



WEST HAVEN CITY COUNCIL AGENDA

AMENDED

July 7, 2021 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **July 7, 2021** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:00 PM: COUNCIL WORKSHOP 6:00 PM: REGULAR WEDNESDAY CITY COUNCIL MEETING.** PER HB294 MASKS ARE REQUIRED WHEN THERE ARE 50 PEOPLE OR MORE IN ATTENDANCE OR WHEN A 6 FOOT DISTANCE FROM EACH OTHER CANNOT BE MAINTAINED. JOIN US DIGITALLY FOR THE WORK SESSION [HTTPS://ZOOM.US/J/91673905457](https://zoom.us/j/91673905457) AND COUNCIL MEETING [HTTPS://ZOOM.US/J/97464542409](https://zoom.us/j/97464542409).

1. MEETING CALLED TO ORDER: Mayor Bolos
2. OPENING CEREMONIES
A. PLEDGE OF ALLEGIANCE
B. PRAYER/MOMENT OF SILENCE
Councilmember Morse
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. ACTION ON RESOLUTION 26-2021-ELECTRONIC ATTENDANCE
5. ACTION ON CONSENT AGENDA

A. CITY COUNCIL MINUTES	MEETING HELD	June 16, 2021
B. CITY COUNCIL AND PLANNING COMMISSION MINUTES	MEETING HELD	June 22, 2021
C. CITY COUNCIL SPECIAL MINUTES	MEETING HELD	June 24, 2021
D. CITY COUNCIL SPECIAL MINUTES	MEETING HELD	June 29, 2021
E. GARDNER ENGINEERING	\$21,423.25	Inv.#0521180-0521185
F. PRO-LINK FENCE COMPANY	\$19,804.41	Inv. #8222
G. UTAH JAZZ	\$11,743.00	Inv. #JJ302-IN
H. ADVANCED PAVING & CONSTRUCTION LLC	\$50,559.71	Inv. #2737
I. YOUNG AUTOMOTIVE GROUP	\$16,712.59	Inv. #5196
6. PRESENTATION-WEBER COUNTY SCHOOL DISTRICT
7. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)
 - A. ACTION ON ORDINANCE 27-2021-REZONE FROM A-2 TO C-2-APPROX. 4000 S 3500 W-HOLIDAY OIL
 - B. RE-FINAL SITE PLAN APPROVAL-WEST HAVEN BUSINESS PARK ASTHETICS-1750 S 1900 W-JEREMY KRAUSE
 - C. PRELIMINARY SUBDIVISION APPROVAL-WEST RIDGE ESTATES SUBDIVISION-4950 W 3300 S-STILLWATER CONSTRUCTION GROUP
 - D. PRELIMINARY SUBDIVISION APPROVAL-3460 W 3600 S-RSET LLC
 - E. ACTION ON ORDINANCE 21-2021-C-1, C-2, AND C-3 ZONES
 - F. ACTION ON ORDINANCE 25-2021-ANIMAL KEEPING
8. BID AWARD-PREVEDEL PARK PHASE 1
9. PUBLIC HEARING- For the purpose of receiving public input with regard to the proposed annexation at approx. 3500 W and 3100 S
10. ACTION ON PUBLIC HEARING- Adoption of Ordinance 26-2021-Annexing property located at approx. 3500 W and 3100 S
11. EXECUTIVE SESSION-The Council will consider a motion to enter into a closed meeting for the purpose of a strategy session to discuss the purchase, exchange, or lease of real property; pending or reasonably imminent litigation; and discussion of the character and professional competence of an individual to be held in accordance with the provisions of Utah Code 52-4-205.
12. ACTION ON RESOLUTION 25-2021-ATTORNEY SERVICES CONTRACT
13. UPCOMING EVENTS
Meet the Mayor-July 15, 2021-5:00 PM
Senior Luncheon-July 21, 2021-11:30 AM
14. DISCUSSION-REPEALING ORDINANCES
15. COUNCIL ASSIGNMENTS
16. COUNCIL UPDATES
17. 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@westhavencty.com at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

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



**WEST HAVEN CITY
PRE-COUNCIL WORKSHOP AGENDA
HELD PRIOR TO CITY COUNCIL MEETING
WEDNESDAY JULY 7, 2021**

@

5:00 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. Discussion-Partnering with Weber School District for facility use
2. Discussion-Council Assignments

Resolution No. 26-2021

**RESOLUTION OF WEST HAVEN CITY AMENDING A PORTION OF RESOLUTION
11-2017 WHICH PROVIDES FOR A POLICY FOR HOLDING ELECTRONIC
MEETINGS; AUTHORIZING THE MAYOR TO SIGN THE RESOLUTION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

SECTION I – RECITALS:

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

WHEREAS, in conformance with the provisions of UCA § 10-3-717, the governing body of the City may exercise all administrative powers by resolution; and,

WHEREAS, the City passed Resolution 11-2017 on September 17, 2017, which adopted a policy to allow the City to hold electronic meetings; and

WHEREAS, at the time of passage of Resolution 11-2017, Utah State Code §52-4-107 required, and still requires, the West Haven City Council to establish written procedures governing electronic meetings and the City desired to be able to hold electronic meetings; and

WHEREAS, since the passage of Resolution 11-2017, there has been a global pandemic which required in-person meetings to be suspended and for meetings to be held electronically by Zoom, which is a web conference platform that is used for audio and/or verbal conferencing; and

WHEREAS, since spring of 2021, the City has been able to start in-person meetings again along with continuing to broadcast by Zoom and be able to take public comment in-person and through Zoom; and

WHEREAS, City Council Members have been able to effectively attend and participate with the meetings either by in-person attendance or by Zoom attendance and the public has been able to effectively attend and participate with the meetings either by in-person attendance or by Zoom attendance; and

WHEREAS, Resolution 11-2017 has a requirement that Councilmembers can only attend meetings electronically twice a year; and

WHEREAS, with the use of Zoom and appropriate public notice, the City has found that Councilmembers and the public can effectively attend meetings and participate in those meetings in-person and electronically by using a web conference platform like Zoom; and

WHEREAS, the City Council wishes to amend the requirement regarding in person attendance at meetings because of the advantages of using Zoom when a Councilmember is not available in person to attend; and

WHEREAS, the City finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter; now,

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

SECTION II. AMEND CERTAIN SECTIONS OF RESOLUTION 11-2017 REGARDING ELECTRONIC MEETING POLICY

1. The following section of Resolution 11-2017 shall be amended:
 - a. **Section 7** – The following sentence shall be removed from that paragraph, “Notwithstanding the foregoing, no member may attend more than two meetings per year electronically.”
2. That the Mayor is authorized to sign this Resolution.

SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:

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

SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:

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

SECTION V - SAVINGS CLAUSE:

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

SECTION VI. DATE OF EFFECT

This Resolution shall be effective immediately upon its passage on the 7th day of July, 2021.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 7th day of July, 2021.

WEST HAVEN CITY

ATTEST:

Emily Green, City Recorder

Mayor Sharon Bolos

DBAF



WEST HAVEN CITY COUNCIL MEETING MINUTES

June 16, 2021 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

Present:	Sharon A. Bolos Kim Dixon Rob Vanderwood Randy Hunter Carrie Call Nina Morse	Mayor Councilmember Councilmember Councilmember Councilmember Councilmember
Staff Present:	Emily Green Matthew Jensen Steve Anderson	City Recorder City Manager City Planner
Excused:	Amy Hugie	City Attorney

5:00 Council Workshop

Mayor Bolos brought to meeting to order.

Mike Fisher went over building permit requirements.

Genneva Blanchard gave a presentation for a heavy equipment rental business.

1. MEETING BROUGHT TO ORDER:

The Council met at their regularly scheduled meeting held in the Council Chambers.

Mayor Bolos brought the Meeting to order at 6:01 pm. and welcomed those in attendance.

2. OPENING CEREMONIES

- A. Lead by Councilmember Call*
- B. Lead by Councilmember Dixon*

3. PUBLIC PRESENTATION

No one came up at this time.

4. ACTION ON CONSENT AGENDA

- A. CITY COUNCIL MINUTES**
- B. SAFETY SUPPLY & SIGN CO. INC.**
- C. WEBER COUNTY TRANSFER STATION**
- D. WEBER COUNTY ANIMAL**
- E. WASTE MANAGEMENT**
- F. WEST HAVEN SPECIAL SERVICE DISTRICT**

	MEETING HELD	
B. SAFETY SUPPLY & SIGN CO. INC.	\$24,990.00	June 2, 2021
C. WEBER COUNTY TRANSFER STATION	\$22,655.79	Inv. #176910
D. WEBER COUNTY ANIMAL	\$19,973.00	Inv. #022-01225525-022-01235980
E. WASTE MANAGEMENT	\$24,593.00	Inv. #30818-30819
F. WEST HAVEN SPECIAL SERVICE DISTRICT	\$20,000.00	Inv. #2049823-2682-7
		2018, GMC-Canyon, Truck

Councilmember Morse made a motion to approve the consent agenda. Councilmember Hunter seconded the motion. Roll Call: Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; Vote was unanimous.

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

A. PRELIMINARY AND FINAL SITE PLAN APPROVAL-BMC WEST SHOP ADDITION-2380 S 1900 W-AMBRA BAKER

Councilmember Hunter made a motion to give preliminary and final site plan approval based on the modifications that have been made. **Councilmember Morse seconded** the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

B. PRELIMINARY SITE PLAN APPROVAL-CHURCH OF GOD OF SEVENTH DAY=VASILY KOSHILKA

Councilmember Call asked how many people would be attending the church.

Vasiliy Koshilka said about 20 families.

Steve Anderson said they have the proper ingress and egress for the Utah Department of Transportation.

Mr. Koshilka said that he would work with staff for building and landscaping requirements.

Councilmember Dixon made a motion to give preliminary site plan approval. **Councilmember Hunter seconded** the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

C. ACTION ON ORDINANCE 20-2021-MASTER DEVELOPMENT AGREEMENT-3460 W 3600 S-RSET LLC

Councilmember Morse asked about the lots bordering A-1 and A-2 zones to see if the sizes have been increased.

Rick Scadden confirmed they have been increased.

Councilmember Dixon asked if the patio home lots have changed size.

Mr. Scadden said it does not change the size of those but they did lose a few lots. He did say that lots 125, 126, 127, and 128 need to be adjusted in size.

Councilmember Call pointed out that 120, 121, and 122 are different sizes on the color rendering.

Mr. Scadden said that was changed when they shifted the road.

Councilmember Morse pointed out some issues with buffering near the A-2 zone.

Mr. Scadden said they could modify lots 117, 118, and 119.

Councilmember Morse asked when the trail and improvements will be added during the construction.

Mr. Scadden said they could specify that in the master development agreement.

Steve Anderson expressed concern about the trail crossing and possibly changing it.

Councilmember Vanderwood suggested a letter from the Westwood's allowing no buffering near their homes.

Mr. Scadden agreed to get that.

Councilmember Call asked about the setbacks.

Councilmember Vanderwood suggested adding that to the master development agreement.

Councilmember Hunter made a motion to adopt ordinance 20-2021 with the following conditions; the mayor will sign the ordinance after the receipt of letters or a letter from immediate A-1 neighbors on the south, the master development agreement will be clarified with the exhibit B showing lots 117-120 and 124-127 being over 17,000 square feet, additional language put in that the trail is completed at the same time as the adjacent phase, the map in exhibit B shows the setbacks per the associated zoning, and to have the color map match the other map. **Councilmember Morse seconded** the motion. **Roll Call:**

Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

6. **PUBLIC HEARING**-For the purpose of opening the current 2020-2021 Budget to make certain adjustments.

Ryan Child gave an overview of the 2020-2021 budget and said that an additional \$5,000 would need to be added to the protective inspection budget line.

Councilmember Morse made a motion to enter into the public hearing. Councilmember Call seconded the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

Mayor Bolos invited the public up for comment.

No one came up at this time.

Councilmember Morse made a motion to leave the public hearing. Councilmember Hunter seconded the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

7. **ACTION ON PUBLIC HEARING-ACTION ON ORDINANCE 24-2021-AMENDING CURRENT 2020-2021 CITY BUDGET**

Councilmember Call made a motion to adopt ordinance 24-2021. Councilmember Morse seconded the motion. Roll Call: Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

8. **PUBLIC HEARING**-For the purpose of allowing public input on the proposed 2021-2022 Tentative Budget prior to Final Adoption.

