



WEST HAVEN CITY PLANNING COMMISSION AGENDA

December 11, 2024
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **DECEMBER 11, 2024 THE WEST HAVEN PLANNING COMMISSION WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **6:00 PM**: REGULAR PLANNING COMMISSION MEETING. JOIN US DIGITALLY FOR THE WORK SESSION AND COUNCIL MEETING AT ZOOM [HTTPS://US06WEB.ZOOM.US/J/86539464549](https://us06web.zoom.us/j/86539464549). WATCH LIVE AT [HTTPS://WWW.YOUTUBE.COM/@CITYOFWESTHAVENUTAH4030](https://www.youtube.com/@cityofwesthavenutah4030).**

6:00 PM REGULAR PLANNING COMMISSION MEETING

- 1. CALL TO ORDER BY CHAIRMAN ROUNDY**
- 2. OPENING CEREMONIES**
 - a. PLEDGE OF ALLEGIANCE- COMMISSION MEMBER GALT
 - b. PRAYER/MOMENT OF SILENCE BY COMMISSION MEMBER HEPWORTH
- 3. ACTION ON MINUTES**
 - a. APPROVE MINUTES FOR THE MEETING OF 11/13/2024.
- 4. REPORT**
 - a. ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS
- 5. PUBLIC HEARING**
 - a. TO CONSIDER A REQUEST TO REZONE PARCEL #084470001 & 084470002 FROM A-2 TO R-2.5
- 6. DISCUSSION AND ACTION ON PUBLIC HEARING**
 - a. TO CONSIDER A REQUEST TO REZONE PARCEL #084470001 & 084470002 FROM A-2 TO R-2.5
- 7. PUBLIC HEARING**
 - a. TO SOLICIT PUBLIC INPUT ON THE 2ND AMENDMENT TO THE WESTWOOD ESTATES DEVELOPMENT AGREEMENT
- 8. DISCUSSION AND ACTION ON PUBLIC HEARING**
 - a. TO SOLICIT PUBLIC INPUT ON THE 2ND AMENDMENT TO THE WESTWOOD ESTATES DEVELOPMENT AGREEMENT
- 9. PUBLIC HEARING**
 - a. TO SOLICIT PUBLIC INPUT TO CONSIDER AN AMENDMENT TO CERTAIN STANDARDS FOR SIGN REGULATIONS
- 10. DISCUSSION AND ACTION ON PUBLIC HEARING**

- a. TO SOLICIT PUBLIC INPUT TO CONSIDER AN AMENDMENT TO CERTAIN STANDARDS FOR SIGN REGULATIONS

11. PUBLIC HEARING

- a. TO SOLICIT PUBLIC INPUT TO CONSIDER AN AMENDMENT TO THE STANDARDS OF THE MIXED USE/MEDIUM/LOW DENSITY RESIDENTIAL, COMMERCIAL ZONE.

12. DISCUSSION AND ACTION ON PUBLIC HEARING

- a. TO SOLICIT PUBLIC INPUT TO CONSIDER AN AMENDMENT TO THE STANDARDS OF THE MIXED USE/MEDIUM/LOW DENSITY RESIDENTIAL, COMMERCIAL ZONE.

13. PUBLIC HEARING

- a. TO SOLICIT PUBLIC INPUT TO CONSIDER AN AMENDMENT TO THE STANDARDS OF THE ACCESSORY DWELLING UNIT ORDINANCE.

14. DISCUSSION AND ACTION ON PUBLIC HEARING

- a. TO SOLICIT PUBLIC INPUT TO CONSIDER AN AMENDMENT TO THE STANDARDS OF THE ACCESSORY DWELLING UNIT ORDINANCE.

15. DISCUSSION ON 2025 PLANNING COMMISSION SCHEDULE

- a. TO REVIEW 2025 PLANNING COMMISSION SCHEDULE

16. ADJOURNMENT

Robyn VanCampen

Robyn VanCampen, Deputy Recorder

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

CERTIFICATE OF POSTING

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

Rules Governing Public Hearings

- Each speaker will be limited to a single opportunity to speak and shall direct comments only to the Commission.
- Such opportunity may not exceed two (2) minutes, as has been determined by the Chair, as outlined in Resolution 28-2021
- In accordance with Resolution 28-2021, the Chair may refuse to recognize or may exclude from the public hearing anyone who:
 - o Is disorderly, abusive, or disruptive;
 - o Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing;
 - o Comments without first receiving recognition from the Chair and stating his/her full name and residence; or
 - o Presents irrelevant, immaterial, or repetitious evidence.
- Comments and questions raised by speakers will not be addressed or answered by Staff or Commissioners during the hearing but will be addressed upon conclusion and closure of the hearing.



Planning Commission Meeting Minutes
November 13, 2024 6:00 PM

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

Planning Commission Attendees:

Chairman Roundy	Vice Chairman Reyna
Commission member Stimpson	Commission member Reed (via Zoom)
Commission member Galt	Commission member Hepworth
Commission member LaMar	Amy Hugie/Planner
Robyn Van Campen/ Deputy Recorder	

6:00 PM REGULAR PLANNING COMMISSION MEETING

1. CALL TO ORDER BY CHAIRMAN ROUNDY

Meeting began at 6:00 pm.

2. OPENING CEREMONIES

- a. PLEDGE OF ALLEGIANCE- COMMISSION MEMBER STIMPSON
- b. PRAYER/MOMENT OF SILENCE BY COMMISSION MEMBER LAMAR

3. ACTION ON MINUTES

- a. APPROVE MINUTES FOR THE MEETING OF 10/23/2024.

Commission member Galt advised that the last paragraph in item #3 needs to be reworded to make more sense. Change last sentence to reflect On item 5 the voting reflects he voted "Aye" and he actually voted "Nay".

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

AYES: Commission member Roundy, Vice-Chairman Reyna, Commission member Stimpson, Commission member Reed, Commission member Galt, Commission member Hepworth, Commission Member LaMar

NAYS:

ABSENT:

4. REPORT

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

Amy Hugie advised the commission members that City Council approved the Walmart preliminary site plan and also the road vacation of Hunter Drive.

5. DISCUSSION AND ACTION ON A FINAL SITE PLAN FOR AN AUTO BODY SHOP AND EDUCATIONAL INSTITUTION

- a. A FINAL SITE PLAN APPROVAL FOR BLAINE WILLARDSSEN LOCATED AT APPROXIMATELY 3747 MIDLAND DRIVE (PARCEL #080220017 AND PARCEL #080220042 APPLICANT BLAINE WILLARDSSEN)

Amy Hugie updated the commission members of the update to this project. Elite Customs has received fire approval and engineering approval. The parking regulations will need to be discussed to see if the amount of parking stalls required can be reduced, due to the use of the building. Right now they should have 88, however, 88 is too many due to the use the building will have. The landscape/parking has been updated. The project will have 2 phases, right now will only be 1 phase. The current sign requirements are 15% of the square footage of wall space or a maximum of 60 square feet. Amy and Garth would like to amend the sign ordinance at a future meeting to take out the maximum 60 square footage it should have taken out when the sign ordinance was originally reviewed. Elite Customs is requesting that the landscaping only consist of rock and boulders because Weber Basin doesn't have a secondary water line installed on this parcel. The building site layout is compliant with the facade and the primary & secondary materials and the architectural features. Staff is recommending that it be a condition for the final approval that they enact cross-access easements between the two adjacent properties. The current owner owns both parcels. Parking stalls originally at the preliminary were 19 stalls.

