CITY OF LOGAN
ORDINANCE NO. 2000-20

AN ORDINANCE ADJUSTING THE MUNICIPAL BOUNDARIES OF THE
CITY OF LOGAN

WHEREAS, the Municipal Council of the City of Logan finds that it is in the best interest of Logan to adjust the boundary between the City of Logan and the City of North Logan; and,

WHEREAS, the boundary adjustment as set forth below will not materially injure the public in general or any person;

NOW THEREFORE, BE IT ORDAINED BY THE LOGAN MUNICIPAL COUNCIL, AS FOLLOWS:

SECTION 1: Pursuant to Section 10-2-419, Utah Code Annotated, the following boundary line adjustment is declared:

That property identified as part of that parcel identified by tax ID number 04-085-0018, and comprising 4.28 acres, and legally described as:

Beginning at a point on the Southwest Corner of Lot 8, Block 8, Plat “D”, LOGAN FARM SURVEY; and running thence South 02°11'04" West along the East line of Lot 2 of aforementioned survey 177.44 feet; thence North 89°21'36" West, 203.64 feet; thence South 00°38'24" West, 53.69 feet; thence North 89°21'36" West, 113.63 feet, thence South 00°38'24" West, 100.95 feet to a point on the South line of the North half of Lot 2, Block 8 of said Plat “D”, LOGAN FARM SURVEY as established by a survey done by A. A. Hudson and Associates, being certified by Alexander A. Hudson on November 9, 1998; thence along said South line for the following two (2) courses: North 88°16'25" West, 254.20 feet; thence North 87°53'18" West, 121.57 feet to a point which is 0.29 feet South and 0.01 feet East of a 5/8 in. rebar and aluminum cap from the aforementioned A. A. Hudson survey; thence North 01°18'31" East, 344.64 feet to a point on an existing 5/8 in. rebar and aluminum cap from the aforementioned A. A. Hudson survey; thence South 87°39'54"East 694.02 feet through a 5/8 in. rebar and aluminum cap from the A. D. Hudson and Associates survey to the Southwest Corner of Lot 8, Block 8, Plat “D”, LOGAN FARM SURVEY and the point of beginning said bar and cap being North 87°39'54" East, 35.00 feet from the aforementioned Southwest Corner of Lot 8, will be relinquished from the City of Logan jurisdiction and will be transferred to the jurisdictional authority of the City of North Logan.

That property identified by tax ID number 04-62-0055, comprising 3.59 acres, and legally described as:

Beginning 340 feet North of Southwest Corner of Lot 34, Section 16, T12N, R1E, thence North 261 feet to Northwest Corner of Lot 34, thence East 513 feet, thence South 261 feet to a point East of the beginning, thence West 513 feet to beginning, comprising 3.59 acres,
will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-062-0034, comprising 8.50 acres, and legally described as:
All that part of Lot 40 lying East of a line beginning 10 chains West of the Southeast Corner of said lot North 1*20'East to North Line of said lot 40, Section 16, T12N, R1E comprising 8.5 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-080-0007, comprising 3.25 acres, and legally described as:
The South 3.25 acres of Lot 2, Block 17, Plat “D” of the LOGAN FARM SURVEY, Section 21, T12N, R1E will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-080-0009, comprising 5.00 acres, and legally described as:
West ½ of Lot 5, Block 12, Plat “D”, LOGAN FARM SURVEY, Section 21, T12N, R1E, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-080-0010, comprising 5.00 acres, and legally described as:
The East ½ of Lot 5, Block 12, Plat “D” LOGAN FARM SURVEY, Section 21, T12N, R1E, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

SECTION 2: Effective Date. This ordinance shall take effect immediately upon publication and passage of a similar appropriate ordinance by the City of North Logan.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 17th DAY OF MAY, 2000.

AYES: Borg, Kerr, Pearce, Allred
NAYS: None
ABSENT: S. Thompson

ATTEST:
Lois Price, City Recorder

Alan D. Allred, Acting Chairman
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 25th day of May, 2000.

Alan D. Allred, Acting Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 20 day of


Douglas B. Thompson, Mayor
City of Logan
Public Works Department

Staff Report
On

Boundary Line Adjustment with North Logan

March 6, 2000

Background

In October 1999, Wal-Mart Corporation contacted the cities of Logan and North Logan with the proposition to expand the Wal-Mart store in North Logan. The total expansion would nearly double the floor space in the store. The intent of Wal-Mart was to make the North Logan store a superstore, with a greatly expanded product line, including groceries. To make the store work, Wal-Mart required additional parking on the south side of the store. The additional parking area was required to meet Wal-Mart standards for parking. The parking already exceeded both City of Logan and North Logan City standards.

Wal-Mart entered into negotiations with Jack Nixon, who owned a 4.28 acre parcel immediately to the south of Wal-Mart, to acquire the property for the parking lot expansion. Wal-Mart has secured an option on the Nixon property, pending an agreement by both City Councils on jurisdictional authority and tax distribution for the Wal-Mart expansion. The property Jack Nixon owns was originally intended to be developed as a commercial and professional office complex known as Renaissance Village, Phase II. This development had already been planned and approval obtained from the Logan Planning Commission.

