs (collectively, the "Encroachments"). Grantee shall provide Grantor written notice of the type, location and drawings of an allowed Encroachment prior to the installation of the Encroachment. Except as described above as an allowed Encroachment, or as otherwise pre-approved by Grantor in writing, the Easements do not and shall not include sub-surface rights. When Grantee sees a need regarding sub-surface disturbance within the Easements, Grantee shall petition Grantor in writing regarding the need and scope of the

sub-surface disturbance. Grantor shall respond to Grantee within fourteen (14) days regarding granting further easement.

2. In consideration for these permanent Easements:

(a) Grantee hereby agrees, at no cost to Grantor, to maintain the Encroachments in accordance with the West Haven Municipal Code, as amended, applicable to sidewalks and property fronting on a public street. As part of Grantee's construction or maintenance of the Encroachments, Grantee may utilize motorized vehicles within the Easements as needed to conduct such activities.

(b) Grantee's obligation to maintain the sidewalk on the Property will cease, and the maintenance required by West Haven Municipal Code shall be assumed by the Grantor, at the time the Grantor sells the Property to a person or entity other than one of Grantor's Associates or is issued permits by West Haven City to develop the Property or the Property is developed with a permanent structure whose primary use is not for agricultural purposes.

(c) The Parties shall keep the Easements free from any liens arising out of any work performed, materials furnished, or obligations incurred by the Parties.

(d) By separate deed to be recorded at the same time or contemporaneously with this Agreement, Grantor shall deed to Grantee the sixty-six foot (66') wide right of way associated with 2700 West running through the Property.

3. The term of the Easements shall begin on the Effective Date and shall be perpetual.

4. (a) The Easements are not exclusive, and Grantor (including Grantor's tenants, agents, and designees) reserves the right to use, occupy, and cross the

Easements for all purposes not inconsistent with the rights granted to Grantee under this Agreement so long as such use, occupation, and crossing of the Easements does not create a hazard or physical impediment to public access in, on, over, across, and through the Easements. Grantor further covenants that it or its tenants, agents, and designees shall restore any damage to the Encroachments caused by Grantor, its tenants, agents and designees.

(b) Grantor may grant to others a right-of-way and/or easement in, on, under, across, or through the Easements provided that such use, occupation, and crossing of the Easements does not create a hazard or physical impediment to public access on in, on, over, across, and through the Easements and further provided that Grantor shall provide Grantee written notice of the type, location and drawings of any proposed improvements prior to granting such an easement.

5. If the Grantor sells or other transfers ownership of the Property to a person or entity other than one of Grantor's Associates, the Grantor, and the Grantor's successors in interest, covenants to deed to the Grantee fee simple ownership of the Easements, as described in Exhibit 2, without the Grantee providing to the Grantor or its successors in interest any additional monetary consideration.

6. The Parties, and each of them, shall indemnify and hold the other harmless against any claim of liability or loss from personal injury or property damage arising within the Easements resulting from or arising out of the negligence, reckless misconduct, or willful misconduct of the indemnifying Party, its employees, contractors, or agents, except to the extent such claims or damages may be due to or caused by the negligence, reckless misconduct, or willful misconduct of the other Party, or its employees,

contractors, or agents. The indemnified Party will provide the indemnifying Party with prompt, written notice of any claim covered by this indemnification. The indemnified Party will cooperate appropriately with the indemnifying Party in connection with the indemnifying Party's defense of such claim. The indemnifying Party shall not settle or compromise any such claim or consent to the entry of any judgment without the prior written consent of each indemnified Party and without an unconditional release of all claims by each claimant or plaintiff in favor of each indemnified Party.

7. (a) Grantor may assign this Agreement and/or any of its rights or obligations under this Agreement.

(b) Grantee shall not assign this Agreement, any of its rights or obligations under this Agreement, or the Easements granted it by this Agreement, without the prior written consent of Grantor.

8. This Agreement may be amended only by written instrument executed by all Parties and recorded in the Weber County Recorder's Office.

9. This Agreement, including exhibits, constitutes the entire agreement of the Parties and supersedes all prior understandings, representations, or agreements of the parties regarding the subject matter in this document.

10. Each individual executing this Agreement does hereby represent and warrant that each of them has respectively been duly authorized to sign this Agreement in the capacity and for the entities identified.

11. The Parties shall perform those acts and/or sign all documents required by this Agreement and which may be reasonably necessary to effectuate the terms of this Agreement.

