

**WEST HAVEN CITY
COUNCIL AGENDA**

AMENDED

December 18, 2019 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **December 18, 2019** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:30 PM: COUNCIL WORKSHOP 6:00: REGULAR WEDNESDAY CITY COUNCIL MEETING.**

1. **MEETING CALLED TO ORDER:** Mayor Bolos
2. **OPENING CEREMONIES**
 - A. PLEDGE OF ALLEGIANCE Councilmember Vanderwood
 - B. PRAYER/MOMENT OF SILENCE Councilmember Hunter
3. **PUBLIC PRESENTATION:** Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a Question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.
*****AGENDA ACTION ITEMS*****
4. **PRESENTATION-APPRECIATION FOR CERT MEMBERS-STEPHANIE CARLSON**
5. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**
 - A. ACTION ON ORDINANCE 39-2019-ANIMAL ORDINANCE
 - B. ACTION ON ORDINANCE 42-2019-AMEND MASTER DEVELOPMENT AGREEMENT-GREEN FARMS-APPROX. 4400 W. 3400 S.
 - C. FINAL SITE PLAN APPROVAL-LIVE WIRE ELECTRIC-2506 S. 2050 W.-JASON ANDERSON
 - D. FINAL SUBDIVISION APPROVAL-PARKER ESTATES-APPROX. 2264 S. 3500 W.-DOUG HAMBLIN
 - E. PRELIMINARY SITE PLAN APPROVAL-APPROX. 2325 W HINCKLEY-JOHN RYAN
 - F. PRELIMINARY SITE PLAN APPROVAL-APPROX. 2300 W. HINCKLEY-JOHN RYAN
 - G. ACTION ON ORDINANCE 45-2019-REZONE FROM A-1 TO R-3 WITH A COMMERCIAL OVERLAY OF 1.4 ACRES OF C-2-3695 S. MIDLAND DRIVE-STILLWATER
 - H. ACTION ON ORDINANCE 44-2019-MASTER DEVELOPMENT AGREEMENT-APPOX. 1700 S. 1900 W.
6. **ACTION ON RESOLUTION 19-2019-INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST HAVEN CITY AND UTOPIA**
7. **BID AWARD-HOOPER CANAL EXTENSION & STORM DRAIN PROJECT-2550 S.**
8. **ACTION ON ORDINANCE 43-2019-STORM WATER ORDINANCE**
9. **ADVICE & CONSENT OF: THREE (3) PLANNING COMMISSION MEMBER APPOINTMENTS Submitted by Mayor Bolos** To fill three, 4-year term positions available due to the expiring terms of Andrew Reyna, Darin Deem, and Natalie Wilson. The new terms will be from January 1, 2020 thru December 31, 2023.
10. **ADVICE & CONSENT OF: TWO (2) WHSSD BOARD MEMBER APPOINTMENTS Submitted by Mayor Bolos** To fill one, 4-year term position available due to the expiring term of Council representative Stephanie Carlson. The new term will be from January 1, 2020 thru December 31, 2023. To fill one, mid-term vacancy. The term will be from January 1, 2020 thru December 31, 2020.
11. **ADVICE & CONSENT OF: ONE (1) WEBER MOSQUITO BOARD APPOINTMENT Submitted by Mayor Bolos** To fill one, 4 year term position available due to the expiring term of David Smith. The new term will be from January 1, 2020 thru December 31, 2023
12. **ACTION ON RESOLUTION 20-2019-VOTER PARTICIPATION AREAS**
13. **ACTION ON RESOLUTION 21-2019-CONTRACT FOR ECONOMIC DEVELOPMENT WITH ZION PUBLIC FINANCE**
14. **ACTION ON CONSENT AGENDA**

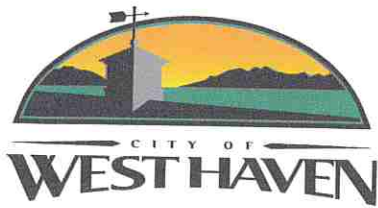
A. CITY COUNCIL MINUTES	MEETING HELD	December 4, 2019
B. SPECIAL WORK SESSION MINUTES	MEETING HELD	December 10, 2019
C. SALT LAKE BEEES	\$15,590.00	Inv. #JB074-IN
D. G. BROWN DESIGN INC.	\$12,705.00	Inv. #2019-195
E. LYNN WOODWARD ELECTRIC LLC	\$21,389.97	Inv. #19-564
F. WASATCH SAND & GRAVEL LLC	\$22,224.00	Inv. #2472
G. GARDNER ENGINEERING	\$37,369.00	Inv. #1119113-1119123
H. ROCKY MOUNTAIN POWER	\$14,929.00	Inv. #6761663
15. **ADJOURNMENT**

Emily Green
Emily Green, City Recorder

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

CERTIFICATE OF POSTING

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



**WEST HAVEN CITY
PRE-COUNCIL WORKSHOP AGENDA
HELD PRIOR TO CITY COUNCIL MEETING
WEDNESDAY DECEMBER 18, 2019**

@

5:30 PM – In City Council Chambers

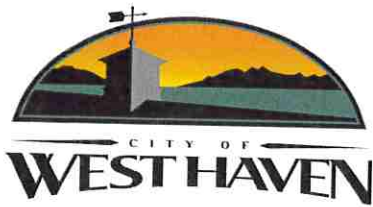
*NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING
PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.*

MEETING TO ORDER:

MAYOR BOLOS

REPORTS AND DISCUSSION AS FOLLOWS:

1. Staff Report- Mayor Bolos
2. Planning Commission & City Council Agenda Items- Steve Anderson



WEST HAVEN CITY COUNCIL MEETING MINUTES

December 4, 2019 6:00 p.m.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

Present: Sharon A. Bolos Mayor
Stephanie Carlson Councilmember
Lacy Richards Councilmember
Rob Vanderwood Councilmember
Randy Hunter Councilmember

Staff Present: Emily Green City Recorder
Steve Anderson City Planner

Excused: Dawnell Musselman Councilmember

5:30 Council Workshop

Mayor Bolos brought the meeting to order.

Ryan Christensen went over the bid results for the box culvert on 4700 W.

1. MEETING BROUGHT TO ORDER:

The Council met at their regularly scheduled meeting held in the City Council Chambers. Mayor Bolos brought the Meeting to order at 6:00 pm. and welcomed those in attendance.

2. OPENING CEREMONIES

A. Lead by Councilmember Richards

B. Lead by Councilmember Carlson

3. PUBLIC PRESENTATION

No one came up at this time.

4. ACTION ON RESOLUTION 17-2019-HB163-PERSONAL USE OF PUBLIC PROPERTY

Councilmember Richards made a motion to table. Councilmember Hunter seconded the motion. Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

5. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)

A. ACTION ON ORDINANCE 39-2019-ANIMAL ORDINANCE

Councilmember Richards suggested having a 30,000 square foot cut off instead of a 40,000 square foot cut off. She also stated there is a typo on page 6 of the newly drafted ordinance item c. to say A permit shall not be issued, even under a conditional use permit, in zones or on parcels where by lot size for animal keeping is not allowed. She also suggested changing on page 5 item C and D from one acre to $\frac{3}{4}$ of an acre. She suggested adding the tables to the ordinance.

Councilmember Vanderwood is concerned with the point value of some of the animals.

Councilmember Hunter suggested keeping R-2.5, R-3, and R-4 $\frac{3}{4}$ of an acre on page 5 item C. He thinks that it's too restrictive for R-1 and R-2.

Councilmember Vanderwood suggested changing R-2 and R-1 to a $\frac{1}{2}$ acre. He also suggested that donkeys be kept on 1 acre.

Councilmember Richards suggested that crowing hens and rooster should be on a $\frac{1}{2}$ acre. She suggested changing it to say that roosters kept in any of the R zones or Mixed use must have an acre and in the A zones must have a $\frac{1}{2}$ acre. She suggested

allowing groups C, D, and E in Zones R-1 and R-2 on lots less than 20,000 square feet. She also suggested adding E to R-3 under 30,000 square feet.

Councilmember Vanderwood suggested taking D out of less than 30,000 square feet in the R-2.5 zone.

Councilmember Richards suggested adding Quail to category E.

Councilmember Carlson suggested adding a line that says no animal keeping for any lot under 10,000 square feet with the exception of category E.

Councilmember Richards suggested 3 points per 5,000 square feet. She suggested adding in the heights from the table to match the narrative. She also suggested changing page 7 item F #4 to only go through planning commission if there were complaints after the Code Enforcement officer issued a permit.

Councilmember Vanderwood suggested changing the 45 days for compliance on page 6 to 14 days as long as it meets the legal notice requirements.

Councilmember Hunter made a motion to table. **Councilmember Vanderwood seconded** the motion. Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

Councilmember Richards made a motion to bring back item 4. **Councilmember Carlson seconded** the motion. Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

6. **ACTION ON RESOLUTION 17-2019-HB163-PERSONAL USE OF PUBLIC PROPERTY**

Councilmember Carlson asked if it's possible to have a city phone for personal use because that would require employees to carry two phones.

Ken Bradshaw said the employees could have a stipend for their phone or to have a personal phone and work phone.

Councilmember Carlson made a motion to adopt resolution 17-2019. **Councilmember Richards seconded** the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Richards, aye; Councilmember Vanderwood, nay; Councilmember Hunter, nay; Mayor Bolos, aye; **Motion Passes 3:2.**

7. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**
A. ACTION ON ORDINANCE 41-2019-REZONE FROM A-1 TO R-3 AND C-2-HINCKLEY DRIVE AND MIDLAND DRIVE

Councilmember Vanderwood expressed concern about the density.

Councilmember Richards asked about the park and ride trail head.

John Ryan stated that they added parking for the trail head.

Councilmember Hunter asked the density of the Claradon Apartments.

Steve Anderson said they are 20 units per acre. He also explained that years ago the sewer system was designed for a higher density in this area.

Councilmember Richards made a motion to adopt ordinance 41-2019. **Councilmember Carlson seconded** the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Richards, aye; Councilmember Vanderwood, nay; Councilmember Hunter, nay; Mayor Bolos, aye; **Motion Passes 3:2.**

8. **ACTION ON RESOLUTION 15-2019-PERSONNEL POLICY-COMPENSATORY TIME AND VACATION TIME**

Councilmember Hunter raised some concern about the wording of the ordinance.

Councilmember Richards made a motion to adopt resolution 15-2019 without the words and re-adopting from the first paragraph, removing and readopt in the third whereas, as well as removing the words presently constituted and reaffirmed and readopted in the paragraph that starts out The City's Employee Personnel Policy Manual. **Councilmember Carlson seconded** the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

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

A. ACTION ON ORDINANCE 42-2019-AMEND MASTER DEVELOPMENT AGREEMENT-GREEN FARMS-APPROX. 4400 W. 3400 S.

Mark Staples said they have planted about 100 trees in this development and that these changes are for flood control regional issues. He said that there are wetlands throughout this project that they have been working with the army corp. engineers on. He said that the density on the project has not changed they just acquired more property. The road that stubs into Joni Acres will be changed into a hammerhead and terminate into open space. He explained that they needed to add a few further changes to the agreement.

Councilmember Carlson made a motion to table. **Councilmember Richards seconded** the motion. Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

10. **BID AWARD-BOX CULVERT-4700 W.**

Councilmember Richards made a motion to award the bid to Jordan Valley Construction in the amount of \$205,852. **Councilmember Carlson seconded** the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Vanderwood, aye; **Vote was unanimous.**

11. **ACTION ON CONSENT AGENDA**

A. CITY COUNCIL MINUTES
B. SPECIAL CITY COUNCIL MINUTES
C. GARDNER ENGINEERING
D. R.L SHAW & CO
E. GRANITE

MEETING HELD
MEETING HELD
\$39,303.37
\$12,820.77
\$27,348.12

November 20, 2019
November 18, 2019
Inv. #10190091-10190100
Inv.#WH0219
Inv. #1710640

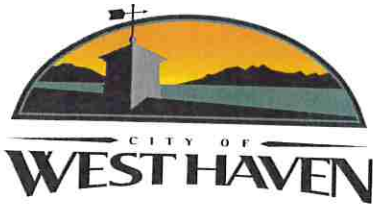
Councilmember Richards moved to approve the Consent Agenda with changes on the minutes correcting some spelling errors for troop and coop also correcting where Commission member is referenced instead of Councilmember and on item 5B that the area on 2100 S. and 1800 W. to have C-2 on the southern portion and R-4 on northern portion, that Councilmember Musselman seconded the motion on the adjournment, and that Councilmember Hunter and Vanderwood expressed concern about the 60 foot height requirement on item 8A. **Councilmember Richards seconded** the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Musselman, aye; Councilmember Richards, aye; Councilmember Hunter, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

12. **ADJOURNMENT**

Councilmember Carlson moved to adjourn at 9:27 P.M. **Councilmember Richards seconded** the motion. Councilmember Carlson, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; Councilmember Hunter, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____



WEST HAVEN CITY SPECIAL COUNCIL WORK SESSION MINUTES

December 10, 2019 4:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

Present: Sharon A. Bolos Mayor
Stephanie Carlson Councilmember
Lacy Richards Councilmember
Rob Vanderwood Councilmember
Dawnell Musselman Councilmember

Staff Present: Charis Sully Deputy Recorder
Steve Anderson City Planner

Excused: Randy Hunter Councilmember

1. **MEETING BROUGHT TO ORDER:**

Mayor Bolos brought the Meeting to order at 4:00 P.M. and welcomed those in attendance.

2. **PRESENTATION-VOTER PARTICIPATION AREAS-RYAN COWLEY**

Ryan Cowley gave a presentation on his suggestion for our voter participation areas. He said when a property is annexed into the city, they will go into the area closest. He said that the state requires all cities to adopt voter participation areas through resolution before January 2020. These areas will be in place until 2022.

3. **ADJOURNMENT**

Meeting adjourned 4:33 P.M.