While Wal-Mart and Jack Nixon were negotiating on the land acquisition, the Mayor and Public Works Director of Logan met with the Mayor and City Administrator of North Logan to work out an agreement to address the jurisdictional questions that the Wal-Mart expansion raised. Among these questions were who would provide various municipal services, such as police and fire protection, how to provide water and sewer services, electric power, how to allocate property tax adjustments and sales tax revenue allocations. It became apparent in the first meeting that three options to address these concerns were apparent.

The first option explored was to merge the two cities and create a single city. While there was sufficient discussion on this option, it was not deemed feasible by North Logan, since the prospect was they would be dissolved as a city and lose their identity.

The second option was to divide the sales tax revenue between the two cities. The means to do this were discussed, and no resolution could be found. Dividing the sales tax revenue based on proportional land area was dismissed as not a feasible alternative because of the disproportionate services that were being provided by North Logan. Essentially, with the addition of the 4.28 acres, nearly 20 percent of the land area occupied by Wal-Mart would be in Logan, but none of the structures or store area, only parking. North Logan objected to any split of sales tax revenue because of those type concerns.

The third option was to find an equitable land exchange, or boundary line adjustment, that would afford each city the opportunity to improve its financial basis as a result of this store expansion. The City of Logan-Public Works Director and the North Logan City Administrator were tasked with developing this agreement for a boundary line adjustment.
To determine a "value for value" adjustment, both negotiators agreed early on to share confidential tax revenue information pertinent to the properties involved. We investigated the existing sales tax revenue and property tax revenue for all properties along the boundary between North Logan and Logan.

Besides the tax revenue that pertained to each parcel under consideration, we also investigated the existing utilities support infrastructure, safety concerns, system expansion concerns, and the transportation infrastructure and anticipated improvements as currently being planned by the CMPO and each city.

Based on the above premises, it became apparent that the City of Logan required land that had significant potential for commercial development in order to recover the lost revenue and opportunity costs represented by the Wal-Mart expansion. The City of Logan position was to maximize the future potential gains while North Logan would recognize much more immediate current gains. Those two points were the premise for all negotiations. Other points pertinent to the negotiations were the amount of property taxes, based on assessed values, would be approximately equal. Any land "swapped" should improve the ragged boundary line between the two cities to help make definition of the boundary easier and to help with emergency response. The land swap should make sense with regard to providing roads and utilities to the area. The analysis should, if possible, take into account the time value of money.

The financial analysis and conclusions are shown in Tab 1. Several assumptions were made in the analysis. For example, the properties to be transferred to Logan were assumed to have a build-out in five to 10 years. The potential sales tax revenue possible on properties not fronting Main Street was assumed to be 30 percent of the revenue possible from properties fronting Main Street. The time value of money was assumed to be 6 percent.

Proposed Actions and Rationale

1 The municipal boundary be adjusted to allow North Logan to have sole jurisdictional authority over the entire Wal-Mart owned land area, to include the 4.28 acre parking lot to the south of the existing facility. The City of Logan will retain an easement for power lines, and for storm water to cross the property. Storm water from the existing Renaissance Village Phase I development will be piped or drained to the Wal-Mart retention basins and will be managed by North Logan. The proposed boundary adjustment will include the west half of 200 East street.

Discussions with Jack Nixon showed that the property proposed for the Wal-Mart parking lot, if developed into the originally planned Renaissance Village Phase II, would not have produced the full potential sales tax revenue. The maximum sales tax revenue anticipated from the Phase II development was $40,000 per year. That number was used in our analysis shown in Tab 1. However, Jack reports that the Phase I development is being rented more as professional offices that do not generate sales tax. The expectation for Phase II was more of the same, since the location is not fully conducive to retail sales type operations. So, to do nothing with the Wal-Mart expansion and let the land develop as originally planned by Jack Nixon would not have yielded a high return in sales tax revenue.

2 The municipal boundary be adjusted to allow Logan to have sole jurisdictional authority over 3.59 acres fronting Main Street at approximately 2350 North Main Street. This property is identified by Tax ID 04-062-0055 and is owned by Darrell Anderson Construction Company. The City of Logan will acquire from North Logan any installed infrastructure now servicing this property.

3 The municipal boundary be adjusted to allow Logan to have sole jurisdictional authority over 11.75 acres fronting 200 West and 2200 North. This property is identified by Tax ID 04-062-0034 and 04-080-0007 and is owned by Merlin and Elna King.