12. Any Party may record this Agreement.
13. Nothing in this Agreement shall be construed to create a partnership, joint venture, or employment or agency relationship.
14. The Parties recognize and acknowledge that the Grantor and Grantee are each covered by the Governmental Immunity Act of Utah, codified at Section 63G-7-101, et seq., Utah Code Annotated, as amended, and nothing herein is intended to waive or modify any and all rights, defenses, or provisions provided therein. Grantor and Grantee shall each be liable only for their own respective conduct, subject to and without waiving any defenses, including limitation of damages, provided for in the Utah Governmental Immunity Act (Utah Code Ann. 63G-7-101, et. seq.) or successor provision.
15. Any enforcement of this Agreement shall be in the Second District Court located in Ogden, Utah.

[SIGNATURE PAGES TO FOLLOW]

"Grantor":

Jordan Valley Water Conservancy District

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Corey L. Rushton  
Chair of the Board of Trustees

STATE OF UTAH )  
: ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2024, by Corey L. Rushton as Chair of the Board of Trustees  
of the Jordan Valley Water Conservancy District.

Commission expires: \_\_\_\_\_

NOTARY PUBLIC  
Residing in \_\_\_\_\_

“Grantee”

## West Haven City

Dated: \_\_\_\_\_ City Manager \_\_\_\_\_

ATTEST:

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## City Recorder

STATE OF UTAH )  
: ss.  
COUNTY OF WEBER )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2024, personally appeared before me \_\_\_\_\_, who duly acknowledged to me that he is the City Manager of WEST HAVEN CITY, and that the document was signed by him in behalf of said corporation, and \_\_\_\_\_ acknowledged to me that said corporation executed the same.

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**NOTARY PUBLIC**

Approved as to Form:

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## Legal Department

EXHIBIT 1  
DESCRIPTION OF PROPERTY

Parcel 1:

PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, WEBER COUNTY UTAH:

BEGINNING AT THE WEBER COUNTY BRASS CAP MONUMENT AT THE SOUTHEAST CORNER OF SAID SECTION 27 AND RUNNING THENCE NORTH 89D10'03" WEST 1315.97 FEET (RECORD WEST 1300 FEET) TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 0D50'11" EAST 1328.32 FEET (RECORD NORTH 1320 FEET) TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89D09'23" EAST 1317.99 FEET (RECORD EAST 1320 FEET) TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 0D55'24" WEST 1328.07 FEET (RECORD SOUTH 1320 FEET) TO THE POINT OF BEGINNING.

Land Serial No. 15-076-0011

Parcel 2:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, WEBER COUNTY UTAH:

BEGINNING AT THE SOUTHWEST CORNER OF SHILOH ESTATES, A SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE WITH THE OFFICE OF THE WEBER COUNTY RECORDER, SAID POINT OF BEGINNING BEING SOUTH 0D55'24" WEST ALONG THE SECTION LINE 1389.63 FEET FROM THE WEBER COUNTY BRASS CAP MONUMENT AT THE WEST QUARTER CORNER OF SAID SECTION 26, THENCE SOUTH 0D55'24" WEST 556.00 FEET (RECORD SOUTH 555.16 FEET) TO THE NORTHWEST CORNER OF THE OLD K R HOLMES DAIRY LTD, PROPERTY THENCE ALONG THE NORTH LINE OF SAID PROPERTY SOUTH 89D23'45" EAST 2138.81 FEET (RECORD EAST 2099.4 FEET) THENCE ALONG THE TOE OF THE WESTERLY AND NORTHERLY BANK OF THE WILSON CANAL NORTH 36D49'32" EAST 171.10 FEET, NORTH 87D33'29" EAST 341.83 FEET (TYPO EQUALS 354.75) NORTH 57D03'20" EAST 22.90 FEET AND NORTH

33D49'21" EAST 24.88 FEET, THENCE SOUTH 89D13'26" EAST 33.00 FEET TO A POINT ON THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 26, THENCE NORTH 0D46'34" EAST ALONG SAID QUARTER SECTION LINE 361.43 FEET (RECORD NORTH 358.24 FEET) TO A POINT THAT IS NORTH 0D46'34" EAST 1261.30 FEET (RECORD 1254.0 FEET) FROM THE WEBER COUNTY BRASS CAP MONUMENT AT THE SOUTH QUARTER CORNER OF SAID SECTION 26, THENCE NORTH 89D23'32" WEST 1246.35 FEET, THENCE NORTH 0D36'28" EAST 3.02 FEET TO THE SOUTHEAST CORNER OF SAID SHILOH ESTATES SUBDIVISION, THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION NORTH 89D19'04" WEST (ROTATED FROM PLAT SOUTH 89D45'32" WEST) 1398.62 FEET TO THE POINT OF BEGINNING.