Emily Green
City Recorder

Date Approved: _____

ORDINANCE NO. 39-2019

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO SECTIONS OF THE ZONING CODE TO
REGULATE ANIMAL KEEPING ON RESIDENTIAL LOTS AS AN
ACCESSORY USE; MAKING NECESSARY LANGUAGE
CHANGES TO THE CITY CODE TO EFFECT THOSE
CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR
THOSE CHANGES.**

Section 1. Recitals:

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

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

WHEREAS, in conformance with Title 10, Section 9a – the Municipal Land Use, Development and Management Act, the governing body of the city may pass ordinances defining zoning and what are acceptable uses within each zone and within the city; and,

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

WHEREAS, the City Council finds that certain changes to the West Haven City Zoning Code as regards to allowing for and protecting the right to keep animals in accordance with the purposes of various residential zones in those zones in which it is an appropriate land use, should be made; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

The following definitions are hereby added in alphabetical order to the already existing definitions in Section 2.08 of the Zoning Code:

“Animal” means any and all types of livestock including all those animals for family food production, dogs and cats, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.

“Animal keeping” means the keeping of and caring for animals.

“Animals for family food production” means any domesticated animal commonly kept for utility or food production rather than pleasure and includes, but is not limited to: cattle, sheep, goats, mules, burros, horses, chickens, geese, ducks, turkeys, llamas, swine, or similar animal.

“Corral” means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding. (This is the current definition in the West Haven Zoning Code)

“Exotic pet” means a rare or unusual non-protected animal species that is classified by the U.S. Department of Agriculture and under state law as approved for keeping as a pet, unless otherwise restricted by this title. Permitted exotic pets only include those species commercially available at typical retail pet shops in the area and may include, but not limited to: non-venomous snakes, non-poisonous small reptiles, non-poisonous amphibians, tortoises, ferrets, exotic birds, sugar gliders, degus, hedgehogs, domesticated silver fox, and non-poisonous insects. Exotic pets do not include any type of pigs including potbelly pigs or miniature pigs.

“Owner” means any person who is either the legal owner, keeper, possessor, or the actual custodian of animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking or having possession of an animal.

“Pasture” means fenced area enclosure for animals in which the grass product available on the site is the primary source of feed and in which livestock are kept in a loosely controlled environment as opposed to being kept in a pen, corral, or stable.

“Pen” means an enclosed area typically having less than five hundred (500) square feet and intended for occupancy by one to two (2) animals.

“Pet” means a domesticated animal kept for pleasure rather than utility, including but not limited to; birds, cats, dogs, tropical-type fish, rabbits, hamsters, mice, and similar animals.

“Service animal” means an animal that is legitimately certified, trained, or being trained to assist physically challenged persons such as hearing-

impaired guide dogs, mobility-limited assisting animals, or seeing-eye dogs.

“Stable” means a detached accessory building for the keeping of animals belonging to or used by the property owner or lessee and not for rent or for the stabling of the same for profit.

“Therapy Pet” A therapeutic pet subject to a reasonable accommodation under federal or state law relating to persons with a disability as part of mental or physical health care under the direction of a legitimate mental or physical health care provider or as otherwise accommodated by, or being trained for use in, a care facility, hospital, hospice or like facility.

“Wild animal” means any animal which is not commonly domesticated, listed as protected by federal or state law, or which may be perceived as wild or predatory in nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, or property if not kept, maintained, or confined in safe and secure manner. Such animals include, but are not limited to:

- (1) Alligators, crocodiles, caiman.
- (2) Bears (Ursidae).
- (3) Cat family (Felidae). Except commonly accepted domesticated cats, includes cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wild cat, and similar animals.
- (4) Dog family (Canidae). Except all domesticated dogs, includes wolf, part wolf, fox, part fox, coyote, part coyote, dingo, and similar animals.
- (5) Porcupine (Erethizontidae).
- (6) Primate (Non-human). Includes all subhuman primates.
- (7) Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon ring-tailed cat, and similar animals.
- (8) Skunks.
- (9) Venomous fish and piranha.
- (10) Venomous snakes and lizards.
- (11) Weasels (Mustelidae). All including weasels, martens, wolverines, badgers, otters ermine, mink, mongoose, and similar animals. This category does not include ferrets commercially available at typical retail pet shops in the area.

BE IT FURTHER ORDAINED by the West Haven City Council that the following shall be added to the West Haven Zoning Code as a Section titled, “Animal Keeping”:

- A. No structure, except for a rabbit hutch or chicken coop, that is designated for animal housing and/or shelter shall be constructed closer than the minimum setback standards for accessory buildings for the zone in which the structure is located. The

structure shall be built no closer than seventy-five (75) feet to any existing dwelling on an adjacent lot. Any pre-existing conforming structure shall not be deemed non-conforming if a dwelling is built by a third party closer than allowed in this ordinance.

B. No corral or pen shall be located and built closer than twenty-five (25) feet to any street right-of-way line and seventy-five (75) feet to any existing dwelling on an adjacent lot. Any pre-existing conforming structure shall not be deemed non-conforming if a dwelling is built by a third party closer than allowed in this ordinance.

1. A pasture does not have to meet these set-back requirements, but is required to be constructed and maintained to prevent any damage to adjacent properties and/or fencing.
2. A chicken coop or rabbit hutch must be ten (10) feet from a side lot line and ten (10) feet from a rear lot line. There shall be no chicken coops or rabbit hutches in a front yard.

C. Corral, pen and/or fencing shall be constructed and maintained so as to prevent damage to adjacent properties and/or fencing.

D. Animals for Animal keeping are categorized in Table 1. (See Exhibit A)

1. Animals not permitted in any zone in any number: Wild animals, Peafowl, Guinea Fowl.

E. Animal keeping as an accessory use shall be allowed on residential lots in all zones, subject to the following requirements and restrictions as outlined in Table 2 (See Exhibit B) and below.

1. General Animal Keeping Limitations

- a. No Animals in Categories A, B, C, or D on Table 1 may be kept on lots less than 10,000 square feet.
- b. Animals from Category E may be kept on lots under 10,000 square feet.
- c. No Animals may be kept on lots less than 5,000 square feet.
- d. Lots between 5,000 to 9,999 square feet – 3 animal units are allowed.
- e. Lots greater than 10,000 square feet – 6 animal units per 10,000 square feet of lot size are allowed, subject to the limitations by zone.

2. Animal Keeping Limitations by Zone

a. A-2 Zone

- (1) No Animals from Animal Category A are allowed on any lot under one-half acre (20,000 square feet).

b. A-1 Zone (including Open Space Residential overlay areas)

- (1) No Animals from the Animal Category A are allowed on any lot under one-half acre (20,000 square feet).
 - c. R-1 and R-2 Zones
 - (1) No Animals from the Animal Category A or B are allowed on any lot under one-half acre (20,000 square feet).
 - d. R-2.5, R-3, & R-4 Zones
 - (1) No Animals from Animal Categories A, B, C, or D are allowed on any lot under three-quarters of an acre (30,000 square feet).
 - e. Mixed Use
 - (1) No Animals from the Animal Category A or B are allowed on any lot under three-quarters of an acre (30,000 square feet).
- F. Special Educational Youth Animal Project Permit

This section allows for the alteration of the number of animals allowed on a property when designated for a Special Educational Youth Animal Project.

 - 1. Special Educational Youth Animal Project Permit Process
 - a. The property owner must submit a Temporary Limited Use Application for a Special Educational Youth Animal Project to the Code Enforcement Officer.
 - b. Application shall include a plot plan of where animals will be kept on the property in relation to neighboring homes and property owners; the number and type of animals requested; the length of time requested for the animals to be on the property; and specific plans to mitigate smell, noise, confinement, and pollution.
 - c. A permit shall not be issued, even under a conditional use permit, in zones or on parcels where by lot size for animal keeping is not allowed.
 - d. A permit allows a temporary increase to the cap on animal units in a particular zone.
 - e. Application must be approved and signed by the Code Enforcement Officer or his/her designee and signed by the Planning Commission Chairman.
 - f. Conditions
 - (1) Permit shall not be granted for more than a nine (9) month period in one calendar year and must be obtained prior to starting the project.
 - (2) Permit can only be granted for an approved youth organization, i.e. 4H, FFA, or Scouting with the purpose of the project stated on the application.
 - (3) The Code Enforcement Officer shall set conditions based on those outlined in the applicant's permit application to mitigate smell, noise, confinement, and pollution.

- g. Written and signed complaints received by the Code Enforcement Officer will be evaluated within fifteen (15) days. After receiving a complaint, the Code Enforcement Officer will investigate. If the Code Enforcement Officer finds merit in the complaint, the Code Enforcement Officer may impose conditions on the permit holder to mitigate the issues which are the subject of a valid complaint. A severe complaint or repeated complaints could result in a revocation of the permit at the discretion of the Planning Commission.
- h. All animals covered by the permit must be removed from the property when the permit expires.

G. Additional requirements

1. All animals located on a lot or parcel of land shall be contained by the owner of the animal upon said lot or parcel.
2. Juvenile animals (under the age at which they are saleable by industry standards) do not count for total animal units. Examples (not all inclusive but as way of illustration): Lambs and kids, with their mothers, up to twelve (12) weeks of age will not count. One litter of pigs, with their mother, up to eight (8) weeks of age will not count. Chicks, with their mother, up to twelve (12) weeks of age will not count.
3. Juvenile animals of a type not otherwise allowed on a lot shall not be allowed and shall not be granted a conditional use permit.
4. If a written and signed complaint is received by the City regarding issues with an animal (which is not a pet as defined in this ordinance), the Code Enforcement Officer shall, within fifteen (15) days, investigate and determine if the complaint is significant or not. If the Code Enforcement Officer deems the complaint to be significant, the Code Enforcement Officer will then direct the animal owner to apply to the Planning Commission for a conditional use permit for conditions that may be required for said animals.
5. Pets, including exotic pets, are allowed in each of the zones as currently allowed, unless otherwise restricted by this ordinance.
6. Service animals and therapy pets are allowed in any zone where state and federal law would allow them.
7. For purposes of this ordinance, an acre is defined as 40,000 square feet, three-quarters (.75) of an acre is defined as 30,000 square feet, and a half acre is defined as 20,000 square feet. A quarter acre is defined as 10,000 square feet.
8. For purposes of this ordinance, a lot or parcel of property's square footage is defined as that square footage listed for one lot or parcel under one tax identification number. A property owner cannot combine different lots with different tax id numbers to be able to achieve the square footage necessary for animal keeping. A property owner may apply to the Code Enforcement Officer for an exemption regarding this if they can show that the different lots with different tax id numbers would allow animal

- keeping in an area that conforms with the nature of the subdivision or neighboring uses.
9. If a property owner wishes to conduct animal keeping in excess of allotted units per acre on a lot where it is otherwise allowed, the owner shall apply for an exemption from the Code Enforcement Officer. The Code Enforcement Officer shall determine whether the applicant meets the basis outlined in the City's policies to issue an exemption. The policy pertaining to this issue is attached as Exhibit C.
 10. City ordinances regarding animal keeping always apply. However, HOA's, CCR's, and any covenants that run with a property can be more restrictive.

Section 2. Repealer of Conflicting Enactments:

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

Section 3. Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

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

Section 5. Date of Effect

This Ordinance shall be effective on the ____ day of _____, 2019, and after publication or posting as required by law.

DATED this ____ day of _____, 2019.

WEST HAVEN, a municipal corporation

by: _____
Mayor

Attested and recorded

Recorder

DRAFT

Exhibit A

Table 1 – Animals for Animal Keeping

Category	Animal	Unit(s)
A	Bison *	8
	Deer *	6
	Donkey *	6
	Elk *	6
	Ostrich *	6
	Standard Cattle **	6
	Standard Horse **	6
	Standard Pig **	6
	Yak **	6
B	Alpaca	3
	Chicken, Crowing Hen ***	3
	Chicken, Rooster ***	3
	Emu	3
	Llama	3
	Miniature Cattle (height < 48" at hip)	3
	Miniature Horse (height < 34" at last hair of mane)	3
	Miniature Pig (height < 20" at top of shoulders)	3
	Pony (height < 42" at withers)	3
	Sheep	3
	Standard Goat	3
C	Duck	2
	Goose	2
	Miniature Goat (height < 30 at withers")	2
	Turkey	2
D	Pheasant	1
E	Chicken, Hen	0.5
	Pigeon	0.5
	Quail	0.5
	Rabbit	0.5

*These animals may not be kept on lots less than 1 acre in size.

**These animals may not be kept on lots less than ½ acre in size.

***Roosters and Crowing Hens may not be kept on lots less than 1 acre in size in the R-1, R-2, & Mixed Use zones. Roosters and Crowing Hens may not be kept on lots less than ½ acre in size in the A-1 & A-2 zones.

Exhibit B

Table 2 – Animal Keeping Limitations

Zone	Lot Size in SQ FT	Animal Categories (see exceptions)
A-1 (inc. Open Space Residential)	> 20,000	A, B, C, D, E
A-1 (inc. Open Space Residential)	< 20,000	B, C, D, E
A-2	> 20,000	A, B, C, D, E
A-2	< 20,000	B, C, D, E
R-1	> 20,000	A, B, C, D, E
R-1	< 20,000	C, D, E
R-2	> 20,000	A, B, C, D, E
R-2	< 20,000	C, D, E
R-2.5	> 30,000	C, D, E
R-2.5	< 30,000	E
R-3	> 30,000	C, D, E
R-3	< 30,000	E
R-4	> 30,000	C, D, E
R-4	< 30,000	E
Mixed Use	> 30,000	A, B, C, D, E
Mixed Use	< 30,000	C, D, E

Exhibit C

Animal Keeping Exemption Policy

DRAFT

WEST HAVEN CITY'S POLICY REGARDING EXEMPTIONS TO THE ANIMAL KEEPING ORDINANCE AS ENACTED BY CITY COUNCIL

I. Purpose:

To allow for a possible exemption to the animal keeping ordinance where a property owner wishes to conduct animal keeping in excess of allotted animal units per acre on a lot where animal keeping is otherwise allowed. The purpose of this policy is also to provide guidance and direction to the appropriate administrative staff. This policy in no way allows for an exemption for animals to be kept that are not allowed in any zone in any part of the City according to the animal keeping ordinance.

II. Background/General

This policy is to offer guidance and direction regarding the animal keeping ordinance and to make certain allowances for property owner(s) who may wish to conduct animal keeping in excess of allotted units per acre on a lot where animal keeping is otherwise allowed as described in ORDINANCE NO. 39-2019.

