



Ent 796599 BK 1127 Pg 591  
Date 22-Aug-2002 2:19PM Fee \$0.00  
Michael Gleed, Rec. - Filed By DP  
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 Logan City for consideration of a 10 ft. wide concrete trail from 1600 South to approx. 1000 West on approx. 49 acres in the Industrial (IND) zone. Assigned docket number 02-062, the matter was brought to the City of Logan Planning Commission on July 11, 2002.

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, 1600 South to 1000 West, 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 Logan City, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 20<sup>th</sup> day of August, 2002  
Douglas E. Thompson  
Douglas E. Thompson, Mayor  
City of Logan, State of Utah

Attest:

Lois Price  
Recorder, City of Logan

ORIGINAL



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

# DESIGN REVIEW PERMIT

At its meeting of July 11, 2002, the City of Logan Planning Commission *conditionally approved* PC# 02-062, Logan River Trail at 1600 South to 1000 West, for a 10 ft. wide concrete trail from 1600 South to approx. 1000 West on approx. 49 acres in the Industrial (IND) 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 site plan.
5. The proponent is responsible to ensure that any construction is appropriately inspected by the Building Inspection Division 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:  
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  - 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.
6. The proponent shall ensure that the contractor has current copies of the approved plans and amendments to plans onsite at all times during construction.
7. All physical construction shall conform to the approved building plans.

8. The project shall not be used or occupied, by customer traffic, until a Certificate of Occupancy has been issued by the City.
9. 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.
10. 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.
11. The subject property shall not be subdivided for purposes of sale, ground lease, or finance, without obtaining approval from the City through an appropriate application process. If a subdivision occurs without City approval a building permit will not be issued for this property until the situation is resolved. If the subdivision without City approval occurs after the permit has been issued the permit will be revoked.
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. 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.
14. Prior to construction a performance landscaping plan shall be submitted and approved by the Department of Community Development including the common and botanical names of all species.
15. Prior to construction, the Director of Community Development shall approve the installation of landscaping in conformance with the approved landscaping plan. Landscaping which is required to be installed between November 1 of one year and May 1 of the following year may be satisfied to be installed by improvement security in conformance with Title 17 of the Logan Municipal Code to guarantee the installation of landscaping and irrigation systems for the project.
16. A sign permit shall be required and inspections performed before any signs shall be placed on site.

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#### **RECOMMENDED 'SITE SPECIFIC' CONDITIONS OF APPROVAL**

1. Street trees shall be required on 30' centers along the portion of the trail that is adjacent to 1600 South Street. The City Forester shall determine the species.
2. The proponent shall submit a performance landscape plan with plant quantity and species to the Department of Community Development for approval. The performance landscape plan shall include street trees on thirty foot centered within the park strip along the portion of the trail adjacent to 1600 South.
3. The easement shall be recorded and a copy given to the Department of Community Development prior to construction of the trail.

**RECOMMENDED FINDINGS FOR APPROVAL**

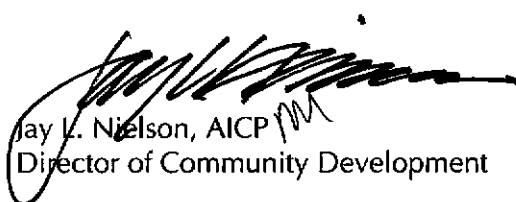
1. Logan River Trail has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. Logan River Trail has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.
3. Logan River Trail is compatible with existing land uses and zoning.
4. The design permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
5. The design of the project provides architectural style and character that is complementary to the characteristics of other structures in the area and is consistent with General Plan goals to enhance neighborhood character and appearance and the Design Guidelines, Objectives and Policies.
6. The street providing access and other infrastructure to the subject property has adequate capacities, or a suitable level of service, for the proposed use.
7. The proposed use provides adequate off-street parking in conformance with Title 17 of the Logan Municipal Code.

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 Eldon Hooper**, with a second by **Commissioner Gina Wickwar**. The motion passed by a vote of **3,0**.

This action will expire **one year** from the date of the **July 11, 2002** 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 action and if an extension of time is required, we must submit our request prior to the expiration date of one year 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:  
*Logan River Trail, by*

          *Donal E. Thompson*            
Title           *Mayor*            
Date:           *7-17-02*          

Attachment: Copy of Legal Description, 02-083-0001, 0003, 0004

Distribution:

- Original #1 with signatures to the County Recorder
- Original #2 with signatures to applicant

Copies to:

- Director of Public Works
- City Engineer
- Chief Building Official
- File

020830001, BEG NW COR SW/4 SE/4 SEC 8 T 11N R 1E & TH S 185 FT TO CL OF  
DITCH TH NE'LY ALG DITCH TO W LN OF 1000 W ST TH N'LY ALG ST TO S BANK OF THE  
LOGAN RIVER TH W'LY ALG RIVER TO W LN OF SD SE/4 TH S TO BEG CONT 10.25 AC M/L

020830003, LOT 1 LOGAN RIVER BUSINESS PARK CONT 25.87 AC

020830004, LOT 2 LOGAN RIVER BUSINESS PARK CONT 12.68 AC