



**RIVERDALE CITY PLANNING COMMISSION AGENDA  
CIVIC CENTER - 4600 S. WEBER RIVER DR.  
TUESDAY – JANUARY 23, 2024**

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**6:00 p.m. – Planning Commission Work Session Meeting (Conference Room)**

The purpose of the work session is to review maps, plans, paperwork, etc. No motions or decisions will be considered during this session, which is open to the public.

**Planning Commission Work Session Items -Planning Commission Training *to be determined***

**6:30 p.m. – Planning Commission Meeting (Council Chambers)**

**A. Welcome & Roll Call**

**B. Public Comment**

*This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes. No action will be taken during public comment.*

**C. Presentations and Reports**

**D. Consent Items**

1. Consideration of Meeting Minutes from:  
December 12, 2023 Work Session  
December 12, 2023 Regular Meeting

**E. Action Items**

1. a. Review and discussion of proposed code addition of Title 10, Chapter 13, Article I. “Airport Overlay Zone and Airport Area Special Regulations” ordinance to be added to the Riverdale City Code.  
  
b. Consideration to set Public Hearing for proposed code addition of Title 10, Chapter 13, Article I. “Airport Overlay Zone and Airport Area Special Regulations” ordinance to be added to the Riverdale City Code, as requested by the Community Development Department and required by the State of Utah.
2. Commission voting consideration to select Planning Commission Chair Member and Vice Chair Member.

*Items presented by: Mike Eggett, Community Development*

**F. Comments**

1. Planning Commission
2. City Staff

**G. Adjournment**

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In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

**Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted on this 19<sup>th</sup> day of January, 2024 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> and 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni  
Riverdale City Recorder

Minutes of the **Work Session** of the Riverdale City **Planning Commission** held Tuesday December 12, 2023, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr, Riverdale City, Weber County, Utah.

**Present:**

Commissioners: Kathy Eskelsen, Chair  
Kent Anderson, Vice Chair  
Amy Ann Spiers, Commissioner  
Rikard Hermann, Commissioner  
Wanda Ney, Commissioner  
Celeste Noland, Commissioner  
Randy Poulsen, Commissioner

City Employees: Mike Eggett, Community Development  
Michelle Marigoni, City Recorder

Excused:

Visitors:

**A. Welcome & Roll Call**

The Planning Commission Work Session began at 6:03 p.m. Chair Eskelsen welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present. Members of the city staff were also present.

**B. Public Comment**

**C. Presentations and Reports**

Mr. Eggett presented updates on the following:

- Shake Shack opening 12/14/23 with a ribbon cutting at 10:30 am. A traffic plan is in place for the additional business.
- Ashley Furniture is working on interior and exterior construction.
- Tesla is working on groundwork and utilities.
- Napa Auto Parts may be the next to open.
- Chuck E. Cheese has a Design Review Committee meeting in January.
- Thrive Appliance has been very quiet.
- Old John Paras building/Panera is seeking RDA assistance.
- IDK BBQ is still coming; they had an issue with their contractor.
- Walmart is doing a small remodel.
- Council approved the Ken Garff Honda remodel.
- 5600 South offramp is in need of better signage.

**D. Consent Items**

**1. Consideration of Meeting Minutes from:**

October 24, 2023 Work Session  
October 24, 2023 Regular Meeting  
November 14, 2023 Work Session  
November 14, 2023 Regular Meeting  
November 28, 2023 Regular Meeting  
November 28, 2023 Work Session

Chair Eskelson asked if there were any changes or corrections to the minutes. There were none.

**E. Action Items**

1. a. **Public Hearing for proposed updates to Title 10, Chapter 21 "Subdivisions" ordinance as found in the Riverdale City Code, as requested by the Community Development Department, and required by the State of Utah.**

**b. Consideration to forward a recommendation to City Council regarding proposed updates to Title 10, Chapter 21 "Subdivisions" ordinance as found in the Riverdale City Code, as requested by the Community Development Department, and required by the State of Utah.**

Mr. Eggett gave a brief update on the history of the changes made to the draft code. The attorney contracted to assist with the project had a difference in code interpretation, so after much discussion, the information

was better understood by the contract attorney. Riverdale was the first city to reach this point, so everyone is working together to understand it. The latest revision was completed just before this meeting. The draft needs to be presented to City Council at the first meeting in January.

**F. Comments**

**G. Adjournment**

As there was no further business to discuss, the Planning Commission Work Session adjourned at 6:30 p.m.

Date Approved:

DRAFT

Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, December 12, 2023, at 6:30 p.m., at the Civic Center, 4600 S Weber River Drive., Riverdale City, Weber County, Utah.

**Present:** Commissioners: Kathy Eskelsen, Chair  
Kent Anderson, Vice Chair  
Amy Ann Spiers, Commissioner  
Rikard Hermann, Commissioner  
Wanda Ney, Commissioner  
Celeste Noland, Commissioner  
Randy Poulsen, Commissioner

City Employees: Mike Eggett, Community Development  
Michelle Marigoni, City Recorder

Excused:

Visitors: Jay Springer

**A. Welcome & Roll Call**

The Planning Commission Meeting began at 6:30 p.m. Chair Eskelsen welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present. Members of the city staff were also present.

**B. Public Comment**

Commissioner Eskelsen asked if any members of the public were present with comments. There were none.

