

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 323-A

### AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT FOR REALTY AT 3662, 3742 AND 3804 EAST NORTH LITTLE COTTONWOOD ROAD FROM RESIDENTIAL RURAL DENSITY TO RESIDENTIAL LOW DENSITY

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “Act”), provides that each municipality shall prepare and adopt a comprehensive, long-range general plan; and

**WHEREAS**, the Act requires the municipality’s planning commission to prepare the general plan and submit it to the municipality’s legislative body; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt and amend the general plan; and

**WHEREAS**, on 26 July 2005, following full compliance with the procedures for formulation, public hearing and recommendation specified in UTAH CODE ANN. §§10-9a-401 through -404, the city council (the “Council”) of the city of Cottonwood Heights (the “City”) enacted its Ordinance No. 24 adopting a general plan (with all previous amendments, the “Plan”) for the City; and

**WHEREAS**, as authorized by statute, the Plan includes a land use element and an official map (collectively, the “*Land Use Element*”) allocating to each parcel of land in the City a specific land use designation authorized by the Plan; and

**WHEREAS**, in response to an application by Eric Despain (the “*Application*”) to amend (the “*Amendment*”) the Land Use Element affecting approximately 5.2 acres of realty located at 3662, 3742 and 3804 East North Little Cottonwood Road from Residential Rural Density to Residential Low Density, on 3 April 2019, following all required notices, a public hearing was held before the Planning Commission concerning the proposed Amendment, where citizens were given the opportunity to provide written or oral comment concerning the Amendment; and

**WHEREAS**, a photocopy of the Amendment to the Land Use Element of the Plan proposed by the Application is attached as an exhibit to this ordinance and is incorporated herein by this reference; and

**WHEREAS**, on 17 April 2019 the Planning Commission voted to recommend that the Council approve the Amendment, and thereafter recommended that the Council approve the Amendment; and

**WHEREAS**, after taking additional public input concerning the proposed Amendment, the Council met in regular meeting on 4 June 2019 to consider, among other things, approving and adopting the Amendment to the Land Use Element of the Plan; and

**WHEREAS**, after careful consideration of the recommendations of the Planning Commission, the comments at the public hearings and public meetings, and other pertinent

information, and otherwise being fully advised, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to amend the Plan by adopting the Amendment to the Land Use Element as proposed by the Application, and to ratify the Plan, as so amended, as the City's general plan;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of New Plan.** The Council hereby adopts the attached Amendment to the Land Use Element, and hereby ratifies the Plan, as so amended, as the City's general plan. From and after the effective date of this ordinance (this "*Ordinance*"), the Plan shall be deemed amended as specified by the Amendment for all purposes.

Section 2. **Future Amendment of General Plan.** Pursuant to the authority granted in the Act, the Council shall have, and hereby expressly reserves, the right to hereafter further amend the Plan at any time or from time to time hereafter for any purpose upon recommendation by the Planning Commission following all appropriate public notices and hearings required by the Act.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 323-A, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

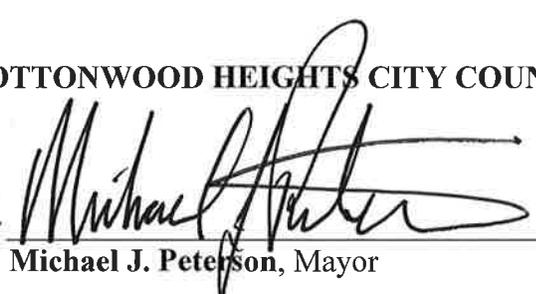
**PASSED AND APPROVED** this 4<sup>th</sup> day of June 2019.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By:   
Paula Melgar, Recorder