Land Serial No. 15-074-0011

Parcel 3:

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, WEBER COUNTY, UTAH:

BEGINNING AT THE WEBER COUNTY BRASS CAP MONUMENT AT THE SOUTHWEST CORNER OF SAID SECTION 26, FROM WHICH MONUMENT THE WEBER COUNTY BRASS CAP MONUMENT AT THE WEST QUARTER CORNER OF SAID SECTION 26, BEARS NORTH 0D55'24" EAST (BASIS OF BEARING), AND RUNNING THENCE SOUTH 89D24'01" EAST ALONG THE SECTION LINE 1746.00 FEET; THENCE NORTH 0D35'59" EAST 407.00 FEET; THENCE SOUTH 89D24'01" EAST 100.00 FEET; THENCE SOUTH 0D35'59" WEST 407.00 FEET TO SAID SOUTH LINE OF SECTION 26; THENCE ALONG SAID SECTION LINE SOUTH 89D24'01" EAST 181.55 FEET TO THE WESTERLY LINE OF THE LAYTON CANAL PROPERTY, THENCE ALONG THE WESTERLY LINE OF SAID CANAL PROPERTY (UNIFORMLY ROTATED BEARINGS) NORTH 13D07'48" EAST 134.40 FEET, NORTH 20D41'12" WEST 126.00 FEET, NORTH 4D08'48" EAST 371.40 FEET AND NORTH 37D51'48" EAST 114.41 FEET TO A POINT ON THE NORTH LINE OF THE HOLMES DAIRY PROPERTY; THENCE NORTH 89D23'45" WEST 2099.20 FEET TO THE WEST LINE OF SAID SECTION 26; THENCE ALONG SAID SECTION LINE SOUTH 0D55'24" WEST 710.52 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ANY PORTION OF SAID PROPERTY LYING WITHIN 2700 WEST STREET ON THE WEST AND 2550 SOUTH STREET ON THE SOUTH.

Land Serial No. 15-074-0009

EXHIBIT 2  
DESCRIPTION OF EASEMENTS

WEST EASEMENT LEGAL DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT NORTH 89°10'03" WEST 40.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 27 AND NORTH 00°55'23" EAST 40.00 FEET; RUNNING THENCE NORTH 00°55'23" EAST 1288.08 FEET; THENCE SOUTH 89°09'03" EAST 7.00 FEET; THENCE SOUTH 00°55'23" WEST 1288.08 FEET, THENCE NORTH 89°10'05" WEST **40.00 FEET** TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED LAND CONTAINS 9,016.54 SQUARE FEET.

EAST EASEMENT LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT ON THE SOUTH SECTION LINE OF SAID SOUTHWEST QUARTER OF SECTION 26, SAID POINT BEING LOCATED SOUTH 89°23'59" EAST 33.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 00°55'23" EAST 1266.43 FEET; THENCE SOUTH 89°20'58" EAST 7.00 FEET; THENCE SOUTH 00°55'23" WEST 1266.43 FEET TO A POINT ON THE SOUTH SECTION LINE OF SAID SOUTHWEST QUARTER OF SECTION 26; THENCE ALONG SAID SOUTH SECTION LINE NORTH 89°23'59" WEST 7.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED LAND CONTAINS 8,865.17 SQUARE FEET.

## **REAL ESTATE PURCHASE CONTRACT**

Project No: LG_WestHavenCity_2700 W	Parcel No.(s):
Pin No:880065	Job/Proj No: Project Location: 2000 S to 2550 S
County of Property: WEBER Tax ID(s) / Sidwell No:	
Property Address: 2364 W 2550 S, West Haven, UT, 84401	
Owner's Address: 8215 South 1300 West, WEST JORDAN, UT, 84088	
Primary Phone: 801-565-4331	Owner's Home Phone: (801) 565-4331
Owner's Work Phone:	
Owner / Grantor (s): Jordan Valley Water Conservancy District	

IN CONSIDERATION of the mutual promises contained herein, Jordan Valley Water Conservancy District ("Owner") agrees to sell to West Haven City ("The City") a portion of the Subject Property and to provide an easement across a portion of the Subject Property described below for Transportation Purposes,<sup>1</sup> and the City and Owner agree as follows:

**1. SUBJECT PROPERTY.** The Subject Property referred to in this Contract is identified as parcel numbers 1:E, 2:E and 3:E, more particularly described in Exhibit A, which is attached hereto and incorporated herein.

**2. PURCHASE PRICE.** The City shall pay and Owner accepts \$ 0.00 for the portion of the Subject Property within the historic 66 foot wide right-of-way, including all improvements thereon and damages, if any, to Owner's remaining property. The foregoing amount includes compensation for the following cost to cure items, which are the responsibility of Owner to cure (if applicable): Not applicable.

The Owner shall accept, in lieu of payment for the easement portion of the Subject Property (the area outside of the historic 66 foot wide right-of-way), the City's performance and compliance with the terms and conditions of the Public Access Easement Agreement ("Easement Agreement") contained in Exhibit A.

