

WEST HAVEN CITY COUNCIL AGENDA

November 3, 2021 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **November 3, 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://US06WEB.ZOOM.US/J/85305757059](https://us06web.zoom.us/j/85305757059) AND COUNCIL MEETING [HTTPS://US06WEB.ZOOM.US/J/84119212260](https://us06web.zoom.us/j/84119212260). OR JOIN USE LIVE AT [HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCeeQNBTFZJWtGOPHMCNCBA](https://www.youtube.com/channel/UCeeQNBTFZJWtGOPHMCNCBA).

1. MEETING CALLED TO ORDER: Mayor Bolos
2. OPENING CEREMONIES
 - A. PLEDGE OF ALLEGIANCE Councilmember Dixon
 - B. PRAYER/MOMENT OF SILENCE Councilmember Hunter
3. PUBLIC PRESENTATION: Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a Question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.

AGENDA ACTION ITEMS

4. ACTION ON CONSENT AGENDA

A. CITY COUNCIL MINUTES	MEETING HELD	October 20, 2021
B. GRANITE	\$65,900.58	Inv.#2056017
C. SEMI SERVICE INC.	\$100,182.15	Inv.#138986
D. ADVANCED PAVING & CONSTRUCTION LLC	\$308,426.25	Inv.#2900
5. PRESENTATION-LOUDER AND PROUDER TOUR-WEBER STATE UNIVERSITY-PRESIDENT BRAD MORTENSEN
6. BID AWARD-3500 W PEDESTRIAN BRIDGE/SIDEWALK
7. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)
 - A. FINAL SUBDIVISION APPROVAL-STAKER FARMS PHASE 3-APPROX. 2700 S 3500 W-BRYCE THURGOOD
 - B. ACTION ON ORDINANCE 33-2021-PATIO HOMES ORDINANCE
 - C. ACTION ON ORDINANCE 34-2021-LIGHTING ORDINANCE
8. PERMIT APPROVAL-TEMPORARY PLACEMENT OF RECREATIONAL TYPE VEHICLE DURING CONSTRUCTION-4268 S 4300 W-SALAZAR
9. ACTION ON RESOLUTION 32-2021-CONTRACT-SECONDARY WATER AT COUNTRY PARK
10. EXECUTIVE SESSION:The Council will enter into a closed meeting for the purpose of a strategy session to discuss the character and professional competence of an individual, and the purchase, exchange, or lease of real property; to be held in accordance with the provisions of Utah Code 52-4-205.
11. UPCOMING EVENTS

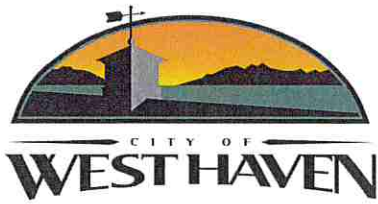
Board of Canvassers Meeting-November 15, 2021-6:00 PM
Meet the Mayor-November 16, 2021-5:00 PM
Seminar-November 16, 2021-6:00 PM
Senior Luncheon-November 17, 2021-11:30 AM
Heart of the Holidays-November 29, 2021-6:00 PM
12. COUNCIL UPDATES
13. ADJOURNMENT

Emily Green
Emily Green, City Recorder

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

CERTIFICATE OF POSTING

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



**WEST HAVEN CITY
PRE-COUNCIL WORKSHOP AGENDA
HELD PRIOR TO CITY COUNCIL MEETING
WEDNESDAY November 3, 2021**

@

5:00 PM – In City Council Chambers

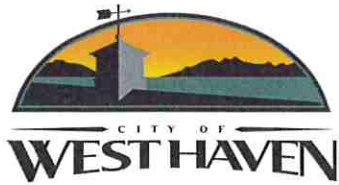
*NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING
PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.*

MEETING TO ORDER:

MAYOR BOLOS

REPORTS AND DISCUSSION AS FOLLOWS:

1. Discussion-Secondary Water at R. Kenneth Baldwin Country Park
2. Discussion-Digital Infrastructure: Use of CARES/ARPA
3. Discussion-Patio Homes Ordinance
4. Discussion-Lighting Ordinance



WEST HAVEN CITY COUNCIL MEETING MINUTES

October 20, 2021 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

Present: Sharon A. Bolos Mayor
Randy Hunter Councilmember
Carrie Call Councilmember
Kim Dixon Councilmember
Nina Morse Councilmember
Rob Vanderwood Councilmember

Staff Present: Emily Green City Recorder
Matthew Jensen City Manager
Amy Hugie City Attorney
Shari Phippen Community Development Director

5:00 Council Workshop

Mayor Bolos brought the meeting to order.

Amy Davies gave a presentation on the quarterly financials.

Lt. Colby Ryan gave a presentation on Flock cameras.

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 6:00 pm. and welcomed those in attendance.

2. OPENING CEREMONIES

A. Lead by Councilmember Call

B. Lead by Councilmember Vanderwood

3. PUBLIC PRESENTATION

Jean Funk said he thought the council would have made a decision by now on the parking for Canterbury Crossing.

4. ACTION ON CONSENT AGENDA

- A. CITY COUNCIL MINUTES
- B. WEBER COUNTY TRANSFER STATION
- C. GARDNER ENGINEERING

MEETING HELD

\$21,961.77

\$34,025.00

October 6, 2021

Inv.#022-01272660-022-01283356

Inv.#09221148-0921152

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

5. SWEARING IN OF YOUTH COUNCIL MEMBERS-MAYOR BOLOS

Mayor Bolos swore the youth council members in.

6. AWARD CONTRACT-3300 S PROPERTY ACQUISITION SERVICES

Councilmember Call made a motion to award the contract to Bonneville Acquisitions. Councilmember Morse seconded the motion. Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; **Vote was unanimous.**

7. **ACTION ON RESOLUTION 31-2021-CONTRACT FOR 3300 S PROPERTY ACQUISITION SERVICES**

Councilmember Dixon made a motion to adopt resolution 31-2021. **Councilmember Call seconded** the motion. **Roll Call:** Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; **Vote was unanimous.**

8. **PUBLIC HEARING-For the purpose of receiving public input on possibly closing the public road at 2200 S and 1900 W**

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

Mayor Bolos invited the public up for comment.

Brooke Mitchell said there is heavy traffic on this road and is concerned that this will create more traffic because it gives access to 21st street. She expressed concern over the safety of a larger amounts of pedestrians using the trail with heavier traffic.

Gerald Teela is concerned that this will increase the traffic on 2200 S. He said that the way the road is currently deters excessive traffic but changing the design can increase traffic.

Andrew Davis said that 2200 S is not built for more traffic and is opposed to the road closure.

Billie Griffin is concerned about the access to businesses on 2200 S and is opposed to the road closure.

Jackie Allred is concerned about the safety of children on 2200 S and traffic increasing. She said that 1800 S having a light would help and asked the council to consider the citizens.

A.J. Rasmussen said he understands the safety issues and asked that sidewalks and the freeway entrance be adjusted in advance. He is opposed to the road closure at this time.

Jackie Osler said it is a challenge to get to the freeway, she suggested not closing 2200 S and having an additional route.

Aileen White said that the trail is frequently used and that can create safety issues. She suggested making 2200 S a right turn only road and doing a different commercial road by the canal.

Melinda Stimpson is opposed to the road closure. She said that closure of the road or a right turn only option would only alleviate traffic once 21st street is open. She would prefer that 21st street be fixed before anything happens on this road.

