



## WEST HAVEN PLANNING COMMISSION AGENDA

June 11, 2025 6:00 P.M.  
City Council Chambers  
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **Wednesday, June 11, 2025**, THE PLANNING COMMISSION OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS:

**\*5:15 PM: WORK SESSION**

**\*6:00 PM: REGULAR PLANNING COMMISSION MEETING**

JOIN US DIGITALLY FOR THE REGULAR PLANNING MEETING AT:

[HTTPS://US06WEB.ZOOM.US/J/86539464549.](https://us06web.zoom.us/j/86539464549)

WATCH LIVE AT [HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCEEQNQBTZJWGTGOPHMCNCBA](https://www.youtube.com/channel/UCEEQNQBTZJWGTGOPHMCNCBA).

### 5:15 Work Session

1. **DISCUSSION** – On the subdivision and development review process, continued from the May 28, 2025, meeting.

### 6:00 Regular Planning Commission Meeting

1. **DISCUSSION** - On Appointment of Planning Commission Chair(s)
2. **MEETING CALLED TO ORDER:** New Chairman
3. **OPENING CEREMONIES**

a. PLEDGE OF ALLEGIANCE	Commission member Galt
b. PRAYER/MOMENT OF SILENCE	Commission member Reed
4. **ACTION ON MINUTES** - Approve minutes for the Meeting of 05/28/2025.
5. **DISCUSSION AND ACTION** – For a Preliminary and Final Site Plan approval for Shed Sales and Rentals located at 1924 Midland Dr Parcel #150940047 (Applicant: Old Hickory Sheds/Agent Colton Bain).
6. **PUBLIC HEARING** – To review and make a recommendation on an update to the City Zoning Map.
7. **DISCUSSION AND ACTION ON PUBLIC HEARING:** To review and make a recommendation on an update to the City Zoning Map.
8. **DISCUSSION** – On Subdivision and Development Review Process.
9. **ADJOURNMENT**

*Robyn Van Campen*

**Robyn Van Campen, 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: [robyn@westhavencty.com](mailto:robyn@westhavencty.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 [www.westhavencty.com](http://www.westhavencty.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.



# Subdivision Code and Development Review Update

West Haven May 28, 2025 Workshop

# Agenda and Update

- Staff has drafted an update to the Subdivision, Design Review (site plan), and created a code for the creation of the Development Review Committee
- These documents are undergoing some additional internal review and will be distributed to the Planning Commission during the workshop
- Staff will review the proposed changes with the Planning Commission and ask for feedback.

# Key Points

## 01

Utah updated subdivision review, processing, and improvement requirements in 2023 and 2024, see SB 174 and HB 406

## 02

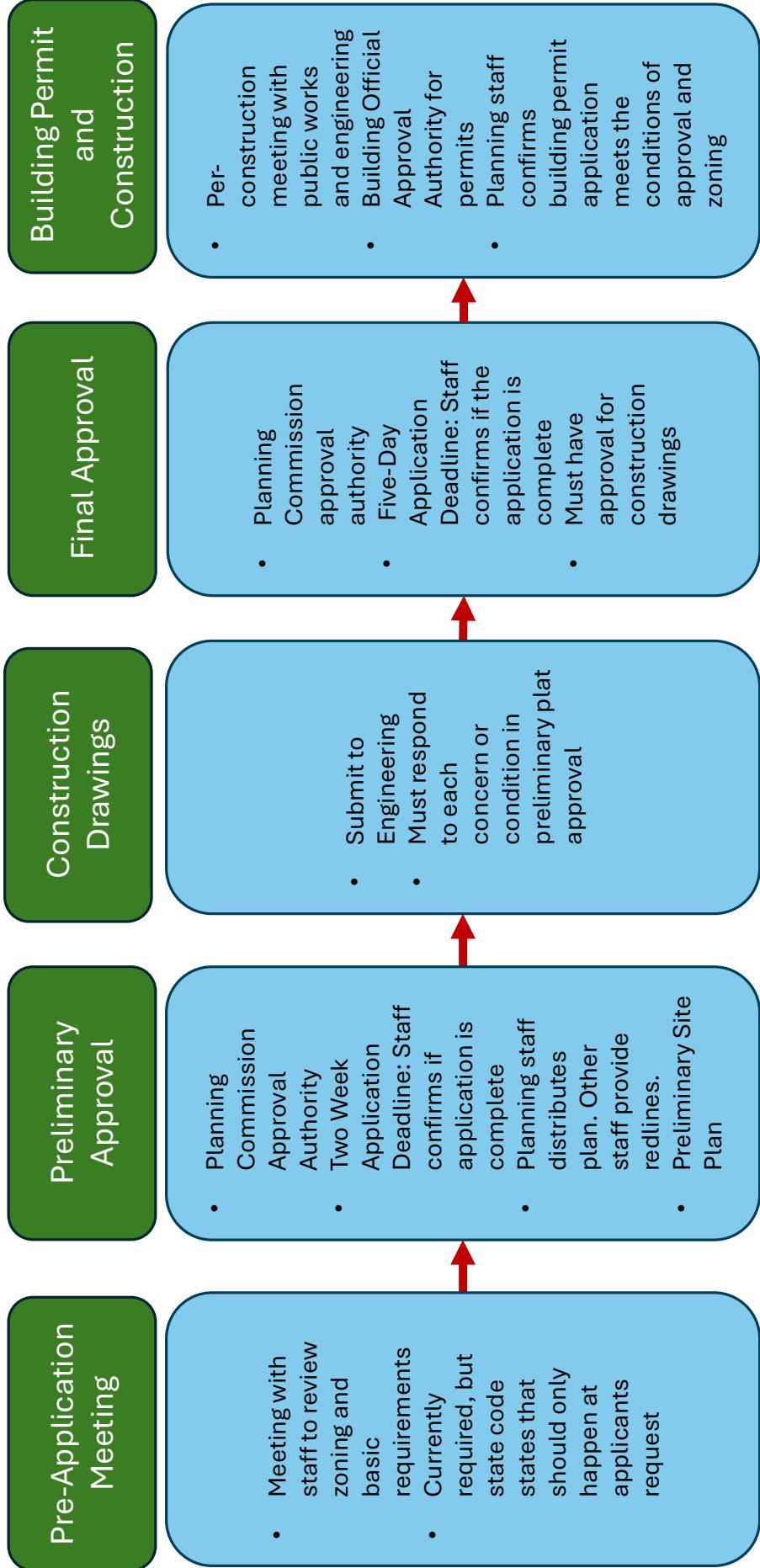
Required review cycles and more administrative defined review and approval process

## 03

Cities are required to post subdivision requirements and checklists on the website or make them available to the public/applicants.

# West Haven Code Vs. State Code

# Current Subdivision Application Approval Process



## Current Review Process

Sun	Mon	Tue	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10 App Deadline	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25 LUA Meeting	26	27	28
29	30	31				

Key
Application Review for Completeness
Reviewed by Staff and Districts
Reports Compiled
LUA Review
LUA Decision

State Code	West Haven	Notes
<b>10-9a-604.2</b> Defines:	City code does not provide a definition for any of these new terms within state law <ul style="list-style-type: none"> <li>(a) Review cycle</li> <li>(b) Subdivision Application</li> <li>(c) Subdivision improvement plans</li> <li>(d) Subdivision ordinance review</li> <li>(e) Subdivision plan review</li> </ul>	Since West Haven does not have any of these defined, it may behoove the City to add some of these definitions into our code

State Code	West Haven	Notes
<b>10-9a-604.1</b> (4)(a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.	<b>156.020 PRELIMINARY INFORMATION.</b> Each person who proposes to sub-divide land within the city limits shall confer with the Planning Commission staff before preparing any plats, charts, or plans in order to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract.	State code states that “if an applicant requests a pre-application meeting” while City code state that each person “shall” meet with staff prior to submitting an application. Generally, I would recommend a pre-application meeting, but should eliminate the requirement of a pre-application meeting.

State Code	West Haven	Notes
<p><b>10-9a-604.1. Process for subdivision review and approval.</b></p> <p>(1)(a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.</p> <p>(8) If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.</p>	<p><b>156.025 PRELIMINARY PLAN APPROVAL.</b></p> <p>(A) Following a review of the preliminary plan, the Planning Commission shall act on the plan as submitted or modified.</p>	<p>Our code currently complies with state requirements for preliminary approval</p>

State Code	West Haven	Notes
<b>10-9a-604.2.</b> (5) (a) A municipality shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes: (i) no later than 15 business days after the complete subdivision application is submitted, if the municipality has population over 5,000;	<b>156.025 PRELIMINARY PLAN APPROVAL.</b> (A) Following a review of the preliminary plan, the Planning Commission shall act on the plan as submitted or modified.	Our code does not outline a timeline for initial review. Staff will comply with this standard regardless if its in our code or not.

State Code	West Haven	Notes
<p><b>10-9a-604.1. Process for subdivision review and approval.</b></p> <p>(9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:</p> <p>(a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and</p> <p>(b) <b>may not require planning commission or city council approval.</b></p>	<p><b>§ 156.040 FINAL PLAT REQUIRED.</b></p> <p>(A) After compliance with the provisions of §§ <a href="#">156.020</a> through <a href="#">156.028</a>, the subdivider shall submit a final plat with four copies thereof to the Planning Commission. Such plat shall be accompanied by a letter of certification by the subdivided registered land surveyor, indicating that all lots meet the requirements of the zoning ordinance.</p> <p>(B) The final plat and accompanying information shall be submitted to the Planning Commission at least five days prior to a regularly-scheduled Planning Commission meeting in order to be considered at said meeting.</p>	<p>The Planning Commission is currently the approval authority for the final plat. State code states that a municipality “may not require planning commission or city council approval” for a final plat.</p>

State Code	West Haven	Notes
<p><b>10-9a-604.2. Review of subdivision applications and subdivision improvement plans.</b></p> <p>(3)</p> <p>(a) A municipality may require a subdivision improvement plan to be submitted with a subdivision application.</p> <p>(b) A municipality may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.</p>	<p><b>§ 156.041 FINAL PLAT REQUIREMENTS.</b></p> <p>(C) The subdivider shall furnish to the City Engineer a complete set of drawings signed and stamped by a licensed civil engineer of engineering designs for all streets, existing and proposed, and all utilities to be constructed within the subdivision together with the final plat. All such utility and road construction shall be in accordance with the adopted public works standards of the city.</p>	<p>The City currently requires an applicant to submit improvement plans with the Final Plat. These need to be submitted to the City Engineer.</p>

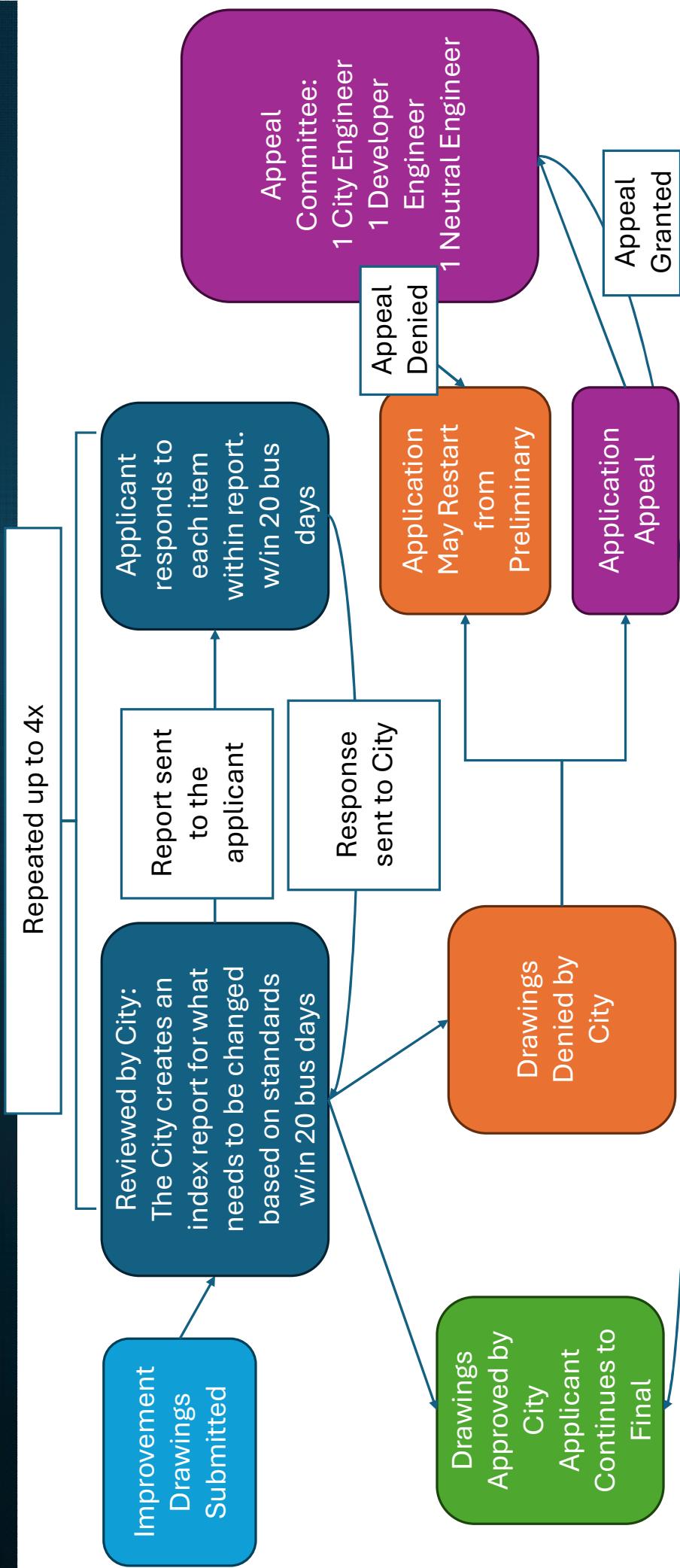
State Code	West Haven	Notes
<p><b>10-9a-604.2. Review of subdivision applications and subdivision improvement plans.</b></p> <p>State code sets out a detailed process for reviewing and providing feedback of “improvements plans” in this section</p> <p><b>§ 156.041 FINAL PLAT REQUIREMENTS.</b></p> <p>(C) The subdivider shall furnish to the City Engineer a complete set of drawings signed and stamped by a licensed civil engineer of engineering designs for all streets, existing and proposed, and all utilities to be constructed within the subdivision together with the final plat. All such utility and road construction shall be in accordance with the adopted public works standards of the city.</p>	<p>The City currently requires applicants to submit improvement plans with the Final Plat to the City Engineer.</p> <p>However, the City code is unclear about such plans' review and approval process.</p>	

State Code	West Haven	Notes
<p><b>10-9a-604.2. Review of subdivision applications and subdivision improvement plans.</b></p> <p>(b) <b>A municipality shall maintain and publish a list of the items comprising the complete subdivision application, including:</b></p> <ul style="list-style-type: none"> <li>(i) the application;</li> <li>(ii) the owner's affidavit;</li> <li>(iii) an electronic copy of all plans in PDF format;</li> <li>(iv) the preliminary subdivision plat drawings; and</li> <li>(v) a breakdown of fees due upon approval of the application.</li> </ul> <p>(6) <b>A municipality shall publish a list of the items that comprise a complete subdivision land use application</b></p>	<p>City code does not require this.</p> <p>Staff has started on creating this list, but is holding off on a final version until new code is approved.</p> <p>This list must be given to or made available to every applicant. Generally, posting it on the website would be sufficient.</p>	

# Improvement Plans Review Cycle

- See 10-9a-604.2 for all details:
- Once improvement plans (construction drawings) are submitted, the City has 20 business days to review and report back to the applicant.
  - Can request additional information
    - Request modification to plans that do not meet current ordinances, standards, or specifications.
- Municipality will need to send over an “index of requested modifications or additions” and must include “citations to ordinances, standards, or specifications”.
- Applicant then has 20 business days to respond to each item within the index report.
- The City can only require up to four review cycles. Material changes in the plan rest review cycle for that aspect of the plan.
- If drawings are not approved by the end of the fourth review cycle, either deny the application or have it reviewed by an appeal panel. (One engineer from the City, the developer, and a neutral party).

# Implementation Plans Review Cycle



# State Code Update Main Takeaways

- Approval Authority
  - Pre-Application Meeting. Can't require, but must allow if requested
  - Preliminary Plats. Can be approved by an "administrative land use authority". This mean the Planning Commission, staff, or other body can review and approve. City Council is specifically listed that it can't be approval authority
  - Final Plats. "may not require planning commission or city council approval".  
Needs to be another body or staff.

# State Code Update Main Takeaways

- **Process**
  - The City shall maintain and publish a list of items comprising the complete subdivision application
  - The City has 15 business days to complete an initial review of a complete subdivision application
  - Can require subdivision “improvement plan” either during preliminary or final, not both.
  - For the phase with “improvement plans”, the City and applicant have four review cycles
    - City must provide feedback to the applicant within 20 business days
    - Review must contain an index of each redline, plus a citation of each code or standard that requires the modification
  - The applicant has 20 business days to respond to each item on the list, if not the City has an extra 20 days to review next submittal.
  - Material changes to plans can restart the review cycles for that aspect of the plans
  - State code outlines an appeal/arbitration process if the City and applicant disagree on an engineering standard

# Recommendations

# Primary Recommendations: Subdivision

- Add state definitions into our code as needed
- Make pre-application meetings recommended but not required
- **Update Code about Land Use Authority for Final Plats**
  - Staff would recommend that the City Engineer and Community Development Director are listed for approval of the final plat and “improvement plans.”
- **Review Process**
  - The City can comply with the state standard without added it to the City code. Staff does think the process of review and approval should be noted and defined for each phase for clarity
- **Few other updates, including application requirements and updating the code to coordinate with other improvements**
  - Staff will work on “publishing” checklist and other requirements that can be implemented without a code update

\* The state law has a few points that could have room for interpretation. Planning staff generally recommends that we update the code to match the intent of the code unless there is a compelling reason to do so otherwise. 1) Code interpretation falls to the property owner, and 2) helps the city avoid legal fights or lawsuits.

## Other Consideration

These are some additional items staff would recommend the Planning Commission consider as part of the process.