**3. SETTLEMENT AND CLOSING.**

**3.1 Settlement.** "Settlement" shall mean that Owner and the City have signed and delivered to each other or to the escrow/closing office all documents required by this Contract or by the escrow/closing office, and that all monies required to be paid by Owner or the City under this Contract have been delivered to the escrow/closing office, in the form of cash, wire transfer, cashier's check, or other form acceptable to the escrow/closing office.

**3.2 Closing.** "Closing" shall mean that: (a) Settlement has been completed; (b) the amounts owing to Owner for the sale of the Subject Property have been paid to Owner, and

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<sup>1</sup> "Transportation Purposes" is defined as all current or future transportation uses authorized by law, including, without limitation, the widening, expansion, and/or construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio-fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, transit, statutory relocations caused by the project, and other related transportation uses. Within the Public Access Easement, Transportation Purposes are limited to those uses and activities expressly provided for in the Easement Agreement.

(c) the applicable closing documents have been recorded in the office of the county recorder ("Recording"). Settlement and Closing shall be completed at the earliest time convenient to the parties and the closing office.

**3.3 Possession.** Upon signing of this Contract by Owner and the City, Owner grants the City, its employees and contractors, including utility service providers and their contractors, the right to immediately occupy the Subject Properly and do whatever construction, relocation of utilities or other work as required in furtherance of the above referenced project as provided for in this Agreement and the Easement Agreement.

**4. PRORATIONS / ASSESSMENTS / OTHER PAYMENT OBLIGATIONS.**

**4.1 Prorations.** All prorations, including but not limited to, homeowner's association dues, property taxes for the current year and rents shall be made as of the time of Settlement.

**4.2 Fees/Costs.**

(a) **Escrow Fees.** The City agrees to pay the fees charged by the escrow/closing office for its services in the settlement/closing process.

(b) **Title Insurance.** If the City elects to purchase title insurance, it will pay the cost thereof.

**5. TITLE TO PROPERTY.** Owner represents and warrants that Owner has fee title to the Subject Property. Owner shall indemnify and hold the City harmless from all claims, demands and actions from lien holders, lessees or third parties claiming an interest in the Subject Property or the amount paid hereunder. Owner will convey marketable title to the Subject Property to the Grantee shown on Exhibit A at Closing by deed(s) in the form shown on Exhibit A, except for easements which Owner will convey in the form also shown on Exhibit A. The provisions of this Section 5 shall survive Closing.

**6. OWNER DISCLOSURES CONCERNING ENVIRONMENTAL HAZARDS.** Owner represents and warrants that there are no claims and/or conditions known to Owner relating to environmental hazards, contamination or related problems affecting the Subject Property. Owner agrees to transfer the Subject Property free of all hazardous materials including paint, oil and chemicals. The provisions of this Section 6 shall survive Closing.

**7. CONDITION OF SUBJECT PROPERTY AND CHANGES DURING TRANSACTION.** Owner agrees to deliver the Subject Property being conveyed to the City in substantially the same general condition as it was on the date that Owner signed this Contract.

**8. AUTHORITY OF SIGNER(S).** If Owner is a corporation, partnership, trust, estate, limited liability company or other entity, the person signing this Contract on its behalf warrants his or her authority to do so and to bind the Owner.

**9. COMPLETE CONTRACT.** This Contract, together with any attached addendum and exhibits, (collectively referred to as the "Contract"), constitutes the entire contract between the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings or contracts between the parties whether verbal or otherwise. The Contract cannot be changed except by written agreement of the parties.

**10. ELECTRONIC TRANSMISSION AND COUNTERPARTS.** This Contract may be executed in counterparts. Signatures on any of the documents, whether executed physically or by use of electronic signatures, shall be deemed original signatures and shall have the same legal effect as original signatures.

**11. ADDITIONAL TERMS (IF APPLICABLE):**

**11.1 Approval by Governing Bodies.** This Agreement is not binding on either the City or the Owner until such time as it has been accepted and approved by the parties' respective city council and board of trustees.

[SIGNATURE PAGES TO FOLLOW]

**SIGNATURE PAGE TO WEST HAVEN CITY  
REAL ESTATE PURCHASE CONTRACT**

**CONSULTANT DISCLOSURE.** Owner acknowledges that Nadia Bakr, through Tanner Ridge Real Estate, is a consultant for the Acquiring Agency, and will receive compensation from the Acquiring Agency for providing Right of Way Acquisition services.