4 The municipal boundary be adjusted to allow Logan to have sole jurisdictional authority over 10.00 acres fronting 200 West and 2200 North. This property is identified by Tax ID 04-080-0009 and 04-080-0010 and is owned by Andrews L C Corp. and Don and Elizabeth Andrews, respectively.
The properties to the west of main street to be included in Logan City have several potential advantages for Logan. First is the opportunity for Main Street development. The proposal will allow all of the land area from 2200 North to 2500 North, on the west side of Main Street, except for the approximately 10 acre corner where the Cinefour and Wingers businesses are located, to become part of Logan. This will allow for a large commercial development to be built in that area someday. It will also provide the necessary anchor for extension of City of Logan utilities infrastructure into that area to service businesses in the area. Currently, the area is serviced by utilities from North Logan. Also, inclusion of this area in Logan will allow the 200 West road to be developed and provide Logan all of the frontage along that road. The CMPO transportation plan projects 200 West as being developed into a through road to Smithfield.

An interesting side note to the land area analysis is that by acquiring the proposed land into the City of Logan, it effectively blocks further "big box" development by North Logan along the frontage to Main Street from approximately 2100 North to about 2300 North. The property depth will be limited by municipal jurisdiction, just as is now the case with Wal-Mart. This gives leverage to Logan to control what is put along Main Street in this area, even though North Logan retains frontage.

North Logan will do all in its power to secure the necessary right of way to straighten 200 West street at approximately 1900 North. Logan will develop the 200 West right of way, to include curb and gutter on the east side of the street, when the right of way is secured and granted to the City of Logan.

This action was required to address the significant traffic safety hazard that exists as 200 West has to jog to the west. The City of Logan wants to correct that safety hazard for its citizens.

Logan and North Logan will renegotiate the sewer treatment agreement between the two cities, according to the new sewer agreement template of Logan. The existing sewer agreement has expired, and a new agreement is desired to share risks and costs.

Tab 2 is a highlighted map that identifies those properties proposed to be transferred to jurisdictional control of each municipality.

**Recommended Course of Action**

Boundary adjustments between two municipalities having common boundaries is governed by section 10-2-419 of the Utah Municipal Code. To make the proposed boundary adjustment, each City must adopt a resolution of intent, hold a public hearing, and adopt an ordinance adopting the new boundaries. Landowners may protest. The full text of the law is provided at Tab 3.

Recommend the City of Logan Council adopt a resolution accepting the proposed boundary adjustments at their next Council meeting. Recommended wording for the resolution is included as Tab 4.

Following the resolution, Public Works will advertise and contact all of the affected property owners for a public hearing. Recommend the public hearing be held in conjunction with a regularly scheduled meeting of the City Council.

After the public hearing, recommend the Council adopt an ordinance changing the city boundary. Proposed wording for the ordinance is included as Tab 5.
AN ORDINANCE AMENDING THE ZONING MAP OF LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH AS FOLLOWS:

SECTION 1: That certain map or maps entitled "Zoning Map of Logan City, Utah" is hereby amended as shown on the map or maps entitled "Amendment #227 to the Zoning Map of Logan City, Utah," and the following property is hereby zoned from the Multi-Family Medium (MFM) zone to the Multi-Family Medium Planned Development (MFM-PD) combining zone, as follows:

Tax ID No. 05-041-0030,0031.

Also identified as Downsmeadow Phases V and VI, a 6.66 acre 32-lot subdivision of 19 twin homes at approx. 1140 North 320 West, owned by Wes Johnson.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 17TH DAY OF MAY, 2000.

AYES: Borg, Kerr, Pearce, Allred
NAYS: None
ABSENT: S. Thompson

Alan D. Allred, Acting Chairman

Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 25TH day of MAY, 2000.

Alan D. Allred, Acting Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby Approved this 30TH day of MAY, 2000.

Douglas E. Thompson, Mayor
Memorandum for the Municipal Council workshop of May 10, 2000

PC DOCKET #00-034 A ZONING AMENDMENT FOR DOWNS MEADOW (PHASES V & VI) LOCATED BETWEEN 1140 NORTH & 1200 NORTH AND 320 WEST & 400 WEST; TID# 05-041-0030 AND 0031

REPORT SUMMARY...

Project Name: Downs Meadow (Phases V & VI)
Owner/Proponent: Wes Johnson
Project Address: Situated between 1140 North & 1200 North and 320 West & 400 West.
Request: Zoning amendment from (MFM) Multi-Family Medium Residential, to (PD) Planned Development Combining District.
Current Zoning: (MFM) Multi-Family Medium
Proposed Zoning: (PD) Planned Development Combining District
Staff Recommendation: Approve

PROJECT

Mr. Wes Johnson is requesting a zoning amendment from (MFM) Multi-Family Medium Residential to (PD) Planned Development Combining District. On April 13, 2000, the Planning Commission conditionally approved a 38 lot Subdivision and Design Review permit.

The current zoning of the Downs Meadows area (Phases IV & V) is (MFM) Multi-Family Medium. Staff recommended that in order to bring the Downs Meadow development (Phases IV & V) into greater compliance with the Logan Development Code that it be rezoned to Planned Development (PD) Combining District. The purpose of this combining district overlay (rezoning) is to assist in the implementation of development standards in the general Plan related to population density and building intensity.