Matthew Jensen gave an overview of the 2021-2022 budget.

Councilmember Vanderwood made a motion to enter into the public hearing. Councilmember Morse seconded the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

Mayor Bolos invited the public up for comment.

Lacy Richards noted multiple personnel changes on this budget and said that eliminating the emergency manager position does not make sense. She presented a proposal of reducing the salaries of council to help with the emergency manager's salary.

David Smith asked what the details prompting an increase for the Weber County Sheriff contract were. He also asked if there is a particular cap or percentage for the unrestricted balance.

Councilmember Hunter made a motion to leave the public hearing. Councilmember Morse seconded the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

9. **ACTION ON PUBLIC HEARING-ACTION ON ORDINANCE 23-2021-ADOPTION OF 2021-2022 CITY BUDGET**

Matthew Jensen said that the Sheriff's office has had an increase in costs because of additional personnel for the P.O.P. unit and call volumes and populations have led to the contract increase.

Ryan Child said that the general fund is the only one that has a cap on the balance for unrestricted funds.

Mayor Bolos asked that an additional \$5,000 be added to the historical markers line item.

Councilmember Hunter made a motion to adopt ordinance 23-2021 changing historical markers to \$10,000 and \$5,000 for possible grant money. Councilmember Morse seconded the motion. Roll Call: Councilmember Vanderwood, nay; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Motion passes 4:1.**

10. **PRESENTATION-SURVEY RESULTS-Y2 ANALYTICS**

Kyrene Gibbs gave a presentation on the survey results.

11. **ACTION ON RESOLUTION 23-2021-FRAUD RISK ASSESSMENT**

Ryan Child went over the fraud risk assessment.

Councilmember Morse made a motion to adopt resolution 23-2021. **Councilmember Call seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

12. **BID AWARD-PREVEDEL PARK PHASE 1**

Councilmember Morse made a motion to reject all bids. **Councilmember Hunter seconded** the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

13. **ACTION ON RESOLUTION 22-2021-REPLACING PORTIONS OF RESOLUTION 26-2020-CITY MANAGER CONTRACT**

Councilmember Dixon made a motion to adopt resolution 22-2021. **Councilmember Morse seconded** the motion. **Roll Call:** Councilmember Vanderwood, nay; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, nay; Councilmember Morse, aye; **Motion passes 3:2.**

14. **ACTION ON RESOLUTION 24-2021-LAW ENFORCEMENT STUDY**

Councilmember Vanderwood made a motion to adopt resolution 24-2021. **Councilmember Call seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

15. **UPCOMING EVENTS**

Council went over upcoming events for this month.

16. **COUNCIL UPDATES**

Matthew Jensen went over motion procedure.

Councilmember Dixon said that on 1800 S where there is the trail crossing Ivory Homes has planted a tree and you can't see the crossing lights when you are coming from the west.

Councilmember Morse asked about the sign for West Haven Days to make sure it is not in violation of our ordinance.

17. **ADJOURNMENT**

Councilmember Morse moved to adjourn at 9:28 PM **Councilmember Dixon seconded** the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Hunter, aye; Councilmember Dixon, aye; **Vote was unanimous.**

Emily Green

City Recorder

Date Approved: _____



WEST HAVEN CITY COUNCIL AND PLANNING COMMISSION MEETING MINUTES

June 22, 2021 5:00 P.M.

City Council Chambers

4150 South 3900 West, West Haven, UT 84401

Present:	Sharon A. Bolos	Mayor
	Kim Dixon	Councilmember
	Rob Vanderwood	Councilmember
	Randy Hunter	Councilmember
	Carrie Call	Councilmember
	Nina Morse	Councilmember
	Darin Deem	Commission Chair
	Becky Roundy	Vice Chair
	Natalie Wilson	Commission Member
	Andrew Reyna	Commission Member
	Scott Epperson	Commission Member
	Melinda Stimpson	Commission Member
	Kirt Nalder	Commission Member
Staff Present:	Emily Green	City Recorder
	Matthew Jensen	City Manager

1. MEETING BROUGHT TO ORDER:

Mayor Bolos brought the Meeting to order at 5:01 pm. and welcomed those in attendance.

2. DISCUSSION-“COUNTRY LIVING” DEFINED

City Council and Planning Commission discussed what “country living” means to them.

3. DISCUSSION-ANNEXATION/REZONE PROCESS

City Council and Planning Commission discussed the zoning in the annexation policy plan area on the general plan.

4. DISCUSSION-RESIDENTIAL BUFFERS ZONING VS. GENERAL PLAN

City Council and Planning Commission discussed the pros and cons of buffering with zoning vs. the general plan.

5. DISCUSSION-MASTER DEVELOPMENT AGREEMENTS AND P.R.U.D.

City Council and Planning Commission discussed the benefits worth having master development agreements and P.R.U.D.’s to help staff better direct developers.

6. DISCUSSION-SITE PLAN REVIEW OR DESIGN REVIEW

City Council and Planning Commission discussed changing the design review ordinance to make some parts of the site plan review administrative.

7. DISCUSSION-STAFF DISCRETION

City Council and Planning Commission discussed modifying ordinances to better allow for staff discretion.

8. ADJOURNMENT

Councilmember Morse moved to adjourn at 7:05 PM Councilmember Dixon seconded the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Hunter, aye; Councilmember Dixon, aye; Commission member, Deem aye; Commission member Nalder, aye; Commission member Reyna, aye; Commission member Roundy, aye; Commission member Wilson, aye; Commission Stimpson, aye; Vote was unanimous.

Emily Green

City Recorder

Date Approved: _____



WEST HAVEN CITY COUNCIL MEETING MINUTES

June 24, 2021 4:20 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

Present:	Sharon A. Bolos Kim Dixon Rob Vanderwood Randy Hunter Carrie Call Nina Morse	Mayor Councilmember Councilmember Councilmember Councilmember Councilmember
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Staff Present:	Emily Green Matthew Jensen Amy Hugie	City Recorder City Manager City Attorney
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1. DISCUSSION AND OR POSSIBLE ACTION-FIREWORKS BAN

Matthew Jensen gave a presentation on what options the City Council has for firework bans.

City Council chose to look into targeting areas that are higher risk in the city to ban fireworks.

2. ADJOURNMENT

Councilmember Morse moved to adjourn at 4:57 PM **Councilmember Vanderwood seconded** the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Hunter, aye; Councilmember Dixon, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____



WEST HAVEN CITY COUNCIL MEETING MINUTES

June 29, 2021 4:30 P.M.

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

Present:	Sharon A. Bolos Kim Dixon Rob Vanderwood Randy Hunter Carrie Call Nina Morse	Mayor Councilmember Councilmember Councilmember Councilmember Councilmember
Staff Present:	Emily Green Matthew Jensen	City Recorder City Manager

- MEETING CALLED TO ORDER:** **Mayor Bolos**
Mayor Bolos brought the meeting to order at 4:31 PM.
- DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 28-2021-FIREWORK RESTRICTIONS**
Councilmember Call suggested allowing public places for people to light fireworks.
Councilmember Vanderwood suggested Sports park and Stonefield park.
Matthew Jensen said that our city ordinance prohibits fireworks in the parks.
Councilmember Hunter suggested taking the neighborhoods out of the map.
Mayor Bolos suggested not allowing aerial fireworks in the high-risk zone outlined in the map.
Councilmember Hunter suggested changing striking the second effective date and moving the language about the recension up and correcting the passed and adopted date in the ordinance and having the cut off of July 31, 2021.
Councilmember Morse moved to adopt ordinance 28-2021 with the restrictions being only aerials within the map provided and with the language changes as discussed. **Councilmember Hunter seconded** the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Hunter, aye; Councilmember Dixon, aye; **Vote was unanimous.**
- ADJOURNMENT**
Councilmember Morse moved to adjourn at 4:57 PM **Councilmember Vanderwood seconded** the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Hunter, aye; Councilmember Dixon, aye; **Vote was unanimous.**

Emily Green

City Recorder

Date Approved: _____

STAFF REPORT

TO: City Council Members

FROM: Steve Anderson, City Planner

DATE: July 7, 2021 CC meeting

SUBJECT: Rezone request for the southwest corner of 4000 S 3500 W. – Holiday Oil



The following staff report reviews the zoning petition to change A-2 property to C-2 At the location referenced above.

Background

They are asking the City to rezone this parcel to C-2, the City's General Plan shows this property to be C-2 Commercial.

Analysis

The following points should be taken into consideration:

1. **Master Plan compatibility** – this is in compliance.
2. **Staff concerns from Public Works, Building Dept. and the City Planner** – There are not any concerns as far as the rezone goes. They also submitted a concept plan. UDOT may be a concern on ingress/egress to 4000 S.
3. **Staff** - Recommended approval
4. **Planning:** Recommended approval

City Council Options

Based on the review of the merits of the request, the City Council has some options available. These include:

- **Grant recommendation for C-2 or deny rezoning outright in whole or in part. Also make recommendations on the concept.**



ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission

4150 S 3900 W

West Haven, UT

801-731-4519

Owners Name : Holiday Inn

Property Address: 4000 S. 3500 W.

Parcel # 0805 00141

Comments: Holiday Oil is looking to purchase the southwest corner of 4000 S/ 3500 W. The parcel is currently zoned as agricultural and are submitting a zone change requesting the parcel to be changed to commercial.

Existing Zone A-2 Proposed Zone C2 Commercial/No. of acres/Sq. Ft. 5 acres

What use is requested Commercial Zoning for a convenience store, Canvash,
and fueling stations to be constructed on 2 of the 5 acres.
The other usable space is still being considered for best uses.

Fee – Zoning Map Amendment

Residential

\$100.00 plus \$25.00 for each acre over one (1) to five (5) acres, then \$5.00 for each additional acre or part thereof, and \$100.00 for the city review.

Commercial

\$100.00 plus \$50.00 for each acre over one (1) to five (5) acres, then \$10.00 for each additional acre or part thereof, and \$100.00 for the city review.

ORDINANCE NO. 27-2021

**AN ORDINANCE OF THE CITY OF WEST HAVEN, UTAH REZONING
CERTAIN PROPERTY WITHIN THE CITY FROM A-2 TO C-2, AMENDING
THE ZONING MAP OF THE CITY; AND PROVIDING FOR AN EFFECTIVE
DATE.**

Section 1 - Recitals:

WHEREAS, the City Council finds that the planning commission has caused to be prepared and has recommended to the City Council a proposed zoning ordinance and general plan; and,

WHEREAS, the City Council finds that the full text of the zoning ordinance and its associated and related maps, representing the commission's recommendations for zoning all or any part of the area within the municipality have been subjected to the required public hearing prior to its adoption; and,

WHEREAS, the City Council finds that the City Council lawfully adopted the zoning ordinance as proposed with all later amendments thereto; and,

WHEREAS, the City Council finds that Utah Code ("UC") §10-9a-503 provides that the legislative body may amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provision of the zoning ordinance; and,

WHEREAS, the City Council finds that the City Council may make no amendment to the City's zoning ordinance or zoning maps unless the amendment was proposed by the planning commission or is first submitted to the planning commission for its approval, disapproval, or recommendations; and,

WHEREAS, the City Council finds that West Haven City desires to comply with the procedure specified in UC §10-9a-502 in preparing and adopting an amendment to the zoning ordinance or the zoning map; and,

WHEREAS, upon petition to and based on the recommendation of the West Haven City Planning Commission, the City Council determines it to be in the best interest of the City to change the existing zone of certain property from A-2 to C-2 under the Ordinances of the City; and,

WHEREAS, the City Council finds that such a change follows the City's General Plan; and,

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

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

Zoning Changes:

These described lands and premises within the boundaries of the City are re-zoned from A-2 to C-2 and the Zoning Map amended so to indicate:

Owners: Yu, King Long & Tong Huang SW Corner 4000 S 3500 W.