Josh Rasmussen said there are not a lot of accidents on this road. He said he would prefer it left open.

David Smith said that for safety purposes he could understand a right turn in and right turn out only. He also suggested not allowing the business access to 1900 W.

Kyle Dahl is opposed to the road closure.

Jeremy Barton is opposed to the road closure; he questions the review of the infrastructure needs in advance of subdivision approvals.

Mark Ellis would like the area to stay country and feels the traffic issues would be compounded with the 21st street connection. He is opposed to this road closure.

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

Matthew Jensen said that they will conduct a traffic study and make it available online, and that the city is currently working with the Utah Department of Transportation for a light on 1800 S.

Geneva Blanchard said that she appreciates everyone who came out today, she said that after originally presenting the plan for their development they got some feedback about traffic and presented the road closure.

Councilmember Vanderwood suggested an electronic sign for speed on 2200 S.

Councilmember Morse suggested forming a committee for this.

Mayor Bolos suggested an open house that is held at city hall as well.

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

A. FINAL SUBDIVISION APPROVAL-THE FIELDS AT GREEN FARMS PHASE 4-APPROX. 4416 W 3600 S-MARK STAPLES

Councilmember Hunter asked when the access road for Green Farms Way west will be under construction.

Mark Staples said it will be under construction by mid-April and will be about 120 days to complete.

Councilmember Morse asked when they planned on starting the hardscapes.

Mr. Staples said first thing in spring.

Councilmember Morse suggested changing the density table into a map.

Mr. Staples said they could do that.

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

B. FINAL SUBDIVISION APPROVAL-THE MEADOWS AT GREEN FARMS PHASE 2-APPROX. 4416 W 3600 S-MARK STAPLES

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

C. FINAL SUBDIVISION APPROVAL- THE COURTYARD AT GREEN FARMS PHASE 3-APPROX. 4416 W 3600 S-MARK STAPLES

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

D. ACTION ON ORDINANCE 33-2021-PATIO HOMES ORDINANCE

Shari Phippen said that the biggest thing discussed in Planning Commission was the definition of an acre.

Councilmember Morse asked why under dwellings it said that Planning Commission can approve zero lot line setbacks.

Matthew Jensen said that was to allow for shared homes and was in the existing ordinance.

Councilmember Hunter and Morse agreed that having twin homes is not necessary in this zone and this portion should be removed from the ordinance.

Councilmember Vanderwood asked why the heading of this ordinance was changed to Chapter 3.

Amy Hugie said that this was to keep it consistent for the online code and paper code.

Councilmember Vanderwood said that in section 1.05, G under Dwellings it is confusing where it references minimum unit size and living size.

Shari Phippen said that she thinks it may be differentiating between regular living space and the garage. She said that she would check to see if that and the design standards align with current state legislation.

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

E. ACTION ORDINANCE 34-2021-LIGHTING ORDINANCE

Councilmember Dixon asked about the developments going in currently and whether they would be in violation of the ordinance.

Matthew Jensen said that people putting in sport courts after the development is finished are where more of our complaints have come from.

Councilmember Morse said on section 38.030 General B, 6, that it discusses flashing or intermittent blinking lighting and she suggested changing it to holiday or festive lighting.

Councilmember Morse asked why on section 38.060 it gives 10 years for commercial outdoor lighting.

Amy Hugie suggested speaking with the code enforcement officer for clarification on that.

Councilmember Vanderwood said on section 38.040 B, when it references the mounting height limit, he suggested striking a minimum practical height. On property boundaries including on a private street or road, he suggested not allowing the trespass beyond the property limits. He also suggested on section 38.040 D, 2, c striking everything after 11:00 PM. On section 38.050, B he suggested the same minimum practical height change.

Councilmember Morse said that there is an exemption for flagpoles but it is referenced elsewhere.

Shari Phippen said that it is not necessary.

Councilmember Call said on 38.030, A, 2 public monuments are not regulated but 38.070 C, 6 is says that public monuments are allowed by special permit, she suggested striking it from 38.030.

Councilmember Call asked if the special permits include a public hearing for those that it affects.

Amy Hugie recommended consulting our code enforcement officer.

Mayor Bolos asked how this would be enforced.

Matthew Jensen said it would be the Weber County Sheriff.

Mayor Bolos asked about the definition of glare because the phrase visual discomfort is subjective.

Mayor Bolos suggested clarifying 38.030 and the approval of outdoor lighting because there are some subdivisions that have been approved but the lighting hasn't been installed as of yet.

Mayor Bolos said on section 38.050, A where it talks about all fixtures shall be shielded, she asked when the inspection would take place.

Shari Phippen said that you can tell whether a light will trespass by just by the design of the fixture.

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

10. APPROVAL OF \$200,000.00 FOR PREVEDEL PARK BATHROOMS

Councilmember Vanderwood suggested going with the quote price instead of the \$200,000.

Councilmember Call made a motion to give approval of \$185,162. **Councilmember Morse seconded** the motion. Councilmember Hunter, aye; Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; **Vote was unanimous.**

11. **ACTION ON RESOLUTION 32-2021-CONTRACT-SECONDARY WATER AT COUNTRY PARK**

Councilmember Vanderwood asked if the extra water shares were necessary.

Councilmember Vanderwood made a motion to table until the water shares could be reviewed. **Councilmember Hunter seconded** the motion. **Roll Call:** Councilmember Hunter, aye; Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; **Vote was unanimous.**

12. **UPCOMING EVENTS**

Meet the Mayor-October 21, 2021-5:00 PM

Pumpkin Walk-October 29, 2021-6:00 PM

13. **COUNCIL UPDATES**

Council went over the appointment process for the West Haven Special Service District Board.

14. **ADJOURNMENT**

Councilmember Vanderwood moved to adjourn at 9:53P.M. **Councilmember Call seconded** the motion. Councilmember Call, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Hunter, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____

STAFF REPORT

TO: Matt Jensen, City Manager

FROM: Ed Mignone, City Engineer

DATE: October 28, 2021

SUBJECT: Report on Bid for Pedestrian Sidewalk and Bridge Project (Layton Canal Crossing)



Background

This project was the subject of a City grant application to the Utah Department of Transportation (UDOT) Safe Routes to School (SRST) Grant. The City was notified in August 2019 that the project was selected for a grant award in the amount of \$125,000. The original project estimate prepared in early 2019 was approximately \$210,000. The award notice indicated that the project could not commence construction until after July 1, 2021. The City agreed to provide the funding for the balance of the total project cost.

Gardner Engineering prepared the plans and specifications for this project. The request for bids were advertised in October. The City received five (5) bids prior to the submission deadline and they were publicly opened on Wednesday, October 27, 2021.

The bids received are summarized in Table 1.

Table 1. Bid Results for West Haven City Pedestrian Sidewalk and Bridge Project.

	BID RESULTS FOR WEST HAVEN CITY Pedestrian Sidewalk and Bridge October 27, 2021		RANK	SIGNED
	COMPANY	BID AMOUNT		
	Acme Construction, Inc.	\$245,692.75	1	x
	BOWEN CONSTRUCTION	\$246,428.50	2	x
	AAA Excavation	\$247,845.00	3	x
	Jordan Valley Construction	\$295,597.00	4	x
	JLR Contractors	\$418,777.00	5	x

Acme Construction was publicly deemed the apparent low bidder. Gardner Engineering reviewed the submission for accuracy and ensure compliance with the bid submission requirements. The bid

submission was found to be responsible and responsive. Gardner Engineering recommends that the City award the contract to ACME Construction, Inc. in the amount of \$245,692.75. Staff concurs with Gardner Engineering's recommendation.

