IDAHO AIRPORT LAND USE GUIDELINES

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Idaho Airport Land Use Guidelines

Prepared for the Idaho Transportation Department
Division of Aeronautics

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Boise, ID

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1 Purpose and Applicability

1.1 Purpose

This document is an update to Appendix C: Airport Land Use Guidelines, completed by Idaho Transportation Department - Division of Aeronautics (ITD Aero) as part of the 2010 Idaho Airport System Plan (IASP). The purpose of this updated guidebook is to provide a more streamlined document to educate airport owners/operators (airport sponsors), local planning and zoning representatives, local elected officials, and the general public in order to better understand the unique aspects of airports as they relate to compatible land use planning throughout the state. This guidebook also provides recommended techniques and mechanisms to assist these stakeholders in developing and implementing effective compatible land use measures around their airports and their community.

The guidebook was developed with an appreciation that the health, safety and welfare of Idaho's airport users and surrounding neighbors are equally important. Further, ITD Aero understands the importance of both local authority and control regarding local land use planning and zoning matters. It is the goal of ITD Aero that this guidebook, combined with more proactive communication and coordination with our state's airport sponsors, local elected officials, and planning and zoning representatives, will result in better protection of both airports and their surrounding neighbors while meeting local and state land use goals and requirements.

1.2 Applicability

The recommendations provided in this guidebook are applicable to all public-use airports in the state of Idaho and apply to all political subdivisions that own/operate a public-use airport, or are either impacted by or may impact a public-use airport.

Many elements covered in these guidelines are required by either Idaho Code, Idaho Administrative Rules, FAA Policy and Guidance or the Code of Federal Regulations (CFR). Other guidelines, such as the size, type and allowable uses associated with compatible Land Use Zoning, are recommendations based on best practices and industry standards. Though the size, type and allowable land uses are not specifically set forth in Idaho Code, Idaho Administrative rules or the CFR, the requirement for political subdivisions to address airports in their comprehensive plans is included in Idaho Code 67-6508. Further, Idaho Code 67-6511 requires political subdivisions to have zoning districts in accordance with the policies set forth in the adopted comprehensive plan. These guidelines are intended to assist airport owners and adjacent political subdivisions in determining the extent of land use compatibility zones that should be considered as part of their local planning and zoning process.

Idaho statute includes the following definitions:

"Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. The term "airport" shall include such other common terms as aviation field, airfield, intermediate landing field, landing field, landing area, airstrip, and landing strip.

"Public-Use Airport" is a publicly owned and managed facility that is open for public use without operational restrictions on its use.

"Political subdivision" means any municipality, city or county.

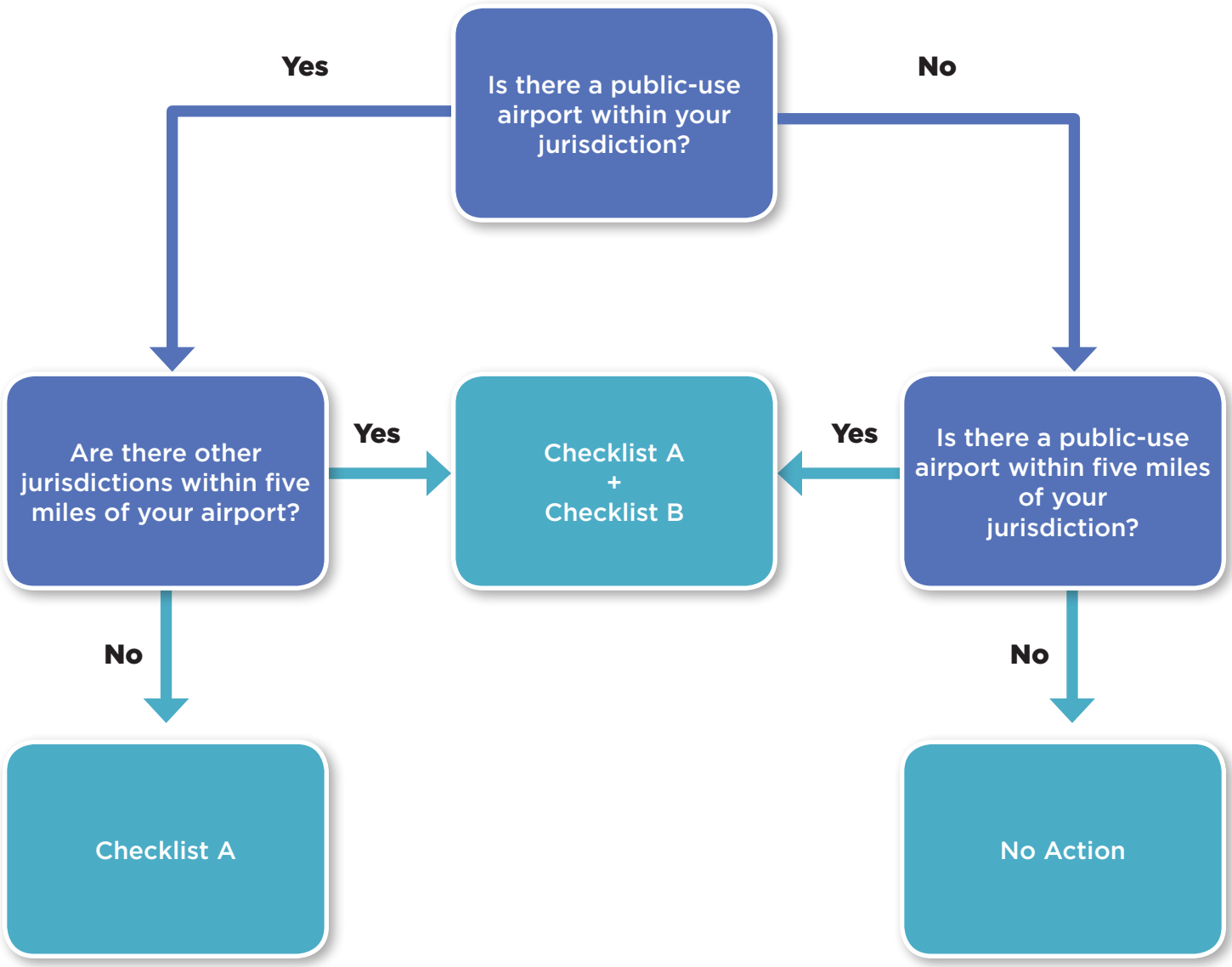
The protection of airport airspace, as defined in 14 Code of Federal Regulation (CFR) Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, is required for all public-use airports.

Adherence to Federal Aviation Administration (FAA) and ITD Aero airport sponsor obligations and grant assurances is required if the airport sponsor is a recipient of FAA Airport Improvement Program (AIP) or Idaho Airport Aid Program (IAAP) grant funds. Additional information on grant assurances is included in subsequent sections of this guidebook.

2 Airport Land Use Compatibility Checklist

To determine whether appropriate land use measures are in place in your jurisdiction, refer to the following diagram and corresponding checklists.

Figure 2-1 – Decision Tree



CHECKLIST A

Comprehensive Plan

Is your Comprehensive Plan updated and does it include an Airport Section "q"?	YES ☐	NO ☐	If you answer "No" to this question, your Comprehensive Plan needs to be updated and to include a section "q". Check Sections 4.2.5 and 5.1.1 for additional information.

Zoning Ordinance

Do you have a zoning ordinance to ensure compatible land use around the airport?	YES ☐	NO ☐	If you answer "No" to any of these Questions, your Zoning Ordinance should be updated. Check Sections 3.1.1, 5.1.2, 5.1.3, 6 and 7 for additional information.
Does your zoning ordinance include Airspace Protection Zones based on Part 77 defined Airspace?	YES ☐	NO ☐	
Does your zoning ordinance include Land use compatibility zones?	YES ☐	NO ☐	

Airport Master Plan/Airport Layout Plan

Do(es) the public-use airport(s) in or near your jurisdiction have a current Airport Master Plan/Airport Layout Plan?	YES ☐	NO ☐	If you answer "No" to this question, the Airport Master Plan/Airport Layout Plan might need to be updated. Check Section 5.1.1 for additional information including the FAA definition of "current".

Airport's Manager Coordination

Do you have a coordination process in place to notify the airport manager whenever you consider adoption, modification, amendment, and/or repeal of your Comprehensive Plan; or issuance of a special use, conditional use permit, transfer of development rights, or a variance that could create an aviation hazard?	YES ☐	NO ☐	If you answer "No" to this question, it may be helpful to have a formalized process to coordinate with the airport's manager when needed. Check Section 4.2.5 for additional information.

*CHECKLIST A CONTINUED ON NEXT PAGE

CHECKLIST A (Continued)

FAA Form 7460-1

Do you have a process to identify when a FAA Form 7460-1 is needed?	YES ☐	NO ☐	If you answer "No" to this question, it may be helpful to have a formalized process to coordinate with the airport's manager when needed. Check Section 4.2.5 for additional information.
Do you submit FAA Form 7460-1 when needed?	YES ☐	NO ☐	
Do you ensure FAA approval is received when a Form 7460-1 is submitted?	YES ☐	NO ☐	

CHECKLIST B

Multi-jurisdictional Agreement and Coordination

Do you have a multi-jurisdictional agreement with the surrounding jurisdictions within 5 miles of your airport?	YES ☐	NO ☐	If you answer "No" to this question, it may be helpful to enter in a multi-jurisdictional agreement and coordinate with the jurisdiction in the vicinity of the airport. Check Sections 3.1.1, and 4.2.5 for additional information.
Do you have a multi-jurisdictional agreement with the jurisdiction(s) where the airport within 5 miles of your jurisdiction is located?	YES ☐	NO ☐	

Checklist A Documents

Type of Document		Available & Updated	Next Update Needed	Contact Information	More Information in Section:
Comprehensive Plan	Airport Section "q"	YES ☐ NO ☐			Sections 4.2.5 and 5.1.1
Zoning Ordinances	Airspace/Height Protection	YES ☐ NO ☐			Sections 3.1.1, 5.1.2, 5.1.3, 6 and 7
	Land Use Zones	YES ☐ NO ☐			Sections 3.1.1, 5.1.2, 5.1.3, 6 and 7
Airport Master Plan/Airport Layout Plan	Airport Master Plan	YES ☐ NO ☐		Airport Manager	Section 5.1.1
	Airport Layout Plan	YES ☐ NO ☐		Airport Manager	Section 5.1.1

Checklist B Documents (as needed)

Type of Document	Required?	Available & Updated	Next Update Needed	Contact Information	More Information in Section:
Multi-jurisdictional Agreement	YES ☐ NO ☐	YES ☐ NO ☐			Sections 3.1.1 and 4.2.5

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3 Importance of Compatible Land Use Planning Around Airports

Airports represent an important asset to many communities. They provide the community access to essential services such as life flight, agricultural and firefighting activity to name a few. Many airports also serve as a vital local, regional, state and national point of connectivity. As a result, the airport also represents an important economic engine by directly providing local jobs as well as other indirect economic impacts to a community.

An airport is unique in that its operations can have far reaching impacts. While located in one jurisdiction, aircraft operations can and do impact nearby communities. Effective compatible land use planning by communities adjacent to an airport is important because such measures not only protect the airport and aircraft operators from potentially hazardous development but they also protect the surrounding community from impacts resulting from typical airport and aircraft operations.

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3.1 Components of Effective Airport Compatible Land Use Planning

Effective compatible land use planning around airports addresses airspace, safety, and noise considerations. In many instances, the airport sponsor and the overall community's willingness to take a proactive approach in addressing compatible land use planning around their airport prevents the need to be reactive and prevents more severe conflicts down the road. Effective, comprehensive land use compatibility plans take such considerations into account and incorporate both height restrictive and basic land use restrictions via zoning. Coupled with other proactive measures, such as voluntary noise abatement programs and selective fee-simple land acquisition, proactive planning around the airport will protect both the airport and the surrounding community.

It is important to point out there is a very distinct difference between height restrictive zoning and basic land use zoning. As its name implies, height restrictive zoning to protect

airport airspace generally conforms to Part 77 with the intent of protecting the airspace around an airport from objects or structures which may pose hazards to aircraft operators. On the other hand, the intent of land use zoning should be to prevent incompatible land uses near an airport where the impacts of airport operations, such as noise, dust, fumes, and/or aircraft accidents, can have a potentially negative impact on that land use or the impact of the incompatible land use can have a potentially negative impact on the airport.


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3.1.1 Important Airport Land Use Planning Considerations and Challenges

When considering land use planning around your airport, understanding the following challenges and considerations will be helpful:

Encroachment of Incompatible Development

One of the greatest threats to the viability of airports today is the encroachment of incompatible land uses. While there are many land uses that can be considered incompatible around an airport, an obvious example is high density residential development off a runway end. Encroaching incompatible land use poses a significant threat to the state and national airport system as well as the communities they serve. More recently, FAA and ITD Aero have been working with Idaho's airports to strengthen airport land use compatibility policies and practices to reverse this trend.

Safety and Quality of Life

Proactive planning around airports ensures the safety of both aircraft operators and airport neighbors from potential aircraft accidents. It also protects the quality of life of airport neighbors by ensuring they are not impacted by the noise, dust and fumes associated with airport operations.

Economic Benefit

Airports provide an important economic benefit to the state and its citizens. Users such as corporations, life flight operators, agricultural spray applicators ("crop dusters") use our airports daily and contribute to the local economy. Our system of airports needs to be protected so it can continue to provide access to the community and economic benefits for many years to come.

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Knowledge of Airport Operations and Impacts

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Many local Planning and Zoning Commissions lack the specialized knowledge and operational experience necessary to adequately understand airport planning, design, operations, and management. This knowledge is critical to developing effective compatible land use planning around an airport.

The local airport has primary responsibility to prepare basic airport planning documents, the basic drawings, and the basic operational manuals in order to be able to accurately describe and define what is in need of protecting through Comprehensive Airport Land Use Control.

The local Airport Advisory Board (AAB) often leads in local planning. The AAB consists of pilots, airport businesses, local government representatives, local business and economic development representatives, citizen representatives, and airport management. As part of the basic airport planning, the AAB can help to determine the Airport Influence Area (AIA). This is the maximum extant and logical boundaries of an area around the airport needed for airport operations and that its activities and operations could influence citizens and businesses. The AIA is also based upon the maximum extent of the noise contours, aircraft crash data, Part 77 and TERPS airspace, traffic pattern airspace, and approach and departure flight tracks.

The Federal Aviation Administration, the Idaho Division of Aeronautics, and the local airport often provide important comments concerning implementation of components of the Comprehensive Planning and Ordinance Drafting to ensure agreement and acceptance.

The local Planning and Zoning Commission is responsible for airport comprehensive planning, ordinance preparation and adoption, enforcement and ongoing updating and maintenance. These duties can only be successfully accomplished with regular collaboration with individuals, groups, and agencies that understand airport operations and requirements. The local Planning and Zoning Commission must include comments and information from the airport manager, airport advisory board, airport users and businesses, State Aeronautics, the Federal Aviation Administration, and affected airport neighbors.

Sponsor Obligations and Grant Assurances

As previously discussed, grant assurances include specific requirements that the airport sponsor protect the airport's airspace and prevent incompatible land uses around the airport through zoning. Failure to do so may result in the FAA and ITD Aero no longer funding the airport if they do not believe the airport sponsor has taken reasonable steps to protect the airport from incompatible development. The duration of these grant assurances is a period of 20 years from when the airport sponsor received the last grant with the exception of grant assurances associated with land acquisitions. The grant assurances associated with land acquisitions exist into perpetuity or until the land is sold (at fair market value) and the grant monies are paid back to the FAA. For more information on FAA policy on grant assurances, see FAA Order 5190.6, FAA Airport Compliance Manual.

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Jurisdiction

A major challenge airport sponsors face when promoting compatible land use is a lack of jurisdiction. Airport operations and associated potential impacts (i.e. safety, noise, dust, fumes) can and do extend beyond the physical boundary of the airport property. Though the airport sponsor is liable for adherence to the FAA and ITD Aero grant assurances, in many instances surrounding jurisdictions have control of land in the vicinity of the airport, not the sponsor, thus the sponsor has no authority over land use policies and zoning enforcement. If the surrounding jurisdictions do not wish to proactively plan around the airport, they do not have to.

It should also be noted that neither the FAA nor ITD Aero have jurisdiction over local land use nor do they have any enforcement authority to stop incompatible encroachment other than finding sponsors in non-compliance with their grant assurances. As such, local communities are heavily relied upon and responsible for undertaking such efforts.

Protection of Local, State and Federal Investment

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Many Idaho airports have received substantial financial investment from the FAA and/or ITD Aero for many years. Airport owners themselves have invested significant funding into their airports to both operate and maintain them. Proactive planning around the airport, including effective land use zoning, will help ensure the airport system is protected and can operate for the long term thus protecting the substantial federal, state, and local investment.

As the FAA and ITD Aero consider future investments at the state's airports, a major consideration is the community's willingness to protect the investment. This begins with effective compatible land use planning.

Risk of Inverse Condemnation

Property rights are one of the most important considerations for political subdivisions when conducting comprehensive planning and land use zoning. Both the Fifth Amendment to the United States Constitution and Article I, section 14 of the Idaho State Constitution address private property rights asserting that private property may not be taken for public purposes without just compensation.

In addition, the first required item in the Comprehensive Planning process is an analysis of Property Rights. Idaho Code 67-6508 (a) states:

(a) Property Rights -- An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.

In the case of implementing zoning around airports, many airports are already encroached upon by incompatible development and the risk of inverse condemnation is an important consideration. As each political subdivision will face different circumstances during their planning and zoning process, a in-depth discussion of the risks of inverse condemnation is beyond the scope of this document. One of the best resources for guidance on inverse condemnation is a political subdivision's legal counsel. In addition, the Idaho Attorney General has published the Idaho Regulatory Takings Act Guidelines, a link to this document can be found in Section 8.3

3.2 Summary

As many communities in Idaho continue to grow, it is important that proactive efforts are undertaken by each community to protect the airport, and its citizens, from future incompatible growth. Further, ineffective airport land use planning degrades the daily business and functionality of the airport, restricts its growth potential, and introduces significant obstacles to economic development in the community. These limitations can be mitigated by the implementation of effective compatible land use planning

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4 Regulations & Grant Assurances

There are various federal and state regulations and mechanisms applicable to the protection of airspace and compatible land use planning around public-use airports. These mechanisms exist in both federal and state statute as well as in the form of contractual obligations (sponsor obligations) as a condition of accepting federal and state grant funds for capital airport development projects – known as grant assurances.

The purpose of the grant assurances and other requirements are to protect the significant investment made by the FAA, state, airport sponsor, and ultimately the taxpayer, to ensure the airport is appropriately developed and maintained in a safe and efficient manner and remains accessible to the general flying public. Currently there are 39 FAA and 23 IAAP grant assurances.

For purposes of this document, only those federal and state statutes and grant assurances directly applicable to airspace protection and land use compatibility are highlighted below. You are encouraged to review all FAA and ITD Aero grant assurances to ensure your airport is in compliance. It is important to note that the federal and state grant assurances are only applicable to the sponsor of the airport accepting the grant.

4.1 Airspace

4.1.1 Federal Airspace Related Regulations

14 CFR 77 – "Part 77"

Title 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, provides the basis for airspace protection requirements at public-use airports at the federal level by identifying and defining critical airspace surfaces around airports. Airspace requirements are determined by the weight of the aircraft that predominantly operate at an airport and the type of instrument approach, existing or planned. Additional information and details on how to determine Part 77 airspace protection requirements for your airport are included in Section 4, Airspace.

4.1.2 Federal Airspace Related Grant Assurances

Airspace (FAA Assurance #20)

FAA Grant Assurance #20 states, "Hazard Removal and Mitigation. Airport sponsors will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport will be adequately cleared and protected…" Communities protect the Part 77 airspace surfaces defined in the approved ALP by further identifying them in ordinance or code and requiring that no object penetrates these airspace surfaces as a result of development.

Communities also protect airspace by encouraging those land uses likely to be compatible with airport operations and prohibiting those uses likely to be incompatible with airport operations. Per Part 77, anyone proposing development at a certain height above the ground or within a certain proximity to the airport are required to submit FAA Form 7460-1 to the FAA for determination that such development will not adversely impact airspace or the safety of aircraft operators. For on airport development, Form 7460-1 must either be submitted by the airport sponsor or the sponsor must assure that the leaseholder submits the form appropriately.

