



Ent 892404 Bk 1357 Pg 404
Date 13-Jun-2005 12:19PM Fee \$0.00
Michael Gleed, Rec. - Filed By CH
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 Bernco Limited Partnership for consideration of a subdivision permit and boundary line adjustment for a one lot subdivision on 0.68 acres in the Single-Family Traditional (SFT) zone. TIN#07-198-0040, 0041, 05-011-0006. Assigned docket number 05-026, the matter was brought to the City of Logan Planning Commission on April 28, 2005.

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, 1350 Box Elder Circle, 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 Bernco Limited Partnership, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

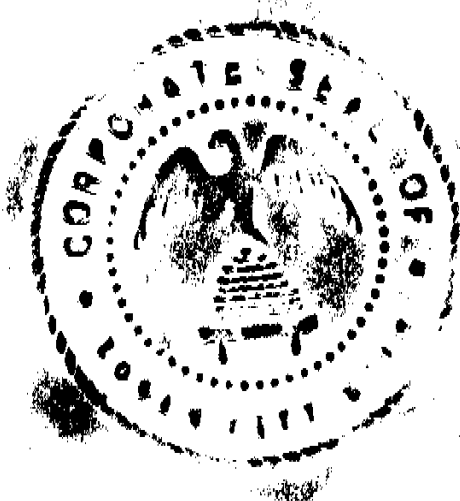
By my hand this 9th day of JUNE 2005.


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

Ent 892404 Bk 1357 Pg 405

SUBDIVISION AND BOUNDARY LINE ADJUSTMENT PERMIT

At its meeting of April 28, 2005, the City of Logan Planning Commission *conditionally approved* PC# 05-026, *Hillcrest Heights North Subdivision Phase V at 1350 Box Elder Circle*, requesting a subdivision permit and boundary line adjustment for a one lot subdivision on 0.68 acres in the Single-Family Traditional (SFT) zone. TIN#07-198-0040, 0041, 05-011-0006. 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 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:
 - 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.

Ent 892404 Bk 1357 Pg 406
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 the submittal of the final plat map, the City Engineer shall review and approve all engineering construction drawings for infrastructure improvements.
15. 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.
16. Prior to the submittal of the plat map, the Director of Community Development shall receive a copy of the deed covenants, conditions, or restrictions to be imposed upon the subdivision. Following approval of the covenants, conditions, and restrictions, the Director of Community Development shall forward the original copy to the City engineer for recordation with the plat map.
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 #05-026 was heard before the Commission in a public hearing on the 13th day of May, 2004, and was approved in substantial conformance with the requirements and design shown upon this plat map. Signed, Jay L. Nielson AICP, Director of Community Development." The proponent shall ensure that all information is inscribed on the final map with the exception of the actual signature.
18. Existing irrigation rights shall not be negatively impacted by this project.

'SITE SPECIFIC' CONDITIONS OF APPROVAL

1. Street trees shall be installed on 30-foot centers within the areas that contain an 8 foot wide parkstrip along Box Elder Circle prior to the recordation of the final plat. The City Forester shall determine the species.
2. The proponent shall submit proof of a recorded cross access and parking agreement and a method to maintain the private drive on all three lots prior to the recordation of the final plat.
3. The final plat shall show the following setbacks: a 20 foot setback along the south property line and an 8 foot setback along all other property lines on Lot 2, and a 20 foot setback along the south property line of Lot 3.
4. Prior to recording the final plat with the County, 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:

Ent 892404 Bk 1357 Pg 407

a. Engineering Division—contact Bill Young 716-9160

1. Install curb markers on curb for water and sewer service lines. This is part of the developers responsibility to complete.
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 developers responsibility to complete.
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 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 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.
6. Based on recent comments by canal companies at annual meetings approval for storm water discharge to irrigation canals or irrigation ditches may be required. Approval from canal company('s) may be required.
7. Construct pavement between new curb and gutter and existing pavement. Ensure drainage from road center line toe of curb without ponding.
8. Construct and/or repair curb, gutter and sidewalk in accordance with City standards and specifications.
9. Project requires a boundary line adjustment.
10. The developer shall enter into an agreement with Public Works, to be recorded with the final plat, to pay for their portion of the road infrastructure for the future 1300 North.
11. The proponent shall work with Public Works to align the sidewalks and parkstrip widths along Box Elder Circle.

