

# COTTONWOOD HEIGHTS

## RESOLUTION NO. 2017-36

### A RESOLUTION DIRECTING THE PLANNING COMMISSION TO INITIATE PROCEEDINGS TO AMEND CODE TITLE 19 CONCERNING TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

**WHEREAS**, UTAH CODE ANN. §10-9a-509(1)(a)(ii)(B) provides that a land use applicant is entitled to substantive land use review of its land use application under the land use regulations in effect on the date that the application is complete unless, *inter alia*, the municipality has formally initiated proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted; and

**WHEREAS**, the city of Cottonwood Heights (the "*City*"), and other cities in the Salt Lake Valley, has received an increasing number of inquiries from providers interested in placing "small cell" telecommunications facilities ("*Facilities*") in the public right-of-way; and

**WHEREAS**, chapter 19.83 the City's current code of ordinances (the "*Code*") addresses the erection of "macro" cell towers in the City, but does not clearly address the unique issues involved in the proposed placement of "small cell" facilities in the public right-of-way; and

**WHEREAS**, consequently, the City's municipal council (the "*Council*") met on 23 May 2017 to consider, among other things, directing the City's planning commission (the "*Planning Commission*") to initiate proceedings to amend Title 19 of the Code to include a new chapter concerning the placement and maintenance of telecommunications facilities in the public right-of-way, as authorized by UTAH CODE ANN. §10-9a-509(1)(a)(ii)(B); and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to so act;

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Cottonwood Heights that, pursuant to UTAH CODE ANN. §10-9a-509(1)(a)(ii)(B), the Council hereby authorizes and directs the Planning Commission to initiate proceedings to amend Title 19 of the Code to include a new chapter concerning the placement and maintenance of "small cell" and other telecommunications facilities in the public right-of-way.

This Resolution, assigned no. 2017-36, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 23<sup>rd</sup> day of May 2017.

**ATTEST:**

**COTTONWOOD HEIGHTS CITY COUNCIL**

By:   
Paula Melgar, Recorder



  
Kelvyn H. Cullimore, Jr., Mayor

**VOTING:**

Kelvyn H. Cullimore, Jr.	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"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	<i>Absent</i>	Yea <input type="checkbox"/> Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 23<sup>rd</sup> day of May 2017.

**RECORDED** this 23 day of May 2017.