

1 **ORDINANCE #24-414**

2
3 **AN ORDINANCE AMENDING TITLE 8, THE DUCHESNE COUNTY**
4 **ZONING ORDINANCE TO CREATE AN AIRPORT OVERLAY ZONING**
5 **DISTRICT PROTECTING THE ROOSEVELT MUNICIPAL AIRPORT**
6

7 WHEREAS, Roosevelt City owns and operates the Roosevelt Municipal Airport; and,

8
9 WHEREAS, to qualify for funding from the Federal Aviation Administration (hereafter “FAA”),
10 Roosevelt City has adopted an Airport Master Plan and an Airport Overlay Zoning District to
11 regulate development in proximity of the Roosevelt Municipal Airport; and,
12

13 WHEREAS, the Roosevelt Municipal Airport Runway Protection Zone, Inner
14 Approach/Departure Zone, Inner Turning Zone, Outer Approach/Departure Zone, Sideline Zone
15 and Traffic Pattern Zone extend outside of the corporate limits into Duchesne County
16 jurisdiction as shown on Exhibit A attached hereto and incorporated herein ; and
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18 WHEREAS, the Utah Legislature, during the 2023 General Session, passed House Bill 206,
19 which requires counties to adopt airport overlay zoning regulations to protect airports from
20 incompatible development and safety hazards; and
21

22 WHEREAS, If the County fails to adopt an airport overlay zone by December 31, 2024, the
23 following requirements shall apply in an airport influence area (within 5,000 feet of a runway):
24

- (a) The County must notify a person building on or developing land within an airport influence area, in writing, of aircraft overflights and associated noise;
- (b) The County must, as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require the person building or developing land to grant or sell to the airport owner, at appraised fair market value, an aviation easement; and
- (c) The County must require that a person building or developing land within an airport influence area conform to the requirements of Title 72, Chapter 10 of the Utah Code (Utah Aeronautics Act) and 14 C.F.R. Part 77; and

27
28 WHEREAS, a significant portion of Roosevelt City’s future growth is likely to occur in the
29 vicinity of the airport and much of the area near the airport is within the city’s future annexation
30 policy boundary; and
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32 WHEREAS, overly restrictive land use regulations near the Roosevelt Municipal Airport could
33 constitute a taking without just compensation unless Roosevelt City were to acquire such
34 properties; and
35

36 WHEREAS, the Duchesne County Planning Commission conducted a public hearing on October
37 2, 2024 regarding this proposed amendment and has recommended approval; and
38

39 WHEREAS, the Duchesne County Commission conducted a public hearing regarding this
40 proposed amendment on October 21, 2024 and recessed the public hearing to provide additional
41 time for Roosevelt City to comment; and
42

43 WHEREAS, the Duchesne County Commission reopened the public hearing regarding this
44 proposed amendment on November 25, 2024 and recessed the public hearing until December 16,
45 2024 to provide additional time for Roosevelt City to finalize its code amendments; and
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47 WHEREAS, the Duchesne County Commission reopened the public hearing regarding this
48 proposed amendment on December 16, 2024 and adopted findings of fact and conclusions to
49 approve the ordinance.
50

51 **BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS** that:
52

53 SECTION 1.
54

55 A new Section 8-9-21 is added to the Duchesne County Zoning Ordinance (“Zoning Ordinance”)
56 to read as follows:
57

58 **Section 8-9-21 Roosevelt Municipal Airport Overlay District**
59

60 A. Purpose. It is the purpose of this section to regulate and restrict the height of structures
61 and objects of natural growth, and otherwise regulate the use of land under county
62 jurisdiction, in the vicinity of the Roosevelt City Municipal Airport by creating the
63 appropriate zones; referring to the Roosevelt City Municipal Airport Land Use
64 Compatibility Overlay Zones map (Exhibit A) which is incorporated in and made a part
65 of this section.
66

67 B. Findings. To assist communities in the appropriate land use and height restriction
68 designations, the Federal Aviation Administration (FAA) has published two documents,
69 FAR Part 77, Objects Affecting Navigable Airspace, and Advisory Circular (AC)
70 150/5300-13, Airport Design. This section incorporates the guidelines set forth in these
71 FAA documents. Based on this information Duchesne County finds that:
72

73 1. It is necessary in the interest of the public health, public safety and general
74 welfare that the creation or establishment of obstructions that are hazardous to air
75 navigation be prevented; and
76

77 2. The encroachment of noise sensitive or otherwise incompatible land uses
78 within certain areas as set forth in this section may endanger the health, safety and
79 welfare of the owners, occupants, or users of the land in proximity to the
80 Roosevelt City Municipal Airport;
81

82 3. The Roosevelt City Municipal Airport fulfills an essential community purpose.
83

84 C. Applicability. The provisions of this section shall apply to all lands, buildings, structures,
85 natural features or uses located within those areas that are defined by the airport overlay
86 district and designated on the Roosevelt Airport Part 77 Surfaces map which identifies
87 areas of height limitations and the Roosevelt City Municipal Airport Land Use
88 Compatibility Overlay Zones map (Exhibit A).

89
90 SECTION 2. Duchesne County hereby adopts Chapter R17.25 of the Roosevelt City Code, and
91 any amendments thereto, to apply to lands under county jurisdiction but within the Roosevelt
92 City Airport Land Use Compatibility Overlay Zones (see Exhibit A).

93
94 SECTION 3. The County reserves the right to administer the overlay zone as it applies to lands
95 outside Roosevelt City boundaries; including the issuing of permits, hearing of appeals, and
96 granting of variances; all done in collaboration with Roosevelt City.

97
98 SECTION 4. Severability.

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100 If any court of competent jurisdiction declares any Section of this Ordinance invalid, such
101 decision shall be deemed to apply to that Section only, and shall not affect the validity of the
102 Ordinance as a whole or any part thereof other than the part declared invalid.

103
104
105 SECTION 3. Effective Date. This ordinance shall become effective fifteen (15) days after
106 publication.

107
108 DATED this 16th day of December, 2024.

109
110 ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

111
112
113
114
115 _____
116 Chelise Jessen
117 County Clerk/Auditor

118 _____
119 Irene Hansen, Commission Chair

120 _____
121 Greg Miles, Commissioner

Tracy Killian, Commissioner