Blaine Willardson/Petitioner was present – the sign that will be displayed will be the sign that was original on the old building.

Commission member Stimpson made a motion to grant final approval of the commercial site plan for Elite Customs, Parcel #080220017 and #080220042, in West Haven, subject to the following recommendations by staff in the staff report and there were 5 recommendations in there. **Vice-Chairman Reyna** seconded the motion.

Commission member Stimpson made a motion to amend my original motion to add that the Planning Commission would approve of the parking on the site plan that was submitted by the petitioner as is adjusting the parking requirement. **Vice-Chairman Reyna** seconded the motion.

AYES: Commission member Roundy, Vice-Chairman Reyna, Commission member Stimpson, Commission member Reed, Commission member Galt, Commission member Hepworth, Commission Member LaMar

NAYS:

ABSENT:

6. DISCUSSION AND ACTION FOR PRELIMINARY SITE PLAN APPROVAL FOR AN ELECTRICAL AND HEATING APPLIANCES AND FIXTURE SALES AND SERVICES

- a. PRELIMINARY SITE PLAN APPROVAL FOR AN ELECTRICAL AND HEATING APPLIANCES AND FIXTURE SALES AND SERVICES LOCATED AT APPROXIMATELY 2231 W 1800 S PARCEL #150710001 & 150710030. (APPLICANT LWE/AGENT CHAD BAILEY)

Individuals present:

Tucker Jardine/Petitioner

Jim Flint/Engineer (listed on application)

Amy Hugie gave a brief summary. This was original tabled (August) due to an incomplete application there was no landscaping & sign plan, and there was an access issue. These issues have since been resolved. Sign plan is the size that is required by the current sign regulations, the access road was was changed due to not knowing if that other road is going in and so we required them to make the temporary road a permanent access into the site.

The landscaping plan has been submitted and meets city requirements it shows the percentages and types of plants going in. There are breaks in the facade and the type of materials they will be using fits our design requirements. There is an issue that there is not detailed fencing shown other than security fencing between the site and residential lots and

before final can be given that buffering and fencing needs to be address along with the final landscaping plan, dumpster issue was completed.

There was an additional issue that was discovered. The petitioner accidentally filled out the affidavit part of the site plan and design review application and they had incorrectly checked both boxes and the application needs to be amended. Currently the application is showing that they are not agreeing to be bound by the requirements. To make sure that we have an accurate record, the application needs to be filled out correctly.

The staff recommendations are that before the final approval can be given that they submit a lighting plan for both onsite and street lights, that the fencing and buffering from the adjacent residential properties be dealt with, that they submit the access easement legal description for the city engineer to review and approve, that they submit all civil drawings to receive the city engineer's approval of all site plan designs. Petitioner shall submit all required Will Serve Letters to the city, fix the site plan & design review application, or that they address any objection that they have for the process, if a traffic study if the commission deems that necessary for final. Staff is showing that they should be granted preliminary approval subject to the conditions recommended by staff for the final.

Tucker Jardine – application was completed incorrectly. They will correct the application. The site lighting and street lighting, he stated he does believe they would be required to have street lighting as they only have 33 feet of frontage. They are still waiting for Ed/City Engineers comments so they can address those. The road needs to be one or the other either we have permanent access and we comply with it or the road goes in and it becomes another access point. He plans to put lighting along that access road with full cut off shields on both sides so it will be straight down lighting. Mr. Jardine mentioned that there was original 2 parcels. He also addressed the easement issue that Commission member Galt had mentioned, stating that he has been deeded and have increased the width of it to satisfy the fire marshals requirements. A semi-truck will be delivering weekly a box truck will deliver on average once a day.

Commission Hepworth had a concern that on 1800 if the Ed would require a street light there since that is going to be your permanent where there isn't an estimate time on the new road. Advised this site will always be zoned Commercial (responding to Commission member Galt concern). Questioned if there was one parcel.

Commission Stimpson- had a comment for staff regarding detrimental impacts which is lighting so we are asking for him to control his lighting but to add lighting their street.

Commission member Galt mentioned that he was conflicted because on one hand it's a good use of the land, on the other hand is what we are doing is putting the access road through a residential area. In the prior meeting he was under the impression that there was easement issue.

Geneva Blanchard advised the commission that Mr. Jardine had to pick whether the property was going to be Commercial or Agricultural. He selected Commercial which rezoned the entire parcel. She advised that a traffic study would not go off of the information needed, it would go off the current situation.

Commission member Reed asked how many semi-trucks and how frequent will they be delivering to this site. He recommends a traffic study.

Jim Flint advised a traffic study usually deals with volume and those kind of aspects, this project is not going to be a high volume operation so having the traffic study isn't going to be applicable in this case, the big thing is going to be the big truck maneuverability diagrams. Which is what led to the 10 extra feet.

Commission member Stimpson – agreed that maybe we need a traffic analysis.

Commission member Hepworth made a motion to grant preliminary approval of the commercial site plan for LWE located at approximately 2231 W 1800 S West Haven parcels #150710001 & #150710030 subject to the conditions recommended by staff in the staff report

with the exception of the traffic analysis that will be left up to the City Engineer if deemed necessary. **Vice-Chairman Reyna** seconded the motion.

AYES: Commission member Roundy, Vice-Chairman Reyna, Commission member Stimpson, Commission member Reed, Commission member Galt, Commission member Hepworth, Commission Member LaMar

NAYS:

ABSENT:

7. **DISCUSSION AND ACTION ON PRELIMINARY & FINAL SITE PLAN APPROVAL FOR COMMERCIAL RESTAURANT WITH DRIVE THROUGH**

- a. A PRELIMINARY & FINAL SITE PLAN APPROVAL FOR A FREESTANDING COMMERCIAL RESTAURANT WITH DRIVE THROUGH LOCATED AT APPROXIMATELY 3000 W 4000 S PARCEL #08-029-0090. (APPLICANT CFT NV DEVELOPMENTS/AGENT HENRY C.KLOVER)

Individual's Present:

Xavier Gavin/H.C. Klover Architect (via Zoom)

Amy Hugie briefed the commission on the status of the Site Plan. It meets the parking regulations, the parking proposed parking stalls are the right size and the right number, the sign plan complies with the ordinance, the landscaping appears to satisfy all the requirements it will have trees, decorative rocks, bushes, and grasses. The building layout, there are breaks in the facade, the materials that they are proposing to use meets the design review criteria and the architectural features. They have complied with everything that is required under the code for preliminary and final site plan approval at the same time. Prior to the building permit submittal, they will just need to provide the city with the Final site construction drawings and the culinary and sewer letters of availability and service all other will serve letters have been received. This parcel has already been annexed in to the Central Weber Sewer District.

Commission member Hepworth asked when they are looking to break ground.

Xavier Gavin stated possible late spring/early summer 2025. Typically, it takes about a year to complete the project.

Melinda Stimpson made a motion to grant preliminary and final approval of the commercial site plan for Panda Express located at approximately 3042 W 4000 S parcel #087060001 West Haven subject to the conditions recommended by staff in the staff report.. **Jeff Reed** seconded the motion.