- Match Site Plan and Subdivision Review and Approval Process

- Preliminary Approval by the Planning Commission
- Final Approval by Staff

- Update Site Plan Approval Process and Clarify the Application Standards

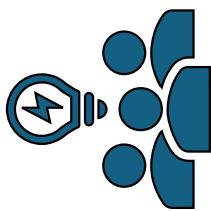
- Clarify Amended Subdivision Review Process
- Update Water Dedication Language

# Development Review Updated Process

# Updated Application and Review Process

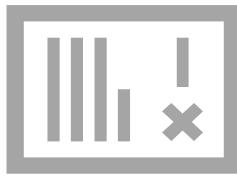
- Have subdivisions and site plans follow the same process
- Administrative Land Use Authority. See table in following slides
- Development Review Committee (DRC): Create an official staff review body for land use applications and construction drawings
- Move to online applications. The City has contracted with CivicReview, an online application and application review/management software. Scheduled to go live in the middle of June
- The City Planner's job will be to keep track of current applications and organize when applications go on what agenda

# Development Review Committee



## Make Up

Staff: City Engineer, City Community Development Director, Public Works Director, Fire Marshall, City Planner and others as invited



## DRC Role

- Review all Land Use Applications and Improvement Plans
- Advise the Land Use Authority on Applications
- Hold Pre-Application Meetings

# Proposed Land Use Authority

<b>Land Use Authority</b>	<b>Land Use Application</b>
<b>City Council</b>	Ordinance or ordinance amendment Rezone Modification of City rights-of-way and easements
	General Plan or General Plan amendments, including master plans Annexation
<b>Planning Commission</b>	Preliminary Subdivision Plats Subdivision Amendments Preliminary Site Plans Conditional Use Permits Site Plans referred by the DRC
<b>City Engineer and Community Development Director*</b>	Final Subdivision Plats Subdivision Improvement Plans Site Plans Site Plan Improvement Plans
<b>Community Development Director*</b>	Sign Permit
<b>Building Official*</b>	Building Permits
<b>Hearing Officer</b>	Land Use Appeals Variances

# Proposed Site Plan Application Standards

- Current Requirements
  - Building Location and Elevation
  - Landscaping Plan
    - Including table showing number and type of plant
  - Parking: No details
  - Signage: No details
- Proposed
  - The Proposed Use
  - Site Layout
    - Building location, setback, access point, and traffic circulation, landscape area, fencing and gates, outdoor storage, dumpster and Natural features
  - Building Elevations
  - Landscape Plan: Same as current
  - Parking. Now requires a table showing the number of spots
  - Signage
    - Utility Plan with will-serve letters
  - Preliminary stormwater plan
  - Outdoor Lighting Plan

\*Access and Traffic Circulation are listed later, but not part of the preliminary

\*Some of these have additional details later in the chapter

## Current Review Process

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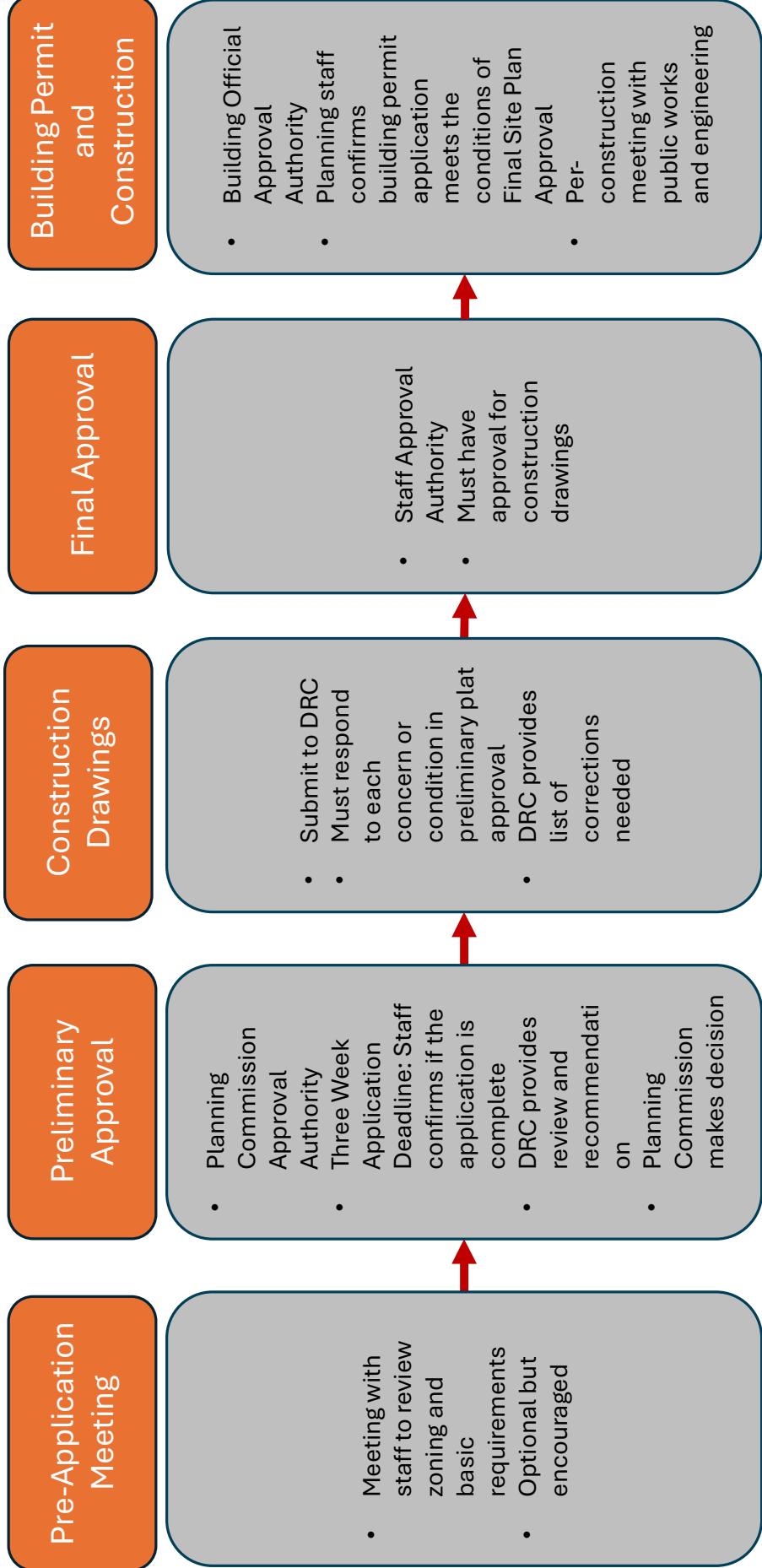
Key	Application Review for Completeness	Reviewed by Staff and Districts	Reports Complied	LUA Review	LUA Decision

## Proposed Review Process

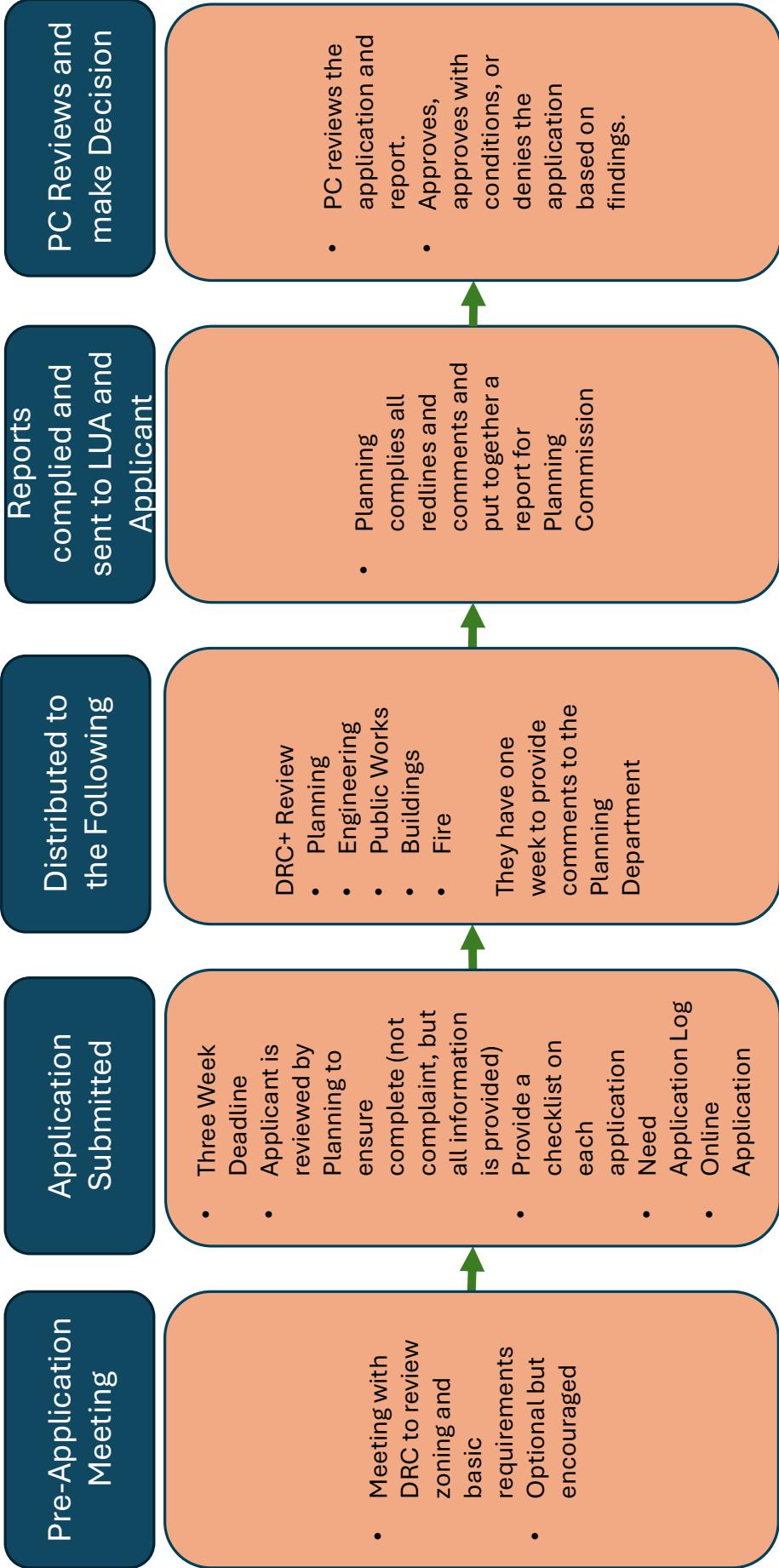
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Key	Application Review for Completeness	Reviewed by Staff and Districts	Reports Complied	LUA Review	LUA Decision

# Application Approval Process with DRC



# Proposed Preliminary Application Process



# Questions and Discussions



## WEST HAVEN PLANNING COMMISSION MEETING MINUTES

May 28, 2025 6:00 P.M.

City Council Chambers

4150 South 3900 West, West Haven, UT 84401

Present:	
Becky Roundy Andrew Reyna Melinda Stimpson Jeff Reed Russell Galt George LaMar Linda Smith Stephen Nelson Damian Rodriguez Robyn VanCampen Amy Hugie	Chairman Vice-Chairman Commission member Commission member Commission member Commission member Commission member Community Development Director Planner Deputy Recorder City Attorney
Absent/Excused	

### 5:15 pm Work Session – In City Council Chambers

*The Work Session began at 5:18 pm. Stephen Nelson had a presentation on what changes the State of Utah has made to the subdivision review, processing, and improvement requirements, and what city codes will need to be changed to comply with the new updates. The presentation was not completed, but will resume at the next work session.*

### 6:00 Regular Planning Commission Meeting

1. **MEETING CALLED TO ORDER:** Chairman Roundy at 6:03 pm
2. **OPENING CEREMONIES**
  - a. **PLEDGE OF ALLEGIANCE**
  - b. **PRAYER/MOMENT OF SILENCE** Vice-Chairman Reyna  
Commission Member Stimpson
3. **ACTION ON MINUTES –** Approve minutes for the Meeting of 05/14/2025

**Commission member Galt made a motion to approve** the notes from the last planning commission. **Commission member Reed** seconded the motion.

**AYES** – Chairman Roundy, Vice-Chairman Reyna, Commission member Stimpson, Commission member Reed, Commission member Galt, Commission member LaMar, and Commission member Smith

**NAYS** –

**ABSENT/EXCUSED** –

4. **REPORTS** - Actions taken by City Council on Planning Commission Recommendations

*\*Stephen advised that the City Council approved a letter of concurrence and agreements with the Wasatch Front Regional Council for grant funding for our General Plan. They will provide the city with \$50,000 on or around July 1<sup>st</sup>. The city will match \$6770.00 for the land use element of our general plan.*

*The other item was that the City is within a half mile of the nearest transit station and by state code every property within a half mile of the station has to do a station area plan which is a master plan for how to address affordable housing and to help encourage a variety of transit/transportation options. Of the area, we only contain 1.5% of it; therefore, by state code, we can pass a resolution saying that it is impractical for us to adopt this plan, and it goes to the Wasatch Front Council for their approval*

5. **DISCUSSION AND ACTION** – For a Conditional Use Permit and Preliminary Site Plan approval for the redevelopment of the convenience store located at 1514 W 2100 S Parcel 15-069-0050 West Haven (Applicant: Mansour & Badran, LLC/Agent Dave Badham (Contractor) and Jim Flint (Civil Engineer)).

*\*Damian presented a summary of this project to the commission. This is for the redevelopment of a convenience store that will be approximately the same size. The applicant is working with UDOT to close the east access, leaving only one access point on the west side of the property. The proposed building would be partitioned with the convenience store on the west side, a sandwich shop, and vape shop. Staff recommends approval with the following conditions:*

1. A traffic study is provided that considers all land uses that utilize the proposed site access.
2. Verification is provided that UDOT approves of the proposed access and the project site plan in general.
3. All comments provided by staff in the associated preliminary site plan review report are satisfactorily addressed before final site plan approval.

*\*Commission member Galt requested a list of items that the staff has recommended.*

*\*Damian addressed this question by stating that a list of recommendations was just completed today. It did mention the discrepancies with the drive-thru lanes; they currently do not meet the width for the drive-thru, they are required to be 12 feet, and they are required to be separated from the access and egress lanes via concrete. The stacking requirement for menu boards and food drive-thru, landscaping discrepancy, and a couple of missing documents that weren't required on a preliminary level, such as sight lighting plan, requirements for fire, engineering, and building review, were also not required until final site plan approval.*

*The applicant doesn't want to remove the fuel tanks to meet the 15 ft landscaping buffer.*

*\*Jim Flint/Agent for Applicant was present. Mr. Flint indicated that the island is painted and not concrete. They show 10ft from the building to the striped line, 12 ft from the outside of that striped line, and 14 ft from the east side. Drive-thru food should provide at least 40 ft between the menu board and the first service window and 80 feet between the drive-thru lane entrance and the menu board. On the west side, there is a traditional drive-thru.*

*\*Stephen advised that another reason for the traffic study would be internal circulation to ensure the internal traffic flow isn't backing up all the turning radius, all work, and will meet the traffic demand for the site. The city engineer would like to see trip generation, site circulation, site design, evaluation, including two-way flow on the east and one-way flow on the west, vehicle tracking from 2100 South, as well as firetruck round site and up to the motel, and would site access be safer and provide better operation if existing east access remains vs. closing/combining?*

*\*Commission member Reed wanted to know when UDOT stated that they wouldn't allow the driveway to happen, the site plan was dated May 1, 2025. More updated information is needed from a year ago, such as a traffic study, because you have 6 different businesses that will be using one access point on the east side*

*\*Mr. Flint responded that it was about a year ago.*

*\*Commission member Stimpson seconded concerns and agreed with the traffic study, and communication is needed with UDOT.*

**Commission member Reed made a motion to approve the proposed site plan and Conditional Use Permit to allow for the redevelopment of the convenience store at 1514 W 2100 S, finding that the general design of the proposed site and buildings are compliant with the governing code and compatible with their surroundings when the following conditions of approval are applied. 1) A traffic study is provided that considers all land-uses that utilize the proposed site access, 2) Verification is provided that UDOT approves of the proposed access and the project site plan in general, and 3) All comments provided by staff in the associated preliminary site plan review report are satisfactorily addressed prior to final site plan approval.**

**Commission member Smith** seconded the motion.

**AYES** – Chairman Roundy, Vice-Chairman Reyna, Commission member Stimpson, Commission member Reed, and Commission member Smith

**NAYS** –

**ABSENT/EXCUSED** – Commission member Galt and Commission member LaMar

**6. ADJOURNMENT**

**Commission member Galt made a motion to adjourn. Vice-Chairman Reyna** seconded the motion.

**AYES** – Chairman Roundy, Vice-Chairman Reyna, Commission member Stimpson, Commission member Reed, Commission member Galt, Commission member LaMar, and Commission member Smith

**NAYS** –

**ABSENT/EXCUSED** –

*Robyn VanCampen*

Deputy City Recorder

Date Approved:

Planning Commission  
Staff Review Memo

June 11, 2025



Stephen Nelson, Community Development Director

**PRELIMINARY AND FINAL SITE PLAN APPROVAL**

**Request:** Final site plan approval for Old Hickory Sheds

**Property Address:** Parcel #150940047

**Property Zone:** M-1

**Property Size:** 1.26 Acres

**Applicant:** Old Hickory Sheds, Colton Bain Agent

**Governing Document(s):** WHZC 157.330, 157.730

**Decision Type:** Administrative

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





### **Background**

The applicant has submitted a site plan application to alter an existing improved site to open a shed dealership at 1924 Midland Dr. This property is located at the corner of Midland Dr and 1900 W and has traditionally been used as a used car dealer and mechanic shop. The site was originally constructed in the 1980s according to the County records. The applicant has informed staff that they plan to store 20-25 sheds on-site for customers to examine and potentially purchase, and that a salesperson will be present on-site during open hours. They plan to use the current building and site “as is,” with no scheduled updates or additional improvements.

### **Staff Review**

Staff’s review of the proposed site plan as it pertains to the requirements of the West Haven Zoning Code are as follows:

#### **Use**

The main business is an accessory building and shed retailer/dealer for Old Hickory Buildings & Sheds. Within the M-1 Zone, there is no direct use specific to the proposed use. However, a permitted use within the M-1 zone is “Construction of buildings to be sold and moved off the premises”-§ 157.331 PERMITTED USES. After review, staff feels that this is sufficiently related to the proposed use and falls within its umbrella, although there will be no construction of buildings on site; sheds will be delivered, displayed, and sold to customers. The proposed use

will likely not cause an increased impact on the surrounding area, but it does require that the current parking lot and access be redesigned to accommodate the proposed use.

The applicant has also indicated that they would like the ability to rent out part of the shop for a “C-3 permitted business” in the future. Staff have concerns about the broad nature of this request, as it could have an outsized impact beyond the site, especially given the proposed use will reduce parking capacity. In response to this question, the applicant has stated to staff that:

*As of right now we have no additional business for rental. If that does come up we will proceed with West Haven and take the appropriate steps to ensure compliance.*

-Colton Bain, Email sent on June 4, 2025

Staff would recommend that the Planning Commission only consider the current proposed use for Hickory Sheds.

### **§157.291 Site Development Standards**

The site exists, and no additional buildings or improvements are being proposed.

	<b>C-2 Requirement</b>	<b>Site Plan Proposal</b>	<b>Compliant?</b>
Building height			
Maximum	35 ft. when adjacent to residential	Less than 35'	Y
Minimum	1 story	1 story	Y
Max lot coverage	60% by buildings (main & accessory)	Less Than 25%	Y
Minimum lot area	None	1.26 acres	Y
Min lot width	None	243' facing Midland	Y
Min yard setbacks			
Front	15 ft.	The building is more than 15' from the front property line	Y
Rear	10 ft., where building rears on a residential zone	Buildings are not adjacent to a residential zone	Y
Side	10 ft. when adjacent to residential	The building is not adjacent to a residential zone, but there is an existing home,	Y

Side, adj. to street	15 ft.	NA	
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### **§157.730 Design Review**

The requirements of this chapter and the project proposal/compliance are below. Please note that only those sections which are applicable are included. There may be portions of Section 157.733 which do not apply to this site plan, owing to the location of buildings, no applicable development agreement or location of landscaping, among other factors.

### **§ 157.733 Standards Of Review**

#### **Traffic Circulation**

(1) *Does the site plan comply with the West Haven City Engineering Design Standards and Specifications related to traffic ingress, egress and internal circulation?*

**Staff Findings:** The site currently exists, and no significant changes to the layout have been proposed or constructed. The applicant plans to maintain a cross-access area as shown on the site plan and continue to use the main entrance to Midland Drive. The applicant has also received the updated Conditional Access Permit from UDOT (attached) at the request of the City.

The primary proposed change to the site is the parking lot layout. The City has some concerns regarding internal circulation and how a truck will access the site, given the location of the parking. City Code requires 24' minimum drive aisles (§ 157.635 (D)(2)). There is nothing on the provided proposed layout that indicates the proposed width of the drive aisles.

#### Staff Recommendations for Traffic Circulation

- The site plan must show clear, unobstructed, and safe access from the ingress, through the site, and to/from parking spaces.
- Minimum aisle widths of 24 feet must be maintained behind parking spaces for parallel spaces and two-way circulation.
- One-way circulation would require angled parking spaces, and the drive aisle could be reduced.
- Indicating fixed parking spaces, as shown, does not allow for flexibility in the placement of sheds.
- 16-foot-wide drive aisles are insufficient for fire apparatus access; Weber Fire must review for access.
- Staff request additional information on how the applicant will handle deliveries; again, those central spaces complicate this; the City is willing to defer vehicle path analysis based on their response.
- The proposed six parking spaces in the middle of the site are mostly a cause of concern with respect to safe and operational traffic circulation. It also introduces potential pedestrian traffic into what could be an operationally busy section of the site. Absent or

possible relocation of those spaces, operational and practical considerations would provide adequate access around the site.



### **Parking**

**(B) Parking.** Does the site plan comply with city ordinances regarding design, location and number of parking stalls required?

**Staff Findings:** The updated plan will significantly reduce the available parking on the site. The parking lot lines are no longer discernible, and the applicant plans to fill the current parking area with sheds for display. The applicant has stated that they will likely have only one to two customers on-site, plus their full-time employee. The applicant has identified ten parking spaces that they plan to maintain. The applicant will need to provide an ADA space and show the dimensions of the parking stall, which are required to be a minimum of 9' wide and 180 sq. ft - § 157.635(D)(1). West Haven Parking standards do not cover a dealer of this type, but for an Automobile sales it would require “5 spaces, plus 1 space per 2,000 square feet GFA. This is exclusive of on-site inventory parking” -§ 157.631. Staff anticipates that the parking needs of this facility and automobile sales would be similar, and would require the applicant to provide seven spaces, including one Van ADA stall.