**C. Presentations and Reports**

Mr. Eggett presented updates on the following:

- Shake Shack opening 12/14/23 with a ribbon cutting at 10:30 am. A traffic plan is in place for the additional business.
- Ashley Furniture is working on interior and exterior construction.
- Tesla is working on groundwork and utilities.
- Napa Auto Parts may be the next to open.
- Chuck E. Cheese has a Design Review Committee meeting in January.
- Thrive Appliance has been very quiet.
- Old John Paras building/Panera is seeking RDA assistance.
- IDK BBQ is still coming; they had an issue with their contractor.
- Walmart is doing a small remodel.
- Council approved the Ken Garff Honda remodel.

**D. Consent Items**

1. Consideration of Meeting Minutes from:
  - October 24, 2023 Work Session
  - October 24, 2023 Regular Meeting
  - November 14 2023 Work Session
  - November 14 2023 Regular Meeting
  - November 28, 2023 Regular Meeting
  - November 28, 2023 Work Session

Chair Eskelson asked if there were any changes or corrections to the minutes. There were none. Commissioner Noland moved to approve the consent items. Commissioner Anderson seconded the motion, and all were in favor.

**E. Action Items**

1. a. **Public Hearing for proposed updates to Title 10, Chapter 21 "Subdivisions" ordinance as found in the Riverdale City Code, as requested by the Community Development Department, and required by the State of Utah.**

Mr. Eggett went over the executive summary included in the packet, which explained:

Riverdale City Community Development, as required by the Utah State Legislature (Senate Bill 174, 2023) and State Code, has completed an updated ordinance amendment draft of the "Subdivisions" ordinance as found in Title 10, Chapter 21 of the Riverdale City Code. This updated draft amendment was prepared in order to be in compliance with the updated legislative mandates for land use development ordinances associated with single-family dwellings, two-family dwellings, and townhomes subdivisions. The new codes must be completed by or before February 1, 2024. As a component of this proposed comprehensive subdivisions code amendment, city staff also updated codes associated with process and administration of subdivisions that more clearly reflect historical activity and procedural standards for all types of subdivisions (residential, commercial, and industrial). The Utah State Legislature has discussed consequences of not completing this update by February 1, 2024, but these consequences are not clear at this time and would likely be debated during the next legislative session in February of 2024 based on identified rates of compliance throughout the State of Utah during this time period.

The State of Utah has authorized select entities to enter into contract arrangements with cities in order to review these subdivision code amendment proposals, and the State of Utah will pay the expenses of these reviews. One of the entities providing this service is Smith Hartvigsen PLLC, with whom our RDA attorney Adam Long is employed. We have engaged his firm's services to assist us in the review of our proposed subdivisions ordinance amendments in an effort to be in complete compliance with the requirements of Senate Bill 174. We will share with the Planning Commission any input we receive from the Smith Hartvigsen team, should we receive it prior to the meeting.

In order to move forward with any recommended City Code change, the City is required to hold a public hearing for this update. Therefore, a public hearing has been advertised in accordance with State and City codes. No public comments were provided prior to the establishment of this packet.

Following this executive summary are the proposed code revisions and public hearing notice information for this code update recommendation consideration. This language is also available to the public on the State public meeting notice website.

**Motion:** Commissioner Anderson moved to open the public hearing.

**Second:** Commissioner Poulsen

Vote:

Commissioner Eskelsen:	Yes
Commissioner Anderson:	Yes
Commissioner Noland:	Yes
Commissioner: Poulsen	Yes
Commissioner Hermann:	Yes
Commissioner Spiers:	Yes
Commissioner Ney:	Yes

Motion passes, public hearing open at 6:39 pm.

Public Comment: There were no members of the public present.

**Motion:** Commissioner Noland moved to close the public hearing.

**Second:** Commissioner Spiers

Vote:

Commissioner Noland:	Yes
Commissioner: Poulsen	Yes
Commissioner Hermann:	Yes
Commissioner Eskelsen:	Yes
Commissioner Anderson:	Yes
Commissioner Ney:	Yes
Commissioner Spiers:	Yes

Motion passes, public hearing closed at 6:40 pm.

**b. Consideration to forward a recommendation to City Council regarding proposed updates to Title 10, Chapter 21 "Subdivisions" ordinance as found in the Riverdale City Code, as requested by the Community Development Department, and required by the State of Utah.**

Mr. Eggett, alongside attorney Jay Springer from Smith Hartvigsen PLLC, addressed revisions to the code. Changes were made to enhance the clarity of terms, particularly in the pre-application section. The Planning Commission's role as the legislative land use authority was emphasized, granting limited vested rights to

developers upon approval. Four reviews were permitted between the Planning Commission and the Staff Planning Committee.

Extensions for preliminary plats were within the Planning Commission's purview, while final plat expirations would be decided by the Staff Planning Committee. Pre-application reviews, though encouraged, weren't mandatory and didn't count towards the four reviews. Ambiguities persisted regarding complete land use applications, with a future need for clarification.

The small subdivisions section required further clarification, and Mr. Springer provided suggestions for revisions, some of which Mr. Eggett had already addressed. The discussion included a 10- to 15-business day timer starting upon a complete application submission, irrespective of meeting schedules.

Mr. Eggett thanked Mr. Springer and Smith Hartvigsen for their contributions. Commissioner Spiers acknowledged Riverdale's fortune in having Mr. Eggett's expertise for a speedy process. Concerns were raised about potential developer manipulation of the system.