4.1.3 State of Idaho Airspace Related Regulations

Idaho Code, Title 21, Aeronautics, Chapter 5 – Airport Zoning Act

Title 21, Chapter 5, Airport Zoning Act, of Idaho Code establishes state authority to prevent the establishment of Aviation Hazards contrary to the public interest in the State of Idaho. Per Title 21, an Aviation Hazard is defined as the following:

"Aviation hazard" means any new or existing structure, object of natural growth, use of land, or modification thereto, which endangers the lives and property of users of an airport, or of occupants of land in its vicinity, and that reduces the size of the area available for landing, taking off and maneuvering of aircraft, or extends up into the airspace between airports to cause disastrous and needless loss of life and property."

Title 21, Chapter 5, grants authority to the Director of ITD to mitigate impacts of aviation hazards to air flight including the prevention or removal of structure that may become or present an obstruction to airspace.

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Idaho Administrative Code (IDAPA) Code 39, Title 4, Chapter 2 - Rules Governing Marking of Hazards to Air Flight (IDAPA 39.04.02)

Establishes the requirements for marking of hazards to air flight through the airspace of and over the state of Idaho in order to protect and ensure the general public safety, and the safety of persons operating, using or traveling in aircraft.

4.1.4 State of Idaho Airspace Related Grant Assurances

State Assurance #23

The Sponsor should have compatible land use and height restrictive zoning for the airport to prevent incompatible land uses and the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, on, or in the vicinity of the subject airport.

4.2 Land Use Compatibility

4.2.1 Federal Land Use Compatibility Regulations

The FAA does not have statutory authority to mandate to airport sponsors the specific land use methods you must implement in order to achieve land use compatibility around your airport. Rather, the land use planning action(s) taken by you, the sponsor must be considered "reasonable" to the FAA.

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4.2.2 Federal Land Use Compatibility Related Grant Assurances

FAA Grant Assurance #6 – Local Plans

All projects must be consistent with local plans, transportation plans, zoning ordinances, development codes, and hazard mitigation plans. The airport sponsor and planners should all familiarize themselves with local planning documents before a project is considered and ensure all projects follow local plans and ordinances.

In addition to understanding local plans, airport sponsors should be proactive in order to prevent noncompliance with the assurances. Airport sponsor should assist in the development of local plans that incorporate the airport and consider its unique aviation related needs. Sponsor efforts should include the development of goals, policies, and implementation strategies to protect the airport as part of local plans and ordinances.

FAA Grant Assurance #21 – Compatible Land Use

FAA Grant Assurance #21 states, "It (sponsor) will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended."

4.2.3 State of Idaho Land Use Compatibility Related Grant Assurances

State Grant Assurance #17

The Sponsor cannot allow any activity or action on the airport that would interfere with its use for airport purposes.

State Grant Assurance #23

The Sponsor should have compatible land use and height zoning for the airport to prevent incompatible land uses and the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, on, or in the vicinity of the subject airport.

4.2.4 State of Idaho Land Use Compatibility Regulations and Administrative Code

Idaho Code, Title 21, Aeronautics, Chapter 5 – Airport Zoning Act

As indicated above, the definition of Aviation Hazard included in Title 21, Chapter 5, Airport Zoning Act, defines "use of land" as a potential hazard to airports and the safety of surrounding property users.

Unlike with structures, Title 21, Chapter 5, does not grant statutory authority to the Director of ITD to prevent or remove land uses that may be deemed aviation hazards. This authority is the responsibility of the local zoning authority(ies).

Idaho Code, Title 67, State Government and State Affairs, Chapter 65 – Local Land Use Planning

Title 67, Chapter 65 - Local Land Use planning requires political subdivisions to consider airports as part of their comprehensive planning process and also requires a section "q" in their comprehensive plans specifically addressing Public Airport Facilities within their jurisdiction or if impacted by an airport outside their jurisdiction. More detail on this requirement is presented in Section 4.2.5.

As mentioned previously, Idaho Code 67-6511 requires a political subdivision's zoning ordinances to be in accordance with their comprehensive plan.

Idaho Administrative Code (IDAPA) Code 39, Title 4, Chapter 4, Rules Governing the Idaho Airport Aid Program (IDAPA 39.04.04)

The sponsor should have the airport zoned to prevent the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, or in the vicinity of the subject airport.

4.2.5 Idaho State Land Use Legislation – Effective July 1, 2014

Idaho Senate Bill 1265 effective July 1, 2014, amended Idaho Code Title 21, Chapter 5, Airport Zoning Act, and Title 67, Chapter 65, Local Land Use Planning. The legislation was aimed at requiring more proactive land use compatibility planning around the state's airports by city and county entities through the local comprehensive planning process. The new legislation will result in closer collaboration between local zoning authorities, local airport authorities and ITD Aero in the interest of flight and community safety. The main provisions of the new legislation are as follows:

- Repeals ITD's authority in Title 21, Chapter 5, Sections 21-503 through 21-508, and part of Section 21-502 503, to adopt, administer, and enforce land use planning and zoning for airports and requires the political subdivision having zoning ordinance authority (i.e. counties and cities) to complete planning and zoning around airports in accordance with Title 67, Chapter 65. As written, this legislation maintains the requirement for ITD to continue to protect the State's airspace and regulate aviation hazards as identified in the remainder of Title 21.

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- Identifies; in 67-6502; public airports as essential community facilities that provide safe transportation alternatives and contribute to the economy of the state.

- Requires; in 67-6508; that planning and zoning commissions consider as part of their comprehensive plan, with the assistance of ITD (if requested by the local agency) and the local airport manager (or person in charge of the airport), the current and future needs and community impacts of the airport. Political subdivisions must now include a separate section "q" in their comprehensive plans specifically addressing Public Airport Facilities within their jurisdiction or if impacted by an airport outside their jurisdiction.

- Requires; in 67-6509, 67-6512, 67-6515A, and 67-6516; that planning and zoning commissions (and their governing boards) notify the local airport manager (or person in charge) when recommending, adopting, amending, repealing their comprehensive plan. In addition, the notification requirement pertaining to the local airport manager (or person in charge of the airport) applies to other land use actions that require public notice (i.e. Special Use Permits, Conditional Use Permits, Transfer of Development Rights, and Variances) when encroaching on the airport or which may create an aviation hazard.

It is important to note that the inclusion of airport related goals and strategies related to compatible land use planning in the comprehensive plan creates the necessary legal mechanism for the political subdivision to consider and implement zoning around airports as part of the local planning and zoning process under current state law.

4.3 Summary

As previously stated, this section provides a basic summary of applicable regulations and grant assurances related to airspace protection and land use compatibility. **If your airport is or has been a recipient of FAA or state grant funds for airport capital improvement projects, you are obligated to adhere to these regulations and assurances. Further, state law now requires all political subdivisions in the state of Idaho to address airports as essential public facilities as part of their comprehensive planning process.**

Contact ITD Aero for additional information and guidance.

5 Implementation

Land use planning needs for both airports and their surrounding communities can and do change. Critical steps to develop and implement effective compatible land use planning around your airport include:

• Adherence to appropriate state and FAA regulations and grant assurances relative to airspace protection and land use compatibility which includes the prevention of aviation hazards and land uses which are deemed unsafe or incompatible to aircraft and airport operations.

• Recognize the airport's impact on the community and the community's impacts upon the airport and commit to an effective and cooperative airport land use planning effort designed to protect and preserve airport operations, economic prosperity, and quality of life in addition to safety provisions for both the airport and its community.

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• Airport sponsors and adjacent political subdivisions should consider the creation of a formal process for policy development that identifies the airport land use planning process as a critical component of the community's comprehensive planning and zoning process. Mechanisms to achieve this goal could include establishing a Memorandum of Agreement, or other similar intergovernmental agreement, between the airport sponsor and adjacent political subdivision to adopt similar land use policies.

• To assist in developing this policy and to foster effective coordination, it is critical to establish the identification of stakeholders who may be impacted by the airport or have an impact on the airport. Such stakeholders could include surrounding jurisdictions, airport tenants/users, and adjacent neighbors and businesses. Proactive coordination with these stakeholders will greatly improve compatible land use efforts.

• If not already included, add a specific airport section "q" including specific language about the airport and its unique aviation and land use planning needs in local comprehensive

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plans to meet the requirements of new state law 67-6508. The comprehensive plan should include a specific reference to the most current airport master plan and ALP.

• Update and keep current the airport master plan and ALP. It is critical that airport sponsors monitor and update the airport master plan as the master plan identifies the specific needs of the airport and provides a foundation around which policy can and should be developed. On average, it is recommended that the airport master plan be updated every 7-10 years or as changing circumstances at the airport warrant.

• Develop an appropriate local public outreach program with a goal of educating potential affected landowners and members of the general public regarding the reasons why such land use planning efforts are necessary.

5.1 Methods to Consider for Effective Land Use Planning

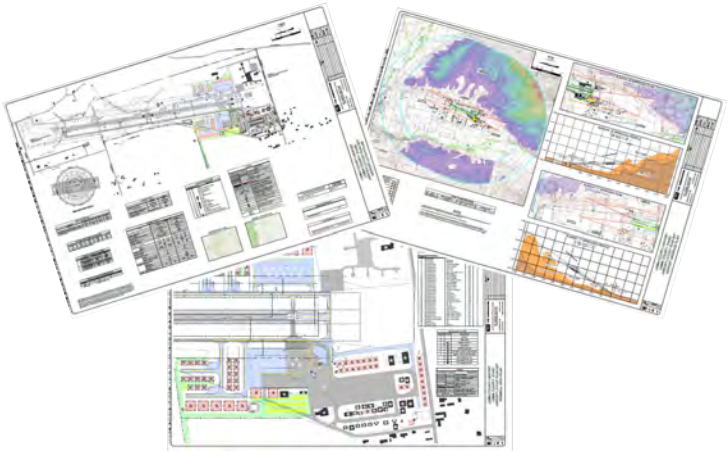
Successful implementation of effective compatible airport land use planning is reliant upon two primary components: proper planning and an effective zoning ordinance.

5.1.1 Planning

The Airport Master Plan

Airport master plans can be considered an aviation related comprehensive plan. An airport master plan typically describes the short, medium and long-term plans to meet future aviation demand at your airport over a 20 year planning period. The goals of the airport master planning process are to provide a framework to guide future airport development, satisfy future aviation demand, and consider both environmental and socioeconomic impacts.

Further, airport master plans also include an ALP drawing set which is a set of drawings which graphically depict the planning analysis. Typically, the ALP set also includes on and off-airport land use plans and airport property maps which identify the current and future proposed land uses on and around the airport. The off-airport land use plan should include a current or recommended airport influence area, traffic pattern area, and critical zones to be used in the implementation of compatible land use planning.



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Though the FAA requires an airport master plan as a condition of receiving federal grant funds, the Master Plan is considered a local plan and not all elements of the Master Plan are formally approved by the FAA. The elements requiring FAA approval include the aviation activity forecast and the designation of the critical aircraft that drives airfield design. The FAA does review and approve the entire ALP drawing set. FAA Advisory Circular 150/5070-6B - Airport Master provides guidance on the FAA master planning process. A link to this document and others is found in Section 8.3.

If your airport is a recipient of FAA and/or ITD grants funds, you are required to have a current master plan and ALP on file with the FAA and ITD Aero.

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Action Step

Check currency of your airport master plan and ALP. Depending on activity levels and circumstances at your airport, your master plan should typically not be older than 10 years. When updating your airport master plan and ALP, be sure to include a land use compatibility element which includes airspace and off-airport land use maps to assist in defining land use protection areas around your airport.

Local Comprehensive Plan – Public Airport Facilities Chapter

Idaho law (Title 67, Chapter 65, Local Land Use Planning) requires political subdivisions complete comprehensive plans that should be executed by local Planning and Zoning Commissions. These plans are an important function of local government and describe the conditions that characterize a jurisdiction, as well as its goals and strategies for a desirable future. Comprehensive Plans are not regulatory in nature, but represent a blueprint and a vision for enriching a locality's future.

Local Comprehensive Plans are a critical component in regulating land use compatibility near airports in Idaho. Comprehensive planning helps to ensure that community interests are reflected in future growth and public services are developed in a cost-effective way. Planning for land uses around airports can equate to enhancements in quality of life, economic benefits, safety, effective land use planning, and transportation-related goals; all integral objectives of the Comprehensive Plan.

Zoning ordinances legally dictate what uses are permitted for each parcel of land within areas of control of the local government. They allow identifying compatible land uses based on the political subdivision's vision for development of its

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community. Zoning ordinances must be based on an adopted Comprehensive Plan to be incorporated into local codes. In general, comprehensive planning identifies the community's vision regarding its future growth.

As previously discussed, state law now requires local comprehensive plans include a public airport facilities chapter known as section "q". It is recommended that this section establish guidance for the financing, protection, maintenance, operation, and long term growth and development of the airport and include the following information:

• Identify airports as essential community facilities, which provide safe transportation alternatives, contribute to the economy of the state, and have to be considered by local government planning and zoning commissions. Further, airport managers have to be notified whenever zoning agencies consider adoption, modification, amendment, and/or repeal of a Comprehensive Plan; or issuance of a special use or conditional use permit, transfer of development rights, or a variance that could create an aviation hazard

• Define the role of the airport in the National Plan of Integrated Airport System (NPIAS) and in the IASP, as well as users, facility types, locations, character and volume of air traffic.

• Describe the importance of the airport to the local community as well as to the overall transportation system. In addition, it should take into consideration multi-jurisdictional coordination, encourage economic development, as well as compatible commercial and industrial uses around the airport, in compliance with FAA and state regulations and grant assurances.

• An analysis of airport hazards and hazard areas to determine the location and extent of airport hazard areas within its jurisdiction and adjoining jurisdictions. It should indicate how to prevent the creation or establishment of airport hazards by specifying compatible and permitted land uses in zones around airports and by regulating and restricting the height of structures and objects of natural growth around airports.

Action Step

Review your local comprehensive plan(s). To meet state law, your comprehensive plan should address your airport(s) in the appropriate manner. As with any planning document, the comprehensive plan and the airport section "q" should be updated on a regular basis to reflect changes in community values, revise statistical information and implement changes in public policy. You are encouraged to follow proper public notice requirements when amending your local comprehensive plan.

Model Comprehensive Plan Public Airport Facilities Chapter

Attached as **APPENDIX A** is a model Public Airport Facilities comprehensive plan chapter. ITD Aero believes this document represents a good example of a compliant Public Airport Facilities comprehensive plan chapter.

5.1.2 Zoning Ordinance

In many instances, the implementation of zoning is the most proactive mechanism used to ensure compatible land uses around an airport. Appropriate and effective airport master planning and comprehensive plan development should provide the foundational elements necessary to develop an airport zoning ordinance. In many instances, developing an overlay is an effective technique to accomplish airport land use zoning.

An effective airport land use zoning overlay ordinance should include the following sections:

- **Airspace protection zones (based on Part 77 defined airspace)**
- **Land use compatibility zones (based on local needs and requirements)**
- **Noise compatibility zones (only where applicable for compliance with 14 CFR Part 150 – Airport Noise Compatibility Planning*)**

> *14 CFR Part 150, Airport Noise Compatibility Planning, is the current federal regulation that, "prescribes the procedures, standards, and methodology governing the development, submission, and review of airport noise exposure maps and airport noise compatibility programs."

Part 150 programs are officially initiated by the FAA and are typically implemented around large, more active airports where FAA defined noise contours generated by aircraft operations (measured in decibels based on average day/night sound levels) impact surrounding development. Part 150 identifies those land uses which are normally compatible with various levels of exposure to noise by individuals. It is important to point out that Part 150 only recognizes a formal noise exposure problem if certain land uses are within the 65 DNL contour.

Further, there are very few airports in Idaho which have the type of activity that results in the 65 DNL noise contour being located significantly off airport property. As a result, the development of appropriate local land use zoning is recommended to address noise related concerns outside the purview of Part 150 noise programs.

Action Step

Review your current zoning ordinance. Does your ordinance include an airport overlay zone or similar mechanism to address airspace protection and land use zoning around your airport? In many instances in Idaho, airport zoning ordinances have been found to include an airspace protection section only with no land use zoning section. Further, many of the airspace protection sections have been found to be out of date.

5.1.3 ITD Minimum Standards for Airport Land Use Compatibility Zoning

As you work to develop or update your airport zoning ordinance, ITD Aero has established minimum standards that shall be met. A local political subdivision or agency shall adopt airport compatibility requirements that shall, at a minimum:

1. Prohibit new residential development and public assembly uses within the Runway Protection Zone as defined in FAA AC 150/5300-13, Airport Design;

2. Control the height of buildings, structure, towers and other objects in a manner consistent with 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace;

3. Limit the establishment of uses within a noise impact boundary consistent with the levels identified in Title 14 Code of Federal Regulations (14 CFR) Part 150, Noise Compatibility Program, Appendix A, Table 1;

4. Prohibit the siting of new industrial uses and the expansion of existing industrial uses where, as a part of regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors;

5. Limit outdoor lighting for new industrial, commercial, or recreational uses or the expansion of such uses to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approaches except where necessary for safe and convenient air travel;

6. Prohibit the establishment of new landfills near airports, consistent with Federal Aviation Administration Circular 150/5200-33, Hazardous Wildlife Attractants On or Near Airports;

7. Regulate water impoundments consistent with the Federal Aviation Administration Circular 150/5200-33, Hazardous Wildlife Attractants On or Near Airports;

8. Limit electrical interference consistent with Federal Communication Commission regulations;

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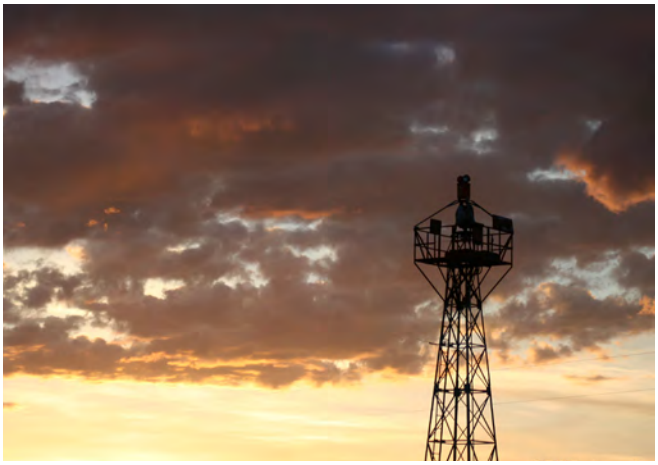

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9. Require, at the expense of the owner of the land or structure, the removal, lowering, or other change or alteration of any structure or tree, or a change in use, not conforming to the regulations after adoption or amendment;

10. Require a property owner to permit the political subdivision or agency at its own expense to install, operate, and maintain on the property such markers and lights as necessary to indicate to operators of aircraft the presence of an airport hazard; and

11. Provide that pre-existing nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted.

Model Comprehensive Airport Zoning Ordinance

Attached as **APPENDIX B** is a model airport zoning ordinance. ITD Aero believes this document represents a good example of a complete airport zoning ordinance.

5.2 Summary

In order to implement successful airport land use compatibility around your airport, the following critical path items are necessary:

- **Understanding the impact your airport has on your community and the impact the community has on your airport.**
- **Meaningful and effective lines of communication between airport sponsors and political subdivision impacted, or that may impact an airport.**
- **Coordinated policies and procedures between airport sponsors and political subdivisions to address current or future potential impacts in a cooperative manner.**
- **Current local airport master and comprehensive plans.**
- **A zoning ordinance that addresses airspace protection, land use zoning and noise impacts as appropriate.**

Section 6 of this document will provide guidance to help airport sponsors and planning and zoning staff determine appropriate airspace and land use zone dimensions.

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6 Defining Airspace Around Your Airport

The airport's airspace map should reflect the minimum applicable airspace dimensions that should be protected based on future facilities. Per Part 77, anyone proposing development at a certain height above the ground or within a certain proximity to the airport are required to submit notification to the FAA (Form 7460-1) for determination that such development will not adversely impact airspace or the safety of aircraft operators. For on airport development, Form 7460-1 must either be submitted by the airport sponsor or the sponsor must assure that the leaseholder submits the form appropriately.