The lowest received bid is \$35,692.75 more than the original engineer's estimate. This requires that the City provide the balance of \$120,692.75. However, it should be noted that the estimate was prepared in early 2019 and the cost increase is mostly due escalation of labor cost and the present high-cost of materials.

Recommended Action

This project is time-sensitive with regard to the fact that the City's license agreement with the Federal Bureau of Reclamation requires that work that affects the operation of Layton Canal must be completed by April or the start of irrigation season; whichever is earlier. In addition, the contractor has notified the City that the lead time for the bridge is up to three (3) months from ordering.

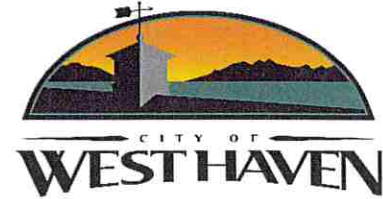
To meet this schedule, the contract needs to be awarded as expeditiously as possible so the contractor can place the order for the bridge. Deferring construction at this time would likely result in a higher construction cost; delay the implementation of needed pedestrian safety improvements; and could negatively impact the terms of the City's grant award agreement with UDOT.

Staff recommends that the Council approve the award of a contract for the Pedestrian Sidewalk and Bridge Project to Acme Construction, Inc. in the amount of \$245,692.75.

City Council Staff Review Memo

November 3, 2021

Shari Phippen, Community Development Director



Staker Farms- Final Plat

Request: Approval of the final plat for Staker Farms, Phase 3 (32 Lots)

Property Address: Approx. 2850 South 3700 West

Property Zone: R-2

Property Size: 14.7

Applicant: Castle Creek Homes (Bryce Thurgood)

Governing Document(s): WHZC, Staker Farms MDA

Decision Type: Administrative

Staff Recommendation: Approve the final plat for Phase 3 of Staker Farms, with the condition outlined in staff review.

Public Hearing Posting: No public hearing is required

Background/MDA Review

The original master development agreement (MDA) for Staker Farms was approved by the City Council on June 9, 2019. At that time, the Council approved the preliminary plat for the entire project. Since that time, two phases have been presented to the City for approval, with this being the third.

The final plat that is before the Council this evening is consistent with the size and layout of the preliminary plat that was approved by the Council with the original MDA. Although the lot numbering has changed, and the number of lots in the phase has changed, the density of the project and the sizes of these lots remain identical to what was approved.

The arrangement of the lots in the approved MDA supercedes zoning requirements on lot width. There is plenty of room on the lots that they can still meet the required minimum setbacks on all sides of the lot, so no adjustments will occur there, and this is reflected on the plat.

There is a provision in the MDA that states that the park must be completed prior to Phase 3 being recorded. At this time, the park is substantially complete- all of the infrastructure is in and the only outstanding item is the grass. The City approached the developer earlier in the summer and asked that they hold off on planting the grass, owing to extreme drought conditions. Given the recent weather changes, the developer is scheduled to have the park hydroseeded within the next two weeks- this will give the seed a good amount of time to take and be ready to have a great park next spring/summer.

Planning Commission Action

At the 10/27 Planning Commission, the plat was approved as presented. The Commission felt that since the park will be complete within two weeks, prior to the mylar being recorded, that it was appropriate to grant approval, as all other standards of approval have been met. The vote was unanimous.

Staff Review

My review of the final plat only indicates one problem. As presented, 3600 West, north of Lots 306 and 307 does not have a temporary turnaround at the North end of the street. As it is longer than 150', the developer should provide a temporary turnaround of some kind where it dead ends into the parcel owned by Wayne Properties, LLC (Parcel 15-088-0035). The same goes for 2800 South East of Lot 323.

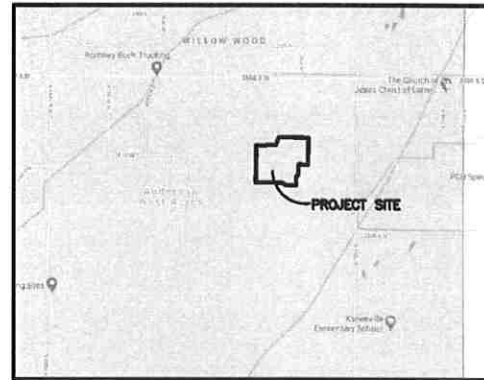
I have verified the 150' requirement with Chief Reed. They will need to coordinate the emergency turnaround in both those locations.

As the plat for Phase 3 is consistent with the terms and conditions of the MDA, it is staff's recommendation that the Commission approve the plat, subject to the following condition:

- 1- Prior to releasing the plat for recording in the office of the Weber County Recorder, the developer should provide the City with plans and drawings related to the required emergency turnaround on 3600 West and one on 2800 South.

STAKER FARMS - PHASE 3

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
CITY OF WEST HAVEN, WEBER COUNTY, UTAH
JUNE, 2021



VICINITY MAP
NOT TO SCALE

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS PLAT IS THE LINE BETWEEN THE NORTHEAST CORNER AND THE EAST QUARTER CORNER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. SHOWN HEREON AS S00°55'08"W, UTAH STATE PLANE NORTH AS PER WEBER COUNTY SURVEY.

BOUNDARY DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST, S.L.B.&M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S00°55'08"W 1021.04 FEET AND N89°04'52"W 805.57 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S00°55'10"W 472.24 FEET; THENCE N89°08'48"W 165.26 FEET; THENCE S00°51'12"W 164.70 FEET; THENCE S36°09'41"W 73.52 FEET; THENCE S00°51'12"W 140.00 FEET; THENCE N89°08'48"W 184.92 FEET; THENCE N55°27'24"W 72.11 FEET; THENCE N89°08'48"W 481.83 FEET; THENCE N00°48'41"E 647.92 FEET TO THE SOUTHERLY LINE OF LOT 211 OF STAKER FARMS PHASE 2; THENCE ALONG THE SOUTHERLY LINE OF STAKER FARMS PHASE 2 THE FOLLOWING THREE (3) COURSES: (1) S89°08'48"E 150.13 FEET; (2) N78°59'20"E 83.03 FEET; AND (3) S89°08'48"E 145.83 FEET TO THE EASTERLY LINE OF SAID STAKER FARMS PHASE 2; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING TWO (2) COURSES: (1) N19°01'02"E 95.77 FEET; AND (2) N29°15'14"E 52.94 FEET; THENCE S88°58'55"E 522.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 640,644 SQUARE FEET OR 14.707 ACRES MORE OR LESS.

NARRATIVE

THE PURPOSE OF THIS PLAT WAS TO DIVIDE THE SUBJECT PROPERTY INTO LOTS AND STREETS AS SHOWN. THE WEST LINE WAS PLACED ALONG AN EXISTING ANCIENT FENCE LINE, WHICH MATCHES RELATIVELY WELL WITH THE DEED FOR THE SUBJECT PARCEL. THE SOUTH, EAST, AND NORTH LINES ARE PHASE LINES FOR FUTURE DEVELOPMENT. ALL BOUNDARY CORNERS WERE SET WITH 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS TO BE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

LEGEND

- ◆ = SECTION CORNER
- = SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- ⊙ = SET STREET MONUMENT
- MB = MAIL BOX
- = BOUNDARY LINE
- - - = LOT LINE
- - - - - = 10' PUBLIC UTILITY EASEMENT
- - - - - = ADJOINING PROPERTY
- x x x x = EXISTING FENCE
- - - - - = RIGHT-OF-WAY CENTERLINE
- - - - - = SECTION TIE LINE

Scale: 1" = 80'

ZONING INFO

R-1 ZONE

(RESIDENTIAL LOW DENSITY ZONE)

MIN. LOT AREA: 12,500 S.F.