The Planning Commission moved to approve a recommendation for Zone Change to the Municipal Council. (Passed: 4,0)

ATTACHMENTS

Please find the following attached documents:
1. Staff Report to the Planning Commission;
2. Minutes of the April 13, 2000 Planning Commission meeting; and
Staff Report for the Planning Commission meeting of
April 13, 2000

PC DOCKET #00-034 A SUBDIVISION AND DESIGN REVIEW
FOR DOWNS MEADOW (PHASES V & VI) LOCATED BETWEEN
1140 NORTH & 1200 NORTH AND 320 WEST & 400 WEST;
TID# 05-041-0030 AND 0031

REPORT SUMMARY...

Project Name: Downs Meadow (Phases V & VI)
Owner/Proponent: Wes Johnson
Project Address: Situated between 1140 North & 1200 North and 320 West & 400 West.
Request: Subdivision of 6.66 acres for a 26 lot (phase IV) and 12 lot (phase V) twin home development. A Design Review permit must also be considered for construction of 38 Twin Home residential units (for both phases).

Current Zoning: MFM - Multi-Family Medium
Proposed Zoning: Planned Development (PD) Combining District
Staff Recommendation: Conditionally Approve

PROJECT

Subdivision
The proposal would subdivide two 3.33 acre parcels (totaling 6.66 acres) into 38 single-family lots (permitting construction of 38 Single-Family attached units in 19 Twin Homes). Development would occur in two phases: phase IV (26 lots); and phase V (12 lots) – each building unit would permit the construction of a twin home unit.

The subdivision history of the Downs Meadows area is as follows:

- 1st Subdivision October 1983 (18 lots) Phase I
- 2nd Subdivision (96-015) February 1996 (6 lots) Phase II
- 3rd Subdivision (96-038) April 1996 (20 lots) Phase III
- 4th Subdivision (99-056) August 1999 (2 lots) Phase IV
- 5th Subdivision (00-034) April 2000 (38 lots) Phases IV and V

Setbacks
In the MFM zoning district the front yard setback is 25 feet, the side yard setback 8 feet (side yard setback for a corner lot is 20 feet), and the rear yard setback 10 feet. Side yards between twin homes are to be 0 feet.

SITE DESCRIPTION

Land use adjoining the subject property
North: SFR: Uncultivated agricultural holdings
East: MFM: Prior phases of Downs Meadows
West: SFR: Uncultivated agricultural (Future City Park and Elementary School)
South: MFM: Residential development

The site is undeveloped pastureland. A potential wetland site has been identified on the north west corner of the site.
AGENCY AND CITY DEPARTMENT COMMENTS

Comments were received from the following departments or agencies with recommendations for project conditions:
- Public Works Department
- Parks Department
- Fire Department
- Light and Power Department
- Streets Department

No comments were received from the following departments or agencies:
- Logan Transit Department
- Police Department
- Utah Department of Transportation
- Cache Metropolitan Planning Organization
- Logan City School District
- United States Post Office

PUBLIC COMMENTS

Notices were mailed to 61 property owners located within three hundred feet of the subject property. No comments were received as of the date the staff report was published.

DEPARTMENT OF COMMUNITY DEVELOPMENT COMMENTS

Subdivision

In the Multi-Family Medium (MFM) residential zoning district a minimum lot size (for single family development) of 6,000 ft² is required, and a minimum additional 2,000 ft² for the second dwelling unit (after the first dwelling unit). The average lot size for the 38 single-family residential lots is approximately 4,962 ft².

The minimum width of residential lots within the MFM Land Use District is 60 feet. As twin homes, placed on single lots, the frontage requirement is met (frontages of 85 to 100 feet in width are proposed). However, when the lot split occurs and separate title is granted each half of the twin home the frontages will be reduced to half of the original width. The resulting properties will have frontages of between 42 and 50 feet (less than the 60 foot requirement). Staff believes that the reduction in lot width is warranted as the objective of a minimum 60 foot width per building unit is satisfied.

An agreement must be signed by all homeowners specifying their responsibility for the maintenance and upkeep of common areas, prior to the sale of these units. Typically, deed covenants, conditions, or restrictions may be imposed upon the subdivision to ensure the addressing of these issues.

Drainage

Drainage and storm water management is an important issue with this development (as well as other developments in this area of Logan). The Uniform Building Code requires that runoff be retained or be deposited into the municipal storm water system, and not affect neighboring properties. A drainage plan must be submitted to the City Engineer for review and approval.
Wetland Possibility

The proponent has included a letter from Pioneer Environmental Services Inc. (dated February 3, 2000) that sites the possibility of wetlands in the proposed subdivision. Upon conducting a site visit it was noticed that the area to be developed does have some existing vegetation indicative of a wetland. Although this particular wetland may not be significant, staff is obligated under State Law to require that the Army Corps of Engineers be contacted prior to the issuance of building permits, to obtain a 404 Permit if required.