To assist airport owners and adjacent political subdivisions in determining the extent of airspace that must be considered as part of their local planning and zoning process, this section defines specific terms and breaks down the individual Part 77 airspace surfaces.

For public-use civilian airports, Part 77 identifies the following "imaginary" airport airspace surfaces:

- Primary Surface
- Approach Surface
- Transitional Surface
- Horizontal Surface
- Conical Surface

These surfaces are designed to protect the airspace aircraft use to approach or depart an airport from obstructions to air navigation. These surfaces are based on the size of aircraft that predominantly use or is planned to use a runway and the type of approaches (visual, non-precision and precision) in use or planned for a particular runway end. They are designed to protect other more complex airspace surfaces that vary considerably from airport to airport depending on many factors including the specific type of instrument approach. For more information on the airspace around an airport, refer to FAA Joint Order 7400.2 - Procedures for Handling Airspace Matters and FAA Order 8260.3 - United States Standard for Terminal Instrument Procedures (TERPS).

The following definitions apply when defining airspace under Part 77:

Small Aircraft
Aircraft with a maximum gross take-off weight (MGTOW) of 12,500 pounds or less.

Large Aircraft
Aircraft with a MGTOW of greater than 12,500 pounds.

Utility Runways
Utility runways are runways constructed for and intended to be used by small aircraft.

Other-than-Utility Runways
Other-than-utility runways are runways constructed for and intended to be used by large aircraft.
Visual Runways
Existing and future runways intended solely for the operation of aircraft using visual approach procedures, with no instrument approach procedure identified or planned by the FAA.

Non-Precision Instrument Runways
Runways equipped with an existing or planned, ground-based instrument approach procedure with only horizontal guidance or area type navigation equipment, and for which no precision instrument approach procedure has been identified by the FAA.

Precision Instrument Runways
Runways having an existing or planned, instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR).

Extended Approach and Transitional Surfaces
That portion of the approach and transitional surfaces which extends above and beyond the conical surface.

Figures 6-1 through 6-3 demonstrate various general perspectives of the Part 77 surfaces. Additional detail for each individual surface is included in the following pages.

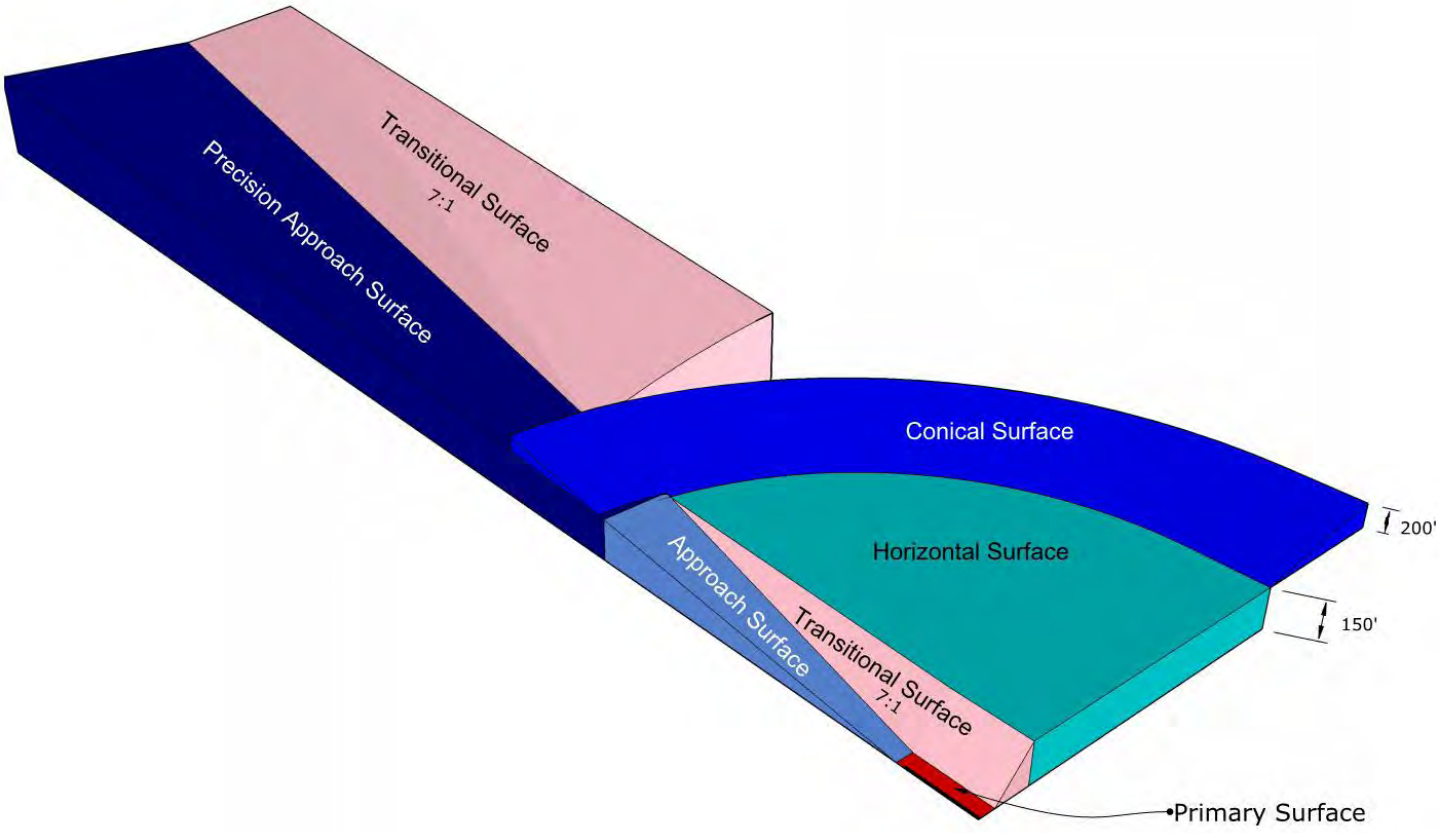


Figure 6-1 – Cutaway of the Part 77 Surfaces

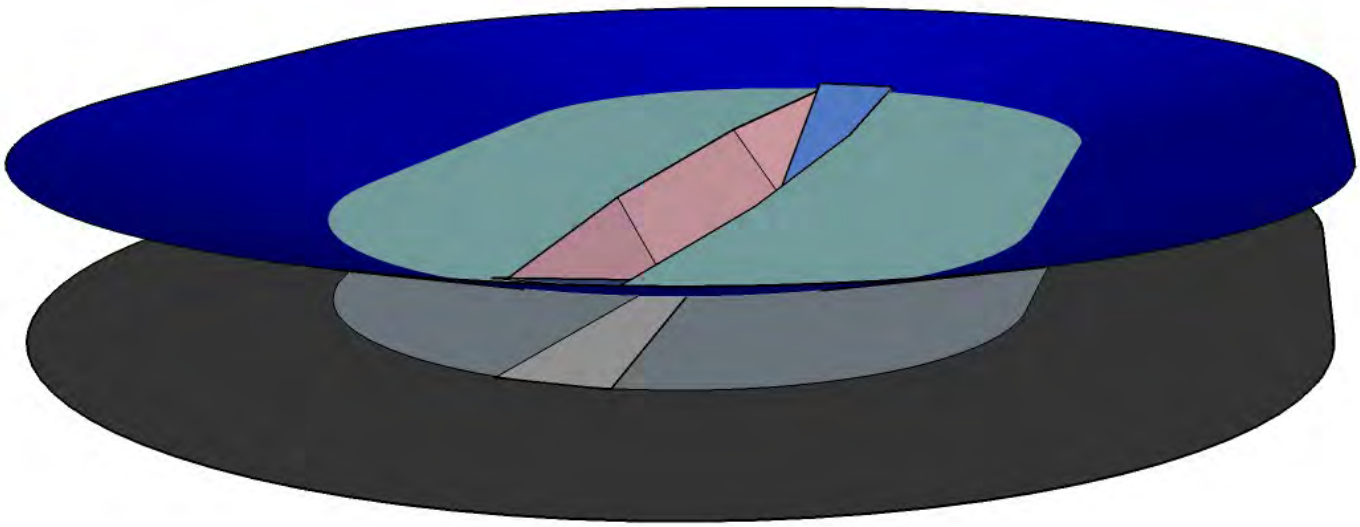


Figure 6-2 – Oblique View of the Part 77 Surfaces
Note: For the sake of simplicity, the extended approach and transitional surfaces have been removed from this figure.

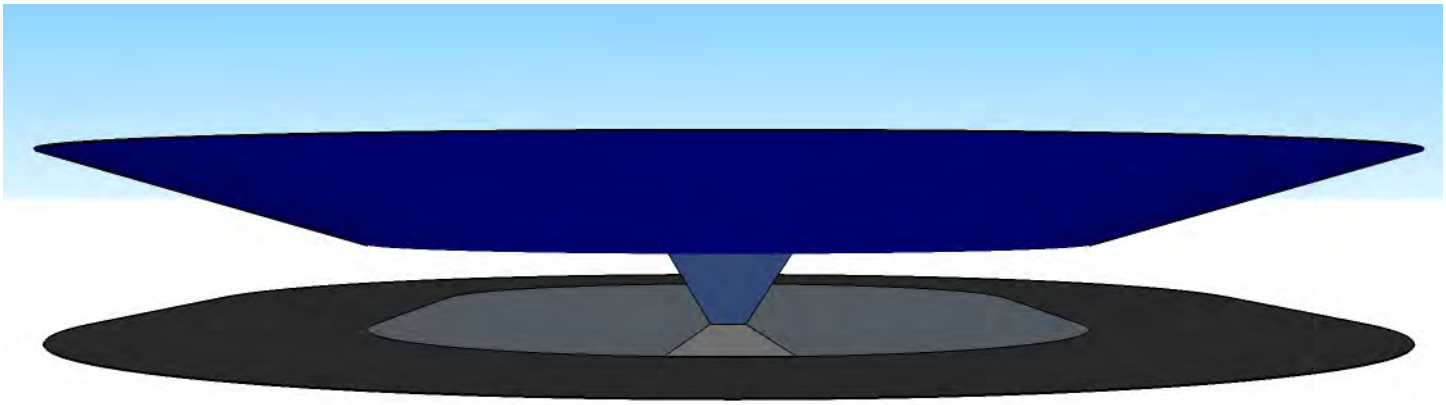


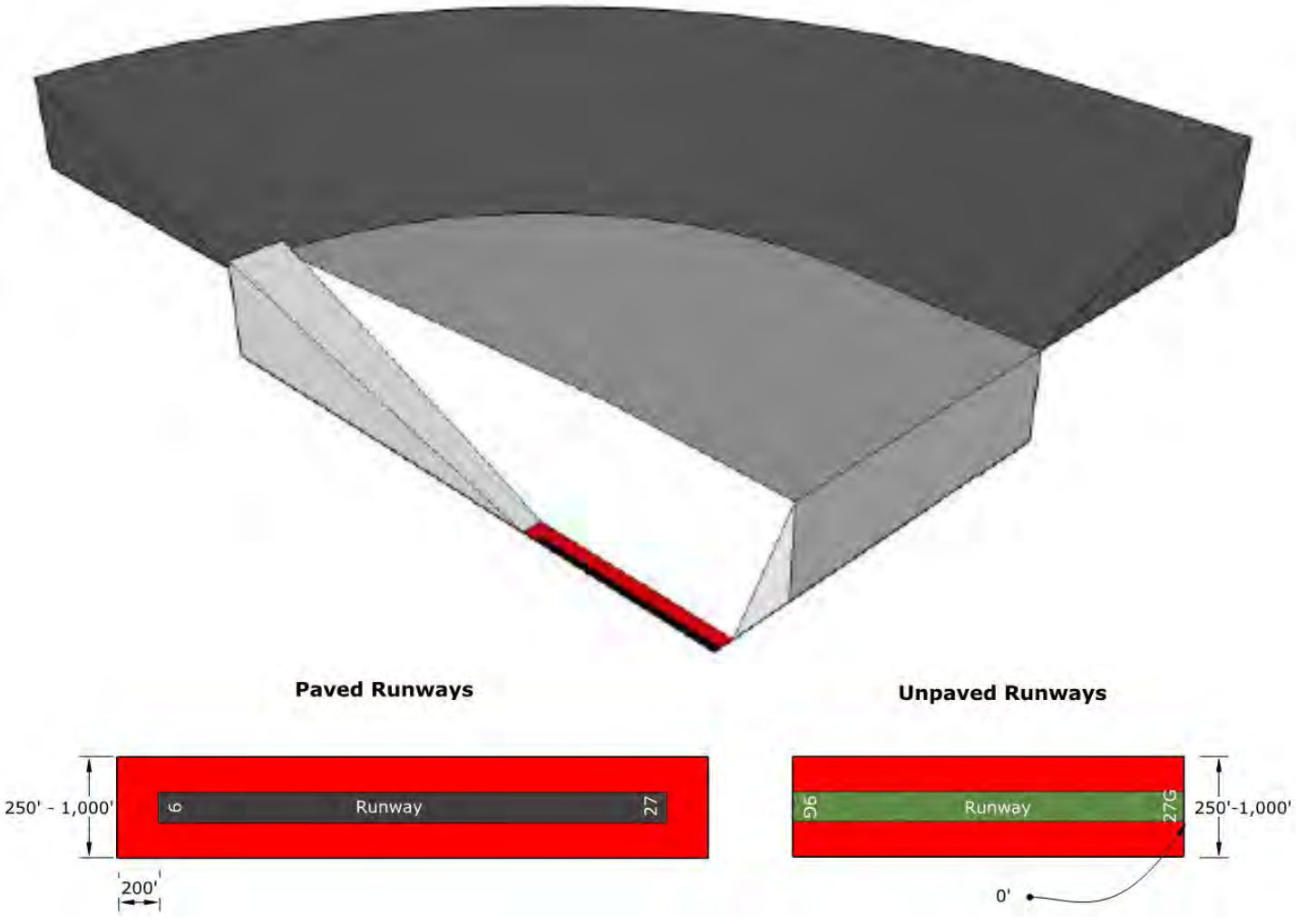
Figure 6-3 – Profile View of the Part 77 Surfaces
Note: For the sake of simplicity, the extended approach and transitional surfaces have been removed from this figure.

6.1 Primary Surface

The Primary Surface:

- Is a rectangular surface longitudinally centered on the runway
- Extends a distance of 200 feet beyond each runway end for paved runways
- Extends to the runway end for non-paved runways
- The elevation of the Primary Surface is the same as that of the runway at any given point perpendicular to the runway at that point

Figure 6-4 – Primary Surface



Note: The area in red depicts the primary surface.

To determine the dimensions of a runway's Primary Surface:

- Identify if the runway is a Utility or Other-than-utility runway.
- Identify the most demanding type of approach (existing or planned) for each runway end.
- Based on runway and approach type identified above, use the tables below to determine dimensions of the Primary Surface:

Visual Runways

	Width
Utility	250′
Larger than Utility	250′

	Length Beyond Runway End
Paved	200′
Unpaved	Stops at Runway End

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Non-Precision Instrument Runways

	Width
Utility	500′
Larger than Utility with Visibility Minimums greater than 3/4 miles	500′
Larger than Utility with Visibility Minimums as low as 3/4 miles.	1000′

	Length Beyond Runway End
Paved	200′
Unpaved	Stops at Runway End

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Precision Instrument Runways

	Width
Precision	1000′

	Length Beyond Runway End
Paved	200′
Unpaved	Stops at Runway End

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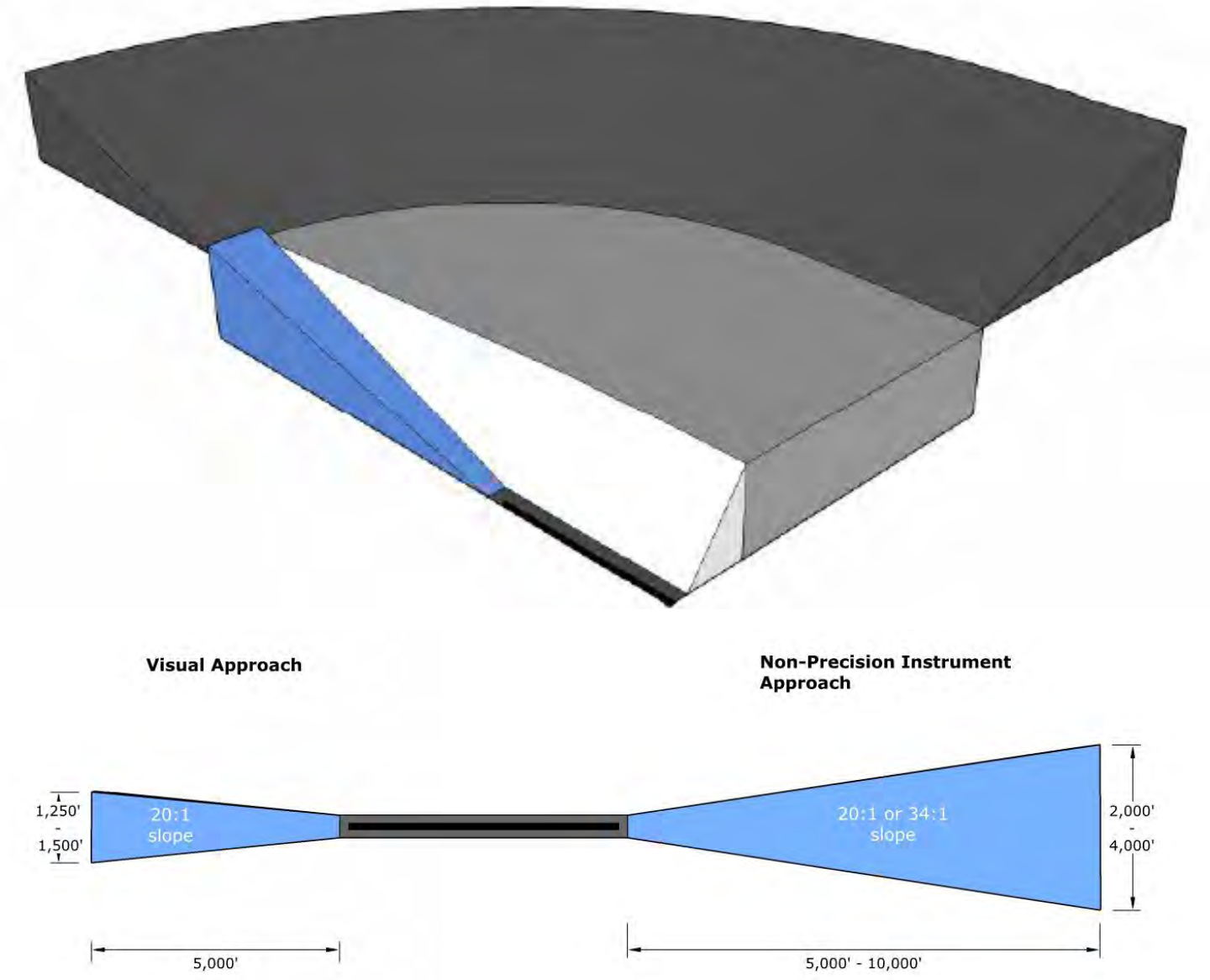
6.2 Approach Surface

The Approach Surface:

- Is trapezoidal in shape
- Is applied to each runway end individually
- Begins at the end of the Primary Surface
- Slopes upward and outward

Figure 6-5 – Approach Surface



Note: The area in blue depicts the approach surface.