FRONT SETBACK: 25 FT.

SIDE SETBACK: 10 FT. MIN. EACH SIDE/20 FT.

LOT SIDE FRONTING STREET

REAR SETBACK: 30 FT.

DEVELOPER:

CASTLE CREEK HOMES, LLC
DARIN HAMMOND
1798 WEST 5150 SOUTH, STE. 103
ROY, UT 84067
(801) 937-4836

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING	DELTA
C1	970.00	71.07	71.05	S04°43'28"W	4°11'52"
C2	20.00	31.42	28.28	N45°51'12"E	90°00'00"
C3	25.00	15.08	14.85	S16°25'37"E	34°33'37"
C4	60.00	51.28	49.73	S09°13'22"E	48°58'07"
C5	60.00	63.53	60.80	S45°35'41"W	60°59'58"
C6	60.00	51.82	50.23	N79°19'45"W	49°29'08"
C7	25.00	15.08	14.85	N71°52'00"W	34°33'37"
C8	1030.00	75.78	75.77	S04°42'56"W	4°12'56"
C9	1030.00	31.54	31.54	S01°43'50"W	1°45'16"
C10	1000.00	104.20	104.15	S03°50'18"W	5°58'13"

LINE TABLE

#	BEARING	DISTANCE
L1	S08°49'24"W	31.15'

EAST QUARTER CORNER OF SECTION 33, TOWNSHIP 6 NORTH, 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. FOUND WEBER COUNTY SURVEY BRASS CAP MONUMENT

WEST HAVEN CITY PLANNING COMMISSION

APPROVED BY THE WEST HAVEN CITY PLANNING COMMISSION

THIS _____ DAY OF _____, 20____.

WEST HAVEN CITY CHAIRMAN

WEST HAVEN CITY ENGINEER

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEST HAVEN CITY ENGINEER

THIS _____ DAY OF _____, 20____.

WEST HAVEN CITY ENGINEER

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____.

ATTEST

TITLE

WEST HAVEN CITY ATTORNEY

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEST HAVEN CITY ATTORNEY

THIS _____ DAY OF _____, 20____.

WEST HAVEN CITY ATTORNEY

WEBER COUNTY RECORDER

Entry No. _____ Fee Paid _____
Recorded, _____ At _____
In Book _____ Of The
Official Records, Page _____
Recorded For: _____

Weber County Recorder
Deputy.

SURVEYOR'S CERTIFICATE

I, TREVOR J. HATCH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD A LICENSE IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL 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 STAKER FARMS - PHASE 3 IN WEST HAVEN, 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, UTAH, CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____.

9031945

UTAH LICENSE NUMBER



OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS, AND OPEN SPACE AS SHOWN HEREON AND NAME SAID TRACT, STAKER FARMS - PHASE 3, AND DO HEREBY DEDICATE, GRANT AND CONVEY TO WEST HAVEN CITY, UTAH, OR ITS DESIGNEE, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND ALSO GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS A PUBLIC UTILITY EASEMENT, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 20____.

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF _____ ss.

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF _____ ss.

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____

NOTARY PUBLIC

PROJECT INFO.

Surveyor:

T. HATCH

Designer:

N. ANDERSON

Begin Date:

11-17-2020

Name:

STAKER FARMS

PHASE 3

Number: 3784-83

Revision:

Scale: 1"=80'

Checked:

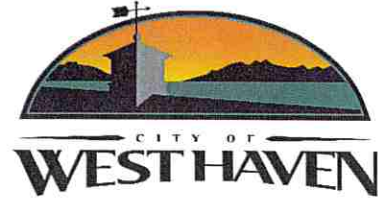


Reeve & Associates, Inc.
5180 SOUTH 1500 WEST, RIVERDALE, UTAH 84405
TEL: (801) 881-3100 FAX: (801) 881-3100 WWW.REEVE-ASSOCIATES.COM
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

**City Council
Staff Review Memo**

November 3, 2021

Shari Phippen, Community Development Director



Ordinance 33-2021- Patio Home Ordinance

Governing Document(s): N/A

Decision Type: Legislative

Staff Recommendation: Recommend that Council approve the ordinance, with any amendments necessary to accomplish the purposes of controlling light pollution in West Haven City

Public Hearing: The required public hearing was held at the Planning Commission on October 13, 2021

At the October 20, 2021 Council meeting, several items of concern were brought up, related to Section 1.05 "Location of Structures", specifically subsections 1D-1H, which relate to design requirements for patio homes. Utah Code 10-9a-534 (adopted in the 2021 Special Session) states:

10-9a-534. Regulation of building design elements prohibited -- Exceptions.

- (1) As used in this section, "building design element" means:
 - (a) exterior color;
 - (b) type or style of exterior cladding material;
 - (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
 - (d) exterior nonstructural architectural ornamentation;
 - (e) location, design, placement, or architectural styling of a window or door;
 - (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
 - (g) number or type of rooms;
 - (h) interior layout of a room;
 - (i) minimum square footage over 1,000 square feet, not including a garage;
 - (j) rear yard landscaping requirements;
 - (k) minimum building dimensions; or
 - (l) a requirement to install front yard fencing.
- (2) Except as provided in Subsection [\(3\)](#), a municipality may not impose a requirement for a building design element on a one to two family dwelling.
- (3) Subsection [\(2\)](#) does not apply to:
 - (a) a dwelling located within an area designated as a historic district in:
 - (i) the National Register of Historic Places;
 - (ii) the state register as defined in Section [9-8-402](#); or

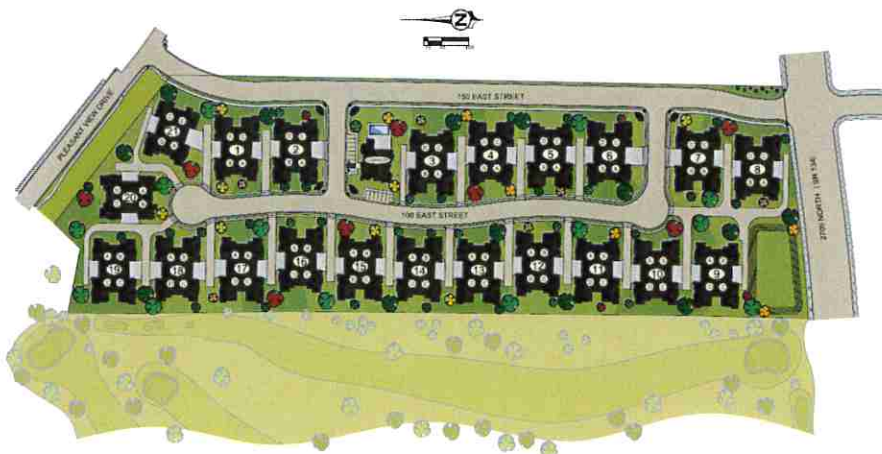
- (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021;
- (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
- (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section [15A-2-103](#);
- (d) building design elements agreed to under a development agreement;
- (e) a dwelling located within an area that:
 - (i) is zoned primarily for residential use; and
 - (ii) was substantially developed before calendar year 1950;
- (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
 - (i) defects in the material of existing cladding; or
 - (ii) consistent defects in the installation of existing cladding; or
- (h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
 - (i) the municipality to apply to the owner's property; and
 - (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district.

As none of the exceptions to the prohibition against design guidelines apply to the establishment of the zone, the City may not pre-emptively implement design requirements. Based on that, the sections “Exteriors, Minimum Dwelling Size” and “Minimum Garage” were removed from the ordinance draft

Regulations regarding projections into the setback area of any front, side and rear yard, regardless of zone, is governed by WHZC (online version) 42.16 “Yards To Be Unobstructed- Projections Permitted Into Required Yards”. Because that is already governed in code, I removed the references to patio awning projections.

Additionally, there was discussion about removing the allowance for zero lot line setbacks. Over the past two weeks, I have looked at several different patio home projects around Northern Utah and have had a change of heart on this. There is a product on the market in several communities that is attached patio homes. They are extremely high quality, tap into much of the same market as traditional patio homes, and are similar, if not identical to what the Council approved for attached patio homes in Green Farm. This is the layout of a

community in North Ogden that I toured several months ago. I have family who live there and this is one of the most attractive patio home projects I have seen.



If you have the time between now and the meeting, I would encourage you to take a drive through this community and see the type of project allowing attached patio homes could bring into West Haven. This project is on 2700 North and 150 East in North Ogden, just adjacent to the golf course. These homes sold in early 2021 for \$450-500k and the units run 1800-2100 square feet.

Another similar project can be found at 1920 S 1000 W in Syracuse. I would encourage you to drive by that and look at what can be brought into West Haven. This is one example of what an attached patio home may look like.



I believe that attached patio homes would be a significant asset to West Haven and would encourage the Council to leave in the provision allowing for zero lot lines so this product can be built.

I apologize for not being at the meeting- I have a prior commitment that was in place before I started working with the City. I will likely be available by cell in case there are questions that Dan and Matt can't address, but I have every confidence they'll be able to take care of everything.

ORDINANCE NO. 33-2021

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO THE ZONING CODE REGARDING RESIDENTIAL PATIO
HOME ZONE, 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 Residential Patio Home Zone, should be made; and,

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

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

- a. The following highlighted language shall replace the existing language in the Residential Patio Home Zone of the Zoning Code:**

See Exhibit “A” – *Residential Patio Home Zone*

- b. Any other language of the Residential Patio Home Zone not specifically changed by Exhibit A shall remain the same.
- c. The Residential Patio Home Zone, in its entirety, shall be moved to Chapter 3 – Multi-Family Residences section of the West Haven Zoning Code.

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 3rd day of November, 2021 and after publication or posting as required by law.

DATED this 3rd day of November, 2021.

WEST HAVEN, a municipal corporation

by: _____
Mayor Sharon Bolos

Attested and Recorded

Emily Green

EXHIBIT “A”

Ordinance 33-2021

Amendments to Residential Patio Homes Zone

DRAFT

PH- RESIDENTIAL PATIO HOME ZONE

Section 1

- 1.01 Purpose
- 1.02 Permitted Uses
- 1.03 Conditional Uses
- 1.04 Building Lot Requirements
- 1.05 Location of Structures
- 1.06 Maximum Structure Height
- 1.07 Landscaping
- 1.08 Off Street Parking
- 1.09 Permitted Signs

1.01 Purpose

The Purpose of the Patio Home Zone is to provide an acceptable housing style for single family “empty nest” type housing that is a sustainable quality product within West Haven City. To provide for areas in appropriate locations where quiet residential neighborhoods may be established and protected.

1.02 Permitted Uses

- 1. Accessory Uses and buildings (Only behind homes) Less than 200 sq. ft.
- 2. Dwellings, single family
- 3. Animal Keeping. See Animal Keeping Ordinance.
- 4. Home Occupations with no visiting clientele
- 5. Pets, the Keeping of household pets

1.03 Conditional Uses

Conditions for approval shall be determined as provided in the conditional use ordinance.

- 1. Church (temporary churches held in open areas, tents or in temporary structures excluded.)
- 2. Home Occupations with visiting clientele in accordance with the Home Occupation Ordinance.

1.04 Building Lot Requirements

- 1. **Density:** There shall be no more than 5.0 residential units per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density that the average is still 5.0 residential units per acre or less.
- 2. **Lot Area:** There shall be a minimum of six thousand (6,000) sq. feet in each lot. Corner lots shall be a minimum of six thousand four hundred (6,400) sq. feet.
- 3. **Lot Width:** Minimum lot width shall be 50 feet, Corner lots 60 feet.

1.05 Location of Structures

1. Dwellings

- A. **Front Setback**- 20 feet from the property line to garage, 18 feet for the home.
- B. **Side Setback**- 5 feet minimum on each side, except 15 feet minimum for side fronting on a street. Planning Commission can approve zero lot line setbacks with a 15' side setback on the opposite side.
- C. **Rear Setback**-The rear lot line has to average 18 feet

- 2. **Detached accessory Buildings and Garages:** Accessory Buildings larger than 200 sq. feet shall be as follows. The size and location of accessory buildings shall be evaluated and approved during the approval process and shall be outlined in the development agreement and CC&R's. Otherwise non allowed over 200 sq. ft. Accessory Dwelling Units are not permitted.

3. Detached Accessory Buildings and Garages-200 Sq. Ft. and smaller

- a. **Front Setback**-All accessory building must be behind the home or behind the plane of the rear wall of the home.
- b. **Side Setback**-5 feet
- c. **Rear Setback**-5 feet

1.06 Maximum Structure Height

- 1. Dwelling or other main building, twenty-five (25) feet. Habitable attic space permitted over garage area.
- 2. Accessory Building fifteen (15) feet

1.07 Landscaping

- 1. Landscaping and Automatic Sprinkler System to be installed with construction contract. A least one (1) tree is to be planted per lot. (trunk size is to be 2-inch diameter or larger). Fencing standardized within development.
- 2. Developer shall pay a Landscaper cash bond of \$8,500, specifically for landscape installation, at the time of issuance of the building permit. The normal landscape installation will be required within 30 days of the C/O issuance. However, when that 30-day period cannot be achieved due to short secondary water season, the landscape shall be installed by or prior to the next May 15th. The entire Landscape Cash bond amount shall be held by the City until final completion of the required landscaping.

1.08 Off Street Parking

As provided in West Haven's parking ordinance

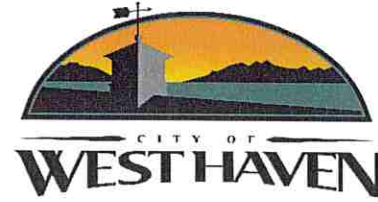
1.09 Permitted Signs

See West Haven City Sign Ordinance

**City Council
Staff Review Memo**

November 3, 2021

Shari Phippen, Community Development Director



Ordinance 34-2021- Lighting Ordinance

Governing Document(s): N/A

Decision Type: Legislative

Staff Recommendation: Recommend that Council approve the ordinance, with any amendments necessary to accomplish the purposes of controlling light pollution in West Haven City

Public Hearing: The required public hearing was held at the Planning Commission on October 13, 2021

At the October 20, 2021 Council meeting, several items/amendments were brought up by Councilmembers, each of which is addressed below and incorporated into the draft before you:

- 1- Glare: ambiguity of “visual discomfort”
 - a. This phrase has been stricken from the ordinance to remove any uncertainty over what constitutes glare.
- 2- 38.030(B)(6)- Seasonal vs holiday or festive
 - a. “seasonal” has been stricken and replaced with “holiday or festive”
- 3- 38.040(B) and 38.050(B)- Mounting Height Limit
 - a. This has been edited to remove references to minimum practical height and keeping references to maximum height
- 4- 38.060(E)- New Uses or Structures
 - a. I added a definition of New Uses to the definition section of the ordinance to clarify that it constitutes a change in occupancy of a commercial/industrial building and the issuance of a home occupation license for residential and ag properties, as well as the issuance of a CUP on all properties. I believe this clarifies the intent of this section.

Additionally, there were questions on the 10-year time frame on commercial lighting, as well as the issuance of special permits. I have asked Dan to attend the meeting so that he can discuss these items with you. He has done additional research on both of these points and will have information to present and discuss.

I apologize for not being at the meeting- I have a prior commitment that was in place before I started working with the City. I will likely be available by cell in case there are questions that Dan and Matt can't address, but I have every confidence they'll be able to take care of everything.

ORDINANCE NO. 34-2021

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO THE ZONING CODE REGARDING ADDING A CHAPTER FOR
OUTDOOR LIGHTING; 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 adding a chapter and language for the Outdoor Lighting Ordinance should be made; and,

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

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

- a. The following language shall be added to the Zoning Code as Chapter 38 – Outdoor Lighting:**

See Exhibit “A” – Chapter 38 - Outdoor Lighting

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 3rd day of November, 2021 and after publication or posting as required by law.

DATED this 3rd day of November, 2021.

WEST HAVEN, a municipal corporation

by: _____
Mayor Sharon Bolos

Attested and Recorded

Emily Green

EXHIBIT “A”

Ordinance 34-2021

Chapter 38 - Outdoor Lighting Ordinance

DRAFT

Chapter 38 Outdoor Lighting

Section 38.010 Purpose and Intent

Section 38.020 Definition

Section 38.030 General Requirements

Section 38.040 Commercial and Multi-Residential Lighting

Section 38.050 Residential Lighting (New Construction)

Section 38.060 Existing Lighting (Commercial and Residential)

Section 38.070 Special Standards

Section 38.080 Enforcement and Penalties

Section 38.090 Examples of Light Shielding

Section 38.100 Examples of Light Trespassing

Section 38.110 Lumen Conversion Chart

Section 38.010 Purpose and Intent

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

1. Permit the use of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce.
2. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
3. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
4. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
5. Conserve energy and resources to the greatest extent possible.

Section 38.020 Definition

Commercial: Any property zoned commercial or manufacturing by the City.

Emergency conditions: Generally, lighting only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency; or, lighting for security purposes used solely during an alarm.

Fully Shielded: A fixture constructed and installed in such a manner that all light emitted by the fixture, either directly or indirectly by reflection or refraction from any part of the lighting, is projected below the horizontal plane through the fixture's lowest light-emitting part.

Glare: Lighting entering the eye directly from fixtures or indirectly from reflective surfaces that causes ~~visual discomfort or~~ reduced visibility.

Greenbelt: an area of open land around a city, on which building is restricted.

Holiday or festive lighting: Temporary or Permanent lighting installed and operated in connection with holidays or traditions. (ie; LED lighting systems, LED, miniature, C7 or C-9 bulbs). Flood lights for the purpose of illuminating a display that do not trespass on adjoining properties.

Lamp: A generic term for a source of optical radiation (i.e. "light"), often called a "bulb" or "tube." Examples include incandescent, fluorescent, high- intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, and light-emitting diode (LED) modules and arrays.

Landscape Lighting: Lighting of trees, shrubs, or other plant material and ponds and other landscape features.

Light Pollution: Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky glow, compromised safety and security, and impacts on the nocturnal environment.

Light Trespass: Light that falls upon any adjacent property(s).

Lighting: "Electric" or "man-made" or "artificial" lighting.

Lumen: The unit of measure used to quantify light produced by a lamp (bulb) or emitted from a lighting (as distinct from "watt," a measure of power consumption).

Mounting Height: The height of the photometric center of a lighting above grade level.

New Use: in commercial zones, a new use shall be a change in the business occupying the primary structure or the issuance of a conditional use permit on the property. In residential and agricultural zones, a new use is the issuance of a home occupation license or conditional use permit on the property.

Non-Conforming Lighting: Lighting legally installed before the date of enactment of this ordinance but not conforming to the provisions of this ordinance.

Outdoor Lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

Partly Shielded: A fixture with opaque top and translucent or perforated sides, designed to emit most light downward.

Shielded Directional Fixture: A fixture that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

Sign: Advertising, directional or other outdoor promotional display of art, words and/or pictures.

Sky Glow: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Temporary Lighting: Lighting installed and operated for periods not to exceed 60 days, completely removed, and not operated again for at least 30 days.

Translucent: Allowing light to pass through, diffusing it so objects beyond cannot be seen clearly (not transparent or clear).

Unshielded: A fixture capable of emitting light in any direction including downwards or does not include a shield, louver, or baffle to reduce direct view of the lamp. Section 38.030 General Requirements

A. Applicability:

Except as described below, all new outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. The following are not regulated by this ordinance:

1. Lighting within the public right-of-way or easement for the principal purpose of illuminating state or federally controlled highways.
2. Lighting for public monuments, statuary, and flagpoles.
3. Lighting solely for signs.
4. Temporary lighting for theatrical, television, performance areas and construction sites.
5. Low output, light source that is equal to or less than 800 Lumens or 60 watts.
See Lumen conversion chart in section 38.110
6. Underwater lighting in swimming pools and other water features.
7. Lighting only used under emergency conditions, ie. mobile lighting.
8. Lighting specified or identified in a specific use permit.
9. Temporary lighting for civic events at any time
10. Lighting required for the safe takeoff and landing of aircraft.
11. Agricultural Lighting. Lighting for "Greenbelt" agricultural use.
12. Holiday or festive lighting. Holiday or festive outdoor lighting for residential uses, provided that the lighting does not create a hazard or glare nuisance.
13. Motion sensor controlled light source with or without an integrated camera system. A motion controlled artificial light source, provided it complies with the following:
 - a. The motion sensor is set to turn the artificial light source off five minutes after the last detection of motion;
 - b. Lighting shall not be triggered by any activity outside the property boundary; and
 - c. The artificial light source is sufficiently shielded in a manner that prevents light trespass.

B. Prohibited installations.

1. Outdoor neon lighting.
2. Permanent Searchlights and Aerial Lasers
3. Mercury vapor fixtures or lamps.
4. Outdoor wall pack style fixtures, unless fully shielded or designed in such a way that the light shall not constitute a light trespass.
5. Translucent lens, barn-light style fixtures.
6. Flashing, blinking, intermittent lights that move or give the impression of movement other than seasonal holiday or festive lighting installations.

Section 38.040 Commercial and Multi-Residential Lighting

Outdoor lighting for all new construction of non-residential properties, and multiple residential properties of eight (8) dwellings or more with common outdoor areas, including Recreation/Mobile Home Parks, and multi-area camp sites shall comply with this section.

A. Fixture Shielding:

All fixtures shall be fully shielded and installed so that no light is emitted above a horizontal plane passing through the lowest portion of the lamp. Examples which are graphically depicted in

section 38.090

B. Mounting Height Limit:

The height of pole-mounted fixtures shall ~~be held to a minimum practical height not exceeding~~ not exceed twenty (20) feet above grade.

C. Light Trespass Standard:

All light fixtures, including motion sensing fixtures and security lighting, shall be aimed and shielded so the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road. Motion sensing light fixtures shall be adjusted according to the manufacturer's instructions to turn off no more than ~~10~~ 5 minutes after detected motion ceases. Light trespassing standard may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening. Examples of which are graphically depicted in section 38.100

D. Lighting Controls:

1. Outdoor lighting reduction shall be at 11:00 pm or one hour after the close of business, whichever is later. After such time, total outdoor brightness (measured in lumens) shall be reduced by at least 50% or turned off.
2. Lighting reductions are NOT required for the following:
 - a. Outdoor lighting where only one single fixture exists on the entire property.
 - b. Lighting required by Code for steps, stairs, walkways and building entrances.
 - c. Lighting for outdoor recreational facilities is allowed one hour prior to sunset and until 11 PM, unless needed to complete a specific organized activity authorized by the City, or an event already in progress.
 - d. Lighting governed by special use permit in which times of operation are specifically identified.
 - e. Where lighting levels must be maintained for safety reasons or special events authorized by the City.

Section 38.050 Residential Lighting (New Construction)

Outdoor lighting for all new construction residential properties, and multiple residential properties of seven (7) dwellings or less not having common outdoor areas shall comply with this section.

- A. Fixture Shielding:** All fixtures shall be shielded and installed so that no light is emitted as to cause light trespassing onto adjoining properties. Examples which are graphically depicted in section 38.090
- B. Mounting Height Limit:** The height of pole mounted fixtures shall ~~be held to a minimum practical height~~ not exceeding ~~not exceed~~ twenty (20) feet above grade.
- C. Light Trespass Standard:** All light emitted or directed by reflecting or refracting optics in a fixture, shall not be directly visible from equal grade on any other property when measured on a horizontal line passing through the lowest point in the fixture. Motion sensing light fixtures shall be adjusted according to the manufacturer's instructions to turn off no more than ~~10~~ 5 minutes after detected motion ceases. Light trespassing standard may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening. Examples of which are graphically depicted in section 38.100

D. **Landscape Lighting** shall not shine onto adjacent properties and shall be shielded.

E. **Lighting Controls:** Recreational lighting shall be off by 10:00 pm

Section 38.060 Existing Lighting (Commercial and Residential)- Lighting installed prior to the effective date of this ordinance shall comply with:

A. **Ten Year Waiver of Compliance for Commercial Outdoor Lighting:** Ten years from the enactment date of this ordinance, all commercial lighting shall comply with this ordinance.

B. **Non-Conforming Residential Outdoor Lighting.**

a. Outdoor lighting existing on the effective date of this Ordinance that do not meet the requirements as set forth herein shall be brought into compliance or removed as follows:

- i. Within two (2) weeks of a complaint, where redirection of the light fixture is feasible and will bring the light fixture into compliance; or
- ii. Within thirty (30) days of a complaint, in all other cases

C. **COMPLIANCE METHODS.** Outdoor lighting not meeting the standards shall be brought into compliance in any of the following ways:

- a. Redirection of the light fixture;
- b. shielding of the light fixture;
- c. redesign or relocation of the light fixture;
- d. replacement of the light fixture with a conforming light fixture; or
- e. removal of the light fixture.

D. When a lighting fixture is expanded or replaced it shall be brought into conformance with this ordinance.

E. **New Uses or Structures:** Whenever there is a new use of a property (~~zoning or variance change~~) or ~~the use on the property has changed~~, all outdoor lighting on the property shall be brought into compliance with this ordinance.

Section 38.070 Special Standards

A. **Recreational Lighting:** The Planning Commission shall review new recreational lighting plans for fields, courts, pools, tracks, or ranges. Lighting for recreational play in residential zones shall conform to those standards referred to in the International Residential Code.

B. **High Intensity and Special Purpose Lighting:**

The following lighting systems are prohibited from being installed or used except by a temporary special permit authorized by the City:

1. Temporary lighting in which any single light fixture exceeds 20,000 initial lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting defined as having a light source exceeding 200,000 initial lumens or an intensity in any direction of more than 2,000,000 candelas.

C. Non-Conforming or Complex Uses

Upon special permit issued by the City, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

1. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
2. Construction lighting.
3. Lighting for industrial sites having special requirements.
4. Parking structures
5. Urban parks
6. Ornamental and architectural lighting of bridges, public monuments, statuary, and public buildings.
7. Theme and amusement parks.

D. Special Permit Process

To obtain a special permit, applicants shall demonstrate that the proposed lighting installation:

1. Mitigates the effects of light on the environment and surrounding properties to comply with the purpose of this ordinance and supported by a signed statement describing the mitigation measures.
2. Uses controls to reduce lighting at a project specific time as defined in the Permit.

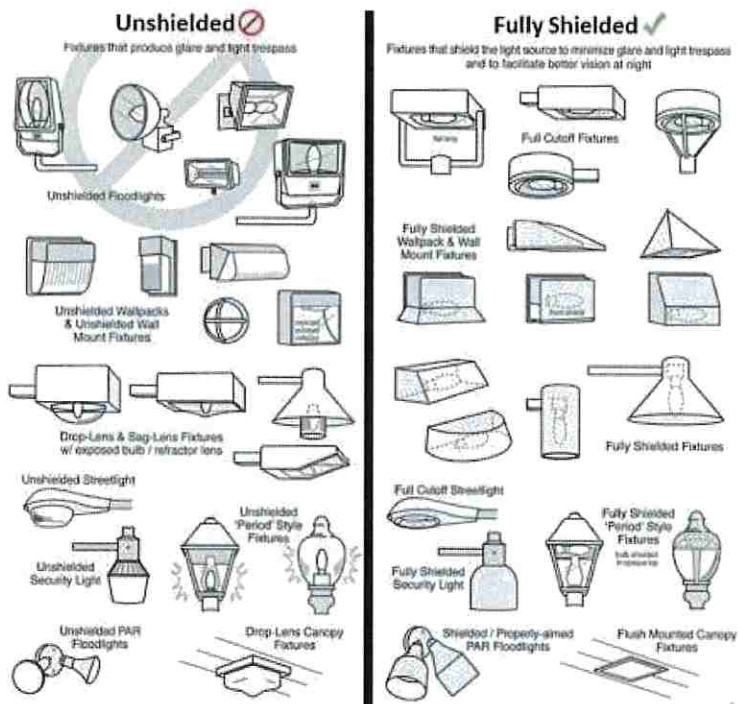
The City shall review each application. A special permit may be granted if, upon review, the City believes the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

Section 38.080 Enforcement and Penalties

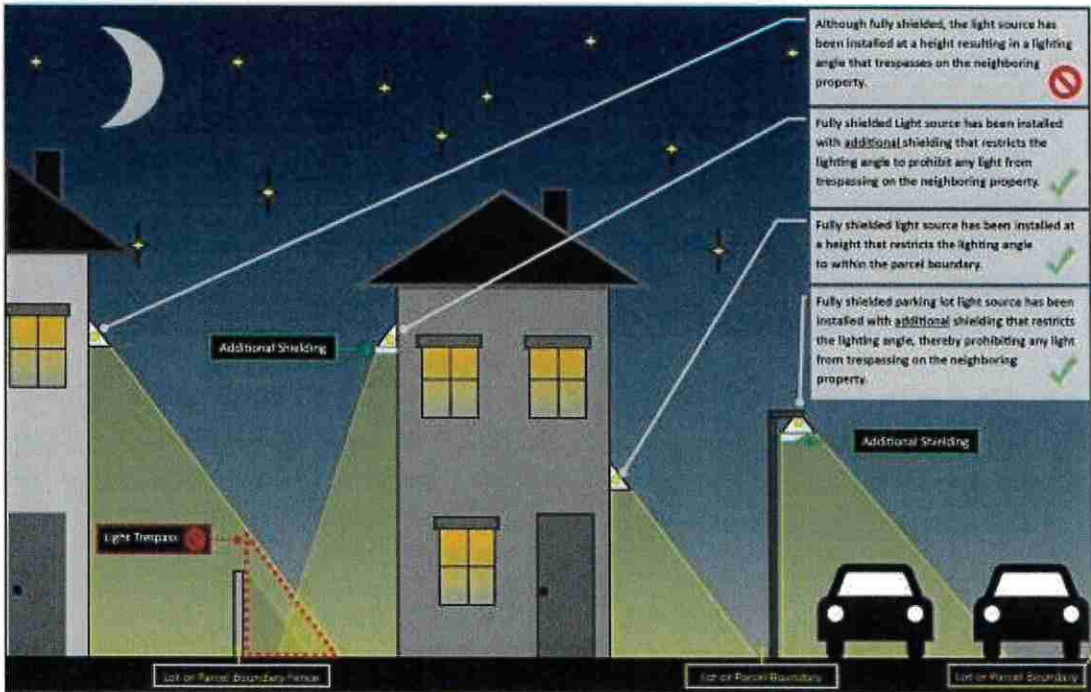
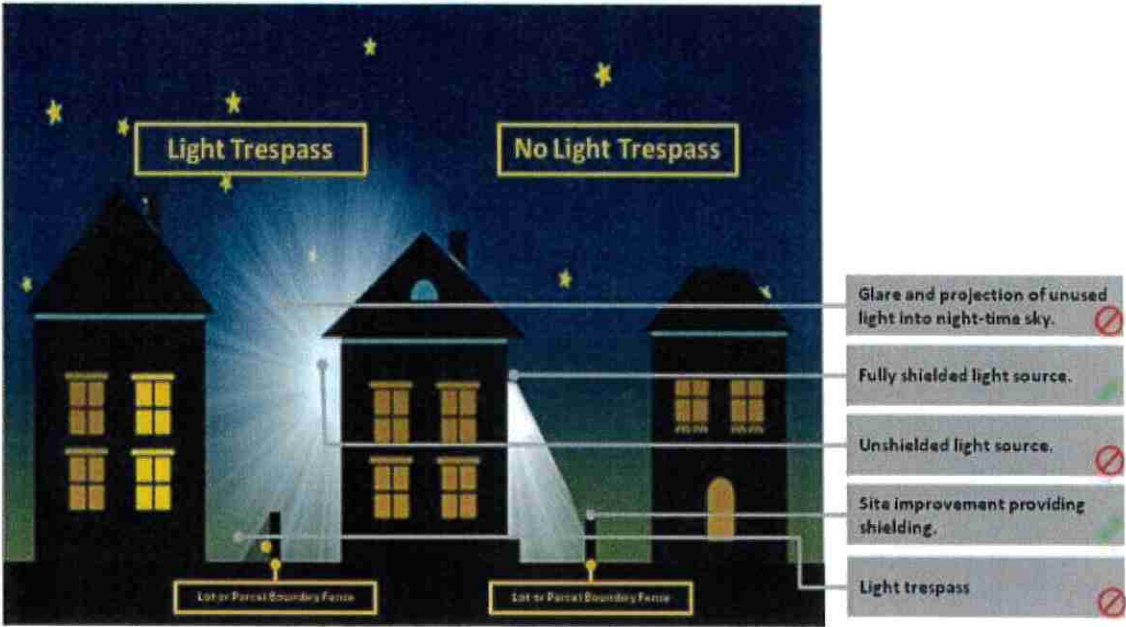
A. Public Nuisance

Any violation of this ordinance that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is declared to be a public nuisance and is prohibited by this ordinance. The provisions of this lighting ordinance shall be regulated and enforced under Section 8.06 of the West Haven City Code, Nuisance Ordinance.

Sec 38.090 Examples of Unshielded And Shielded Light Sources



Section 38.100 Examples of Light Trespassing



Section 38.110 Lumen Conversion Chart

GENERAL PURPOSE BULBS				
LUMEN COMPARISON				
Lumens	Incandescent	HID	CFL	LED
250 lm	25W	18W	6W	2W-3W
560 lm	40W	29W	10W	3W-6W
800 lm	60W	43W	13W	7W-10W
1100 lm	75W	53W	18W	10W-15W
1600 lm	100W	72W	23W	15W-20W
2600 lm	150W	100W	42W	20W-30W

CITY COUNCIL

Meeting Date: November 3, 2021
Agenda Item: Permit for Placement of Recreational Type Vehicle
During Construction: Salazar – 4268 S 4300 W
Requested by: Dan Tanner
Staff Review: Matt Jensen



EXECUTIVE SUMMARY

Ulises and Melisa Salazar are requesting a permit per City Code 11.02.030 to approve a recreational vehicle for temporary living quarters during construction of their house at 4268 S 4300 W.

REVIEW

The Salazars purchased the property at 4268 S 4300 W. They demolished the old residence there and plan to build a new house. Their previous residence in Riverdale sold much faster than they anticipated, and they moved into their fifth wheel trailer at the 4268 S 4300 W several months ago. They are 30-days out on building plans. Not knowing of the temporary nature of the housing, City staff approved a home occupation business license for the Salazars Mobile Tire Repair business. He maintains inventory in an outbuilding that was existing on the property and has not been permitted for use. The fifth wheel trailer is connected to culinary water and the City's sewer line. The other small house on the property is used for storage and laundry.

This situation was discovered by City Inspectors. Code Enforcement reached out to the Salazars about the non-permitted living situation. The Salazars requested assistance and have asked for a permit for temporary arrangements. City Code 11.02.030 states:

11.02.030 Temporary Placement of Recreational Type Vehicles During Construction

- A. The West Haven City Council may cause a permit to be issued to a lot owner or home builder for the temporary placement of a recreational vehicle or a mobile home for temporary living quarters, for a period of six (6) months, with a three (3) month extension during the course of construction. The RV unit or mobile home shall not be moved on premises until a building permit is issued.*
- B. All such temporary housing must be connected to an approved culinary water supply and waste water disposal system approved by the Weber County Health Department.*
- C. When the new home is occupied or is ready for occupancy, any RV unit must no longer be used as a permanent residence and any mobile home must be removed from the premises.*

Staff has reservations about granting a permit (with an anticipated extension) due to the limitation of a nine-month window for construction of the house. This is exacerbated due to the fact that plans have not been submitted and demolition of the old residence was done without a permit. Staff recommends the Council consider what course should be taken if construction is not completed by the end of July 2022.

COUNCIL ACTION REQUESTED

- ☐ Approve/Deny permit per City Code 11.02.030
- ☐ Rescind Home Occupation Business Permit if Temporary Permit is not granted.

EXHIBIT

