

RESOLUTION NO. 18-82

A RESOLUTION OF THE DRAPER CITY COUNCIL GIVING NOTICE OF PENDING AMENDMENTS TO THE MAJOR MANUFACTURING (M2) ZONE PERTAINING TO THE MINERAL EXTRACTION USE AND DIRECTING CITY STAFF TO DRAFT LANGUAGE CONSISTENT WITH THIS RESOLUTION

WHEREAS, pursuant to Utah Code Annotated Section 10-9a-102 (2) the City is authorized as follows: “To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law”; and

WHEREAS, pursuant to Utah Code Annotated Section 10-9a-509 an applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted. This is sometimes referred to as the “Pending Ordinance Doctrine”; and

WHEREAS, pursuant to Draper City Municipal Code (“DCMC”) 9-5-060 the City Council may initiate changes to the text of Title 9 of the DCMC; and

WHEREAS, the City Council is concerned with the potential impact on the health, safety and general welfare of Draper City residents of mineral extraction activities, as defined in Title 9 of the DCMC, in the Major Manufacturing (“M2”) zone; and

WHEREAS, the City Council desires to change the text of Title 9 to make Mineral Extraction a non-permitted use in the M2 zone; and

WHEREAS, the City Council has determined it would be in the best interests of the health, safety and general welfare of the residents of Draper City to invoke the Pending Ordinance Doctrine to require that all future applications for Mineral Extraction activities in the M2 zone be subject to the terms of any pending amendments to Title 9 of the DCMC as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Draper City Council hereby initiates a text amendment to Title 9 of the DCMC and directs city staff to draft an amendment to Title 9 of the DCMC that prohibits Mineral Extraction in the M2 zone.

Section 2. No application for development approval of a Mineral Extraction use in the M2 zone shall be approved prior to the adoption and effective date of the proposed amendments to the Draper City Municipal Code.

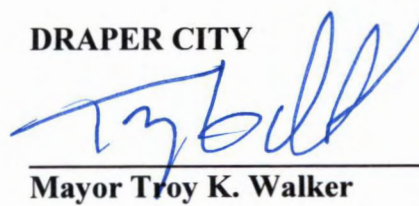
Section 3. This Resolution shall be effective upon passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 30th DAY OF OCTOBER, 2018

ATTEST:


Rachelle Conner, City Recorder

DRAPER CITY


Mayor Troy K. Walker



VOTE TAKEN:

Councilmember Green

Councilmember Lowery

Councilmember Summerhays

Councilmember Vawdrey

Councilmember Weeks

Mayor Walker

YES

NO



Handwritten blue ink checkmarks in the YES column for Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks. There are no marks for Mayor Walker.