To determine the dimensions of a runway end's Approach Surface:

- Identify if the runway is a Utility or Other-than-utility runway
- Identify the most demanding type of approach (existing or planned) for each runway end
- Based on runway and approach type identified above, use the tables below to determine dimensions of the Approach Surface:

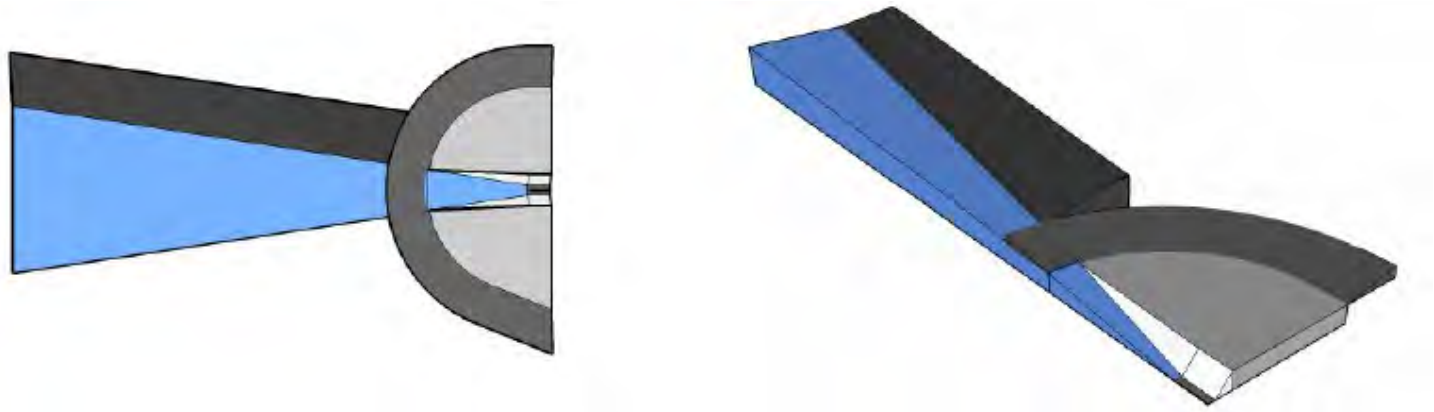
Visual Runway

	Width	Width at End	Length	Slope
Utility	250′	1,250′	5,000′	20:1
Other than Utility	500′	1,500′	5,000′	20:1

Non-Precision Instrument Runway

	Width	Width at End	Length	Slope
Utility	500′	2,000′	5,000	20:1
Other than Utility with Visibility Minimums greater than 3/4 miles.	500′	3,500′	10,000′	34:1
Other than Utility with Visibility Minimums as low as 3/4 miles.	1,000′	4,000′	10,000′	34:1

Figure 6-6 – Approach Surface (Precision Instrument Runway)



Precision Instrument Runway

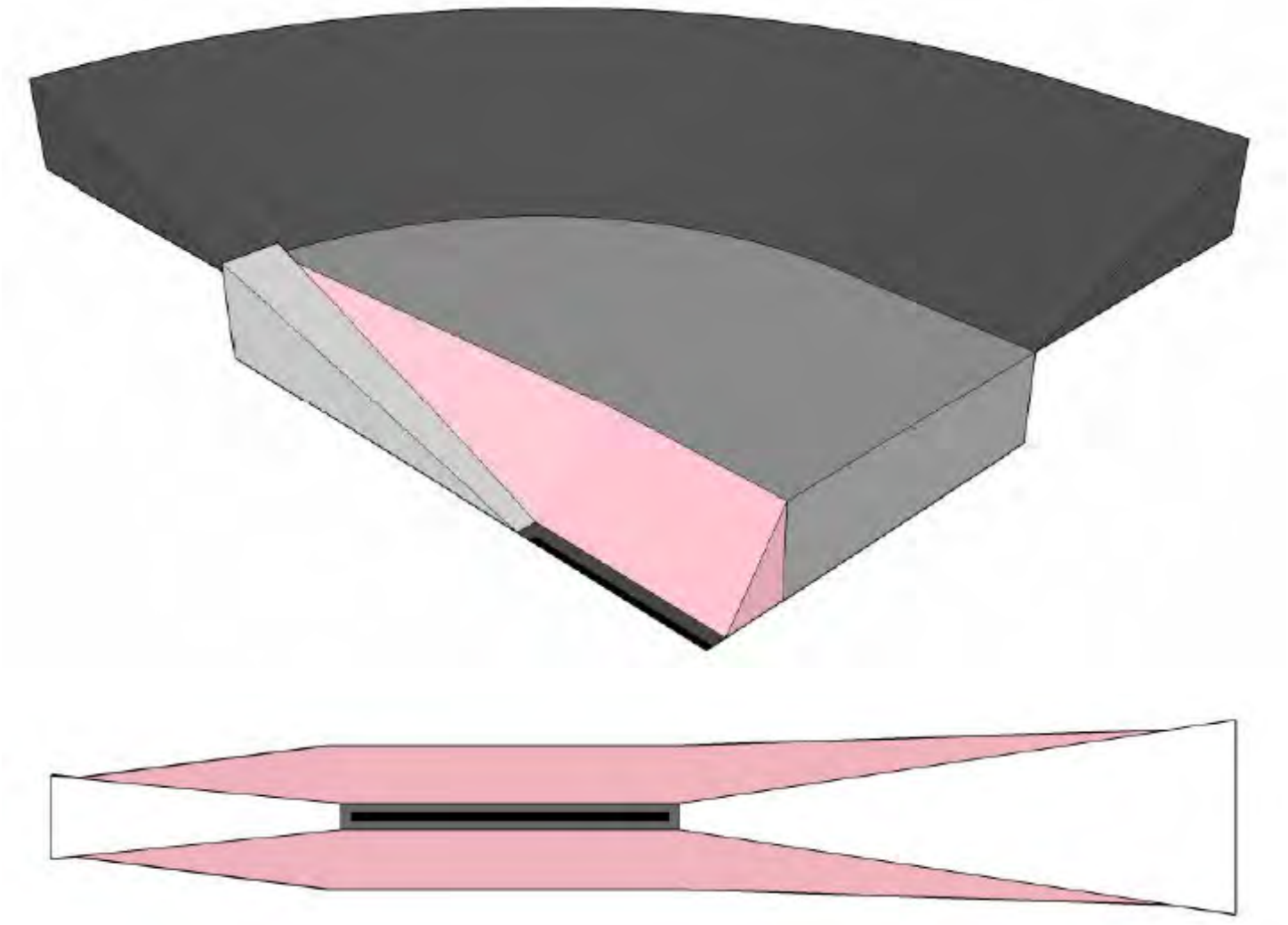
	Width	Width at End	Length	Slope
Utility	1,000′	16,000′	10,000′ ; 40,000′	50:1 for 10,000′ and 40:1 for next 40,000′
Other than Utility	1,000′	16,000′	10,000′ ; 40,000′	50:1 for 10,000′ and 40:1 for next 40,000′

6.3 Transitional Surface

The Transitional Surface:

- Extends outward and upward at right angles to the runway centerline, and the extended runway centerline, at a slope of 7 to 1 from the sides of the primary surface and approach surface to the height of the horizontal surface
- Transitional surface for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extends a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline

Figure 6-7 – Transitional Surface



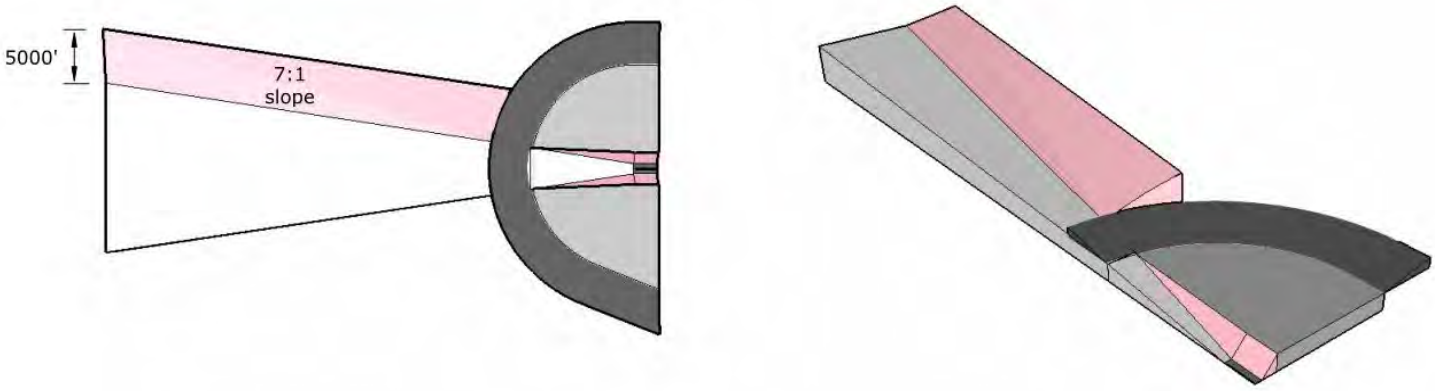
Note: The area in pink depicts the transitional surface.

Transitional Surface: Precision Instrument Runway

To determine the dimensions of the airport Transitional Surface:

- Determine the edge of the Primary Surface
- Use a 7:1 slope (7 feet horizontal: 1 foot vertical) until intersection with the Horizontal Surface
- For precision instrument runways, add a 7:1 slope on each side of the Approach Surface for a horizontal distance of 5,000 feet laterally measured from the edge of the Approach Surface

Figure 6-8 – Transitional Surface (Precision Instrument Runway)

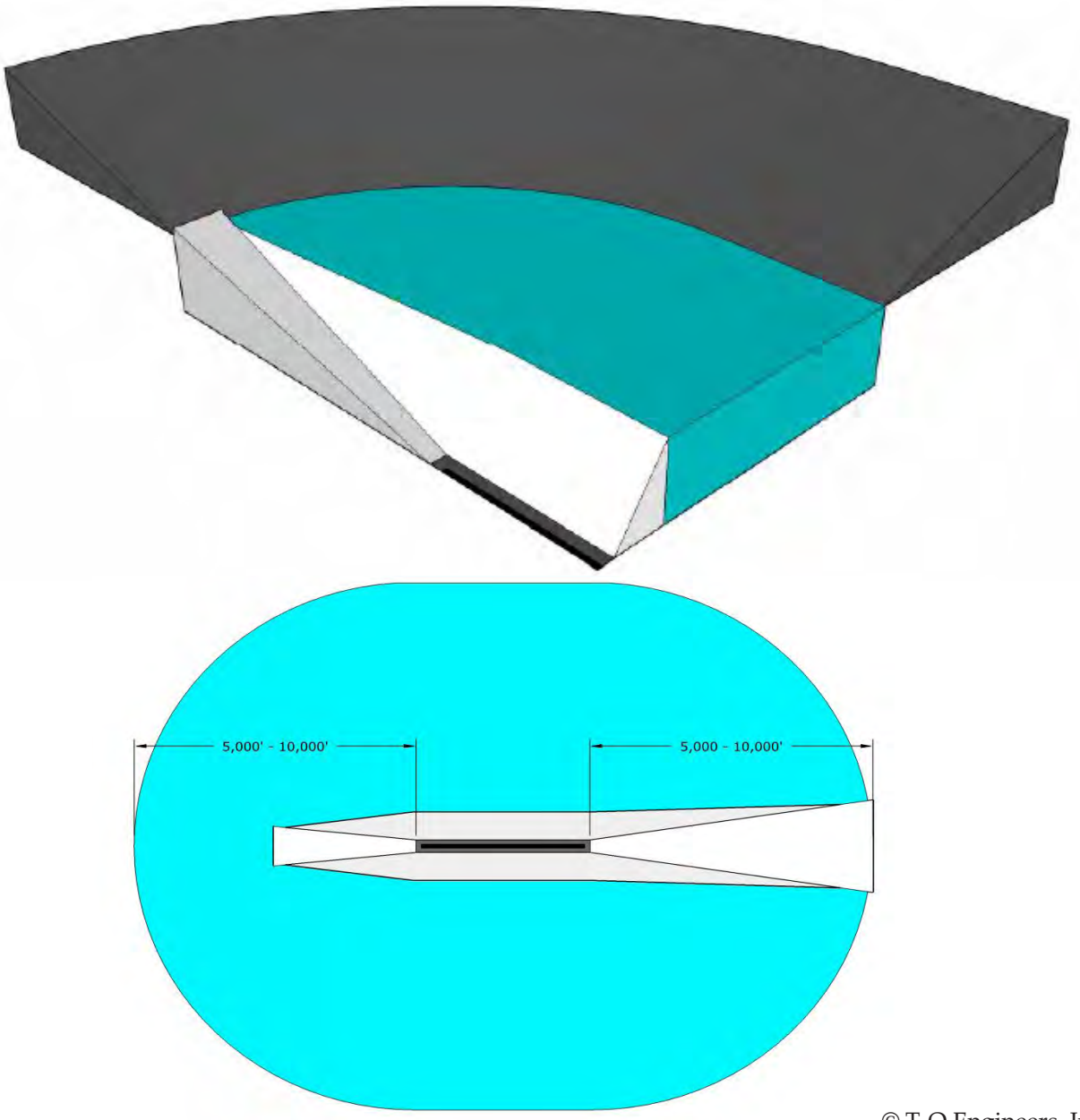


6.4 Horizontal Surface

The Horizontal Surface:

- A horizontal plane 150 feet above the established airport elevation (highest point on any runway)
- The perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs

Figure 6-9 – Horizontal Surface



Note: The area in turquoise depicts the horizontal surface.

To determine the dimensions of the airport Horizontal Surface:

- Based on runway and approach type previously identified, use the tables below to determine dimensions of the Horizontal Surface:

NOTE: For runways with a visual approach on one end and a non-precision or precision approach on the other end, the most demanding distance would apply. See Figures 6-9, 6-11 and 6-12 for examples.

Visual Runways

	Radius
Visual Runway	5,000′

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Non-Precision Instrument Runways

	Radius
Utility	5,000′
Other than Utility	10,000′

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Precision Instrument Runways

	Radius
Precision Runway	10,000′


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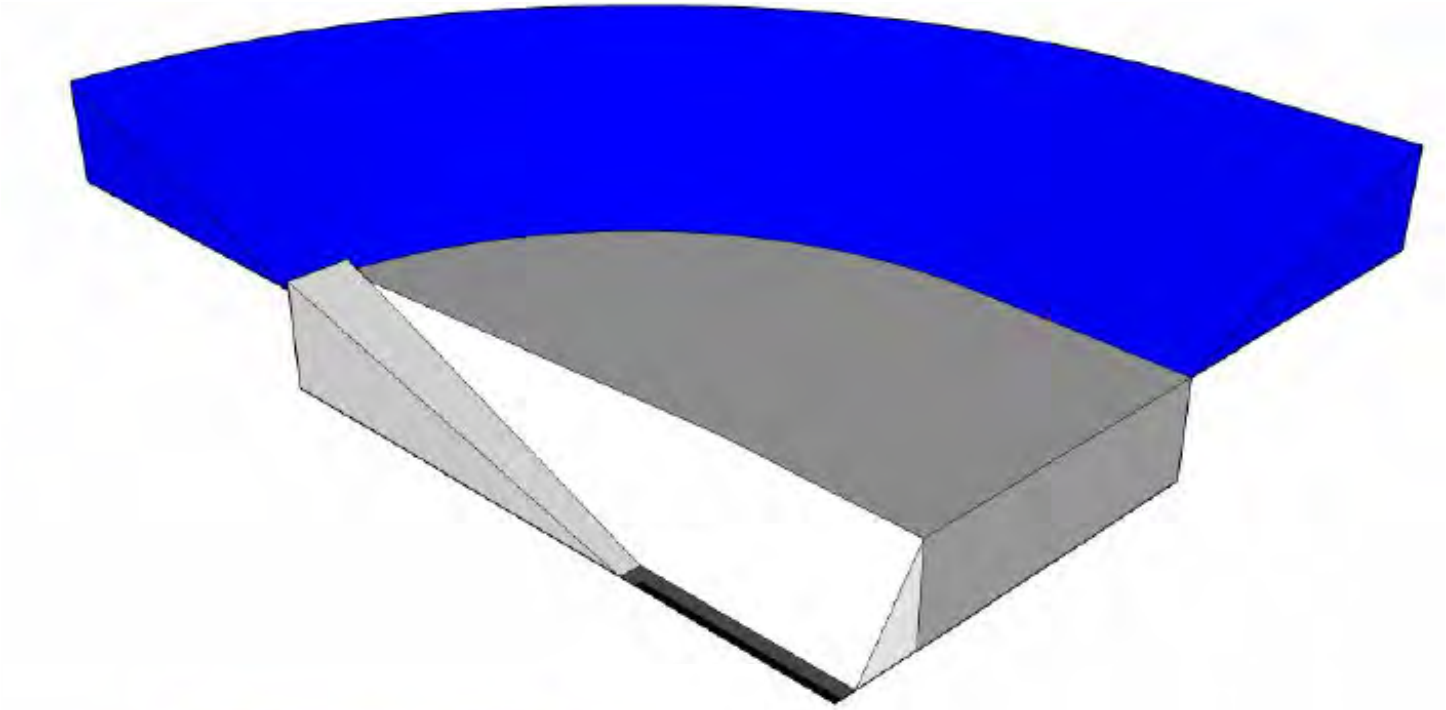
6.5 Conical Surface

The Conical Surface:

- A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet
- Results in an additional 200 feet of height around the Horizontal Surface

Figure 6-10 – Conical Surface



Note: The area in navy blue depicts the conical surface.

To determine the dimensions of the airport Conical Surface:

- Extend outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

6.6 Practical Examples

In order to assist the reader in applying the above definitions of the Part 77 surfaces, the following exhibits are practical examples of airport airspace surfaces for actual Idaho airports.