Parcel #'s 08-050-0141

Total Acreage Approx 5 Acres

Description:

08-050-0141

BEGINNING AT A POINT 33 FEET SOUTH AND 33 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 9, TOWNSHIP 5 NORTH, RANGE 2WEST, SALT LAKE BASE & MERIDIAN, RUNNING THENCE WEST 472 FEET ALONG THE SOUTH LINE OF 4000 SOUTH STREET, THENCE SOUTH 472 FEET, THENCE EAST 472 FEET TO THE WEST LINE OF 3500 WEST STREET, THENCE NORTH ALONG SAID WEST LINE OF 3500 WEST STREET 472 FEET TO THE POINT OF BEGINNING. (E# 2772226)

Exhibit 1

Rezone A-2 to C-2



Section 2 - Repealer of Conflicting Enactments:

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

Section 3 - Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

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

Section 5 - Date of Effect

BE IT FURTHER ORDAINED this Ordinance will become effective on the 7th day of July, 2021 and after publication or posting as required by law.

DATED this 7th day of July, 2021.

WEST HAVEN, a municipal corporation

by: _____
Mayor Sharon Bolos

Attested and recorded

Emily Green
City Recorder

STAFF REPORT

TO: City Council Members

FROM: Steve Anderson, City Planner

DATE: July 7, 2012 meeting

SUBJECT: Re-Final West Haven Business Park Elevation views – 1750 S 1900 W. Jeremy Krause



The following staff report reviews the changes for the Final site plan for the above reference business.

Background

This site has had final approval. They would like to change the aesthetics of the building.

Analysis

The changes to this plan are the aesthetics of the building. They meet the design review requirements.

Council Options

- **Grant approval as submitted.**
- **Grant Approval based on staff recommendations and other items that may come up in the meeting.**

R48



BUILDING A
1 FRONT ELEVATION
3/32" = 1'-0"



BUILDING A
2 LEFT ELEVATION
3/32" = 1'-0"

MARK	MATERIAL	AREA	PERCENTAGE
CMU 01	SMOOTH-FACE CMU (TAN)	21,632 SF	85.32%
CMU 02	SPLIT-FACE CMU (TAN)	3,115 SF	12.29%
CMU 04	SMOOTH-FACE CMU SOLDIER (TAN)	605 SF	2.39%

BUILDING A
3 RIGHT ELEVATION
3/32" = 1'-0"



BUILDING A
4 BACK ELEVATION
3/32" = 1'-0"

REVISIONS		
NO.	DATE	DESCRIPTION

PROGRESS SET
NOT FOR
CONSTRUCTION

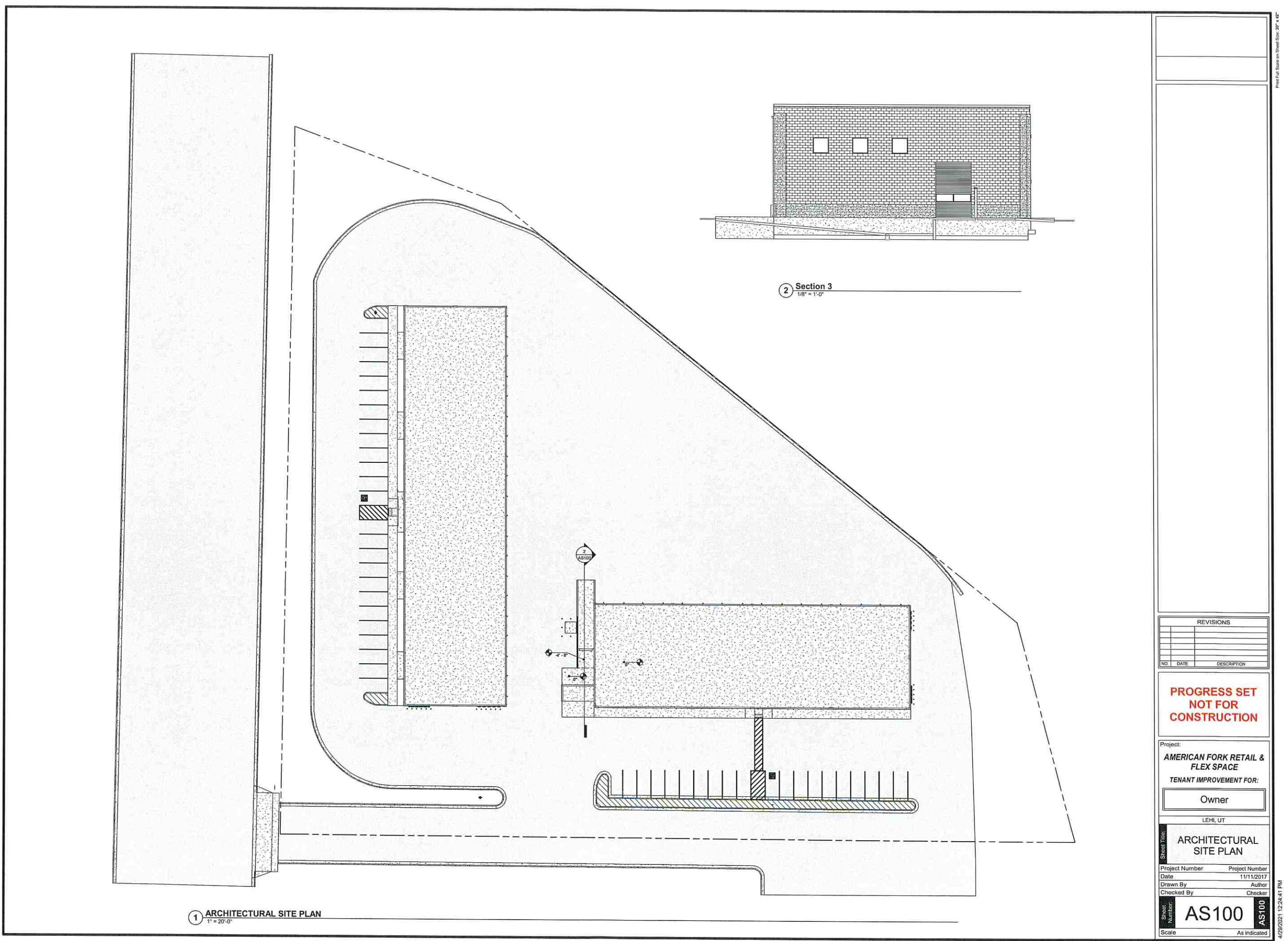
Project:
**WEST HAVEN FLEX
PROJECT - BLDG. A
NEW OFFICE / WAREHOUSE
BUILDINGS FOR:**

1900 FLEX, LLC

1850 S 1900 W - WEST HAVEN, UT

**EXTERIOR
ELEVATIONS
(BLDG A)**

Project Number	20143
Date	11/10/2020
Drawn By	R48
Checked By	Checker
Sheet Number	A200
Scale	As indicated



SITE PLAN (LOT 2)

WEST HAVEN BUSINESS PARK WEST HAVEN CITY, UTAH

A PART OF THE SOUTHWEST 1/4 OF SECTION 24
T6N, R2W, SLB&M, U.S. SURVEY
MAY 2020

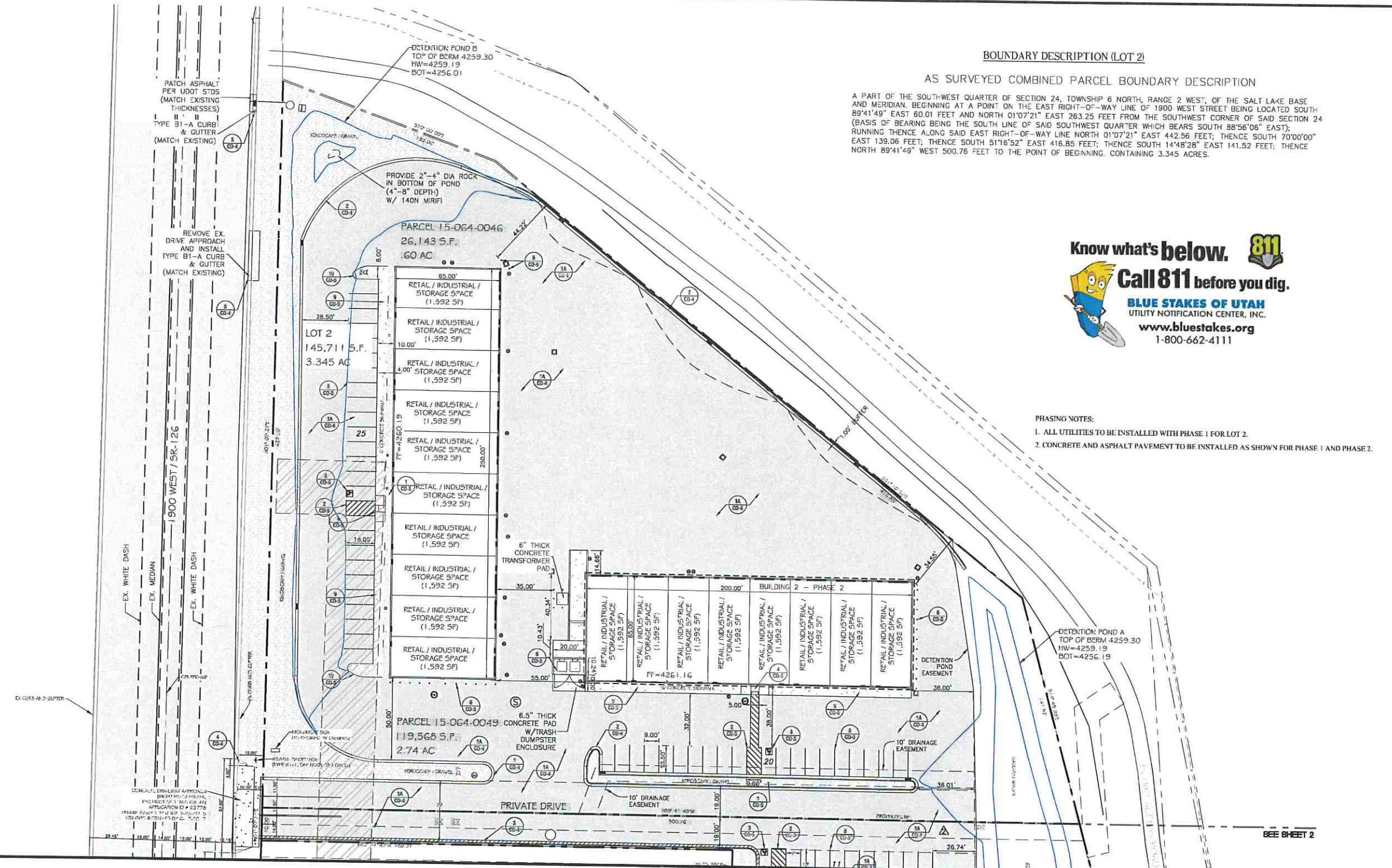
DEVELOPER
JEREMY KRAUSE
KANYON CONSTRUCTION
334 NORTH MARSHALL WAY
LAYTON UT 84014
(801) 866-4809

PARKING STALLS PROVIDED:
(INCLUDES 2 ADA STALL)

45 SPACES

PROPERTY DESCRIPTION

EXISTING ZONING - C-3
LAND USE - COMMERCIAL
TAX I.D. #15-064-0048



SITE CONSTRUCTION NOTES

- EDGE OF 'STOP' SIGN WILL BE LOCATED 2 FEET FROM THE VERTICAL EXTENSION OF THE BACK OF CURB AND SHALL BE AS NEAR AS POSSIBLE TO THE APPROACH POINT OF CURVATURE.
- ALL CONSTRUCTION WITHIN THE UDOT RIGHT-OF-WAY SHALL CONFORM TO THE MOST CURRENT UDOT STANDARD DRAWINGS AND SPECIFICATIONS, FOUND AT udot.utah.gov/2012standards. CONTRACTOR SHALL OBTAIN PERMIT FROM UDOT PRIOR TO BEGINNING WORK.
- XERISCAPING WILL BE PLACED AT THE LOCATIONS AS SPECIFIED ON THE PLANS.