If a property owner (hereinafter "owner") lives in a zone where animal keeping is allowed and if the owner wishes to have more animals or a different type of animal than what is allowed for their lot in that zone, then the owner shall apply for an exemption from the Code Enforcement Officer. The Code Enforcement Officer shall determine whether the applicant meets the basis outlined in this policy to issue an exemption. The following criteria shall be used by the Code Enforcement officer to determine approval:

1. The request will not substantially affect the comprehensive plan of zoning in the City and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan; and,
2. Special circumstances are attached to the property covered by the application which do not generally apply to other properties in the same zone; and,
3. That because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same zone; and
4. That the granting of the request is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.

III. Application

An owner, who wishes to have more animals or different animals under the animal keeping ordinance in a zone that allows animal keeping but not in the number or type that the owner desires, shall file an application for exemption with the City Code Enforcement Officer. In that application, the owner shall outline the following items:

1. A plot plan of where the animals will be kept on the property in relation to neighboring

- homes and structures, property owners, and property lines;
2. The number, type, and size of animals currently allowed in the zone and the number, type, and size of animals requested;
 3. Specific plans to mitigate smell, noise, confinement, and pollution (each item must be addressed);
 4. Specifically address each of these elements:
 - a. why an increase in animals or allowing a different type of animal is reasonable in the circumstances;
 - b. why an increase in animals or different type of animal is not contrary to the public interest;
 - c. what the special conditions are on this property that enforcement of the provisions and limits of the animal keeping ordinance would result in an unnecessary hardship on the property owner;
 - d. how the spirit of the ordinance would be preserved and substantial justice done if allowed an increase in animals or different type of animal; and
 - e. how allowing an increase in animals or different type of animal would be in harmony with existing and prospective uses in the neighborhood with respect to all these elements: noise, odor, atmospheric emissions or pollutants, and any physical hazards (address each element individually).

IV. Required Findings

Once an application for exemption is received, the City Code Enforcement Officer, within fifteen (15) days of receiving the application, shall investigate the zone requirements for animal keeping, the neighborhood involved with the exemption, do a site visit, possibly interview neighbors of the applicant regarding the increase in animals or different type of animal requested, and consult the City's master plan regarding possible future uses of the property. Regardless of whether the Code Enforcement Officer grants the exemption or denies the exemption, the Code Enforcement Officer shall make detailed and documented written findings. The findings shall include in detail:

1. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone and specifically what those special circumstances are;
2. That such request is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property (detail the property right or use involved) in the same vicinity and zone but which because of special circumstances is denied to the property in question;
3. That the granting of such request will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located and specifically how it would not be materially detrimental;
4. That the granting of such request will not adversely affect the Comprehensive Plan;

5. No significant adverse environmental impact will be caused as a result of the request approval;

6. That the request shall be consistent with animal welfare and prevention of cruelty and how specifically that will be accomplished. Animal welfare and prevention of cruelty may include, but are not limited to:

- Inflicting substantial pain
- Transporting or confining in an unsafe manner
- Causing physical injury
- Killing an animal by means of undue suffering
- Animal abandonment
- Failure to provide necessary medical attention

7. That the request does not include any animals that are not allowed in any zone in the City according to the animal keeping ordinance.

8. That the request has provided a plan regarding any possible nuisances, how those will be mitigated, and the details of the plan.

V. Review and Oversight

1. Administrative Review: The request will be processed administratively by the Code Enforcement Officer. If the Code Enforcement Officer deems it necessary, the request may be forwarded to the Planning Commission for additional review or public input.
2. After the Planning Commission has reviewed an application at the request of the Code Enforcement Officer and if it is denied, then the request may be appealed directly to the City Council. City Council determination of the request is final.
3. Written and signed complaints received by the Code Enforcement Officer shall be evaluated within fifteen (15) days. After receiving a complaint, the Code Enforcement Officer shall investigate. If the Code Enforcement Officer finds merit in the complaint, the Code Enforcement Officer may impose conditions on the property owner to mitigate the issues which are the subject of a valid complaint. A severe complaint or repeated complaints can be brought by the Code Enforcement Officer to the Planning Commission and can result in immediate revocation of the exemption at the discretion of the Planning Commission.
4. Sunset provision:
 - a. The exemption is valid for only eighteen months or until the animal(s) involved in the exemption dies or are sold, whichever comes first.
 - b. At the end of the eighteen months, the property owner must apply for a renewal of the exemption. The property owner must provide all of the information requested in the initial exemption application, address if there any changes regarding animals, and shall also outline if there have been any complaints or issues involving neighbors.
 - c. The Code Enforcement Officer shall investigate regarding the renewal of the exemption as to whether there have been any complaints, if there are any changes in animals, and shall conduct a site visit.
 - d. The exemption can be denied if there have been issues and/or complaints regarding the animals.
5. A granted exemption does not provide a property owner with property rights that run with the

property or title of the land. The granted exemption only provides an exemption regarding the animal keeping ordinance for a limited amount of time, in limited circumstances, involving specific animals, and regarding a particular property owner. The exemption does not provide a guarantee for any future property owners of the particular property that the exemption pertains to – either for type or number of animals.

Green Farm Modification Application No. 2 November 30, 2019

Purpose:

In preparation of the permit of the FEMA improvements on Parcel F it was determined that the proposed FEMA and development areas would impact wetlands in some areas that are under the jurisdiction of the US Army Corps of Engineers. In order to avoid/minimize wetland impacts; changes in the location of the FEMA improvements as well as future development areas in Parcel F need to be accommodated within the Green Farm MDA.

Therefore, the following modifications are proposed to the Green Farm Master Development Agreement dated May 2, 2017 to the West Haven Planning Commission and City Council:

1. Parcel F consisting of 57 acres shall be designated as a Flex Development Parcel. Thirty-Two acres shall be donated to the City for use in the FEMA project and classified as open space. The remaining Twenty-Five acres will be designated for development purposes.

At such time as the parcel plan for Parcel F is approved by the West Haven City Council; which will take into consideration any possible wetlands within the development portion of Parcel F for the development of 84 residential units, all acres within the 25 acres which are not platted for development shall also be donated to the City as additional open space.

2. Paragraph 10.1 shall be amended to read as follows:

10.1 General Requirement of Payment of Fees.

Master Developer and/or a Sub-Developer shall pay to the City all fees (including, but not limited to plan review fees, impact fees, inspection fees and building permit fees) in amounts specified in the City Ordinances. The Master Developer and/or Sub-Developer shall not be liable for increases in storm water and park impact fees paid to the City after May 2, 2017.

3. Paragraph 10.2 shall be amended to read as follows:

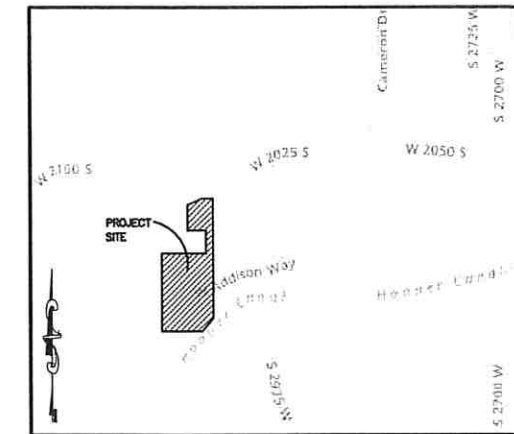
- a. Master Developer and City shall enter into a Reimbursement Agreement on terms agreed to by the parties for reimbursing Master Developer for a portion of the extra ordinary costs associated with construction of the regional storm water facilities, recreational facilities and trails and other facilities that will service the general public.
- b. At such time as the City is granted a permit and funding from FEMA to construct regional storm water facilities and the project is permitted by the US Army Corps of Engineers, the funding from said grant shall be used to complete regional storm water facilities and landscaping restoration.

- c. As part of the commitment from the City to reimburse Developer for extra ordinary costs associated with the Green Farm public facilities outside of the Developer Funded Open Space Improvements outlined in the Green Farm Modification Application No. 1 dated June 25, 2019 and adopted by the West Haven City Council on the _____ day of _____ 2019; all storm water and park impact fees paid to the City from the Developer will deposited by City into a segregated account designated for reimbursing Developer or other third parties, approved by the developer, for the construction of public improvements within the boundaries of the Green Farm Master Planned Community for the benefit of the residents of West Haven City. Any balance in said account will be used only for public improvements within the Green Farm Master Planned Community as defined in the Master Development Agreement dated May 2, 2017 together with any approved modification applications.
 - d. Improvements eligible for reimbursement shall include the following:
 - i. Developer improvements within the Green Farm project, over and above those which the developer is obligated to complete as part of the MDA.
 - ii. Developer improvements within the Green Farms project which are used by the City as part of their obligation to fund 25% of the FEMA flood control project and which the developer is not otherwise obligated to complete.
 - e. Funds in the segregated account may also be used for city-funded park and storm water improvements within the Green Farm project as agreed to by City and developer.
 - f. In the event that the FEMA project is not permitted by June 30,2021, the City and Developer shall jointly agree to a modified scope of work for the regional storm water facility within the Green Farm Project, which scope shall be memorialized in a separate agreement. Funding of said project shall come from the above-referenced segregated impact fee account, as well as the City Storm Water Impact Fee account.
 - g. Developer shall deliver to the City a quarterly schedule showing what specific improvements have been made which qualify for reimbursement from the City Green Farm segregated account. Developer Funded Improvements listed in the GF Modification Application No. 1 shall not qualify for reimbursement from the GF segregated account.
4. The Green Farm MDA will be expanded to include approximately 30 acres of the Favero property which is contiguous to Parcel C and shall become Parcel (I). Base density for Parcel (I) shall be 2 Units per acre as shown in Exhibit "C." All developed lots along the westerly boundary of Parcel (I) must contain a minimum of 14,500 square feet. In the event Developer does not complete the purchase of the Favero property within 10 years from the date of this modification application, said property will be de-annexed from the Green Farm Master Development Agreement by the West Haven City Council.

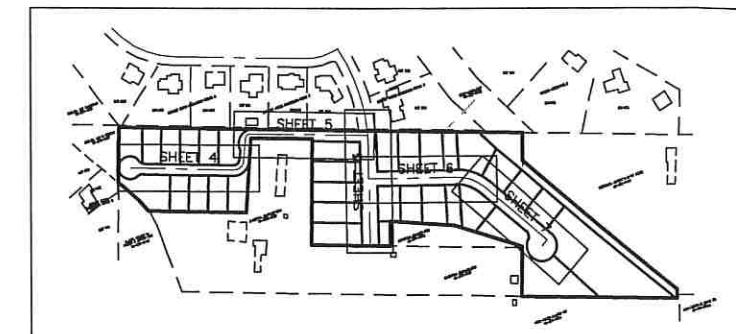
5. The total vested density units under the Green Farm MDA shall be 612 with the annexation of the Favero Property and the approval of this modification application.
6. The Master Transportation Plan (Exhibit "D") shall be amended to terminate 4550 West at its current location. A cul-de-sac or hammer head will be installed at Developer's cost by June 1, 2021.
7. The maximum building height shown in Exhibit "B" of the MDA shall be 40 feet. No buildings shall exceed three stories.
8. The attached Exhibits A through D shall replace the tables and figures in Exhibit "B" of the Green Farm Master Development Agreement dated May 2, 2017.

Parker Estates Improvement Plans

WEST HAVEN CITY, WEBER COUNTY, UTAH
NOVEMBER 2019



VICINITY MAP
SCALE: NONE



Sheet Index Key Map
NOT TO SCALE

Sheet Index

- Sheet 1 - Cover/Index Sheet
- Sheet 2 - Notes/Legend/Street Cross-Section
- Sheet 3 - Addison Way - 15+00.00 - 19+50.00
- Sheet 4 - Street A - 5+00.00 - 9+50.00
- Sheet 5 - Street A - 9+50.00 - 14+50.00
- Sheet 6 - Street B - 10+00.00 - 14+50.00
- Sheet 7 - Street B - 14+50.00 - 17+77.04
- Sheet 8 - Grading & Drainage Plan
- Sheet 9 - Grading & Drainage Plan
- Sheet 10 - Utility Plan
- Sheet 11 - Utility Plan
- Sheet 12 - Details
- Sheet 13 - Storm Water Pollution Prevention Plan Exhibit
- Sheet 14 - Storm Water Pollution Prevention Plan Details



Engineer's Notice To Contractors

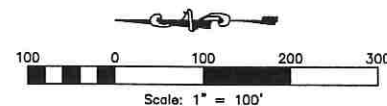
THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM AVAILABLE INFORMATION PROVIDED BY OTHERS. THE LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE IN ALIGNMENT AND/OR GRADE OF THE PROPOSED IMPROVEMENT. THE CONTRACTOR IS REQUIRED TO CONTACT THE UTILITY COMPANIES AND TAKE DUE PRECAUTIONARY MEASURE TO PROTECT ANY UTILITY LINES SHOWN, AND ANY OTHER LINES OBTAINED BY THE CONTRACTOR'S RESEARCH, AND OTHERS NOT OF RECORD OR NOT SHOWN ON THESE PLANS.