Below is a summary of the general and Part 77 characteristics for each example:

Example #1

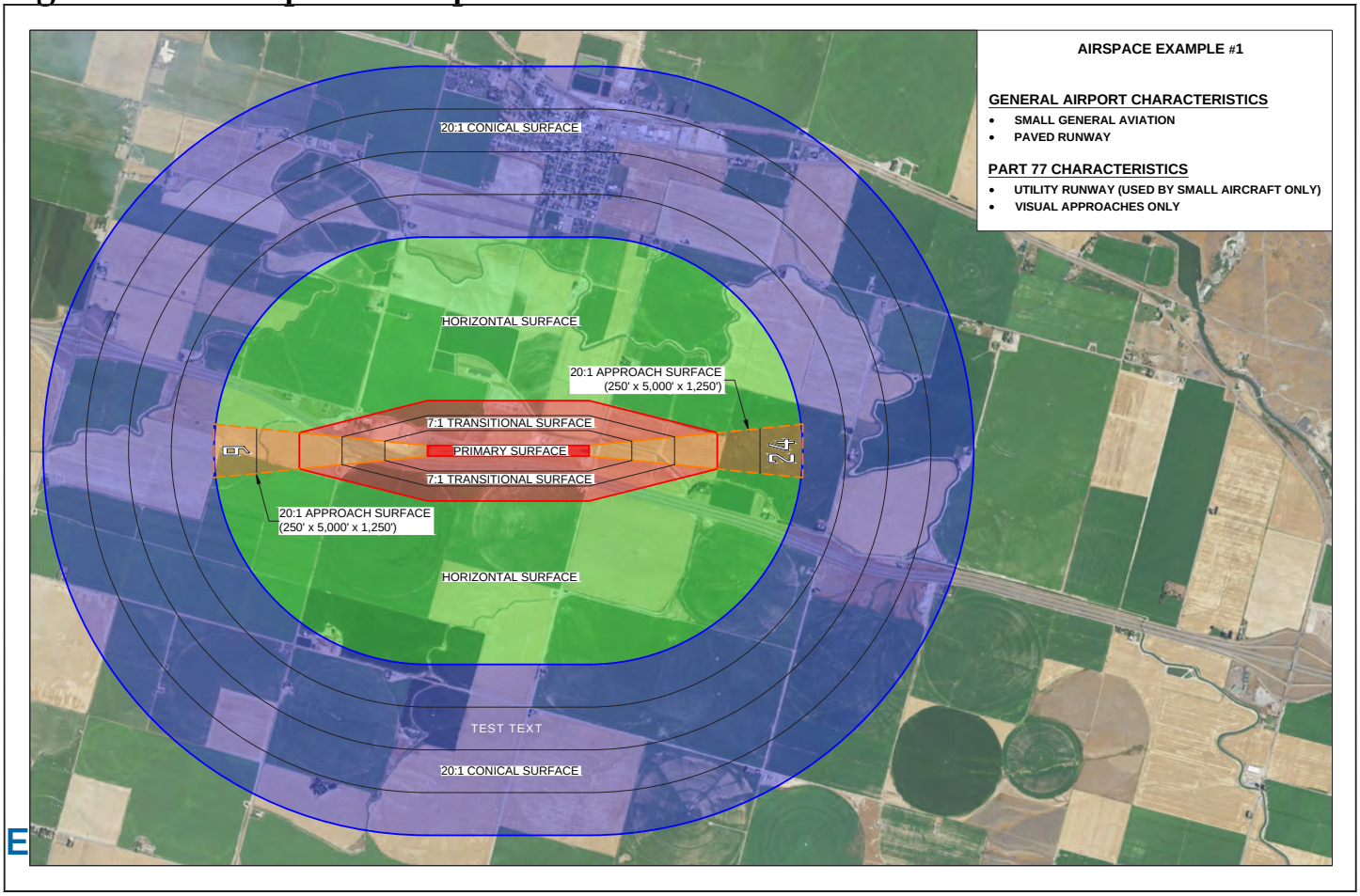
General Airport Characteristics

- Small General Aviation Airport
- One (1) Paved Runway

Part 77 Characteristics

- Utility Runway (used by small aircraft only)
- Visual Approaches Only

Figure 6-11 – Airspace Example 1



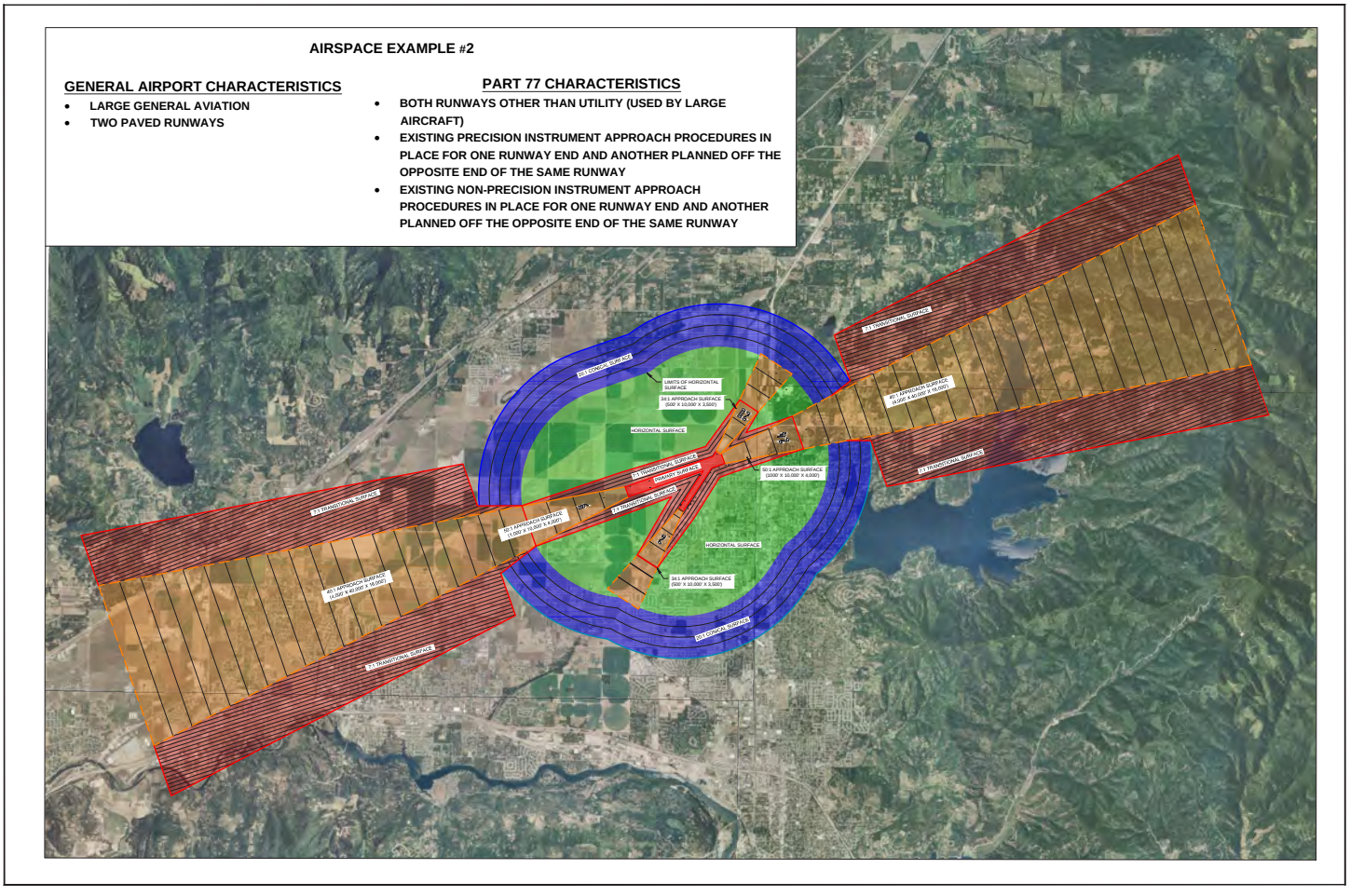
General Airport Characteristics

- Large General Aviation Airport
- Two (2) Paved Runway

Part 77 Characteristics

- Both runways Other-than-utility
- Existing precision instrument approach procedures in place for one runway end and another planned off the opposite end of the same runway
- Existing non-precision instrument approach procedures in place for one runway end and another planned off the opposite end of the same runway

Figure 6-12 – Airspace Example 2



6.7 Notification to the FAA Regarding Proposed Structures

Federal Notification

Any proposed construction or alterations that meet the following criteria require notification to the FAA for an aeronautical evaluation:

- Any construction or alteration on airport property.
- Proposed construction or alteration over 200 feet in height.
- Structures that will penetrate a 100:1 surface (100 feet horizontal to 1 foot vertical) within a horizontal distance of 20,000 feet from the nearest point on the nearest runway of an airport with a runway more than 3,200 feet in length.
- Structures that will penetrate a 50:1 surface (50 feet horizontal to 1 foot vertical) within a horizontal distance of 10,000 feet from the nearest point on the nearest runway of an airport with runways no longer than 3,200 feet.
- Structures that will penetrate a 25:1 surface (25 feet horizontal to 1 foot vertical) within a horizontal 5,000 feet from the nearest point on the nearest landing and takeoff area of a heliport.
- Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed one of the previous standards.
- When requested by the state or FAA

Notification to the FAA is done through the FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) page which allows for electronic filing of the Notice of Proposed Construction or Alteration (FAA Form 7460-1).

Website: https://oeaaa.faa.gov/oeaaa/external/portal.jsp

The FAA OE/AAA website also includes the Notice Criteria Tool to evaluate whether FAA notification is required.

Website: https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm

6.8 Notification to the State of Idaho Regarding Proposed Structures

Notification of proposed construction or alteration is required to be submitted to the Aeronautics Division Administrator if construction exceeds one (1) or more of the following conditions:

- Greater than two hundred (200) feet in height. If the proposed object would be more than two hundred (200) feet above ground level at its location. (4-11-06).
- Near an established airport or seaplane base. If the proposed object would be within twenty thousand (20,000) feet of an airport (*) or seaplane base with a runway more than three thousand two hundred (3,200) feet in length; and would exceed one (1) foot in height for each one hundred (100) feet (100:1) horizontally from the nearest point of the nearest runway. * To qualify, an airport as defined in Section 21-101(c), Idaho Code, must be listed in the Idaho Airport Facilities Directory, or in the Airport /Facility Directory published by the US-DOT, National Charting Office or operated by a public entity.
- If the proposed object would be within ten thousand (10,000) feet of an airport having no runway more than three thousand two hundred (3,200) feet in length; and would exceed one (1) foot in height for each fifty (50) feet (50:1) horizontally from the nearest runway.
- Near a Heliport. If the proposed object would be within five thousand (5,000) feet of a heliport listed in the "Airport Facilities Directory" or operated by a public entity; and would exceed one (1) foot in height for each twenty-five (25) feet (25:1), horizontally from the nearest landing and take-off area of that heliport.
- Highways and Railroads. If the proposed object is a traverse way which would exceed at least one (1) of the standards listed in Subsections 100.04.a. through 100.04.c. above, after its height is adjusted upward seventeen (17) feet for an Interstate Highway, fifteen (15) feet for any other public roadway, ten (10) feet (or the height of the highest mobile objects that would normally traverse the road) for a private road, twenty-three (23) feet for a railroad, or an amount equal to the height of the highest mobile objects that would traverse a waterway or any other thoroughfare not previously mentioned.

7 Defining Airport Land Use Planning Areas/Zones

As discussed in Chapter 5, two primary components of effective compatible land use planning around your airport are the establishment of airspace projection zones and land use compatibility zones. Chapter 6 provides guidance on how to better understand and define the protected airspace around your airport. This section of the Idaho Airport Land Use Guidelines provides definitions and guidance to assist airport owners and adjacent political subdivisions in determining the extent of land use compatibility zones that should be considered as part of their local planning and zoning process and land use planning ordinance.

The following recommended land use compatibility zones offer a reference and a starting place. They are consistent with industry best practices.

- Runway Protection Zones
- Lateral (or side) Safety Zone
- Critical Zone(s)
- Airport Traffic Pattern Area
- Airport Influence Area
- Impact Coordination Zone

It is critical to point out that, unlike federally defined and protected airspace protection zones, land use compatibility zones are not mandated by either the FAA or ITD Aero. The sole exceptions are Runway Protection Zones which are further discussed below. The need, size and composition of other land use compatibility zones around a particular airport can vary greatly depending on local land use planning needs and desires, and the size and capability of the airport.

7.1 Runway Protection Zone (RPZ)

RPZs are defined areas at ground level beyond the runway end or prior to the threshold that are maintained clear of incompatible objects and activity in order to enhance the safety and protection of people and property on the ground. FAA and ITD Aero recommends airport sponsors control the RPZs, preferably exercised through the acquisition of sufficient property interest in the RPZ, and clear RPZ areas (and maintain them clear) of incompatible uses or objects such as roads and structures of any kind.

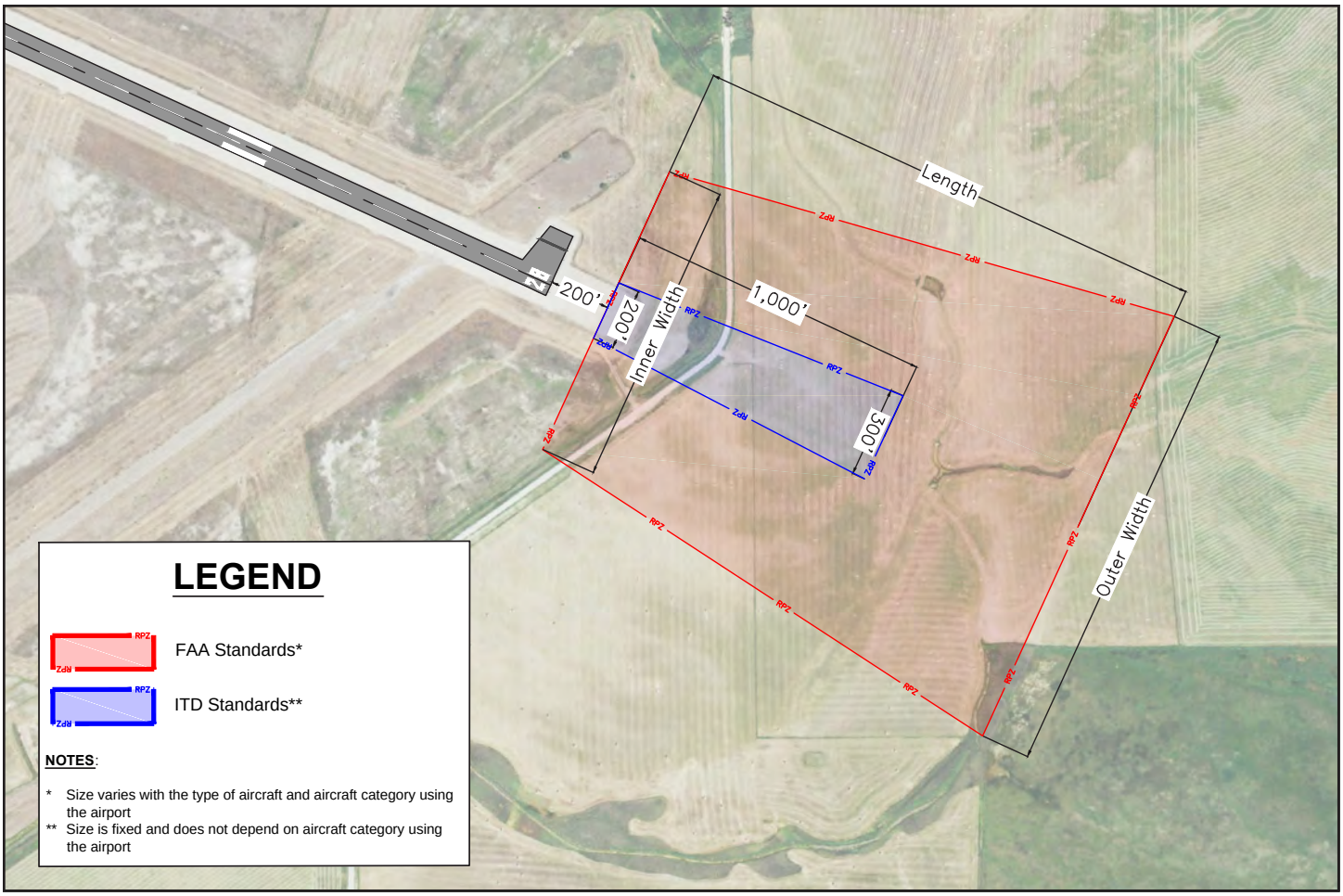
From a land use compatibility planning standpoint, the RPZ is the only land use compatibility zone which dimensions and configuration is defined and mandated for protection by FAA and ITD Aero.

The RPZ is trapezoidal in shape, and centered about the extended runway centerline; it usually begins 200 feet beyond the runway end, except with special application of declared distances. Airports funded by the AIP program are required to adhere to FAA airport design standards, including RPZ standards. Per FAA standards, the size of the RPZ is based on the approach speed, wingspan and tail height of the most demanding aircraft that uses the airport combined with lowest visibility minimums for approaches to a runway end. For airports funded by ITD Aero, Idaho VFR airport design standards are applicable. Unlike FAA RPZ standards, ITD Aero RPZ standards are one size only.

To determine the size of your RPZ, refer to:

- Your airport's current ALP
- FAA Advisory Circular 150/5300-13A, Airport Design (as amended)
- Idaho VFR Airport Design

Figure 7-1 – Runway Protection Zone



7.2 Lateral Safety Zone (LSZ)

The LSZ is an area extending a specified distance from either side of the runway centerline. The purpose of the LSZ as a land use compatibility zone is to enhance the protection of people and property on the ground adjacent to the sides of the runway.

The LSZ is rectangular in shape, centered laterally about the runway centerline. It can extend to the runway end or no more than 200 feet past runway end. The size of the LSZ is not mandated by the FAA or ITD Aero. However, a width of at least 500 feet is recommended for visual runways, and at least 1,000 feet is recommended for runways with instrument approach procedures. These widths should at a minimum protect the Runway Safety Area, Runway Object Free Area, Runway Object Free Zone and Primary Surface of the airport.

Considerations for determining the size of your airport's LSZ:

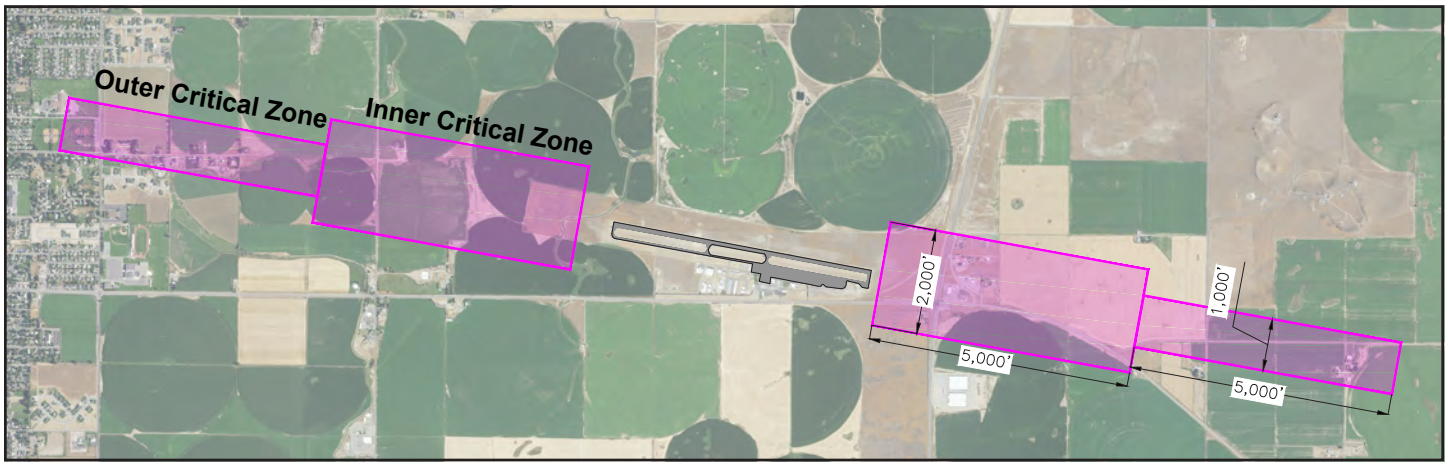
- Size of the runway, aircraft and overall usage of your airport
- Instrument approach capability of your airport
- Location of hangars, airport businesses located on airport
- Existing and proposed land use around your airport

Figure 7-2 – Lateral Safety Zone

7.3 Critical Zone(s)

The purpose of the Critical Zone(s) is to protect aircraft approach and departure paths off the ends of the runway beyond the RPZ. As their name implies, these land use compatibility zones protect some of the most critical areas around the airport. Aircraft accident statistics bear out that most aircraft accidents and incidents occur during the landing and departing phases of flight. Appropriately sized Critical Zones based on the size of the aircraft using your airport and approach capabilities can ensure additional protection to both aircraft operators and people on the ground by preventing incompatible uses in these flight corridors.

Figure 7-3 – Critical Zone(s)



The number of Critical Zones implemented for an airport is dependent upon the type of approaches at your airport.

For airports with only visual approaches, one Critical Zone is recommended. Width of this Critical Zone should match the width of the LSZ. Length of this Critical Zone for visual only airports is recommended to be between 3,000-5,000 feet from the end of the runway.