LEGEND

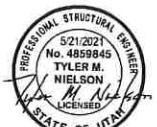
NEW ASPHALT	
CONCRETE	
STANDARD CURB & GUTTER	
OPEN FACE CURB & GUTTER	

0 15 30 60 90
Scale In Feet
1"=30'

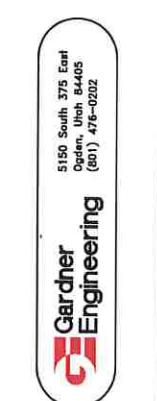
C3



SCALE: 1" = 30'	REVISIONS
DATE: 5/21/2021	DESCRIPTION
DESIGN: CA/WS	DATE:
DRAWN: CA/WS	DESIGNER:
CHECKED: TMN	DRAFTER:
DWG:	OWNER:



SITE PLAN	WEST HAVEN BUSINESS PARK (LOT 2)	WEST HAVEN CITY, WEBER COUNTY, UTAH
-----------	-------------------------------------	-------------------------------------



STAFF REPORT

TO: City Council Members
FROM: Steve Anderson, City Planner
DATE: July 7, 2021 meeting
SUBJECT: West Ridge Estates Subdivision – Approx 4950 W 3300 S – Stillwater Construction Group



The following staff report reviews the preliminary plan for the above referenced subdivision.

Background

This property was recently annexed into West Haven. This subdivision consist of 36 lots, one lot being the school property. The zone is for R-2 residential lots.

Analysis

Attached are the plans submitted. They meet the minimum lot size. Planning stated that they don't believe the 17,000 minimum lot size does not apply to adjacent areas that are not in the city boundary. We have had discussions with the building dept. and the Fire Marshall. From these discussions, the following points should be taken into consideration:

1. **Building** – reviewed with permits
2. **Fire** – Fire is good for access, Hydrants need to be added
3. **Staff concerns from Public Works, Parks & Rec and the City Planner** – Drainage needs to be worked out, but we are also working w/ the new school in that regard. 3300 S and 5100 West will need to be widened.
4. **Planning** – Recommended approval

Council Options

- **Grant approval as submitted.**
- **Grant Approval based on staff recommendations and other items that may come up in the meeting.**

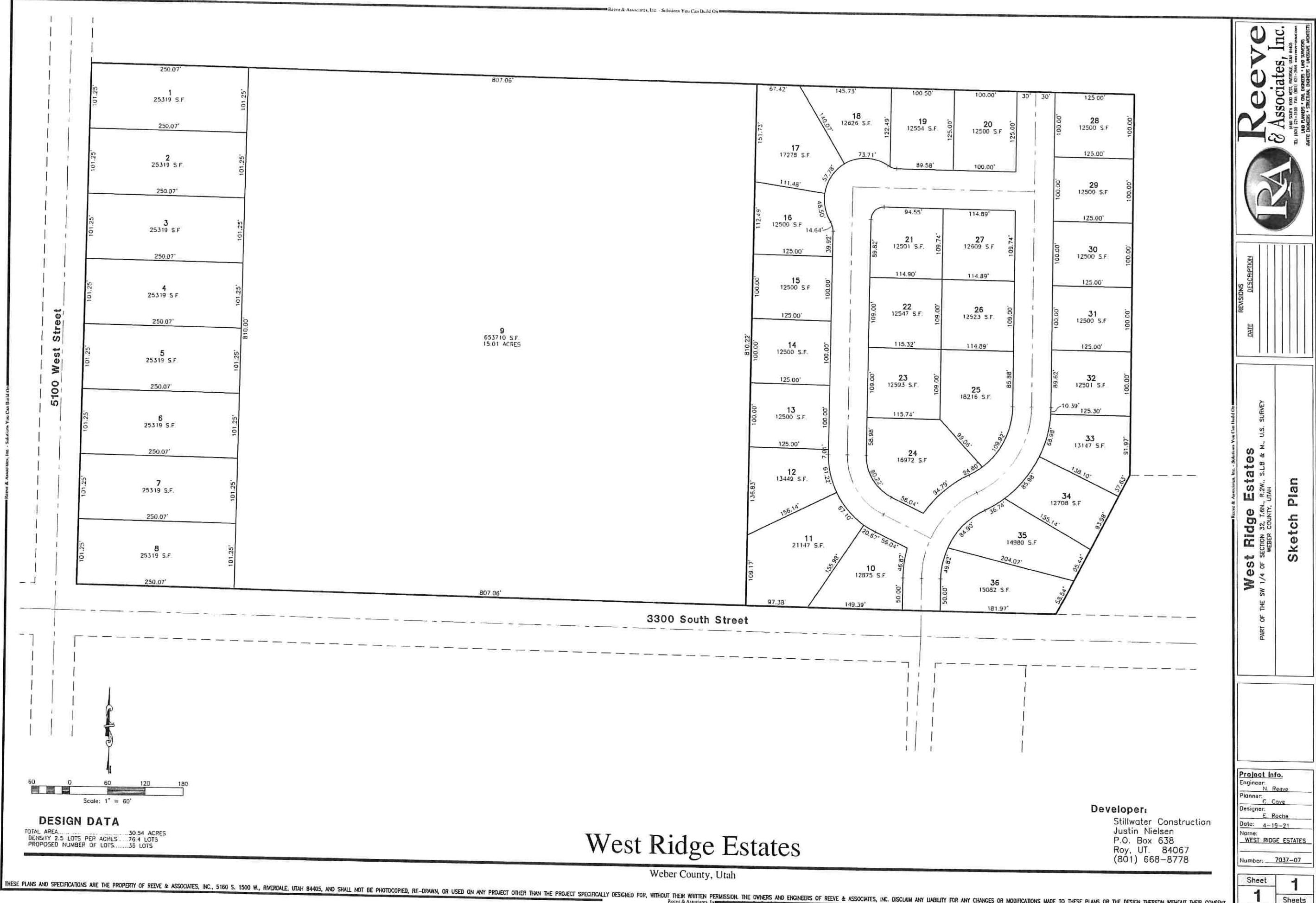
SUBDIVISION APPLICATIONSUBDIVISION NAME WEST RIDGE ESTATESLOCATION 4950 W 3300 S PARCEL # 15-085-0027NO. OF LOTS 36 ZONE B-2APPLICANTS NAME STELLWATER

PHASES	
PHASE 1	NO. OF LOTS <u>36</u>
PHASE 2	NO. OF LOTS _____
PHASE 3	NO. OF LOTS _____
PHASE 4	NO. OF LOTS _____
PHASE 5	NO. OF LOTS _____

N/A	Received	N/A	Received	Letters of acknowledgment/approval/conditions from
<u>PRELIMINARY</u>		<u>FINAL</u>		
<input checked="" type="checkbox"/>	Affidavit of Understanding and Acceptance of Fees	<input type="checkbox"/>	<input type="checkbox"/>	Secondary Water Company
		<input type="checkbox"/>	<input type="checkbox"/>	Culinary Water Company
		<input type="checkbox"/>	<input type="checkbox"/>	Fire District
		<input type="checkbox"/>	<input type="checkbox"/>	All other items required by City Planner

Planning Commission preliminary action <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Date <u>6/23/21</u>	Scheduled for Planning Commission Agenda <u>6/23/21</u>
City Council preliminary action <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____	Conditions: _____ _____ _____
Planning Commission final action <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____	
City Council final action <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____	

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



STAFF REPORT

TO: City Council Members

FROM: Steve Anderson, City Planner

DATE: July 7, 2021 CC meeting

SUBJECT: Westwood Property Preliminary Plan approx 3460 W. 3600 South – Rick Scadden



The following staff report reviews the above reference subdivision

Background

An MDA was approved for this property. The preliminary plat is per the agreement.

Analysis

Attached are the plans submitted. They meet the MDA. We have had discussions with the building dept. and the Fire Marshall. From these discussions, the following points should be taken into consideration:

1. **Building** – Set backs will be added to the final plat
2. **Fire** – Fire is good with the street layout, hydrants will be spaced at 500 feet.
3. **Staff concerns from Public Works, Parks & Rec and the City Planner** – final design of canal, staff is working with them to convey as much storm water as possible to the city park. Widening of 3600 w with the Howard slough crossing. We are also looking at a couple of possible changes with the trail connections.
4. **Planning** – Recommended approval

City Council Options

- Approve or deny as proposed
- Approve with changes.

SUBDIVISION APPLICATION

SUDIVISION NAME TBD

LOCATION 3460 W 3600 So PARCEL # 080290071

NO. OF LOTS 180 ZONE R2/ MDA

APPLICANTS NAME RSET LLC

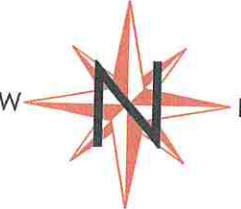
PHASES	
PHASE 1	NO. OF LOTS _____
PHASE 2	NO. OF LOTS _____
PHASE 3	NO. OF LOTS _____
PHASE 4	NO. OF LOTS _____
PHASE 5	NO. OF LOTS _____

N/A	Received	N/A	Received	Letters of acknowledgment/approval/conditions from
<u>PRELIMINARY</u>				<u>FINAL</u>
<input checked="" type="checkbox"/>	Affidavit of Understanding and Acceptance of Fees	<input type="checkbox"/>	<input type="checkbox"/>	Secondary Water Company
		<input type="checkbox"/>	<input type="checkbox"/>	Culinary Water Company
		<input type="checkbox"/>	<input type="checkbox"/>	Fire District
		<input type="checkbox"/>	<input type="checkbox"/>	All other items required by City Planner

Planning Commission preliminary action <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Date <u>6/23/21</u>	Scheduled for Planning Commission Agenda <u>6/23/21</u>
City Council preliminary action <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____	Conditions: _____ _____ _____
Planning Commission final action <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____	
City Council final action <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date _____	

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

MATCHLINE



NORTH

GRAPHIC SCALE

1 Inch = 100 ft. (HORIZ.)



SEWER MANHOLE
RIM=4271.88
FL(E)=4260.77
FL(W)=4260.69

HYDRANT
SEWER MANHOLE
RIM=4272.03
FL(E)=4261.77
FL(W)=4261.54

WEST HAVEN CITY ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED AND ACCEPTED BY WEST HAVEN CITY THIS DAY OF 20.

MAYOR: _____ ATTEST: _____ CITY RECORDER: _____

WEST HAVEN CITY ENGINEER

I HEREBY CERTIFY THAT THIS PLAT WAS DULY APPROVED BY THE WEST HAVEN CITY ENGINEER.

SIGNED THIS DAY OF 20 WEST HAVEN CITY ENGINEER

WEST HAVEN CITY ATTORNEY

I HEREBY CERTIFY THAT THIS PLAT WAS DULY APPROVED BY THE WEST HAVEN CITY ATTORNEY.

SIGNED THIS DAY OF 20 WEST HAVEN CITY ATTORNEY



SURVEYOR'S CERTIFICATE

I, MICHAEL L. WANGEMANN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF WESTWARD SUBDIVISION SUBDIVISION IN WEST HAVEN CITY, WEBER COUNTY, UTAH HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF WEST HAVEN CITY, WEBER COUNTY, UTAH CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS DAY OF 20

MICHAEL L. WANGEMANN, PLS
PLS#6431156-2201

**PROFESSIONAL LAND SURVEYOR
STATE OF UTAH**

MICHAEL L. WANGEMANN
No. 6431156

OWNER'S DEDICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO UNITS AND STREETS AS SHOWN ON THE PLAT AND NAME SAME TRACT WESTWARD SUBDIVISION, AND DO HEREBY DEDICATE TOTHE PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREET EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON ALSO TO GRANT AND DEDICATE A PERPETUAL RIGHT AND DEDICATIONS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES ALSO TO GRANT AND DEDICATE A PERPETUAL RIGHT AND DETENTION, DRAINAGE EASEMENTS THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR IRRIGATION FACILITIES WHICHEVER IS APPLICABLE AS MAY BE AND HEREBY DEDICATE ALL LAND DESIGNATED AS LIMITED COMMON TO THE UNIT OWNERS AND HEREBY DEDICATE ALL LAND DESIGNATED AS COMMON AREA TO THE HOME OWNERS ASSOCIATIONS.