**Motion:** Commissioner Noland moved to forward a recommendation of approval to City Council regarding proposed updates to Title 10, Chapter 21 "Subdivisions" ordinance as found in the Riverdale City Code, as requested by the Community Development Department, and required by the State of Utah, adding that city staff will make changes discussed in the meeting and with the understanding that minor changes may be made before council meeting.

**Second:** Commissioner Spiers

Vote:

Commissioner Ney:	Yes
Commissioner Hermann:	Yes
Commissioner Spiers:	Yes
Commissioner Anderson:	Yes
Commissioner Eskelson:	Yes
Commissioner Noland:	Yes
Commissioner Poulsen:	Yes

Motion passes unanimously.

**F. Comments**

**G. Adjournment**

As there was no further business to discuss, Commissioner Spiers moved to adjourn. This was seconded by Commissioner Hermann All were in favor and the Planning Commission meeting adjourned at 7:27 p.m.

Date Approved:

**AIRPORT LAND USE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: Todd D. Weiler

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**LONG TITLE**

**General Description:**

This bill amends provisions related to land use requirements near an airport influence area.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions related to airport influence areas and airport overlay zones;
- ▶ encourages a political subdivision to adopt land use regulations that protect airports, including:
  - adopting airport overlay zones;
  - notifying of airport impacts; and
  - granting of avigation easements;
- ▶ amends provisions related to governing law in the event of a conflict between land use regulations related to airport overlay zones;
- ▶ amends provisions related to the acquisition of an avigation easement or similar rights;
- ▶ repeals sections of code related to zoning and land use related to airports; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

30 AMENDS:

31 10-9a-501, as last amended by Laws of Utah 2021, Chapter 60

32 17-27a-501, as last amended by Laws of Utah 2021, Chapter 60

33 72-10-401, as renumbered and amended by Laws of Utah 1998, Chapter 270

34 72-10-402, as renumbered and amended by Laws of Utah 1998, Chapter 270

35 72-10-403, as renumbered and amended by Laws of Utah 1998, Chapter 270

36 72-10-404, as renumbered and amended by Laws of Utah 1998, Chapter 270

37 72-10-413, as renumbered and amended by Laws of Utah 1998, Chapter 270

38 REPEALS:

39 72-10-405, as renumbered and amended by Laws of Utah 1998, Chapter 270

40 72-10-406, as renumbered and amended by Laws of Utah 1998, Chapter 270

41 72-10-407, as renumbered and amended by Laws of Utah 1998, Chapter 270

42 72-10-408, as renumbered and amended by Laws of Utah 1998, Chapter 270

43 72-10-409, as renumbered and amended by Laws of Utah 1998, Chapter 270

44 72-10-410, as renumbered and amended by Laws of Utah 1998, Chapter 270

45 72-10-411, as renumbered and amended by Laws of Utah 1998, Chapter 270

46 72-10-412, as last amended by Laws of Utah 2018, Chapter 148

47 72-10-414, as renumbered and amended by Laws of Utah 1998, Chapter 270

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49 *Be it enacted by the Legislature of the state of Utah:*

50 Section 1. Section 10-9a-501 is amended to read:

51 **10-9a-501. Enactment of land use regulation, land use decision, or development**  
52 **agreement.**

53 (1) Only a legislative body, as the body authorized to weigh policy considerations, may  
54 enact a land use regulation.

55 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
56 regulation only by ordinance.

57 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that



58 imposes a fee.

59 (3) A legislative body shall ensure that a land use regulation is consistent with the  
60 purposes set forth in this chapter.

61 (4) (a) A legislative body shall adopt a land use regulation to:

62 (i) create or amend a zoning district under Subsection 10-9a-503(1)(a); and

63 (ii) designate general uses allowed in each zoning district.

64 (b) A land use authority may establish or modify other restrictions or requirements  
65 other than those described in Subsection (4)(a), including the configuration or modification of  
66 uses or density, through a land use decision that applies criteria or policy elements that a land  
67 use regulation establishes or describes.

68 (5) A municipality may not adopt a land use regulation, development agreement, or  
69 land use decision that restricts the type of crop that may be grown in an area that is:

70 (a) zoned agricultural; or

71 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

72 (6) A municipal land use regulation pertaining to an airport or an airport influence area,  
73 as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport  
74 Zoning Act.

75 Section 2. Section 17-27a-501 is amended to read:

76 **17-27a-501. Enactment of land use regulation.**

77 (1) Only a legislative body, as the body authorized to weigh policy considerations, may  
78 enact a land use regulation.

79 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
80 regulation only by ordinance.

81 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that  
82 imposes a fee.

83 (3) A land use regulation shall be consistent with the purposes set forth in this chapter.

84 (4) (a) A legislative body shall adopt a land use regulation to:

85 (i) create or amend a zoning district under Subsection 17-27a-503(1)(a); and

86 (ii) designate general uses allowed in each zoning district.

87 (b) A land use authority may establish or modify other restrictions or requirements  
88 other than those described in Subsection (4)(a), including the configuration or modification of  
89 uses or density, through a land use decision that applies criteria or policy elements that a land  
90 use regulation establishes or describes.

