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PLANNING AND ZONING MEETING MINUTES

Opened meeting at 6:05pm, January 13th, 2025

- **Commission Attendees:** Deborah Herron , Danita Hinton, Clay Crozier, Lynn Hamilton
- **Guest Attendees:** Clint Peatross, Donny Grant, Bryce Hamilton, Jeff Chugg, Jason Young, Eric Park, Guy Taylor, Russell Tillack, Nancy Wager, Susan Hamilton, Daniel Taylor

Agenda Items:

1. Prayer by Lynn Hamilton, Pledge of Allegiance
2. 11.25.2024 Meeting minutes accepted by unanimous vote.
3. Public Hearing - Duchesne Airport Overlay Ordinance 25-1
 - a. Open Hearing: 6:10pm
 - b. Comments:
 - **Donny Grant:** doesn't like the restrictions to property owners, does a poor job of explaining the actual regulations. Feels like we should shut the airport down if it restricts property owners, since Roosevelt airport is only 30 minutes away doesn't see the benefit in keeping an airport operational, is opposed.
 - Clay Crozier Q: does the county use the airport?
 - Commissioner Chugg A: said that the county uses the airport for emergency services with natural disasters, such as the Dollar Ridge Fire.
 - **Nancy Wager Q:** Likes the airport, thinks we should keep it for progress moving forward. What is the cost of running the airport every year?
 - Deb Herron A: Clarified that this hearing is not to discuss whether the airport will stay open or be shut down. Airport is heavily supplemented by FAA grants. Airport is base operation for Spencer Ag and several other private pilots.
 - **Bryce Hamilton:** Explained that state bill requires municipalities with property next to the airport to institute ordinances that protect the airspace, follow the FAA requirements and recommendations for land use around airports. State requirements for airports is in effect whether municipalities adopt an ordinance or not. Language of state requirements is very vague and will leave municipality open to liability risks.
 - Zone 6 has been removed from the ordinance.
 - **Neal Fraser:** Represents engineering firm hired to create the city overlay, made several points:
 - Explained to keep the airport functioning the state prescribes municipalities put in place ordinances that protect the airspace and land use around the airport.
 - If city does not adopt an ordinance more restrictive than it defaults to the regulations of the house bill which is less restrictive, city would have to administer the state code which is active now.
 - If city does not protect the airspace the FAA can require city to pay back the grants given over the past 20 years.
 - Adopting the ordinance keeps the control of land use surrounding airport within control of the city.
 - If city decided to shut down the airport it is a minimum 20 year process and could require city to pay back funding granted by FAA.
 - Explained the airport has up to 15 flights per day,

- Most of funding for capital projects comes from the FAA, up to 90%. Maintenance is run by city public works.
 - Avigation easements can be granted for those who are in the airspace zones to allow for variances. However, city should be careful since certain allowances can impede airport operations, such as a flagpole erected in the landing path.
 - Addressing Donnie Grants concern: Ambiguity in airport overlay map can be cleaned up with an elevation map if city requests it.
 - Property affected by the airport overlay should have a note on their deed or property description that the property is within an airport overlay zone and thus restricted. Realtors and Title companies should have this information.
 - **Jason Young Q:** what restrictions does the school district have with it's properties on the bench and construction in the future?
 - Neal Fraser A: according to the ordinance page 5 H-1 a school is not recommended to be built within zones 1-5. However, city can adjust the size of the zones, but what is on the overlay map is what is standard recommendation.
 - Jason Young Q: who wrote the ordinance?
 - Neal Fraser A: Mike Hyde wrote the ordinance based off of Iron County's ordinance which has been vetted to be the best thus far.
 - Neal Fraser: City needs to add an FAA section to the permit checklist. Properties within airspace of airport will need to file for a 7460 from the FAA to erect a structure. Most structures will be allowed but FAA checks to see if mitigation needs to happen.
 - Commissioner Chugg: explained there is a rule in the ordinance that addresses property deemed unusable due to the airport overlay, such as DCSD property wanting a school.
 - Need to make sure we don't conflate airspace restrictions with land use restrictions, such as building a school within the height requirements is still not recommended to be built within zones 1-5.
 - **Guy Taylor:** is concerned about property values going down within the airport zones. Thinks property taxes should be reduced to compensate for loss of value.
 - Deb A: Guy's property is in the county so his property already falls under the county ordinance.
 - **Nancy Wager Q:** If the ordinance was due by Dec 31, why are we so far behind in the process?
 - Bryce Hamilton A: Because it's taking a long time to figure out what's best for our community and meet state requirements.
 - **Eric Park:** Suggests the city just adopt the minimum state requirements as the city ordinance.
 - Neal Fraser A: State requirements are already in effect so adopting them doesn't accomplish anything. State code is drastically less restrictive, if city adopts what the state code has City is allowing anything to be built and thus more liable.
 - **Daniel Taylor:** explained how at a lot of airports you fly over a lot of buildings so he thinks it won't be a big deal, not as restrictive as some are making it out to be. He likes the airport.
 - Closed Hearing: 7:40
- c. Bryce suggests getting the ordinance the way we want. There is no penalty for taking more time to adjust the ordinance.
 - d. Clay suggests passing this ordinance but putting together a committee to discuss what the height standards should be that appease property owners but stay within recommended guidelines. Bryce suggests adding an end date to the ordinance so it can't be ignored and the committee follows through.
 - e. Motion made to recommend city council adopt the ordinance as is with an end date of Dec 31 2025, accepted by unanimous vote.
 - f. Motion made to recommend city council appoint a committee to look at the ordinance more closely and make recommendations for adjustments before the end date of Dec 31, 2025, accepted by unanimous vote.
4. Townsite Road Vacation: Clint Peatross
 - a. Trevon, Tren, Travis Grant would like to vacate the road around the property
 - b. No land use application has been filed, paid for or provided so commission will table.

5. Open Session
 - a. nothing
6. Adjournment at 7:57pm by unanimous vote.

Action Items:

1. Clay will report to city council.

Motions:

1. Motion made by Danita Hinton to accept the minutes, seconded by Lynn Hamilton, vote: unanimous.
2. Motion made by Deb Herron to recommend city council adopt the ordinance as is with an end date of Dec 31 2025, seconded by Lynn, vote: unanimous.
3. Motion made by Deb Herron to recommend city council appoint a committee to look at the ordinance more closely and make recommendations for adjustments before the end date of Dec 31, 2025, seconded by Lynn, vote: unanimous.
4. Motion made by Danita Hinton to adjourn, seconded by Deb Herron, vote: unanimous.