SIGNED THIS DAY OF 20

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF WEBER } S.S.
ON THE DAY OF 20 A.D. 20, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN END FOR
SAID COUNTY OF WEBER IN SAID STATE OF UTAH. THE SIGNER () OF THE ABOVE OWNER'S DEDICATION IN NUMBER,
WHO DULY ACKNOWLEDGED TO ME THAT SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES
AND PURPOSES THEREIN MENTIONED. MY COMMISSION EXPIRES:

NOTARY PUBLIC
RESIDING IN WEBER COUNTY

ACKNOWLEDGEMENT

UTAH LAND SURVEYING, LLC
A PROFESSIONAL LICENSED LAND SURVEYING COMPANY

1359 FAIRWAY CIR
FARMINGTON, UT 84025
PHONE 801.725.8395
FAX 801.820.7775
www.utahlandsurveying.com

COUNTY RECORDER
ENTRY NO. FEE PAID
FILE FOR RECORD AND
RECORDED AT
IN BOOK OF THE OFFICIAL
RECORDS, PAGE , RECORDED
FOR
COUNTY RECORDER
BY: DEPUTY

ORDINANCE NO. 21-2021

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO CHAPTER 8, IN THE ZONING CODE REGARDING
COMMERCIAL ZONES C-1, C-2, C-3, AND MAKING NECESSARY
LANGUAGE CHANGES TO THE ZONING 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 in regards to certain sections of the Commercial Zones, 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 Chapter 8 of the West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

The following language shall replace the existing language in Chapter 8 of the Zoning Code:

See Exhibit “A” – *COMMERCIAL ZONES, C-1, C-2, C-3*

Any other language of Chapter 8 not specifically changed by Exhibit A shall remain the same.

The foregoing Recitals are fully incorporated herein.

Section 2. Repealer of Conflicting Enactments:

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

Section 3. Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

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

Section 5 - Date of Effect:

BE IT FURTHER ORDAINED this Ordinance will become effective on the 7th day of July, 2021 and after publication or posting as required by law.

DATED this 7th day of July, 2021.

WEST HAVEN, a municipal corporation

by: _____
Mayor Sharon Bolo

Attested and Recorded

Emily Green

EXHIBIT “A”

Ordinance 21-2021

Chapter 8 Commercial Zones C-1, C-2, C-3

DRAFT

ORDINANCE NO. 21-2021

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO CHAPTER 8, IN THE ZONING CODE REGARDING
COMMERCIAL ZONES C-1, C-2, C-3, AND MAKING NECESSARY
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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 in regards to certain sections of the Commercial Zones, 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 Chapter 8 of the West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

The following language shall replace the existing language in Chapter 8 of the Zoning Code:

See Exhibit "A" – COMMERCIAL ZONES, C-1, C-2, C-3

EXHIBIT “A”

Ordinance 21-2021

Chapter 8 Commercial Zones C-1, C-2, C-3

DRAFT

CHAPTER 8¹

COMMERCIAL ZONES C-1, C-2, C-3

Section 1: Purpose and Intent

Section 2: Site Development Standards

Section 3: Sign Regulations

Section 4: Special Regulations

Section 5: Uses

Section 6: Enforcement and Fines

Section 7: Regulations for Temporary Storage Units, Containers and Structures

SECTION 1 PURPOSE AND INTENT:

The purpose of ~~the C-1 Neighborhood Commercial, C-2 Community Commercial, and C-3 Regional Commercial Zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of West Haven. It is also to separate into four zone uses, based upon type of activity that are compatible and complementary, as well as intensity of land utilization and accessory use needs~~ "C" (commercial) zoning districts are intended to provide area for commercial uses based on considerations such as: the intensity of the use, goods and services provided, and the market area. In all cases, these zoning districts shall abut an arterial or major collector street. All permitted uses in C-3 are allowed within the Manufacturing Zones.

1. The C-1 – “**Neighborhood Commercial**” zone is intended to provide commercial services to an area of limited size, for basic trade and personal services which occur regularly or frequently. The major market area for this zoning district is the adjacent residential areas. This type of zoning district should be located at the intersection of arterial or collector streets. It services both pedestrian and vehicular traffic.
2. The C-2 -“**Community Commercial**” zone is to provide a range of commercial uses greater than that of the C-1, but at a lower intensity than the C-3- Regional Commercial zone. The basic market for this zoning district is vehicular-oriented. This type of zoning district is best located at the intersection of arterial streets.
3. The C-3 -“**Regional Commercial**” zone is to provide an area in which a full range of commercial and professional uses may locate in a limited area. The limited area of this zoning district functions to heighten the intensity of use, concentrate activity, and make it a community focal point. These zoning districts should abut major arterial streets and be located near freeway access, as well as mass transit lines.

DRAFT**DEFINITION**

COMMERCIAL AREA, COMMERCIAL ZONE: Any area of the city with a zoning designation of C-1, C-2, C-3, CBD, PI and PCR under Chapter 8 of this code, and the abutting public streets and public premises.

SECTION 2 SITE DEVELOPMENT STANDARDS

	C-1	C-2	C-3
Minimum Lot Area	none	none	none
Minimum Lot Width	none	none	none
Minimum Yard Setbacks			
Front	15 ft	15 ft	15 ft
Side	None, except 10 feet adjacent to residential zone boundary.		
Side facing street on corner lot	15 feet	15 feet	15 feet
Rear	None, except 10 feet where building rears on a residential zone.		
Building Height			
Minimum	One Story		
Maximum	2 1/2 stories 35 feet	None 35' when adjacent to residential, no restriction if 150' from residential	none
Maximum Lot Coverage	Not over 60% of lot area by buildings or accessory buildings	same	same

SECTION 3 SIGN REGULATIONS:

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in Chapter 24 - Signs, of this Ordinance. Permitted signs are listed in Section 18.

SECTION 4 SPECIAL REGULATIONS:

- A. Hereinafter specified permitted and Conditional uses shall be permitted only when the following conditions are complied with:
 1. All manufacturing shall be done within a completely enclosed building.
 2. All uses shall be free from objection because of odor, dust, smoke, or noise
 3. In the C-1 neighborhood Commercial Zone no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.
 4. All premises shall be clean and sanitary, free from all accumulation of debris, filth, rubbish, garbage or other offensive matter, also free from bedbugs, roaches, vermin and rodents.
 5. The storage, collection, and disposal of refuse shall be so managed as to create no health hazards, rodents harborage, insect breeding area, accident hazards or air pollution. When rats or other rodents are known to be in the premises, the operator shall take definite actions, as directed by Health Officer or other proper City Official, to exterminate them.
 6. All garbage shall be collected at least once each week. Where public collection service is not available, the operator shall arrange for all refuse to be collected and transported to a public disposal area in covered vehicles or covered containers.
 7. All premises shall make provision for an enclosed area for the storage of trash and garbage which shall be constructed of moisture resistant material which will permit frequent washing and cleaning and disinfecting as necessary without excessive deterioration.
 8. All trash and garbage storage areas constructed and located as required by this part shall be sited on premises such that a minimum of negative visual impact, as reasonably determined by the City's Building Inspector, is maintained.
- B. A car wash shall be permitted subject to the following restrictions:
 1. **Off-street vehicle storage** staging required as follows:
 - a. One bay car wash, four spaces in the approach lane
 - b. Two bay car wash, three spaces in the approach lane for each wash bay
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay
 2. Operation or use is forbidden between the hours of 10:00 pm and 6:00 am ~~on the following morning~~ in C-1 Zones only.
 3. There shall not be more than four washing bays for a manual spray car wash in C-1 Zones only.
- C. Residential component can be included for a business as a conditional use (ie: security purposes).

DRAFT**SECTION 5 USES:**

In the following list of possible uses those designated in any zone as:

"P" - will be a **Permitted Use**.

"C" - will be allowed only when authorized by a **Conditional Use Permit** obtained as provided in Chapter 11 of this Zoning Ordinance.

"N" - will Not Be allowed in that zone.

	C-1	C-2	C-3
A			
Accessory buildings and uses customarily incidental to a permitted use	C	C	P
Adult Novelty, Bookstore, Video (See S.O.B. Ordinance)			
Air conditioning, sales and service (HVAC)	N	C P	P
Altering, pressing and repairing of wearing apparel	P	P	P
Amusement enterprises	N	C	C
Antique, import or souvenir shop	C	P	P
Apartment, multi-family	N	N	N
Arcade	N P	C P	C P
Archery shop and range, provided it is conducted within a completely enclosed bldg	N	C P	P
Art and artists supply store	C P	P	P
Assisted Living Center, Medical Rehabilitation	N C	C	C
Athletic and sporting goods store	C	P	P
Athletic Club	C	P	P
Auction establishment	N	C	C
Automobile repair including paint, body and fender, brake muffler, upholstery or transmission work, provided it is conducted within a completely enclosed bldg	N	C	C

DRAFT

Automobile, new or used, sales and service	N	C	C
Awning sales and service	N	€ P	P
Automobile New parts sales & service	€ N	P	P
Automobile Maintenance Service, ie, lube, oil, brakes	N	€ P	€ P
B			
Bakery manufacture limited to goods retailed on premises	P	P	P
Bank or financial institutions	P	P	P
Barber and Beauty shop	€ P	P	P
Batting Cages indoor or outdoor	N	C	P
Beauty culture school	N	€ P	P
Beauty Shop, Boutique, Nail salon, Permanent Make up, Esthetician	P	P	P
Bed and Breakfast Inn	C	C	P
Bed and Breakfast Hotel	N	C	P
Beer club, Bar (see Tavern)			
Bicycle sales and service	C	P	P
Billiard Parlor - No Alcohol	C	P	P
Boat sales and service	N	C	P
Bookbinding	N	N	P
Bookstore, retail	€ P	P	P
Bottling & distribution plant	N	N	C
Bowling alley	N	C	€ P

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Boxing arena	N	N	C
Building materials retail sales yard	N	€ C	€ C
Bus Terminal	N	N	C
C			
Cafe or cafeteria	€ P	P	P
Call Center	N	P	P
Camera store	P	P	P
Candy store, confectionery	€ P	P	P
Cannabis Production and/or Sales	N	N	P
Carbonated Water Sales	C	P	P
Carpenter and cabinet shop	N	NC	€ P
Carpet and rug cleaning Duplicate to below	N	N	€
Car wash, Automatic (refer to Item 2 in <u>22.08 Special Regulations</u> noted above)	€ N	C	P
Car wash, manual spray (refer to Item 2 in <u>22.08 Special Regulations</u> noted above)	C	€ P	P
Cash register sales/service	N	N	€
Catering establishment	NC	C	P
China, crystal/silver shop	€ P	P	P
Christmas tree sales	C	C	P
Church – Rent, Cannot build	NC	NC	NC
Church, temporary revival – Rent, Cannot build	N	NC	NC
Circus, carnival or other transient amusement	N	N	C

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Clinics, medical or dental	P	P	P
Clothing and accessory store	EP	P	P
Coffee Shop	EP	P	P
Communication equipment building	N	NP	P
Contractor shop, provided work conducted within a completely enclosed bldg	N	N	C
Costume rental	EP	P	P
Convenience Store	EN	PC	PC
D			
Dairy products store	P	P	P
Dance hall/minors/non-alcoholic	N	C	C
Daycare/Preschool	C	C	C
Delicatessen	P	P	P
Department Store	N	EP	P
Detective agency	C	EP	P
Diaper service, including cleaning	N	P	P
Drapery and curtain store (blinds, retail)	EP	EP	P
Drug store	EN	C	P
Driving Range - Indoor	C	P	P
Dry cleaning establishment	N	C	P
Dry cleaning pickup station, no dry cleaning on premis	EP	EP	P
Dental Office Duplication - See Clinics	E	P	P

DRAFT**Chapter 8 - Zones C-1, C-2, C-3**

E			
Educational institution - Tutoring, Learning centers	C	€ P	P
Educational institution – Post High School without housing	C	P	P
Electrical and heating appliances and fixtures safes sales and service	N	€ P	P
Electronic equipment sales & service	C	€ P	P
Employment agency	N	€ P	P
Event Center	N	C	C
Express & transfer service	N	€ P	€ P
F			
Fabric and textile store	€ P	P	P
Farm implement sales	N	C	P
Flooring	N	C	C
Florist shop	€ P	P	P
Fueling Station — Vehicles under 40,000 GVW	N	C	€ P
Fueling Station – Vehicles under 40,000 GVW with car wash	N	C	P
Fueling Station — Liquid Natural Gas LNG	N	N	C
Fruit store or stand	€ P	P	P
Furniture sales and repair	C	€ P	P
Fur apparel sales, storage or repair	€ P	€ P	P
G			
Garden supplies and plant materials sales	C	P	P