Developer Contact:

Doug Hamblin
Hamblin Investments
PH: (801) 725-3782

Project Contact:

Project Manager: Jeremy Draper
Project Engineer: Nate Reeve

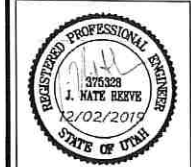


REVISIONS	DESCRIPTION
DATE	

Parker Estates

WEST HAVEN CITY, WEBER COUNTY, UTAH

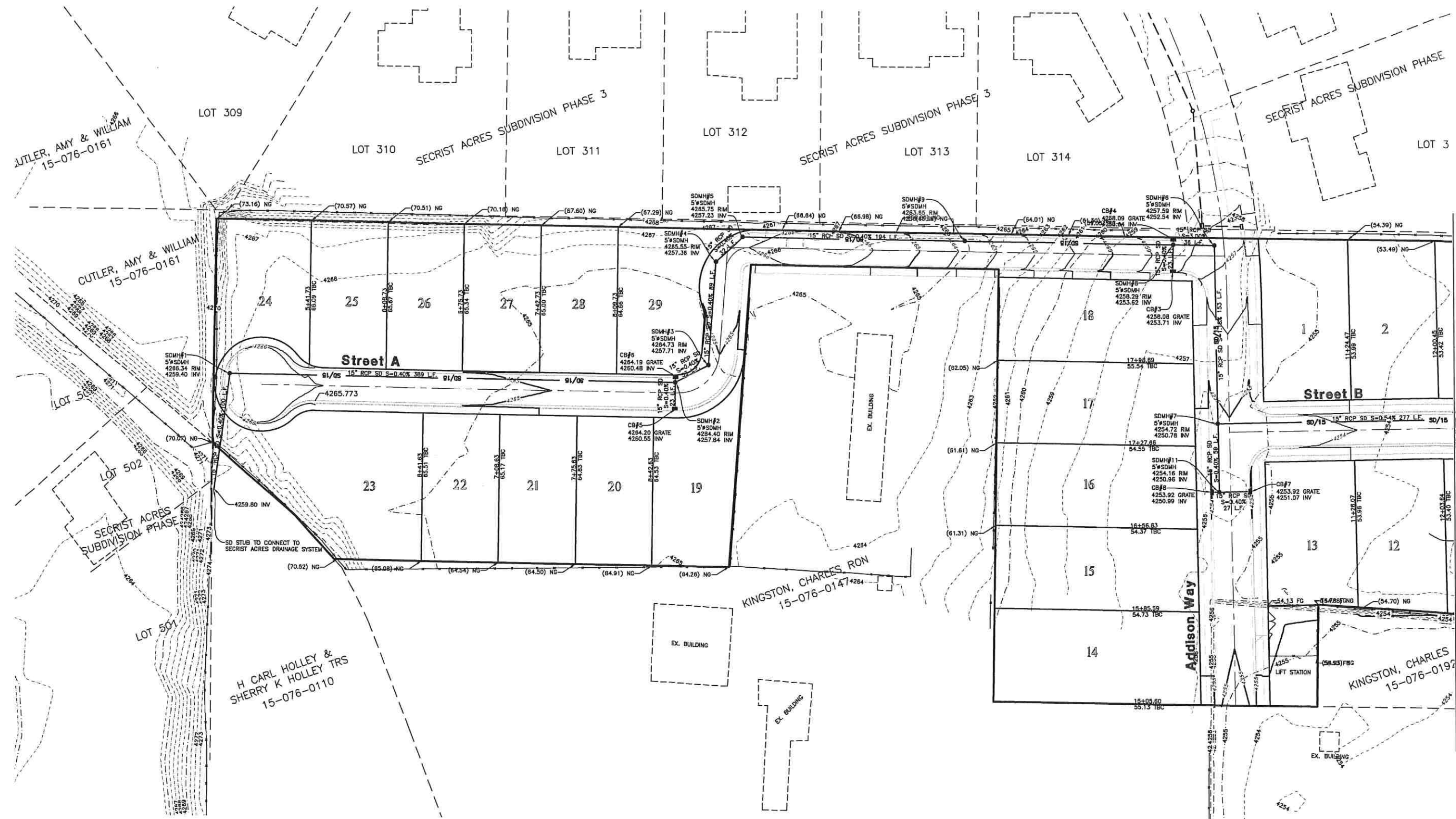
Cover/Index Sheet



Project Info.

Engineer: J. NATE REEVE, P.E.
Draftsman: C. KINGSLEY
Begin Date: NOVEMBER 2019
Name: PARKER ESTATES SUBDIVISION
Number: 3442-A45

Sheet 1 of 14
14 Sheets



REVISIONS	DATE	DESCRIPTION

Parker Estates

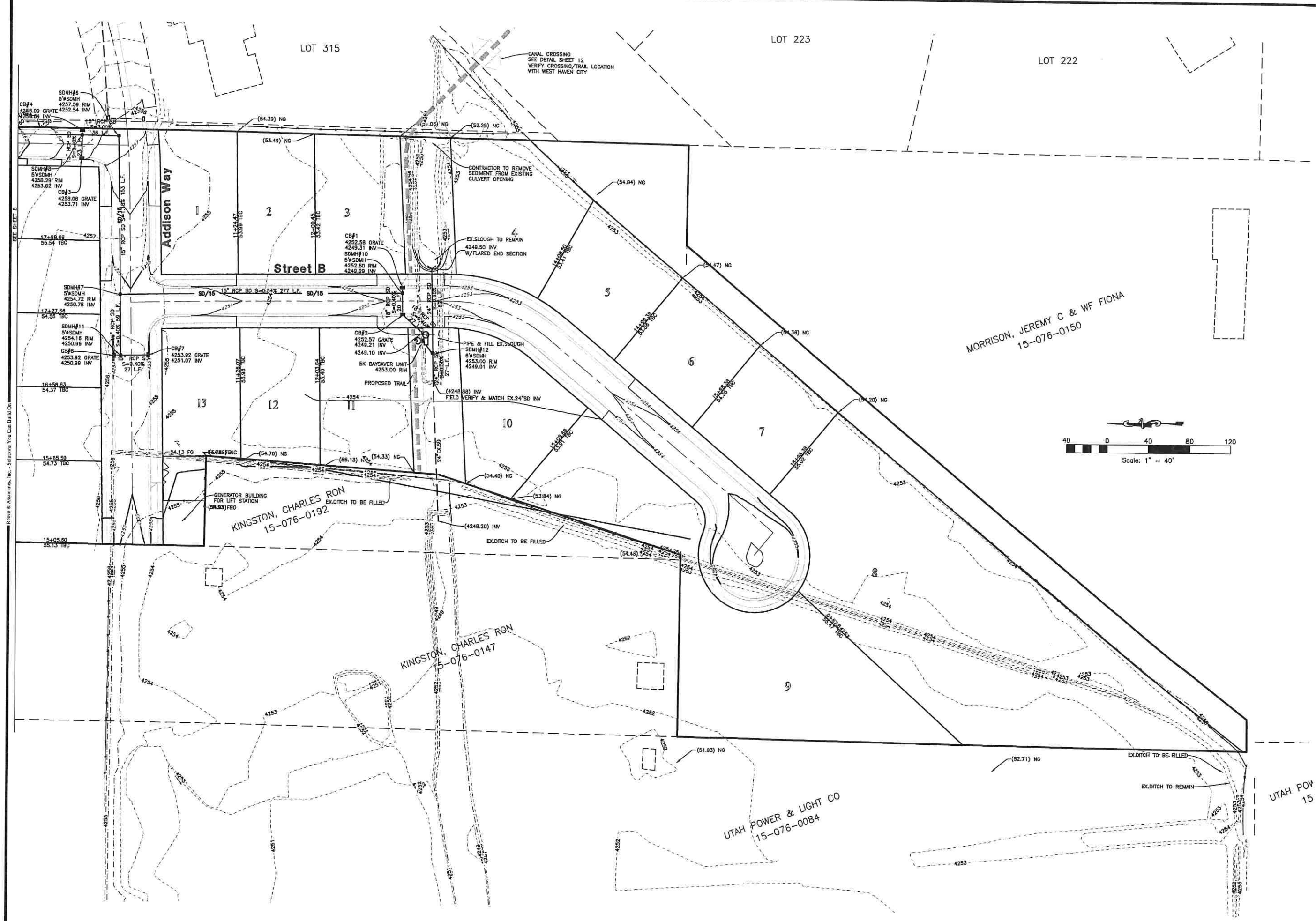
WEST HAVEN CITY, WEBER COUNTY, UTAH

Grading & Drainage Plan



Project Info.	
Engineer:	J. NATE REEVE, P.E.
Drafter:	C. KINGSLEY
Begin Date:	NOVEMBER 2019
Name:	PARKER ESTATES SUBDIVISION
Number:	3442-A45

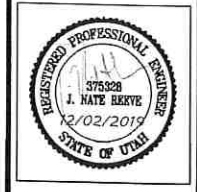
Sheet	14
8	Sheets



Reeve & Associates, Inc.
RA
5180 SOUTH 1500 WEST, RIVERDALE, UTAH 84405
TEL: (801) 871-3100 FAX: (801) 871-3105 www.reeve-inc.com
TRAFFIC ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

REVISIONS	DESCRIPTION
DATE	

Parker Estates
WEST HAVEN CITY, WEBER COUNTY, UTAH
Grading & Drainage Plan



Project Info.	
Engineer:	J. NATE REEVE, P.E.
Drafter:	C. KINGSLEY
Begin Date:	NOVEMBER 2019
Name:	PARKER ESTATES SUBDIVISION
Number:	3442-A45



SITE PLAN
MULTI-FAMILY

Date 12-4-19

Address of Site: 2325 W HICKLEY DR. Property Parcel # UDOT 08-022-0073

Applicant's Name: John K. Ryan

Address: 2544 W 650 N Layton, UT Phone: (801) 509-0616

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

Multi Family 24 unit / acre R-3 and

Site plan design, be approved on 8.22 of
(acreage)

Property in the R3 zone in accordance with the attached site plan. (see attached form for site plan requirements.)

Signed: John K. Ryan Date: 12-4-19
(Owner/Petitioner)

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

(Owner)

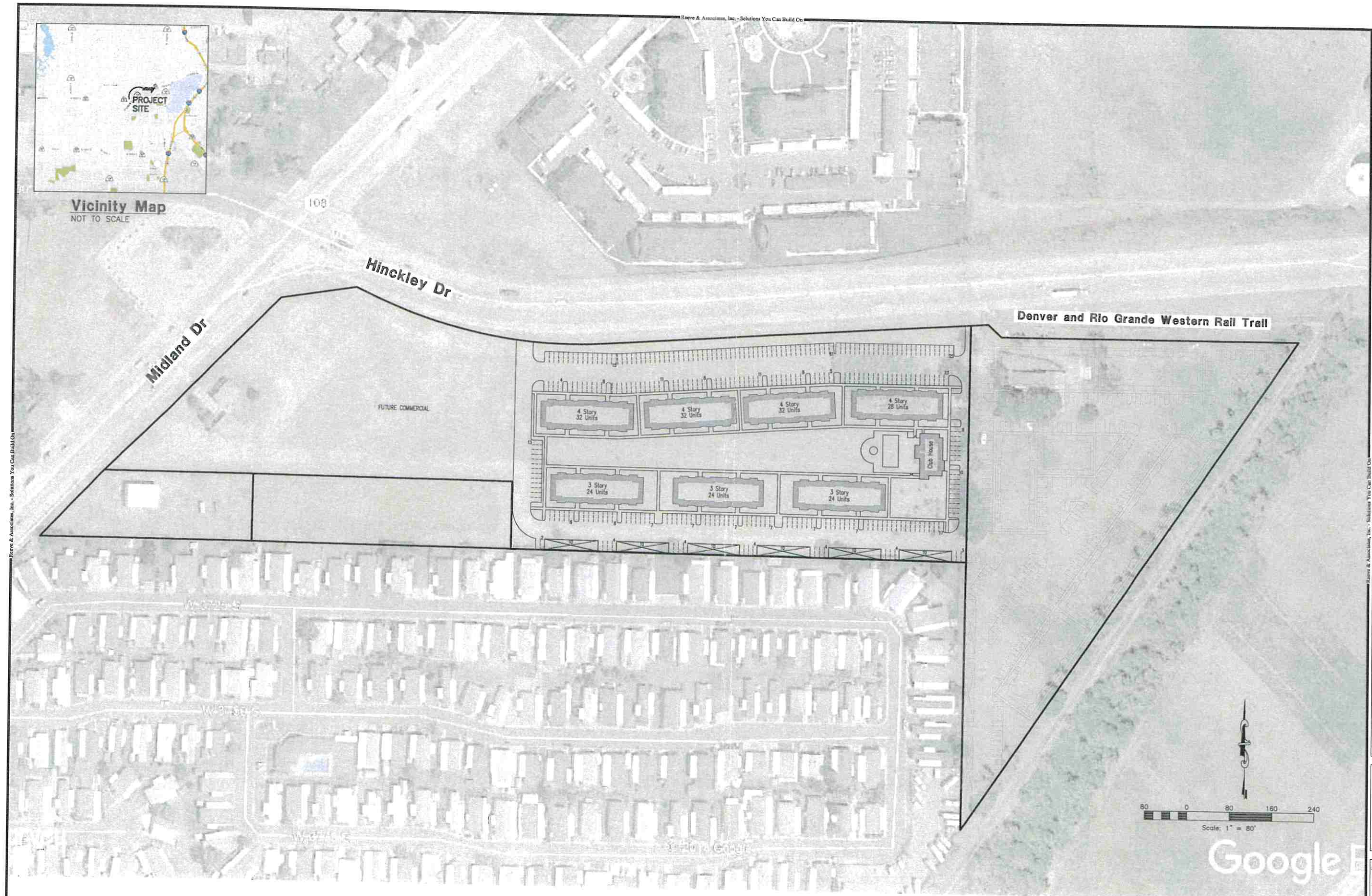
(Agent as Authorized by Owner)

_____ Please initial to indicate that you have received a copy of the site plan requirements and Chapter 28

Elevation				Please show the percentage of each elevation for each category.	
N	E	S	W		
—	—	—	—	Primary Materials i.e. architecture insulated metal panels, block, brick, glass, rock, and stone.	
—	—	—	—	Secondary Materials i.e. concrete, corrugated or ribbed metal, fiber/cement siding, oriented strand board treated siding such as LP siding, stucco, tile and wood.	
—	—	—	—	Upgraded Architectural Features i.e. archways, awnings, bays, bonds, quoins and different brick patterns, canopies, corbels, decorative cornices, dormers, permanent decorative art, pillars, porte cocheres, porches, porticos, and timbers.	
Number of parking spaces				_____	
Percentage of landscaping				_____	
Fees					
Site Plan Fee		\$450.00			
Preliminary per Building		\$175.00 x 8 = \$1,850			
Final per Building		\$100.00		Amount	Date Paid <u>Pre 12-4-19</u>
Additionally there is a public works inspection that cost \$150.00 for every 100 feet of road as well as a SWPPP permit fee of \$400.00					
For Office Use Only					
Scheduled date for Agenda <u>12-11-19</u>					
Planning Commission Preliminary Approval _____ Conditions _____					
Council Preliminary Approval _____ Conditions _____					
Planning Commission Final Approval _____ Conditions _____					
Council Final Approval _____ Conditions _____					



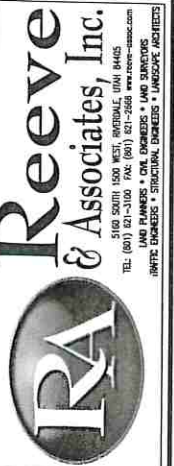
Vicinity Map
NOT TO SCALE



West Haven Apartments UDOT PROPERTY West Haven, Utah

Total Acres.....8.22
Total Units.....198
Parking Required.....143
Parking Provided.....368

Developer:
Precise Investments, L.L.C.
John K. Ryan
(801) 509-0616



REVISIONS	DESCRIPTION
DATE	

**WEST HAVEN APARTMENTS
UDOT PROPERTY**
West Haven, Utah
Preliminary Site Plan

Project Info.
Engineer: N. Reeve
Designer: C. Cove
Begin Date: December 4, 2019
Name: WEST HAVEN APARTMENTS
Number: 6388-03

Sheet **1**
1 Sheets



SITE PLAN
MULTI-FAMILY

Date 12-4-19

Address of Site: 2300 W Hinckley Dr Property Parcel # Brown 08.007.0028

Applicant's Name: John Ryan

Address: 2544 W 650 N Layton Phone: 8015090616

Application is hereby made to West Haven City requesting the following permitted use(s),
Multi-family 24 units/acre and

Site plan design, be approved on 7.35 of
(acreage)

Property in the R3 zone in accordance with the attached site plan. (see attached form for site plan requirements.)