91 (5) A county may not adopt a land use regulation, development agreement, or land use  
92 decision that restricts the type of crop that may be grown in an area that is:

93 (a) zoned agricultural; or

94 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

95 (6) A county land use regulation pertaining to an airport or an airport influence area, as  
96 that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport  
97 Zoning Act.

98 Section 3. Section 72-10-401 is amended to read:

99 **72-10-401. Definitions.**

100 As used in this part, unless the context otherwise requires:

101 (1) "Airport" means any publicly used area of land or water [~~designed and set aside~~]  
102 that is used, or intended to be used, for the landing and [~~taking-off~~] take-off of aircraft and  
103 utilized or to be utilized in the interest of the public for these purposes.

104 [~~(2) "Airport hazard" means any structure or tree or use of land which obstructs the~~  
105 ~~airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise~~  
106 ~~hazardous to the landing or taking-off of aircraft.]~~

107 [~~(3) "Airport hazard area" means any area of land or water upon which an airport~~  
108 ~~hazard might be established if not prevented as provided in this part.]~~

109 (2) "Airport hazard" means any structure, tree, object of natural growth, or use of land  
110 that potentially obstructs or otherwise impacts the safe and efficient utilization of the navigable  
111 airspace required for the flight of aircraft in landing or take-off at an airport.

112 (3) "Airport influence area" means land located within 5,000 feet of an airport runway.

113 (4) "Airport overlay zone" means a secondary zoning district designed to protect the

114 public health, safety, and welfare near an airport that:

115 (a) applies land use regulation in addition to the primary zoning district land use  
116 regulation of property used as an airport and property within an airport influence area;

117 (b) may extend beyond the airport influence area;

118 (c) ensures airport utility as a public asset;

119 (d) protects property owner land values near an airport through compatible land use  
120 regulations as recommended by the Federal Aviation Administration; and

121 (e) protects aircraft occupant safety through protection of navigable airspace.

122 (5) "Avigation easement" means an easement permitting unimpeded aircraft flights  
123 over property subject to the easement and includes the right:

124 (a) to create or increase noise or other effects that may result from the lawful operation  
125 of aircraft; and

126 (b) to prohibit or remove any obstruction to such overflight.

127 (6) "Land use regulation" means the same as that term is defined in Sections [10-9a-103](#)  
128 and [17-27a-103](#).

129 ~~[(4)]~~ (7) "Political subdivision" means any municipality, city, town, or county.

130 ~~[(5)]~~ (8) "Structure" means any object constructed or installed by man, including  
131 buildings, towers, smokestacks, and overhead transmission lines.

132 ~~[(6)]~~ (9) "Tree" means any object of natural growth.

133 Section 4. Section **72-10-402** is amended to read:

134 **72-10-402. Declaration with respect to airport hazards.**

135 The Legislature finds that:

136 (1) an airport hazard endangers the lives and property of users of the airport and of  
137 occupants of land in its vicinity;

138 (2) an obstruction of the type that reduces the size of the area available for the landing,  
139 taking-off, and maneuvering of aircraft tends to destroy or impair the utility of the airport and  
140 the public investment in the airport;

141 (3) the creation or establishment of an airport hazard is a public nuisance and an injury

142 to the community served by the airport in question;

143 (4) it is necessary in the interest of the public health, public safety, and general welfare  
144 that the creation or establishment of airport hazards be prevented;

145 (5) this should be accomplished, to the extent legally possible, by exercise of the police  
146 power, without compensation; [~~and~~]

147 (6) both the prevention of the creation or establishment of airport hazards and the  
148 elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards  
149 are public purposes for which political subdivisions may raise and expend public funds and  
150 acquire land or property interests in land[-]; and

151 (7) the establishment of an airport overlay zone best prevents the creation or  
152 establishment of an airport hazard, and promotes the public health, safety, and general welfare.

153 Section 5. Section **72-10-403** is amended to read:

154 **72-10-403. Airport zoning regulations.**

155 [~~(1) (a) In order to prevent the creation or establishment of airport hazards, every~~  
156 ~~political subdivision having an airport hazard area within its territorial limits may adopt,~~  
157 ~~administer, and enforce, under the police power and in the manner and upon the conditions~~  
158 ~~prescribed in this part, airport zoning regulations for the airport hazard area.]~~

159 [~~(b) The regulations may divide the area into zones, and, within the zones, specify the~~  
160 ~~land uses permitted and regulate and restrict the height to which structures and trees may be~~  
161 ~~erected or allowed to grow.]~~

162 [~~(2) (a) If an airport is owned or controlled by a political subdivision and any airport~~  
163 ~~hazard area appertaining to the airport is located outside the territorial limits of the political~~  
164 ~~subdivision, the political subdivision owning or controlling the airport and the political~~  
165 ~~subdivision within which the airport hazard area is located may, by ordinance or resolution~~  
166 ~~duly adopted, create a joint airport zoning board.]~~

167 [~~(b) The board shall have the same power to adopt, administer, and enforce airport~~  
168 ~~zoning regulations applicable to the airport hazard area in question as that vested by Subsection~~  
169 ~~(1) in the political subdivision within which the area is located.]~~

170 ~~[(c) Each joint board shall have as members two representatives appointed by each~~  
171 ~~political subdivision participating in its creation and in addition a chair elected by a majority of~~  
172 ~~the appointed members.]~~

173 (1) In order to prevent the creation or establishment of airport hazards, each political  
174 subdivision located within an airport influence area, shall adopt, administer, and enforce land  
175 use regulations for the airport influence area, including an airport overlay zone, under the  
176 police power and in the manner and upon the conditions prescribed:

177 (a) in this part;

178 (b) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;

179 and

180 (c) Title 17, Chapter 27a, County Land Use Development, and Management Act.