Authorized Signature(s):

**JORDAN VALLY WATER CONSERVANCY DISTRICT**

\_\_\_\_\_  
Jordan Valley Water Conservancy District

\_\_\_\_\_  
Date

**WEST HAVEN CITY**

D  
e

\_\_\_\_\_  
Shawn Warnke, West Haven City Manager

\_\_\_\_\_  
Date

**Exhibit A**  
**(Attach conveyance documents)**

WHEN RECORDED PLEASE SEND TO:

West Haven City Recorder  
4190 South 3900 West  
West Haven, Utah 84401

**WARRANTY DEED**

JORDAN VALLEY WATER CONSERVANCY DISTRICT, **GRANTOR(S)**, of 8215 South 1300 West, West Jordan, UTAH, hereby Conveys and Warrants to:

West Haven City a municipal corporation organized and existing under the laws of the State of Utah, **GRANTEE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described tract of land in Weber County, State of Utah:

A PART OF THE SOUTHWEST QUARTER OF SECTION 26 AND THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A SECTION CORNER MONUMENT LOCATED AT THE SOUTHWEST CORNER OF SAID SECTION 26; RUNNING THENCE ALONG THE SOUTH SECTION LINE OF SAID SOUTHEAST QUARTER OF SECTION 27 NORTH 89°10'03" WEST 40.00 FEET; THENCE NORTH 00°55'23" EAST 40.00 FEET; NORTH 89°10'05" **WEST** 7.00 FEET; THENCE NORTH 00°55'23" EAST 1288.08 FEET; THENCE SOUTH 89°09'03" EAST 33.00 FEET TO THE WEST SECTION LINE OF SAID SOUTHWEST QUARTER OF SECTION 26; THENCE ALONG SAID WEST SECTION LINE SOUTH 00°55'23" WEST 61.61 FEET; THENCE SOUTH 89°20'58" EAST 33.00 FEET; THENCE SOUTH 00°55'23" WEST 1266.43 FEET TO THE SOUTH SECTION LINE OF SAID SOUTHWEST QUARTER OF SECTION 26; THENCE ALONG SAID SOUTH SECTION LINE NORTH 89°23'59" WEST 33.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED LAND CONTAINS 85,898.97 SQUARE FEET.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY APPEARING OF RECORD OR ENFORCABLE IN LAW AND EQUITY AND GENERAL PROPERTY TAXES FOR THE YEAR 2024 AND THEREAFTER.

IN WITNESS WHEREOF, the **GRANTOR** has executed this Warranty Deed this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, 2024.

**JORDAN VALLEY WATER CONSERVANCY DISTRICT**

By: \_\_\_\_\_

Corey L. Rushton  
Chair, Board of Trustees

State of Utah )  
: ss  
County of Salt Lake )

On this \_\_\_\_\_, day of \_\_\_\_\_, 2024, personally appeared before me Corey L. Rushton, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is the Chair of the Board of Trustees of Jordan Valley Water Conservancy District and that said document was signed by him in behalf of said corporation by Authority of Resolution of its Board of Trustees, and said Corey L. Rushton acknowledged to me that said entity executed the same.

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## Notary Public

## STAFF REPORT

TO: Mayor and City Council

FROM: Shawn Warnke, City Manager

DATE: September 18, 2024

SUBJECT: Amendments to Consolidate Fee Schedule

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In the recent past, the City has assembled all of their fees into a consolidated fee schedule. This amendment includes the cost of replacing a key fob at the community center if the renter does not return the fob. Additionally, the amendments include fee policies to be used in administering the fee schedule.

Resolution No. 40-2024

**RESOLUTION OF WEST HAVEN CITY AMENDING THE CONSOLIDATED FEE SCHEDULE; AUTHORIZING THE MAYOR TO SIGN THE RESOLUTION; 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; and,

WHEREAS, the City Council has previously adopted, by Ordinance No. 26-2023, a consolidated fee schedule; and

WHEREAS, the City Council further provided in that ordinance that amendments to said consolidated fee schedule may be accomplished by resolution of the City Council; and

WHEREAS, it is necessary, at this time, to amend the consolidated fee schedule to add policies and procedures regarding fees to better serve the community; and

WHEREAS, the City Council finds that to do so will promote the health, welfare, safety and general well-being of the citizens and visitors of West Haven City and is in the best interest of the City;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST HAVEN AS FOLLOWS:**

**SECTION II. AMEND CERTAIN SECTIONS OF THE CONSOLIDATED FEE SCHEDULE**

1. That West Haven City Consolidated Fee Schedule shall be amended in numerous places as outlined in red on Attachment "A", attached hereto and incorporated herein. These amendments include the City Council authorizing the City Manager to waive or reduce fees and fines as they deem expedient.
2. All other provisions of the Consolidated Fee Schedule shall remain in full force and affect unless specifically amended hereby.
3. That the Mayor is authorized to sign this Resolution.
4. This resolution shall be effective immediately as allowed by law.