West Haven Code § 157.818 ALTERATION WHERE PARKING INSUFFICIENT allows an existing building to alter or enlarge the parking area as needed to meet “alteration or enlargements”.

There is plenty of room to support the parking needs; the primary concern is the internal traffic circulation around the parking and the placement of sheds. Staff believes that moving the parking along the west boundary will resolve most of the traffic circulation issues. However, there is a concern that storm run-off may puddle in some areas, which could impact how customers can safely access the site. Staff recommends that the applicant provide some general site elevations to show where water pools and travels on the site.

In response to the parking size and dimensions, that applicant provided in an email to staff:

*The parking space size will match West Haven's code, no problem. That's an easy adjustment for us.*

-Colton Bain, Email sent on June 4, 2025

#### Parking Recommendations

- Parking Stalls are required to be 180 square feet, with a minimum 9-foot width. So spaces must be either 9 ft x 20 ft or 10 ft x 18 ft. The applicant has stated they would comply with this standard in an email to staff.
- A total of seven spaces would be required, including one ADA Van stall. If a single ADA accessible parking stall is to be installed, it must be designed as “van accessible.” This requires a minimum width of eleven (11') feet with a 5-foot access aisle. The applicant has stated that they will comply in an email to staff.
- Parking stalls will need to be striped.
- Staff would recommend that the six parking spaces be moved to the west boundary so as not to conflict with traffic circulation.

#### Signage

*(C) Signage. Does the proposed signage meet the requirements of the city sign ordinance?*

**Staff Findings:** The applicant is planning on placing signage/banners on the sheds indicating they are “for sale” and placing some flag signs on the property. These signs fall within “Temporary Sign” standards within the West Haven Code. West Haven Code states the following for Temporary Signs:

#### § 157.759 PERMITTED SIGNS.

*(P) Regardless of the purpose or nature of the sign, all temporary signs shall comply with the following.*

*(1) Temporary signs shall advertise a specific event or occasion.*

*(2) Temporary signs may be placed no more than 45 days prior to the event or occasion which they advertise, may remain for the duration of the event, and shall be removed within 48 hours after the event concludes.*

This means that these signs can only be in place for a limited amount of time. The applicant indicates that there are no other planned signs. The applicant has stated in a response to the City's early review (attached) that the applicant “will ensure full compliance with these time restrictions for all temporary signage” and that “there are no plans to install additional signage” (see their response to staff comments attached).

#### Signage Recommendation

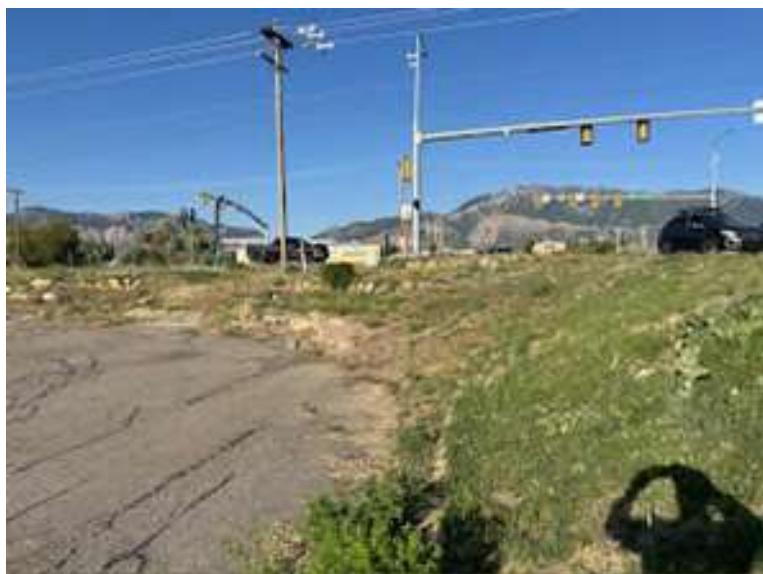
- The plan complies with West Haven Code.

#### Landscaping

**(D) Landscaping.**

**Staff Findings:** The applicant has not proposed any landscaping currently and wants to keep the site “as is.” There is a landscape area along the frontage that ranges in width from approximately 16’ to 45’. This is mostly unkept, with some lawn, rocks, and shrubs.

West Haven Code allows the Planning Commission to give the applicant up to six months to complete landscaping because of inclement weather (§ 157.992 COMPLETION OF IMPROVEMENTS (A)(1)). The applicant has also stated that there is currently no irrigation system, “which aligns with low-maintenance, natural landscape common to Utah”. The applicant has asked that the Planning Commission consider approving the existing landscaping as is. The photos below were taken on June 4, 2025. The full request can be found in their response letter attached.



**Landscaping Recommendations and Considerations**

- The frontage landscape width meets West Haven Standards of 15’
- There is no secondary water on the site
- The front landscape area is mostly grass and weeds, with a couple of shrubs and bushes.
- The Planning Commission should consider the site’s current limitations and existing conditions. The landscaping should be maintained, and weeds removed at a minimum.

**Building and Site Layout**

**(E) Building/site layout.**

**Staff Findings:** The building is composed primarily of cinderblock. The West Haven Code states that the standard elevation material requirements shall apply to “new buildings” -§ 157.734 DESIGN REQUIREMENTS (A) Building materials.

## Building and Site Layout Recommendations

- Because the building is not new, no façade updates are required.

## **Engineering Review**

*(F) Engineering standards. Does the site plan comply with the West Haven City Engineering Design Standards and Specifications related to utility easements, drainage and other engineering requirements?*

The site is existing and no proposed alterations to the site are being proposed at this time. However, the City Engineer has concerns about traffic circulation, changes in parking locations, and how stormwater flow will impact the site. The City engineer has stated that full construction drawings are unnecessary, but a professional site plan layout that shows parking, traffic circulation, and site elevations would address most, if not all, of the concerns raised during the review.

## City Engineer's Recommendation

- The proposed six parking spaces in the middle of the site are mostly a cause of concern with respect to safe and operational traffic circulation. It also introduces potential pedestrian traffic into what could be an operationally busy section of the site. Absent or possible relocation of those spaces, operational and practical considerations would provide adequate access around the site.
- A base plan, prepared by a licensed professional, should be provided that clearly locates and dimensions (in coordination with the Fire Marshal as necessary):
  - striped/defined parking spaces
  - drivable path widths that provide sufficient aisle width to maneuver into/out of spaces
  - Spot elevations have to be provided to ensure that the proposed parking spaces on the west side of the site are not subject to ponding or icing as well as the pedestrian pathway from the centralized parking spaces to the building.
- They need to explain how they will handle deliveries; again those central spaces complicate this; I am willing to defer vehicle path analysis based on their response.

## **Fire Review**

The Fire Marshal has reviewed the site and has stated that the only concern is lack of dimension on the site plan.

## **Building Official**

The Building Official had no comments.

## **Summary and Staff Recommendation**

The applicant is seeking approval of an updated site plan for an existing industrial site, with only changes to the parking lot. The proposed use is permitted within the zone and will likely have less impact than the previous use. Because the site does not require complete construction drawings, staff would recommend approval of the preliminary and final site plan at the same

time. However, based on the review, staff would not recommend approval until the applicant can fully address the recommendations within this report.

### **Summary of Staff Findings and Recommendations for Consideration**

- The site plan must show clear, unobstructed, and safe access from the ingress, through the site, and to/from parking spaces.
- Minimum aisle widths of 24 feet must be maintained behind parking spaces for parallel spaces and two-way circulation.
- One-way circulation would require angled parking spaces, and the drive aisle could be reduced.
- Indicating fixed parking spaces, as shown, does not allow for flexibility in the placement of sheds.
- 16-foot-wide drive aisles are insufficient for fire apparatus access; Weber Fire must review for access.
- Staff request additional information on how the applicant will handle deliveries; again, those central spaces complicate this; the City is willing to defer vehicle path analysis based on their response.
- The proposed six parking spaces in the middle of the site are mostly a cause of concern with respect to safe and operational traffic circulation. It also introduces potential pedestrian traffic into what could be an operationally busy section of the site. Absent or possible relocation of those spaces, operational and practical considerations would provide adequate access around the site.
- Parking Stalls are required to be 180 square feet, with a minimum 9-foot width. So spaces must be either 9 ft x 20 ft or 10 ft x 18 ft. The applicant has stated they would comply with this standard in an email to staff.
- A total of 7 spaces would be required, including one ADA Van stall. If a single ADA accessible parking stall is to be installed, it must be designed as “van accessible.” This requires a minimum width of eleven (11') feet with a 5-foot access aisle. The applicant has stated that they will comply in an email to staff.
- Parking stalls will need to be striped.
- Staff would recommend that the six parking spaces be moved to the west boundary to not to conflict with traffic circulation.
- The frontage landscape width meets West Haven Standards of 15'
- There is no secondary water on the site
- The front landscape area is mostly grass and weeds, with a couple of shrubs and bushes.
- The Planning Commission should consider the site's current limitations and existing conditions. The landscaping should be maintained, and weeds removed at a minimum.
- Because the building is not new, no façade updates are required.

### **Conditions**

1. The applicant needs to update the site plan to address the comments and recommendations from staff regarding parking and site access layout.
2. That the new parking lines are painted

## **Proposed Motion of the Planning Commission**

Possible motions for the Planning Commission are:

### **Approval**

“The Planning Commission grants preliminary and final approval of the industrial site plan for Old Hickory Sheds, Parcel 150940047, subject to the following conditions:

- The applicant needs to update the site plan to address the comments and recommendations within the staff report regarding parking and site access layout.
- That the new parking lines are painted to match an approved layout.”

### **Tabling Item**

“The Planning Commission tables the preliminary and final site plan application for Old Hickory Sheds, Parcel 150940047, until the applicant can provide an updated site plan that addresses the recommendations and findings listed within the staff report.”

## **SITE PLAN AND DESIGN REVIEW**



Address of Site 1924 Midland Dr. West Haven, VT Parcel # 150940047

Applicant Name Old Hickory Sheds

Agent Name Colton Bain

Application is hereby made to West Haven City requesting the following permitted use(s),

Shed sales / Additional rental and

Site plan design for 2500 (Square Feet) building be approved on 1.26 (acreage) of

Property in the C-3 zone in accordance with the attached site plan. (see attached form for site plan requirements.)

Signed: \_\_\_\_\_ Date: 3/12/25  
(Owner/Petitioner)

I authorize Colton Bain to act as my representative in all matters relating to this application.

(Owner/Petitioner)

Date:

3/12/25

(Agent as Authorized by Owner)

State of Utah )

8

County of Weber )

On this 11th day of March, in the year 2025, before me, Chans Sully

a notary public, personally appeared Michael Curtis Riddle  
name of document signer, proved on the basis of satisfactory

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

Witness my hand and official seal.

N/A	Received		N/A	Received	Letters of acknowledgment/approval/conditions from
		<u>PRELIMINARY</u>			<u>FINAL</u>
		Affidavit of Understanding and Acceptance of Fees			Culinary Water provider (Will Serve)
					Weber Fire District
					Weber-Morgan Health Department (If applicable)
					UDOT Application Letter (If applicable)

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

Owner Information

Address [REDACTED] City [REDACTED] State CT Zip [REDACTED]

Phone [REDACTED] Fax [REDACTED]

Email [REDACTED]

Agents Information

Address [REDACTED] City [REDACTED] State [REDACTED] Zip [REDACTED]

Phone [REDACTED] Fax [REDACTED]

Email: [REDACTED]

Surveyor/Engineer

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

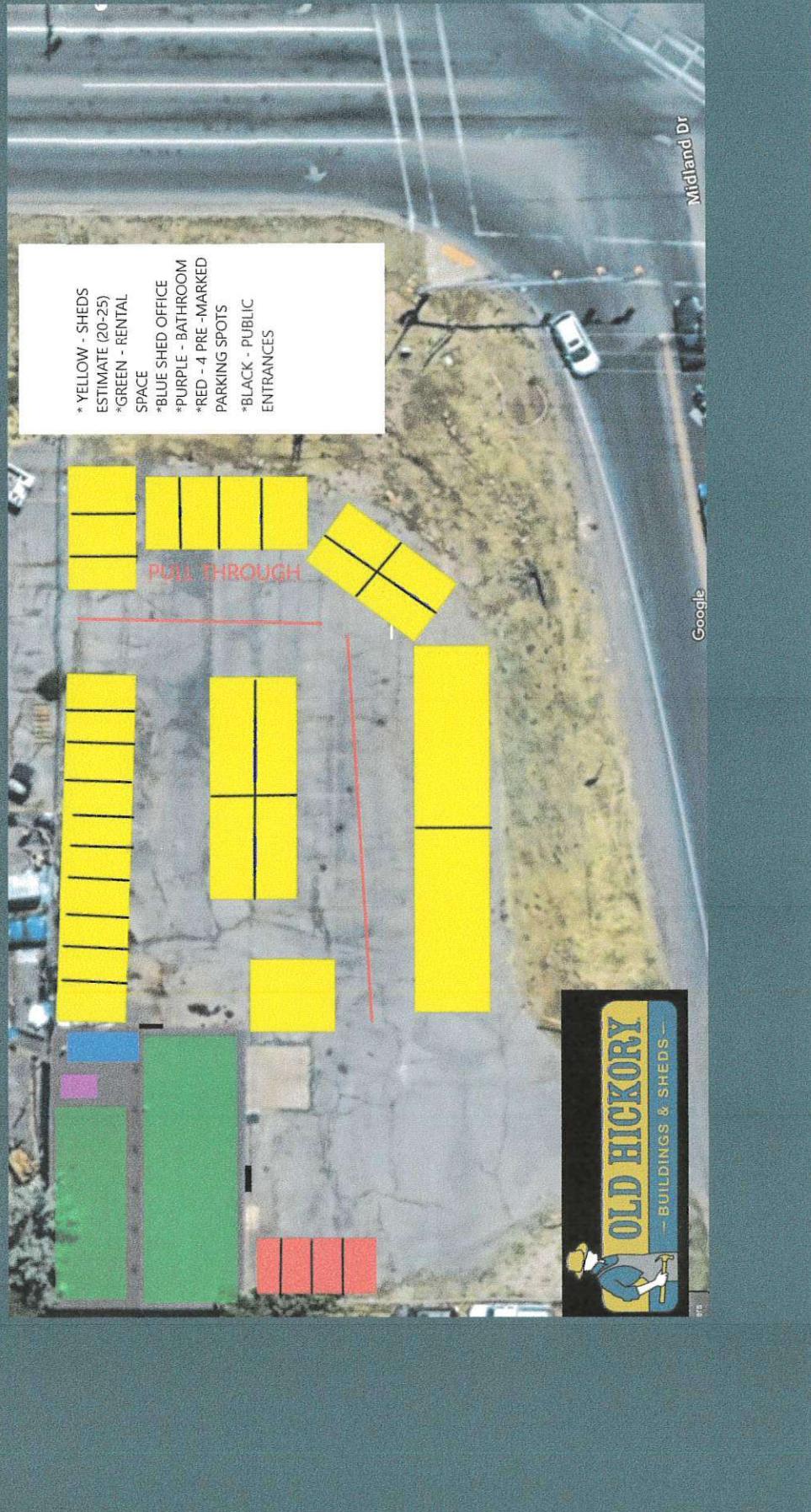
**COSTS TO BE INCURRED BY  
DEVELOPER**

**TO WEST HAVEN CITY**

<b>Fees</b>			
<b>City Review</b> \$250.00 per plan set		[REDACTED]	
<b>Preliminary</b> \$500.00 + \$50.00 per acres (0-5 acres) \$1500.00 + \$75.00 per acres (5.01 - 10 ac) \$2000.00 + \$100.00 per acres (10.01 - 15 ac) \$3000.00 + \$100.00 per acre (15.01+ acres)		[REDACTED]	
<b>Needs City Council Approval</b>		<b>Scheduled for Planning Commission Agenda</b>	
<input type="checkbox"/> Yes _____ <input type="checkbox"/> No _____		[REDACTED]	
<b>Planning Commission action</b>		<b>Conditions</b>	
Preliminary <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____		[REDACTED]	
Final <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____		[REDACTED]	
<b>City Council action</b>		[REDACTED]	
Preliminary <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____		[REDACTED]	
Final <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____		[REDACTED]	

**Community Development Director** \_\_\_\_\_

# SITE - MAP



## USAGE, OPERATIONS DETAILS & ZONING REQUIREMENTS

- Dealership style shed sales
- The option to rent remaining building to a C-3 permitted business.
- The shed business will operate similar to a car dealership. The sheds are built in Evanston, WY and shipped to the lot for direct public sale. There is no manufacturing on site.

Building locations and Elevations - Location is remaining "as is" This lot has been a car dealership for many years. We are utilizing the same existing building and property for shed sales.

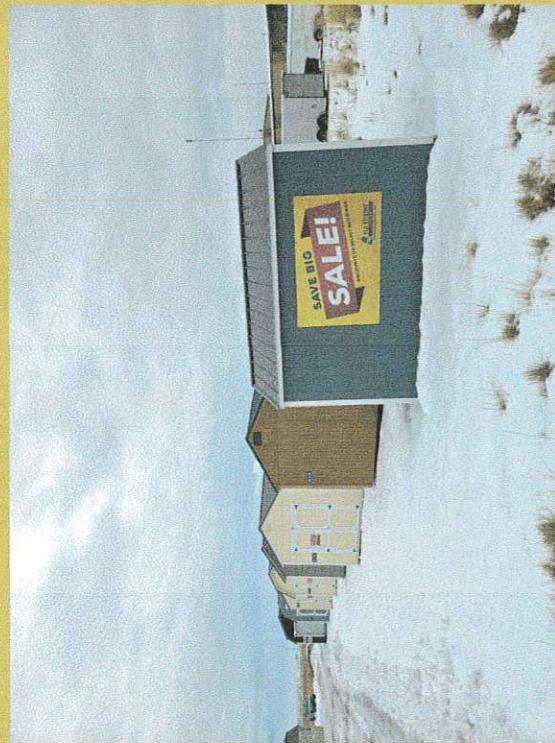
Signage - We like to use the standard flag signs and hang banners and information sheets from our sheds so the customer knows our sales, specials and delivery fees. Please see example images on last page.

Parking - I have marked the designated parking spots on the site map. There are 4 pre-marked spots, with an area for 2-3 more that can be added.





