



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 Phil Hancock for property owned by Larry W Miller for consideration of design review permit for a 8,282 sq. ft. building addition for office space and service bays on 4.7 acres in the Industrial (IND) zone. TIN #05-064-0021. Assigned docket number PC #06-049, the matter was brought to the City of Logan Planning Commission on July 13, 2006.

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, 1050 W 200 N, is more particularly described the document attached as Exhibit B, Legal Description.

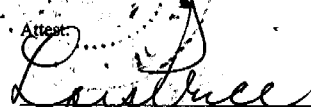
The Official Records of the Planning Commission are maintained in the Office of the Department of Community Development, City of Logan.

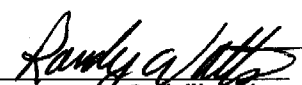
This decision runs with the land. If issued for a design review permit, conditional use permit, variance, or other construction permit, construction is required to commence within an established time frame set forth in Titles 16 and 17, Logan Municipal Code, that initiates with the action of the Planning 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 Larry W Miller, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 16 day of Aug, 06

Attest:

Lois Price
Recorder, City of Logan


Randy Watts, Mayor
City of Logan, State of Utah

Ent 923645 Bk 1421 Pg 1077
Date 17-Aug-2006 3:34PM Fee \$0.00
Michael Glead, Rec. - Filed by SP
Cache County, UT
For 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 13, 2006, the City of Logan Planning Commission *conditionally approved* PC #06-049, LW Müller Transport Diesel Building Addition at 1050 W 200 N, for a design review permit for a 8,282 sq. ft. building addition for office space and service bays on 4.7 acres in the Industrial (IND) zone. TIN #05-064-0021. 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.

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 is 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:
 - 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 the City issues a Certificate of Occupancy.
- Ent 923645 bk 1421 Pg 1078**
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 a City right-of-way or the 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 approval 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 according to the requirements of the City of Logan, 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. All signs shall receive a permit from the Department of Community Development before being placed on site. A Master Signage Plan, approved by the Planning Commission, will be required for a multiple tenant project.
15. Prior to the issuance of a building permit, a detailed performance landscaping plan shall be submitted and approved by the Department of Community Development including the common and botanical names of all species.
16. Existing irrigation water rights shall not be negatively impacted by this project.

'SITE SPECIFIC' CONDITIONS OF APPROVAL

1. Proponent shall submit a new, to scale, site plan that includes the 1) UDOT approved access between the Miller and Jardine property 2) performance landscaping for the south side of the building 3) location of parking spaces onsite (those removed from 200 North right-of-way and those relocated due to access relocation/reconfiguration).
2. The proponent shall submit a performance landscape plan that details the species, quantity, and location of all landscape elements.
 - a. Street trees shall be planted in the parkstrip at 30 foot centers along 200 North; City forester shall determine species.
 - b. Foundation plantings shall be installed around the street-facing facades of all proposed structures and south of the proposed addition. Such landscaping shall include a mix of deciduous and evergreen trees and/or tall shrubs and ground cover to provide a vertical breakup of the building expanse and additional visual interest to the street facade.
3. Proponent shall develop in accordance with materials (site plan, elevations, etc) as received by Community Development Department on June 14, 2006.
4. A sign permit must be approved for all signs prior to their installation.
5. Any site lighting, decorative, accent, etc. shall be reviewed by staff prior to installation. All lighting shall be night-sky friendly.
6. All "street parking" along 200 North shall be removed.
7. Applicant shall complete all previous requirements (sidewalk, parkstrip) from previous approvals to the satisfaction of the Public Works and Community Development Departments prior to issuance of a Certificate of Occupancy.
8. Proponent shall submit copies of all UDOT approvals prior to issuance of a Building Permit. Final UDOT approval must be verified in writing prior to issuance of a Certificate of Occupancy.
9. Prior to the issuance of a building permit and/or business license, 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. Address fire hydrants.