AYES: Commission member Roundy, Vice-Chairman Reyna, Commission member Stimpson, Commission member Reed, Commission member Galt, Commission member Hepworth, Commission Member LaMar

NAYS:

ABSENT:

8. **ADJOURNMENT**

Commission member Hepworth made a motion to adjourn. **Vice-Chairman Reyna** seconded the motion. Meeting adjourned at 7:21 pm.

AYES: Commission member Roundy, Vice-Chairman Reyna, Commission member Stimpson, Commission member Reed, Commission member Galt, Commission member Hepworth, Commission Member LaMar

NAYS:

ABSENT:

Robyn Van Campen

DRAFT

Planning Commission
Staff Review Memo
December 11, 2024



Rezone 9.88 Acres of Property from A-2 to R-2.5

Request: To rezone 9.88 Acres from A-2 to R-2.5
Property Address: Parcels # 084470001 and 084470002
Property Zone: A-2(Agriculture)
Property Size: 9.88 acres
Applicant: Jay R. Hancock & Deborah L Hancock Family Trust
Keven and Charlotte Starkey

Agent Derek Terry & Garrett Seely

Governing Document(s): WHC General Plan
Decision Type: Legislative Recommendation
Staff Recommendation: Recommend approval to the Council

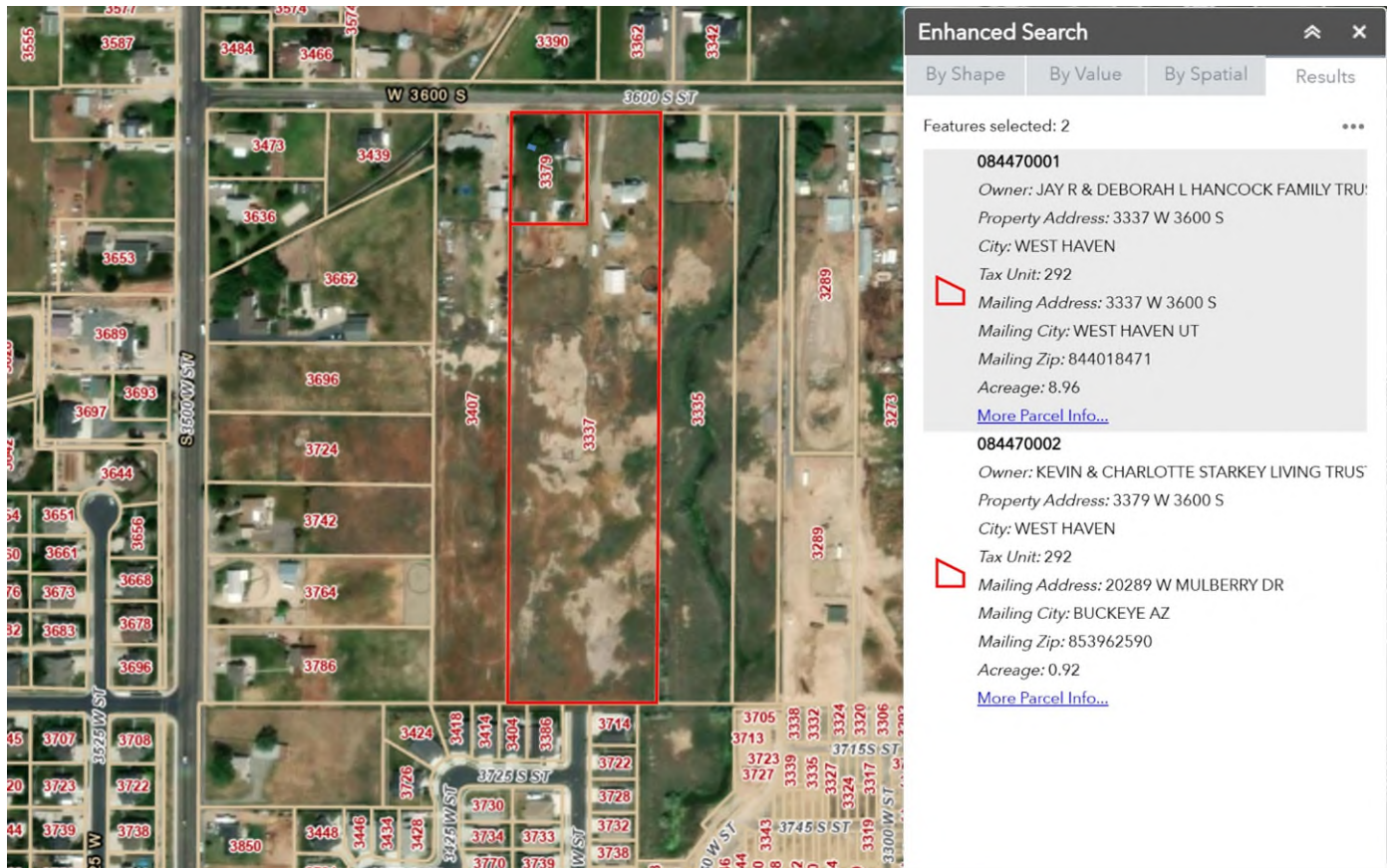
Public Hearing Posting: The public hearing was noticed and posted on November 21, 2024

Background

The applicants own 9.88 acres of property (highlighted in red on the map below) at 3337 W 3600 S. They have filed a Zoning Map Amendment Application with the City to rezone the listed parcels from A-2 to R-2.5. This zone change could allow the applicant to develop approximately twenty-four single-family homes.

Surrounding Properties

Direction	Zone	Current Use
North	A-2 and R-2	Single Family Homes
East	A-2	Single Family Homes and vacant and agricultural land
South	Mixed Use and A-2	Single Family Homes and Townhomes
West	A-2	Single Family Homes



Primary Zone Differences

Each zone has different development standards, which are described in West Haven City Code Sections [A-2 Zone 157.255-263](#) and [R-2.5 Zone \(Residential\) 157.140-149](#).

A-2 Zones defined purpose and preferred use are as follows:

§ 157.255 PURPOSE AND INTENT.

The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural should be promoted and preserved.

(Prior Code, § 18.02) (Ord. 2-92, passed - -1992)

§ 157.256 AGRICULTURE PREFERRED USE.

Agriculture is the preferred use in Agricultural Zone A-2. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.

(Prior Code, § 18.04) (Ord. 2-92, passed - -1992)

While the R-2.5 purpose is defined as follows:

§ 157.140 PURPOSE AND INTENT.

*To provide for areas in appropriate locations where quiet, residential neighborhoods may be established and protected. The regulations of this Zone are designed to promote compatible land uses consistent with a suburban environment enjoyed by residents within the Zone. With proper controls that ensure the integrity of the Zone, alternate forms of residential living are provided for by allowing flexibility in housing type, preference, and cost.
(Prior Code, § 10.08.010) (Ord. 2-92, passed --1992; Ord. 36-2019, passed 11-6-2019)*

The primary difference between the two zones is density and preferred use. R-2.5 would allow “no more than two and one-half residential units per acre” with a minimum lot size of 10,000 sq. ft. with 16,000 sq. ft for lots contiguous to an A-1, A-2, or R-1 Zones, which would apply if the zone change were granted (See WHC Code 157.143).