Colton Bain  
Territory Manager Old Hickory Sheds  
C: 316-500-0731  
Email: [Colton.bain@oldhickorysheds.com](mailto:Colton.bain@oldhickorysheds.com)

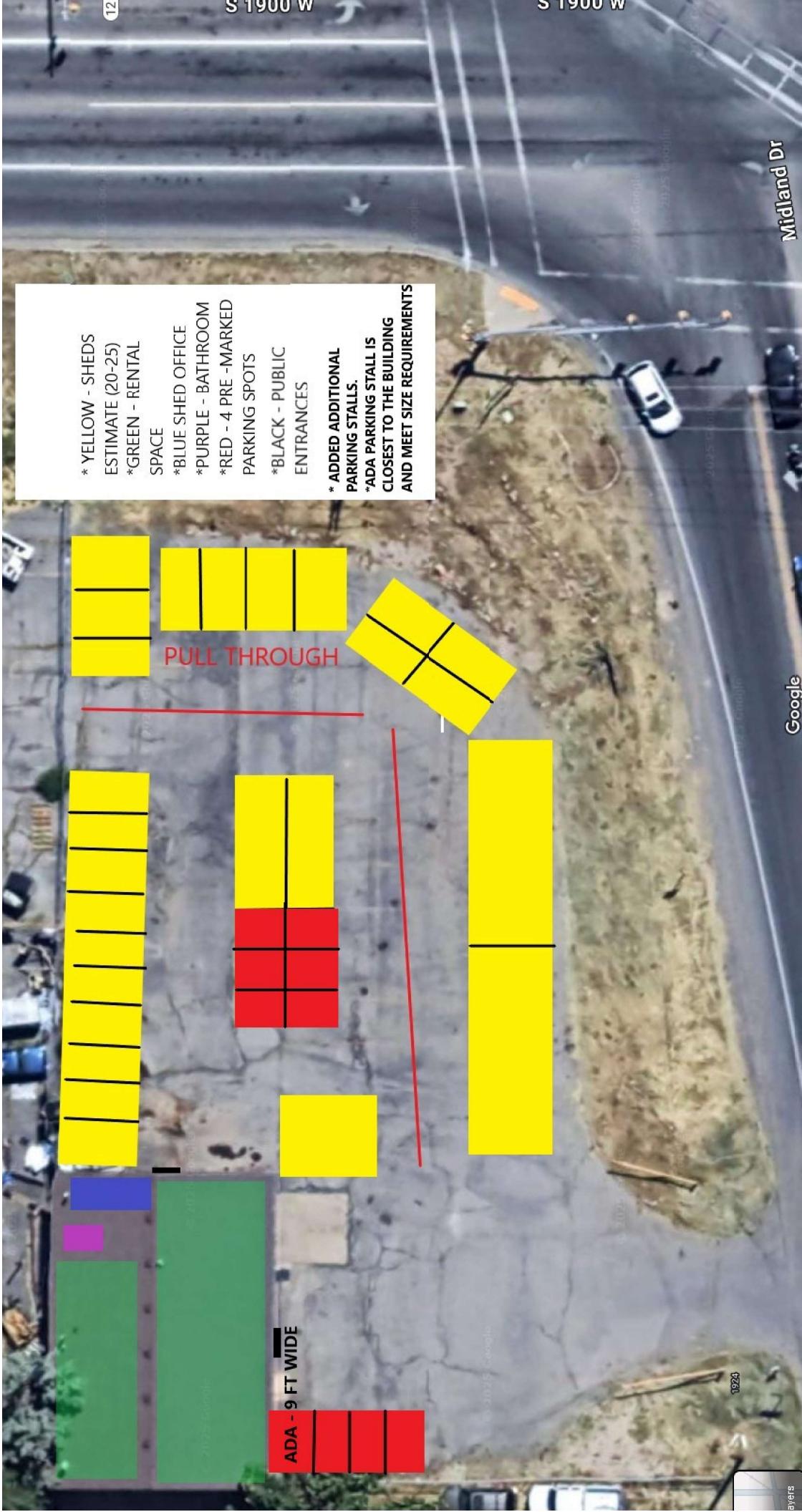


# SITE - PLAN

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OLD HICKORY SHEDS -  
1924 MIDLAND DR, WEST HAVEN, UT  
84401





**Parking –**

Thank you for your feedback on the parking plan for the proposed site. We'd like to clarify that the facility will have only one full-time employee on-site, with an anticipated maximum of one to two customers at any given time. To address the parking concerns, Old Hickory proposes a total of six parking stalls. Five of these will be standard stalls measuring 8 feet wide by 18 feet long, and one will be an ADA-compliant space meeting federal standards (minimum 9 feet wide and 180 sq. ft.).

While West Haven Parking Standards (§ 157.631) for automobile sales suggest seven spaces (5 spaces plus 1 per 2,000 sq. ft. GFA, exclusive of inventory parking), we believe six spaces adequately meets the needs of this operation given the low on-site staff and customer volume. Additionally, per § 157.818, the parking area can be altered or enlarged as needed. The updated site plan will reflect these six spaces, including the ADA-compliant stall with specified dimensions.

**Signage –**

Thank you for your comments regarding the signage plan for the site. Old Hickory confirms that all proposed signage—including banners on the sheds indicating they are “for sale” and flag signs on the property—will fall under the category of temporary signs as defined by West Haven Code § 157.759(P). These signs will be used exclusively to advertise seasonal sales and current short-term discounts, aligning with the requirement that temporary signs advertise a specific event or occasion.

We understand that per § 157.759(P)(1) and (2), temporary signs may be placed no more than 45 days prior to the advertised event or occasion, may remain for its duration, and must be removed within 48 hours after it concludes. The applicant will ensure full compliance with these time restrictions for all temporary signage related to our seasonal sales and discount periods.

At this time, there are no plans to install additional signage, including on the main building, or to use monument or pole signage. Should any future signage needs arise, we will coordinate with staff to ensure compliance with applicable codes. Please let us know if further details or adjustments are needed regarding the temporary signage plan.

**Landscape –**

Thank you for your feedback regarding the landscaping plan for the site. Old Hickory is requesting to maintain the current “as is” condition of the landscape area along the frontage, which ranges between approximately 16’ and 45’ wide and includes existing gravel, weed tarp, lawn, rocks, and shrubbery. We acknowledge that this area is currently unkept but believe it has potential to meet the desired aesthetic with minimal intervention.

Given the current season, we respectfully request that the Planning Commission grant a deferral of up to six months, as permitted under West Haven Code § 157.992(A)(1), to allow spring growth to reveal the full condition of the existing landscaping. This will provide a clearer picture of how the current gravel, weed tarp, and shrubbery perform and whether additional enhancements are necessary. There is no irrigation system currently in place, which aligns with the low-maintenance, natural landscape common to Utah and seen in the neighboring business to the north along Midland Drive and 3300 South.

We believe the existing landscaping complements the natural landscape of the region and is consistent with the character of adjacent properties. Should the Planning Commission determine that enhancements are needed after the spring assessment, we are open to discussing feasible options at that time. Any additional guidance on the preferred improvements would be appreciated to aid in this evaluation.

Thank you for considering this request. Please let us know if further details would assist the Planning Commission in deciding whether the current landscaping can remain as is.

**Additional Rental –**

Thank you for your feedback regarding the potential rental of additional space on the site. We want to emphasize that our primary intention is to fully comply with all West Haven City regulations. Our current priority is securing approval for the shed dealership as the main operation; however, we’d like to clarify that pursuing a secondary rental is a short-term goal integral to our business model. This additional rental was a key consideration when we secured the high-dollar lease for the property.

That said, we are not seeking blanket approval for this secondary business at this time. We fully understand the concerns about the unknown nature of the use, its varying impacts within the C-3 zone, and the need for adequate parking. Any additional rental will be pursued transparently and will go through West Haven City’s permitting process in its entirety, ensuring compliance with all applicable zoning and development standards. We

are committed to providing detailed information about the proposed tenant and addressing parking or other requirements when we submit that separate application.

For now, we respectfully request that the Planning Commission and staff focus their review solely on approving the shed dealership proposal as presented. We will address the secondary rental as a distinct step in the near future, following the proper procedures.

Please let us know if further details would assist in this process.

**City Engineer –**

Thank you for following up and sharing the City Engineer's comments. We appreciate the opportunity to address these points and have attached the revised site plan showing the area of additional parking stalls for your review. Below are our responses to each item:

**Removal of the Label over the Midland Entrance:** We're unclear on what "remove the label over the Midland entrance" means. Could you please clarify this request so we can address it accurately? The Midland Drive access, which measures 21 feet wide at its narrowest point, is already marked on the site plan.

**Dimensioning Access, Drive Aisles, and Parking Spaces:** The attached revised site plan focuses solely on showing the area of additional parking stalls, with the rest of the layout unchanged from the original submission. The parking stalls are already marked on-site and will meet national standards of 8 feet wide by 18 feet long, with the ADA-compliant space adhering to federal standards (minimum 9 feet wide and 180 sq. ft.). Drive aisles will be maintained at 16 feet wide for safe maneuverability. Please note that the site drawing may not reflect the exact placement of these elements, as we display a variety of shed sizes and would like the flexibility to move and shuffle them once on-site. We will, however, strictly adhere to the provided dimensions to ensure compliance and functionality.

**Largest Vehicle Permitted On-Site:** The largest vehicle we permit is our delivery truck—a Dodge dually with a 50 ft. flatbed. This vehicle will use the secondary entrance off 1900 W, which is designated solely for deliveries and will be gated to prevent public access, eliminating any public traffic concerns from that entry.

**Parking Lot Condition:** We acknowledge the concern about the parking lot's visual condition and welcome a physical inspection to assess potential safety issues. However, we believe the lot's aged asphalt is in no worse shape than many city roads, some of which handle 45 mph traffic and thousands of vehicles daily with greater wear. Additionally, the majority of the asphalt area will be covered by sheds for display, reducing the exposed surface subject to traffic or wear. Our lot has no major potholes or loose chunks that would

pose a safety risk, especially with the low traffic expected here. We're confident it's suitable for the proposed use but are open to discussing inspection findings.

Access from 1900 W and UDOT Meeting: The secondary entrance off 1900 W is exclusively for delivery use and will remain gated to the public, as noted. Since this access will not serve as a public entrance, we believe a pre-application meeting with UDOT is unnecessary for this proposal. We're willing to revisit this if the City Engineer deems it required, given the limited scope and private use of that entry.

The revised site plan showing the additional parking stall is attached to this response. Please let us know if you can clarify the Midland label issue or if there's anything else we can provide to move this forward efficiently. Thank you for your time and assistance.



GENERAL INFORMATION					
Issuance Date 5/20/2025	Region Region 1	Project Name (25-042) SR-108, West Haven, Old Hickory	OLP Application ID 160498		
Physical Address 1924 Midland Dr, West Haven, UT 84401	City WEST HAVEN	Permit Type Change	Access Use Type Commercial		
PERMITEE INFORMATION					
Property Owner Name RIDDLE HOLDINGS 3 LLC	Primary Contact Colton Bain	Primary Phone (316) 500-0731	Email colton.bain@oldhickorysheds.com		
LOCATION, WIDTH, AND ACCESS CATEGORY INFORMATION					
State Route 0108	Milepost Marker 12.88	DD Center Latitude 41.2052723	DD Center Longitude -112.0266121	Access Width 22	Access Category 6 - Regional Urban
0108	12.88	41.2052711	-112.0266207	22	6 - Regional Urban
0108	12.88	41.2052711	-112.0266207	22	6 - Regional Urban

A Conditional Access Permit is hereby authorized subject to the Utah Department of Transportation's (the Department's) Access Management Rule (Utah Administrative Code R-930-6), the Utility Accommodation Rule (Utah Administrative Code R930-7), the Standard Specifications for Road and Bridge Construction, and any terms, conditions, and limitations set forth herein. Per Utah Administrative Code R930-6-8(6)(g), a Conditional Access Permit shall expire if the access construction is not completed within twelve (12) months of the issuance date as identified at the top left of this document.

By carrying out the activities authorized by this approval the permittee and the permittee's successors in interests and/or assigns agree to accept all terms, conditions, and, limitations, of the approval including any attachments submitted with the Conditional Access Permit Application. In addition, the permittee certifies they will comply with all applicable regulations, properly control and warn the public of said work to prevent accident, and shall defend, indemnify and hold harmless the Department from all damages arising out of any and all operations performed during construction and operation of said access. Per Utah Administrative Code R930-6-8(5)(e), the permittee understands any intentional misrepresentation of existing or future conditions or of information requested for the application for the purposes of receiving a more favorable determination is sufficient grounds for permit revocation. The access allowed under this permit creates a license to only access a state highway to the extent provided in the permit. The access may be closed, modified or relocated by UDOT if, at any time, UDOT determines in its sole discretion that safety, efficiency or other reasons so require. UDOT will not be liable for any costs, losses or damages resulting from UDOT's review and comments on the submitted plan sets for a Conditional Access Permit.

**This conditional access permit does NOT allow construction or other activities within a state right-of-way. An encroachment permit must be separately applied for and issued before any construction within a state right-of-way may commence. Work on UDOT's right-of-way is seasonally restricted from October 15 to April 15. Work is not allowed on the right-of-way during the AM/PM peak traffic hours of 6:00 A.M. to 9:00 A.M. and 3:30 P.M. to 6:00 P.M. Some exceptions to this A.M./P.M. peak travel work restriction may be permissible for low AADT routes in rural areas. Any such exception requires special Region approval and must be explicitly stated on the approved encroachment permit.**

Authorizing Name (printed) Rodger Genereux	Authorizing Name (signed) 
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## TERMS, CONDITIONS, AND LIMITATIONS



5/20/2025	Region 1	(25-042) SR-108, West Haven, Old Hickory	160498		
Physical Address	City	Permit Type	Access Use Type		
1924 Midland Dr, West Haven, UT 84401	WEST HAVEN	Change	Commercial		
<b>PERMITEE INFORMATION</b>					
Property Owner Name	Primary Contact	Primary Phone	Email		
RIDDLE HOLDINGS 3 LLC	Colton Bain	(316) 500-0731	colton.bain@oldhickorysheds.com		
<b>LOCATION, WIDTH, AND ACCESS CATEGORY INFORMATION</b>					
State Route	Milepost Marker	DD Center Latitude	DD Center Longitude	Access Width	Access Category
0108	12.88			22	6 - Regional Urban
0108	12.88	41.2052723	-112.0266121	22	6 - Regional Urban
0108	12.88	41.2052711	-112.0266207	22	6 - Regional Urban

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By carrying out the activities authorized by this approval the permittee and the permittee's successors in interests and/or assigns agree to accept all terms, conditions, and, limitations, of the approval including any attachments submitted with the Conditional Access Permit Application. In addition, the permittee certifies they will comply with all applicable regulations, properly control and warn the public of said work to prevent accident, and shall defend, indemnify and hold harmless the Department from all damages arising out of any and all operations performed during construction and operation of said access. Per Utah Administrative Code R930-6-8(5)(e), the permittee understands any intentional misrepresentation of existing or future conditions or of information requested for the application for the purposes of receiving a more favorable determination is sufficient grounds for permit revocation. The access allowed under this permit creates a license to only access a state highway to the extent provided in the permit. The access may be closed, modified or relocated by UDOT if, at any time, UDOT determines in its sole discretion that safety, efficiency or other reasons so require. UDOT will not be liable for any costs, losses or damages resulting from UDOT's review and comments on the submitted plan sets for a Conditional Access Permit.

**This conditional access permit does NOT allow construction or other activities within a state right-of-way. An encroachment permit must be separately applied for and issued before any construction within a state right-of-way may commence. Work on UDOT's right-of-way is seasonally restricted from October 15 to April 15. Work is not allowed on the right-of-way during the AM/PM peak traffic hours of 6:00 A.M. to 9:00 A.M. and 3:30 P.M. to 6:00 P.M. Some exceptions to this A.M./P.M. peak travel work restriction may be permissible for low AADT routes in rural areas. Any such exception requires special Region approval and must be explicitly stated on the approved encroachment permit.**

Authorizing Name (printed)	Rodger Genereux	Authorizing Name (signed)	
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#### TERMS, CONDITIONS, AND LIMITATIONS

1. A copy of this permit must be posted in a conspicuous location and be available for immediate review at the location of the permitted activity. No exceptions.
2. This agreement and/or permit is UDOT approval only. The permittee is responsible for obtaining clearances, authorizations, or permits from railroads, private property owners, other utility owners, and other government agencies as may also be required.
3. By the accepting this permit, the permittee acknowledges the hazardous nature of conducting activities within the right-of-way and assumes full responsibility in the event of an accident or other incident involving death, injury, or damages to any party resulting from the permittee's authorized use of the right-of-way.
4. All work performed under this permit must be in accordance with UDOT approved plans and standard drawings unless otherwise stated in writing.
5. The primary function of the highway is for transportation purposes. All other highway purposes are subordinate to this primary purpose. By conducting the activities authorized by this permit, the permittee agrees to timely prosecute the permitted activities in a manner that minimizes transportation-related impacts including but not limited to; ensuring overall site safety as an overarching priority, and by applying systematic efforts to minimize, or shorten, the project schedule.
6. UDOT may cancel, suspend, or revoke this permit due to:
  - A) Non-compliance with the permit provisions including terms, conditions, and limitations



- B) Deviating from the approved permit provisions without written authorization
- C) Misrepresentation(s) discovered on the originating application, or associated documents
- D) Adverse weather or traffic conditions
- E) Concurrent transportation construction or maintenance operations in conflict with the permit
- F) Any condition deemed unsafe for workers or for the traveling public
- G) Any other condition that arises where work stoppage may be warranted for cause

In the event of a cancellation, suspension, or revocation the permittee shall promptly terminate occupancy of the right-of-way.

7. At all times the permittee and all activities authorized under this permit will comply with all applicable federal and state constitutions, law, rules, codes, orders, and regulations, including applicable licensure and certification requirements.
8. Use current edition of UDOT standard drawings for traffic control. Use Utah MUTCD standards for traffic control elements not shown in UDOT standard drawings. Traffic control must be maintained at the encroachment site for the entire encroachment period.
9. Before constructing the access connection authorized by this conditional access permit, an encroachment permit must be secured first.
10. The permittee agrees to maintain the permitted access in a professional workmanlike manner, free from physical defects including but not limited to potholes or other similar substandard conditions for the life of the permit. The permit holder's maintenance-related responsibilities shall extend to UDOT's edge of asphalt where said permitted access physically connects to UDOT's main traveled way and shall be guaranteed in perpetuity. Failure to properly maintain said private access point shall be grounds for permit revocation and for the closure of the permitted access point.
1. A copy of this permit must be posted in a conspicuous location and be available for immediate review at the location of the permitted activity. No exceptions.
2. This agreement and/or permit is UDOT approval only. The permittee is responsible for obtaining clearances, authorizations, or permits from railroads, private property owners, other utility owners, and other government agencies as may also be required.
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4. All work performed under this permit must be in accordance with UDOT approved plans and standard drawings unless otherwise stated in writing.
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  - A) Non-compliance with the permit provisions including terms, conditions, and limitations
  - B) Deviating from the approved permit provisions without written authorization
  - C) Misrepresentation(s) discovered on the originating application, or associated documents
  - D) Adverse weather or traffic conditions
  - E) Concurrent transportation construction or maintenance operations in conflict with the permit
  - F) Any condition deemed unsafe for workers or for the traveling public
  - G) Any other condition that arises where work stoppage may be warranted for cause

In the event of a cancellation, suspension, or revocation the permittee shall promptly terminate occupancy of the right-of-way.

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9. Before constructing the access connection authorized by this conditional access permit, an encroachment permit must be secured first.
10. The permittee agrees to maintain the permitted access in a professional workmanlike manner, free from physical defects including but not limited to potholes or other similar substandard conditions for the life of the permit. The permit holder's maintenance-related responsibilities shall extend to UDOT's edge of asphalt where said permitted access physically connects to UDOT's main traveled way and shall be guaranteed in perpetuity. Failure to properly maintain said private access point shall be grounds for permit revocation and for the closure of the permitted access point.



**Planning Commission  
Staff Review Memo**  
June 11, 2025



**CONSIDERATION OF AN UPDATED ZONING MAP FOR WEST HAVEN CITY**

**Request:** To review and make a recommendation on an update to the City Zoning Map

**Property Address:** The map covers the entire City

**Property Zone:**

**Property Size:**

**Applicant:** West Haven City-Community Development

**Agent:**

**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 May 28, 2025

## Background

West Haven City has been using an adopted zoning map (last adopted in 2023) that has had several changes. Most of these changes are related to the zone change application from property owners. However, the City has identified several properties within the City for which the zoning shown on this and past zoning maps was not supported by official action of the City Council. When the City adopted the map in 2023, it addressed most of those issues, but over the past two years, the City's engineering and GIS consultants have reviewed all past ordinances approved by the City Council since the City's incorporation and verified the zoning on each parcel. This has led to several corrections over the years. A couple of recent examples included

- The G&B Holdings Zone Change Application was reviewed by the Planning Commission on March 12, 2025. This zone change was for property located on 4000 S 4700 W from A-1 to C-2. Past maps indicated that this property was classified as C-2; however, upon review, it was found that no official action had been taken by the City to change the zoning of this property. Therefore, staff waived the application fee, and the property owner applied for the rezone to from A-1 to C-2

- Another recent example of an application was for Bowser Bath (the kiosk pet spa approved on 2700 W). This property on our zoning map was shown as A-1, but the City found minutes of zoning approval to C-2.

