

ORDINANCE NO. 07-2026

AN ORDINANCE OF THE CITY OF WEST HAVEN, UTAH APPROVING AND ADOPTING THE THIRD AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE STAKER FARMS PROJECT; AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Utah Code (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, the City Council finds that in conformance with UC §10-20-508, the City may enter into a “development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes”; and,

WHEREAS, on July 7, 2020, the City and the Developer entered into a Master Development Agreement which was titled “Development Agreement, Staker Farms” (“MDA”) with regard to the development of a project known as the Staker Farms Subdivision; and,

WHEREAS, on April 29, 2021, the City and the Developer entered into a First Amendment of the MDA, which amended certain parts of the MDA; and,

WHEREAS, on April 17, 2024, the City and the Developer entered into a Second Amendment of the MDA, which amended certain parts of the MDA; and,

WHEREAS, the City Council finds that the Planning Commission has held a public hearing on the Third Amendment to the Master Development Agreement for the Staker Farms Project and has recommended adoption of the Second Amendment to the City Council; and,

WHEREAS, upon petition to and based on the recommendation of the West Haven City Planning Commission, the City Council determines it to be in the best interest of the City to adopt the proposed Third Amendment; and

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health, and welfare are at issue and require action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN, UTAH, that the City Zoning Ordinance is changed and amended as follows:

1. The Third Amendment to the Master Development Agreement for the Staker Farms Project, attached as Attachment “A”, and fully incorporated by this reference, is approved and adopted.
2. That the City Manager is authorized to sign any documents necessary to affect this Third Amendment, including signing the Third Amendment itself and any other documents referred to in the Third Amendment.
3. The Mayor is authorized to sign this Ordinance.
4. The foregoing recitals are fully incorporated herein.

Section 2 - Repealer of Conflicting Enactments:

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

Section 3 - Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

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

Section 5 - Date of Effect

BE IT FURTHER ORDAINED this Ordinance will become effective on the 18th day of February 2026 and after publication or posting as required by law.

DATED 18th day of February 2026.

WEST HAVEN, a municipal corporation

by: _____
Mayor Rob Vanderwood

Attested and recorded

Emily Green
City Recorder

Mayor Rob Vanderwood	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____

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 §10-3-718 do hereby certify that the above and foregoing is a full and correct copy of Ordinance No. -2026, entitled “**AN ORDINANCE OF THE CITY OF WEST HAVEN, UTAH APPROVING AND ADOPTING THE THIRD AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE STAKER FARMS PROJECT; AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.**” adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on February 18, 2026 which appears of record in my office, with the date of posting or publication being February ____, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of February 2026.

Emily Green
City Recorder

ATTACHMENT “A”

Attached to Ordinance 07 -2026

**Third Amendment to the Master Development Agreement for
the Staker Farms Project**

DRAFT

AMENDMENT TO DEVELOPMENT AGREEMENT
Staker Farms 3rd Amendment

This 3rd Amendment (“3rd Amendment”) is dated and entered into as of _____, 2026, by and between _____ (“Developer”) and West Haven City (“City”), and amends the original development agreement titled “Development Agreement, Staker Farms” between the City and Developer. The City and Developer may from time to time be collectively referred to as the “Parties”, and each may be referred to individually as “Party”.

Recitals:

A. On June 19, 2019, the City approved by Ordinance 21-2019 the Master Development Agreement titled “Development Agreement, Staker Farms” (“MDA”), in regards to the development of a project known as the Staker Farms Subdivision. The City and Developer both signed the MDA on July 7, 2020, and it was recorded July 30, 2020 with the Weber County Recorder’s Office.

B. On April 29, 2021, the City and Developer entered into the Staker Farms 1st Amendment (“1st Amendment”) to the MDA, which amended certain parts of the MDA.

C. On April 17, 2024, the City and Developer entered into the Staker Farms 2nd Amendment (“2nd Amendment”) to the MDA, which amended the 1st Amendment.

D. The MDA includes exhibits containing a Preliminary Plat for the Staker Farms subdivision, which includes a notation that states the following language on the upper right side of the Preliminary Plan,

“ZONING INFO
R-1 ZONE
(RESIDENTIAL LOW DENSITY ZONE)
MIN. LOT AREA: 12,500 S.F.
-FRONT SETBACK: 25 FT
-SIDE SETBACK: 10 FT. MIN. EACH SIDE/20 FT.
LOT SIDE FRONTING STREET
-REAR SETBACK: 30 FT.”

E. Staker Farms – Phase 1 plat was recorded May 5, 2020, and it did not include this language from the preliminary plan.

F. Staker Farms – Phase 2 plat was recorded January 13, 2022, and includes the same language as the preliminary plan.

G. Staker Farms – Phase 3 plat was recorded August 2, 2022, and includes the same language.

H. The City amended its zoning regulations governing R-1 setbacks in Ordinance 20-2020 on May 20, 2020, and set the side setbacks at 8 feet and set the rear setback as the rear lot line must average 22 feet.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein, the parties amend the MDA and the attached preliminary plan as follows:

1. The foregoing recitals are fully incorporated herein.
2. **Removal of Setback Notations.** Any notation, stamp, or reference to the R-1 zoning setback requirements contained in the Preliminary Plat attached to the MDA, Staker Farms - Phase 2 Plat, and Staker Farms - Phase 3 Plat is hereby stricken.
3. **Application of Current Zoning Standards.** All remaining vacant lots and all future phases within the Staker Farms development shall be subject to the R-1 zoning setback requirements as set forth in the West Haven City Municipal Code in effect at the time of development approval and application for building permitting.
4. **Existing Improvements.** This Amendment shall not apply retroactively to any lots upon which residential or other improvements have been lawfully constructed prior to the effective date of this 3rd Amendment.
5. **No Other Modification.** Except as expressly modified herein, the MDA, the 1st Amendment, and the 2nd Amendment shall remain in full force and effect. All terms defined in the MDA, 1st Amendment, and 2nd Amendment, unless otherwise specifically stated, shall remain the same.
6. **Effective Date.** This 3rd Amendment shall be effective upon adoption by the City Council and execution by both of the parties.
7. **Counterparts.** This Third Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one instrument.

WEST HAVEN CITY

By: _____
City Manager

ATTEST: _____
City Recorder

STATE OF UTAH)
 ss.
COUNTY OF WEBER)

On this __ day of _____, 2026, personally appeared before me _____, who being by me duly sworn, did say that he/she is the _____ of West Haven City, a Utah municipal corporation, and that the within and foregoing instrument was signed on behalf of said municipal corporation with proper authority and duly acknowledged to me that he/she executed the same.

Notary Public
Residing at:

DEVELOPER

By: _____

Title: _____

STATE OF _____)
 ss.
COUNTY OF _____)

On this __ day of _____, 2026, personally appeared before me _____, who being by me duly sworn, did say that they are the _____ of _____, and that the within and foregoing instrument was signed on behalf of said company with proper authority and duly acknowledged to me that they executed the same.

Notary Public
Residing at: