

Ent 865478 Bk 1305 Pg 1314

Date 28-Jun-2004 12:16PM Fee \$0.00

Michael Gleed, Rec. - Filed By CL

Cache County, UT

For CITY OF LOGAN

CITY · OF · LOGAN

S T A T E · O F · U T A H

CERTIFICATE ❖ OF ❖ DECISION

Whereas, the Planning Commission of the City of Logan did receive an application from Venture Net LLC for consideration of a 89 lot subdivision on 24.55 acres in the Single Family Traditional (SFT) zone. Assigned docket number 04-039, the matter was brought to the City of Logan Planning Commission on May 13, 2004.

The Planning Commission held a duly noticed Public Hearing as required by Logan Municipal Code Titles 16 and 17. At the Hearing, the Commission considered the testimony both in favor and opposed to the proposal. The Commission did by majority vote conditionally approved the application.

A Record of Decision as issued by the Planning Commission is attached as Exhibit A and executed by the permit holder and the Director of Community Development and Ex-officio Executive Secretary of the City of Logan Planning Commission. If the Commission's action denied the application, the Record of Decision is executed solely by the Director of Community Development.

The subject property, 1580 West 700 South, is more particularly described in the document attached as Exhibit B, Legal Description.


The Official Records of the Planning Commission are maintained in the Office of the Department of Community Development, City of Logan.

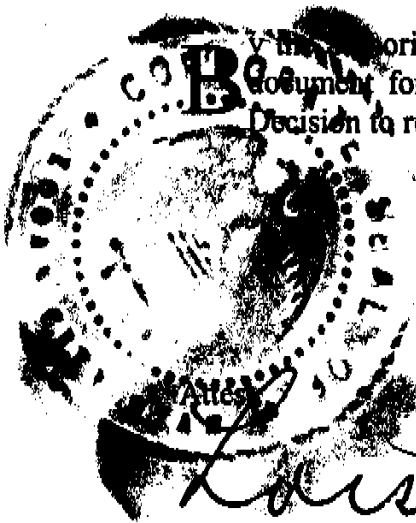

This decision runs with the land. If issued for a design review permit, conditional use permit, variance, or other construction permit, construction is required to commence within an established time frame set forth in Titles 16 and 17, Logan Municipal Code, that initiates with the action of the Planning Commission. Failure to initiate construction activities by establishing use or acquiring required building permits prior to the expiration date voids any approval or conditional approval. Abandoning or vacating a use or structure for a period of more than one year also voids this permit.

If the application was denied by action of the Planning Commission, the denial may only be reversed by an appeal overturning the Commission's action filed within an appropriate timeframe as established by Titles 16 and 17, Logan Municipal Code; or it may be subject to a different application submitted at a later time.

By the authority vested in me as Mayor and Chief Executive of the City of Logan, I do hereby affix my signature upon this document for purposes of granting from the City of Logan to Venture Net LLC, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 22 day of JUNE, 2004


Douglas E. Thompson, Mayor
City of Logan, State of Utah

Lois Price
Recorder, City of Logan

ORIGINAL



When recorded return to:
Dept. of Community Development
City Of Logan
255 North Main
Logan, UT 84321

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SUBDIVISION PERMIT

At its meeting of May 13, 2004, the City of Logan Planning Commission *conditionally approved* PC# 04-039, *Green Meadow's Subdivision at 1580 West 700 South*, for a 89 lot subdivision on 24.55 acres in the Single Family Traditional (SFT) zone. The subject property is as described on the attached legal description.

This decision is based on compliance with the following conditions. These conditions are binding on the permit holder/subdivider and any subsequent purchaser of the property. If the property is rented or leased to another party, the record owner is still responsible for compliance with the conditions.

RECOMMENDED STANDARD CONDITIONS OF APPROVAL

1. Any representations by the proponent or agent at the Planning Commission hearing shall be incorporated into the final action as conditions of approval and shall be binding upon the proponent as modifications to the approved project.
2. No site development activities, including grading, clearing, or vegetation removal shall commence until an executed copy of the Record of Decision signed by the property owner has been filed with the City.
3. Failure to comply with any conditions of approval shall void the permit and require a new Planning Commission hearing.
4. All improvements shall be constructed in substantial conformance with the approved preliminary plat.
5. Improvements shall meet the City of Logan requirements for quality, performance, or other requirements as established in the City of Logan "Public Works Standards and Specifications" as approved by the Director of Public Works.
6. No work shall be undertaken within the public right-of-way without a permit issued by the City of Logan for City right-of-way or Utah Department of Transportation for work within the State right-of-way.
7. Prior to the submittal of the final plat map, the City Engineer shall review and approve all engineering construction drawings for infrastructure improvements.
8. The final plat map(s) shall be submitted with all owner, lien-holder, beneficiaries of easements, and public utility signatures appropriately notarized (where required) and affixed to the vellum or mylar. The City Engineer, upon approval of the final plat map, shall obtain necessary City signatures and shall cause the plat map to be recorded with the Cache County Recorder.
9. Prior to the submittal of the plat map, the Director of Community Development shall receive a copy of the deed covenants, conditions, or restrictions to be imposed upon the subdivision. Following

approval of the covenants, conditions, and restrictions, the Director of Community Development shall forward the original copy to the City engineer for recordation with the plat map.

10. The final plat map shall depict a five foot public utility easement around the perimeter of the subject property and on each side of the interior property lines.

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11. The final plat map shall include the following information in the "Planning Commission approval" certificate: "This subdivision, entered into City Records as Planning Commission Docket #04-039 was heard before the Commission in a public hearing on the 13th day of May, 2004, and was approved in substantial conformance with the requirements and design show upon this plat map. Signed, Jay L. Nielson, AICP, Director of Community Development." The proponent shall ensure that all information is inscribed on the final map with the exception of the actual signature.
12. All utilities shall be constructed and installed with the requirements of the City of Logan, or the public utility provided in effect at the time of construction, or as specified in the Development Agreement.
13. Prior to the submittal of the final plat, the City Engineer shall receive an executed original copy of the Development Agreement for the subdivision.
14. All streets, roads, and alleys shall be constructed to the standards of the City of Logan in effect at the time of construction, unless otherwise specified in the Development Agreement.
15. Existing irrigation rights shall not be negatively impacted by this project.

RECOMMENDED 'SITE SPECIFIC' CONDITIONS OF APPROVAL

1. Street trees shall be placed on 30' centers or less in an 8 foot park strip on all roads within the subdivision for each phase. The City Forester shall determine the species. Occupancy for the final home in each phase shall not be granted until all the street trees for that phase have been installed or a bond equal to 110% of the materials and labor necessary to install the street trees has been issued to the City.
2. Prior to the issuance of a building permit the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. *Fire Department – contact Liz Hunsaker 716-9515*
 1. The fire hydrant layout shall be approved by the Logan City Fire Department.
 - b. *Geographic Information Systems Division – contact Chuck Shaw 716-9171*
 1. The proponent shall submit a digital copy of the final plat in AutoCad or Esri compatible format (preferably in ESRI compatible format) which is tied to the City's survey monuments, prior to the recordation of the final plat. For more information or for other options call Chuck Shaw at 716-9171.
 2. The proponent shall submit a digital copy of the as built drawings in AutoCad or ESRI compatible format (preferably in ESRI compatible format), which is tied to the City's survey monuments, prior to occupancy of the final home.
 - c. *Light and Power Department – contact Garth Turley 716-6741*
 1. All lots shall have a five foot public utility easement on each interior property line and a 10 foot public utility easement on the front property lines.

d. Public Works Department — contact Bill Young 716-9160

1. The proponent shall construct curb, gutter, sidewalk in accordance with City standards and specifications.
2. The proponent shall provide storm water detention for a 10 year one hour storm and submit calculations and show location and size of orifice for storm water release and show the route discharged storm water will take to the City drainage system. The design shall incorporate drainage structures or devices that prevent water from discharging onto adjacent property owners except at approved discharge locations.
3. The proponent shall provide a ten-foot corner cutoff as required in City of Logan Standards and Specifications Standard Drawing VI-16-01.
4. The proponent shall construct ADA handicap accessible ramps at each corner per City Standards and Specifications.
5. The proponent shall install curb markers on curb for water and sewer service lines.
6. The proponent shall construct pavement between the new curb and gutter and existing pavement and ensure drainage from road center line to toe of curb without ponding.
7. Any water shares associated with this property that have not already been deeded to the City shall be deeded to City in accordance with paragraph 17.47.100 of the Land Development Code.
8. The proponent shall provide temporary turn arounds per City standards and specifications at any streets that are contiguous to undeveloped property or undeveloped project phases.
9. The proponent shall provide an erosion control plan for the entire construction site and submit a Storm Water Pollution Prevention Plan and permit as required by the State of Utah and obtain a storm water discharge permit from the State.
10. Each unit shall have its own water and sewer hook-ups. The exception to this would be if the units' water service is by a master water meter. Water meters shall be located in the park strip.
11. The proponent shall dedicate 16 ½ feet of right of way at the rear of lots 73, 74, and 75 for the future 1400 West Street.

RECOMMENDED FINDINGS FOR APPROVAL

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1. The Green Meadows Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Green Meadows Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.
3. The Green Meadows Subdivision conforms to the requirements of Title 17 of the Logan Municipal Code.
4. The Green Meadows Subdivision is compatible with existing land uses and zoning.
5. The Subdivision permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
6. The streets providing access and other infrastructure to the subject property has adequate capacities, or a suitable level of service, for the proposed use.
7. The maximum density in the SFT zoning district has not been exceeded.
8. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications.

Some conditions are "ongoing." This means the holder/subdivider shall always be in compliance with the conditions. If you are unable to comply, you must return to the Planning Commission for consideration of an amendment to your approval. Failure to comply may result in an action by the City to revoke your permit.

The Planning Commission's action came on a motion by Commissioner Gene Kartchner, with a second by Commissioner Ray Robison. The motion passed by a vote of 5,0.

This action will expire one year from the date of the May 13, 2004 Planning Commission's action if all conditions have not been met, unless an extension of time is requested and approved in advance of the expiration date. The City does not send "reminder" notices or other notification of the pending expiration date. The action to request an extension is the responsibility of the proponent.

Attest:


Jay L. Nielson, AICP
Director of Community Development

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We have reviewed the action of the Planning Commission and agree to the conditions and requirements of its action. We understand this project expires one year after the date of the Commission's action unless the Department of Community Development has issued a Building Permit. If an extension of time is required, we must submit our request prior to the expiration date from the Planning Commission action. The length of an extension of time is established in the Logan Municipal Code 17.58.020.

Accepted and agreed:

Green Meadow's Subdivision, by

Signed: 

Title: Venture W.C. Manager

Address: 601 W. 1700 S. Site A

City/State/Zip: Logan UT 84321

Date: 5-28-04

Legal Description 02-077-0004

cc: Director of Public Works
City Engineer
Chief Building Official
File

020770004, BEG AT NE COR LT 5 BLK 7 PLAT A LOGAN FARM SVY & TH W 96.25 FT TH
S 90 RDS TH E 80 RDS 96.25 FT TH N 90 RDS TO S LINE OF LOGAN-MENDON ROAD TH W 80
RDS TO BEG CONT 48.28 AC
LESS-- GREEN MEADOWS SUBD PHASE 1 AMENDED CONT 7.79 AC NET 40.49 AC M/L

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