

ORDINANCE NO. 24-05

AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTER 16.19 TO UPDATE THE AIRPORT OVERLAY ZONE TO COMPLY WITH RECENT STATE CODE CHANGES.

RECITALS

WHEREAS, the Utah State Legislature enacted House Bill 206 (2023), affecting Utah Code section 17-27a-501, Enactment of land use regulation and section 72-10-403, Airport zoning regulations; and

WHEREAS, said HB206 requires the County to, by December 31, 2024, adopt regulations that require compliance with 14 C.F.R. 77; and

WHEREAS, the County Legislative Body has determined that the existing county code 16.19 can be reduced by referencing the required code of federal regulations; and

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

WHEREAS, the County Legislative Body, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County Zoning Map and Land Use and Development Code be amended as follows:

SECTION I: Enactment. The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted: *See attached Exhibit A.*

SECTION II: Repealer. If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: Amendment of Conflicting Ordinances. To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: Effective Date. This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.


SECTION VI: Public Notice. The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

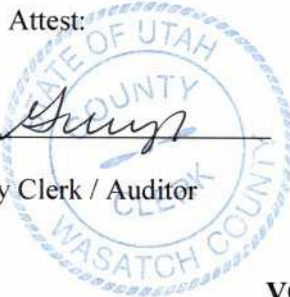
APPROVED and PASSED this 15 day of May, 2024.

Attest:

WASATCH COUNTY COUNCIL:



 Joey Granger
 Wasatch County Clerk / Auditor





 Spencer Park, Chair
 Wasatch County Council

Spencer Park, Chairman
 Karl McMillan, Vice-Chair
 Luke Searle
 Steve Farrell
 Erik Rowland
 Kendall Crittenden
 Mark Nelson

VOTE

 y
 y
 y
 y
 y
 y
 y

ADOPTION OF ORDINANCE AFFIDAVIT

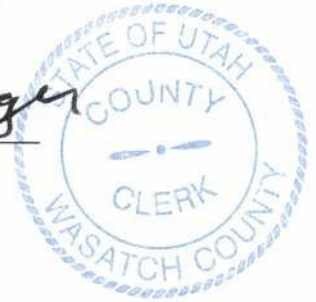
STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [x] (a) Causing this ordinance to be entered at length in the ordinance book;
[x] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
[x] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 15 day of May, 2024.

Signature of Joey Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 15 day of May, 2024.

Signature of Wendy McKnight
Wendy McKnight
Notary Public

Residing in: Wasatch
My commission expires: 09/10/2026

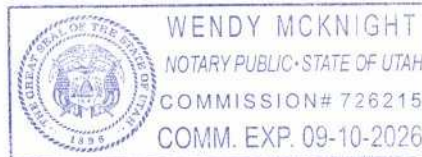


EXHIBIT A – PROPOSED AMENDMENT**Chapter 16.19: AIRPORT OVERLAY ZONE (AOZ)****16.19.01: PURPOSE**

The purpose of establishing the airport overlay zone (AOZ) is to establish regulations for any ~~future development near the~~ airport ~~development~~ that may be constructed in the county, and to see that said development is constructed in locations and at heights that will harmonize with the surrounding area with respect to topography, siting, noise and hazards. The airport overlay zone (AOZ) is to ensure safety in the operation of the airport.

16.19.02: AIRPORT OVERLAY ZONES DEFINITIONS BOUNDARY

For the purpose of this chapter, any surfaces defined under 14 C.F.R 77 (Code of Federal Regulations), and those shown on the official Wasatch County Zoning Map shall be considered the Airport Overlay Zone.:

~~AIRPORT APPROACH ZONE: An area at each end of an airport landing strip or takeoff strip, broadening from a width of one thousand feet (1,000') at the end of the strip to a width of four thousand feet (4,000') at a distance of seven thousand five hundred feet (7,500') from the end of such strip, its centerline being a continuation of the centerline of the strip.~~

~~AIRPORT TRANSITION ZONE: A triangular area adjacent to each side of an airport approach zone located with reference thereto as follows: one corner of the transition zone shall be identical with the corner of the approach zone nearest to the landing strip; a second corner shall be located at the end of a line, the line extending from the end of the landing strip to a point one thousand five hundred fifty feet (1,550') from the centerline of the landing strip and at right angles thereto; a third corner shall be located at a point along the approach zone boundary line, which point is seven thousand five hundred feet (7,500') distant from the first corner above mentioned.~~

~~AIRPORT TURNING ZONE: A circular area surrounding an airport encompassing all of the land lying within a radius of two (2) miles distance from the landing strip of an airport, except that area covered by the airport, the transition zones and the approach zones.~~

16.19.03: AIRPORT REGULATIONS

~~1. All proposed development within the Airport Overlay Zone shall conform with 14 C.F.R. Part 77.~~
~~2. Height Limits Near Airports: No building, utility line, or structure shall be erected and no tree or other natural feature shall be permitted to grow or develop which is higher than the limitations established under 14 C.F.R. 77.~~

- ~~1. In any airport approach zone, no building, utility line or structure shall be erected and no tree or other natural feature shall be permitted to grow or develop which is more than one foot (1') in height for each fifty feet (50') the building is distant from the end of the landing or takeoff strip.~~
- ~~2. In any airport transition zone, no building, utility line or structure shall be erected and no tree or other natural feature shall be permitted to grow or develop which is more than one foot (1') in height for each seven feet (7') the building or structure is distant from the inside airport approach zone boundary.~~

41 ~~3. In any airport turning zone, no building, utility line or structure shall be erected and no~~
42 ~~tree or other natural feature shall be permitted to grow or develop to a height greater than~~
43 ~~one hundred fifty feet (150').~~

44 4.1. At least part of the land covered by the airport approach zone within one thousand feet
45 (1,000') from end of runway must be owned by the same person or corporation which
46 owns or controls the operation of the airport, or else an easement covering the land must
47 be owned by the same person or corporation which will prevent the construction of
48 buildings and structures or the growing of trees or other natural feature over the above
49 prescribed height limits.

50 2.3. Use Restrictions: Notwithstanding any other provision of this title, no uses may be made of land
51 within the county which will create electrical interference with radio communication between
52 airports and aircraft; make it difficult for flyers to distinguish between airport lights and others;
53 result in glare in the eyes of flyers using the airport; impair visibility in the vicinity of airports or
54 otherwise endanger the landing or taking off of aircraft.

55 4. Airport Overlay Uses: Other than single-family residential housing, All any other permitted or
56 conditional uses in the underlying zone, but within the airport overlay zone (AOZ) are shall be
57 considered conditional uses. Uses not listed as permitted or conditional uses in the underlying
58 zone shall be prohibited.

59 5. Any subdivision plats recorded that include property within the airport overlay zone shall include
60 a notice indicating that the subdivision is within the airport overlay zone and alert future buyers to
61 the associated impacts of the airport.

62 3-6. The county may, as a condition of granting a building permit, subdivision plat, or a requested
63 zone change within 5,000 feet of a legally established airport runway, require the person building
64 or developing land to grant or sell to the airport owner, at appraised fair market value, an
65 avigation easement.