ITEM 16
OF ENGINEERING
COMMENTS
NOT REQUIRED
BY 5/25/05

b. Light and Power Department – contact Garth Turley 716-6741

1. Submit a digital Copy in AutoCAD or DXF format of the Site Plan to LCL&P. Deliver to 950 W 600 N Attn: Garth Turley or email to: gturley@loganutah.org

Site Plan must indicate the following:

- * Proposed routing of new electrical service (primary and secondary).
- * Public Utility Easements for Utilities (10' Front and Rear, 5' Side Property).
- * Existing LCL&P electrical facilities overhead and underground (if any).
- * Tied to at least two City GIS Survey Monuments

2. Contact Logan City Light and Power Garth Turley, 716-9741 for additional clarifications and responsibilities.

c. Geographic Information Systems Division – contact Chuck Shaw 716-9171

1. The proponent shall submit a digital copy of final plat in AutoCAD or ESRI compatible format (Preferably in ESRI compatible format), which is tied to the City's survey monuments, prior to the issuance of a building permit.

FINDINGS FOR APPROVAL

Ent 892404 Bk 1357 Pg 408

1. The proposed subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The proposed subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.
3. The proposed subdivision is consistent with the goals and policies of the Logan General Plan.
4. The proposed subdivision is compatible with existing land uses and zoning.
5. The proposed subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
6. 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.
7. 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.
8. Approval of the subdivision conforms to the requirements of Utah law.

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 Paul Morgan**, with a second by **Commissioner Gene Kartchner**. The motion passed by a vote of 4, 0.

This action will expire **one year** from the date of the **April 28, 2005** 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

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

Accepted and agreed:

Hillcrest Heights North Subdivision Phase V, by

Signed:

Patricia B. Haney

Title:

General Manager

Address:

1453 E. 1140 N.

City/State/Zip:

Logan, Utah 84341

Date:

May 27, 2005

Legal Description 05-041-0037, 0007

Ent 892404 Blk 1357 Pg 409

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

071980040, LOT 40 HILLCREST HEIGHTS NORTH UNIT 4 CONT 0.37 AC

071980041, LOT 41 HILLCREST HEIGHTS NORTH UNIT 4 CONT 0.76 AC

050110006, NW/4 OF NE/4 SEC 26 T 12N R 1E CONT 38.72 AC LESS 1.9 AC FOR
ROADWAY LESS BEG S 1*35'33" W 256.81 FT OF NW COR LT 5 BLK 21 PLT G LOGAN
FARM SVY & TH S 88*04'45" E 210.29 FT TO A LN BR 212 FT E OF W LN SD BLK 21
TH S 176 FT TO N LN OF 1400 N ST TH W'LY 126.4 FT ALG CURVE TO RIGHT (R=270
FT LC S 75*32'53" W 125.25 FT) TH N 87*20'56" W 94.88 FT TO E LN OF 1200 E ST
TH N 1*35'33" E 212 FT TO BEG 1.0 AC NET 35.82 AC LESS THAT PT OF HILLCREST
HEIGHTS NORTH UNIT 1 & UNIT 4 LYING WITHIN THE NW/4 OF NE/4 SD SEC 26 CONT
5.61 AC

LESS-- BEG AT NW COR LT 1 HILLCREST HEIGHTS NORTH UNIT 1 & TH S 19*54'06" W
107.7 FT TH N 1*53'34" W 99.7 FT TO S LN OF 1500 N ST TH N 87*45'54" E 39.9
FT ALG ST TO BEG CONT 0.05 AC NET 31.16 AC

Ent 892404 Bk 1357 Pg 410