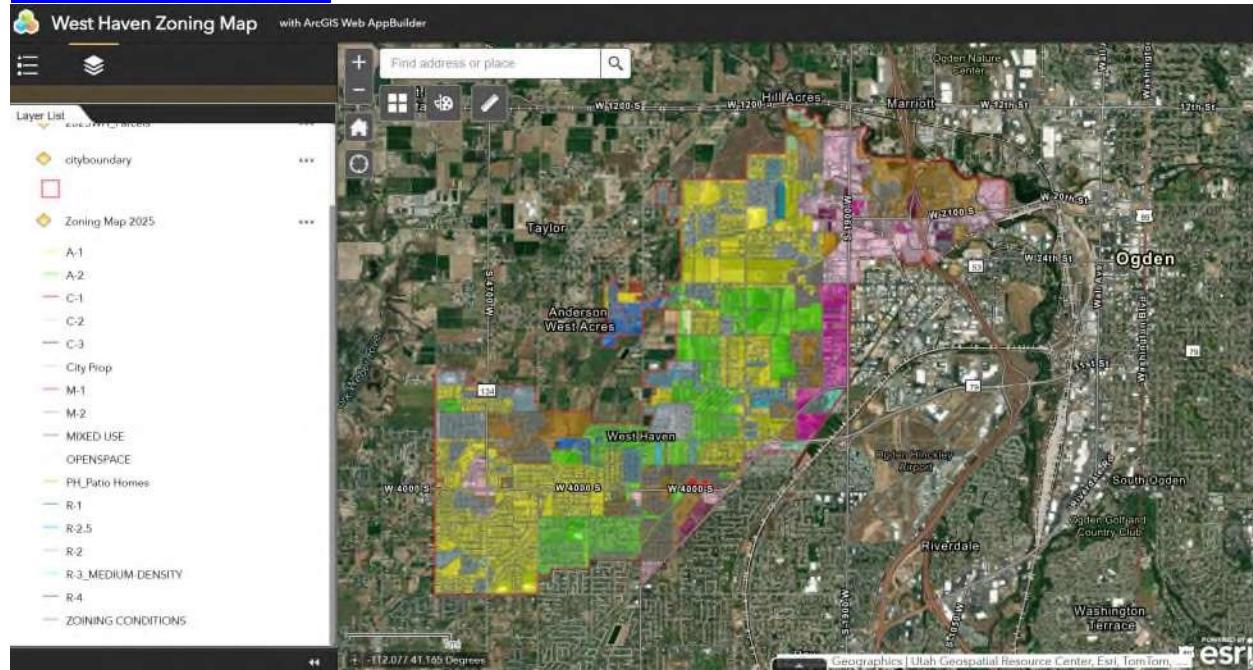
This map reflects the most accurate map of approved zoning to this point. Staff has included a map that shows each of the changes from the 2023 map to the proposed 2025 map.

### New Update Process

The City has a history of bringing the zoning map to the Planning Commission on a regular basis (normally every couple of years) for adoption. This is when each of the past zone change approvals would be changed on the posted map. This will be the last time that staff plans to bring the full map for approval. Instead, staff plans to update the map after each approved zone change and post it in both PDF and GIS formats on the website. The GIS map will reflect each approved zone change soon after it happens, while the PDF will be updated on a regular basis. This will allow a more transparent and accurate process. Staff also does not intend for the acceptance of this map to override any past decisions made by the City Council, but is presenting this map to the Planning Commission as an official starting point after a thorough review process to determine the true zone of every property.

The City has the West Haven Zoning Map hosted through GIS, and it will be made available to the public. You can explore the map at the link below.

### [West Haven Zoning Map](#)

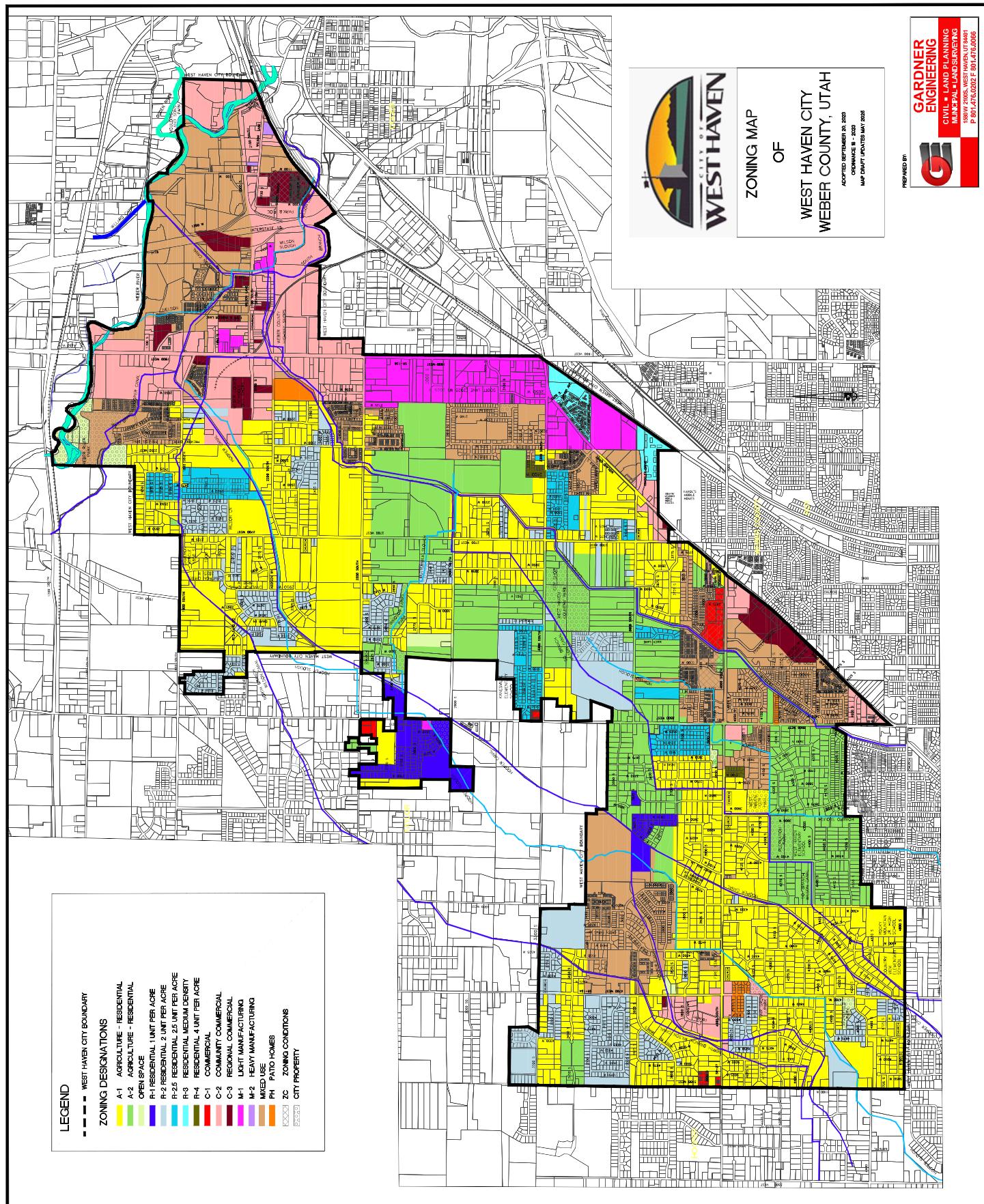


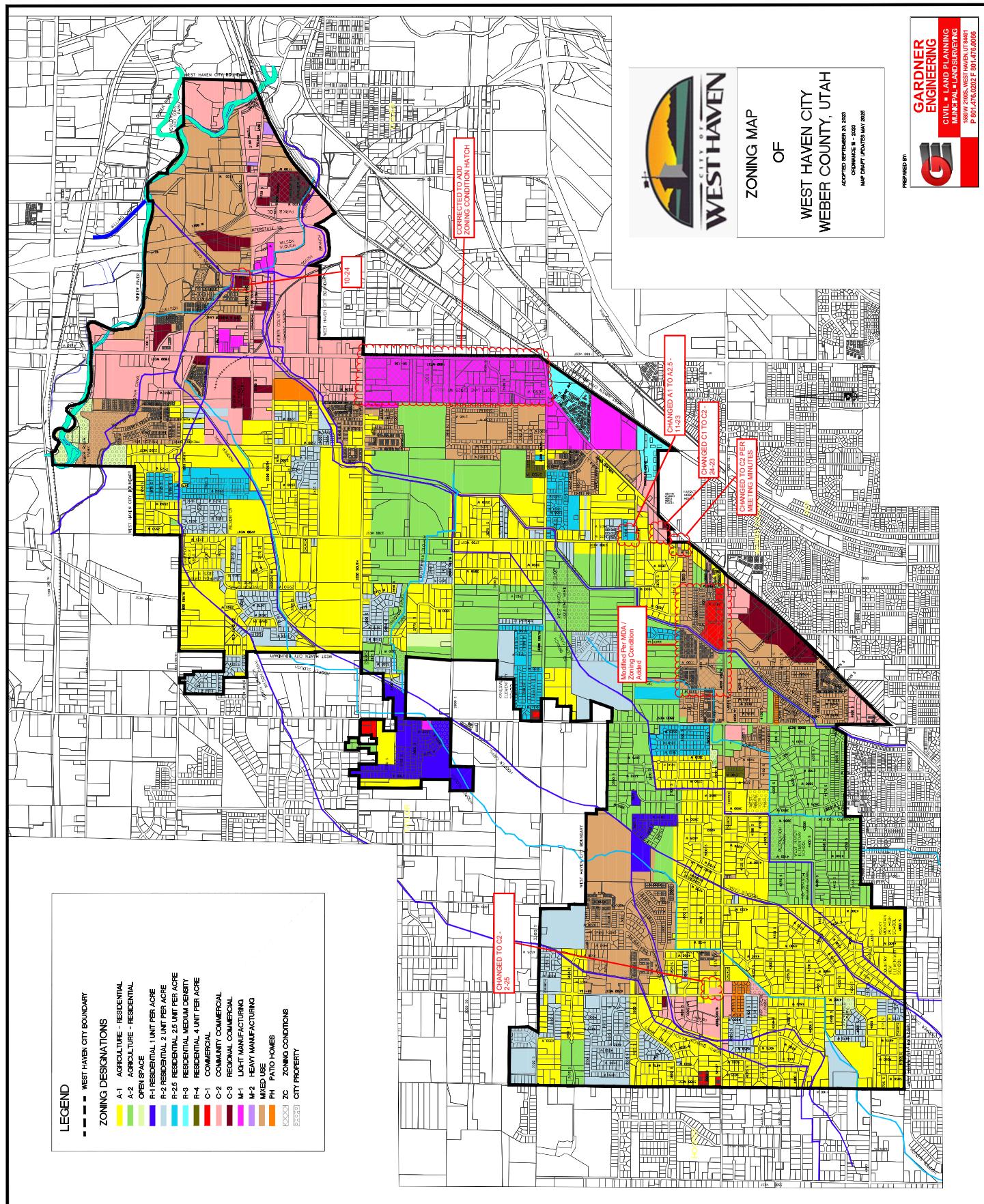
## **Staff Findings**

1. The *Zoning Map-May 2025* has been compiled after a review of each zone change approved by the City Council.
2. The proposed map does not reflect the recent Isom Zone Change, ORDINANCE 03-2025 approved on May 5, 2025, which needs to be updated before final approval by the City Council. Staff has asked GE Civil to make the update and provide the updated map.

## **Suggested Motion**

*I make a motion to recommend to the City Council to approve the Zoning Map of West Haven City with the Map Draft Updates of May 2025 and the attached draft ordinance, subject to the map being updated to incorporate ORDINANCE 03-2025.*





**ORDINANCE NO. —2025**

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, ADOPTING A ZONING MAP FOR  
WEST HAVEN CITY AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

**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 elected to have all properties within its municipal boundaries zoned for various purposes; and

WHEREAS, West Haven City maintains a print map documenting the zoning for such properties; and

WHEREAS, from time to time, changes and amendments to the zoning map are made; and

WHEREAS, City has by ordinance and since the adoption of the last Zoning Map in September 2023, solely at the request of and with the consent of property owners, made changes to the zoning of various properties; and

WHEREAS, the City has found that the September 2023 Zoning Map depicts a couple of errors regarding certain zones on the zoning map that are not supported by ordinance; and

WHEREAS, the City has also found that there have been rezones of property that are not shown on the September 2023 Zoning Map; and

WHEREAS, the City finds that it needs to update and adopt the Zoning Map, attached as Attachment “A”, to correct any errors and depict the rezones that have occurred; 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 document attached as Attachment “A” entitled “Zoning Map- May 2025” is adopted and shall serve as the point from which all future zoning map amendments

are based. That this Zoning Map is the official zoning map of West Haven City as of this day of        June 2025.

2. That all adopted rezones that occur in the future will automatically update the Zoning Map.
3. That all adopted rezones enacted by the West Haven City Council that have previously occurred before the date of this Ordinance shall also be reflected on the Zoning Map.

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        2025.

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 _____

## **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. [REDACTED]-2025, entitled “AN ORDINANCE OF WEST HAVEN CITY, UTAH, ADOPTING A ZONING MAP FOR WEST HAVEN CITY AND ESTABLISHING AN EFFECTIVE DATE THEREOF,”** adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on **June [REDACTED], 2025** which appears of record in my office, with the date of posting or publication being **June [REDACTED], 2025.**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this [REDACTED] day of June 2025.

Emily Green, City Recorder

# ATTACHMENT “A”

Attached to Ordinance No. 2025

Zoning Map dated 2025

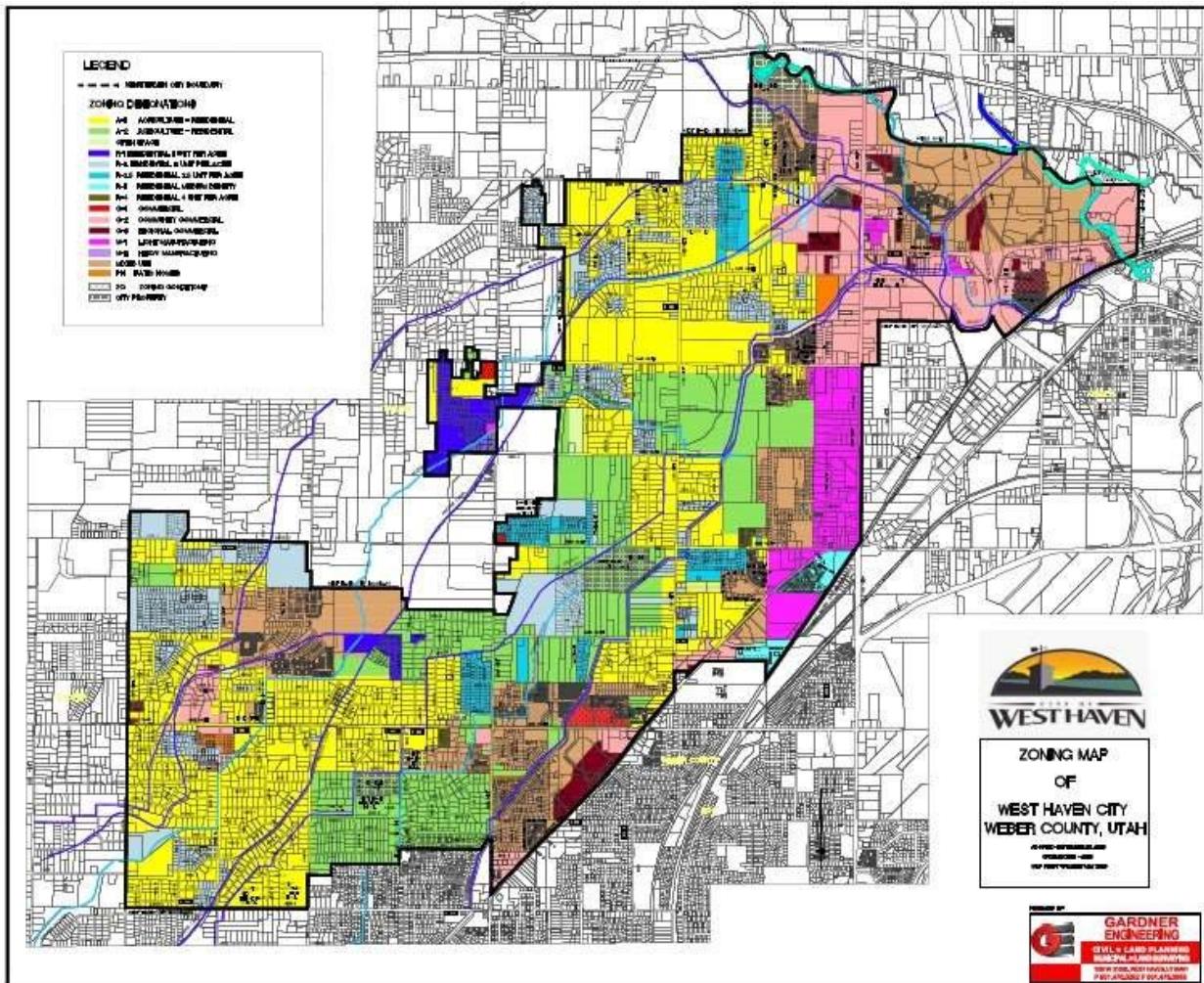
**CITY OF WEST HAVEN**

**NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTING A ZONING MAP  
FOR WEST HAVEN CITY AND ESTABLISHING AN EFFECTIVE DATE THEREOF**

**PUBLIC HEARING:** The Planning Commission of West Haven City, Utah will hold a **Public Hearing** on the **11<sup>TH</sup> Day of June, 2025** in the Commission Chambers at 4150 South 3900 West, West Haven, Utah at the hour of **6:00 PM** or as soon thereafter as possible, to consider adopting a Zoning Map for West Haven City and establishing an effective date there of. All interested persons shall be given an opportunity to be heard. Public comment can be made in person and digitally via zoom <https://us06web.zoom.us/j/86539464549>

Published by order of the West Haven City Planning Commission. In compliance with the Americans with Disabilities Act, individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify the City Recorder at 801-731-4519 at least 48 hours in advance.

**City of West Haven**  
**By: Robyn VanCampen, Deputy Recorder**



## **DESIGN REVIEW**

### **§ 157.730 PURPOSE.**

The purpose and intent of this subchapter is to ensure that the general design, layout and appearance of buildings and structures are compatible with their surroundings and aid the orderly and harmonious development of the city.

(Prior Code, § 54.02) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

### **§ 157.731 APPLICATION; REVIEW AND APPROVAL.**

(A) All proposals in commercial or manufacturing zones shall be subject to the provisions of this subchapter.

(B) Regardless of the zone underlying the land use, the following uses, including any accessory uses thereto, shall be subject to the provisions of this subchapter:

- (1) Multi-family dwellings; and
- (2) Public and quasi-public uses.

(C) The following shall be submitted as part of all applications for projects subject to the provisions of this subchapter, further details of which are found in this subchapter:

- (1) A preliminary site plan containing the following:
  - (a) A statement containing the proposed use and if it complies with current zoning.
  - (b) Site Layout. Site Layout shall show:
    1. Building location
    2. Setbacks, including front, rear, and both sides for every proposed building
    3. Access points and traffic circulation, including fire access
    4. Landscape areas
    5. Proposed fencing and gates
    6. Outdoor storage
    7. Dumpster areas and dumpster enclosures. All dumpsters that are visible from the adjacent public right(s)-of-ways, parking lots, or access drives shall be fully enclosed with opaque fencing or walls.
    8. Natural features, including hillsides, wetlands, floodplains, or other prominent natural features;
  - (c) Building elevations.. Elevations shall show:
    1. Building materials and colors;
    2. Architectural features, if applicable per §157.734, and
    3. Elevation drawings shall also contain a table showing ratio and percentages of each material/color and percentages of architectural features, if applicable, that meet the standards set out within this chapter;

(d) Landscaping plans shall contain a table showing types, numbers and percentages of each landscape material, the number of trees and shrubs, per §157.988 (A) based on the percent of total site landscaping, and the percentage of total site landscaping;

(e) Parking. The applicant shall include a parking plan, with a table showing the number of parking spaces required, the number provided, and the number of ADA parking stalls;

(f) Signage. Plans shall show the location, size and material of any and all proposed signs. This signage plan does not exempt the applicant from needing to obtain a building permit for each sign upon construction.

(e) Utility Plan. The applicant shall show a preliminary utility plan, including will service letters from public utility providers including culinary and secondary water and sanitary sewer districts

(f) Preliminary stormwater plans, including stormwater storage location, type of storage, proposed overflows, and other details to allow the City to understand how stormwater will be handled within the property; and

(g) Outdoor lighting plan in compliance with West Haven City Code § 157.775-157.785.

(h) UDOT Conditional Access approval, if applicable.

(2) The Development Review Committee (DRC) shall review all preliminary site plan applications and make a recommendation to the Planning Commission regarding compliance, findings, and conditions. The Planning Commission may approve, approve with conditions, or deny a preliminary site plan based on the applicant's ability or inability to meet or sufficiently address the requirements within this title and all applicable development standards adopted by the City.