By:   
Michael J. Peterson, Mayor

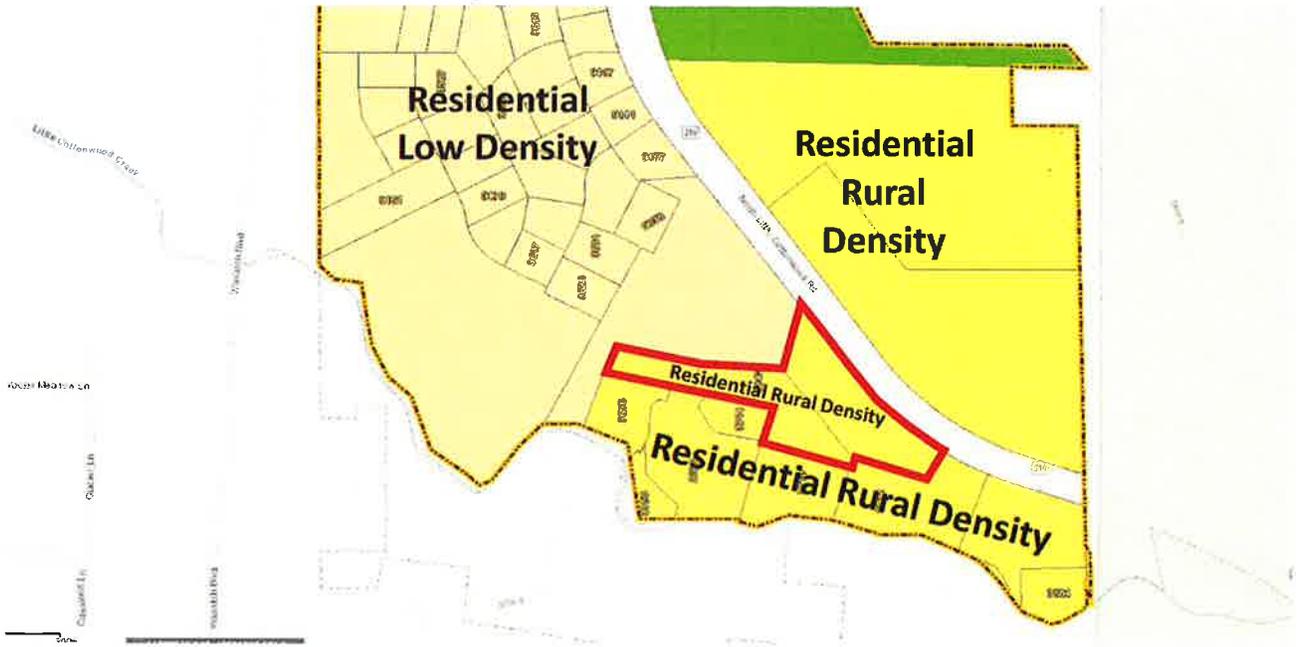
**VOTING:**

Michael J. Peterson	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael L. Shelton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
J. Scott Bracken	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Tali C. Bruce	Yea	<input type="checkbox"/>	Nay	<input checked="" type="checkbox"/>
Christine Watson Mikell	Yea	<input type="checkbox"/>	Nay	<input checked="" type="checkbox"/>