DRAFT**Chapter 8 – Zones C-1, C-2, C-3**

Gift store	EP	P	P
Glass sales and service	C	P	P
Go Cart Track - Indoors	N	C	C
Golf Course	N	C	C
Government buildings or uses, non industrial	C	P	P
Greenhouse and nursery; soil & lawn service	C	P	P
Grocery store	EN	EP	P
Gun Range - Indoors	N	C	C
Gun Sales and Service	N	C	C
Gunsmith	C	P	P
Gymnasium	C	P	P
H			
Hardware stores	C	EP	P
Health club	C	EP	EP
Health food store	P	P	P
Heavy Equipment Rental, Sales and Service (only north of 3300 S)	N	C	C
Heliport	N	N	C
Hobby & crafts store	P	P	P
Homeless Shelter	N	N	N
Hospital supplies	C	P	P
Hotel	N	C	P

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House cleaning and repair	N	NP	GP
Household appliance sales and incidental service	N	EP	P
Hospital	N	C	C
Home Improvement Large Box	N	NC	C
I			
Ice cream manufacture	N	N	C
Ice cream parlor (small production allowed)	P	P	P
Insulation sales	N	NC	C
Insurance agency	EP	P	P
Interior decorator and designing establishment	EP	P	P
J			
Janitor sales service and supply	N	EP	P
Jewelry store sales and service	P	P	P
K			
Reserved for the future			
Kennel, Indoor with outdoor exercise area	N	C	C
L			
Laboratory, dental or medical	N	EP	GP
Landscaping/Yard care (Only north of 3300 S)	N	C	C
L launderette or Laundromat	C	P	P
Lawn mower sales and service	N	EP	P

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Leather goods, sales & service	€ P	P	P
Legal office	€ P	P	P
Library public	P	P	P
Linen store/retail	€ P	P	P
Linen supply service	N	N	C
Liquor store	N	N	C
Locksmith	€ P	P	P
Lodge or social hall	N	N	C
Luggage store	NP	€ P	€ P
Lumber yard	N	N	C
M			
Machine shop operations incidental to any use permitted in C-3 district	N	N	C
Manufacturer of goods retailed on premises	N	NC	C
Meat Custom cutting & wrapping excluding slaughtering	N	C	C
Meat, fish & seafood store retail	C	P	P
<i>Medical Office-Duplication, see clinics</i>	€	P	P
Miniature golf	C	C	C
Mobile Homes Sales	N	N	C
Monument works and sales	N	C	P
Mortuary	N	€ P	P
Motel	N	C	P

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Motorcycle, ATV's & motor scooters sales & service	N	C	C
Museum	€ P	P	P
Music Store	€ P	P	P
N			
Needlework, Embroidery or knitting store	€ P	P	P
Nightclub or social club (ONLY NORTH OF 3300 S)	N	N	C
Novelty/ Souvenir store (non adult)	€ P	€ P	€ P
Nursery school	C	P	P
Nursing Care Facility	N	C	C
O			
Professional Office – General uses included, Business, Property Management, Investment Firms, Advertising Agency, Secretarial Services Moved from “P”	€ P	P	P
Office in which goods or merchandise are not commercially created, exchanged or sold	C	P	P
Office supply	€ P	P	P
Office machines sales and service	N	€ P	€ P
Optometrist, optician or oculist	P	P	P
Ornamental iron sales or repair	N	C	C
P			
Paint or wallpaper store	N	€ P	P
Pallet repair and manufacturing	N	N	N
Park and Playground	P	P	P

DRAFT**Chapter 8 – Zones C-1, C-2, C-3**

Parking lot or garage for passenger autos (ie: Park and Ride) only within 1000' of I-15	N	C	C
Pawnshop	N	N	P C
Payday Loans and service	N	N	C
Pest Control & extermination	N	C	P
Pet & pet supply store	EP	P	P
Pet Grooming (no overnight stay)	C	P	P
Pharmacy	P	P	P
Photographic supplies	P	P	P
Photo studio	P	P	P
Physician or surgeon	P C	P	P
Plumbing shop retail store	N	EP	P
Popcorn or nut shop	P	P	P
Post office	EN	P	P
Printing, copying, lithographing, publishing or reproductions sales and services	N	C	P
Private liquor club (ONLY NORTH OF 3300 S)	N	N	C
Professional Office – General uses included, Business, Property Management, Investment Firms, Advertising Agency, Secretarial Services Move to “O”	EP	P	P
Propane Sales as an accessory use	N	P	P
Public utilities substation	C	C	C
Public Building	C	C	C

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Packaging & Mailing Sales/Service	P	P	P
Q			
Reserved for future use			
Quilting Sales and service	P	P	P
R			
Racquet Club – Indoors	N	P	P
Radio and television sales and service and service	C	P	P
Radio, television of FM broadcasting station	N	C	P
Real estate agency	€ P	€ P	P
Reception center or wedding chapel	N	C	C
Recreation Center	C	C	C
Recreational Vehicle/ Trailer Storage (no permanent structures greater than 800 sq ft)	N	€ N	C
Recycling Center / Collection	N	N	N
Rental agency for home and garden equip.	N	C	P
Residential Treatment Facility	N	C	C
Restaurant - No Alcohol	C	€ P	€ P
Restaurant – Serving alcohol	N	C	C
Restaurant, drive-in	C	C	P
Restaurant with Cabaret (see S.O.B. Ordinance)			
Retail Sales Establishment	C	P	P
Roller skating rink	N	C	€ P

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Roofing sales	N	€ P	€ P
S			
Salvage Yard – storage and keeping of scrap materials, automobiles, machinery	N	N	N
Sand Blasting	N	N	N
Second-hand store	N	C	€ P
Seed & feed store, retail	N	C	€ P
Semi-Truck Fueling Station — Convenience Store- Over 40,000 GVW (In C2 zone, only north of 3300 S.)	N	NC	C
Moved from "T"			
Sewing machine sale & service	€ P	€ P	P
Sexually Oriented Business (See S.O.B. Ordinance)	—	—	—
Sheet metal shop and retinning providing conducted within completely enclosed bldg	N	N	C
Shoe repair or shoe shine shop	€ P	€ P	P
Shoe store	€ P	€ P	P
Shooting range indoor (with retail sales) <i>Duplicate to gun range</i>	N	€	€
Sign Manufacture or sign painting (See WHZC Chapter 56 for Sign Regulations)	N	N	C
Spa, including massage therapy	C	C	P
Storage Units / Self Storage	N	N	N
Supermarket	€ N	C	P
T			

DRAFT**Chapter 8 – Zones C-1, C-2, C-3**

Tailor shop	€ P	€ P	P
Tanning Salon	C	P	P
Tattoo Parlor (ONLY NORTH OF 3300 S)	N	C	C
Tavern/Bar / Club (ONLY NORTH OF 3300 S)	N	NC	C
Taxidermist	€ N	C	C
Telecommunications Tower	C	C	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon completion of construction work	C	C	C
Theater, Movie indoor	N	€ P	€ P
Theater, Live Indoor	N	€ P	€ P
Theatre, Outdoor	N	N	C
Tire Sales and Service	N	P	P
Tire recapping or retreading sales & service	N	N	C
Tobacco shop – includes Vape (ONLY NORTH OF 3300 S)	N	NC	C
Toy store, retail	C	P	P
Trade or industrial school	N	C	P
Trailer sales & service	N	NC	P
Travel agency	€ P	€ P	P
Semi-Truck Fueling Station — Convenience Store- Over 40,000 GVW (In C2 zone, only north of 3300 S)	N	NC	C
Move to “S”			
Tree Trimming/ Arboriculture (Only north of 3300 S)	N	C	C
U			

Upholstery shop	C	€-P	P
Used car lot	N	C	C
V			
Variety Store	N	P	P
Vegetable store or stand	C	P	P
Ventilating equipment sales & service	N	C	C
Veterinary (small and large animal w/kennel services)	N	C	C
W			
Warehouse (no manufacturing)	N	N	C
Welding shop	N	N	C
Wholesale business	N	N	C
Window washing establishment	€ P	€ P	P

5.10 Undefined Designation

- a. The City Manager, or designee, shall determine the appropriate classification for each commercial application.
- b. In the event that no specific Commercial designation as outlined in Section 22.10 is applicable to the use requested in the commercial application, the City Manager, or designee, shall review the application and may make one of the following decisions:
 1. Determine the closest designation and whether a conditional use permit is necessary; or
 2. Shall forward the application to the planning commission for the commission to determine a designation and whether a conditional use permit is necessary; or
 3. Deny the application and issue findings regarding the reason for the denial.
- c. The City Manager, or designee, has the authority and may approve the application of Commercial Entities that have little to no impact on adjacent parcels or businesses.
- d. All determinations or denials by the City Manager, or designee, may be appealed to the Planning Commission for review.

SECTION 6 ENFORCEMENT AND FINES

Upon a determination that a violation exists, the Code Enforcement Officer, or designee, will contact the owner and shall require such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Code Enforcement Officer, or designee, may determine.

1. Each day that a violation occurs or continues is a separate violation.
2. For any violation of this section, the Code Enforcement Officer, or designee, may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 1. For the first violation within any 12-month period, the penalty shall be \$500.
 2. For a second violation within any 12-month period, the penalty shall be \$750.
 3. For a third violation within any 12-month period the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.
 4. For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure and the structure is to be immediately removed.
3. This ordinance shall be enforced based upon the geographical map dated Friday April 10, 2020, for any complaints about preexisting non-conforming uses.

SECTION 7 REGULATIONS FOR TEMPORARY STORAGE UNITS, CONTAINERS AND STRUCTURES

1. Temporary storage units, containers, or structures are allowed in these zones for the loading and off-loading of supplies or inventory. They may be stored onsite for up to 30 (thirty) days provided they are not able to be seen from any major corridor in the city, do not take up required customer parking, are not on landscaping, and are placed behind buildings or fences that are not see through. Any exception to this shall require a conditional use permit from Planning Commission.
2. Permanent use of temporary storage units, containers, or structures may be allowed with a conditional use permit, which shall include a site plan. A temporary storage unit, container, or structure must be placed on a permanent foundation, and made to look like the main structure on the property including the use of similar building materials and colors. A building permit and a site plan is required for the location of the unit, container, or structure, to be filed in conjunction with the requested conditional use permit. Any exceptions as well as the number of units, containers, or structures, and the location shall be subject to approval from Planning Commission.
3. All tractor trailers on an agricultural, residential or commercial parcel shall be licensed and registered with the State of Utah and must be actively used. Trailers not involved in a construction project that remain in a fixed location over 30 (thirty) days shall be subject to fines, impound and removal by the City of West Haven

ORDINANCE NO. 25-2021

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO SECTIONS OF CHAPTER 33 ANIMAL KEEPING
ORDINANCE; 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 and amendments to the West Haven City Zoning Code Chapter 33 Animal Keeping 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, Chapter 33 Animal Keeping be, and the same is, changed and amended to read as follows:

Those sections in Chapter 33, Animal Keeping, that are amended as shown on the attached Exhibit A.

All other portions, tables and exhibits of Chapter 33 Animal Keeping shall remain the same.

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 7th day of July, 2021, and after publication or posting as required by law.

DATED this 7th day of July, 2021.

WEST HAVEN, a municipal corporation

by:

Mayor Sharon Bolos

Attested and recorded

Emily Green, Recorder

Exhibit A

**Attachment to Ordinance 25-2021
Amendments to Chapter 33, Animal keeping Ordinance**

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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.

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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. Permitted uses requiring Five (5) Acres minimum lot areas in A1 and A2 zones only.

1. Dairy farm and milk processing and sale provided at least fifty (50) percent of milk processed and said is produced on the premises.
2. Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs, or beaver.
3. The keeping and raising of not more than ten (10) hogs, more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
4. The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughter house shall:
 - a. not exceed a density of twenty-five (25) head per acre of used land;
 - b. be carried on during the period of September 15 through April 15 only;
 - c. be no closer than three hundred (300) feet to any dwelling, public or semi-public building on an adjoining parcel or land;
 - d. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation; and
 - e. manage manure accumulation as not to be a nuisance to any adjoining property.