A-2 would permit one single-family dwelling for every two acres, with a minimum lot size of 40,000 sq. ft. This zone also permits most agriculture activities.

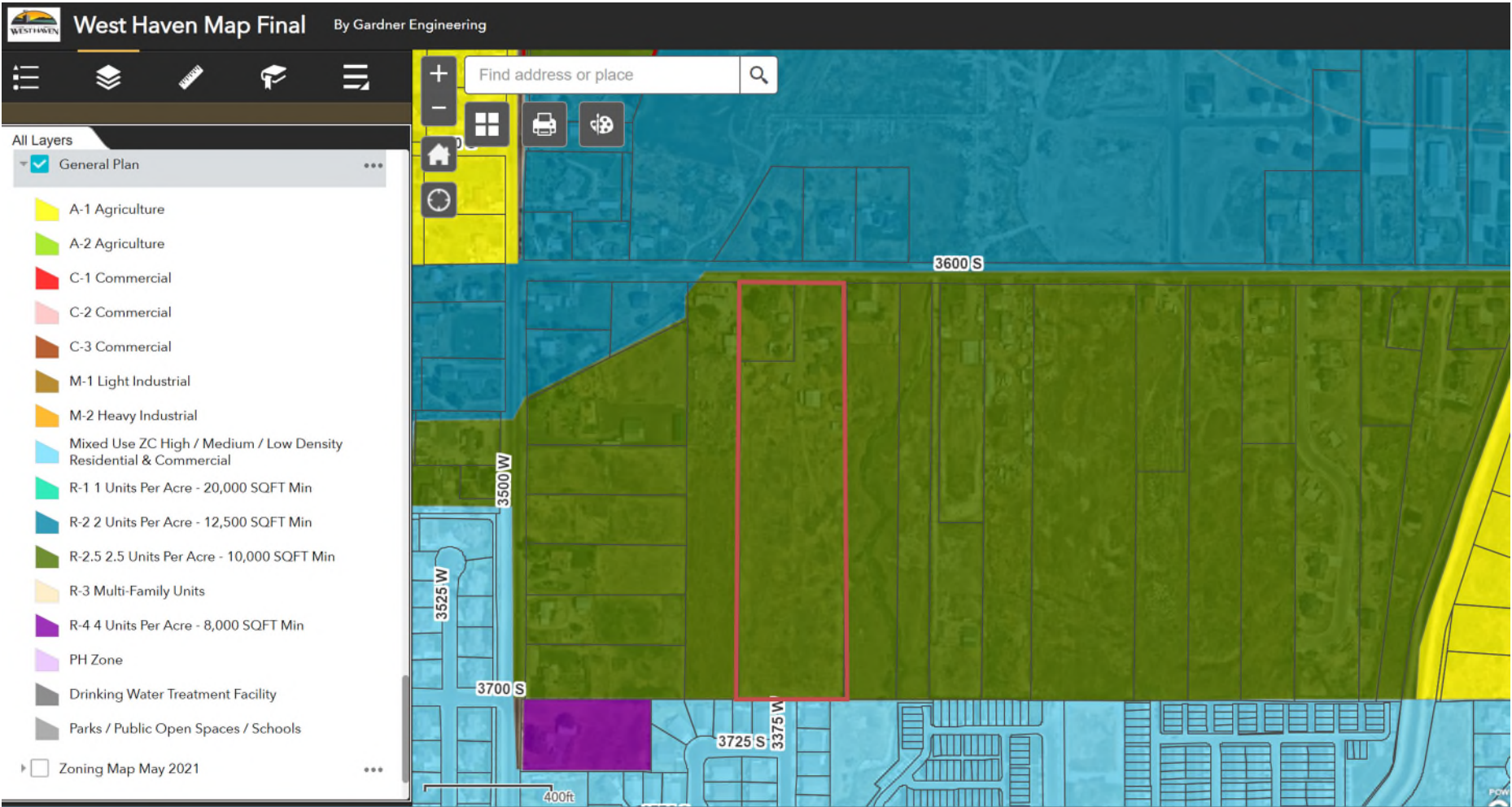
Staff Findings

1. The General Plan Map has this property labeled as R-2.5 2.5 units an Acre (see attached map below)
2. Notices were posted on November 21, 2024

Suggested Motion

*“Motion to recommend to the City Council to **Approve** the Hancock Family Trust and Starkey Rezone, Parcels: 084470001 and 084470002, finding the application conforms with the General Plan.*

General Plan Map



Zoning Map





ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission

4150 S 3900 W West Haven, UT 84401

801-731-4519

Existing Zone A-2 Proposed Zone R-2.5 No. of acres/Sq. Ft. 9.88

Property Address 3337 W 3600 S Parcel # 084470001 & 084470002

What use is requested Dwellings, single-family

Owners Name Jay R Hancock & Deborah L Hancock Family Trust

Agent Name Derek Terry & Garrett Seely

Signed: Deborah L Hancock

(Owner/Petitioner)

Date: 10/21/24

I authorize Derek Terry & Garrett Seely to act as my representative in all matters relating to this application.

Deborah L Hancock
(Owner)

Derek Terry & Garrett Seely

(Agent as Authorized by Owner)

State of Utah)

§

County of Weber)

On this 21 day of October, in the year 2024, before me,

Charis Sully

a notary public, personally appeared Deborah Hancock and Jay Hancock proved on the basis of satisfactory

name of document signer

evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal.

Charis Sully



CHARIS SULLY
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 724002
COMM. EXP. 04-06-2028



ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission

4150 S 3900 W West Haven, UT 84401

801-731-4519

Existing Zone A-2 Proposed Zone R-42.5 No. of acres/Sq. Ft. 9.88

Property Address 3337 W 3600 S

Parcel # 084470001 & 084470002

What use is requested Dwellings, single-family

Owners Name Kevin & Charlotte Starkey

Agent Name Derek Terry & Garrett Seely

Signed:

[Signature]
(Owner/Petitioner)

Date:

10/21/24 10/21/2024

I authorize
to this application

Derek Terry & Garrett Seely

to act as my representative in all matters relating

[Signature]
(Owner)

Derek Terry & Garrett Seely
(Agent as Authorized by Owner)

State of T.W. (T.W.) Arizona

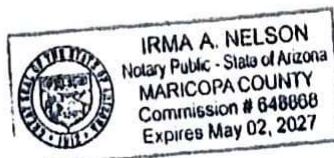
County of Maricopa

On this 21 day of October, in the year 2024, before me,
Irma A. Nelson

a notary public, personally appeared Kevin Wayne Starkey, proved on the basis of satisfactory
Charlotte Ann Starkey evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they)
executed the same.

Witness my hand and official seal.

Irma A. Nelson



Planning Commission Staff Review Memo

December 11, 2024



Westwood MDA-2nd Amendment

Background

The City entered into a Master Development Agreement (MDA) for Westwood Subdivision on June 16, 2021. While printing the plat for Phase 1 for this subdivision, there were questions about the required setbacks seeing that the MDA did not give specifics on what the setbacks should be. Phase 1 has been recorded.