181 (2) (a) Each political subdivision located within an airport influence area shall notify a  
182 person building on or developing land in an airport influence area, in writing, of aircraft  
183 overflights and associated noise.

184 (b) To promote the safe and efficient operation of the airport, a political subdivision  
185 located within an airport influence area:

186 (i) shall:

187 (A) adopt an airport overlay zone conforming to the requirements of this chapter and  
188 14 C.F.R. Part 77; and

189 (B) require any proposed development within an airport influence area to conform with  
190 14 C.F.R. Part 77; and

191 (ii) may, as a condition to granting a building permit, subdivision plat, or a requested  
192 zoning change within an airport influence area, require a person building or developing land to  
193 grant or sell to the airport owner, at appraised fair market value, an avigation easement.

194 (3) If a political subdivision located within an airport influence area fails to adopt an  
195 airport overlay zone by December 31, 2024, then the following requirements shall apply in an  
196 airport influence area:

197 (a) each political subdivision located within an airport influence area shall notify a

198 person building on or developing land within an airport influence area, in writing, of aircraft  
199 overflights and associated noise;

200 (b) as a condition to granting a building permit, subdivision plat, or a requested zoning  
201 change within an airport influence area, require the person building or developing land to grant  
202 or sell to the airport owner, at appraised fair market value, an avigation easement; and

203 (c) require a person building or developing land within an airport influence area  
204 conform to the requirements of this chapter and 14 C.F.R. Part 77.

205 Section 6. Section **72-10-404** is amended to read:

206 **72-10-404. Zoning ordinances -- Governing law in event of conflict.**

207 [~~(1) In the event that a political subdivision has adopted or adopts a comprehensive~~  
208 ~~zoning ordinance regulating the height of buildings, any airport zoning regulations applicable~~  
209 ~~to the same area or a portion of the area may be incorporated in and made a part of~~  
210 ~~comprehensive zoning regulations, and be administered and enforced in connection with the~~  
211 ~~comprehensive zoning regulations.~~(2)] In the event of conflict between any airport [zoning]  
212 land use regulations adopted under this part and any other regulations applicable to the same  
213 area, whether the conflict be with respect to the height of structures or trees, the use of land, or  
214 any other matter, [~~and whether the other regulations were adopted by the political subdivision~~  
215 ~~which adopted the airport zoning regulations or by some other political subdivision, the more~~  
216 ~~stringent limitation or requirement] the airport overlay zone requirement shall govern and  
217 prevail.~~

218 Section 7. Section **72-10-413** is amended to read:

219 **72-10-413. Purchase or condemnation of air rights or navigation easements.**

220 A political subdivision [~~within which the property or nonconforming use is located or~~  
221 ~~the political subdivision]~~ owning the airport [~~or~~], whether or not the airport is located within  
222 the territorial limits of the political subdivision, or a political subdivision that is served by [it]  
223 the airport may acquire, by purchase, grant, or condemnation in the manner provided by the law  
224 under which political subdivisions are authorized to acquire real property for public purposes,  
225 an air right, [~~navigation~~] an avigation easement, or other estate or interest in the property or

226 nonconforming structure or use in question if:

227 (1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or  
228 use;

229 (2) the approach protection necessary cannot, because of constitutional limitations, be  
230 provided by airport ~~[zoning]~~ land use regulations under this part; or

231 (3) it appears advisable that the necessary approach protection be provided by  
232 acquisition of property rights rather than by airport zoning regulations.

233 Section 8. **Repealer.**

234 This bill repeals:

235 Section **72-10-405, Airport zoning regulations -- Adoption and amendment --**  
236 **Airport zoning commission -- Powers and duties.**

237 Section **72-10-406, Airport zoning regulations -- Validity, limitations, and**  
238 **restrictions.**

239 Section **72-10-407, Permit for new or changed structures or uses -- Nonconforming**  
240 **structures -- Airport hazards -- Application to board of adjustment for variance --**  
241 **Allowance of variance -- Conditioning permit or variance.**

242 Section **72-10-408, Appeals to board of adjustment -- Procedure -- Stay of**  
243 **proceedings -- Hearing and judgment.**

244 Section **72-10-409, Airport zoning regulations -- Administration and enforcement.**

245 Section **72-10-410, Board of adjustment -- Powers -- Appointment and**  
246 **membership of board -- Hearings and decisions by board -- Meetings -- Adoption of**  
247 **rules.**

248 Section **72-10-411, Appeals to district courts -- Procedure -- Findings, judgment,**  
249 **and costs -- Regulations invalid as to one structure or parcel of land.**

250 Section **72-10-412, Violations of chapter or rulings -- Misdemeanor -- Remedies of**  
251 **political subdivisions.**

252 Section **72-10-414, Exchange of private property near federal airports.**

**15-24-1010-13 Article I.: AIRPORT OVERLAY ZONE AND AIRPORT AREA  
SPECIAL REGULATIONS:**

A. Purpose And Intent: It is hereby found that an airport hazard endangers the lives and property of users of the nearby Ogden-Hinckley airport and of occupants of land or to property in its vicinity, and also that if in effect such hazard substantially reduces the size of the area available for the landing, taking off and maneuvering of aircraft, it tends to destroy or impair the utility of the nearby Ogden-Hinckley airport and the public investment therein and causes adverse effects on the safety of residents and the economic development of the region.