(3) Once the applicant has received approval of their preliminary site plan from the Planning Commission, they shall proceed to prepare civil drawings and improvement plans and shall present those to the City Engineer and Community Development Director. The DRC shall review the improvement plans provide comments to the applicant and shall make a recommendation to the City Engineer and Community Development Director. The City Engineer and Community Development Director shall approve, approve with conditions, or deny improvement plans. (4) No final site plan application can be approved without the City Engineer's and Community Development Director's approval of improvement drawings. Each applicant shall submit as part of a final site plan application improvement drawings, stamped by a licensed civil engineer. These drawings shall demonstrate the site's compliance with the West Haven Code, compliance with public utility providers' standards, preliminary site plan approval conditions, and vehicle access and parking.

(D) After preliminary site plan approval or approval with conditions by the Planning Commission, the applicant shall submit a final site plan application and supporting construction drawings to the City in a format specified by the City within twelve (12) months. All applications for final site plan approval shall be reviewed by the Development Review Committee. The Planning Commission shall be the land use authority for the site plan and shall either approve, approve with conditions, or deny

a final site plan based on findings and compliance with all applicable code and standards, , with the following exceptions:

- (1) All buildings or combination of buildings which total over 40,000 square feet on a single parcel. After first being presented to and receiving a recommendation from the Development Review Committee, the Planning Commission shall review and may approve, deny or approve with conditions site plans for these buildings.
- (2) Any requests for building materials not otherwise considered as a primary or secondary material. After first being presented to and receiving a recommendation from the Development Review Committee, the Planning Commission shall review and may approve, deny or approve with conditions any requests for alternate building materials. (E) The Planning Commission shall determine whether the proposed architectural and site development plans submitted are consistent with this subchapter and with the general objectives of this subchapter and shall give or withhold approval accordingly. Denial may be appealed to the Hearing Officer.

(F) No building, occupancy or other land use permit shall be issued until the proposed project has received approval under the terms of this subchapter.

(Prior Code, § 54.04) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.732 EXCEPTIONS.**

- (A) Projects subject to conditional use and/or planned unit development approval shall have site plan and design review incorporated into such review. Such projects shall be required to meet the requirements of this subchapter.
- (B) Existing or Modified Sites.
  1. The City shall require an updated Preliminary Site Plan and Final Site Plan for existing commercial, industrial, institutional/civic, or multifamily sites if the property owner proposes to do any of the following.
    - a. Add additional building(s)
    - b. Change the use to a use type that the site's infrastructure, parking, or access points do not reasonably support
    - c. Change from a permitted use to a conditional use in the underlying zone
    - d. Change from one conditional use to another conditional use in the underlying zone
    - e. Switch to a use that has a reasonably higher impact.
  2. The Planning Commission may waive certain site development standards that do not impact the health or safety of the public for an existing or modified site, allowing an applicant to update a site without necessitating significant or unreasonable changes to the existing layout.
  3. The Planning Commission may approve a preliminary and final site plan approval at the same meeting if the site does not require updated improvement plans.
- (C) The City Engineer may waive improvement plan requirements in full or in part for sites that have already been developed, and the existing facilities and infrastructure can support the proposed site plan and use.

(D) The Planning Commission may waive landscaping requirements if the applicant provides a letter from the water provider stating that the provider can't supply water for landscaping or for exiting site with pre-established landscaping.

(Prior Code, § 54.06) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

### **§ 157.733 STANDARDS OF REVIEW.**

The Planning Commission and Development Review Committee shall consider the following matters, and others when applicable, in its review of applications and where the plan is found deficient the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

(A) *Traffic safety and circulation.*

(1) Does the site plan comply with the West Haven City Engineering Design Standards and Specifications related to traffic ingress, egress and internal circulation?

(2) A traffic study shall be required, if in the opinion of the Planning Commission, with input from the Development Review Committee, such would be necessary.

(B) *Parking.* Does the site plan comply with city ordinances regarding design, location and number of parking stalls required?

(C) *Signage.* Does the proposed signage meet the requirements of the city sign ordinance?

(D) *Landscaping.*

(1) The following landscaping shall be provided in each project subject to the provisions of this subchapter:

(a) *Front yard.* Landscaping shall be required along the entire frontage of the lot, except for the frontage required for ingress/egress. Said landscaping shall be a minimum of 15 feet deep, calculated from the property line.

(b) *Side/rear yards.* There shall be a minimum of five feet of landscaping between parking areas and side or rear property lines (except between commercial uses where said landscaping is not visible from areas of public access) and a minimum of five feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.

(c) *Parking area landscaping.* Landscaping within all parking and driveway areas shall comprise a minimum 5% of the total square footage of those areas and shall be placed within those parking areas to break up the mass of asphalt.

(2) Where possible, developers are encouraged to preserve existing, healthy trees.

(3) Developers are encouraged to take current drought and other environmental conditions into account when preparing a landscaping plan.

(4) Landscape plans shall include a minimum of three items from the following list:

- (a) Trees;
- (b) Decorative rock and boulders (gravel and pea gravel are not permitted);
- (c) Shrubs;
- (d) Groundcover; and
- (e) Grass (artificial or other).

(E) *Building/site layout.*

(1) All buildings shall be designed with breaks in the facade. This may be accomplished through a change in building materials, actual breaks in the facade, a mix of roofline projections.

(2) All mechanical equipment shall be screened so as to not be seen from any public right-of-way adjacent to the project.

(3) Developers are encouraged to keep in mind visual compatibility with existing development when preparing the site layout and architectural elevations of proposed buildings.

(4) Buildings which are located within 100 feet of the centerline of the following roads shall be designed so it appears the front of the building faces the street, regardless of how the building is actually oriented:

- (a) 2550 South;
- (b) Midland Drive;
- (c) 4000 South;
- (d) 3500 West;
- (e) 1900 West;
- (f) 2100 South/Wilson Lane;
- (g) 1800 South; and
- (h) Hinckley Drive.

(F) *Engineering standards.* Does the site plan comply with the West Haven City Engineering Design Standards and Specifications related to utility easements, drainage and other engineering requirements?

(G) *Governing documents.* Is the site subject to a master development agreement or any conditions or agreements related to the property?

(Ord. 2-92, passed - 1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

## **§ 157.734 DESIGN REQUIREMENTS.**

Design approval may include such other conditions consistent with the considerations of this subchapter as the Commission or Planning Director deem reasonable and necessary under the circumstances to carry out the intent of this subchapter.

(A) *Building materials.* New buildings shall be designed and constructed to meet the following criteria.

(1) Building exteriors shall be designed and constructed with primary and secondary building materials from the list of building materials in division (C) below.

(2) The front elevation, as well as any other elevation which faces the street shall be constructed of a minimum of 60% primary materials, with a maximum of 40% secondary materials.

(3) Windows and doors shall be excluded from the calculation of exterior building material requirements. Non-functioning, decorative only windows may be included in the calculation of building materials.

(4) A maximum of six colors for the primary materials may be permitted.

(5) Secondary materials shall be of a complementary hue and shade to primary building materials. A maximum of four accent colors may be allowed for secondary materials.

(6) A minimum of 15% of the front elevation, as well as any side or rear elevation which faces the street or major corridor, shall consist of upgraded architectural features as defined in division (C) below. See division (B) below for those streets which constitute major corridors.

(7) Non-primary elevations which do not face the street or major corridor shall consist of at least 5% upgraded architectural features as defined in division (C) below. See division (B) below for those streets which constitute major corridors

(B) *Major corridor requirements.* Projects which are adjacent to, or located within 400 feet of the centerline of 2100 South/Wilson Lane, 1800 South, 1900 West, Midland Drive, 3500 West, 4000 South, Hinckley Drive and 2550 South shall be subject to the following additional requirements. Any building face which can be seen from the above-referenced roads shall be constructed of a minimum of 60% primary materials.

(C) *Materials list and architectural features.*

(1) *Primary materials.* Shall include, but are not limited to:

(a) Architectural insulated metal panels;

(b) Brick;

(c) Concrete masonry unit (CMU), if it is textured to have the appearance of a different material;

(d) Glass;

(e) Rock;

(f) Stone (may be natural or manufactured);

- (g) Fiber cement siding, if used in a craftsman style of architecture; and
- (h) Engineered wood siding, if used in a craftsman style of architecture.

(2) *Secondary materials.* May include, but shall not be limited to:

- (a) Concrete;
- (b) Non-insulated corrugated and ribbed metal;
- (c) Fiber cement siding, if used in a non-craftsman architectural style;
- (d) Engineered wood siding, if used in a non-craftsman architectural style;
- (e) Stucco;
- (f) Tile; and
- (g) Wood.

(3) *Upgraded architectural features.* May include, but shall not be limited to:

- (a) Alternating brick patterns;
- (b) Archways;
- (c) Awnings;
- (d) Bays;
- (e) Canopies;
- (f) Corbels;
- (g) Cornices;
- (h) Decorative art (must be permanent);
- (i) Donners;
- (j) Pillars;
- (k) Porte Cochères;
- (l) Porches;
- (m) Porticos;
- (n) Shutters; and
- (o) Timbers.

(4) *Minimum.* Developers shall have a minimum of three different building materials, not including those which are considered upgraded architectural features.

(5) *Alternative materials.* Upon recommendation of the Development Review Committee, the Planning Commission may approve alternative materials if the Commission makes specific findings that the requested material is comparable to or superior to a listed, approved material for the specific development or remodeling project proposed.

(D) *Warranty.* All exterior materials shall be installed in a professional workmanlike manner and be guaranteed to be maintenance-free for at least ten years. Finishes upon exterior materials shall be guaranteed maintenance-free for a minimum of five years. Materials or finishes without such guarantees shall not be permitted. Guarantees shall be in writing from the manufacturer and a fully executed copy shall be provided to the city.

(Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.735 AGREEMENT FOR IMPROVEMENTS.**

Prior to the issuance of any building permit, the developer shall enter into an escrow agreement with the city wherein security shall be provided for any on and off-site public improvements. Occupancy shall not occur until all improvements have either been installed or guaranteed for future installation.

(Prior Code, § 54.14) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.736 TIME LIMITATIONS ON APPROVAL.**

If construction of any development for which design approval has been granted has not commenced within 12 months from date of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the Planning Commission, provided such application is made prior to the expiration/revocation of the initial approval.

(Prior Code, § 54.16) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.737 MODIFICATION.**

Upon request of the applicant, modifications to the approved plan may be made by the Planning Commission, it is found that the modification will meet requirements of this subchapter. The Planning Commission may revoke or modify a design approval which does not conform to any requirement of the approved permit.

(Prior Code, § 54.22) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

## **§ 32.09 Development Review Committee**

- (A) In order to provide an orderly and thorough review and approval process, the Development Review Committee (DRC) is hereby established
- (B) Purpose. The Committee's purpose is to act as an advisory committee to the City Council, Planning Commission, and other land use authorities on land use applications. The DRC is not an approval body, but a review and recommendation body.
- (C) Membership.
  - (1) The following individuals shall be appointed as members of the DRC.
    - (a) The Community Development Director
    - (b) The City Engineer
    - (c) The City Public Works Director
    - (d) The City Planner
    - (e) The Weber County Fire Marshal or their designee
  - (2) The following individuals may serve as alternates. Alternates shall serve as advisors to the DRC when called upon.
    - (a) The City Attorney
    - (b) The City Manager
    - (c) Parks and Recreation Director
    - (d) Storm Water Manager
    - (e) Other contract engineer or planner employed by the City
    - (f) The City Building Official
  - (3) In the absence of a member of the DRC, the City Manager may temporarily appoint one of the alternates to serve in the role.
  - (4) The DRC may request additional input on any land use applications from public utility providers within West Haven City boundaries as needed, as a proposed development may impact their services.
- (D) Scope of Responsibility.
  - (1) The DRC shall provide a review and advice to the land use authority on the following applications
    - (a) Preliminary Site Plans
    - (b) Preliminary Subdivision Plats
    - (c) Subdivision Improvement Plans as defined within the Subdivision Code
    - (d) Improvement Plans for Site Plan Applications
    - (e) Final Site Plan Applications
    - (f) Final Subdivision Plats
    - (g) Amended Subdivision Plat
    - (h) Conditional Use Permits
    - (i) Zone Change Applications, including overlay zones
    - (j) Annexation Petition
    - (k) Proposed Road, Right-of-way, or Easement Vacations
    - (l) Updates to the Land Use Ordinances
  - (2) Pre-Application Meetings. The DRC shall hold and conduct pre-application meetings at the request of an applicant(s). The DRC shall establish standards for pre-application documents.

(E) Meetings. The DRC shall create its own meeting schedule and will hold meetings as needed.

## **Chapter 150: General Provisions**

### **§ 151.01 LAND USE AUTHORITY**

(A) The following bodies shall serve as the land use authority for the following applications.

<b>Land Use Authority</b>	<b>Land Use Application</b>
City Council	Ordinance or ordinance amendment
	Rezone
	Modification of City rights-of-way and easements
	General Plan or General Plan amendments, including master plans
	Annexation
Planning Commission	Preliminary Subdivision Plats
	Subdivision Plat Amendments
	Preliminary Site Plans
	Conditional Use Permits
	Final Site Plans
City Engineer and Community Development Director*	Final Subdivision Plats
	Subdivision Improvement Plans
	Site Plan Improvement Plans
Community Development Director*	Sign Permit
Building Official*	Building Permits
Hearing Officer	Land Use Appeals
	Variances

\*In the absence, the City Manager may temporarily appoint an alternate to serve in their role.

\*\*This is a summary of each body's land-use authority. For full details of each body's approval authority, refer to the respective code and application process as defined in this title.

\*\*\*Other land applications are not listed in this table. The Land Use Authority is defined within those governing sections.

# CHAPTER 156: SUBDIVISION REGULATIONS

## Section

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- [156.002](#) Scope of chapter
- [156.003](#) Definitions
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- [156.005](#) Stamped by licensed engineer
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### ***Preliminary Plan***

- [156.020](#) Preliminary information
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### ***Final Plat***

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156.106 Subdivision processing; schedule

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### **GENERAL PROVISIONS**

#### **§ 156.001 PURPOSE AND INTENT.**

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

(B) Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned, and the subdivider shall present evidence to this effect when requested to do so by the Planning Commission.

(C) Any proposed subdivision with 31 or more lots will require a minimum of two roads.

(D) In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this chapter may be made by the City Council, after recommendation by the Planning Commission.

(E) If an exception is being considered, a public hearing must be held prior to approval.

(Prior Code, § 15.01.010) (Ord. 3-92, passed 1-15-1992; Ord. 3-93-A, passed 4-14-1993)

## **§ 156.002 SCOPE OF CHAPTER.**

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

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

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

(D) No lot(s) within a subdivision approved by the City and recorded in the County Recorder's office, in accordance with the provisions of this chapter, shall be further divided, rearranged, added to, or reduced in area, nor shall the boundaries of any lot be altered in any manner without first applying and receiving approval for a Subdivision Plat Amendment as defined within this Title..

(Prior Code, § 15.01.020) (Ord. 3-92, passed 1-15-1992) Penalty, see § [156.999](#)

## **§ 156.003 DEFINITIONS.**

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

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

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

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

## ***BONA FIDE DIVISION OR PARTITION OF AGRICULTURAL LAND FOR AGRICULTURAL PURPOSES.***

(1) The division of agricultural land into lots or parcels of five acres or more in area whose principal use is the raising and grazing of animals or agriculture as that use is defined in the city zoning ordinance.

(2) Provided that:

(a) No dedication of any streets shall be required to serve any such lots or parcels of agricultural land so created;

(b) The agricultural lots or parcels so created shall not thereafter be further divided into parcels of less than five acres without being subdivided in accordance with the subdivision regulations of the city; and

(c) No dwellings shall be permitted unless all subdivision and zoning requirements of the city, and health requirements of the county, are met.

**CITY.** The City of West Haven, Utah.

**CITY COUNCIL.** The City Council of West Haven, Utah.

**COUNTY HEALTH OFFICER.** The Administrative and Executive Officer of the County Health Department and Local Registrar of Vital Statistics, or his or her duly-authorized representatives.

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

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

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

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

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

## **REVIEW CYCLE**

- (1) the applicant's submittal of a complete subdivision application;
- (2) the municipality's review of that subdivision application;
- (3) the municipality's response to that subdivision application, in accordance with this section; and
- (4) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

## **SUBDIVISION.**

(1) The division of any tract, lot, or parcel of land owned, at the time of the adoption of this chapter as an undivided tract by one individual, or by joint tenants or tenants in common, or by tenants by the entirety, into three or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development.

(2) Provided that said term **SUBDIVISION** shall not include a bona fide division or partition of agricultural land for agricultural development purposes, nor a division of land into three or more parcels, each of which is 80 acres or more in area.

(3) The word **SUBDIVISION**, and any derivative thereof, shall have reference to the term **SUBDIVISION** as herein defined.

(4) For the purpose of these regulations, a **SUBDIVISION OF LAND** shall include:

(a) The dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a subdivision; and

(b) Re-subdivision of land heretofore divided or platted into lots, sites, or parcels.

## **SUBDIVISION CLUSTER.**

(1) A subdivision of land in which the lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which comply with the cluster subdivision provisions of the zoning ordinance.

(2) A significant part of the land is privately reserved or dedicated as permanent common open space to provide an attractive low-density character for the residential lots in the subdivision.

## **SUBDIVISION IMPROVEMENT PLANS**

**(1)** Civil Engineering plans associated with required infrastructure improvements and utilities required for a subdivision

## **SUBDIVISION APPLICATION REVIEW**

*(1) A review by a municipality to verify that a subdivision application meets the criteria of the municipality's ordinances.*

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

(Prior Code, § 15.01.030) (Ord. 3-92, passed 1-15-1992)

## **§ 156.004 CONDITIONS, COVENANTS, RESTRICTIONS.**

(A) Each developer/owner of any subdivision development within the city shall, as a condition of that development, cause to be drafted, issued, and placed on file with the

city, prior to the issuance of any building permit, excavation, or other construction permit for said subdivision, CCRs that adequately address the ongoing management and enforcement of the development conditions imposed by the developer on that development as a condition of approval by the city.

(B) At a minimum, such CCRs shall make provision for some form of perpetual maintenance and management process either through an effective home owners' association, a dedicated trust fund of sufficient initial size that it may reasonably be expected, as determined by sound actuarial principles, to provide ongoing funding for maintenance of common area facilities, and management and enforcement of the conditions of development as set out in the CCRs, or establish and set out such other arrangements as the city may reasonably find acceptable.

(Ord. 20-2004, passed 9-1-2004)

#### **§ 156.005 STAMPED BY LICENSED ENGINEER.**

(A) *Approval of preliminary and final plans.* Any other provision of this chapter or any other city ordinance notwithstanding, each preliminary or final subdivision, or other development, plan submitted for review to the city shall, from the effective date of this chapter, be required to be stamped or otherwise bear a legible indicia of approval of a licensed engineer or surveyor as appropriate to the plan submitted.

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

(Ord. 26-98, passed 11-18-1998)

#### **§ 156.006 BOND FOR CURB, GUTTER DAMAGE.**

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

(B) Upon inspection by, and approval of, the City Engineer, either:

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

(a) Any monies not used for those repairs to be returned to the individual who posted the bond; or

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

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

(Ord. 16-99, passed 12-1-1999)

## **§ 156.007 NEW DEVELOPMENT PLANNING, INSPECTION, AND ESCROW RELEASE REPORT.**

The city's New Development Planning, Inspection, and Escrow Release Report, as contained in Ord. 18-2005, along with the ordinance's "Addendum A," is hereby adopted by reference as if incorporated into this code in full.

(Ord. 18-2005, passed 12-7-2005)

### **PRELIMINARY PLAN**

#### **§ 156.020 PRELIMINARY INFORMATION.**

Each person who proposes to subdivide land within the city limits may confer with the Development Review Committee before preparing any plats, charts, or plans in order to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract.

(Prior Code, § 15.02.010) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.021 SUBDIVISION INFORMATION FORM.**

A subdivision information form supplied to the subdivider by the Planning Commission shall be filled out and submitted to the Planning Commission with the preliminary plan.

(Prior Code, § 15.02.020) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.022 PRELIMINARY PLAN FILING.**

A preliminary plan shall be prepared in conformance with the standards, rules, and regulations contained herein, and shall be provided in an PDF format and method accepted by the City and reviewed by the Community Development Department for completeness. . Prior to Planning Commission review, the preliminary plan shall be submitted to the Development Review Committee (DRC) for their review and comment. The DRC shall review and provide written comments to the applicant and the Planning Commission within fifteen (15) business days of a complete application.