5. The foregoing Recitals are fully incorporated herein.

**SECTION III. PRIOR 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 18th day of September 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 18th day of September 2024.

WEST HAVEN CITY

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Mayor Rob Vanderwood

ATTEST:

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Emily Green, City Recorder

Mayor Rob Vanderwood	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	Yes _____	No _____

## **ATTACHMENT A**

Amended West Haven City Consolidated Fee Schedule  
Attached to **Resolution No. 40-2024**

## West Haven City Consolidated Fees & Fines Schedule

### Section 1 Fee Policies.

- 1.1 Waiving Fees & Fines.** The City Council delegates authority to the City Manager on a case-by-case basis to pardon, reduce, or rebate a fee to an individual or entity as they deem expedient for services provided to address unusual circumstances and other factors.
- 1.2 Waiving Fees to Other Governmental Entities.** The City Council delegates authority to the City Manager or Department Heads to waive fees as they deem expedient for services provided to other governmental entities.
- 1.3 Disputed Amount Regarding Fees.** Any disputed amount after the individual or entity has conferred with the City Staff may be disputed to the City Manager. The City Manager shall hear the dispute as de novo (meaning starting from the beginning: a new). After hearing the dispute, the City Manager shall determine if the bill was illegal, unequal, or unjust and shall reduce or rebate the bill accordingly. The City Manager is also granted discretion to consider additional factors in the dispute on a case-by-case basis and may pardon, reduce, or rebate their bill to an individual or entity's bill. Aggrieved individuals may appeal the City Manager's decision to the City Council, whose decision shall be final.
- 1.4 Electronic Fund Transfers.** West Haven City will not be responsible for electronically transferred funds until West Haven City receives the transfer.
- 1.5 Delinquent Fees & Financial Penalties Due.** The City shall monitor any amounts due and vigilantly pursue payments due via either a collection agency, small claims court, district court, or other legal remedies. The City may discontinue services for non-payment.
- 1.6 Individual or Entity in Default.** Individuals or entities shall remain in good standing with all amounts due and payable to the City paid as such amounts become due. Individuals or entities that are delinquent in payment of charges to the City shall be deemed in default, and future requests for services shall be delayed until the individual or entity has remedied the default.
- 1.7 Payments Made Under Protest.** Based on the specific circumstances surrounding when a payment is required and due, the City may accept or reject payments from individuals or entities when the payment is made under protest, based on counsel from the City Attorney.
- 1.8 Services Not Rendered.** Unless otherwise stated, if a service is not rendered, a Department Head may recommend that the fees paid by an individual or entity be returned. Thereafter, the City Manager shall decide if it is appropriate to return the fees. Aggrieved individuals may appeal to the City Manager's decision to the City Council.

**WEST HAVEN CITY CONSOLIDATED FEES & FINES SCHEDULE**

**Section 2 Consolidated Fees & Fines Schedule.**

<b>BUILDING/ENGINEERING</b>	<b>FINE AMOUNT</b>
<b>Excavation Fees</b>	
Basic Application Fee	\$150
Permit Renewal	\$75
Permit Extension	\$75
Reinspection fee	\$50
Working without a permit	\$500
Violation fee	\$1000
Street cut fee	\$2.50 per sq.ft.
Emergency fee (+ application \$150 and street cut fee \$2.50 sq.ft.)	\$500.00
3-10 year old road cut fee (+ application \$150 and street cut fee \$2.50 sq.ft.)	\$125
Bore pit fee (+ \$2.50 sq.ft. for pits 1 sq.ft. or greater)	\$100
Utility pothole	\$50
<b>Re-inspection Fees</b>	
Re-inspection fee	\$100
Fine for Scheduling Inspection Without Being Ready for Inspection	\$50
Occupying structure prior to obtaining Certificate of Occupancy	1% of permit value/per day
Stop Work Order-Building Projects Started Without a Permit	2X the permit fee
Removal of Building Non-Compliance	\$75
<b>BUSINESS LICENSING</b>	
Home Occupation	\$50
Temporary license (1 to 30 days)	\$50
Solicitor Permit	\$75
Home Day Care	
Level 1 – fewer than 8 children	\$50
Level 2 – 9 to 16 children	\$100
Commercial Day Care	\$200
Home Preschool – 12 students or less per class	\$100
Commercial Preschool	\$200
<b>Commercial Business</b>	