Landscaping

Landscaping standards are applied to all projects to ensure quality development within the City. The City considers two different types of landscape plans: 1) performance landscaping, or 2) prescriptive landscaping. If a property owner wishes to create a landscaping plan that will meet the needs of their individual project, the plan is classified as a 'performance' landscaping plan. If they wish to have the standards specified and identified in order to prepare a plan to City specifications, the City’s 'prescribed' landscaping standards may be used. It is important to note that the plant unit requirements are a minimum to meet the objectives of the Landscaping Ordinance. At its discretion the Planning Commission may require more than the minimum required plant units.

The site plan illustrates landscaping for the subdivision but does not include any landscaping materials to be planted. The Code states that there must be street trees planted on at least 30 foot centers in the public right-of-way, to be approved by the City Forester. This project will require the planting of street trees along 1140 and 1200 North Streets, and 360 and 400 West Streets.

Access

The preliminary plat indicates continuation of existing internal roads (to the previous Downs Meadow phases). 1200 North Street and 400 West Street are proposed as 66 foot right-of-ways (ROW); 360 West Street is proposed as a 60 foot ROW; and 1140 North Street is proposed as a 50 foot ROW. Staff is concerned regarding road access, construction and payment for construction of the proposed right-of-ways in these phases of the Downs Meadows subdivision.

First, 1140 North Street (proposed as a 50 foot ROW) must be constructed as a 60 foot ROW. This is required by the Public Works department in order to facilitate adequate on-street parking without compromising landscape strip widths.

Second, 1200 North Street, immediately east of the project, must be completed as a 66 foot access street (with curb/gutter and sidewalks) to the north-east corner of the proposed subdivision prior to commencement of any site preparation in conjunction with this subdivision. The completion of 1200 North Street was required in conjunction with a previous Downs Meadow subdivision and the proponent has not yet completed this requirement.

Third, the construction and alignment of 400 West Street on the project’s western boundary will be required by the proponent – in conjunction with the City Engineer. Staff proposes that the 400 West Street ROW be continued north (eventually to the south – as proposed on the plat) and that it be connected with the existing stub located just south of 1330 North Street (approximately 640 feet to the north of the property). The proponent shall be financially responsible for roadway acquisition and construction costs of all roads within the proposed subdivision (the entire ROW).
DESIGN REVIEW

The applicant has provided a sample of the proposed twin home design, typical of what would be constructed on these 38 lots. These plans indicate two storey homes (side-by-side configuration) approximately 1,900ft² in area. The applicant is proposing higher quality housing for (though not restricted to) first time purchasers. The proposed design and finish of the twin homes is in keeping with previous Downs Meadows phases – meets the intent of the community plan and ordinance - and is supported by staff.

REZONING

Staff has recommended that in order to bring the entire Downs Meadow development (all phases) into compliance with the Logan Development Code that it be rezoned to Planned Development (PD) Combining District. The purpose of this combining district overlay (rezoning) is to assist in the implementation of development standards in the general Plan related to population density and building intensity.

On review, of the subdivision application (as well as previous Downs Meadows’ subdivisions), staff has substantiated the following findings (per Title 17.28 of the Logan Development Code):

A. Density in the subdivisions does not exceed the maximum established in the Code;
B. The residential and institutional uses in these subdivisions are identified as conditional uses;
C. The uses are compatible with adjacent uses (and/or future uses);
D. Adequate off-site parking, in conformance with the Title, is proposed;
E. Fencing, Screening and Landscaping satisfies the requirements of the Code; and
F. The subdivision conforms to perimeter setback, yard and area requirements.

RECOMMENDATION

1. Staff recommends that the Planning Commission approve a motion to Conditionally Approve PC Docket #00-034 for Downs Meadow Subdivision (Phase IV and V), a Subdivision Permit for the property between 1140 North & 1200 North and 320 West & 400 West.

2. Staff recommends that the Planning Commission approve a motion to Conditionally Approve PC Docket #00-034 for Downs Meadow Subdivision (Phase IV and V), a Design Review Permit for the property between 1140 North & 1200 North and 320 West & 400 West.

3. Staff recommends that the Planning Commission make a recommendation to the Municipal Council to rezone the entire Downs Meadow development (all phases) from “MFM” (Multi-family Medium) to “MFM-PD” (Multi-family Medium - Planned Development Combining District).

RECOMMENDED CONDITIONS OF APPROVAL

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

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. The proposed project shall be developed in conformance with the revisions imposed by the conditions of the project approval.
3. 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.

4. Failure to comply with any conditions of approval shall void the permit and require a new Planning Commission hearing.