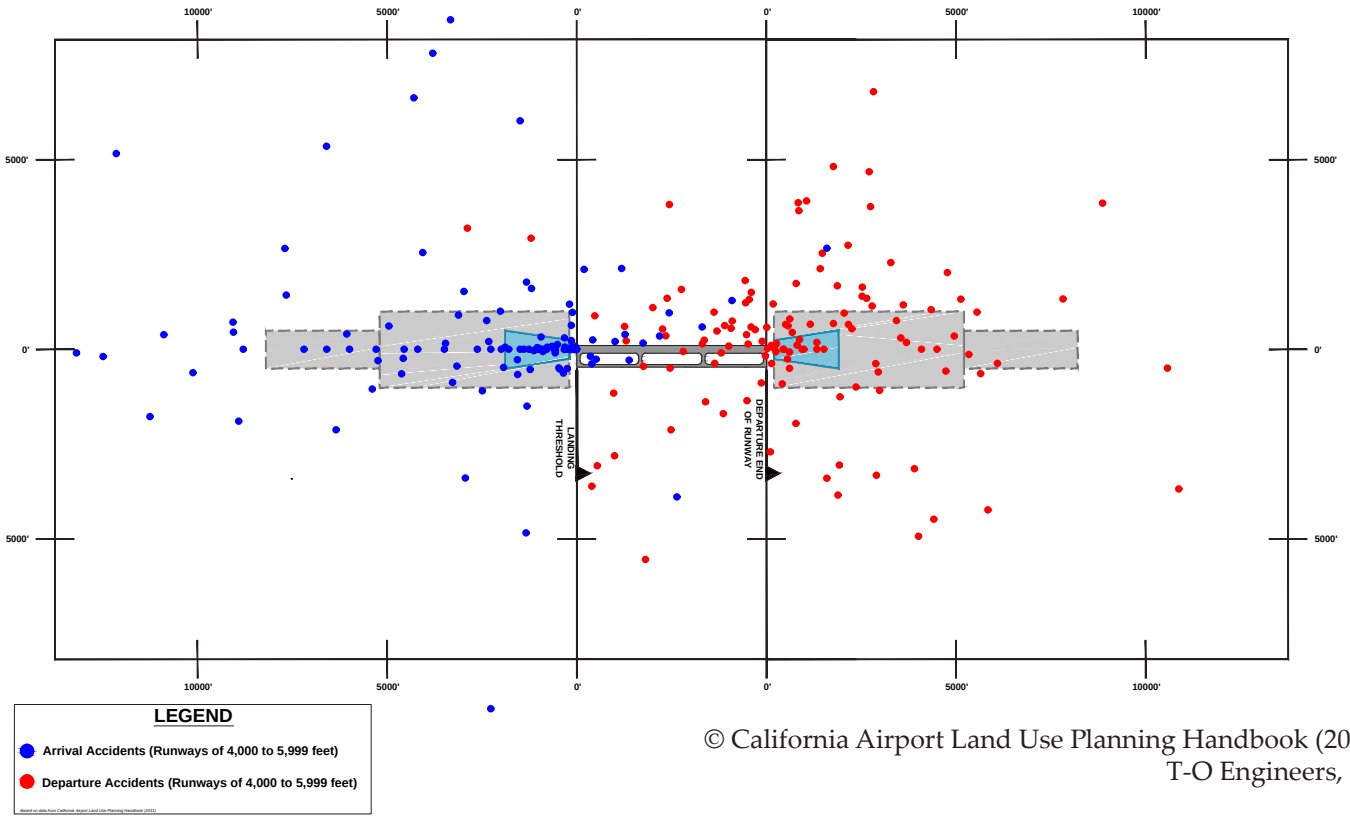
For airports with instrument approach procedures, an additional Critical Zone corridor is recommended. This Outer Critical Zone (OCZ) is an extension of the Inner Critical Zone (ICZ) discussed above. The purpose of the OCZ is to provide land use protection along an extended runway centerline of runways with instrument approach procedures. Instrument approach procedures typically result in aircraft on a flight path along extended runway centerline when executing an instrument approach. Width of the OCZ is recommended to be no less than 1,000 feet and extend a horizontal distance of up to 5,000 feet, but no less than 3,000 feet, from each end of the ICZ.

Considerations for determining the size of your airport's Critical Zone(s):

- Visual or instrument approaches at your airport?
- If instrument approach procedures are available at your airport, what are the minimums? Lower minimums should result in more land use protection via an extended OCZ.
- Aircraft crash data as included in the California Department of Transportation Division of Aeronautics (CalTrans) California Airport Land Use Planning Handbook is a good resource for creating/justifying the size of critical zones at your airport.

NOTE: Use of the crash data should be carefully considered. The aircraft crash data is a collection of National Transportation Safety Board (NTSB) aircraft accident statistics over a several year period and at airports all over the country. The data provides a good basis for identifying the pattern of aircraft accidents during take-off and landing in the vicinity of the airport. If not presented appropriately, use of the statistics can portray a false impression of the frequency of aircraft accidents and be counterproductive to the development of effective land use planning zones around your airport. For more information regarding the crash data, refer to the CalTrans Airport Land Use Planning Handbook.

Figure 7-4 – Aircraft Crash Data



7.4 Traffic Pattern Area (TPA)

The Traffic Pattern Area represents an area where aircraft are commonly operating for the purposes of landing and take-off. The standard airfield traffic pattern is rectangular in shape and typically uses left-hand turns, except where otherwise prescribed. At non-towered airport, aircraft usually overfly the airport before joining the traffic pattern abeam the runway end. However, this is not mandatory and aircraft can choose to join the pattern at a different location.

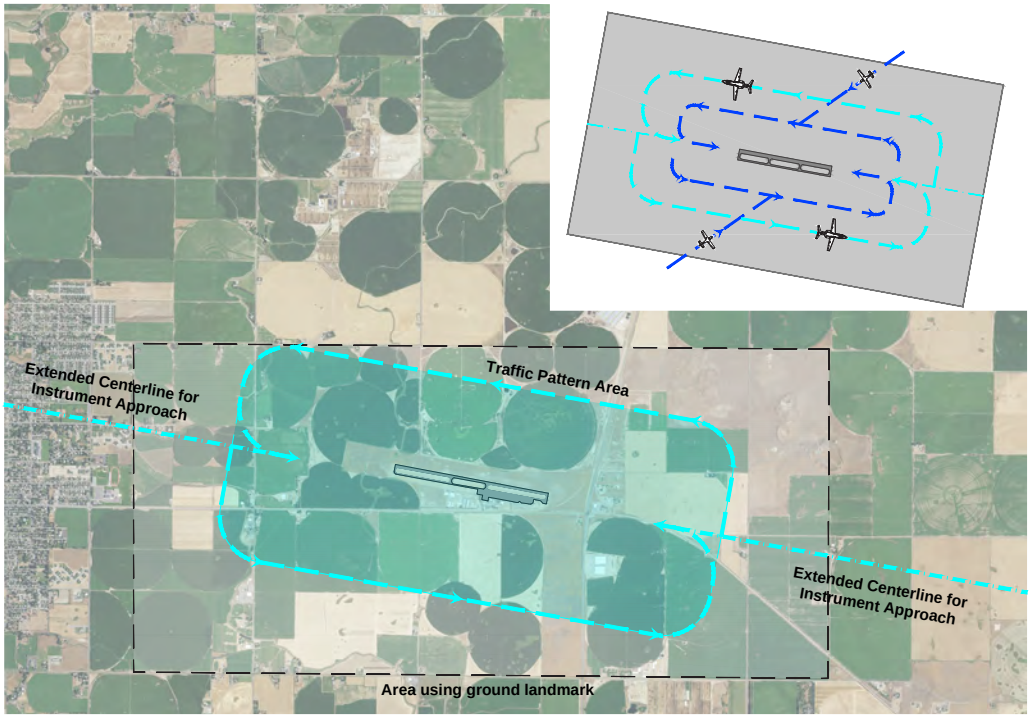
A Traffic Pattern Area is commonly based on the predominant usage of the category of aircraft forecast to use the airport and the specific traffic patterns established at the airport. Considerations for determining the size of your airport's TPA:

- Consider the typical aircraft fleet using your airport
- Smaller, slower aircraft fly smaller traffic patterns
- Larger, faster aircraft fly larger traffic patterns
- Determine the typical paths of flight used by aircraft in your airport's traffic pattern. This can be done by coordinating with pilots using the airport. When coordinating with the pilots, ask them typical flight paths utilized for downwind, upwind, baseleg, crosswind, and final approach operations.
- Aircraft crash data can also be referenced to assist in the creation and the size of Traffic Pattern Area at your airport.

Tip

Since the actual use of airspace by aircraft in the traffic pattern can vary greatly, you might consider using geographic features such as roads, section lines, or other ground based landmarks to establish more defined boundaries for land use planning purposes.

Figure 7-5 – Traffic Pattern Area (TPA)



7.5 Airport Influence Area (AIA)

The AIA is an area which establishes boundaries used to define the airport environs for land use planning purposes. Determining the AIA is a very important step in the airport land use planning process. Establishment of the AIA is not only critical to political subdivisions who own and operate airports in their jurisdiction, but also to surrounding jurisdictions which may be impacted by the airport or whose land use planning actions may impact the airport. Careful coordination between these jurisdictions is a must in order to establish broad, effective land use planning around your airport(s).

Considerations for determining the boundary of the AIA may include but are not limited to:

- Airport traffic patterns
- Departure, arrival and instrument approach corridors
- Safety zones (such as RPZ and critical zones)
- Airspace (height) restriction areas
- A typical AIA for general aviation airport with visual approaches will extend approximately ONE MILE from the centerline and end of each airport runway.
- A typical AIA for large general aviation airport or commercial service airport with instrument approaches will extend approximately TWO MILES from the nearest point on the runway centerline or end.

Tip

Similar to defining your traffic pattern, you might consider using the extents of the defined CFR Part 77 Airspace Horizontal Surface boundary (see Chapter 6) or geographic features such as roads, section lines, or other ground based landmarks to establish defined boundaries for your AIA for land use planning purposes.

Figure 7-6 – Airport Influence Area (Horizontal Surface Boundary)

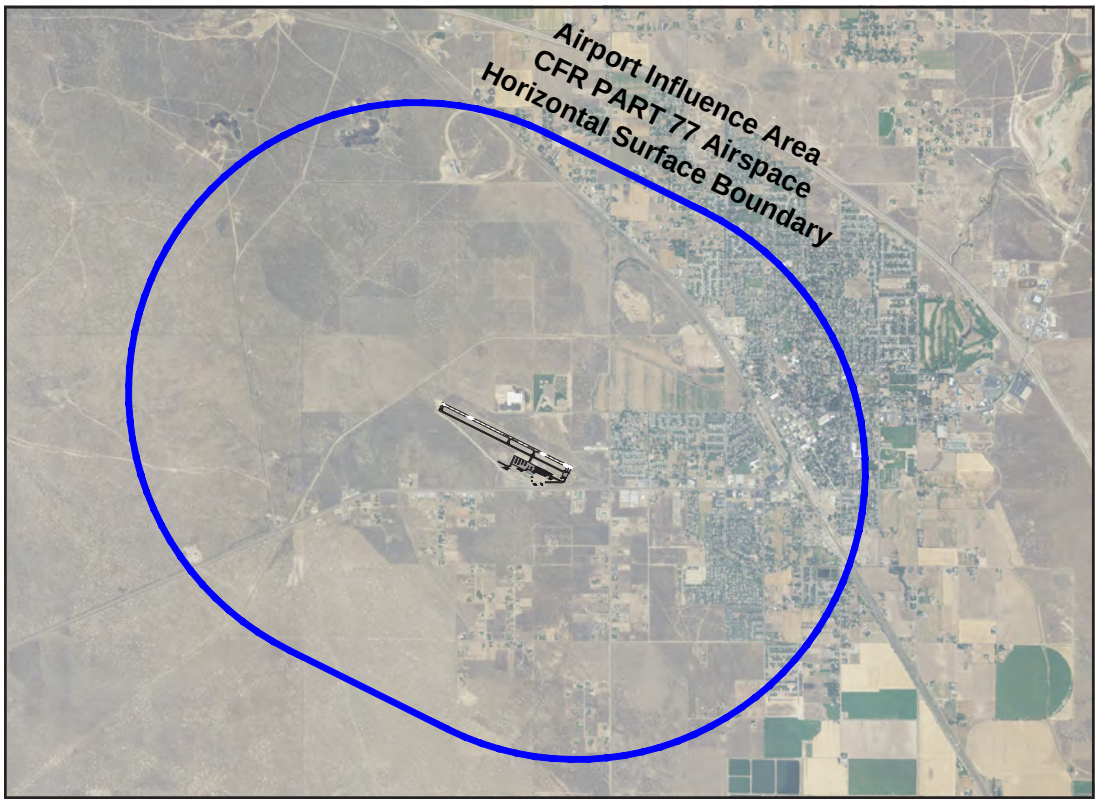


Figure 7-7 – Airport Influence Area (Ground Landmark Boundary)

7.6 Impact Coordination Zone (ICZ)

A ICZ can be considered in existing and proposed Areas of City Impact (ACI) where aircraft are commonly operating for the purposes of landing and take-off. The ICZ establishes land use restrictions to enhance the protection of people and property on the ground while considering influences and legal agreements established in defined ACI.

Considerations for determining the need and size of your airport's ICZ:

- ICZ will not apply if there are no jurisdictional overlaps
- ICZ size and shape can vary greatly depending on existing ACI

The ICZ is not considered a required land use zone. Use and need is dependent upon local conditions, relative to agreements established in ACI or other overlapping jurisdictions. Careful coordination between jurisdictions where this situation may exist is recommended.

Figure 7-8 – Impact Coordination Zone Example 1

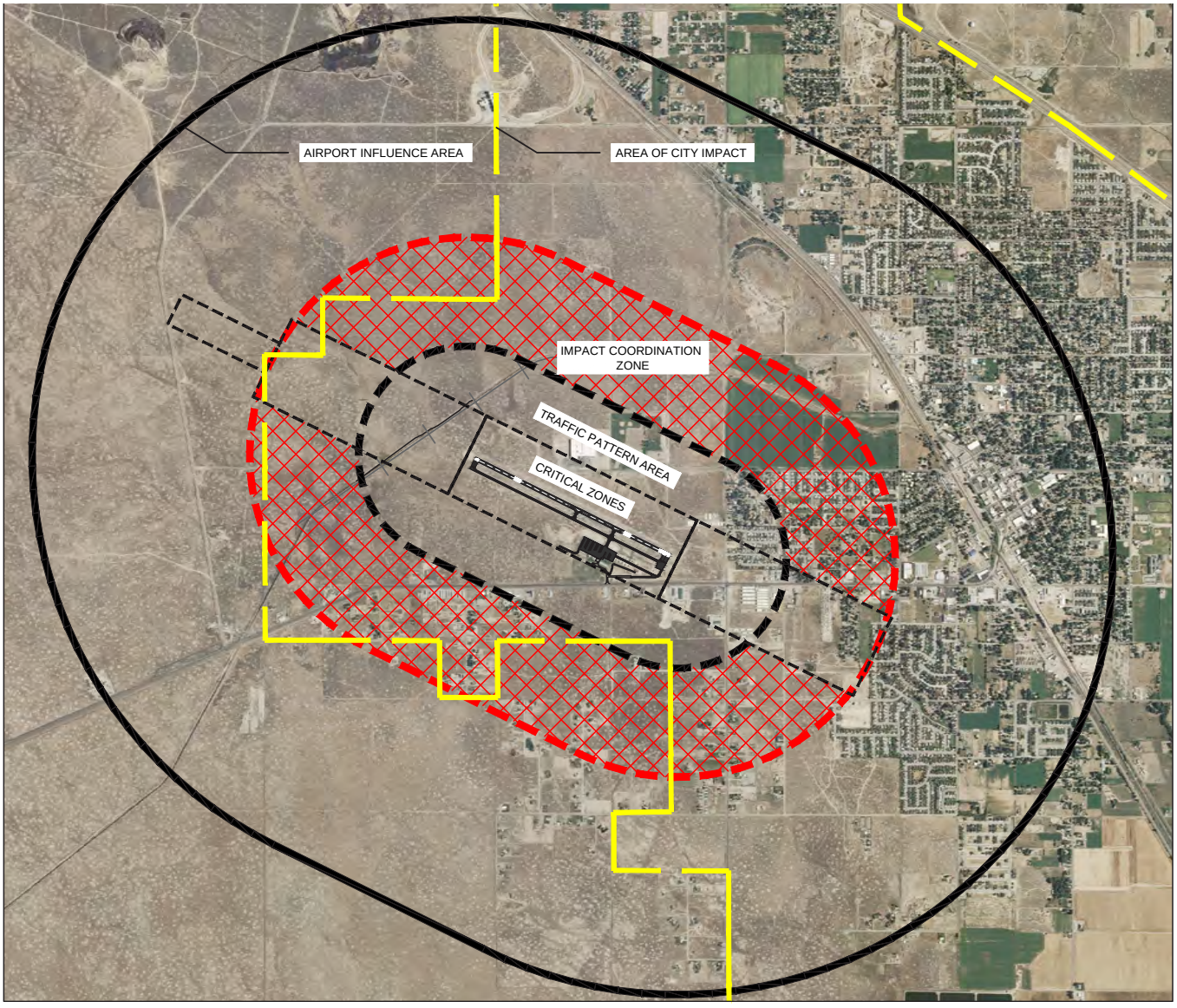
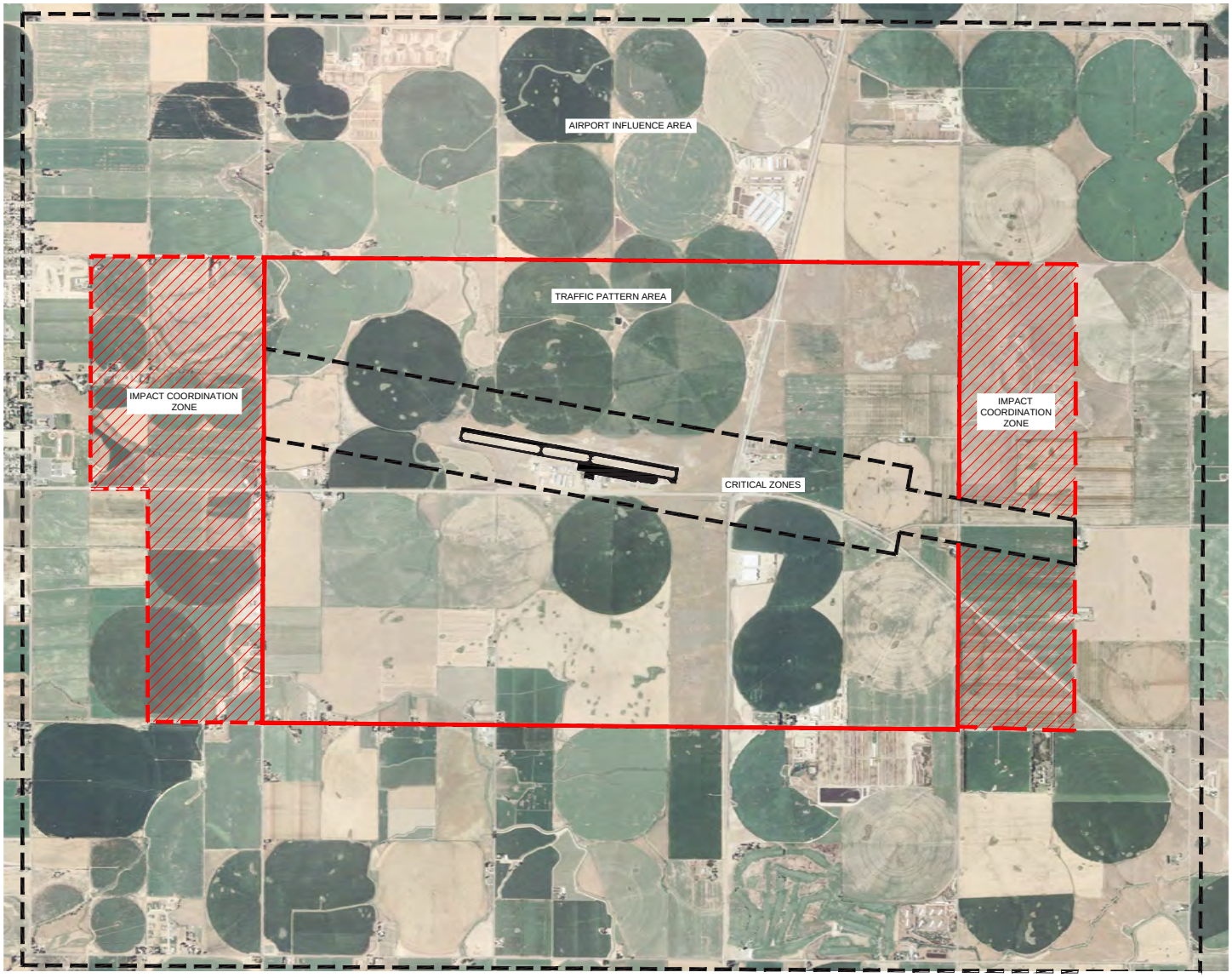