Signed: John K. Ryan Date: 12-4-19
(Owner/Petitioner)

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

(Owner)

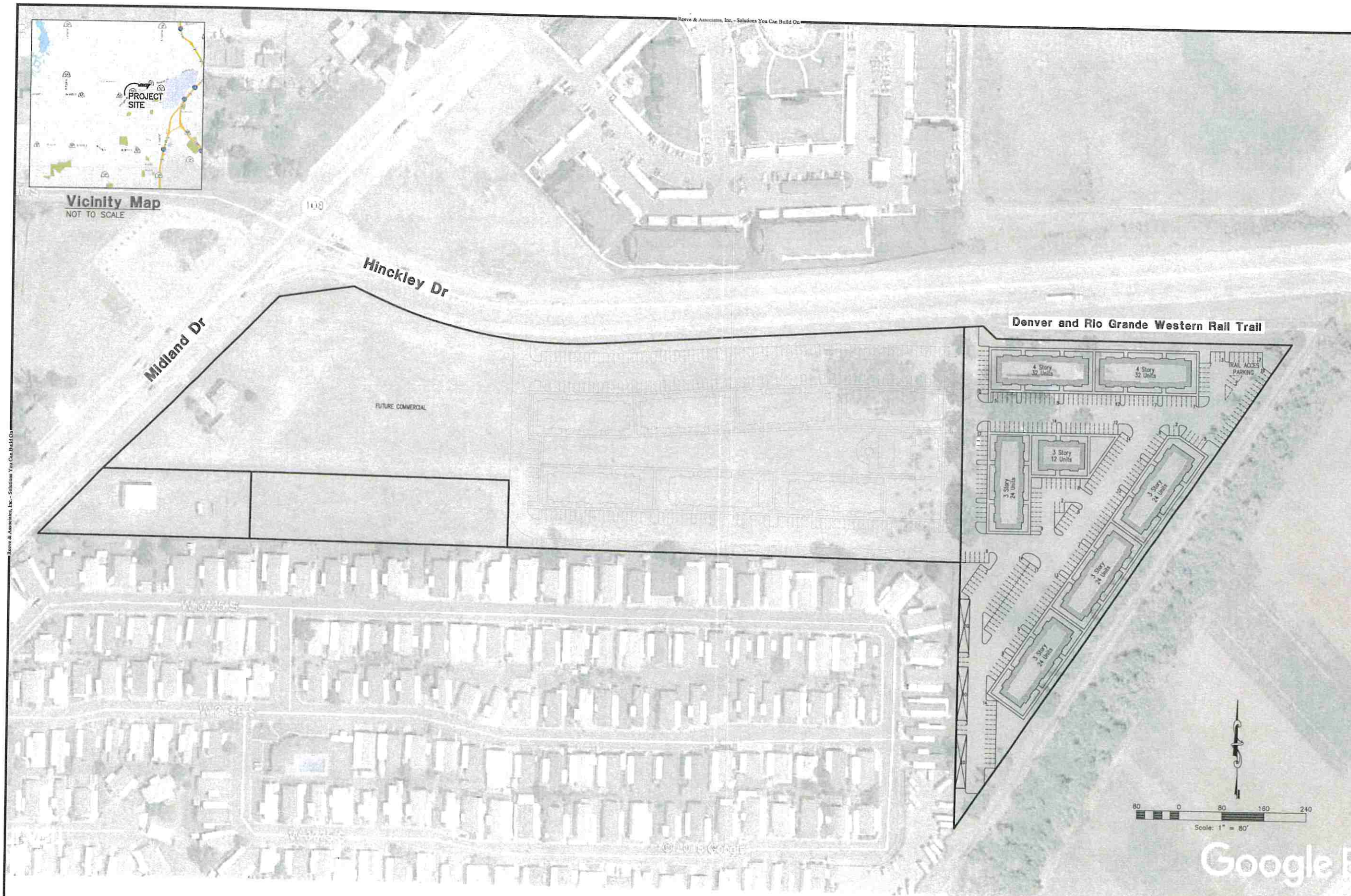
(Agent as Authorized by Owner)

 Please initial to indicate that you have received a copy of the site plan requirements and Chapter 28

Elevation				Please show the percentage of each elevation for each category.	
N	E	S	W		
—	—	—	—	Primary Materials i.e. architecture insulated metal panels, block, brick, glass, rock, and stone.	
—	—	—	—	Secondary Materials i.e. concrete, corrugated or ribbed metal, fiber/cement siding, oriented strand board treated siding such as LP siding, stucco, tile and wood.	
—	—	—	—	Upgraded Architectural Features i.e. archways, awnings, bays, bonds, quoins and different brick patterns, canopies, corbels, decorative cornices, dormers, permanent decorative art, pillars, porte cocheres, porches, porticos, and timbers.	
Number of parking spaces				_____	
Percentage of landscaping				_____	
Fees					
Site Plan Fee		\$450.00			
Preliminary per Building		\$175.00 <u>x 7 = 1,075</u>			
Final per Building		\$100.00		Amount	Date Paid <u>Pre 12-4-19</u>
Additionally there is a public works inspection that cost \$150.00 for every 100 feet of road as well as a SWPPP permit fee of \$400.00					
For Office Use Only					
Scheduled date for Agenda <u>12.11.19</u>					
Planning Commission Preliminary Approval _____ Conditions _____					
Council Preliminary Approval _____ Conditions _____					
Planning Commission Final Approval _____ Conditions _____					
Council Final Approval _____ Conditions _____					



Vicinity Map
NOT TO SCALE



West Haven Apartments Brown Property West Haven, Utah

Brown Property Total Acres.....7.35
Total Units.....172
Apartment Parking Required.....301
Apartment Parking Provided.....326

Developer:
Precise Investments, L.L.C.
John K. Ryan
(801) 509-0616

Reeve & Associates, Inc.
5160 S. 1500 W., RIVERDALE, UTAH 84405
TEL: (801) 509-0616
WWW.REEVE-ASSOCIATES.COM

RA

REVISIONS	DESCRIPTION
DATE	

WEST HAVEN APARTMENTS
BROWN PROPERTY
West Haven, Utah

Preliminary Site Plan

Project Info.
Engineer: N. Reeve
Designer: C. Cave
Begin Date: December 4, 2019
Name: WEST HAVEN APARTMENTS
Number: 6388-03

Sheet
1
1 Sheets



ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission

4150 S 3900 W

West Haven, UT

801-731-4519

Owners Name: STILLWATER / JUSTIN NIELSEN Phone: 801-668-8778 Fax: _____

Address: 2637 W 1800 S City: WEST HAVEN State: UT Zip: 84401

Agents Name: JUSTIN NIELSEN Phone: 801-668-8778 Fax: _____

Address: 2637 W 1800 S City: WEST HAVEN State: UT Zip: 84401

Property Address: 3695 S. MIDLAND Parcel # 080220093
080220094

Existing Zone A-1 Proposed Zone B-3 C-2 No. of Acres/Sq. Ft. 2.90

What Use is requested? B-3 C-2

OFFICE USE

Scheduled for Planning Commission Agenda 12.11.19

Request for Recommendation sent to the following agencies:

Fire District -Date _____

Water District; Name _____ Date _____

Questar Gas -Date _____

UDOT - Date _____

Rocky Mtn. Power -Date _____

Century Link - Date _____

PLANNING COMMISSION ACTION:

APPROVED _____ DATE _____ DENIED _____ DATE _____

CITY COUNCIL:

APPROVED _____ DATE _____ DENIED _____ DATE _____

Fee: \$250.00 Date Paid: _____

Comments:

SCALE:
1"=40'



Design Specs.
R-3 PARCEL 1.44 ACRES
15 UNITS (10.4 UNITS/ACRE)
C-2 PARCEL 1.36 ACRES
TOTAL AREA 2.8 +/- ACRES

UDOT Property

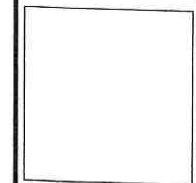
West Haven City, Weber County, Utah

Developer:
Stillwater Development
Justin Nielsen
(801) 668-8778



REVISIONS	DESCRIPTION
DATE	

UDOT Property PART OF THE SW 1/4 OF SECTION 2, T5N., R2W., S11B. & M., U.S. SURVEY WEST HAVEN CITY, WEBER COUNTY, UTAH	Sketch Plan
---	--------------------



Project Info.
Engineer: N. Reeve
Designer: C. Cova
Begin Date: July 18, 2019
Name: UDOT Property
Number: 7037-03

Sheet	1
1	Sheets

Municipal Development Agreement

This Agreement dated this _____ day of _____ 2019 between West Haven City, 4150 South 3900 West, West Haven, Utah 84401, Hereafter referred to as the (City) and West Haven Storage, 5215 West 4000 South, Hooper, Utah, 84315, Here after referred to as the (Developer).

Such addresses may be changed by notice to the other party given in the same manner as above provided. Any notice given hereunder shall be deemed as given as of the date delivered or mailed.

A. Developer has prepared and presented to the City a development application for the West Haven Storage, LLC development, Hereafter referred to as the (Project). The application package has been submitted and is being reviewed by the City pursuant to the requirements of the City code and regulated protocols and policies and other applicable zoning, engineering, and fire safety requirements. The resulting preliminary and final approved development plan, preliminary and final approved site plan, approved engineering drawings, conveyance documents, title reports and other documents submitted during the City's review and approval process will be referred to herein as the "**West Haven Storage LLC**" or the "**Development Documents**".

B. Pursuant to the authority of the Utah Code Annotated "109a 102(2)" and the specific provisions of the City code, the City has determined to enter into this agreement with the Developer for the purpose of formalizing certain obligations of the parties with respect to the project and such matters as the City and Developer have agreed.

Agreement

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

ARTICLE I-LEGAL AUTHORITY AND PURPOSE

- 1.1 **City Laws and Purpose:** The City represents that it has the legal authority to enter into and perform its obligations under this agreement and that the City has determined that this agreement effectuates the above referenced public purposes, objectives and benefits.
- 1.2 **Conditions Precedent:** Each of the parties is entering into this agreement in anticipation of the satisfaction of certain conditions precedent (described below), which, if not satisfied, will frustrate the purpose of this agreement. Accordingly, if the conditions precedent are not satisfied or otherwise waived by the parties, this agreement shall be rendered null and void and none of the parties shall have any further obligation to the other arising out of this agreement. The parties recognize that some of the conditions precedent may be satisfied contemporaneously with or prior to execution of this agreement; but such conditions precedent have been

identified herein for the purpose of setting forth the intent of the parties. For purposes of this agreement, the following shall constitute the "conditions precedent".

1.2.1 The Final nonappealable approval and acceptance of this Agreement by the City council.

1.2.2 The final conditional administrative approval or the site plan for West Haven Storage, LLC.

ARTICLE II - OBLIGATIONS

2.1.1 DEVELOPER OBLIGATIONS

2.1.1 Development: The project will consist of the improvements as shown in Exhibit A, titled improvements of the West Haven Storage Facility.

2.1.2 Conveyances and Dedications:

A. Right of Way: Developer shall convey or dedicate to the City for purpose of City Right of Way, Real property free from liens or encumbrances described as follows:

A part of the Southwest quarter of section 24, Township 6 North, Range 2 West, Salt Lake Base and Meridian. Beginning at a point which bears N1D07°21'E 842.93 Feet and S88D15°13'E 633.06 Feet And running Thence S89D15°13'E 191.03 Feet, Thence S4D10°27'E 42.5 Feet, Thence N88D15°13' 190.58 Feet, And Thence N4D06°50' 42.5 Feet.

B. Easements: Developer shall convey or dedicate to the City or other applicable utility providers at no cost real property necessary to facilitate the extension of required utility services as described as follows:

A part of the Southwest quarter of section 24, Township 6 North, Range 2 West, Salt Lake Base and Meridian. Beginning at a point which bears N1 D07°21' "E 842.93 Feet, S88D1 5°1 3"E 633.06 Feet and S4D06°50"E 42.5Feet And running Thence S89D15°13'E 190.58 Feet, Thence S4D10°27'E 10 Feet, Thence N88D15°13" 191 190.58 Feet, And Thence N4D06°50" 10 Feet.

2.2 CITY OBLIGATIONS

2.2.1 The City agrees to develop the road and allow storage units as seen in Exhibit "A".

2.2.2 Preliminary Site plan and Final Site plan approval will be allowed to be done at the same time.

2.2.3 The city will allow developer to place an off premise sign, of 48" x 96" with permission from the property owner.

2.3 Development to be Consistent with the Development of Documents

Except as expressly provided in this agreement, all development, whether by the Developer or a successor in interest, will be consistent with this Agreement and the approved development documents.

ARTICLE III - DEFAULT AND COSTS

3.1 Default

In the event of a failure by any party to party to comply with commitments set forth herein within thirty (30) days of written notice of such failure from the other party, the nondefaulting party shall have the rights to pursue any and all remedies, which, right shall be cumulative.

3.1.1 To cure such default or enjoin such violation and otherwise enforce the requirements contained in this Agreement; and

3.1.2 To enforce all rights, remedies and available law and in equity including, but not limited to, injunctive relief, specific performances and/or damages.