The MDA reads as follows, ***“LOT DEVELOPMENT STANDARDS. Lot size and width, setbacks, building height, lot coverage, and cul-de-sac lengths for each lot shall be as set forth in the City Ordinances for similar sized lots and as may be shown on the Plans. Lot size shall be based upon the total buildable area for such lot, excluding any easement area shown on the Plans encumbering such lot”***.

In January 2024, the City entered into a 1st Amendment of the MDA to deal with the setbacks for Phase 1. However, in the City Council meeting, the City Council requested that the setbacks for the other phases (Phase 2A, 2B, and 3) also be dealt with in another amendment.

Analysis

Attached is the proposed 2nd Amendment with tables showing the setbacks for Phases 2A, 2B, and 3. These phases have not been recorded yet. However, the plats that are attached to the 2nd Amendment have been approved and just need to be signed by the City and recorded. Staff has looked over the setbacks and approves of them. They follow the requirements for similar sized lots in the City, specifically R2 and patio lots, and follow what was approved for Phase 1.

Proposed Motion

Suggested motion: “I make a motion to recommend approval to the City Council for this Second Amendment to the Westwood Subdivision Master Development Agreement”

RECORDING REQUESTED BY &
AFTER RECORDING, RETURN TO:

Emily Green, City Recorder
West Haven City
4150 S. 3900 W.
West Haven, UT 84401

With a copy to:

RSET Development, LLC
2637 North 400 East, #127
North Ogden, UT 84414

And:

Meritage Homes of Utah, Inc.
9815 South Monroe Street, Suite 103
Sandy, Utah 84070

Tax Parcel Nos.: 08-029-0021, 08-029-0071

(space above for Recorder's use)

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT
Westwood Estates Subdivision

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (this “**Second Amendment**”) is made and entered into as of this ____ day of _____ 2024 (the “**Second Amendment Effective Date**”), by and between RSET DEVELOPMENT, LLC, a Utah limited liability company (“**Developer**”), MERITAGE HOMES OF UTAH, INC., an Arizona corporation (“**Co-developer**”; collectively with Developer, the “**Developers**”), and the CITY OF WEST HAVEN, a body corporate and politic of the State of Utah (“**City**”). The Developers and City shall at times be referred to herein individually as “**Party**” and collectively as “**Parties**.”

RECITALS

A. City and Developer entered into that certain Development Agreement approved by the City Council on June 16, 2021, as Ordinance No. 20-2021, which Development Agreement was recorded on August 2, 2021, as Entry No. 3172491, in the office of the Weber County Recorder (the “**Development Agreement**”).

B. City and Developer entered into that certain First Amendment to Development Agreement approved by the City Council on January 17, 2024, as Ordinance No. 03-2024, which First Amendment to Development Agreement was recorded on January 30, 2024, as Entry No. 3312773 in the office of the Weber County Recorder (the “**First Amendment**”).

C. The Development Agreement, as amended by the First Amendment, affects certain real property located in Weber County, Utah, as legally described on Schedule 1 attached hereto and incorporated herein by reference (the “**Property**”).

D. Pursuant to the Purchase and Sale Agreement and Joint Escrow Instructions dated November 6, 2023, as amended, by and between Developer and Co-developer, Developer conveyed to Co-developer a portion of the Property subject to the Development Agreement prior to recordation of the First Amendment. However, the First Amendment erroneously omitted Co-developer as a party thereto.

E. City and the Developers now desire to (i) add Co-developer as a party to the Development Agreement, and (ii) further amend the Development Agreement as provided for herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree to amend the Development Agreement as follows:

1. **Recitals; Defined Terms.** The recitals above are hereby incorporated herein by this reference as if fully set forth in this Section. All capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Development Agreement.

2. **Co-Developer.** Co-Developer, as an owner of a portion of the Property, is hereby added as a party to the Development Agreement and retroactively provides its consent to the recordation of the First Amendment.

3. **Lot Development Standards.** The Parties hereby acknowledge that Section 6 of the Development Agreement as previously amended by the First Amendment including Schedule 1 attached thereto relate specifically to Phase 1 of the Project. Section 6 of the Development Agreement is hereby further amended to include the following paragraph that specifically addresses the lot development standards for Phases 2A, 2B, and 3 of the Project:

Except as otherwise set forth on the table attached hereto as Schedule 2, lot size and width, setbacks, building height, lot coverage, and cul-de-sac lengths for each lot in Phases 2A, 2B, and 3 shall be as set forth in the City Ordinances for similar sized lots and as may be shown on the Plans. Lot size shall be based upon the total buildable area for such lot, excluding any easement area shown on the Plans encumbering such lot.

4. **Plans.** For reference purposes, a copy of the Plans is reattached hereto as Schedule 3.

5. **Confirmation.** Except as amended and revised by this Second Amendment, all terms and conditions in the Development Agreement remain unchanged and in full force and effect. In the event of any conflict between the terms of this Second Amendment and the Development Agreement, this Second Amendment shall control. This Second Amendment may be executed in counterparts, each of which shall constitute an original, but all of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, Developer, Co-developer and City have executed this Second Amendment as of the Second Amendment Effective Date.

[Signatures and Acknowledgements Follow]

DEVELOPER:

RSET DEVELOPMENT, LLC,
a Utah limited liability company

By: _____
Name: Eric Thomas
Its: Member/Manager

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this ____ day of _____ 202__,
by Eric Thomas as Manager of RSET DEVELOPMENT, LLC, a Utah limited liability company.

Notary Public

CO-DEVELOPER:

MERITAGE HOMES OF UTAH, INC.,
an Arizona corporation

By: _____
Name: _____
Its: _____

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this ____ day of _____ 202__,
by _____ as _____ of MERITAGE HOMES OF
UTAH, INC., an Arizona corporation.

Notary Public

CITY:

CITY OF WEST HAVEN,
a body corporate and politic of the State of Utah

By: _____

Name: _____

Its: _____

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this ____ day of _____ 202__,
by _____ as _____ of CITY OF WEST HAVEN, a body
corporate and politic of the State of Utah.

Notary Public

SCHEDULE 1

(Legal Description of the Property)

WESTWOOD ESTATES SUBDIVISION PHASE 1

A TRACT OF LAND THAT IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE QUARTER SECTION LINE, SAID POINT BEING NORTH 00°49'53" EAST ALONG SAID QUARTER SECTION LINE 323.40 FEET FROM THE CENTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°15'20" WEST ALONG THE NORTH LINE AND EXTENSION THEREOF MIKES WEST WOOD SUBDIVISION RECORDED JUNE 17, 2004 AS ENTRY NO. 2038096 IN BOOK 60 OF PAGE 4 IN THE WEBER COUNTY RECORDER'S OFFICE, A DISTANCE OF 300.00 FEET; THENCE S. 00°49'58" WEST ALONG THE WEST LINE OF SAID MIKES WEST WOOD SUBDIVISION 290.40 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 3600 S. STREET; THENCE NORTH 89°15'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 546.60 FEET; THENCE NORTH 00°31'21" EAST 1791.27 FEET; THENCE S. 89°13'35" EAST 856.26 FEET TO SAID QUARTER SECTION LINE; THENCE S. 00°49'53" WEST ALONG SAID QUARTER SECTION LINE 1500.40 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,437,809.81 SQ/FT OR 33.01 ACRES