Figure 7-9 – Impact Coordination Zone Example 2

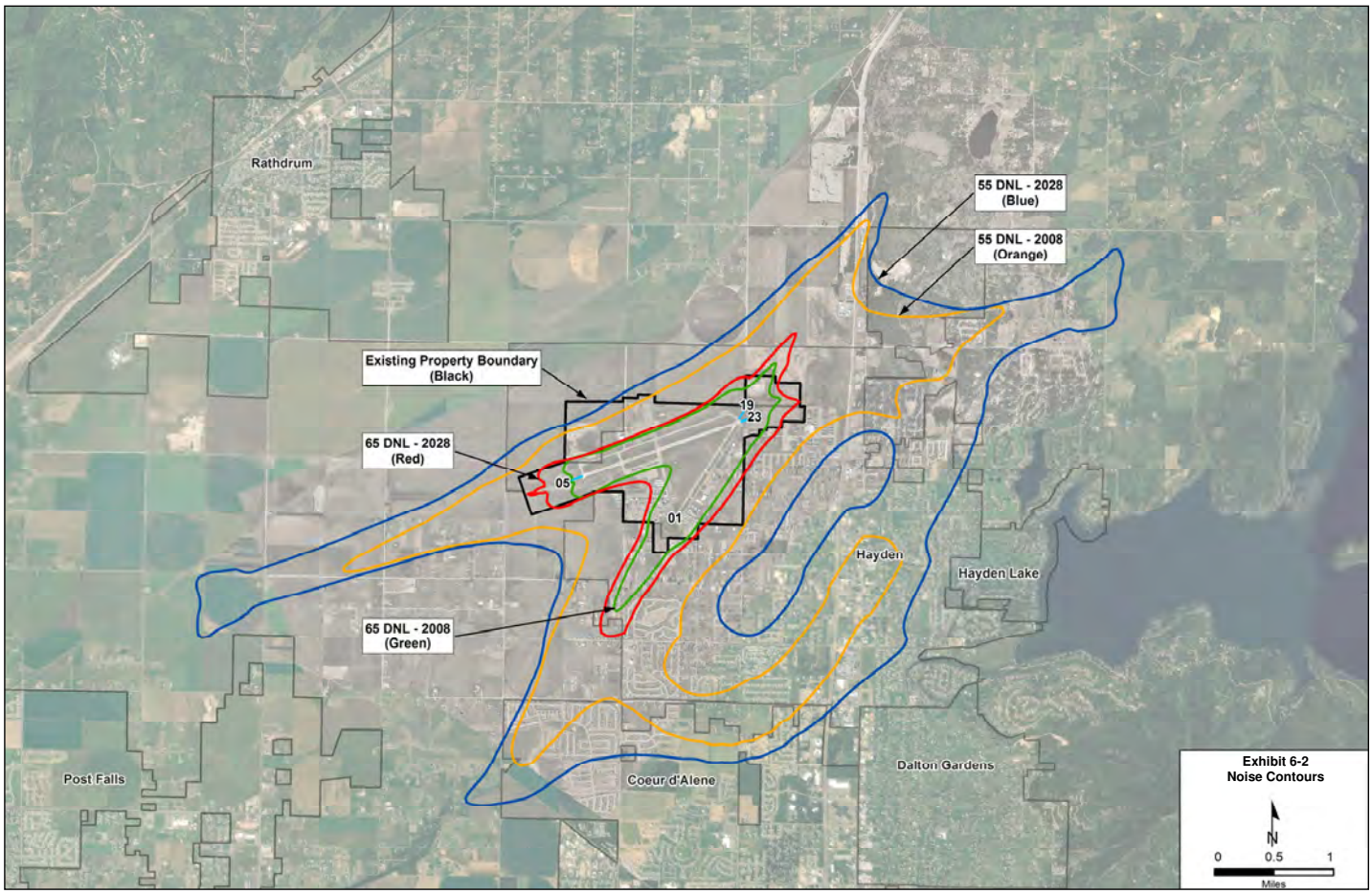


7.7 Noise Compatibility Zone

In some instances, consideration of noise compatibility zones may be necessary for land use planning. As discussed in Chapter 5, noise compatibility zones are typically derived from noise contours generated in compliance with 14 CFR Part 150, Airport Noise Compatibility Planning. There are certain regulatory considerations associated with 14 CFR Part 150 defined noise contours especially in the 65 DNL contour. Noise sensitive land uses such as residential development, libraries, churches, schools, nursing homes, and hospitals, are not allowed, refer to 14 CFR Part 150 Sec. A150.101 for more information. Federal programs and processes are in place to remove such uses from within this noise contour. To be clear, a specific FAA sanctioned noise study and program must be followed to initiate this program. In Idaho, the impacts to land use planning as a result of the 14 CFR Part 150 defined noise contours are primarily limited to primary airports such as Boise and Idaho Falls or large general aviation airports like Coeur d'Alene.

In general, if proper land use planning is accomplished around your airport, many of the noise related impacts will already be addressed. Still, you should be aware of potential noise impacts and applicable noise contours for your airport. For additional information, refer to your airport's current ALP, the FAA's Noise Compatibility website (http://www.faa.gov/airports/environmental/airport_noise/) and 14 CFR Part 150.

Figure 7-10 – Noise Contours



7.8 Land Uses within The Land Use Compatibility Zone

Establishing the need and size of the various land use compatibility zones around your airport is an important first step in establishing effective compatible land use planning around your airport. Once you have established your zones, the next step is determining what land uses are appropriate within each zone. The decision-making process as part of this step is very dependent on local land use needs and desires but should always balance growth around the airport with protecting the health, safety, and welfare of both airport users and surrounding neighbors.

Land uses allowances/restrictions associated with the developed land use zones are typically summarized in a Land Use Compatibility Table and included on your Airport Land Use Zone Map. The following Land Use Compatibility Tables provide guidance on determining allowable land uses in the zones discussed in this chapter. Table 1 provides general guidance while Table 2 provides guidance based on 14 CFR Part 150 and the noise contours. These are recommendations and examples only. They should however, provide a basis to assist you in determining allowable uses/restrictions in your zones.

Airport Land Use Compatibility Table 1
General Land Use Recommendations in the Land Use Zones

Land Use	1 Runway Protection Zone	2 Lateral Safety Zone	3 Inner Critical Zone	4 Outer Critical Zone	5 Traffic Pattern Area	6 Airport Influence Area	7 Impact Coordination Zone
Residential							
Single-family, nursing homes, multi-family, apartments, condominiums, mobile home parks							
Transient lodging (i.e. hotels and motels)							
Public							
Schools, libraries, churches							
Parking and cemeteries							
Commercial/Industrial							
Offices, retail trades, light industrial, general manufacturing, utilities, extractive industry							
Airport revenue-producing enterprises							
Agricultural and Recreational							
Cropland							
Livestock breeding, zoos, golf courses, riding stables, water recreation							
Outdoor spectator sports, parks, playgrounds							
Amphitheaters							
Open space							
Bird and Wildlife Attractants							
Sanitary Landfills							
Water treatment plants, water impoundments							
Wetlands Mitigation							

	Prohibited		Allowed with conditions		Allowed

Conditions typically include:

- Require Fair disclosure Statement as a condition of development
- Limit residential density to low-density and avoid high-density development
- Limit commercial uses to low-density and avoid high intensity commercial uses such as large retail box stores
- Locate development as far as possible from extended centerline, if no reasonable alternative exists
- Be mindful of bird and wildlife attractant and consider proximity of the airport as well as potential negative impact before development. Refer to FAA AC 150/5200-33 and 150/5200-34, as amended, for guidance

Airport Land Use Compatibility Table 2
Land Use Recommendations based on 14 CFR Part 150

Land use	Yearly day-night average sound level (L_{dn}) in decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
RESIDENTIAL						
Residential, other than mobile homes and transient lodgings						
Mobile home parks						
Transient lodgings						
PUBLIC USE						
Schools						
Hospitals and nursing homes						
Churches, auditoriums, and concert halls						
Governmental services						
Transportation						
Parking						
COMMERCIAL USE						
Offices, business and professional						
Wholesale and retail—building materials, hardware and farm equipment						
Retail trade—general						
Utilities						
Communication						
MANUFACTURING AND PRODUCTION						
Manufacturing, general						
Photographic and optical						
Agriculture (except livestock) and forestry						
Livestock farming and breeding						
Mining and fishing, resource production and extraction						
RECREATIONAL						
Outdoor sports arenas and spectator sports						
Outdoor music shells, amphitheaters						
Nature exhibits and zoos						
Amusements, parks, resorts and camps						
Golf courses, riding stables and water recreation						

Prohibited | Allowed with conditions | Allowed

Conditions typically include noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

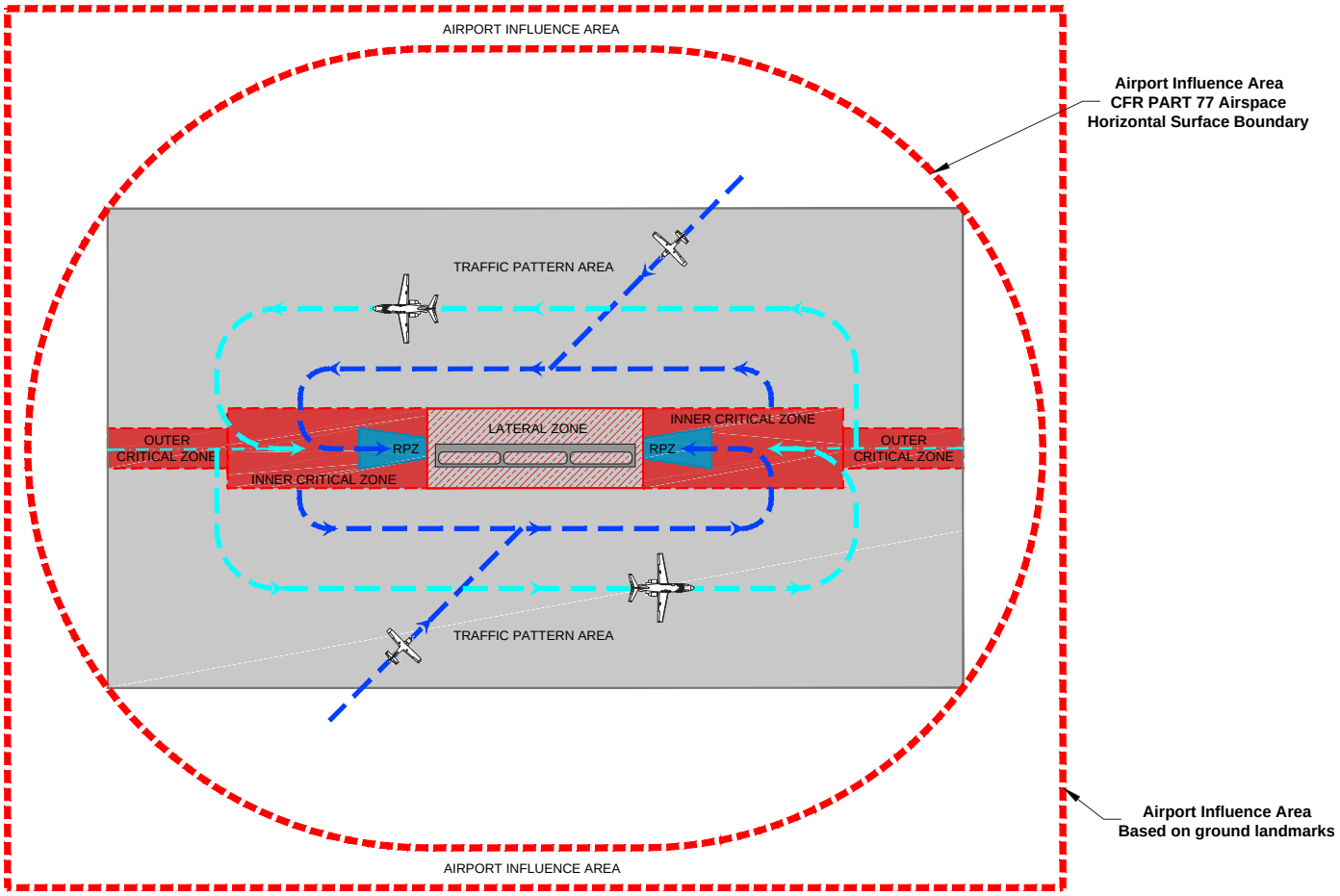
For additional details on the conditions, refer to FAR Part 150, Appendix A.

7.9 Composite Land Use Zones Examples

The following exhibit demonstrates a composite of the following land use zones:

- Runway Protection Zones
- Lateral (or side) Safety Zone
- Critical Zone(s)
- Airport Traffic Pattern Area
- Airport Influence Area

Figure 7-11 – Land Use Composite



The following exhibits demonstrate actual recommended land use zoning maps at a few Idaho Airports.