(Prior Code, § 15.02.030) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.023 PRELIMINARY PLAN APPLICATION FEE.**

At the time of filing the preliminary plan, the subdivider shall deposit with the City a non-refundable fee made payable to the city. The City Council shall, by resolution from time to time, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for the expense incidental in connection with the checking and approving of such subdivision plans. Such fees are hereby made a part of the West Haven City Consolidated Fee Schedule. The West Haven City Consolidated Fee Schedule is hereby adopted by reference.

(Prior Code, § 15.02.040) (Ord. 3-92 passed 1-15-1992; Ord. 26-2023, passed 1-3-2024)

## **§ 156.024 PRELIMINARY PLAN REQUIREMENTS.**

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

- (1) The proposed name of the subdivision;
- (2) The location as forming a part of a larger tract or parcel, where the plat submitted covered only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatting parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area;
- (3) Sufficient information to locate accurately the property shown on the plan;
- (4) The individual or company names and addresses of the subdivider, the engineer and the registered land surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
- (5) Contour map at intervals of two feet, five feet, or ten feet, as determined by the Planning Commission;
- (6) The boundary lines of the tract to be subdivided;
- (7) The location, widths, and other dimensions of all existing or platted streets and other important features, such as railroad lines, water courses, exceptional topography, and buildings within or immediately adjacent to the tract to be subdivided;
- (8) Existing sanitary sewers, storm drains, water supply mains, water wells, and culverts within the tract and immediately adjacent thereto;
- (9) The location, widths, and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, other open spaces, and lots with proper labeling of spacing to be dedicated to the public, or designated as private streets or private access rights-of-way; and
- (10) North point, scale, and date.

(B) Plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants, and other proposed stormwater drainage facilities, and other proposed improvements such as sidewalks, plantings, and parks, and any grading of individual lots.

(C) The applicant shall provide will serve letters from the culinary water authority and the sanitary sewer authority regarding the proposed subdivision.

(Prior Code, § 15.02.050) (Ord. 3-92 passed 1-15-1992)

### **§ 156.025 PRELIMINARY PLAN APPROVAL.**

(A) Following a review of the preliminary plan by the DRC, the Planning Commission shall act on the plan as submitted or modified. If approved, the Planning Commission shall express its written approval with whatever conditions are attached and by returning one copy of the preliminary plan, signed by the Community Development Director, to the subdivider. If the preliminary plan is disapproved, the Planning Commission shall indicate its disapproval in writing and reasons therefor by similarly-signed copies.

(B) Notification of approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the subdivision improvement plans and final plat. .

(Prior Code, § 15.02.060) (Ord. 3-92 passed 1-15-1992)

### **§ 156.026 TIME LIMITATION.**

(A) Approval of the preliminary plan by the Planning Commission shall be valid for a maximum period of 18 months after approval.

(B) If the final plat has not been submitted within the 18 months or approved extended period, the preliminary plan must again be submitted to the Planning Commission for re-approval; however, preliminary approval of a large tract shall not be voided; provided, that the final plat of the first section is submitted for final approval within the 18-month period.

(C) The applicant may seek a six (6) month extension from the Planning Commission. The Planning Commission shall not approve a six (6) month extension if there have been changes in the land use regulations that govern the proposed development since the initial approval.

(Prior Code, § 15.02.070) (Ord. 3-92 passed 1-15-1992)

### **§ 156.027 GRADING LIMITATION.**

No large scale excavation, grading, or regarding as determined by the Planning Commission shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission, and then only in accordance with the excavation ordinance of the city.

(Prior Code, § 15.02.080) (Ord. 3-92 passed 1-15-1992)

### **§ 156.028 SUBMITTAL CRITERIA.**

All preliminary subdivision plats (24 by 36 sheet size) must contain the following:

- (A) A subdivision name;
- (B) A north arrow, scale, not less than one to one hundred (1:100), and reparation date;

- (C) A vicinity map to locate the property to be subdivided;
- (D) The boundary lines and dimensions of the parcel to be subdivided;
- (E) The location, widths, areas, and other dimensions of proposed lots, streets, easements, detention basins, and other features of the subdivision;
- (F) The location of existing and proposed improvements such as curbs and gutters, sanitary sewers, storm drains, and drainage plan, water supply lines, and culverts within 100 feet of the subdivision;
- (G) The location, widths, and other dimensions of existing or platted streets, or other features, such as water courses, buildings, or railroad lines within 200 feet of the proposed subdivision;
- (H) Existing ground contours of intervals not less than two feet; and
- (I) The names and addresses of the property owner of record, developer, engineer, or surveyor, and the owner'

(Ord. 17-98, passed 6-3-1998)

## FINAL PLAT

### **§ 156.040 SUBDIVISION IMPROVEMENT PLANS AND FINAL PLAT REQUIRED.**

- (A) After compliance with the provisions of §§ [156.020](#) through [156.028](#), the subdivider shall submit a final plat and subdivision improvement plans to the Community Development Director and City Engineer ~~Development Review Committee (DRC)~~. Such plat shall be accompanied by a letter of certification by the subdivided registered land surveyor, indicating that all lots meet the requirements of the zoning ordinance. The City Engineer and Community Development Director shall serve as the Land Use Authority for the Subdivision Improvement Plans and Final Plat application.
- (B) Subdivision Improvement Plans: Subdivision Improvement Plans shall be prepared by a licensed engineer and conform to current engineering, public works, and International Fire Code standards, as well as all other applicable City and State code requirements, in a PDF format.
  - (1) The Subdivision Improvement Plans shall address conditions within the initial preliminary plan report and any conditions of approval by the Planning Commission.
  - (2) Improvement Plans shall comply with West Haven requirements for all Subdivisions found in this title, in addition to adopted design standards, master plans, stormwater standards as adopted by the City and State, and any other applicable standards adopted by the City

(C) Final Subdivision Plat: A final Subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Weber County Recorder for recordation and meet the standards in § 156.041 FINAL PLAT REQUIREMENTS. Before printing on a mylar, the applicant shall submit a draft copy of the final plat for review

- (1) A draft copy of the final plat in an PDF format specified by the City
- (2) A title report dated no more than 30 days before the date of application
- (3) A copy of approved subdivision improvement plans
- (4) Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission in accordance with this title;
- (5) Other final subdivision plat notes, as required by West Haven or State Code, or as required by the Planning Commission.

(D) Subdivision Final Plat and Improvement Plan Review Process: The Development Review Committee (DRC) shall review and provide reports to the applicant in compliance with State Code §10-9a-604.2 as amended.

- (1) The subdivision Final Plat and Improvement Plans shall be subject to four Review Cycles, as defined in this chapter.
  - (a) Once the applicant has submitted a complete application, the DRC shall have 20 business days to review and provide an indexed report to the applicant with all required changes. This report shall cite and reference adopted code, design standards, and master plans that would require the change.
  - (b) The DRC may require additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for the construction of public improvements; and
  - (c) The DRC shall require modification to plans that do not meet current ordinances, applicable standards, or specifications, or do not contain complete information.
- (2) The Review Cycle limitation does not apply to property containing sensitive lands and geological hazard areas.
- (3) If an applicant makes a material change to a plan set, the DRC has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially affects.
- (4) The applicant shall submit revised plans and shall provide a written explanation in response to the DRC's review comments, identifying and explaining the applicant's revisions and any reasons for declining to make a revision.

- (a) If the applicant does not submit a revised plan within 20 business days after the DRC requires a modification or correction, the DRC shall have an additional 20 business days to respond to the plans.
- (5) If on the fourth and final review, the DRC fails to respond within 20 business days, the DRC shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
  - (a) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with State Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the City, the panel shall consist of the following three experts:
    1. one licensed engineer, designated by the City;
    2. one licensed engineer, designated by the land use applicant; and
    3. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in this section.
  - (b) The members of the appeal panel assembled by the City may not have an interest in the application that is the subject of the appeal.
  - (c) The subdivision applicant shall pay 50% of the cost of the panel and the City's published appeal fee.
- (6) For a dispute arising from a subdivision application review, the applicant may file an appeal with the Hearing Officer.

- (E) Once the applicant addresses all of the DRC's review notes, the final plat and improvement plans shall be submitted to the City Engineer and Community Development Director for final approval. The applicant shall submit a signed final plat to the City for signatures on one twenty four inches by thirty six inches (24" x 36") in ink on reproducible mylar copy of the final subdivision plat along with one digital copy (type to be specified by the Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps).
- (F) Final plats are subject to approval by the culinary water authority and the sanitary sewer authority, and a box shall be provided on the final plat for their signatures.

(Prior Code, § 15.04.010) (Ord. 3-92 passed 1-15-1992)

## **§ 156.041 FINAL PLAT REQUIREMENTS.**

- (A) The final plat shall consist of a sheet of approved tracing linen or Mylar to the outside or trim dimensions of 24 by 36 inches, and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a registered land surveyor. The

plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on the tracing linen with approved waterproof, black India drawing ink. The plat shall be made to scale large enough to clearly show all details, and in any case not smaller than 100 feet to the inch and the workmanship on the finished drawing shall be neat, clean-cut, and readable. The plat shall be signed by all parties mentioned in division (A)(8) below, duly authorized and required to sign, and shall contain the following information:

- (1) A subdivision name, approved by the County Recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall be shown on the top of the plat;
- (2) Where a subdivision complies with the cluster subdivision provisions of the zoning ordinance, the final plat shall indicate underneath the subdivision name the words, "cluster subdivision;"
- (3) A north point and scale of the drawing and the date;
- (4) Accurately drawn boundaries, showing the proper bearings, basis of bearings, and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines. The state plane grid bearings (where available) shall be noted on the linen, and the basis of bearing sufficient for retracement shall also be noted on the final plat;
- (5) The names, widths, lengths, bearings, and curve data on centerlines of proposed streets, alleys, and easements; also the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas, and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the City Engineer. All proposed streets shall be named or numbered consecutively under a definite system approved by the City Engineer and conform as far as practicable to the adopted street naming and numbering system of the city;
- (6) A house number indicating the street address for each lot in the subdivision shall be assigned by the City Engineer marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage;
- (7) Parcels of land to be dedicated as public parks or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "Public Park" or "Private Common Open Space," whichever is applicable;
- (8) The standard forms approved by the Planning Commission for all subdivision plats lettered for the following, and as shown in § [156.004](#):
  - (a) Description of land to be included in subdivision;
  - (b) Registered land surveyor's certificate of survey;
  - (c) Owner's dedication certificate;
  - (d) Notary public's acknowledgment;

- (e) City Planning Commission's certificate of approval;
- (f) City Engineer's certificate of approval;
- (g) City Attorney's certificate of approval;
- (h) City Council's certificate of acceptance;
- (i) City Clerk's certificate of attest; and
- (j) City Surveyor's certificate of approval.

(9) A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information; and

(10) The subdivision boundary corners shall be set on the site prior to recording of the final plat. The subdivision boundary corners and centerlines street monuments shall be noted on the final plat. For subdivisions that are located in the city which are zoned for agriculture (A-1 and A-2), the following statement shall be required on each page of the final plat:

“Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Zoning Ordinance for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision.”

(B) For subdivisions that include lots which will be partially or completely in the base floodplain (see §§ [157.390](#) through [157.395](#)) of any river, stream, watercourse, lake, or other body of standing water, a boundary and elevations of the floodplain shall be required on the final plat. The lowest elevation of any habitable floor in any structure for each lot shall also be shown on the final plat.

(C) The subdivider shall furnish to the City Engineer a complete set of drawings signed and stamped by a licensed civil engineer of engineering designs for all streets, existing and proposed, and all utilities to be constructed within the subdivision together with the final plat. All such utility and road construction shall be in accordance with the adopted public works standards of the city.

(D) (1) After approving and signing the final plat, the Planning Commission shall submit the plat for approval of the City Engineer, who shall check the engineering requirements of the drawing and determine the amount of the bend to assure construction of the improvements where necessary.

(2) After approval and signature by the City Engineer, the plat and bond agreement shall be submitted to the City Attorney and the City Council, respectively, for their approval. The final plat, bearing all official approvals as above required, shall be deposited in the offices of the County Recorder for recording at the expense of the subdivider, who shall be notified of such deposit by the office of the County Recorder.

(3) Any final plat not so approved and signed, or which shall not be offered for recording within one year after the date of final approval, unless the time is extended by the Planning Commission, shall not be recorded or received for recording, and shall have no validity whatsoever.

(4) No street improvements or utilities shall be installed until after approval of the improvement plans by the City Engineer. No lots included in such plat shall be purchased, sold, exchanged, or offered for sale, and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

(5) The subdivider shall deposit with the city, at the time of final plat approval, an amount of money equal to the estimated cost of purchase and installation of the traffic-control and street name signs required for proper completion of subdivision traffic direction.

(6) The subdivider shall deposit with the city, at the time of final plat approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision so that the city may install such monuments as soon as practical by giving the first opportunity to the subdividing surveyor, or his or her designee.

(Prior Code, § 15.04.020) (Ord. 3-92 passed 1-15-1992; Ord. 2-96, passed 3-20-1996)

## **SUBDIVISION PLAT AMENDEMENT**

### **156.050 SUBDIVISION PLAT AMENDMENT**

(A) No lot(s) within a subdivision approved by the City and recorded in the County Recorder's office, in accordance with the provisions of this chapter, shall be further divided, rearranged, added to, or reduced in area, nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded or any nonconforming lot, without first petitioning the City to amend the subdivision plat and obtaining the approval of the City.

1. The Planning Commission shall be the Land Use Authority for a Subdivision Amended Plat unless that amendment proposes to amend, vacate, or alter a City right-of-way or easement, in which case the Planning Commission shall make a recommendation to the City Council that will serve as the Land Use Authority.
2. All subdivision amendments shall comply with the provisions of this chapter, the underlying zoning standards, and standards set within State Code §10-9a-608 and §10-9a-609 as amended.
3. The Land Use Authority shall approve, approve with conditions, or deny a Subdivision Amended Plat Application subject to all applicable standards.

## **SUBDIVISION STANDARDS**

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

(A) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the Planning Commission for public requirements. The street arrangement must be such so as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

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

(C) Secondary Access. All developments with 30 or more units shall contain two public access points open to daily public vehicle use. This secondary access shall meet the adopted fire code and be approved by the fire marshal.

(D) All subdivision shall provide street layout in accordance with West Haven's adopted master street plans.

(Ord. 3-92 passed 1-15-1992)

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

(A) Streets in subdivisions shall be dedicated to the city as public streets, except that private streets improved to city public street standards may be approved in planned residential unit developments (PRUDs).

(B) Major and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum widths of 80 or 100 feet for major streets and 66 feet for collector streets.

(C) Standard residential streets shall have a minimum width of 60 feet, except that minor terminal streets and loop streets, or minor private streets, may have widths of not less than 50 feet.

(D) Minor terminal streets (cul-de-sacs) proposed in the subdivision of flat land where topography presents no barriers to development shall have a maximum length of 650 feet to the beginning of the turnaround or may serve a maximum of 14 lots, whichever is greater. Where a street is designated to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead end conditions exists.

(E) Marginal access streets of not less than 40 feet in width shall be required paralleling all limited access major streets, unless the subdivision is so designed that lots back onto such major streets.

(F) Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.

(G) All proposed streets, whether public or private, shall conform to the city street cross-section standards as recommended by the Planning Commission and adopted by the City Council.

(H) Except where due to special circumstances, street grades over sustained lengths shall not exceed the following percentages: on major public streets, 8%; on collector streets, 10%; on minor streets, 12%; and on private streets, 15%.

(I) Alleys shall have a minimum width of 20 feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the Planning Commission.

(J) Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one foot in width between said street and adjacent property; provided that an agreement with the city and approved by the City Attorney has been made by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the city for street purposes upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of the agreement.

(Ord. 3-92 passed 1-15-1992)

### **§ 156.057 BLOCKS.**

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

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

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

(Ord. 3-92 passed 1-15-1992)

### **§ 156.058 LOTS.**

(A) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future requirements.

(B) All lots shown on the subdivision plat must conform to the minimum area and width requirements of the zoning ordinance for the zone in which the subdivision is located, or:

- (1) Except as otherwise permitted by the Hearing Officer ;
- (2) Where in accordance with the cluster subdivision or Planned Residential Unit Development provisions of the zoning ordinance; or
- (3) As required by the County Health Officer as being the minimum area necessary for septic tank disposal and water, and well protection, if greater than the above area requirements.

(C) Each lot shall abut on a public street, private street, or private access right-of-way dedicated by the subdivision plat or an existing publicly-dedicated street, or on a street which has become such by right of use and is more than 26 feet wide, except as provided in division (D) below. Interior lots having frontage on two streets shall be prohibited except where unusual conditions make other design undesirable.

(D) Where approved by the Planning Commission, lots not having frontage on a street as required by the zoning ordinance for the zone in which the subdivision is located but upon a right-of-way may be included within a subdivision, provided the following requirements are met:

- (1) The Planning Commission determines that it is impractical to extend streets to serve such lots;
- (2) The area of the right-of-way shall be in addition to the minimum lot area requirements of the zone in which the lot is located;
- (3) The grade of any portion of the right-of-way or fee title access strip shall not exceed 15%; and
- (4) Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.

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

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

(G) All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

(H) Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the Planning Commission by the County Recorder.

(I) The Planning Commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines, and other utilities shall be provided in the subdivision when required by the Planning Commission.

(J) (1) No mailbox or other receptacle may be installed within developments within the city unless such installation and equipment has been reviewed and approved by the postmaster responsible for the delivery of mail to that property.

(2) Regulations promulgated by the United States Postal Service relating to mailboxes and similar receptacles, including, but not limited to, the installation and approved types of said receptacles, are hereby incorporated by this reference as if fully set out herein, and a violation of said regulations shall constitute a violation of this subchapter.

(Ord. 3-92 passed 1-15-1992; Ord. 09-2001, passed 8-1-2001) Penalty, see § [156.999](#)

### **§ 156.059 PARKS, SCHOOL SITES, AND OTHER PUBLIC PLACES.**

(A) In all subdivisions and subdivisions where there are no public streets, the Planning Commission may require the dedication to the city of not more than 3% of the gross area of the subdivision for parks, open spaces, or other public uses in such locations as approved by the Planning Commission as indicated on the approved preliminary plan.

(B) Where it is determined that a greater amount of land is required for parks and open spaces to meet the master plan requirements for that area of the city, or a school site is required, the Planning Commission, after so apprising the appropriate agency, shall so indicate the open space or school site requirements to the subdivider on the approved preliminary plan.

(C) The subdivider, at the time of filing the final plat with the Planning Commission, must offer to sell at a fair market price to the city or other appropriate public agency, within one year immediately following the recording of the final plat, any land so designated for school sites or any land designated for park or open space in excess of the 3% of land area required to be dedicated in accordance with division (A) above.

(D) If any such proposed public areas or school sites have not been purchased by the appropriate public agency within one year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this subchapter.

(Ord. 3-92 passed 1-15-1992)

### **§ 156.060 CLUSTER SUBDIVISIONS; SPECIAL PROVISIONS.**

#### **(A) *Design standards.***

(1) The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plan that have been adopted by the Commission, and design standards recommended by the Planning Commission and approved by the City Council.

(2) Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.

(3) Cluster subdivisions, in areas of the city where year-round living is normally expected or proposed, shall use the following design elements in preparation of the preliminary plat of the cluster subdivision.

(a) A majority of the proposed lots shall have direct access to the common open space. The remaining lots shall be connected to the common space by a trail system or by a sidewalk system in urban-type subdivisions.

(b) The proposed common open space shall consist of land which, under normal circumstances, could be considered for subdivision. Land which could normally not be developed but provides an amenity may also be a part of the common open space. This may include riding arenas, lakes, developed play areas, golf courses, or other similar such amenities.

(c) The number of lots in any cluster shall be approved by the Planning Commission. The design of the clusters shall generally be such that open space vistas or developed open spaces intercede between clusters.

**(B) *Provision of common open space.***

(1) The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open spaces. He or she shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A cluster subdivision must meet the requirements of the zoning ordinance, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents, and the general public.

(2) The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired character, including plans for deposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.