5. A revised site plan must be submitted to the City Engineer indicating, to their satisfaction, the following changes to the subdivision’s access:
   A. 1140 North Street shall be proposed as a 60 foot right-of-way (west of its intersection with 360 West Street); and
   B. 1200 North and 400 West Street right-of-ways (shall be full 66 foot right-of-ways). In the interim (until development of properties adjacent to these streets) the applicant shall be responsible for the construction of a 4 foot wide sidewalk; an 8 foot wide landscape strip; a 2 1/2 foot wide curb and gutter; and a 24 foot wide road surface (all constructed to City of Logan specifications).
   C. Until the completion of the full 66 foot right-of-way on 1200 North and 400 West (35 foot road surface), both sides of the interim 24 foot wide road surface shall be signed, to the satisfaction of the Director of Public Works, as no parking.

6. Prior to the issuance of a building permit the Chief Building Official shall receive a written memorandum from the Director of Community Development indicating that a landscaping plan has been reviewed and approved with the following changes:
   A. Botanical and common names of all landscape materials; and
   B. Provision of street trees (planted on 30 foot centers) within the 8 foot wide landscape strip on the eastern side of the 400 West Street right-of-way and the southern side of the 1200 North Street right-of-way.

7. All improvements shall be constructed in substantial conformance with the approved site plan.

8. The proponent shall ensure that the Building Inspection Division inspects any construction through timely scheduled inspections. Failure to obtain an inspection or to continue construction beyond points of inspection may result in an enforcement action by the Chief Building Official. Such action may include and is not limited to:
   A. Issuance of a stop work order;
   B. Filing of a complaint with the State Department of Commerce against the contractor licenses; and/or
   C. Requirements for inspection by x-ray or by removing any covering or demolition of construction occurring beyond the point of inspection.

9. All physical construction shall conform to the approved building plans.

10. 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. Public Works Department — contact Mike Mecham 750-9824
      1. The southwest corner of the subdivision appears into tax lot 05-041-0007. [If this is not changed by the applicant] This tax lot is to be shown in its entirety on the final plat. The portion not included in this subdivision shall be designated as “Not a part of this subdivision.”
2. As per Logan Municipal Code, a drainage and detention plan shall be submitted with the site plan including drainage calculations.
3. The sewer must be extended to 1000 North Street or back into Downs Meadows Phase 2 and 3. There is no sewer in 600 West Street between 1000 North and 1400 North.

b. Logan City Light and Power — contact Garth Turley 750-9941
1. The developer shall be responsible for both primary and secondary conduit installation which must be installed and inspected according to the LCL&P specifications.
2. Prior to a Certificate of Occupancy a digital copy of the site plan and electrical plan, in AutoCad or DXF format, must be submitted to LCL&P. Site Plan must indicate the following:
   - Easement for Utilities.
   - Existing LCL&P electrical facilities overhead and underground (if any).
3. Contact Garth Turley, 750-9941 for clarifications.

c. Fire Department — contact Liz Hunsaker 750-9995
1. 1140 North Street may require a fire department turnaround. This must be shown on the final drawings.
2. All roadways and fire hydrants shall be installed prior to the start of construction.

d. Streets Department — contact Dee Hadfield 750-9957
1. Ensure that curb, gutter and sidewalk (to City specifications) are on the final drawings.

11. 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.

12. 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.

13. Prior to the submittal of the plat map, the City Engineer shall review and approve all engineering construction drawings for infrastructure improvements.

14. 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.

15. Prior to the submittal of the plat map, the Director of Community Development shall receive a signed and notarized copy of any 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.

16. 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.
17. 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 #00-034 was heard before the Commission in a public hearing on the 13th day of April, 2000, and was approved in substantial conformance with the requirements and design show upon this plat map.” Signed, Gina Wickwar, Chair, City of Logan Planning Commission.” The proponent shall ensure that all information is inscribed on the final map with the exception of the actual signature.

18. 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.

19. Prior to submittal of the final plat, the City Engineer shall receive an executed original copy of the Development Agreement for the subdivision.

20. 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.

21. Prior to the issuance of a building permit a Wetland 404 Permit shall be obtained from the Army Corps of Engineers, or a letter stating that there are no jurisdictional wetlands on this site.

22. The applicant, in conjunction with the City Engineer and Logan City Light and Power, shall investigate, and resolve, the cause(s) of flooding of properties located on 320 West Street between 1140 North Street and 1200 North Street.

RECOMMENDED FINDINGS FOR APPROVAL
The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. The proposed right-of-way width for the continuation of 1140 West Street, through phases IV and V, has been increased from 50 feet to 60 feet in order to ensure provision of required landscaping strip width and provision of adequate on-street parking.

2. The proposed building units (measuring approximately 85 to 100 feet in width), and accommodating two single family attached dwelling units, are wider than required by the code.

3. The proposed project has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.

4. The proposed project 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.

5. The proposed project is consistent with the goals and policies of the Logan General Plan.

6. The proposed project conforms to the requirements of Title 17 of the Logan Municipal Code.

7. The subdivision is consistent with the goals and policies of the Logan General Plan.
8. Each lot is physically suitable for development, has an adequate building site, and will not require variances due to physical constraints in order to be developed.

9. The subdivision lots maintain or enhance neighborhood character.

10. Each lot has access to a street or easements to provide for connection to sewer service, water service, and other public utilities.