## WEST HAVEN CITY CONSOLIDATED FEES & FINES SCHEDULE

Minor – all businesses not classified as major or Big Box	\$200
Major - alcohol, convenience store, mobile home parks, motel, hotel, all businesses in M-1 and M-2 zones	\$1,000
Big Box – over 40,000 square feet gross floor area	\$2,000
<b>Beer Licenses</b>	
Class A – tavern and club	\$500
Class B – off premise - Convenience Store	\$200
Class C – on premise - Restaurants	\$200
<b>Late Fees for all Business Licenses</b> - 50% of price of license after Jan. 31	50% of price of license after January 31
<b>CODE ENFORCEMENT</b>	
Property Clean-up	Actual cost of work or contract
Non-Compliance Citation – may be waived with compliance agreement	\$100
Second citation in same calendar year - Automatic	\$100
Third Citation in same calendar year - Automatic	\$250
Forth Citation in same calendar year - Automatic	\$500
Administrative Cost	\$75
Inspector Cost /re-inspection	\$75
Removal of Lien	\$60
<b>COMMUNITY DEVELOPMENT</b>	
<b>Subdivision</b>	
Preliminary Filing Fee – 1 to 5 lots	\$500
Preliminary Filing Fee – 6 or more lots	\$500
Preliminary Per Lot Fee – 1 to 5 lots	\$50 per lot
Preliminary Per Lot Fee – 6 or more lots	\$50 per lot
Final Per Lot Fee – 1 to 5 lots	\$700 + \$25 per lot
Final Per Lot Fee – 6 or more lots	\$700 + \$75 per lot
Inspection Per Lot Fee – 1 to 5 lots	\$150
Inspection Per Lot Fee – 6 or more lots	\$150
Subdivision amendment	\$200 +\$25 per lot affected
Amended Preliminary Plat	\$200
Design Review Committee (DRC)	\$300
<b>Site Plan</b>	
<b>Apartments</b>	
Preliminary Per Building	\$500 + \$200 per building
Final Per Building	\$500 + \$250 per building
<b>Commercial</b>	
Preliminary Site Plan	Suggested: One fee \$500 + 50 per acre (0-5) \$1500+75 per acre (5.01-10 acres)

## WEST HAVEN CITY CONSOLIDATED FEES & FINES SCHEDULE

	\$2000+100 per acre (10.01-15 acres) \$3000 + 100 per acre (15.01+)
Final Site Plan	\$100
City review of Site Plan	\$250 per plan set
<b>Conditional Use Permit</b>	\$100 plus \$10.00 (1-5 acres) \$20.00 (5.01+ acres)
<b>Zoning Map Amendment</b>	
Residential	\$200 for 0-1 acres of project size, <b>plus</b> \$25 per acre on lots 1.01 to 5 acres of project size, or <b>plus</b> \$5 per acre on lots over 5 acres
Commercial	\$200 for 0-1 acres of project size, <b>plus</b> \$50 per acre on lots 1.01 to 5 acres of project size, or <b>plus</b> \$10 per acre on lots over 5 acres
MDA Concept Review	\$300
Annexation	Cost of postage for noticing
<b>GARBAGE COLLECTION SERVICES</b>	
First Garbage Can	\$14.15
Additional Garbage Cans	\$9.95 for each additional can
<b>LEGAL</b>	
Administrative Hearing	\$100
<b>Discovery Fees</b>	
Electronic delivery of media-video, audio, or pictures	\$25
Electronic delivery of Police or other written reports-longer than one page (more than one page citation alone)	\$5
Electronic delivery of citation (with notes)	Free
<b>MISCELLANEOUS FEES</b>	
<b>Community Room Rental</b>	
Resident	\$40 per hour + \$200 refundable deposit
Non-Resident	\$60 per hour + \$200 refundable deposit
Non-profit	\$20 per hour + \$100 refundable deposit
Maps (11" X 17")	\$3 per map
Records Request	\$.25 per page
<b>PARKS AND RECREATION</b>	
<b>Cemetery Fees</b>	
Residential Costs	
Plot Purchase (includes perpetual care) – flat area	\$550
Plot Purchase (includes perpetual care) – raised area	\$650
Opening/closing M-F	
Adult	\$400
Infant (2 years and younger)	\$250