B. Height Limiting Zones: In order to carry out the provisions of this title, there are hereby created and established certain height limiting zones, which include all the incorporated land lying within the nonprecision and precision instrument approach zones, noninstrument approach zones, transitional surface zones, horizontal surface zones, and conical surface zones. Such zones are shown on the airport zoning map, on the Ogden-Hinckley airport layout plan (ALP), which is available ~~in~~ through contact with the airport manager, 's office on the Ogden-Hinckley airport website, and as an airport overlay zone on the Ogden-Riverdale City zoning map.

C. Objects That Affect Navigable Airspace: Federal aviation regulations, as found in the Code of Federal Regulation (CFR) Title 14, Chapter 1(E.), part 77, outlines that "objects affecting navigable airspace" prescribes airspace standards which should be free from penetrations which represent obstructions to air navigation. These standards and their relationship to the physical features and terrain on and around Ogden-Hinckley airport must be considered prior to construction or alteration of any building or tower-structure located within the airport's navigable airspace. Plan sheets that present the part 77 standards, existing obstructions, and limiting heights and elevations for future development adjacent to the airport and within the airport environs are part of the Ogden-Hinckley airport layout plan and are available in the airport manager's office.

~~Plans include the following:~~

- ~~— 1. Part 77 airspace plan.~~
- ~~— 2. Runway 3-21, approach plan and profile.~~
- ~~— 3. Runway 3-21, protection zone detail.~~
- ~~— 4. Runway 16-34, approach plan and profile.~~
- ~~— 5. Runway 16-34, protection zone detail.~~
- ~~— 6. Runway 7-25, approach plan and profile.~~
- ~~— 7. Runway 7-25, protection zone detail.~~

D. Federal Aviation Regulations 14 CFR Part 77 Surfaces: Airport imaginary surfaces (FAR part 77) are established relative to the airport and each runway. The size of each imaginary surface is based on the category of each runway with respect to the existing and proposed approaches for that runway. The slope and dimensions of each



approach surface are determined by the most precise approach existing or proposed for that runway end. The part 77 imaginary surface definitions include:

1. Primary Surface: A rectangular area, symmetrically located about the runway centerline and extending a distance of two hundred feet (200') beyond each runway threshold. Its elevation is the same as that of the runway.
2. Horizontal Surface: An oval shaped, level area situated one hundred fifty feet (150') above the airport elevation. Its dimensions are governed by the runway service category.
3. Conical Surface: A sloping area whose inner perimeter conforms to the shape of the horizontal surface. It extends outward for a distance of ~~four~~five thousand feet (54,000') measured horizontally, while sloping upward at a twenty to one (20:1) (horizontal:vertical) ratio.
4. Transitional Surface: A sloping area which begins at the edge of the primary surface and slopes upward and outward at a ratio of seven to one (7:1) (horizontal:vertical) until it intersects the horizontal surface.
5. Approach Surfaces: These surfaces begin at the ends of the primary surface (200 feet beyond the runway threshold) and slope upward and outward at a predetermined ratio while flaring outward horizontally. The width and elevation of the inner ends conform to that of the primary surface; while slope, length and width of the outer ends are governed by the runway service category and existing or proposed instrument approach procedure. The Ogden--Hinckley airport approach surfaces are as follows:

[See Ogden airport runway map through Ogden City website \(see pdf page 26\):  
https://www.ogdencity.com/DocumentCenter/View/12538/OGD\\_AirportMasterPlan\\_Draft?bidId=](https://www.ogdencity.com/DocumentCenter/View/12538/OGD_AirportMasterPlan_Draft?bidId=)

Runway	Surface
<u>3-21</u>	20:1
<u>17-2535</u>	20:1

E. Height Restrictions: Construction of buildings and other structures within the airport vicinity must not conflict with airport operations. Therefore, all proposed construction and development must be reviewed in accordance with FAR part 77 regulations to ascertain obstructions and/or potential penetrations.

By this zoning ordinance, the city hereby notifies proposed builders/developers of the FAA notification requirement for construction (FAA form 7460-1) or alteration of manmade structures. This FAA notification requirement applies to any construction or alteration of: 1) a structure (permanent or temporary) more than two hundred feet (200') in height above the ground level at its site, and/or 2) a structure of greater height than an imaginary surface extending outward and upward at one hundred to one (100:1) slope for a horizontal distance of twenty thousand feet (20,000') from the nearest point

of the nearest runway. Forms and additional information are available at the Ogden-Hinckley airport manager's office.