11. The subdivision has been revised and amended by the conditions of project approval to respond to the issues raised by City Departments and public agencies, and to address legitimate concerns of the public.

12. The subdivision meets the approval of the City Engineer for technical specifications, standards, and conforms to the conditions imposed on the subdivision by the Commission.

13. Approval of the subdivision conforms to the requirements of Utah law.

14. Approval of the subdivision includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City.

15. The proposed subdivision meets all requirements of title 17.28 of the Logan Municipal Code governing zoning of a Planned Development (PD) Combining District.

Respectfully submitted,

[Signature]

Paul N. Hanlan
Planner II
Report Published: April 7, 2000
April 13, 2000 Planning Commission Meeting.

Tape 3A
00-034  DOWNS MEADOW PHASE V & VI. Subdivision, Design Review and Rezone. Wes Johnson, owner/applicant, requests design review of 19 twinhomes (38 units) and a subdivision of 6.66 acres located at approx. 1140 North 320 West to be rezoned to the Multi Family Medium Planned Development (MFM-PD) combining zone. TIN#05-041-0030, 0031.

STAFF: Staff reviewed the report as written.

Mr. Mecham said they would allow gravel turnarounds on 400 West until it is completed.

Tape 3B
PROPOSER: Wayne Crow said they agree with all of the conditions.

PUBLIC: Mary Joe Hansen lives at 1197 North 320 West. She is not here to prohibit the development. The neighborhood would like to talk to the developers to understand the development and make sure it is smart as possible.

Ms. Hansen is concerned about the placement of homes versus the placement of her home. She is concerned the homes being built behind her will have the same big windows in the back, she and others are worried about their privacy.

Ms. Hansen wondered if the home on the corner of 360 West and 1200 North could be turned to face 1200 North. It would help with privacy. She is also concerned about the traffic on their roads.

Mr. Toll said they could rotate the home, but it would make it difficult to back out of their driveway.

Ms. Hansen is concerned about the drainage issues. There has been sever problems in the neighborhood with water problems.

Mr. Mecham said that the City has contracted to do a storm water management plan. That will be in the future a ways.

Mr. Mecham would like to look into the ground water.

Wes Johnson Jr. said that they had an isolated occurrence of a wet spot on someone's yard. The 3 inch conduit was coming in from the canal. Once the City dug a ditch there was no longer a water problem.

Tape 4a
COMMISSION: Mr. Kerr said that the proposed phase is clearly a new phase in this development because this time the units are backing up to one another.

Mr. Johnson said that each back yard has a 25 foot setback, a 6 foot fence and tree in the back yard. He said they are not going stager the houses very much.
MOTION: Move conditionally approve that phase V & VI for the subdivision and design review. The following conditions are changed from the staff report: 5a, 6b. Delete 5c.

The developer and City Engineer meet together to solve water problems.

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. The proposed project shall be developed in conformance with the revisions imposed by the conditions of the project approval.

3. 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.

4. Failure to comply with any conditions of approval shall void the permit and require a new Planning Commission hearing.

5. A revised site plan must be submitted to the City Engineer indicating, to their satisfaction, the following changes to the subdivision's access:
   A. 1140 North Street shall be proposed as a 60 foot right-of-way (west of its intersection with 360 West Street); and
   B. 1200 North and 400 West Street right-of-ways (shall be full 66 foot right-of-ways). In the interim (until development of properties adjacent to these streets) the applicant shall be responsible for the construction of a 4 foot wide sidewalk; an 8 foot wide landscape strip; a 2 ½ foot wide curb and gutter; and a 24 foot wide road surface (all constructed to City of Logan specifications).
   C. Until the completion of the full 66 foot right-of-way on 1200 North and 400 West (35 foot road surface), both sides of the interim 24 foot wide road surface shall be signed, to the satisfaction of the Director of Public Works, as no parking.

6. Prior to the issuance of a building permit the Chief Building Official shall receive a written memorandum from the Director of Community Development indicating that a landscaping plan has been reviewed and approved with the following changes:
   A. Botanical and common names of all landscape materials; and
   B. Provision of street trees (planted on 30 foot centers) within the 8 foot wide landscape strip on the eastern side of the 400 West Street right-of-way and the southern side of the 1200 North Street right-of-way.

7. All improvements shall be constructed in substantial conformance with the approved site plan.

8. The proponent shall ensure that the Building Inspection Division inspects any construction through timely scheduled inspections. Failure to obtain an inspection or to continue construction beyond points of inspection may result in an enforcement action by the Chief Building Official. Such action may include and is not limited to:
   A. Issuance of a stop work order;
   B. Filing of a complaint with the State Department of Commerce against the contractor licenses; and/or
C. Requirements for inspection by x-ray or by removing any covering or demolition of construction occurring beyond the point of inspection.