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G. 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. **Limits on animal per permit are as follows**
 - a. Educational juvenile animals will be counted as 50% of the units of an adult of the same species
 - b. The allowable animal units, based on property size, will be increased by 50% for the educational period only as noted below.
2. **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.

H. 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.

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2. The offspring of animals legally kept, pursuant to this chapter, may be maintained on the property. Juvenile Such animals, (*also known as juvenile animals*), (under the age at which they are saleable by industry standards, (see below) do not count for total animal units. For all others, they are outlined as the juvenile standard set forth in the U.S. Agricultural Standards.

Standard Cattle - 8 months
Standard Horse - 6 months
Standard Pig — 3 months
Standard Goat — 3 months
Standard Sheep — 3 months
Standard Chicken — 3 months

For all others, they are outlined as the juvenile standard set forth in the U.S. Agricultural Standards.

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.

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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.
11. **Pre-existing rights.** In the instance where a new dwelling is built within seventy five feet of an existing animal enclosure, the animal owner shall have a pre-existing right and shall not be required to move the animals or enclosure. If the animal enclosure is removed or the animal(s) have been removed for over a year, the right is abandoned. If a new enclosure were built, the property owner would have to comply under the current ordinance.

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
B	Yak **	6
	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, beaver	0.5

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

**These animals may not be kept on lots less than 1/2 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 1/2 acre in size in the A-1 & A-2 zones

Exhibit B

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Table 2 — Animal Keeping Limitations

Zone	Lot Size in SQ FT	Animal Categories (see exceptions)
A-I (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	> 30,000	A, B, C, D, E
R-1	< 30,000	C, D, E
R-2	> 30,000	A, B, C, D, E
R-2	< 30,000	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

DRAFT

Exhibit C

Animal Keeping Exemption Policy

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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

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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;

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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.
5. 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

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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.

ORDINANCE NO. 26-2021

AN ORDINANCE OF WEST HAVEN CITY, UTAH, ANNEXING CERTAIN CONTIGUOUS PROPERTY, AND INCORPORATING THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY PURSUANT TO THE PROVISIONS OF THE ORDINANCES OF WEST HAVEN CITY AS AMENDED; SETTING THE ZONING CLASSIFICATION OF SAID PROPERTY AS R-2.5; ADOPTING AND ANNEXING AN EXPLANATORY MAP OF SAID PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition for annexation has been submitted by the property owners requesting annexation of certain territory into the City of West Haven City and;

WHEREAS, the general plan and policy of the City regarding the annexation of property will be satisfied by annexing the identified property as requested since annexation of the property is necessary for the City to serve the area with utilities and other municipal services in a reasonable time and the property is contiguous to the City and has requested annexation; and,

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents of the City, and the property owner adjacent thereto, and is in conformity with the general policy for West Haven City for annexations; and,

WHEREAS, the petition for annexation of this property has been duly accepted by the City Council as the governing body of the City, and the Mayor has been authorized to sign the resolution of acceptance on behalf of the City Council; and,

WHEREAS, in conformance with Utah Code ("UC") §10-9-401 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

WHEREAS, West Haven City has adopted and promulgated a city zoning ordinance; and,

WHEREAS, the City Council finds that the City Planning Staff has recommended annexation of the property that is the subject of the petition, under the conditions of the City's Zoning Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, WEBER COUNTY, STATE OF UTAH AS FOLLOWS:

SECTION 1 - ANNEXATION OF TERRITORY.

1(a) There is annexed into West Haven City, County of Weber, State of Utah, and incorporated within the corporate boundaries thereof, the following described parcel of land:

BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT BEING LOCATED NORTH 00°55'26" EAST 1324.29 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER AND NORTH 90°00'00" EAST 1214.25 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; RUNNING THENCE SOUTH 89°06'56" EAST 536.92 FEET; THENCE SOUTH 11°00'12" WEST 503.20 FEET; THENCE NORTH 89°08'15" WEST 448.62 FEET; THENCE NORTH 00°53'45" EAST 495.54 FEET TO THE POINT OF BEGINNING, CONTAINING 5.605 ACRES.

[See Attachment "A" for Plat Layout of the subject property.]

1(b) Zoning for the annexed property is set at and the property is declared to be zoned as: R-2.5.

The foregoing recitals are fully incorporated herein.

SECTION 2 - NEW CORPORATE LIMITS.

The corporate limits of the City of West Haven City are extended and increased to include and embrace within the corporate limits of the City, the territory described and such territory is declared to be a part of the City of West Haven City.

SECTION 3 - CLASSIFICATION FOR ZONING PURPOSES.

Under the West Haven City Zoning Ordinance and General Plan, the territory annexed is classified as R-2.5 as noted above.

SECTION 4 - PRIOR ORDINANCES AND RESOLUTIONS:

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

SECTION 5 - REPEALER OF CONFLICTING ENACTMENTS:

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

SECTION 6 - SAVINGS CLAUSE:

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

SECTION 7 - EFFECTIVE DATE.

This Ordinance shall be effective on the 7th day of July, 2021, and after publication or posting as required by law.

DATED this 7th day of July, 2021.

WEST HAVEN CITY

Sharon Bolos
Mayor

ATTESTED AND RECORDED:

Emily Green
City Recorder

ANNEXATION TO WEST HAVEN CITY

ORDINANCE NO.

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34,
TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN,
WEST HAVEN CITY, WEBER COUNTY, UTAH

MAY, 2021

BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN.
BEGINNING AT A POINT BEING LOCATED NORTH 00°55'26" EAST 1324.29 FEET ALONG THE WEST LINE OF
OF SAID SOUTHWEST QUARTER AND NORTH 89°00'00" EAST 1214.25 FEET FROM THE SOUTHWEST
CORNER OF SAID SOUTHWEST QUARTER, RUNNING THENCE SOUTH 89°06'56" EAST 536.92 FEET;
THENCE SOUTH 11°00'12" WEST 503.20 FEET; THENCE NORTH 89°08'15" WEST 448.62 FEET, THENCE
NORTH 00°53'45" EAST 495.54 FEET TO THE POINT OF BEGINNING, CONTAINING 5.605 ACRES.

STATE OF UTAH }
COUNTY OF WEBER } SS
I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF THE DOCUMENT THAT APPEARS ON
RECORD IN MY OFFICE.

WITNESS MY HAND AND SEAL
THIS 1 DAY OF June 2021
LEANN H. KILTS, WEBER COUNTY RECORDER/
SURVEYOR
BY [Signature] DEPUTY

WEST QUARTER CORNER SECTION 34,
TOWNSHIP 6 NORTH, RANGE 2 WEST,
OF THE SALT LAKE BASE AND MERIDIAN
FOUND 3rd WEBER COUNTY BRASS CAP
MONUMENT IN RING AND LID 6th BELOW
ROAD SURFACE GOOD CONDITION 2018

SUMIKO KOGA TRUSTEE
150920088

SUMIKO KOGA TRUSTEE
150920011

SUMIKO KOGA TRUSTEE
150920052

WEBER SCHOOL DISTRICT
150920087

POPOSED WEST HAVEN
CITY ANNEXATION AREA
WEBER SCHOOL DISTRICT
PARCEL 150920079
CONTAINING 5.605 ACRES

WEBER SCHOOL DISTRICT
150920073

CURRENT WEST HAVEN CITY BOUNDARY

ASPIRE PONTE PRIO
SUBDIVISION PHASE 1

CAPITAL REEF MANAGEMENT LLC
150920103

CAPITAL REEF MANAGEMENT LLC
150920075

SOUTHWEST CORNER SECTION 34,
TOWNSHIP 6 NORTH, RANGE 2 WEST,
OF THE SALT LAKE BASE AND MERIDIAN
FOUND 3rd WEBER COUNTY BRASS CAP
MONUMENT IN RING AND LID 6th BELOW
ROAD SURFACE GOOD CONDITION 2018

CURRENT WEST HAVEN CITY BOUNDARY

GRACE PARK SUBDIVISION

Scale in Feet
1" = 100'

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ANNEX PARCELS 150920079 INTO WEST HAVEN CITY CORPORATION. THE SURVEY WAS ORDERED BY WEBER SCHOOL DISTRICT. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 00°55'26" WEST, WEBER COUNTY, UTAH NORTH NAD 83 STATE PLANE GRID BEARING. THE BOUNDARY WAS ESTABLISHED BY WARRANTY DEED RECORDED AS ENTRY NUMBER 2464634, AND RECORD OF SURVEY NUMBER 5789.

SURVEYOR'S CERTIFICATE

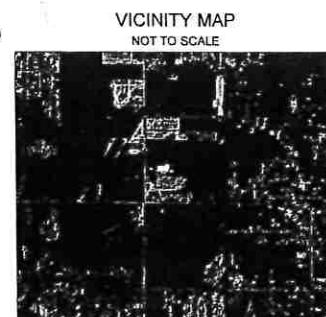
I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-20 AND HAVE VERIFIED ALL MEASUREMENTS, THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY, AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS 31st DAY OF May, 2021.



ANNEXATION PLAT
3112 SOUTH 3500 WEST, WEST HAVEN, UTAH
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34
TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE S.L.B.&M.

GARDNER
ENGINEERING
CIVIL • LAND PLANNING
MUNICIPAL • LAND SURVEYING
5150 SOUTH 375 EAST, OGDEN, UT
OFFICE: 801.476.0066
FAX: 801.476.0202



COUNTY RECORDER
ENTRY NO. _____ FEE PAID _____
FILED FOR AND RECORDED _____
AT _____ IN BOOK _____ OF OFFICIAL
RECORDS, PAGE _____ RECORDED
FOR _____
COUNTY RECORDER
BY _____

APPROVED - WEST HAVEN CITY MAYOR
WEST HAVEN CITY RECORDER

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS 15th DAY OF JUNE, 2021.

Mark J. Petersen
BY: [Signature]
WEBER COUNTY SURVEYOR

OWNER'S AFFIDAVIT

I, THE UNDERSIGNED OWNER(S) OF THE HEREON DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE ANNEXED INTO WEST HAVEN CITY.

SIGNED THIS 1st DAY OF JUNE, 2021.

Mark J. Petersen
BY: [Signature]

LEGEND

- ◆ WEBER COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP
MARKED GARDNER ENGINEERING
- SUBDIVISION BOUNDARY
- INTERIOR PARCEL
- ADJACENT PARCEL
- SECTION LINE
- EASEMENT
- EXISTING FENCE LINE
- EXISTING WEST HAVEN CITY LIMITS
- PROPOSED WEST HAVEN CITY ANNEX

Resolution No. 25-2021

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF THE
PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND AMY F.
HUGIE, ATTORNEY AT LAW FOR LEGAL SERVICES; AUTHORIZING THE CITY
MAYOR TO SIGN THIS RESOLUTION; AND FOR THE CITY MANAGER TO SIGN
THE AGREEMENT ON BEHALF OF THE CITY; AND, PROVIDING FOR AN
EFFECTIVE DATE.**

SECTION I – RECITALS:

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

WHEREAS, in conformance with the provisions of UCA § 10-3-717, the governing body of the City may exercise all administrative powers by resolution including, but not limited to entering into agreements with regarding protecting the health, safety, and welfare of the public; and,

WHEREAS, the City Council wishes to enter into a Professional Services Agreement ("Agreement") with Amy F. Hugie, Attorney at Law, for legal services; and,

WHEREAS, the City has a need for an attorney to provide civil legal services for the City and to prosecute criminal citations that occur within the City's limits in the Roy/Weber County Justice Court; and

WHEREAS, the City Council feels that the best way to accomplish this goal is to enter into this Agreement; and

WHEREAS the City Council now desires to adopt this Agreement by accepting the terms thereof; and,

WHEREAS, the City finds that the public convenience and necessity requires the actions herein contemplated,

NOW, THEREFORE, BE IT RESOLVED by the City of West Haven as follows:

SECTION II. AGREEMENT :

1. That the Professional Services Agreement between Amy F. Hugie, Attorney at Law, and the City, a copy of which is attached as Attachment A to this Resolution, is hereby adopted by the City Council.
2. That the City Manager is authorized to sign any and all documents necessary to effect this Agreement, including signing the Agreement itself.
3. That the Mayor is authorized to sign this Resolution adopting the Agreement.

SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:

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

SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:

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

SECTION V - SAVINGS CLAUSE:

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

SECTION VI. DATE OF EFFECT

This Resolution shall be effective immediately upon its passage on the 7th day of July, 2021.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 7th day of July, 2021.

WEST HAVEN CITY

Mayor Sharon Bolos

ATTEST:

City Recorder

ATTACHMENT "A"

**PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND AMY F.
HUGIE, ATTORNEY AT LAW FOR LEGAL SERVICES**

DRAFT

CONTRACT FOR EMPLOYMENT

This Agreement is entered into this _____ day of July, 2021, by and between AMY F. HUGIE, ATTORNEY AT LAW [hereinafter "City Attorney"] and WEST HAVEN CITY [hereinafter "City"].

RECITALS

WHEREAS, Amy F. Hugie, Attorney at Law, is willing to be hired as City Attorney upon the terms and conditions contained in this agreement and for the remuneration stated herein, and

WHEREAS, the City is willing to employ said individual upon the terms and conditions herein stated as City Attorney, and

WHEREAS, said City Attorney may accomplish duties as she may deem appropriate and she may hire additional attorneys to assist her upon the terms and conditions stated in this agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the parties hereby mutually stipulate and agree as follows:

- 1. Services Provided by City Attorney:** City Attorney shall provide counsel, representation, and support for the City, City Council, and City Planning Commission on civil, criminal, and other matters as determined appropriate by the City Manager. This includes, among other things, drafting letters, ordinances, resolutions, and contracts; answering phone calls and emails from City staff and the City Manager; and reviewing and revising contracts, documents, Municipal Code, and Zoning Code. City Attorney shall also prosecute various criminal law violations, ordinance violations, and motion calendars or trial work for the City in the Roy/Weber Justice Court or Second District Court in Weber County, where necessary. Prosecution duties include screening cases; filing charges; answering calls from victims, police officers, defense counsel, defendants, court, etc.; appeals from the Roy/Weber County Justice Court to the Second District Court; training for criminal prosecution; and travel to and from court once in-person court begins again. The parties to this agreement recognize, acknowledge, and agree that the number of trials and other criminal matters the City Attorney shall handle will depend upon many factors and variables which cannot presently be contemplated, and that the parties will adjust from time to time. Currently, the Roy/Weber Justice Court's West Haven City schedule is four Tuesday mornings in a month. This may decrease to two or three Tuesdays in a month depending on issues with COVID-19. The parties agree to cooperate and act in good faith to ensure that the City's interests are adequately and properly represented in all civil and

criminal matters, with due regard to the work load and work capacities of the parties. City Attorney agrees to appear for meetings (either in person or by Zoom depending on circumstance) as requested by the City Manager, including up to two Planning Commission and two City Council meetings and their corresponding work sessions per month, meetings for the purpose of coordinating work within the office of the City, or any other meetings as deemed reasonably needed by the City Manager. City Attorney shall notify the City Manager of prior commitments in her schedule as soon as they are scheduled, but will make every effort to make the City a priority in scheduling. City Manager agrees to contact City Attorney as soon as possible regarding scheduling of meetings to make sure that City Attorney can be as flexible as possible to make City a priority in scheduling.

2. **Independent Contractors:** The parties hereby stipulate, agree and understand that the City Attorney is an independent contractor and not an employee of City. The parties understand and agree that it may be the case for assigned civil or criminal matters before a court that the court schedule for City Attorney is set by the court, which is beyond the control of the parties to this agreement. Beyond this time, the parties mutually stipulate and agree that the City Attorney shall conduct her time in such a manner as to fulfill her responsibilities under this contract, but that the time, manner, and place of completing such duties shall be at the sole discretion and control of the City Attorney. The City Attorney understands and agrees that as an independent contractor she will be provided payment under this agreement, without any deduction for any federal or state tax and that the City Attorney will be responsible for the satisfaction of any and all tax liability arising from such payments.
3. **Other Commitments:** The City is aware that City Attorney works for other entities, which are: Weber Fire District, Elwood Town, Myton Town, Portage Town, and Honeyville Town. City Attorney commits that she will not be attending meetings on Wednesday nights in any other city but West Haven unless prior agreement has been reached by the parties. The City is also aware that City Attorney has a family law practice and there are occasions when City Attorney will be attending mediation or court hearings. City Attorney shall not schedule either of these things on Tuesday mornings (i.e. those Tuesdays scheduled for Roy/Weber County Justice Court for West Haven) or Wednesday nights after 5:00 P.M. and will check with the City before setting any dates. Both parties agree that there are no conflicts with the City's work and City Attorney's other work.
4. **Vacation Time:** City Attorney takes approximately four weeks during the year for vacation. One of those specific times is the week leading up to July 4th, which includes July 4th, of every year. The other specific time is a full week in June – usually the 2nd week of June. City Attorney shall arrange with the Roy/Weber Justice Court not to schedule court on those two specific

weeks and the other two possible weeks. The parties agree that they shall work together regarding any other vacation time but that City Attorney shall give as much notice as possible regarding that additional vacation time that she will be unavailable for court or other meetings.

5. **Flat Rate:** The City Attorney shall be paid the flat rate amount of \$95,000.00 (ninety-five thousand dollars) per year starting in the month of _____, 2021. The City Attorney shall be paid \$7,916.67 each month for the first eleven months of the year and \$7,916.63 for the twelfth month of the year. At the first of each month, the City Attorney shall provide an invoice to the City with the monthly amount owed. City shall pay said invoiced amount by check within fifteen days of receiving said invoice made payable to AMY F. HUGIE ATTORNEY AT LAW. City Attorney shall provide to the City an address to which said check shall be mailed, or the checks may be picked up in person at City Hall upon notice by City to City Attorney.
6. **Additional Expenses.** The City shall pay City Attorney's hourly rate of \$225/hr for any appeals that go to the Utah Court of Appeals or the Utah Supreme Court or for any civil litigation for the City that must be conducted by City Attorney that is not covered by the City's insurance company through the Trust. The City shall pay for conflict counsel at any time the City Attorney has a conflict, which City Attorney must immediately notify the City Manager of said conflict as soon as it becomes known. City shall pay for an attorney to fill in as prosecutor if City Attorney is sick or on vacation and is not able to reschedule hearings with the Court. City shall continue to pay for an assistant for the criminal prosecution work, which the current assistant is Joan Toone. City Attorney shall pay for her own malpractice insurance, continuing legal education, and travel to and from meetings and court.
7. **Office Supplies.** As requested by the City Attorney, the City shall provide City stationary/letterhead, files, envelopes, postage, and other reasonable and necessary office supplies to be used by City Attorney in the completion of her duties contemplated by this contract. The City shall also maintain the VPN currently available to City Attorney and her assistant for the criminal prosecution work and shall provide IT support for that VPN when needed.
8. **Termination.** The parties to this agreement recognize, acknowledge and agree that this agreement may be terminated at any time by any party to this agreement for any reason, with or without cause. The parties mutually stipulate and agree that any termination of this agreement, however, notwithstanding the right to terminate it with or without cause, shall be exercised only upon 60 (sixty) days written notice to each and every other party to this agreement. The parties may separate prior to the end of 60 (sixty) days as long as all criminal court hearings and trials are covered by another attorney. All work performed by City Attorney up to the date of termination shall be paid.

9. **City Attorney Employment of Additional Attorneys or Assistants.** The City Attorney may employ, at her sole expense, other attorneys or assistants which she may deem necessary or reasonable to complete her obligations under this agreement. Said employment shall be solely at the discretion of City Attorney and shall not impose any requirement upon her to hire additional attorneys to complete the duties contemplated by this agreement. Said attorneys shall be subject to the approval by the City, which approval shall not be unreasonably withheld. Any such attorneys shall undertake the same obligations and duties of confidentiality arising from the attorney/client privilege which the City Attorney has. Said attorneys shall be subject to the control and supervision of the City Attorney. However, in the past, the City has paid for a prosecutor to occasionally fill in for the City Attorney on court days if the City Attorney is ill or otherwise indisposed or on vacation and the court hearings cannot be rescheduled with the court. The City shall continue this practice for the rare times that City Attorney is unavailable for a court day.
10. **No Criminal Defense Work.** City Attorney represents and warrants that as of 15 December 2020 she is not engaged in nor has any responsibility for the defense of any criminal case in any jurisdiction in the State of Utah. The City Attorney further represents and warrants that as of December 15, 2020, she is an attorney duly admitted to the practice of law in the State of Utah entitled to engage in the practice of law.
11. **Ethical Duties of Deputies.** The parties mutually stipulate and agree that notwithstanding her status as an independent contractor, the City Attorney shall have all of the duties and obligations of the office of attorney including duties of confidentiality, loyalty, zealous representation, and all other duties inherent or arising out of the attorney-client relationship.
12. **Term of Agreement.** The term of this agreement shall be for a period of two (2) years from the date that this Agreement is signed. This Agreement shall automatically renew unless either party provides a sixty (60) day written notice to the other party of termination or request to renegotiate the terms of the Agreement.
13. **Renewal or Extension.** This agreement may be further subject to additional modifications or renewals, which shall be executed by all of the parties and in writing.
14. **State of Utah.** This Agreement shall be interpreted by the laws of the State of Utah.
15. **Attorney Fees.** If there is a dispute and this Agreement is involved in litigation, it will be conducted in the Second District Court in Weber County

or in federal court in the State of Utah. In the event either party institutes litigation to enforce its rights under this Agreement, the prevailing party in such litigation shall be entitled to an award of its reasonable attorney's fees and costs.

16. **Compliance with Laws.** City Attorney and City shall comply with all laws, ordinances, regulations, rules, etc., of the federal, state and local government in connection with the performance of this Agreement.
17. **Severability of Provisions.** If any provisions of this Agreement are held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.
18. **Entire Agreement.** This agreement constitutes the entire agreement between the parties and may not be altered or amended without a further written agreement executed by all of the parties.

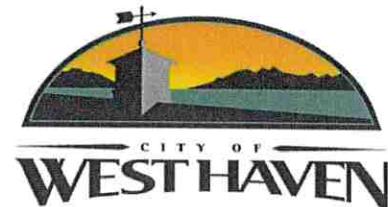
DATED this _____ day of _____, 2021.

Amy F. Hugie

Matthew Jensen
West Haven City Manager

STAFF REPORT

TO: City Council Members
FROM: Matt Jensen, City Manager
DATE: July 7, 2021
SUBJECT: Consideration for Correcting City Code



This staff report provides information for considering removing certain sections of the City Code that are not up-to-date or otherwise inaccurate. Staff would like to prepare notice and documentation for removing these sections.

ANALYSIS

In reviewing the City Code, there are specific sections that are outdated or no longer pertinent. Staff would propose the City Council consider removing these portions before the new codification effort commences. These sections include the following:

2.18 Public Works Department

This section creates an organization chart and delineates pay schedules for the Public Works Department from March 2005. Having salaries and organizational structures codified unduly restricts the ability of the City to respond to changing conditions without putting it forward as a Code change and following all necessary public notifications and hearing processes. The restriction this portion of the code also is contradicted in Section 2.02.010.0100.11 which provides the City Manager ability to recommend and organize all necessary departments pending City Council approval.

4.14 Storm Water Utility Fee Rate

This section's language is a report that was given for Storm Water Utility Fee Rate determination. Staff would recommend rewriting this section for two purposes: first, to reflect true code language rather than a report with recommendations, and secondly, to relocate fees into a consolidated fee schedule.

4.16 Community Development Fees

This section largely outlines the rates that the City charges for Public Works and Parks & Recreation uses. These can be relocated into a consolidated fee schedule like what is proposed with Storm Water Utility Fee Rate and have language that they will be addressed each year during the budget public hearing process. Also, removing personal contact information from the Code is highly recommended as seen in Section 4.16.030 where Brock Randall's cell phone is listed.

RECOMMENDATION

While there are several sections in the Zoning Code that also need review, These sections are solely under the purview of the City Council. Staff would like to proceed with changes under a housekeeping model that will not fundamentally change any legislative code but would rather clean up language before the codification effort gets fully underway.