## WEST HAVEN CITY CONSOLIDATED FEES & FINES SCHEDULE

Urn	\$200
Opening/closing weekend/holiday	
Adult	\$500
Infant (2 years and younger)	\$300
Urn	\$250
Disinterment	\$500
Non-Residential Costs	
Plot Purchase (includes perpetual care) – flat area	\$1,000
Plot Purchase (includes perpetual care) – raised area	\$1,100
Opening/closing M-F	
Adult	\$625
Infant (2 years and younger)	\$450
Urn	\$300
Opening/closing weekend/holiday	
Adult	\$750
Infant (2 years and younger)	\$550
Urn	\$400
Disinterment	\$800
Deed Reprint	\$35
Deed Transfer Fee	\$25
Monument Moving Fee	
Flat Stone	\$100
Upright Stone	\$250
<b>Community Center Fees</b>	
Rental Fee	\$50 per hour with a minimum of two hours + \$200 damage/cleaning deposit
Non-Resident Rental Fee	\$75 per hour with a minimum of two hours + \$200 damage/cleaning deposit
<b>Lost Key Fob</b>	<b>\$20</b>
<b>Arena Fees</b>	
Yearly Arena Rental (per time slot)	
Junior Posse, 4-H groups	\$400
Adult Horse Groups, no stock	\$500
Adult Horse Group, with stock	\$700
Arena – exclusive use	\$50 per hour
Arena – special events	\$75 damage/cleaning deposit
Additional grooming	\$45 per hr. advanced deposit
Saturday rental (non-profit)	\$250 per time slot
Saturday – stock charge (non-profit)	\$50
Saturday rental (Commercial groups)	\$500 per time slot
Saturday - stock charge (Commercial groups)	\$300
Weeknight rental (non-profit)	\$175
Weeknight – stock charge (non-profit)	\$50
Weeknight (Commercial groups)	\$300
Weeknight - stock charge (Commercial groups)	\$300

**WEST HAVEN CITY CONSOLIDATED FEES & FINES SCHEDULE**

<b>City Park Facility Fees</b>	
Concession Building	\$75 per day + \$100 damage/cleaning deposit
Park Pavilion Reservation Resident	\$50 per day + \$75 damage/cleaning deposit
	\$30 per half day + \$75 damage/cleaning deposit
Park Pavilion Reservation Non-Resident	\$100 per day + \$75 damage/cleaning deposit
	\$60 per half day + \$75 damage/cleaning deposit
Park Pavilion Reservation Business and 50+ Parties	\$100 per day + \$75 damage/cleaning deposit
	\$55 per half day + \$75 damage/cleaning deposit
<b>Prevedel Park Facility Fees</b>	
Prevedel Park Camping- Resident	\$20 per night, with a maximum of 2 consecutive nights + \$75 damage/cleaning deposit
Prevedel Park Camping- Non- Resident	\$25 per night, with a maximum of 2 consecutive nights + \$75 damage/cleaning deposit
<b>Field Fees</b>	
Baseball	
League	\$35 per field/day + \$15 per game + \$25 an hour for lights
Tournament	\$35 per field/day + \$20 per game + \$25 an hour for lights
Softball	
League	\$35 per field/day + \$15 per game + \$25 an hour for lights
Tournament	\$35 per field/day + \$20 per game + \$25 an hour for lights
Soccer/Lacrosse	
Youth league/non-profit	No fee
Adult League	\$30 per field/day + \$20 per game
Tournament	\$50 per field/day + \$20 per game
Tennis	\$10 per match
Volleyball	\$20 tournament fee/court + \$5 per match
<b>Recreation Program Participant Fees</b>	
Recreation Program Participant Fees	The Parks & Recreation Director, in coordination with the Recreation Supervisor, is authorized to determine and charge the cost of participant fees based on the estimated actual direct costs for each recreation program per estimated program participant numbers
Non-Resident Recreation Program Participant Fees	\$5.00 in addition to the Recreation Program Participant Fee established by the Parks & Recreation Director
<b>STORM WATER</b>	
Storm Water Permit Fees	

## WEST HAVEN CITY CONSOLIDATED FEES & FINES SCHEDULE

Flood Plain Development Permit	\$150
Stormwater Construction Activity Permit - MINOR	\$150
Stormwater Construction Activity Permit – MAJOR Includes permit review, approval, initial inspection, and 6 months of city inspections	\$500
Storm Water permit renewal	\$300
Outsourced Clean-up fee	Reimburse contractor costs + Administrative cost of \$75
<b>Control Measure Violation</b>	
Failure to develop any or adequate SWPPP/SWMP (BOC17)	\$500
Failure to apply/ working without NOI	\$250
Failure to gain a SW construction activity permit	\$250
Failure to maintain records (BOR41)	\$150
Failure to conduct inspections (BOR12)	\$150
Failure to implement SWPPP/SWMP (BOC18)	\$150
Failure to properly operate and maintain BMP's (BR19B)	\$150
Failure to properly install/implement BMP's (BR19A)	\$150
Failure to monitor (COR11)	\$150
Failure to apply for Notice of Termination (DOR18)	\$250
Re-inspection Fee	\$75
Illicit Discharge to City Storm Water	\$500 maximum
Violation of City MS4 permit	\$500 maximum
<b>TELECOMMUNICATIONS FRANCHISE FEE</b>	
Telecommunication Franchise Application	\$1,000