9. All physical construction shall conform to the approved building plans.

10. 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. **Public Works Department** — contact Mike Mecham 750-9824
   1. The southwest corner of the subdivision appears into tax lot 05-041-0007. [If this is not changed by the applicant] This tax lot is to be shown in its entirety on the final plat. The portion not included in this subdivision shall be designated as “Not a part of this subdivision.”
   2. As per Logan Municipal Code, a drainage and detention plan shall be submitted with the site plan including drainage calculations.
   3. The sewer must be extended to 1000 North Street or back into Downs Meadows Phase 2 and 3. There is no sewer in 600 West Street between 1000 North and 1400 North.

b. **Logan City Light and Power** — contact Garth Turley 750-9941
   1. The developer shall be responsible for both primary and secondary conduit installation which must be installed and inspected according to the LCL&P specifications.
   2. Prior to a Certificate of Occupancy a digital copy of the site plan and electrical plan, in AutoCad or DXF format, must be submitted to LCL&P. Site Plan must indicate the following:
      - Easement for Utilities.
      - Existing LCL&P electrical facilities overhead and underground (if any).
   3. Contact Garth Turley, 750-9941 for clarifications.

c. **Fire Department** — contact Liz Hunsaker 750-9995
   1. 1140 North Street may require a fire department turnaround. This must be shown on the final drawings.
   2. All roadways and fire hydrants shall be installed prior to the start of construction.

d. **Streets Department** — contact Dee Hadfield 750-9957
   1. Ensure that curb, gutter and sidewalk (to City specifications) are on the final drawings.

11. 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.

12. 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.

13. Prior to the submittal of the plat map, the City Engineer shall review and approve all engineering construction drawings for infrastructure improvements.
14. 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.

15. Prior to the submittal of the plat map, the Director of Community Development shall receive a signed and notarized copy of any 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.

16. 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.

17. 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 #00-034 was heard before the Commission in a public hearing on the 13th day of April, 2000, and was approved in substantial conformance with the requirements and design show upon this plat map.” Signed, Gina Wickwar, Chair, City of Logan Planning Commission. The proponent shall ensure that all information is inscribed on the final map with the exception of the actual signature.

18. 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.

19. Prior to submittal of the final plat, the City Engineer shall receive an executed original copy of the Development Agreement for the subdivision.

20. 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.

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[Moved: Mr. Kerr Seconded: Mr. Hooper Passed: 4, 0]
Yea: Kerr, Hooper, Kartchner, Box

MOTION: Moved to recommend rezone to the Council.

[Moved: Mr. Kerr. Seconded: Mr. Hooper Passed: 4, 0]
Yea: Kerr, Hooper, Kartchner, Box

WORKSHOP. Workshop on residential base zones for the uses and development standards of the Logan Land Development Code.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF Cache

On this 3rd day of May, 2000, Jean Willmore, personally appeared before me, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

NOTICE OF PUBLIC HEARING FOR PURPOSES OF REZONING PROPERTY

a copy of which is hereto attached, was published in said newspaper for One (1) issue, commencing May 3, 2000 and ending May 3, 2000.

Signed

Jean Willmore

Subscribed and sworn to before me, the day and year above written.

Signed

Cynthia K. Fulton
Notary Public

Public hearing will be held on Wednesday, May 17, 2000, not before 6:15 p.m. in the Municipal Council Chambers at Logan City Hall, 255 North Main, Logan. Interested citizens are invited to attend.

Lois Price
Logan City Recorder
Publication Date: May 3, 2000

Notary Public
CYNTHIA K. FULTON
320 West 1330 North
Logan, Utah 84341
My Commission Expires September 7, 2003
State of Utah
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 28th day of May, A.D. 2000, I, Jean Willmore, personally appeared before me who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

LEGAL NOTICE
SUMMARIES of ordinances adopted by the Logan Municipal Council are as follows:

1. ORD. 00-24. An ordinance amending the Zoning Map of Logan City was passed May 17, 2000 adopting Amendment No. 227 rezoning 6.66 acres at 1140 North 320 West, owned by Wes Johnson, and identified as Tax ID Nos. 05-041-00301-0031 from the Multi-Family Medium (MFM) zone to the Multi-Family Medium Planned Development (MFM-PD) combining zone.

2. ORD. 00-27. On May 17, 2000 the Logan Municipal Council adopted an ordinance adjusting the Municipal Boundaries of the City of North Logan in accordance with State law, as follows:

The property identified as Tax ID 04-080-0007, comprising 3.25 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

The property identified as Tax ID 04-060-0009, comprising 6.00 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

The property identified as Tax ID 04-060-0010, comprising 5.00 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

These ordinances are effective upon publication.

Full texts of these ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, Logan, UT 84341.

Lois Price, Recorder
Publication Date: May 28, 2000

A copy of which is hereto attached, was published in said newspaper for One (1) issue commencing May 28, 2000, and ending May 28, 2000.

Signed

Subscribed and sworn to before me, the day and year above written.

Signed


Notary Public

CYNTHIA K. FULTON
320 West 1300 North
Logan, Utah 84341
My Commission Expires September 7, 2003
State of Utah