



290 NORTH 100 WEST, LOGAN, UTAH 84321
 PHONE 435.716.9021 FAX 435.716.9001
<http://www.loganutah.org>

Legally Existing Non-Conforming Use Certificate

Ent 1156578 Bk 1917 Pg 1687
 Date: 23-Sep-2016 01:55 PM Fee \$,00
 Cache County, UT
 Michael Gleed, Rec. - Filed By JA
 For LOGAN CITY

All prospective, current, and future owners, and heirs to the property identified below, are hereby notified that the property at 160 North 1175 West, **Logan, UT, TAX ID 05-064-0031** (legal description attached) is recognized as having grandfathered uses on the property. The property is located in a **Commercial Services (CS)** zoning district and use is regulated by §17.17 of the Logan City Land Development Code.

On May 26, 2016, the Logan City Department of Community Development determined that the above mentioned property is considered as having two (2) legally existing, nonconforming uses and recognizes that the property can continue operation of a "Contractors storage yard of heavy equipment" and "Storage of sand, gravel, earth or stone" in accordance with the allowances for legally existing non-conforming uses as described in the Land Development Code.

This decision is based on the following findings, supported in the administrative record of GF16-002 for this project:

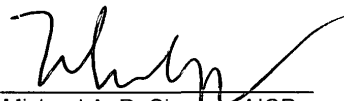
1. The City of Logan annexed the subject property from Cache County by Ordinance 79-01 on January 18, 1979.
2. The City of Logan adopted zoning regulations in August, 1950.
 - a. The zoning history of the property indicates that the property was zoned M1, Light Industry District, following annexation.
 - b. The zoning was M1 in 1983. The property was zoned M1 from 1983-2000.
 - i. Contractors storage yard of heavy equipment and Storage of sand, gravel, earth or stone are listed as "P", a permitted use in the M1 zone.
 - c. The zoning from 2000-2011 was IND, Industrial.
 - i. Contractors storage yard of heavy equipment is listed as "P", a permitted use in the IND zone.
 - ii. Storage of sand, gravel, earth or stone is listed as "C", a conditional use in the IND zone.
 - d. The zoning from 2011-Present is CS- Commercial Services.
 - i. Contractors storage yard of heavy equipment and Storage of sand, gravel, earth or stone are listed as "N", a use not allowed in the zoning district.
3. Logan City has building permit records from the year 1930 to present.
 - a. There are no building permits associated with the parcel at 160 North 1175 West and/or TID #05-064-0031.
 - b. There are building permits associated with the parcel at 1180 West 200 North and/or TID#05-064-0026:
 - i. Building permit #10904 was issued on October 10, 1979, for a commercial maintenance and storage building for Ken Wright by contractor Sid Christiansen.
 - ii. Building Permit 87-00464 was issued February 27, 1987, for a sign permit for Wayne Hardy.

- iii. Building Permit 93-17119 was issued May 6, 1993, for a water hook-up for Wayne Hardy.
 - iv. Building Permit 93-17155 was issued May 17, 1993, for an Electric Service Change and Hookup on unit A for Marv Fluckiger/A-Plus Ice by contractor Jim Simmons and TEC Electric.
 - v. Building Permit 95-18987 was issued May 24, 1995, for a Commercial Change of Occupancy for Ron Foster Construction for an office and shop for a construction company.
 - vi. Building Permit 04-31228 was issued February 3, 2004, for a Commercial Change of Occupancy for Ron Foster Construction for Suite A. The use was described as 1200 sf for an office and minor repair on equipment.
4. Logan City Business License records are available from 1988 to present.
- a. There are no business licenses associated with the parcel at 160 North 1175 West and/or TID #05-064-0031.
 - b. There are business licenses associated with the parcel at 1180 West 200 North and/or TID#05-064-0026: Ent 1156578 Bk 1917 Pg 1683
 - i. Body Beauty Auto Body had a license on the site for 1988-2004 and 2013-Present. License OL-16-15221 for Medallion Enterprises Inc./dba Body Beauty Auto Body, is an active license on the property in Suite A.
 - ii. Discount Car Rental had license OL-03-08143, in 2003.
 - iii. Ron Foster Construction had a license in Suite A from 2003-2007.
 - 1. The business license application was dated August 8, 2003. The application notes that 2-years back renewal fee was assessed. The business description by the owner indicated "excavation". The application was placed on hold for removal of a non-conforming sign and was approved April 2004.
 - 2. File notes record correspondence with the City on December 12, 2007, indicating that they were moving to Hyde Park and closing December 31, 2007.
 - iv. D.D. Auto Mechanic LLC had a license in Suite B from 2009-2014.
 - v. Tire Solutions, LLC, has a license for Suite B, OL-16-16233, as an active license on the property.
 - vi. Mountain Lion Motors, LLC, has a pending business license application on the property, OL-16-16314, for Suite A.
5. The Cache County Assessor's Office assesses the property as vacant commercial/industrial land. Photos from the file of the property show storage of vehicles on the site.
6. Polk Directory records are typically available at the Logan City Library for the years 1929, 1937, 1946, 1949, 1955-1956, 1958-1959, 1961-1966, 1968-1969, 1971-1975, 1977-1981, 1983-1984, 1986-1988, 1990-1993, 1998, 2003.
- a. There is not a listing for 160 North 1175 West.
 - b. There are listings for 1180 West 200 North:
 - i. 1983-1986 LW Miller Transportation
 - ii. 1987-1989 Wright Manufacturing Corp., Wright Drilling Co.
 - iii. 1990 Wright Drilling Co.
 - iv. 1991 Griffin & Munk Drywall, Hardy Excavation, Lyle Drywall Inc., NB Nicholls Brothers Painting
 - v. 1992-1993 Not verified
 - vi. 1994-1997 No directories available
 - vii. 1998 Akucolor Painting and Wall Covering, Body Beauty Auto Repair, Marvin Fluckiger
 - viii. 1999-2002 No directories available
 - ix. 2003 Body Beauty Auto Body Inc, Discount Rent-A-Car