WESTWOOD ESTATES SUBDIVISION PHASE 2A

A TRACT OF LAND THAT IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 3600 SOUTH STREET, SAID POINT BEING NORTH 00°49'53" EAST ALONG THE QUARTER SECTION LINE 33.00 FEET AND NORTH 89°15'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 846.61 FEET FROM THE CENTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°15'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 566.61 FEET TO THE SOUTHEAST CORNER OF THE WESTWOOD SUBDIVISION FIRST AMENDMENT RECORDED OCTOBER 3, 2013 AS ENTRY NO. 2658394 IN BOOK 74 AT PAGE 70 IN THE WEBER COUNTY RECORDER'S OFFICE; THENCE ALONG THE EAST, NORTH AND WEST LINES OF SAID WESTWOOD SUBDIVISION FIRST AMENDMENT THE FOLLOWING FOUR (4) COURSES: NORTH 00°44'40" EAST 290.00 FEET; THENCE NORTH 89°15'20" WEST 428.26 FEET; THENCE SOUTH 30°45'59" WEST 169.17 FEET; THENCE SOUTH 33°59'40" WEST 171.63 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 89°15'20" WEST 256.98 FEET TO THE EXTENSION OF THE BERRY SUBDIVISION RECORDED AUGUST 11, 2015 AS ENTRY NO. 2750290 IN BOOK 77 AT PAGE 88 IN THE WEBER COUNTY RECORDER'S OFFICE; THENCE NORTH 00°53'10" EAST ALONG THE WEST LINE AND EXTENSION THEREOF SAID BERRY SUBDIVISION 431.99 FEET; THENCE NORTH 20°15'27" EAST 257.74 FEET; THENCE SOUTH 69°44'33" EAST 130.00 FEET; THENCE SOUTH 20°15'27" WEST 22.77 FEET; THENCE SOUTH 69°44'33" EAST 60.00 FEET; THENCE SOUTH 89°15'20" EAST 710.42 FEET; THENCE NORTH 00°44'40" EAST 120.00 FEET; THENCE NORTH 01°42'08" WEST 60.05 FEET; THENCE

NORTH 00°44'40" EAST 120.00 FEET; THENCE SOUTH 89°15'20" EAST 88.09 FEET; THENCE NORTH 00°44'40" EAST 59.42 FEET; THENCE SOUTH 89°15'20" EAST 372.33 FEET; THENCE SOUTH 00°31'21" WEST 949.42 FEET TO THE POINT OF BEGINNING.

CONTAINS 858,720.86 SQ/FT OR 19.71 ACRES

WESTWOOD ESTATES SUBDIVISION PHASE 2B

A TRACT OF LAND THAT IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 89°15'20" WEST ALONG THE QUARTER SECTION LINE 1308.09 FEET AND NORTH 00°44'40" EAST 622.99 FEET FROM THE CENTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°15'20" WEST 712.54 FEET; THENCE NORTH 69°44'33" WEST 56.00 FEET; THENCE NORTH 20°15'29" EAST 23.48 FEET; THENCE NORTH 69°44'33" WEST 132.00 FEET; THENCE NORTH 20°15'27" EAST 334.12 FEET; THENCE SOUTH 69°44'33" EAST 188.00 FEET; THENCE SOUTH 20°15'27" WEST 8.62 FEET; THENCE SOUTH 69°44'33" EAST 86.64 FEET; THENCE SOUTH 89°15'20" EAST 511.75 FEET; THENCE SOUTH 00°44'40" WEST 122.00 FEET; THENCE SOUTH 01°52'36" EAST 56.06 FEET; THENCE SOUTH 00°44'40" WEST 122.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 262,887 SQ/FT OR 6.04 ACRES

WESTWOOD ESTATES SUBDIVISION PHASE 3

A TRACT OF LAND THAT IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 89°15'20" WEST ALONG THE QUARTER SECTION LINE 846.43 FEET AND NORTH 00°31'21" EAST 982.42 FEET FROM THE CENTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°15'20" WEST 372.33 FEET; THENCE SOUTH 00°44'40" WEST 59.42 FEET; THENCE NORTH 89°15'20" WEST 599.84 FEET; THENCE NORTH 69°44'33" WEST 84.64 FEET; THENCE NORTH 20°15'27" EAST 8.62 FEET; THENCE NORTH 69°44'33" 190.00 FEET; THENCE NORTH 20°15'27" EAST 850.73 FEET; THENCE SOUTH 89°13'35" EAST 940.74 FEET; THENCE SOUTH 00°31'21" WEST 841.83 FEET TO THE POINT OF BEGINNING.

CONTAINS 956,581.00 SQ/FT OR 21.96 ACRES

Tax Parcel Nos.: 08-029-0021, 08-029-0071

SCHEDULE 2

(Setback, Easement and Height Table – Phases 2A, 2B, and 3 Lots)

SETBACKS FOR LOTS 201–236 – Phase 2A

- Front: 25 feet
- Side: 8 feet each side/16 feet total
- Rear: 22 feet
- Corner: 20 feet

SETBACKS FOR LOTS 237–254 – Phase 2B

- Front: 25 feet
- Side: 8 feet each side/16 feet total
- Rear: 22 feet
- Corner: 20 feet

SETBACKS FOR LOTS 301–349 – Phase 3

- Front: 25 feet
- Side: 8 feet each side/16 feet total
- Rear: 22 feet
- Corner: 20 feet

MUNICIPAL UTILITY EASEMENTS

- Front, Rear & Corner: 10 feet
- Side: 5 feet each side/10 feet total

MAXIMUM BUILDING HEIGHT: Shall not exceed 35 feet

SCHEDULE 3

(Plans)

See attached.

Planning Commission Staff Review Memo

December 11, 2024



Amending the Sign Ordinance

Staff Recommendation: See comments below

Background

The Sign Ordinance (§157.755-§157.761) has been updated several times over the last several years. Recently, it has been brought to the attention of staff that there are several issues with the Sign Ordinance that need to be remedied. These issues are as follows:

Issues

- 1. Wall Signs Limited to a Maximum of 60 Square Feet:** In §157.759(B) of the Sign Ordinance, there is a table which outlines the specifications of different signs. The table also gives maximum sizes. Recently, staff discovered that in the wall sign section it outlines that a sign can be 15% of a wall surface. However, it also shows the following, “(max 60 sq. ft.)”. This would mean that even if there was a huge commercial building then they could only have a 60 sq. ft. wall sign. This is true even though 15% of a wall surface would allow the applicant to have a bigger sign than 60 sq. ft. Staff made this discovery while reviewing several projects that have big commercial buildings. This 60 sq. ft. max requirement would make the sign look disproportionately small on the applicant’s building. The requirement of a maximum of 15% of a wall surface is more proportionate, reasonable, and better looking aesthetically. Staff is asking that the “max 60 sq. ft.” be removed from the City Code.
- 2. Clarification of §157.759(Q):** In §157.759(Q), there is language regarding wall signs and a reference of square footage listed in a section above. Staff, along with Dan Tanner - the City Code Enforcement Officer, have reviewed this along with the proposed change in §157.759(B) regarding wall signs and wish to put clarifying language regarding this section to make it easier to enforce.
- 3. Adjustment of Sign Requirements:** In §157.756(H), the language outlines the process to appeal decisions or notices of actions that are given regarding the sign ordinance. It also outlines a process for someone to seek a variance from the sign regulations. Staff has reviewed this section. There needs to be a change regarding the language regarding an applicant requesting a variance. A variance is not appropriate in this situation. Variances are more for those land uses in extreme circumstances and mostly outside of

a property owner's control. This is a different situation and more similar to the section of the City Code that allows the Planning Commission to make adjustments to the parking requirements. Staff is recommending removal of all references to the variance in §157.756(H) and adding a §157.756(I) which outlines a process similar to the parking adjustment. If an applicant wants an adjustment from the sign ordinance, then that request would be brought to the Planning Commission. This helps with consistency with the commercial site plan process and allows the Planning Commission to make those decisions.