3.2 Court Costs and Attorney's Fees

In the event of any legal action or defense between the parties arising out of or related to this Agreement, or any of the documents provided for herein, the prevailing party shall be entitled, in addition to remedies and damages, if any awarded such proceedings to recover their costs and reasonable attorneys fees.

ARTICLE IV - GENERAL MATTERS

4.1 Amendments

Any alteration or change to this Agreement shall be made only after complying with the same procedures followed for adoption and approval of this Agreement.

4.2 Laws and Forum

This agreement shall be binding upon and shall insure the benefit of the parties hereto and their respective successors and assigns and shall be construed in accordance with Utah law. Any action brought in connection with this agreement shall be brought in a court of competent jurisdiction located in Weber County, Utah.

4.3 Legal Representation

Each of the parties hereto acknowledge that they either have been represented by legal counsel in negotiating this Agreement or that they had the opportunity to consult legal counsel and chose not to do so.

4.4 No Third Party Rights

Unless otherwise specifically provided herein, the obligations of the parties set forth in this Agreement shall not create any rights in our obligations to any other persons or third parties

4.5 Notices

All notices shall be in writing and shall be deemed to have been sufficiently given or served when presented personal or when deposited in the United States mail, by registered or certified mail, addressed as follows:

The City: West Haven City
4150 South 3900 West
West Haven City, Utah 84401
Attention: Steve Anderson

The Developer: West Haven Storage
5215 West 4000 South
Hooper, Utah 84315

4.6 Entire Agreement

This Agreement, together with the exhibits attached hereto, documents references herein and all regulatory approvals given by the City for the Project, contain and constitute the entire Agreement.

4.7 Effective Date

This Agreement shall be effective upon the signing and execution of this Agreement by all parties, which upon occurrence, shall be deemed to have occurred as the effective date.

4.8 Termination

This Agreement shall terminate upon mutual written agreement of the parties hereto, or failure of the conditions precedent to occur on or before one year after the effective date.

4.9 Further Action

The parties hereby agree to execute and deliver such additional documents to take all further actions as may become necessary or desirable to Fully carry out provisions and intent of this Agreement.

APPROVALS

The Developer

Larry Hill, Member
West Haven Storage, LLC.

Kerry Garner, Member
West Haven Storage, LLC.

The City

Sharon Bolos, Mayor
West Haven City

NOTARY

State of Utah

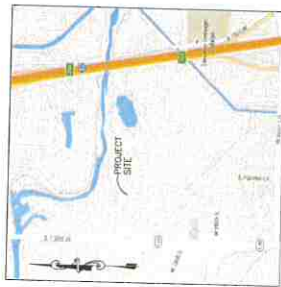
Weber County

This record was acknowledged Before me on _____ (Date)

By _____ Name(s) of individual(s)

Notary

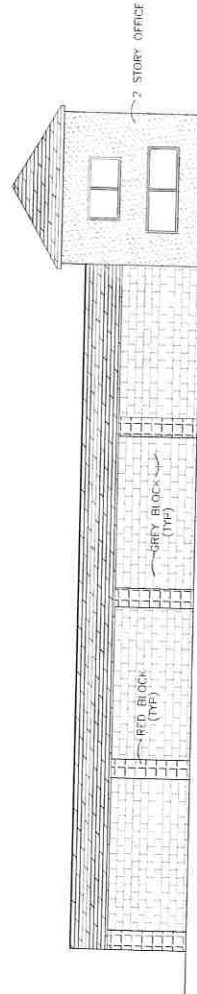
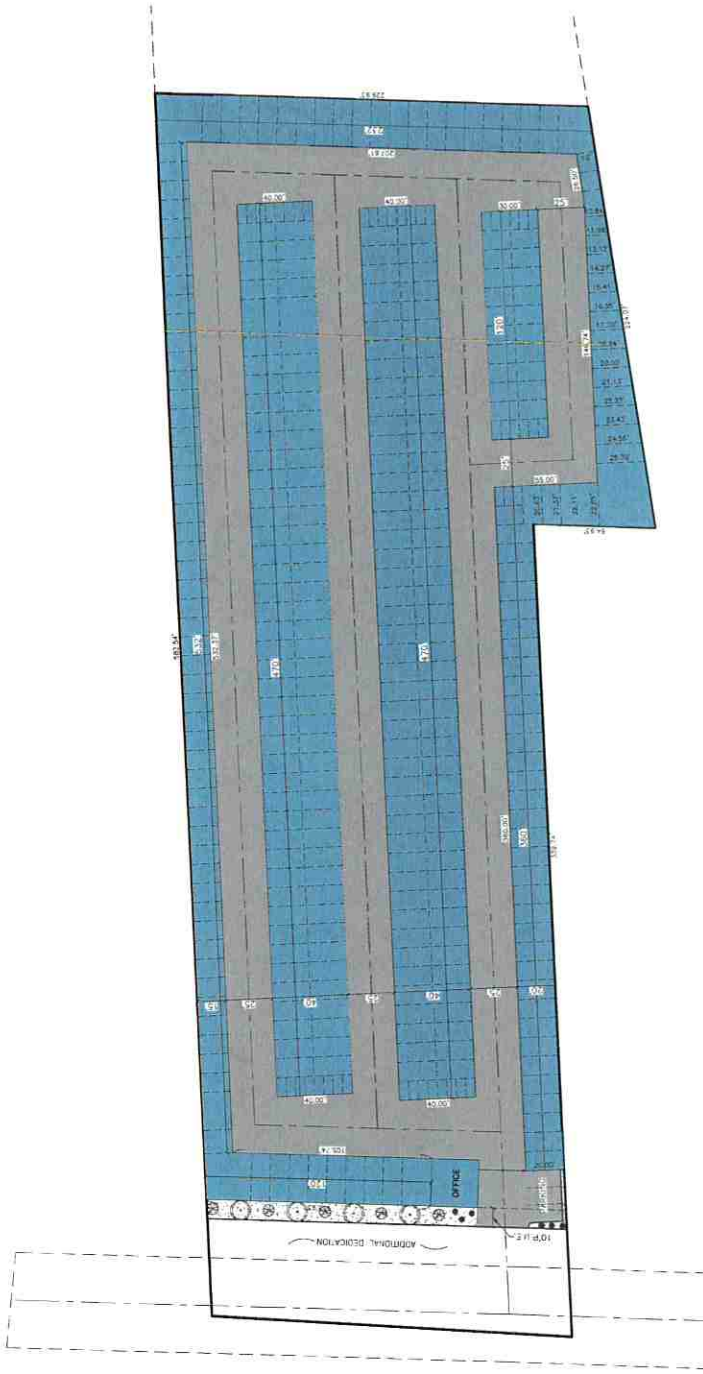
Date: _____



VICINITY MAP
NOT TO SCALE

DESIGN DATA

- 5' x 10' Units - 47 Total
- 10' x 15' Units - 78 Total
- 10' x 10' Units - 7 Total
- 10' x 20' Units - 224 Total
- 10' x 25' Units - 31 Total
- 387 Total Units**



EXTERIOR BUILDING ELEVATION
(FACING STREET)
SCALE: NONE

West Haven Storage

West Haven City, Weber County, Utah

Developer:
Kerry Corner
P.O. Box 1574
Layton, UT 84041
(801) 860-7209

RA & Associates, Inc.
REGISTERED PROFESSIONAL ENGINEERS
1000 WEST 1000 SOUTH, SUITE 100, LAYTON, UT 84041
TEL: (801) 860-7209 FAX: (801) 860-7208
WWW.RA-ASSOCIATES.COM

DATE	DESCRIPTION

West Haven Storage
PART OF THE SW 1/4 OF SECTION 24, T6N, R2W, S1B & M, U.S. SURVEY
WEST HAVEN CITY, WEBER COUNTY, UTAH

Project Info	
Engineer	N. Reeves
Designer	C. Cora
Begin Date	9/22/18
Name	WEST HAVEN STORAGE
Number	6878-01
Sheet	1
Sheets	1

THIS PLAN AND SPECIFICATION ARE THE PROPERTY OF REEV & ASSOCIATES, INC. 3140 S. 1000 W., RIVERDALE, UTAH 84405, AND SHALL NOT BE REPRODUCED, REBANK, OR USED IN ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY IDENTIFIED HEREIN WITHOUT THE WRITTEN PERMISSION OF REEV & ASSOCIATES, INC. REEV & ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREOF WITHOUT THEIR CONSENT.

ORDINANCE NO. 03-2007

**AN ORDINANCE OF WEST HAVEN CITY, UTAH CREATING AND
ADOPTING AN URBAN STORM WATER QUALITY MANAGEMENT
AND DISCHARGE CONTROL POLICY, PROGRAM AND
REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE FOR
THESE ACTIONS.**

Section I Recitals

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

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the City (hereinafter "City Council") may exercise all administrative powers by resolution; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the City Council may pass any ordinance to regulate, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that the City has been mandated by the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) (hereinafter the "Act") and any subsequent amendments thereto, to create and enforce a program for managing storm water within the boundaries of the City to insure that waters passing through or originating in the City are not polluted in violation of the Act; and,

WHEREAS, The City Council finds that in compliance with this act the City should create an Urban Storm Water Quality Management and Discharge Control Ordinance; 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 such action to be taken by the City; now.

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

Section II Urban Storm Water Quality Management and Discharge Control Ordinance Adopted

1. The attached Urban Storm Water Quality Management and Discharge Control Ordinance of West Haven City as set out in Attachment "A", attached hereto and by this reference, incorporated herein as if fully set out is hereby enacted and adopted on behalf of the City;
2. The forms attached hereto as Attachment "B" are also adopted as part of those, forms, documents and administrative procedures that may, from time to time, reasonably be necessary to implement the requirements and intent of the foregoing. In furtherance thereof, the Mayor shall cause to be developed, promulgated and implemented these forms or any others that s/he may reasonably find to be necessary.

Section III Prior Ordinances and Resolutions

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

Section IV Repealer of Conflicting Enactment's

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

Section V Savings Clause

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

Section VI Date of Effect

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the 22nd day of February, 2007, and after publication or posting as required by law.

DATED this 22nd day of February, 2007

WEST HAVEN CITY, a municipal corporation

by: Brian Melaney
Mayor Brian Melaney

Attested and recorded

Janet M. Talbot
Janet Talbot

DRAFT

ATTACHMENT "A"

ORDINANCE NO. 03-2007

ORDINANCE TEXT

Article 1.1 Storm Drainage

- 1.1.1 – Definitions
- 1.1.2 – Prohibited Obstructions
- 1.1.3 – Prohibited Discharges
- 1.1.4 – Prohibited Storage and Littering
- 1.1.5 – Storm Sewer Discharge Permit
- 1.1.6 – Best Management Practices
- 1.1.7 – Easements
- 1.1.8 – Authority to Inspect
- 1.1.9 – Requirement to Monitor and Analyze
- 1.1.10 – Notice of Violation
- 1.1.11 – Damage to Storm Sewer System or Irrigation Lines
- 1.1.12 – Manhole Covers
- 1.1.13 – Drinking Water Protection
- 1.1.14 – Violation and Penalty
- 1.1.15 – Compliance with Federal and State Law

1.1.1 – Definitions

As used in this Article and Article 1.2

A. **Best Management Practices (BMPs).** A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMP's and their effectiveness ratings can be found in the West Haven City Storm Water Management Plan dated March 2003 (available at the West Haven City Storm Water Management Department.)

B. **Catch Basin.** A drain inlet designed to keep out large or obstructive matter.

C. **"Common Plan of Development or Sale"** – is a plan to subdivide a parcel of land into separate parts for separate sale. This can be for a residential, commercial, or industrial development. The plan originates as a single parcel that is separated into parts. This usually goes through an approval process by a local governmental unit, but in some cases, it may not require that process. The original plan is considered the "common plan of development or sale" whether phased or completed in steps. Additional information related to Common Plan of Development for Permit Purposes: For UPDES storm water permit purposes, a common plan must have been initiated after October, 1992. A common plan of development or sale remains so until each lot or section of the development has fulfilled its planned purposes (e.g. in a residential development as homes are completed, stabilized, and sold or occupied). As lots or separated sections of the development are completed, the lot or section is stabilized, and the plan purposes are fulfilled for that area, lot, or section, it is no longer part of the common plan of development or sale (e.g. if a home is sold in a development and the owner decides to add a garage somewhere on the lot, that garage project is not part of the common plan of development or sale. In this process a common plan of development or sale may become reduced in size and/or separated by completed areas which are no longer part of the common plan of development or sale, but all unfinished lots remain part of the same common plan of development or sale until they are completed, stabilized, and fulfilled according to the purposes of the plan.

D. **"Contaminant"** means any physical, chemical, biological, or radiological substance or matter in water.

E. **Debris.** Any dirt, rock, sand, vegetation, rubbish or litter.

F. **Detention Basin.** A depression designed to detain storm water runoff until downstream storm sewer resources are less heavily taxed. A detention basin contains an inlet and an outlet, allows debris to settle out, and regulates water flow.

G. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to site

preparation, filling, grading, paving, excavation, and construction of buildings or other structures.

H. **"Discharge"** means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

I. **Director.** The Director of Public Works of the West Haven City or his duly appointed deputy, agent, or representative.

J. **Disturb.** To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.

K. **Drain Inlet.** A point of entry into a sump, detention basin, or storm drain system.

L. **Hazardous Material.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to, any hazardous substance designated under 40 CFR part 116 pursuant to Section 311 of the Clean Water Act.

M. **"Illicit connections"** means illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system.

N. **Illicit Discharge.** Illicit discharge means either of the following:

1. Any non-storm water discharge to the storm sewer system. Illicit discharges include both direct discharges (e.g. wastewater piping either mistakenly or deliberately connected to the storm sewer system) and indirect discharges (e.g. infiltration into the storm sewer system or spills collected by drain inlets). Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any discharges to the storm drain system from indoor drains or sinks, regardless of whether said drain or discharge had been previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected to or discharging to the storm drain system, which has not been (1) documented in plans, maps, or equivalent records submitted to the city, and (2) approved in writing by the city.

O. **Land Development.** Any development of a parcel, lot, subdivision plat or site plan. If there is more than one lot in the subdivision plat or site plan, all lots in the subdivision plat or site plan shall jointly be considered to be part of the land development.

P. **"Low Impact Development" (LID)** is an approach to land development (or re-development) that works with nature to more closely mimic pre-development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principals such as bio retention facilities, rain gardens, vegetated roof tops, rain barrels, and permeable pavements.