~~—F. Airspace Plan: The Ogden-Hinckley airport airspace plan depicts the FAR part 77 surfaces on a series of quadrangle maps for the area around the airport. These surfaces illustrate the instrument approach surfaces to runways 3 and 7 and visual approach surfaces to runways 16, 21, 25 and 34.~~

~~—G. Approach Zones And Runway Protection Zones: The runway approach zone, defined previous, contains the runway protection zone (RPZ). The RPZ is merely the inner portion of the approach zone. It begins at ground level, two hundred feet (200') beyond the end of the area usable for takeoff or landing. It is trapezoidal in shape and centered about the extended runway centerline. Like the approach zone, the RPZ dimensions are a function of the design aircraft, type of operation and visibility minimums. The approach zone and RPZ geometric are smaller for visual approaches than for nonvisual approaches, which are smaller than precision approaches. The approach zone and RPZ slopes (horizontal:vertical) vary dependent upon the availability and precision of air navigation facilities provided.~~

~~At Ogden-Hinckley airport, runway 3 has an existing precision instrument fifty to one (50:1) approach requirement. Runway 7 has an existing nonprecision twenty to one (20:1) instrument approach. Runways 16, 21, 25 and 34 have visual twenty to one (20:1) approaches. The ALP and property records show the ownership of the RPZs. The airport has achieved and should continue to try to maintain obstruction free approach zones and RPZs.~~

~~The following height limiting zones are hereby established:~~

~~—1. Runways 21, 16, 34, 7 And 25 Approach Zones: A nonprecision approach surface zone is established at the end of each of these runways for nonprecision landings and takeoffs. The approach zone shall have an inner width (W1) at a distance of two hundred feet (200') beyond the end of the runway, widening thereafter uniformly to an outer width (W2) at a distance of five thousand two hundred feet (5,200') beyond the end of the runway, its centerline being the continuation of the centerline of the runway. The approach zone shall rise one foot (1') in height for each twenty feet (20') in horizontal distance beginning at a point two hundred feet (200') from and at the centerline elevation of the runway and extending to a distance of five thousand two hundred feet (5,200) from the end of the runway.~~

<b>Runway</b>	<b>W1</b>	<b>W2</b>
21	1,000 feet	1,500 feet
16	500 feet	1,000 feet
34	500 feet	1,500 feet
7	500 feet	2,000 feet
25	500 feet	2,000 feet

~~—2. Runway 3 Precision Approach Surface Zone: A precision instrument approach surface zone is established at the end of runway 3. The approach zone shall have a width of one thousand feet (1,000') at a distance of two hundred feet (200') beyond the end of the runway; widening thereafter uniformly to a width of sixteen thousand feet (16,000') at a distance of fifty thousand two hundred feet (50,200') from the end of the runway. The approach zone shall rise one foot (1') in height for each fifty feet (50') in horizontal distance beginning at a point two hundred feet (200') from and at the centerline elevation of the precision instrument runway and for a distance of ten thousand feet (10,000'); thence, shall rise one foot (1') in height for each forty feet (40') in horizontal distance for the remaining forty thousand feet (40,000') of the approach.~~

~~—3. Transitional Surface Zones: Transitional surface zones are hereby established adjacent to each nonprecision and precision instrument runway and approach zones as indicated on the zoning map and ALP. Transitional zones are symmetrically located on either side of the primary surface and have variable widths as shown on the zoning map and ALP. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one (7:1) (horizontal:vertical) from the sides of the primary surface and from the sides of the approach surfaces. The primary line is five hundred feet (500') on either side of the runway extending for a distance two hundred feet (200') beyond each end of the runway.~~

~~—4. Horizontal Surface Zone: A horizontal surface zone is hereby established as the oval area within arcs and connecting tangent lines of ten thousand feet (10,000') radius from points two hundred feet (200') beyond the runway end. The horizontal surface of a place one hundred fifty feet (150') above the established airport elevation which is four thousand four hundred seventy one feet (4,471') above mean sea level.~~

~~—5. Conical Surface Zone: A conical surface zone is hereby established as the area that commences at the periphery of the horizontal surface and extends outward and upward at a slope of twenty to one (20:1) (horizontal:vertical) for a distance of four thousand feet (4,000'). The conical surface extends to a height of three hundred fifty feet (350') above the established airport elevation.~~

~~—H. Height Limitations: Except as otherwise provided in this title, no structure or tree shall be erected, altered, allowed to grow, or maintained in any height limiting zone created by this title to a height penetrating the limits herein established for each of the zones.~~

~~—1. Excepted Height Limitations: Nothing in this title shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height consistent with the terms of this chapter.~~

~~—2. Most Restrictive Limitation Prevails: Where a zone is covered by more than one height limitation the more restrictive limitation shall prevail.~~

~~—I. Use Regulations:~~

~~— 1. Height Limiting Zones: Notwithstanding any other provisions of this title, no use shall be made of land within any height limiting zone established by this title in such a manner as to do any of the following:~~

- ~~— a. Create electrical interference with radio communication between the airport and aircraft;~~
- ~~— b. Make it difficult for pilots to distinguish between airport lights and other lights;~~
- ~~— c. Result in glare in the eyes of pilots using the airport;~~
- ~~— d. Impair visibility in the vicinity of the airport; or~~
- ~~— e. Otherwise endanger the landing, taking off, or maneuvering of aircraft.~~

~~— 2. Places Of Public Assembly: Notwithstanding any other provisions of this title, no places of public assembly, including, but without limitation, apartments, barracks, churches, hospitals, hotels, mobile home parks, multiple-family dwellings, recreational vehicle parks, schools and theaters, shall be erected or otherwise located within any of the areas established as an approach zone in subsection D of this section. Places of public assembly are discouraged in the extended approach zones due to noise associated with aircraft takeoff and landing operations.~~