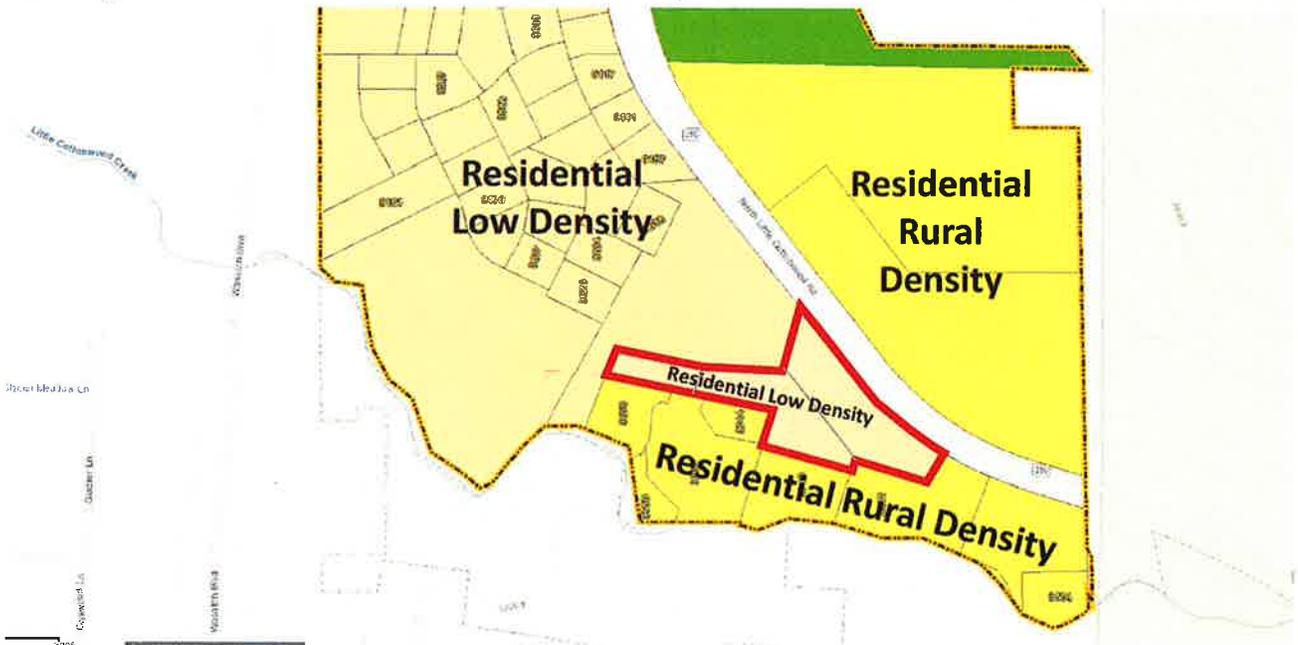
**DEPOSITED** in the Recorder's office this 4<sup>th</sup> day of June 2019.

**POSTED** this 4 day of June 2019.

# Current Land Use Map Designation: Residential Rural Density



# Proposed Land Use Map Designation: Residential Low Density



4770 S. 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

Deseret News



The Salt Lake Tribune

**PROOF OF PUBLICATION CUSTOMER'S COPY**

CUSTOMER NAME AND ADDRESS

COTTONWOOD HEIGHTS,  
PAULA MELGARD  
2277 E BENGAL BLVD

ACCOUNT NUMBER

9001356263

DATE

6/10/2019

COTTONWOOD HEIGHTS UT 84121

ACCOUNT NAME

COTTONWOOD HEIGHTS,

TELEPHONE

8019447000

ORDER # / INVOICE NUMBER

0001257153 /

PUBLICATION SCHEDULE

START 06/09/2019 END 06/09/2019

CUSTOMER REFERENCE NUMBER

Ordinance 323-A

CAPTION

COTTONWOOD HEIGHTS PUBLIC NOTICE Notice is hereby given that during a City C

SIZE

22 LINES 1 COLUMN(S)

TIMES

3

TOTAL COST

41.96

**COTTONWOOD HEIGHTS PUBLIC NOTICE**  
Notice is hereby given that during a City Council meeting of June 4, 2019, the Cottonwood Heights City Council adopted ORDINANCE 323-A AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT FOR REALTY AT 3662, 3742 AND 3804 EAST NORTH LITTLE COTTONWOOD ROAD FROM RESIDENTIAL RURAL DENSITY TO RESIDENTIAL LOW DENSITY. A complete copy of the ordinance can be found at www.ch.utah.gov. 1257153 UPAXLP

**AFFIDAVIT OF PUBLICATION**

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **COTTONWOOD HEIGHTS PUBLIC NOTICE** Notice is hereby given that during a City Council meeting of June 4, 2019, the Cottonwood Heights City Council adopted ORDINA FOR **COTTONWOOD HEIGHTS**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 06/09/2019 End 06/09/2019

DATE 6/10/2019

SIGNATURE

STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 9TH DAY OF JUNE IN THE YEAR 2019

BY LORAIN GUDMUNDSON.



NOTARY PUBLIC SIGNATURE