Q. **"Maintenance agreement"** means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

R. **"Municipal separate storm sewer system (MS4)" ("Municipal separate storm water system")** means the conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

S. **Non-Storm Water Runoff.** Any runoff other than storm water.

T. **Person.** Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government.

U. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resins); and noxious or offensive matter of any kind.

V. **Redevelopment.** Alterations of a property that change the footprint of a site or building in such a way that disturbs one-tenth acre of land or more.

W. **Retention Basin.** A storage site similar to a detention basin but the water in storage is permanently obstructed from flowing down stream.

Storm Drain. A closed conduit for conducting collected storm water.

X. **Storm Sewer System.** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention basins, curbs, gutters, ditches, man-made channels, sumps, storm drains, and ground water) owned and operated by the city, which is designed and used for collecting or conveying storm water.

Y. **Storm Water.** Any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.

Z. **Storm Water Runoff.** Water that is generated by storm water flows over land.

AA. **"Surface Water"** is defined all open water bodies, streams, lakes, ponds, marshes, wetlands, watercourses, waterways, springs, drainage systems, and all other bodies or accumulations of water on the surface only. Surface water is visible water, standing or flowing above ground.

BB. **Sump.** A formalized underground structure, surrounded by drain rock that acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps usually receive storm water runoff from paved areas such as streets, parking lots, building roofs, etc.

CC. **"SWPPP"** (Storm Water Pollution Prevention Plan) – means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMP's concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels during and after construction.

DD. **"Utah Pollutant Discharge Elimination System (UPDES)"** – The State of Utah's program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 102, 318, and 405 of the Clean water Act (CWA) for the "discharge" of "pollutants" to "Waters of the State". This program is specifically designed to be compatible with the federal National Pollutant Discharge Elimination System (NPDES) program established and administered by the EPA.

1.1.2 – Prohibited Obstructions

A. It is unlawful for any person to:

1. Obstruct the flow of water in the storm sewer system

2. Contribute to the obstruction of the flow of water in the storm sewer system.
3. Cover or obstruct and drain outlet.

B. The following obstructions are exempt from the prohibitions of this section:

1. Street and/ or storm sewer improvement projects authorized by the city.
2. Flood control and prevention activities performed by the city.
3. Obstructions approved by the city as part of a site's storm water drainage plan.
4. Obstructions occurring during clean-up periods established by the city, provided that the materials are placed according to city directions and do not obstruct drain inlets.

1.1.3– Prohibited Discharges

A. It is unlawful for any person to cause or allow an illicit discharge to the storm sewer system.

B. The following discharges to the storm sewer system are exempt from the prohibitions of this section:

1. Discharges regulated under a valid Utah Pollutant Discharge Elimination System (UPDES) storm discharge permit, provided that the discharge complies with the terms of the permit.
2. Water line flushing
3. Landscape irrigation
4. Diverted stream flows
5. Rising ground waters
6. Uncontaminated ground water infiltration
7. Uncontaminated pumped ground water
8. Discharges from potable water sources
9. Foundation Drains
10. Air conditioning condensate
11. Irrigation water
12. Springs
13. Water from crawl space pumps
14. Footing drains
15. Lawn watering runoff
16. Individual residential car washing, provided that there is no discharge of soaps, solvents, or used for such purposes
17. Flows from riparian habitats and wetlands
18. Dechlorinated swimming pool discharges
19. Residual street wash water
20. Dechlorinated water reservoir discharges
21. Discharges from emergency firefighting activities

1.1.4 – Prohibited Storage and Littering

It is unlawful for any person to maintain, store, keep, deposit or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that is likely to result in the discharge of the pollutant or hazardous material to the storm sewer system.

1.1.5– Storm Sewer Discharge Permit

- A. **Permit Required.** No person shall connect to the city's storm sewer system, either directly or indirectly, without first obtaining a Storm Sewer Discharge Permit from the city.
- B. **When Permit Required.** Any person beginning new construction (development of an undeveloped parcel) or redevelopment (as defined in this Article) in the city shall obtain a Storm Sewer Discharge Permit before commencing construction.
- C. **Application.** The applicant for a Storm Sewer Discharge Permit shall submit the following to the city:
1. Application Form. A completed application form. Application forms will be available at the City Engineer.
 2. BMP Plan. A plan incorporating storm water BMPs that meet the requirements of Section 1.1.06.
 3. Maintenance Plan. A plan outlining how the applicant will maintain the storm water improvements listed in the application.
 4. Fee. A fee in an amount set by resolution of the City Council.
- The application shall be submitted to the city's Engineering Department.
- D. **Review.** The Storm Sewer Discharge Permit application shall be reviewed by the City Engineer and either approved, approved with conditions, or denied. Either the permit applicant or the city may appeal the City Engineer's decision to the Mayor. The appeal shall be made according to procedures established by the Engineering Department.
- E. **Factors.** When deciding whether to approve, conditionally approve, or deny a Storm Sewer Discharge Permit application, the following factors shall be considered:
1. Whether the application complies with applicable city ordinances and policies.
 2. Whether the application complies with the West Haven City Storm Drainage Master Plan.
 3. Whether the proposed discharge incorporates effective Best Management Practices.
 4. Whether the proposed discharge introduces pollutants into the storm drain system.
 5. Whether the proposed discharge creates a safety hazard.
 6. Whether the proposed discharge affects the integrity of the storm sewer system infrastructure.
 7. Whether the proposed discharge endangers the city's drinking water.
 8. Whether the proposed discharge endangers adjacent properties.
 9. Whether the applicant has submitted the proper maintenance and upkeep of the applicant's discharge and on-site storm water improvements.
- Failure to construct or maintain storm water improvements in accordance with an approved Storm Sewer Discharge Permit shall be a violation of this ordinance.
- F. **As-Built.** Any person discharging to the storm sewer system shall provide the city's Storm Sewer Utility with "as-built" plans showing the details and the location of the discharge. The plans shall be in a format that is acceptable to the city.
- G. **Rate.** Discharges to the storm sewer system shall be designed so that the discharge to the storm sewer system does not exceed .1 Cubic Feet Per Second per acre.
- H. **LID.** For new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, an evaluation must be conducted of and LID approach to the project, in conjunction with UDEQ's Guide to Low Impact Development within Utah. If an LID approach cannot be utilized, a written explanation of the reasons preventing this approach and the rationale for the chosen alternative controls on a case by case basis for each project.
- I. **90th Percentile Storm Event.** For new development or redevelopment projects that disturb greater than or

equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale to manage rainfall on-site and prevent the off-site discharge of the precipitation for all rainfall events less than or equal to the 90th percentile rain event.

1.1.6 – Best Management Practices

Any person connecting to the storm sewer system or developing a commercial or industrial site shall employ Best Management Practices (BMPs) approved by the city. The city shall adopt a policy establishing a menu of BMPs that may be used to satisfy this requirement. The BMPs may be structural and/or non-structural, depending on the needs of the site. The BMPs shall be designed to ensure that the quality and quantity of storm water released to the city's storm sewer system meets the requirements of federal, state and local laws and regulations and the city's UPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system.

1.1.7 – Easements

The city may enter all private properties through which the city holds an easement for the purposes of inspecting, observing, measuring, sampling, repairing or maintaining any portion of the storm sewer facilities lying within the easement, or the performance of any other duties pertinent to the operation of the storm sewer system. All entry and subsequent work, if any, on an easement, shall be completed according to any special terms of the easement.

1.1.8 – Authority to Inspect

Whenever necessary to make an inspection to enforce any provision of this Article, or whenever the city has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Article, the city may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

1.1.9 – Requirement to Monitor and Analyze

If city tests or inspections indicate that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm sewer system or waters of the United States, and if the violations continue after notice from the city, the city may require any person engaged in the illicit activity and/or the owner/ operator of the site to provide, at their own expense, monitoring and analyses required by the city to determine compliance with this Article.

1.1.10 - Notice of Violation

Whenever the city finds that a person has violated a prohibition or failed to comply with a requirement of this

Article, the city will order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit discharges or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and
- F. The implementation of source control or treatment BMPs.

Notice of violation/ non-compliance/ pollution discharge / suspension may be issued by any employee of West Haven City Department of Public Works or any police officer acting on behalf of the City.

The city may skip the notice requirements set forth in this Section and immediately proceed with criminal and/or civil action against the violator if (1) the violator has committed the same violation in the past, or (2) the violation, in the opinion of the city, creates a serious risk to persons, the environment or property, or (3) the city deems the violation to constitute an emergency.

1.1.11 – Damage to Storm Sewer System or Irrigation Lines

Any person who damages any portion of the storm sewer system, a city-owned irrigation line, or a city-maintained irrigation line shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor bonded to do work in the city and shall be repaired in accordance with the city's Construction Standards and Specifications. It is unlawful to remove or alter any portion of the storm sewer system without permission from the Director.

1.1.12 - Manhole Covers

It shall be unlawful to open any storm sewer manhole or other storm sewer fixture (such as grates, lids or inlets) without permission from the city.

1.1.13 - Drinking Water Protection

All storm water and non-storm water discharges shall comply with the Weber/Morgan Health Department's drinking water source protection ordinance.

1.1.14 - Violation and Penalty

- A. The violation of any provision of this Article is a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.
- B. If, as the result of the violation of any provision of this Chapter, the city or any other party suffers damages

and is required to make repairs and/or replace any materials, the cost of repair and/ or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties.

- C. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.

1.1.15 - Compliance with Federal and State Law

Nothing in this Article shall be interpreted to relieve any person from an obligation to comply with an applicable Federal, State or local law relating to storm water discharges or drinking water protection.

Article 1.2 Storm Water Construction Activity Permit

- 1.2.1 – Purpose and Intent
- 1.2.2 – Storm Water Construction Activity Permit - When Required
- 1.2.3 – Storm Water Construction Activity Permit - Application
- 1.2.4 – Storm Water Pollution Prevention Plan
- 1.2.5 – Proper Operation and Maintenance
- 1.2.6 – Inspection and Entry
- 1.2.7 – Revocation or Suspension of Storm Water Construction Activity Permit
- 1.2.8 – Violations and Enforcement Exemptions
- 1.2.9 – Exemptions
- 1.2.10 – Appeal
- 1.2.11 – Compliance with Federal and State Law

1.2.1- Purpose and Intent

The purpose of this Article is to prevent the discharge of sediment and other construction-related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the city and surrounding areas. Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality.

1.2.2 – Storm Water Construction Activity Permit - When Required

A West Haven City Storm Water Construction Activity Permit is required before any person or entity may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape upon any of the following types of property located within the city:

- A. **Regardless of size.** Any parcel, lot or land development qualifies under this subsection with construction activities which disturb more than 500 square feet of land surface area, or which consist of the excavation and/or fill of more than 20 cubic yards of material and less than five acres shall apply for a city permit.
- B. **Any project that will disturb 1 or more acres of land, or will disturb less than 1 acre of land but be part of a common plan of development or sale, will need to obtain an UPDES Permit from the State of Utah, Division of Water Quality.**
- C. **Special Concern Areas.** Any parcel, lot or land development for which the city determines that because of

the nature or type of the parcel, lot or development, disturbance of the land is likely to result in erosion or the transport of sediment off of the site by storm water to a degree substantially greater than that which would occur under natural landscape conditions.

1.2.3 – Storm Water Construction Activity Permit - Application

Any person or entity desiring a Storm Water Construction Activity Permit must first file an application with the West Haven City Planning Department. The application may be submitted independently, or part of an application for a site plan, subdivision plan, or building permit approval.

- A. **Content.** The application shall include a Storm Water Pollution Prevention Plan which meets the criteria set forth in Section 1.2.04.
- B. **Timing.** The applicant shall file the application on or before the following dates:
 - 1. **Subdivision.** The date that the applicant submits the preliminary subdivision development plat application.
 - 2. **Site Plan.** The date that the applicant submits a site plan application or amended site plan.
 - 3. **Building Permit.** The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.
 - 4. **Land Use Permit.** The date that the applicant submits a land use permit application.
 - 5. **Other.** At least two (2) weeks before the developer intends to perform any type of work not listed above that would require a Storm Water Construction Activity Permit pursuant to this Article.

If an applicant's development comes under more than one of the categories listed above, then the applicant shall submit the Storm Water Construction Activity Permit Application on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire a required Storm Water Construction Activity Permit is grounds for tabling a related subdivision application, site plan application, conditional use permit application, or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required Storm Water Construction Activity Permit.

- C. **Fee.** The applicant for a Storm Water Construction Activity Permit shall pay a fee in an amount set by resolution of the City Council.
- D. **Application Approval.** The City Engineer or designee shall approve the application and grant the permit if the application is complete and meets the criteria set forth in Section 1.2.04. The City Engineer shall deny the application or approve the application with conditions if he or she determines that the measures proposed in the Plan fail to meet the criteria set forth in Section 1.2.04. Conditions the City Engineer may impose in connection with the approval of a Permit include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction-related pollutants from the site by storm water.
- E. **Term.** Unless otherwise revoked or suspended, a Storm Water Construction Activity Permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
 - 1. **Subdivisions.** For Permits associated with a subdivision plat approval
 - a. The Permittee must complete all required subdivision improvements; and
 - b. one of the following three events must occur:
 - 1. The city issues a final certificate of occupancy for each lot in the subdivision, or

2. Individual Storm Water Construction Activity Permits have been issued for each lot in the subdivision not having a final occupancy permit, or
3. The property has been re- vegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.
4. The plan must include provision for on-site detention or coordination with regional detention.
2. *Site Plans.* For Permits associated with a site plan approval, the date that the Permittee has completed all required landscaping and all outside construction work associated with the site plan.
3. *Building Permits.* For permits associated with a building permit application, the date the city issues a final occupancy permit for the structure covered by the building permit
4. *Other.* For Permits issued that are not tied to other approvals from the city, the date that the permittee has completed all work associated with the Permit to prevent further erosion and runoff from the site.

No Storm Water Construction Activity Permit shall be considered terminated until the Permittee submits a Notice of Termination of Construction Activity Permit ("Notice") to the city and the Notice is accepted by the city. The city shall accept the Notice if the Permittee has met the requirements of the Permit and this ordinance.