- 7. In response to the "Important Notice concerning a grandfather request near property you own", Mr. Arden Nicholls indicated that he had owned property near the subject property for 40 years and that the property has always been used as an industrial use.
- 8. A Declaration was received April 12, 2016, from Ron Foster stating that the subject property was leased by him to store his construction equipment and aggregate material for his construction company. He used the property from at least 1991 to 2014.
- 9. In summary, the subject property was associated with 1180 West 200 North. Wright Excavation was established at 1180 West 200 North in 1979. Aerial images of the location indicate use of the subject property initiating between the 1993 and 1997 photographs. In 1995, a building permit for a commercial change of use is on record for Ron Foster Construction being established at 1180 West 200 North. A contractor's storage yard for heavy equipment and storage of sand, gravel, earth or stone were permitted uses in the M1 zone at that time. While permit and licenses do not indicate use of the 160 North 1175 West property, aerial images show storage of equipment and sand or gravel on the site. Ron Foster Construction operated with a business license from 2003 to 2007. In 2007, Ron Foster Construction ceased business operations from the site but continued to store heavy equipment and aggregate material on the site.

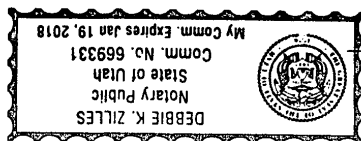
In the event that any structure devoted in whole or in part to the nonconforming use is damaged or destroyed the use may be restored to the intensity or density that existed prior to the damage or destruction. In such cases, the use shall be re-established within twelve months of the date of damage occurrence unless otherwise delayed by reconstruction of the structure. A good faith effort to complete and occupy the building shall also be required (Land Development Code §17.59.050 D). There are not any structures on this tax identification number. If the nonconforming use ceases to exist for any period of more than twelve consecutive months, subsequent uses shall conform to all regulations of the Land Development Code for the district such lot is located (Land Development Code §17.59.050 C). This nonconforming use shall not be added to, nor enlarged in any manner, except as in conformance with Chapter 17.59 of the Logan City Land Development Code.

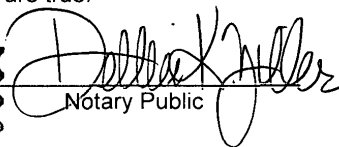
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 Michael A. DeSimone, AICP
 Director of Community Development

State of Utah)
 :SS
 County of Cache)

On this 22 day of September, 2016, Debbie K. Zilles Michael A. DeSimone, Director of the Community Development Department of Logan City, Utah, personally appeared before me, a notary public, who acknowledged that he signed the above certificate on behalf of said City and that the statements contained therein are true.




 Notary Public

Legal Description

----- 2016 -----

BEG 13 RDS S & 10 RDS E OF NW COR LT 6 BLK 26 PLT E LOGAN FARM SVY & TH E 14
RDS TH S 222.75 FT TH W 231 FT TH S 222.75 FT TH W 25 FT TH N 660 FT TH E 25 FT TH
S 13 RDS TO BEG SUBJ TO RAW BEG 140 FT E OF SW COR LT 6 & TH N 597 FT M/L TO S
LN OF 200 N ST TH E 25 FT TH S 597 FT TO S LN LT 6 TH W 25 FT TO BEG CONT 1.53 AC
M/L SUBJ TO JUDGMENT QUIETING TITLE IN PARCEL 05-064-0025 ENT 953893

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