**(C) *Guarantee of common open space improvements.*** As assurance of completion of common open space improvements, the subdivider may be required to file with the City Council a surety or cash bond guaranteeing such completion in a manner satisfactory to the City Council, within two years of such filing. Upon completion of the improvements for which a surety or cash bond has been filed, the subdivider shall call for inspection by the Planning Commission, such inspection to be made within 14 days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released within seven days from the time of inspection. If the bonds are not released, refusal to release and reasons therefor shall be given to the subdivider in writing, also within seven days from the time of inspection.

**(D) *Continuation of common open space.*** As assurance of continuation of common open space use, in accordance with the plans approved by the Planning Commission, the subdivider shall grant to the city an open space easement on and over the common open space prior to the recording of the final plat, which easement will not give the

general public right of access but will provide that the common open space remains open.

(E) *Maintenance of common open space, and the like.*

(1) As assurance of maintenance of the common open space and other improvements where so required, the subdivider shall cause to be formed, prior to the recording of the final plat, a Lot Owners' Association, and shall establish articles of incorporation of the Association, bylaws, and covenants outlining the purpose, organization, and operation of the Association.

(2) Such articles of incorporation and covenants shall, among other things, provide:

(a) Membership shall be mandatory for each lot purchased and each successive buyer;

(b) Common open space restrictions must be permanent, not just for a period of years;

(c) The Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;

(d) Lot owners must pay their prorate share of the costs;

(e) The assessment levied by the Association can become a lien on the property;

(f) The Association must be able to adjust the assessment to meet changed needs; and

(g) In the event the Lot Owners' Association does not maintain the common open space and improvements as proposed and indicated at the time of subdivision, the city may, at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the members of the Lot Owners' Association.

(Ord. 3-92 passed 1-15-1992)

**§ 156.061 IDENTIFICATION OF FLOODPLAIN.**

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

(B) In subdivisions of at least nine lots, base flood and ground elevation data shall be provided for each lot by the developer and approved by the City Engineer.

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

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

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

(Ord. 3-92 passed 1-15-1992)

### **§ 156.062 POWER AND TELEPHONE UTILITIES.**

All electric power and telephone utility extensions to and in new subdivisions shall be installed underground to utility company specifications, except in those locations where the utility companies determine, and the Planning Commission concurs, that it is impractical due to steep terrain, inaccessible location, and the like.

(Ord. 3-92 passed 1-15-1992)

### **§ 156.063 PUBLIC WORKS STANDARDS.**

(A) *Public works standards.*

(1) *Modified high-back curb.* Any other provision of this, or any other, city ordinance notwithstanding, modified high-back curb shall, from the effective date of this chapter, be required as a part of all future development within the city as specified in the public works standards.

(2) *TV and flush of storm drains and sewers.* Any other provision of this chapter or any other city ordinance notwithstanding, from the effective date of this chapter, developers shall be required to provide TV and flush services to storm drains and sewers installed in the city as a part of all future development within the city as specified in the public works standards.

(B) *Public works diagrams.*

[IMAGE]

(Ord. 23-98, passed 10-7-1998)

## **CONDOMINIUM PROJECTS**

### **§ 156.075 DEFINITIONS.**

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

**CONDOMINIUM PROJECT.** A real estate condominium project, a plan, or a project whereby two or more units, whether contained existing or proposed apartment, commercial, or industrial buildings, or structures or otherwise, are separately offered, or proposed to be offered, for sale. **CONDOMINIUM PROJECT** shall also mean the property where the context so requires.

**UNIT.** A separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require. A convertible space shall be treated as a **UNIT** in accordance with UCA § 57-8-13.4, as amended.

(Ord. 3-92 passed 1-15-1992)

### **§ 156.076 CONDOMINIUM PROJECTS; SUBDIVISIONS.**

A condominium project shall be considered to be a subdivision, and a record of survey map or supplement thereto prepared pursuant to the Condominium Ownership Act, UCA § 57-8, as amended, shall be considered to be a subdivision map or plat with respect to such real property or improvements that are to be dedicated to the use of the public, and to those units which are not contained existing or proposed buildings.

(Ord. 3-92 passed 1-15-1992)

### **§ 156.077 CONDOMINIUM PROJECTS TO COMPLY WITH LOCAL ORDINANCES.**

(A) Condominium projects shall comply with all the provisions of the city uniform zoning ordinance, the building, health, and similar development regulations and ordinances of the city, and with the city subdivision regulations, and shall follow the procedures outlined in such regulations for processing subdivisions.

(B) The standards and criteria for geographical layout of a condominium project, the facilities of utility lines and roads, and the percentage of the project to be devoted to common or recreational use shall comply with the provisions of the ordinances and regulations in division (A) above.

(Ord. 3-92 passed 1-15-1992)

### **§ 156.078 APPROVAL OF CONDOMINIUM DECLARATION.**

A copy of the preliminary condominium declaration prepared pursuant to UCA § 57-3, as amended, shall be submitted to the Planning Commission, along with the preliminary record of survey, for review approval with respect to the standards for the maintenance, upkeep, and operations of roads and the facilities of utility lines.

(Ord. 3-92 passed 1-15-1992)

### **§ 156.079 INSTALLATION OF IMPROVEMENTS.**

The developer of a condominium project shall, at his or her own expense, install the improvements listed in §§ [156.090](#) and [156.091](#). In addition, proposed recreation facilities, clubhouses, recreational vehicle parking areas, and landscaping materials in accordance with an approved plan shall be included in the guarantee of improvements provided by the developer to the city prior to final approval by the city, or except as provided in §§ [156.090](#) and [156.091](#), in accordance with the plans and specifications as approved by the city.

(Ord. 3-92 passed 1-15-1992)

## **SUBDIVISION IMPROVEMENTS REQUIRED**

### **§ 156.090 OWNER OF SUBDIVISION RESPONSIBLE FOR COSTS.**

(A) The owner of any land to be platted as a subdivision shall, at his or her own expense, install the following improvements prior to recording the final plat, or except as provided in § [156.091](#)(A)(2)(b), according to the specifications and standards contained in the West Haven City Engineering Design Standards and Specifications, and by this reference made a part of these, except for septic tanks, which must be installed according to the specifications of, and under the inspection of, the County Health Officer. This document, adopted by reference, is the document of "Public Works Standards and Technical Specifications" previously adopted and utilized by the county. References in this document to "county," "the county," "County Engineer," "County Standards," and the like shall, in all cases, be interpreted to mean "city," "the city," "City Engineer," "city standards," and the like.

(B) The owner or developer of any land to be platted as a subdivision of one lot or more will be required, prior to recording the final plat, to provide a minimum of one-half acre of water, or the equivalent thereof, per acre, if water is currently available with the land being sold.

(Ord. 3-92 passed 1-15-1992; Ord. 4-95, passed 3-15-1995)

### **§ 156.091 IMPROVEMENTS REQUIRED.**

#### **(A) Water supply.**

(1) Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install waterlines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The subdivider shall furnish to the County Health Officer three copies of plans showing the location and size of proposed waterlines and fire hydrants, and also existing waterlines to which a connection is to be made. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished. The County Health Officer shall determine the adequacy of the existing water system to provide culinary water and fire protection to the State Board of Health Requirements to the lots in the subdivision. Written approval by the County Health Officer for the proposed water supply shall be submitted to the Planning Commission before consideration of the final plan.

(2) Where an approved public water supply or system is not reasonably accessible nor procurable, the subdivider shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the State Board of Health rules and regulations relating to public water supplies and with the approval of the County Health Officer; provided, that the Planning Commission shall permit the water supply to be provided by means of individual wells if, in its determination, the subdivision is not an extension or continuation of an existing or approved subdivision of related property and the subdivision is in a location where water supply pollution is not considered to be a significant problem or factor as follows:

- (a) In subdivisions of ten or more, but less than 20, lots where each lot has a minimum area of two and one-half acres and a minimum width of 300 feet; or
- (b) In subdivisions of less than ten lots, evidence shall be submitted to the Planning Commission prior to the final approval of the subdivision that an adequate water supply meeting State Board of Health requirements is available in sufficient quantity to serve the subdivision.
- (3) If individual well permits will not be issued by the State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. If well permits cannot be obtained, the lot will no longer be deemed a buildable lot as herein defined. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include, but not be limited to:
  - (a) A well permit must be obtained;
  - (b) The time it may take to obtain the permit;
  - (c) The well must be drilled;
  - (d) Water quality to be satisfactory; and
  - (e) Water quantity to be sufficient, as required by the County Health Department, before a building permit can be obtained from the City Inspector.

**(B) Sewage disposal.**

(1) Where a public sanitary sewer is within 500 feet, or is close enough in the opinion of the County Health Officer and Planning Commission to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and standards of the city, and shall be approved by the City Engineer. Where the construction of a city trunk sewer is required to serve the subdivision, the subdivider shall be required to construct such trunk line in accordance with plans and specifications approved by the city and Sewer Improvement District as part of the normal subdivision improvements. Such trunk line shall be designed with sufficient capacity to serve the entire drainage area, as determined by the City Engineer, with the subdivider being entitled to reimbursement for such oversize costs through additional sewer connection fee assessments to developing properties within said drainage area for a period of ten years from the date of acceptance by the city.

(2) Where a public sanitary sewer is not reasonably accessible, the subdivider shall obtain approval from the County Health Officer for individual sewage disposal for each of the lots. Subdividers shall furnish to the County Health Officer a report of percolation tests completed on the property proposed for subdivision in accordance with the regulations of the State Department of Public Health governing individual sewage disposal systems. Three copies of the subdivision plan showing appropriate contours shall accompany the report and show thereon the location of test holes used in

completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the city. Written approval from the County Health Officer shall be submitted to the Planning Commission before consideration of the final plat.

(3) Where a public sanitary sewer is not presently or reasonably accessible, the subdivider shall, nevertheless, and notwithstanding anything herein to the contrary, be required to provide adequate lateral lines to the property line of each lot and shall provide for a connection for said laterals as though a sanitary sewer were reasonably accessible. Such sewer connections and subdivision sewer systems shall comply with the "Public Works Standards and Technical Specifications" for the city, as set out in Exhibit A, as well as the "Public Works Standards and Technical Specifications" for the City Wastewater Special Service District as promulgated, and as directed by the City Engineer. Where the construction of a trunk line is required, it shall be constructed in accordance with the terms set out in division (B)(1) above.

(C) *Stormwater.*

(1) The City Engineer may require the subdivider to dispose of stormwater, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

(2) When drainage structures, such as stormwater detention facilities, are required by the City Engineer, the city, at its option, may require the facility to be dedicated or otherwise transferred to the city or its designate. The city may also require the developer of the subdivision which the detention facility serves to form a Homeowners' Association of all homes proposed in the subdivision. The purpose of the Association shall be to own and maintain the detention facility in satisfactory condition as specified by the City Engineer. In such cases, the city shall be granted an easement over the detention facilities to guarantee such facilities will remain and be used as intended for stormwater detention purposes.

(D) *Street grading and surfacing.* All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the standards and rules and regulations of the City Engineer.

(E) *Curbs and gutters.*

(1) Curbs and gutters shall be installed on existing and proposed streets by the subdivider where, in the opinion of the Planning Commission and City Engineer, they will be necessary to remove surface water, or for safety or other reasons.

(2) After recommendation by the Planning Commission and City Engineer, the City Council may waive curb and gutter improvements on non-state highway streets in subdivisions:

(a) Which are located in a primarily agricultural or rural area;

(b) Where, because of excessive topography and other reasons, runoff from a curb and gutter collection system could not easily and economically be disposed of; or

(c) Of an estate-type nature where the average lot width is 150 feet or more and the average lot is 40,000 square feet or more.

(F) *Sidewalks.* Sidewalks shall be required by the Planning Commission for reasons of safety or public welfare, except that in subdivisions where the average lot width is 150 feet or more, sidewalks may not be required.

(G) *Monuments.* Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type specified in the "City Public Works Standards and Technical Specifications" approved by the City Engineer.

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

(I) *Street signs.* Street signs shall be installed by the subdivider at all locations as designated by the City Engineer. Such signs shall be of such a type and of such material as shall be prescribed by the City Engineer. The City Council shall have the option to install such signs and charge such costs to the subdivider.

(J) *Fencing of canals, and the like.* The city recognizes that canals both provide a vital service to the community while at the same time presenting a possible hazard to certain of our citizens. While the city does not have any direct responsibility for the fencing and maintenance of these canals, in order to facilitate the required maintenance and operation of these facilities, the following procedures shall apply to all development within the city where that development abuts a canal.

(1) All developers proposing to develop or subdivide adjacent to a canal must provide written documentation to the city demonstrating that the canal company responsible for that canal has satisfied itself that the development will not encroach on the canal company's maintenance right-of-way or otherwise impede canal operations; and, evidencing agreement on the part of the developer, to abide by the requirements of the canal company as those requirements may effect the proposed adjacent development.

(2) The city will not grant final approval to any subdivision or development without the documentation set out in division (J)(1) above having been placed in the development file.

(3) Each developer will be required to record the agreement with the canal company set out in division (J)(1) above, together with the finalized subdivision or development plat, in the office of the County Recorder, which plat must clearly show any canal easements or rights-of-way.

(4) The City Planner shall, on an automatic basis, and as a part of the subdivision permit and approval process, provide any canal company with a site plan of any proposed subdivision or development work adjacent to that company's canal.

(K) *Staking of lots.* Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

(L) *Peripheral fencing.* The Planning Commission may require appropriate type fencing along the periphery of a subdivision in an agricultural zone so as to provide protection to adjacent farming lands from the adverse effects of residential living, and vice versa.

(M) *Secondary water.*

(1) Where a subdivision is proposed covering real property which is located within an existing culinary water district or the service area of an existing water corporation, or public secondary water system operator or provider, or within a water district or water corporation service area created to serve such subdivision, the Planning Commission shall, as part of the approval of the subdivision, require the subdivider to furnish adequate secondary water to the subdivided parcel and to do so in conjunction with the water provider as set out herein.

(a) Additionally, the Planning Commission shall, as a part of the subdivision approval process, require the subdivider to install a secondary water delivery system to the lots in said subdivision sufficient to conform to the public works standards of the city or, in the case of a public secondary water system, to the public works standards of said public water provider (when this situation applies, the standards of the public water supplier shall be deemed, for the purposes of this part, to be the standards of the city).

(b) If such water district or company files or has filed a written statement with the City Planning Commission which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the subdivider, a certified copy of the minutes of the Board of Trustees of such water district or company showing the enactment of such policy must be furnished to the City Planning Commission.

(c) Notwithstanding the above, all new development shall be provided with connections to a public secondary water system consistent with the above policy as follows.

1. All new development within one-fourth mile (1,320 feet) of a public secondary water system is required to hook up to the system.

2. New development not within one-fourth mile of a public secondary water system can choose to do one of the following:

a. Postpone development until a public secondary water system is within one-fourth mile of the development; or

b. Develop and construct the necessary secondary waterlines and infrastructure to hook the development to a public secondary system according to the capital facilities plan of the system's provider (this is consistent with the city's current development requirements).

3. Lines constructed by the developer in accordance with this policy and that are, or become, part of the public secondary water provider entity's master plan shall be reimbursed by the public entity to the developer.

(d) **SECONDARY WATER** shall mean water furnished for other than culinary purposes.

(2) Where the city, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the subdivider shall provide for the transfer of irrigation water rights by either of the following methods, as determined by the Planning Commission.

(a) The subdivider shall cause to be formed a Lot Owners' Association as a non-profit corporation for the purpose of owning the irrigation water rights or stock for the lots in the subdivision. The subdivider shall transfer to the Association, at the time of subdivision recording, sufficient rights or stock, as required by the irrigation agency for the number of lots in the subdivision. The Articles of Incorporation of the Association shall provide, in addition to the Association owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the Association, that he or she is entitled to a pro rata share of irrigation water, that he or she is subject to a water distribution schedule and procedure established by the Association, and that he or she is responsible for his or her share of the costs of ditch and system maintenance, and assessments, as made by the Association from time to time.

(b) The subdivider shall provide the county with evidence that he or she holds sufficient irrigation water rights or shares for all of the lots in the subdivision. At the time of recording the approved subdivision plat, he or she shall record a covenant to run with the land in the subdivision, acknowledging that he or she holds sufficient irrigation water rights or shares for the lots in the subdivision, that these rights or shares will not be disposed of except to the lots in the subdivision, and that with the sale of each lot, he or she will transfer, at no cost, the required water rights or shares needed to properly irrigate the lot to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.

(N) *Fire hydrants.* Fire hydrants of a type recommended by the County Fire Service Area and the City Engineer shall be required in all subdivisions of four lots or greater in number. The County Fire Service Area shall recommend the location of all fire hydrants in each subdivision, however, general locations shall be one hydrant for each 500 feet of street length.

(O) *Private land drains.*

(1) Where a subdivider finds it necessary to install private subsurface land drains in a subdivision to lower the groundwater table in order to receive County Health Department approval for the operation of septic tank drainfields in certain lots, he or she shall be required to record a deed covenant and restriction to run with the land stating that the city accepts no liability or responsibility for maintenance, repair, replacement,

operation, or use of any consequence resulting from the operation or failure of operation of said land drains.

(2) The deed covenant shall provide that the owners of lots serviced by the land drains shall bear an equal responsibility to share all costs relative to the maintenance, repair, or replacement of said drains and also place said owners on notice that no building permit will be issued for said lots until the land drains have been constructed and found to function properly by the County Health Department.

(3) The design of private subsurface land drains shall be approved by both the City Engineer and the County Health Department.

(Ord. 3-92, passed 1-15-1992; Ord. 21-92, passed 12-16-1992; Ord. 1-96, passed 2-7-1996; Ord. 9-98, passed 5-6-1998; Ord. 11-2000, passed 11-15-2000)

## **§ 156.092 GUARANTEE OF IMPROVEMENTS.**

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

(1) The subdivider may furnish and file with the City Council a bond with corporate surety, in an amount equal to the future cost of the installation of the improvements at the termination of the bonding period, as estimated by the City Engineer, to assure the installation of such improvements within a two-year, or shorter or longer, period if otherwise established by the City Council from the approval date of the subdivision plat by the City Council, which bond shall be approved by the City Council; and

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

(B) The documents aforesaid shall be approved as to form by the City Attorney. The Planning Commission is authorized to prescribe by administrative ruleS or regulations, forms, and procedures to ensure the orderly, regular, and efficient processing of applications for the approval of a proposed subdivision and the guarantee of improvements in strict compliance with the requirements of this chapter.

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

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

(Ord. 3-92, passed 1-15-1992)

### **§ 156.093 INSPECTION OF IMPROVEMENTS.**

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

(Ord. 3-92, passed 1-15-1992)

## **ENFORCEMENT AND PERMITS**

### **§ 156.105 SUBDIVISION APPROVAL REQUIRED FOR PERMIT.**

The City Building Inspector shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all provisions of this chapter. No city officer shall issue any permit or license for the use of any building, structure, or land when such land is a part of a subdivision, as defined herein, until such subdivision has been approved and recorded in the County Recorder's Office. Any license or permit issued in conflict with this chapter shall be null and void.

(Ord. 3-92 passed 1-15-1992)

### **§ 156.106 SUBDIVISION PROCESSING; SCHEDULE.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

**ENGINEERING CHECKING AND IMPROVEMENT INSPECTION.** The work performed by the City Engineer in checking the plans for road construction and utility installation as proposed by the subdivider and the in-site inspection of the actual construction to ensure conformance with city standards.

**PLANNING PROCESSING.** The procedure followed by the staff of the Planning Commission in accordance with the city subdivision ordinance in checking and reviewing proposed subdivisions leading to final approval by the city.

**RURAL SUBDIVISIONS.** Subdivisions in a primarily agricultural or rural area and in which the requirements of curbs, gutters, and sidewalks have been waived by the city in accordance with § 156.091.

(B) *Fee schedule.*

(1) A subdivider proposing a subdivision in the city shall deposit with the city a non-refundable fee for planning processing at the time of submission of the preliminary plan to help defray the planning costs incurred by the city.

(2) The subdivider shall also deposit with the city a non-refundable fee for engineering checking and improvement inspection at the time of final approval of the subdivision by the city to help defray the engineering costs incurred by the city.

(3) Both of these fees shall be in accordance with the West Haven City Consolidated Fee Schedule. The West Haven City Consolidated Fee Schedule is hereby adopted by reference.

(Ord. 3-92 passed 1-15-1992; Ord. 26-2023, passed 1-3-2024)

### **§ 156.999 PENALTY.**

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

(Ord. 3-92 passed 1-15-1992)

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