- F. Amendments. In the event that the proposed construction activity for a site to which a Permit pertains is materially altered from that described in an original Plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original Plan, the Permittee shall file an amended Storm Water Pollution Prevention Plan which meets the criteria set forth in Section 1.2.04

1.2.4- Storm Water Pollution Prevention Plan

1. **Required Information.** The Storm Water Pollution Prevention Plan (the "Plan") shall be in accordance with **UPDES Construction General Permit or the Common Plan of Development Permit.**
 2. **Site Description.** A site description (including a map with spot elevations and contour lines) which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation, etc.), and estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
 3. **Control Description.** A description of the proposed measures and controls that will be implemented during construction activity and/or while the site is not stable. The Plan must clearly describe the times during the construction process that the measures will be implemented for each major activity identified pursuant to subsection (1). The Plan shall also state the name and phone number of the person or entity responsible for implementation of each control measure.
- A. **Goals and Criteria.** The proposed measures and controls described in the Plan shall be designed to meet the following goals and criteria:
1. **Prevent or Minimize Discharge.** The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris and other construction-related pollutants from the construction site by storm water runoff into the storm drainage system.
 2. **Prevent or Minimize Construction Debris.** The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights-of- way. Any such discharge shall be cleaned up and removed immediately upon notification to the Permittee or when it otherwise comes to the attention of the Permittee. At a minimum, the deposit or discharge shall be cleaned by sweeping and removed at the end of the work shift in which the deposit occurred, or at the end of the work day, whichever comes first. No construction materials may be deposited

- or stored in any street, or where it may intercept storm water runoff.
3. **BMPs.** The proposed measures and controls shall consist of Best Management Practices (BMPs) available at the time that the Plan is submitted. BMPs may include, but shall not be limited to, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminate off-site tracking, straw bale sediment barriers, establishment of temporary grasses and permanent vegetative cover, use of straw mulch as a temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, subsurface drains, pipe slope drains, level spreaders, rock outlet protection, reinforced soil retaining systems, and gabions.
 4. **Stabilization.** The proposed measures and controls shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in disturbed portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased, except under the following circumstances:
 - a. If the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or
 - b. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within 21 days, temporary stabilization measures need not be initiated on that portion of the site.
 5. **Minimize Risk of Discharge of Other Materials.** The proposed measures and controls shall be employed to minimize the risk of discharge of construction-related pollutants (such as paint, thinners, solvents and oilier chemicals) from tile construction site. Such measures may include implementation of storage practices to minimize exposure of the material to storm water as well as spill prevention and response.

1.2.5 – Proper Operation and Maintenance

The recipient of a Storm Water Construction Activity Permit (the Permittee) shall install the erosion and sediment control measures required by the approved Storm Water Pollution Prevention Plan before commencing any construction activity on the site to which the Plan applies or at such times indicated in the Plan. The erosion and sediment control measures shall be properly installed and maintained in accordance with the Permit, the manufacturers' specifications, and good engineering practices. The Permittee shall maintain such measures on the site until the city accepts tile termination of tile Permit pursuant to Section 1.2.03(E).

1.2.6 - Inspection and Entry

The Permittee shall allow any authorized employees and representatives of the city, representatives of the State of Utah Division of Water Quality, and representatives of tile EPA, to enter the site to which a Permit applies at any time and to inspect the erosion and sediment control measures maintained by the Permittee. The Permittee shall also allow inspection of any records pertaining to the conditions of the Permit.

1.2.7 – Revocation or Suspension of Storm Water Construction Activity Permit

- A. **Revocation or Suspension.** A Storm Water Construction Activity Permit may be revoked or suspended by the Director upon the occurrence of any one of the following events:
 1. Failure of a Permittee to comply with the Plan or any condition of the Permit; or
 2. Failure of a Permittee to comply with any provision of this Article or any other applicable law,

ordinance, rule or regulation related to storm water; or

3. A determination by the Director that the erosion and sediment control measures implemented by a Permittee pursuant to the Plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other pollutants from the construction site by storm water.

B. **Notice.** The city shall mail a Permittee written notice of noncompliance before revoking or suspending a Permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the Permittee to avoid revocation or suspension of the Permit. The notice shall allow the Permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the Permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days. The notice shall be mailed to the address listed for the Permittee in the Application. If the Permittee fails to correct the problems identified in the notice during the time specified in the notice, the Director may suspend or revoke the Permit by mailing or delivering written notice of the suspension or revocation to the Permittee. The Permittee may appeal a suspension or revocation of the Permit pursuant to the appeal procedure set forth in Section 1.2.10.

C. **Exceptional Circumstances.** For purposes of this Section, exceptional circumstances include, but are not limited to, situations which involve a risk of injury to persons, damage to storm drain facilities, or damage to other property or the environment. The city may take any steps the city deems necessary to alleviate any such exceptional circumstances as defined above, and may bill the owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances.

D. **Stop Work Order.** A stop work order may be issued upon the revocation or suspension of a Permit, or upon the discovery of work being conducted without a required Permit. The stop work order may be issued by inspectors in the Engineering, Storm Water Management, Building Inspection, or the Planning Departments. No construction activity may be commenced or continued on any site for which a Permit has been revoked or suspended until the Permit has been reinstated or reissued.

E. **Reinstatement.** A Storm Water Construction Activity Permit may be reinstated or reissued upon compliance with all provisions of this Article and all Permit conditions, or in the case of a suspension for reasons provided in subsection (A)(3), upon the filing of an amended Storm Water Pollution Prevention Plan which is designed to correct the deficiencies of the original Plan.

1.2.8 – Violations and Enforcement

- A. The violation of any of the provisions of this Article shall be a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.
- B. Violators of this Article are also subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the Utah Code.
- C. In addition to any criminal fines and/ or penalties which may be assessed for a violation of this Article, the city shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Article. The city shall have the right to have such measures installed or maintained by city personnel or to hire a private contractor to perform such work and the contractor and/ or the property owner shall be liable for any and all expenses related to performing such work plus a 25% penalty charge. The city may assess said charges against

the financial guarantee posted by the contractor and/or property owner.

- D. Violators of this Article may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.

1.2.9 – Exemptions

The following activities are exempt from the requirements of this Article:

- A. Actions by a public utility, the city, or any other governmental entity to remove or alleviate an emergency condition, restore utility service/ or reopen a public thoroughfare to traffic;
- B. Actions by any other person when the city determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic;
- C. Construction activities which disturb less than 500 square feet of land surface area, or which consist of the excavation and/or fill of less than 20 cubic yards of material;
- D. Landscape maintenance activities on fully developed properties, necessary to maintain the existing developed landscape;
- E. Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground located within the city and which meet the requirements of the zoning code of the city.

1.2.10 - Appeal

- A. An Applicant for a Storm Water Construction Activity Permit or a Permittee of a Storm Water Construction Activity Permit may appeal any decision or directive made by the city or its representatives pursuant to this Article. The party desiring to appeal shall file a notice of appeal at the city office within 10 days of the decision or directive being appealed. The notice of appeal shall contain the following information:
 - 1. The appellant's name, address and daytime telephone number;
 - 2. A short statement describing the basis for the appeal; and
 - 3. The relief sought by the appellant.
- B. Upon receipt of the notice of appeal, the Mayor shall set a date for an informal hearing to consider the appeal. The informal hearing shall be conducted in accordance with policies established by the city council. The Mayor shall uphold the decision or directive being appealed unless the city council finds that there has been an error in the interpretation or implementation of this ordinance. The Mayor shall render a decision on the appeal within 10 days of the informal hearing with the appellant. The Mayor shall have authority to affirm, reverse or modify any decision or directive appealed pursuant to this Section.

1.2.11 – Compliance with Federal and State Law

Nothing contained in this Article is intended to relieve any person or entity from any obligation to comply with applicable federal and state laws and regulations pertaining to clean water and/or storm water runoff

Article 1.3 Post Construction Maintenance

- 1.3.1 – Maintenance Inspection
- 1.3.2 – Maintenance Agreement
- 1.3.3 – Maintenance Responsibility

1.3.1 – Maintenance Inspection

- A. West Haven City shall ensure that preventative maintenance is performed by inspecting all storm water management systems. Inspection shall occur annually. In addition, a maintenance agreement between the owner and West Haven City shall be executed for privately owned storm water management systems as described in 1-3-2 of this section.
- B. Inspection reports shall be maintained by the West Haven City for all storm water management systems.
- C. Inspection reports for storm water management systems shall include the following:
 - 1. The date of inspection;
 - 2. Name of inspector
 - 3. The condition of:
 - a. Vegetation or filter media;
 - b. Fences or other safety devices;
 - c. Spillways, valves, or other control structures;
 - d. Embankments, slopes and safety benches;
 - e. Reservoir or treatment areas;
 - f. Inlet and outlet channels or structures;
 - g. Underground drainage;
 - h. Sediment and debris accumulation in storage and fore-bay areas;
 - i. Any nonstructural practices to the extent practicable; and
 - j. Any other item that could affect the proper function of the storm water management system.
 - 4. Description of needed maintenance.
- D. After notification is provided to the owner of any deficiencies discovered from an inspection of a storm water management system, the owner shall have 30 days or other time frame mutually agreed to between West Haven City and the owner to correct the deficiencies. West Haven City shall then conduct a subsequent inspection to ensure completion of the repairs.
- E. If repairs are not undertaken or are not found to be done properly, then enforcement procedures following 1.3.02C of this section shall be followed by West Haven City.
- F. If, after an inspection by the West Haven City, the condition of a storm water management facility presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the West Haven City shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the County/Municipality shall be assessed against the owner(s) as provided in section 1.3.02C.

1.3.2 Maintenance Agreement

- A. Prior to the issuance of any building permit for which storm water management is required, West Haven City shall require the applicant or owner to execute an inspection and maintenance agreement binding on all

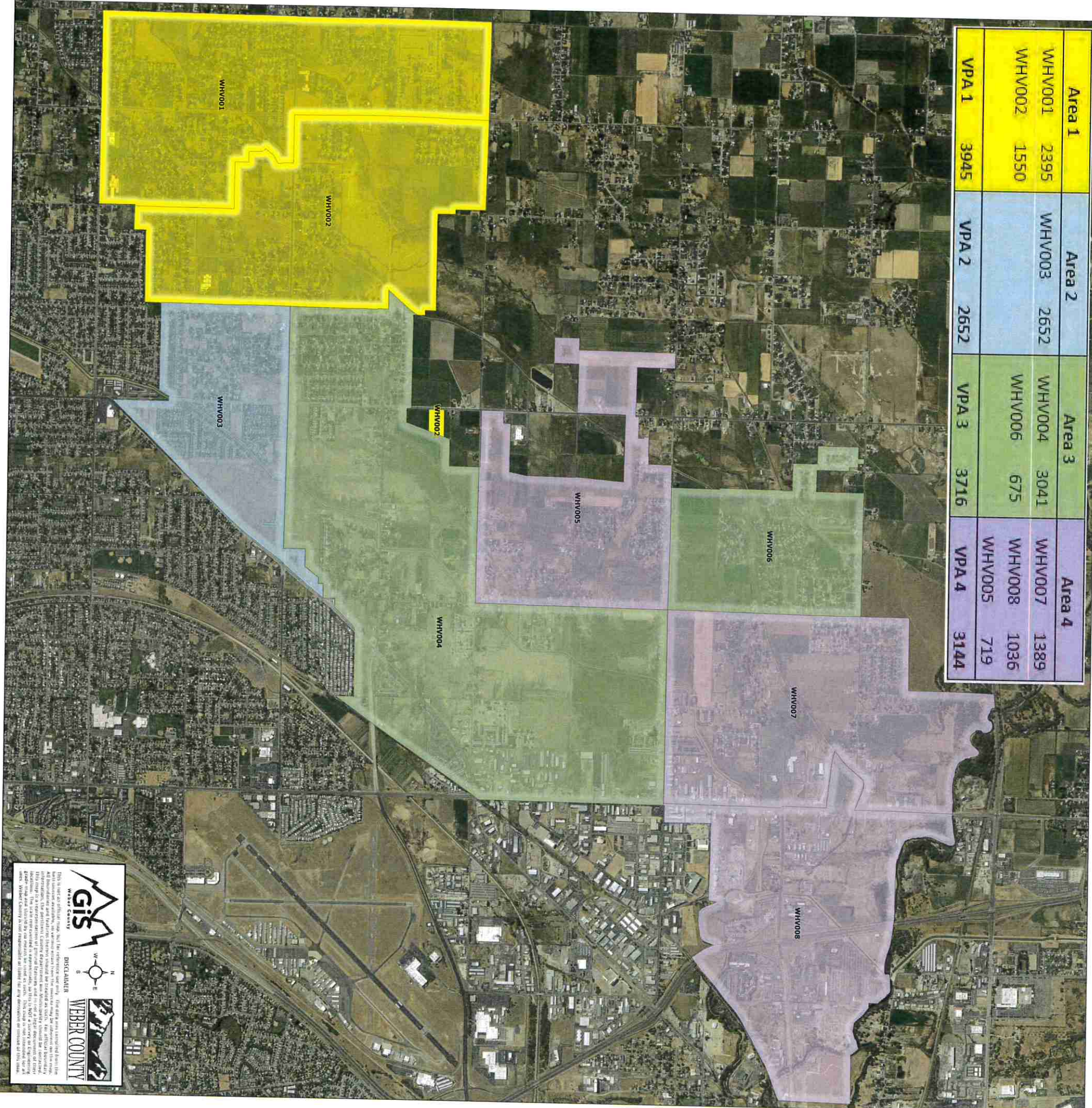
subsequent owners of land served by a private storm water management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the West Haven City or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

- B. The agreement shall be recorded by the applicant and/or owner in the land records of the County/Municipality.
- C. The agreement shall also provide that, if after notice by the West Haven City to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), West Haven City may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the County/Municipality.

1.3.3 – Maintenance Responsibility

- A. The owner of the property on which work has been done pursuant to this Ordinance for private storm water management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
- B. A maintenance schedule shall be developed for the life of any storm water management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the approved storm water management plan.

Area 1		Area 2		Area 3		Area 4	
WHV001	2395	WHV003	2652	WHV004	3041	WHV007	1389
WHV002	1550			WHV006	675	WHV008	1036
VPA 1	3945	VPA 2	2652	VPA 3	3716	VPA 4	3144





GIS



WEBER COUNTY

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