~~— 3. Runway Protection Zones (RPZ): The RPZ is trapezoidal in shape and centered about the extended runway centerline. Some uses are permitted within the RPZ provided they do not attract wildlife and do not interfere with navigational aids. Land uses prohibited from the RPZ are: residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typifying places of public assembly). The dimensions of the RPZs are as follows as shown on the ALP:~~

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<del>Runway</del>	<del>Inner Width At 200 Feet</del>	<del>Length</del>	<del>Outer End Width</del>
<del>3</del>	<del>1,000 feet</del>	<del>1,700 feet</del>	<del>1,510 feet</del>
<del>21</del>	<del>500 feet</del>	<del>1,700 feet</del>	<del>1,010 feet</del>
<del>16</del>	<del>500 feet</del>	<del>1,000 feet</del>	<del>700 feet</del>
<del>34</del>	<del>500 feet</del>	<del>1,000 feet</del>	<del>700 feet</del>
<del>7</del>	<del>250 feet</del>	<del>1,000 feet</del>	<del>450 feet</del>
<del>25</del>	<del>250 feet</del>	<del>1,000 feet</del>	<del>450 feet</del>

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#### ~~JE. Nonconforming Uses:~~

1. Regulations Not Retroactive: The regulations prescribed by the ordinance codified as this chapter shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuation of any nonconforming use. Nothing herein contained shall require any change in the

construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date hereof and is diligently prosecuted.

2. Marking And Lighting: Notwithstanding the provisions of subsection A of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the property owner involved.

**KG**. Permits:

1. Future Uses: Except as specifically provided in subsections K1a through K1c of this section, no material change shall be made in the use of the land and no structures or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit thereof shall have been applied for and granted by the **mayor**~~city~~. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

~~—— a. In the territory lying within the limits of the horizontal surface zone and the conical surface zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when because of terrain, land contour or topography features such tree or structure would extend within twenty five feet (25') of the height limits prescribed for such zone.~~

~~—— b. In the territories lying within the limits of the nonprecision and precision approach zones, no permit shall be required for any tree or structure more than twenty five feet (25') of vertical height below the approach surface.~~

~~—— c. In the territories within the limits of the transitional surface zone beyond the perimeter of the horizontal surface zone, no permit shall be required for any tree or structure more than twenty five feet (25') of vertical height below the limit prescribed for such transition area.~~

~~—— d. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this title.~~

2. Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date hereof, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

3. Nonconforming Uses Abandoned Or Destroyed: Whenever the building official determines that a nonconforming structure or tree has been abandoned or more than

eighty percent (80%) torn down, physically deteriorated, or decayed, any existing permit shall be rescinded and the nonconforming structure or tree shall be removed by the owner.

4. ~~Variences~~Appeals: Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use his property not in accordance with the regulations prescribed in this title, may apply to the ~~board of zoning adjustment~~city appeal authority for ~~consideration of the a variance~~ appeals request from such regulations. Such ~~variances~~appeals shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this title.

5. Hazard Marking And Lighting: Any permit or ~~variance~~appeals granted may, if such action is deemed advisable to effectuate the purpose of this title and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of any airport hazard.

~~LH~~. Conflicting Regulations: Where there exists a conflict between any of the regulations or limitations prescribed in this title or any other regulations applicable to the same zone, whether the conflict be with respect to the height of structures or trees, the use of the land, or any other matter, the ~~more stringent limitation or~~airport overlay zone requirements shall govern and prevail.

~~(Ord. 2002-24, 6-4-2002, eff. 6-16-2002)~~

**RIVERDALE CITY PLANNING COMMISSION  
BYLAWS AND RULES OF ETHICAL CONDUCT  
AS AMENDED FEBRUARY 3, 2004**

Riverdale City Planning Commission shall be governed by the provisions of all applicable State Statutes, City Ordinances, and these Bylaws and Rules of Conduct.

**I. MEMBERS.**

- A. Chair and Vice Chair.** Every two years the Planning Commission shall elect a Chair and Vice Chair who may be elected to succeed themselves during the first regularly scheduled meeting in January. The Chair and the Vice Chair shall be elected from the voting members of the Planning Commission by a majority of the total membership. The Chair, or in his/her absence or incapacity, the Vice Chair, shall preside over all meetings and hearings of the Planning Commission and shall execute all official documents and letters of the Planning Commission. In the event that both the Chair and Vice Chair are absent from the meeting, and a quorum is present, the senior remaining member of the Commission shall act as the Interim Chair.
- B. Secretary.** The City Council may appoint the Secretary of the Planning Commission upon recommendation of the Planning Commission.
- C. Staff.** The Planning Commission may recommend to the City Council the appointment of a Director of Planning and other staff as may become necessary from time to time.
- D. Voting.**
1. The Chair, or Vice Chair in the absence of the Chair, shall vote on all questions before the Commission.
  2. An affirmative vote of not less than (4) voting members present at the meeting shall decide all matters under consideration by the Planning Commission, unless otherwise provided for in these rules. Voting shall be by voice vote and shall be recorded by "yeas" and "nays". The number of abstentions and the names of members voting either "yea" or "nay" or abstaining shall be recorded on the request of any member.
- E. Parliamentary Procedure.** Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, as revised.
- F. Record of Meetings.** The Secretary of the Commission shall keep an accurate record of the proceedings and perform other duties as the Commission may determine.