Staff Recommendation

Staff has updated the suggested changes, and they are being reflected in red in the attached ordinance. Staff recommends that the Planning Commission makes a recommendation to the City Council to amend the Sign Ordinance to include these changes.

ORDINANCE NO. -2024

**AN ORDINANCE OF WEST HAVEN CITY AMENDING CERTAIN STANDARDS FOR
SIGN REGULATIONS; 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 Code in regards to amending certain language for “Sign Regulations” 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 Code be, and the same is, changed and amended to read as follows:

- a. In the “Sign Regulations” in the West Haven Code, the language in §157.756(H) shall be amended as outlined in red in Attachment “A”.**
- b. In the “Sign Regulations” in the West Haven Code, the language in §157.759(B) and (Q) shall be amended as outlined in red in Attachment “A”.**
- c. The Mayor is authorized to sign this Ordinance.**

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 – Repealer 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 ____ day of December 2024.

WEST HAVEN CITY

Rob Vanderwood
Mayor

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 _____

RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Weber)

I, EMILY GREEN, the City Recorder of West Haven, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. ____-2024**, entitled “**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE STANDARDS FOR SIGN REGULATIONS; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.**” adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on December ____, 2024 which appears of record in my office, with the date of posting or publication being December ____, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of December 2024.

Emily Green
City Recorder

(city seal)

ATTACHMENT “A”

**Amended Language of §157.756(H); §157.759(B); and §157.759(Q) - “Sign Regulations” as
attached to Ordinance ____-2024**

§157.756 ENFORCEMENT; APPEALS; ~~VARIANCES.~~

(H) Any person who wishes to appeal any decision or notice of action undertaken pursuant to this subchapter, ~~or any person who wishes to seek a variance from the regulations contained herein,~~ may do so by following remedy procedures outlined in §§ [157.035](#) through [157.048](#). ~~Such reasons for requesting a variance may include, but are not limited to:~~

- ~~—(1) Expansion of a noneconforming use;~~
- ~~—(2) New use of a previously abandoned noneconforming sign; and~~
- ~~(3) Sign design, placement, and use outside of the regulations of this subchapter.~~

(I) A request may be made to the Planning Commission to adjust the requirements of the sign regulations contained herein. The Planning Commission may adjust any sign regulation contained in this subchapter if, unusual or unique circumstances or conditions related to the operational characteristics of the use exist in a manner, or to such a degree, that such adjustment is equitable and warranted; and it would not go against the principles outlined in the General Plan. The Planning Commission shall make findings if an adjustment is made.

§157.759 PERMITTED SIGNS.

(B) Certain signs may contain additional regulations, which can be found in the table below:

Wall	Y	Top of building wall	Max area is 15% of the square footage of a single wall surface ~~(max 60 sq. ft.)~~	C-1, C-2, C-3, M-1, M-2	Y
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§157.759 PERMITTED SIGNS.

(Q) More than one wall sign may be erected on a single building; provided, that no more than seven signs are erected and the total of all such signs does not exceed **the maximum of 15% of the square footage listed above of a single wall surface.**

Planning Commission Staff Review Memo

December 11, 2024



Amending the Mixed-Use Ordinance - §157.315

Staff Recommendation: See comments below

Background

The Mixed-Use ordinance (§157.310-§157.317) has been updated several times over the last several years. Recently, it has been brought to the attention of staff that there are two issues with the Mixed-Use Zone regarding existing commercial uses in the mixed-use zone along with issues with property directly adjacent to I-15. The recommendation is to amend §157.315 - “Commercial Overlay and Commercial Uses in Mixed Use” to address these two issues.

Issues

1. **Existing Commercial Uses in the Mixed-Use Zone** – Currently, the mixed-use zone requires all property to have two different elements (open space, recreational, cultural/institutional, residential, or commercial). There are several parcels in the mixed-use zone that have existing commercial uses on them. These commercial uses either existed before the zone was mixed use or existed before some of the current requirements were put into place. A good example, but not exclusive, is those parcels in the 21st Street area – east and west of I-15. These parcels are exclusive commercial uses and have no other elements nor would it be practical or good business to have another element involved along with the commercial use. Having a trail that is open to the public running through say a trailer sales parking lot would not make sense. There have been a couple of issues where a property owner would like to change the commercial use to a different commercial use – such as tearing down a service station and building another one with a drive-thru restaurant. Under the current code, they would need to have a second element. Staff is suggesting a change to allow for existing commercial parcels to continue that way without requiring a second element if they decide to make a change to a different commercial use.
2. **Property Directly Adjacent to I-15** – There are parcels directly adjacent to I-15 that would require two different elements if they would like to develop. There are some properties that, because of access issues, may not be the best fit for higher density housing and would be better fit for some type of sole commercial use. Staff is recommending that there be an exception for these properties regarding being able to develop purely commercial uses without any other elements if the property owner desires that.

Staff did look at whether a property owner could rezone out of mixed use if desired. However, a lot of these properties are listed as mixed use on the current general plan map. The City is engaged in amending their general plan and general plan map, but it has been proceeding slowly. There is also the possibility of looking at the 21st Street area regarding having some type of planning for that area. However, until the City gets to either of those points, Staff is recommending these fixes so that the City can continue to support the City's commercial enterprises and also allow property owners to be able to remove buildings and structures that need to be removed and then redeveloped.

Staff Recommendation

Staff has updated the suggested changes, and they are being reflected in red in the attached ordinance. Staff recommends that the Planning Commission makes a recommendation to the City Council to amend the Mixed-Use Ordinance to include these changes.

ORDINANCE NO. -2024

AN ORDINANCE OF WEST HAVEN CITY AMENDING THE STANDARDS OF THE MIXED USE/MEDIUM/LOW DENSITY RESIDENTIAL, COMMERCIAL ZONE; 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 Code in regards to amending the language for “Mixed Use/Medium/Low Density Residential, Commercial Zone,” 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. In the “Mixed Use/Medium/Low Density Residential, Commercial Zone” in the West Haven Code, the language in §157.310(A)(1) and §157.315 shall be amended as outlined in red in Attachment “A”.**
- b. The Mayor is authorized to sign this Ordinance.**

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 – Repealer 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 ____ day of December 2024

WEST HAVEN CITY

Rob Vanderwood
Mayor

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 _____

RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Weber)

I, EMILY GREEN, the City Recorder of West Haven, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. __-2024**, entitled “**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE STANDARDS OF THE MIXED USE/MEDIUM/LOW DENSITY RESIDENTIAL, COMMERCIAL ZONE; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.**” adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on December __, 2024 which appears of record in my office, with the date of posting or publication being December ____, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of December 2024.