Ent 923645 R 1421 Pg 1579

- b. *Permits and Compliance Division — contact Lynn Miller 716-9286*
1. Dumpsters must have 60 feet of "head-on" access.
 2. Backflow prevention must be installed on any irrigation systems, if proposed.
- c. *Public Works Department — contact Bill Young 716-9160*
1. The proponent shall install curb markers on curb for water and sewer service lines. This is part of the developer's responsibility to complete. If curb and gutter installed.
 2. Any water shares associated with this property that has not already been deeded from original subdivision to City shall be deeded to City in accordance with paragraph 17.36.150 of the Land Development Code. This is part of the developer's responsibility to complete. **Shares would only be required for additional service demands above previous occupancy demands.**
 3. Each lot/unit shall have its own water and sewer hookups. Exception to this would be if the units water service is by a master meter. Water meters shall be located in the park strip.
 4. ~~Provide Public Works with sewer flows from development. Based on existing capacity issues City will evaluate impacts from development and possible restrictions for connection to sewer system (including no connections until City capacity issue resolved.)~~
 5. Provide Public Works with water flows for new development and required meter size.
 6. Provide storm water detention for 100 year one hour storm. Submit calculations and show location and size of orifice for storm water release and show route-discharged storm water will take to City drainage system. Design shall incorporate drainage structures or devices that prevent water from discharging onto adjacent property owners except at approved discharge locations. This pond/element shall be for entire property.
 7. Provide Storm Water Pollution Prevention Plan for entire construction site. If greater than 1 acre being impacted by construction, submit the Storm Water Pollution Prevention Plan and storm water discharge permit as required by State of Utah. This is the developer's responsibility
 8. Based on recent comments by canal companies at annual meetings approval for storm water discharge to irrigation canals or irrigation ditches shall be required.
 9. Construct and or repair pavement between new curb and gutter and existing pavement, if required. Ensure drainage from road centerline to toe of curb without ponding.
 10. Construct/repair curb, gutter, and sidewalk in accordance with City or State standards and specifications as applicable.
 11. Provide Development Agreement and surety of 110% of infrastructure and storm water improvements. 10% to be held for a 2 year warranty period form time of acceptance by City.
 12. ~~State requires a construction water discharge permit if water will discharge into waters of the state. Provide City copy of this permit and associated documentation for City files.~~
 13. Address all issues associated with property hazards. These include but are not limited to wetlands, high water table, soil liquefaction, flood plain, and steep slope.

Ent 923645 bk 1421 Pg 1080

FINDINGS FOR APPROVAL

1. The L.W. Miller Transport Diesel Building Addition 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 L.W. Miller Transport Diesel Building Addition 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 L.W. Miller Transport Diesel Building Addition is compatible with existing land uses and zoning.

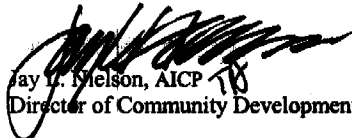
4. The Design Review Permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
5. The proposed addition to the existing structure with reduced setbacks, as proposed, will bring the project into compliance with the Design Review Guidelines (3.14 and 3.33).
6. The L.W. Miller Transport Diesel Building Addition is compatible with surrounding land uses and will not interfere with the use of adjoining or area properties.
7. 200 North, the street providing access and other infrastructure to the subject property, has adequate capacity, or a suitable level of service, for the proposed use.
8. As conditioned, the proposed use provides adequate, but not excessive off-street parking in conformance with Title 17 of the Logan Municipal Code.
9. The proposed landscaping around the proposed structure and parking areas, as conditioned, will provide some visual interest to the property.
10. Reduction in building setbacks are approved to allow conformance with the Design Review Guidelines under the authority of LDC §17.50.070 (7).
11. The proponent has complied with the CAMP requirement for development adjacent to a state highway.
12. UDOT requirements have been conditioned appropriately.

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 Ray Robison**, with a second by **Commissioner John Kerr**. The motion passed by a vote of 5, 0.

This action will expire **one year** from the date of the **July 13, 2006** Planning Commission's action if all conditions have not been met and the final plat has not been recorded or a building permit has not been issued. If the project involves a subdivision, an extension of time must be requested in writing and received by the Director of Community Development prior to the expiration date. If the project involves a Conditional Use Permit or a Design Review Permit an extension of time may be granted by the Director of Community Development consistent with findings and requirements in Chapter 17.58 of the Logan Municipal Code. **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. Nelson, AICP
Director of Community Development

Ent 923645 R 1421 Pg 1081

06-049 for LW Miller Transport Diesel Building Addition

Page 5 of 5

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 final plat has been recorded or the Department of Community Development has issued a Building Permit. If an extension of time is required, we must submit our written 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 by:

Larry W Miller, Property Owner of LW Miller Transport Diesel Building Addition

Signed: Larry W Miller

Print Name: LARRY W. MILLER

Title: Pres.

Address: 1050 West 200 North

City/State/Zip: Logan, UT 84301

Date: 7/31/06

Legal Description 05-064-0021

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

Ent 923645 Bk 1421 Pg 1002

050640021, BEG 20 RDS BR W OF SE COR LT 6 BLK 26 PLT E LOGAN FARM SVY & TH WEST 312.24 FT TH N 652 FT TO S LN OF 200 N ST TH S 89*54'06" E 312.24 FTALG ST TH S 652 FT TO BEG 4.7 AC ALSO BEG W 39.329 RDS FROM SE COR SD LT 6 (BEING SW COR LW MILLER) & TH W 296.69 FT TO SW COR JARDINE PROP TH N 0*53'57" W 219 FT TH N 90* E 300.12 FT TH S 218.97 FT ALG W LN OF MILLER PROP TO BEG 1.5 AC CONT 6.20 AC IN ALL

Ent 923645 Bk 1421 Pg 1083