Emily Green
City Recorder

(city seal)

EXHIBIT A

Amended Language §157.310(A)(1) and §157.315 - “Mixed Use/Medium/Low Density Residential, Commercial Zone” as attached to Ordinance ____-2024

§ 157.310 PURPOSE; DEFINITION.

(A)(1) The Mixed Use Zone is characterized as a pedestrian-friendly Zone made up of developments which are required to contain two or more of the following elements: open space, residential, recreational, cultural/institutional, and/or commercial uses. **Except as outlined in §157.315(F) and(G), No** more than one element may occupy more than 80% of the net project size.

§ 157.315 COMMERCIAL OVERLAY AND COMMERCIAL USES IN MIXED USE.

(A) Mixed Use Commercial Overlay areas are designed to encourage the establishment and retention of a variety of retail, entertainment, and personal service establishments to meet the needs of the community's residents, workers, and visitors. The following regulations are applicable only to Mixed-Use projects and not to projects in other zones which may fall within the boundaries outlined.

(B) The following areas are designated as Commercial Overlay areas and are subject to the provisions of this section:

(1) East of Interstate 15:

(a) North of 2100 South:

1. 300 feet north from the edge of the right of way of 2100 South.
2. 300 feet east or west from the edge of the right of way of 1100 West.

(b) South of 2100 South:

1. The entirety of the area south of 2100 South, to the West Haven City municipal borders.

(2) The edge of the right of way is defined as that portion of the right of way closest to the property under consideration for development.

(3) Should the boundaries of the Commercial Overlay cover only a portion of any given parcel, that parcel shall still provide the required commercial, but it may be located on any portion of the parcel.

(C) A minimum of 20% of the gross project size for developments subject to the commercial overlay shall be dedicated to commercial development.

(D) All businesses permitted or conditional businesses in C-1 and C-2 zones may be included in Mixed-Use Zones with similar use designations (conditional or permitted), subject to the following stipulations:

(1) At least 50% of the required commercial space shall be dedicated to commercial uses which generate sales tax revenue.

(E) All uses within a commercial overlay area are subject to the architectural, landscaping and other standards outlined in West Haven code §§ [157.730](#) - [157.737](#) "Design Review."

(F) Any parcel that has an existing commercial building in a Mixed Use Zone is not required to have two or more of the listed elements, even if the commercial use changes to a different compliant commercial use. However, if the commercial use changes, it cannot be a more intensive use than what previously existed, has to be a permitted or conditional use as listed in C-1 and C-2 zones and is subject to the architectural, landscaping and other standards outlined in West Haven code §§ [157.730](#) - [157.737](#) "Design Review."

(G) Any parcel directly adjacent to I-15 and in the Mixed Use Zone may choose to have 100% of the parcel as commercial use and will not be required to have two elements

under this subchapter. However, the commercial use has to be a permitted or conditional use as listed in the C-1, C-2, and C-3 zones and is subject to the architectural, landscaping and other standards outlined in West Haven code §§ 157.730 - 157.737 "Design Review."

Planning Commission Staff Review Memo

December 11, 2024



Amending the Accessory Dwelling Unit Ordinance

Staff Recommendation: See comments below

Background

The Accessory Dwelling Unit (ADU) Ordinance (§157.455-§157.480) has been updated several times over the last several years. There is a section of the ordinance that has been overlooked and needs to be removed. The issue is as follows:

Issues

1. **Remove the Business License Requirement for an ADU:** The City Code §157.477 – “Business License” in the Accessory Dwelling Unit ordinance states, “The owner shall obtain a yearly business license from the city and shall report the monthly and annual rent amounts to the city every year.” This has never been required of any ADU owners – either that they have to acquire a yearly business license or that they have to report monthly and annual rent amounts. Alikea Murphy, the former City Planner, discussed this with both the City Manager and the Code Enforcement Officer and neither of them could think of a reason why this would be useful to the City. The City does not charge to get an ADU, other than the building permit fee. Besides the building permit application documents, the only other document that an applicant has to fill out to get an ADU is a Land Use Permit. The only purpose of that document is to track all new ADUs being installed in the City for the Moderate Income Housing Reporting that the City has to do every year. Also, removing this section of the City Code will help with the City’s goals for the Moderate Income Housing because the City would be removing an obstacle to building an ADU.

Staff Recommendation

Staff recommends that the Planning Commission makes a recommendation to the City Council to amend the ADU Ordinance by removing the requirement for a business license and monthly and annual reporting of rent amounts.

ORDINANCE NO. _____

AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY CODE REGARDING SECTION 157.477 FOR ACCESSORY DWELLING UNITS; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT 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 and rules in the City Code regarding Accessory Dwelling Units (“ADU”); and,

WHEREAS, the City Council finds that at this time certain changes to the City Code regarding Section 157.477 which requires that if a landowner has an ADU then they must apply for a business license every year; and,

WHEREAS, the City Council finds that it is not necessary for a landowner to have a business license if they have an ADU and finds this to be overly burdensome on the landowner; and

WHEREAS, the City Council finds that Section 157.477 of the City Code should be repealed in its entirety so that a City business license for an ADU is not required at all; 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 language in West Haven Code “**SECTION 157.477 – BUSINESS LICENSE**” regarding Accessory Dwelling Units and requiring business licenses shall be repealed in its entirety.

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 ____ day of _____ 2024 and after publication or posting as required by law.

DATED this day of _____ 2024.

WEST HAVEN, a municipal corporation

by: _____
Mayor Rob Vanderwood

Attested and Recorded

Emily Green

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 _____

RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Weber)

I, EMILY GREEN, the City Recorder of West Haven, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. ____-2024, entitled “AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY CODE REGARDING SECTION 157.477 FOR ACCESSARY DWELLING UNITS; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES,”** adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on _____, 2024 which appears of record in my office, with the date of posting or publication being _____, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____ 2024.

Emily Green
City Recorder

(city seal)



2025 Planning Commission Meeting Schedule

Meetings shall be held on the 2nd and 4th Thursdays of each month, unless noted below.
All meetings will be held at the West Haven City Hall, 4150 South 3900 West, unless otherwise noticed.

Meeting Date	Meeting Time	Application Deadline
January 8, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	December 24, 2024
January 22, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	January 7, 2025
February 12, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	January 28, 2025
February 26, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	February 11, 2025
March 12, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	February 25, 2025
March 26, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	March 11, 2025
April 9, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	March 25, 2025
April 23, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	April 8, 2025
May 14, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	April 29, 2025
May 28, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	May 13, 2025
June 11, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	May 27, 2025
June 25, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	June 10, 2025
July 9, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	June 24, 2025
July 23, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	July 8, 2025
August 13, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	July 29, 2025
August 27, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	August 12, 2025
September 10, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	August 26, 2025
September 24, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	September 9, 2025
October 8, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	September 23, 2025
October 22, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	October 7, 2025
November 12, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	October 28, 2025
November 26, 2024	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	November 10, 2024 (due to holiday on the 11 th)
December 10, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	November 25, 2024
December 24, 2025	5:00 p.m. (work session)* 6:00 p.m. (regular meeting)	December 9, 2024

Work Session's will be schedule on an as needed basis*