Figure 7-12 – Land Use Plan: Example 1

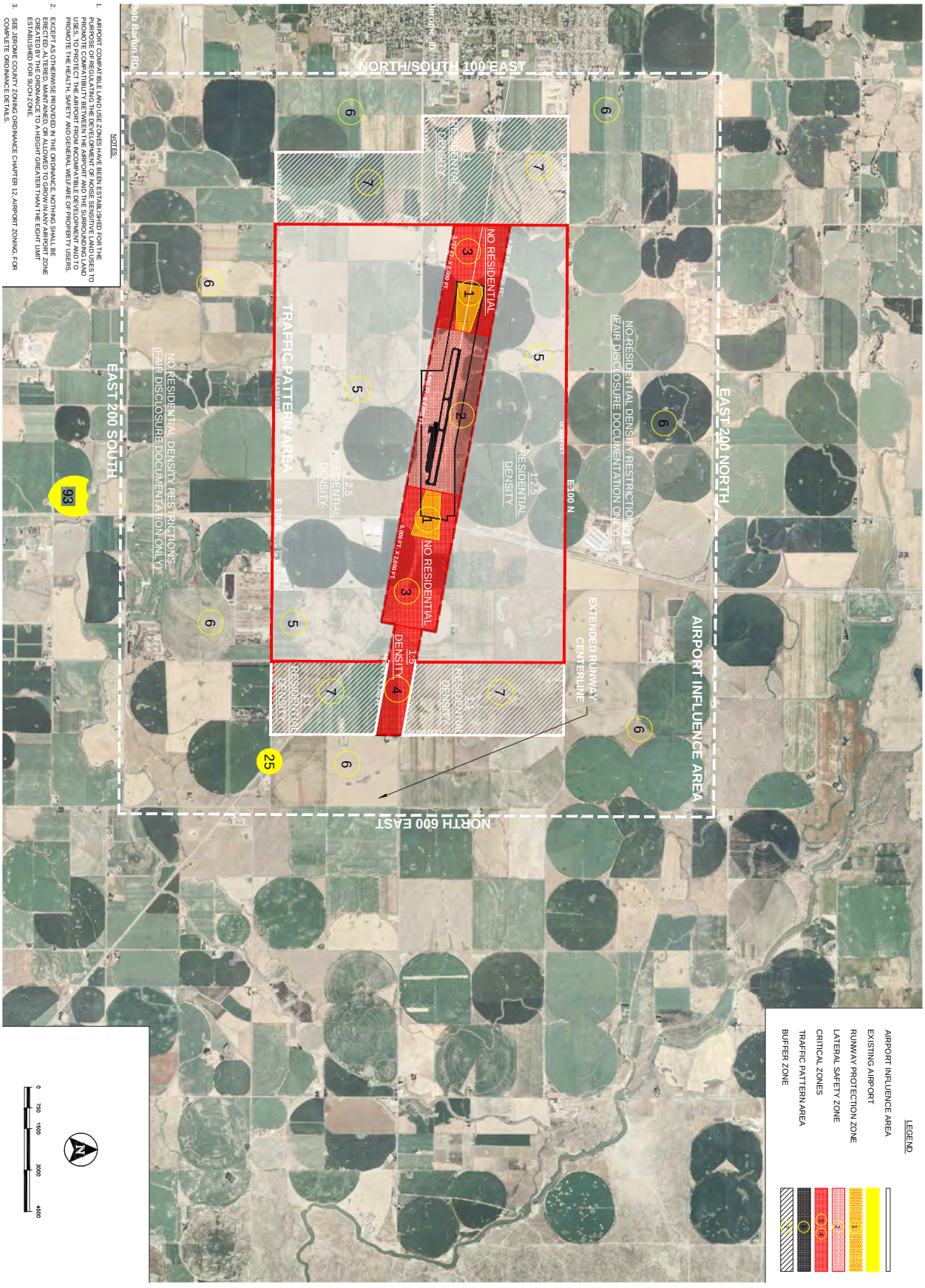


Figure 7-13 – Land Use Plan: Example 2

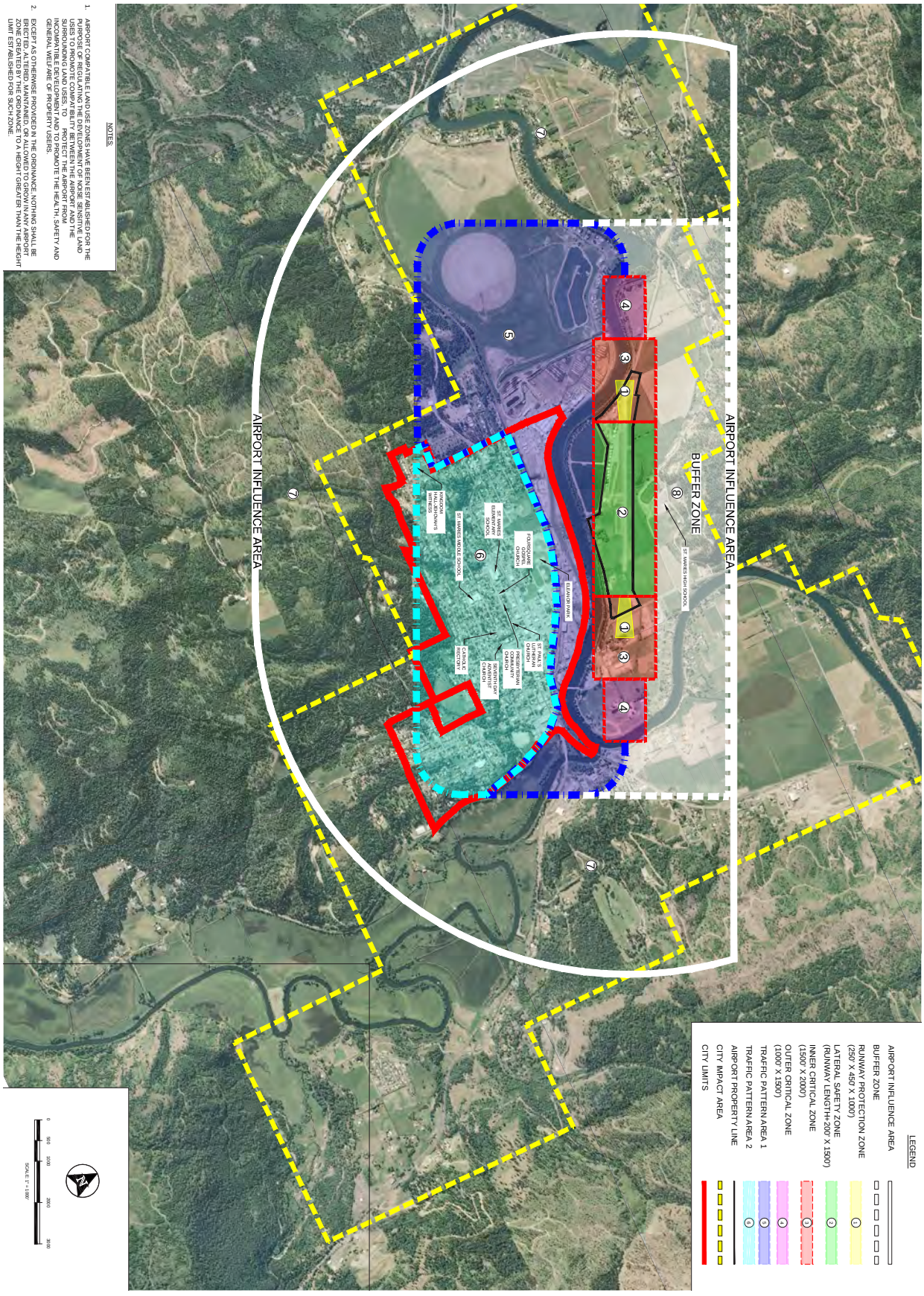


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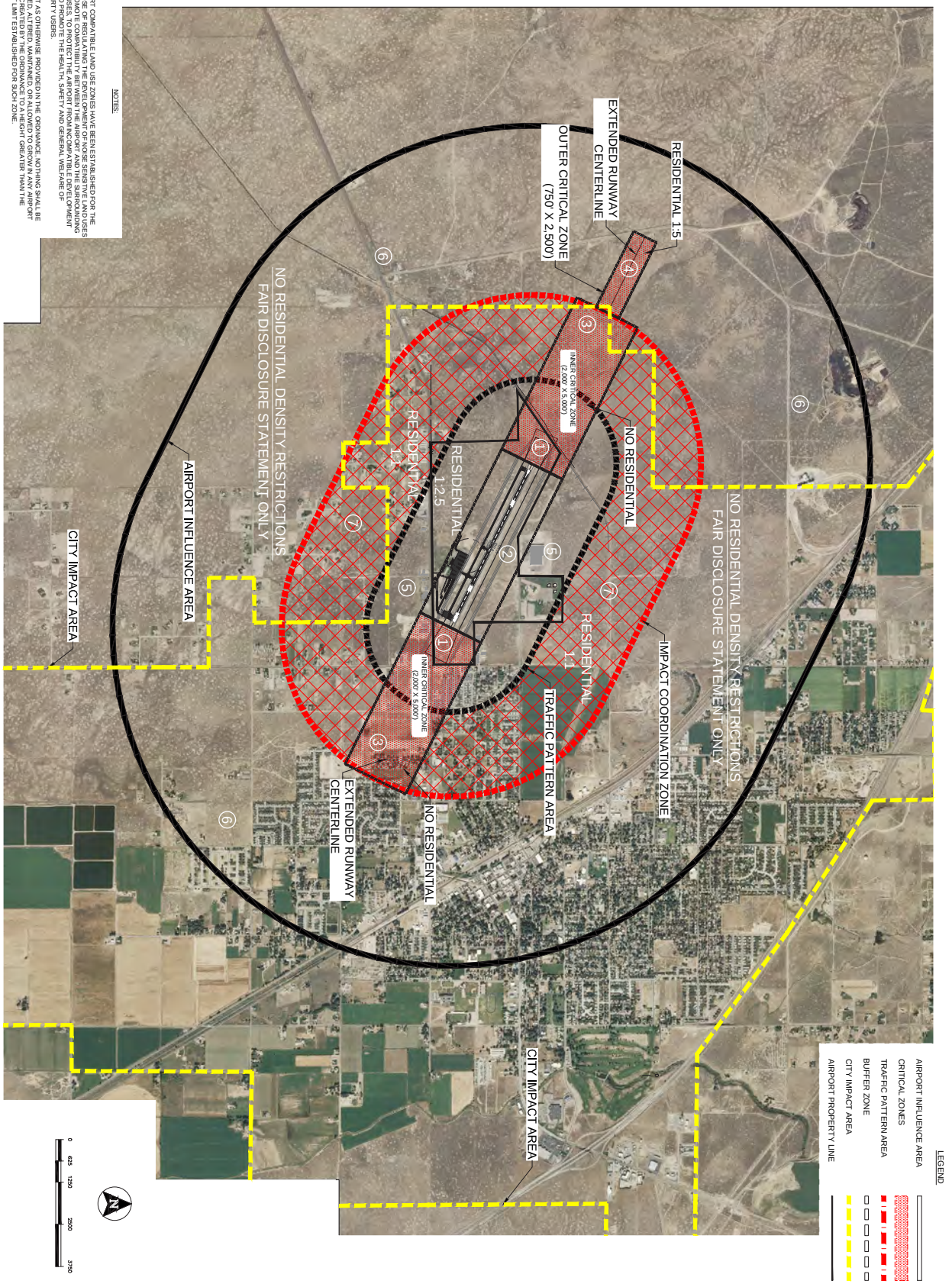
Figure 7-14 – Land Use Plan: Example 3

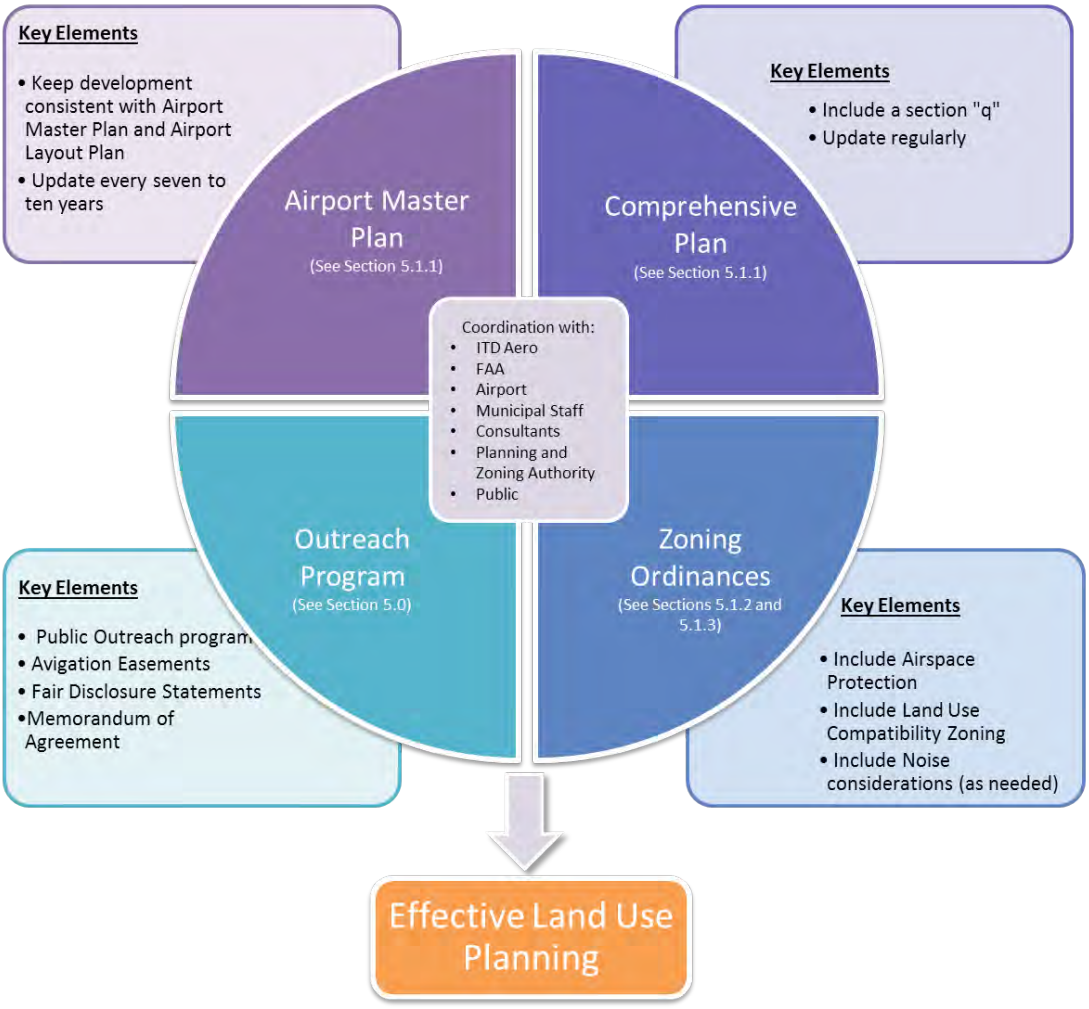


8 Summary, Resources & References

8.1 Summary

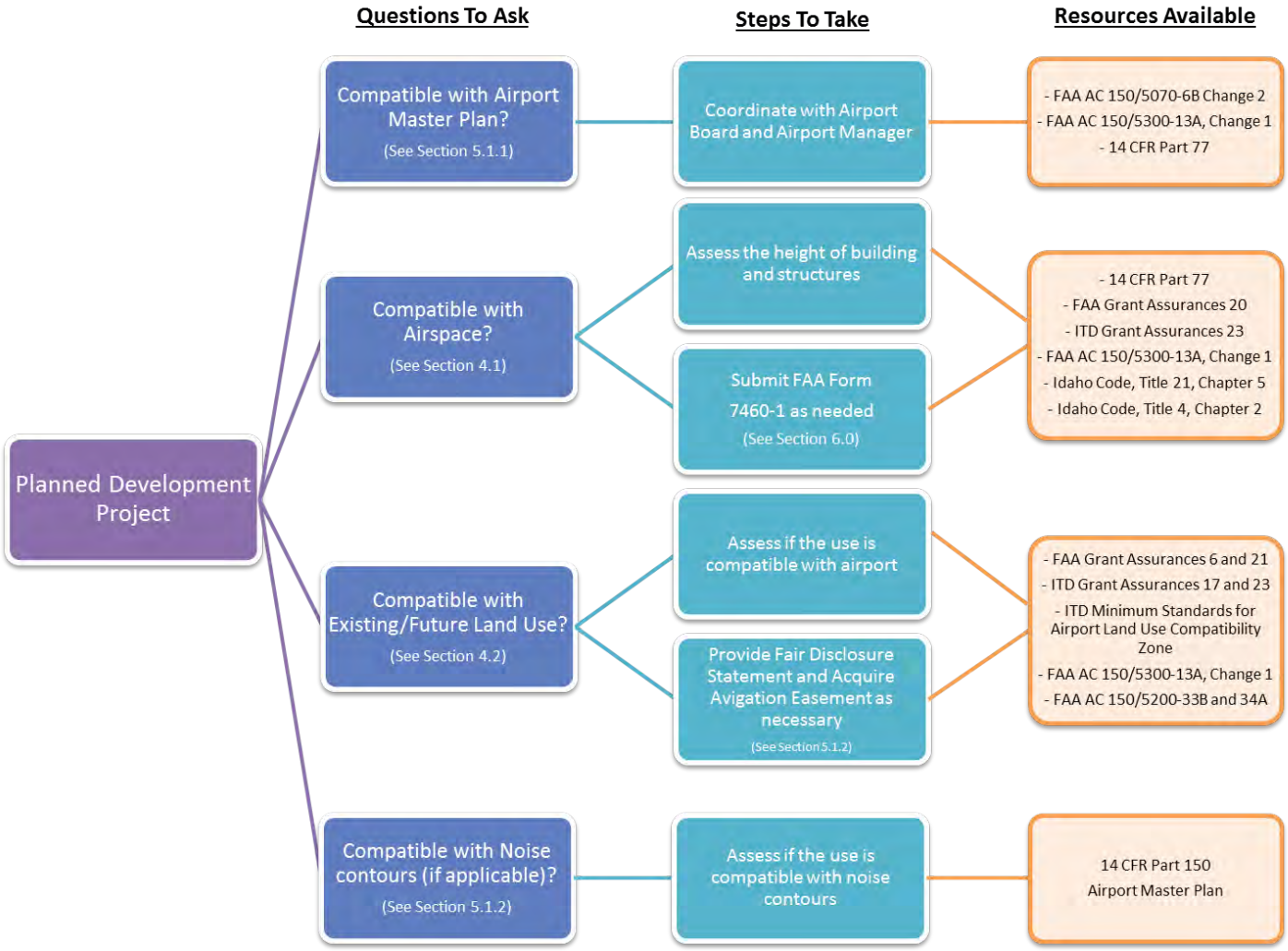
The following figure summarizes the key elements of effective land use planning. Important considerations include an airport master plan and comprehensive plan with an airport section "q", zoning ordinances including airspace protection, land use compatibility zoning, and noise considerations as needed, as well as an outreach program.

Figure 8-1 – Effective Land Use Planning Components



The following figure summarizes the questions to ask, steps to take and resources available to assess the consequences of a development project planned in the vicinity of a public-use airport. Elements to take into considerations include the compatibility with the airport master plan, the airspace, the existing and planned land use as well as the noise contours if applicable.

Figure 8-2 – Development Project Assessment



8.2 Resources

8.2.1 Contacts

Idaho Transportation Department – Division of Aeronautics
http://itd.idaho.gov/aero/
(208) 334-8775

FAA - Helena Airports District Office
http://www.faa.gov/airports/northwest_mountain/about_airports/helena/
(406) 449-5271

Airport Consultants

8.2.2 Documents

FAA Order 5190.6, FAA Airport Compliance Manual
http://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/

FAA Order 7400.2, Procedures for Handling Airspace Matters
http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.current/documentnumber/7400.2

FAA Advisory Circular (AC) 150/5190-6, Exclusive Rights at Federally Obligated Airports
http://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.information/documentNumber/150_5190-6

FAA AC 150/5190-7, Minimum Standards for Commercial Aeronautical Activities
http://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.information/documentNumber/150_5190-7

FAA AC 150/5200-18, Airport Safety Self-Inspection
http://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.information/documentNumber/150_5200-18C

FAA Noise Compatibility Tool Kit
http://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/planning_toolkit/

FAA Land Use Compatibility
http://www.faa.gov/airports/environmental/land_use/

Title 14 CFR Part 77 - Safe, Efficient Use, And Preservation Of The Navigable Airspace
http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=14:2.0.1.2.9

Title 14 CFR Part 150 - Airport Noise Compatibility Planning
http://www.ecfr.gov/cgi-bin/text-idx?SID=2d8514a2c0a393ebfa02d124c70dc525&mc=true&node=pt14.3.150&rgn=div5

State of Idaho, Idaho Division of Aeronautics, Idaho Airport System Plan, Land Use Compatibility Guidelines
http://itd.idaho.gov/aero/Publications/publications.htm

8.3 References

Airport Cooperative Research Program (ACRP) Report 27: Enhancing Airport Land Use Compatibility, Volume 1: Land Use Fundamentals and Implementation Resources
http://www.trb.org/Publications/Blurbs/163344.aspx

Airport Cooperative Research Program (ACRP) Report 27: Enhancing Airport Land Use Compatibility, Volume 2: Land Use Survey and Case Study Summaries
http://www.trb.org/Publications/Blurbs/163345.aspx

Airport Cooperative Research Program (ACRP) Report 38: Understanding Airspace, Objects, and Their Effects on Airports
http://www.trb.org/ACRP/Blurbs/164477.aspx

Idaho Regulatory Takings Act Guidelines
http://www.ag.idaho.gov/publications/legalManuals/RegulatoryTakings.pdf

California Airport Land Use Planning Handbook
http://www.dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf

Denver Regional Council of Governments - Airport Compatible Land Use Design Handbook
https://drcog.org/documents/Airport_Compatible_Land_Use_Design_Handbook_5-15-98.pdf

Washington State Department of Transportation (WSDOT) Aviation Division – Airport and Compatible Land Use Guidelines
http://www.wsdot.wa.gov/aviation/Planning/ACLUguide.htm

Appendix A

Model Public Airport Facilities Comprehensive Plan Chapter

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DRAFT

FOR EXAMPLE/TRAINING PURPOSES ONLY

Bonner County Comprehensive Plan

Chapter 17: Public Airport Facilities

Idaho Code §67-6508 (q) requires the following for the Public Airport Facilities component:
Public Airport Facilities -- An analysis prepared with assistance from the Idaho transportation department division of aeronautics, if requested by the planning and zoning commission, and the manager or person in charge of the local public airport identifying, but not limited to, facility locations, the scope and type of airport operations, existing and future planned airport development and infrastructure needs, and the economic impact to the community.

Bonner Planning Department

DRAFT: Bonner County, Idaho

8/28/2014

TABLE OF CONTENTS

INTRODUCTION:

There are currently four (4) public-use airports in Bonner County. According to the Federal Aviation Administration (FAA) and Idaho Transportation Department - Division of Aeronautics (ITD Aero), a public-use airport is open to and for public use without prior permission, and without restrictions within the physical capacities of available facilities.

Two of the four public-use airports in the county are owned and operated by Bonner County; Sandpoint and Priest River. Both airports are also eligible for and receive airport improvement grants from the FAA and ITD Aero. The other airports, Cavanaugh Bay and Priest Lake are owned by ITD Aero and the United States Forest Service (USFS) respectively.

Public Airport Facilities Component Goal:
"Bonner County…

."

Following is a summary of each of the public-use airports in the County. Additional information is included for several private-use airports and heliports in the County.

COUNTY-OWNED, PUBLIC-USE AIRPORTS

There are currently 119 public-use airports in the state of Idaho. Of these 119, 75 are considered core airports by ITD Aero (Idaho Airport System Plan (IASP), 2010). The Sandpoint and Priest River Airports are considered core statewide airports by ITD Aero. ITD Aero's mission for its aviation system is as follows:

The Idaho Transportation Department's Division of Aeronautics serves to provide the highest quality, most effective, efficient, and safest airport system for all users of aviation services. To this end, the Division of Aeronautics plans and implements essential programs, services and projects to develop, encourage, and foster an exemplary system of airports that meet the current and future requirements of a growing and diverse Idaho aviation community. (http://itd.idaho.gov/aero/)

Both airports are categorized in the IASP:

The Sandpoint Airport is categorized as a Regional Business Airport. Regional Business airports support regional economic activities, connecting to state and national economies, and serve all types of general aviation aircraft. They also accommodate local business activities and various types of general aviation users.

The Priest River Airport is categorized as a Local Recreational Airport. Local Recreational Airports serve a supplemental role in local economies, primarily accommodating recreational, personal flying, and limited local business activities.

The impact of the Idaho airport system on the state's economy was also examined by ITD Aero as part of the IASP. The IASP's system of airports generates $2.1 billion of economic activity, supports 23,000 jobs, and generates $781.5 million in annual payroll (IASP 2010). Specific economic impacts for the Sandpoint and Priest River airports are included in the individual airport summaries below.

Both airports are also an important part of the national transportation infrastructure and are included in the FAA National Plan of Integrated Airport Systems (NPIAS). Airports in the NPIAS are considered necessary to provide a safe, efficient, and integrated system of nation-wide public-use airports adequate to anticipate and meet the needs of commercial air service; civil aeronautics; the national defense requirements of the Secretary of Defense; emergency air medical evacuation; BLM and USFS fire response support as well as the United States Postal Service (FAA NPIAS Report 2013-2017). As NPIAS airports, both airports receive federal funding via the FAA Airport Improvement Program and are subject to FAA design standards, regulations, rules, Sponsor responsibilities, and policies.

Following is a summary of facilities, activity, economic impact, and future improvements at the airports.

SANDPOINT AIRPORT

Sandpoint Airport

Source: Bonner County

The Sandpoint Airport, located on approximately 60 acres in northwest Sandpoint, was established in the 1940s. The airport is operated by Bonner County, and has an annual budget of about $50,000 (O'Leary).

FACILITIES

The elevation at the Sandpoint Airport is 2127 feet. The asphalt runway is 5,500 feet long and 75-feet wide and is listed in good shape. The runway single-wheel weight limit is 40,000 pounds. (Airnav web site). The airport offers a restroom, maintenance and repair services, 24-hour refueling, rental cars and private and public hangar rentals, tie-downs and flight school. The airport has an all- weather instrument landing system (LOC/DME), pilot-activated runway lights and a lighted wind indicator.

Air Traffic

Much of the air traffic using the Sandpoint Airport arrives from other destinations, rather than originating in Sandpoint. The airport registers about 18,000 operations (take-offs and landings) annually. About 40 percent of the air traffic is business-related. Another 40 percent use the Sandpoint facility for tourism-related activities, while the remaining 20 percent is attributed to recreational flying or training. The Sandpoint Industrial Park adjoins the airport site and draws traffic to the facility. Overnight delivery and parcel service companies use the airport on a daily basis. The Sandpoint Airport also sees traffic from medical flights and U.S. Forest Service fire- fighting planes and is beginning to see greater traffic from owners of recreational or second homes in Bonner County. Sandpoint does not have an airplane commuter service at this time, although the Bonner County facility has the ability to handle small commuter jets. Schweitzer and local golf course operators desire an air commuter service to the area, but to make the service economical may take an increase in population or some method of subsidy (O'Leary).

State statistics reflect 73 percent of the Sandpoint air traffic is attributed to general transient aviation, 24 percent to local general aviation and the remaining 3 percent to air taxi service. There are 60 aircraft based at Sandpoint's airport, representing 55 single-engine planes, three multi-engine aircraft, one glider and one helicopter (Airnav web site).

Economics

The economic benefits of the Sandpoint Airport to the community include 482 jobs created directly or indirectly by the airport operation, a payroll of $15 million and an estimated output or economic spin-off of approximately $32.9 million (IASP 2010).

Future Development

Bonner County, with the assistance of a consultant, is updating its airport master plan. The plan will look at the present facility, previous master plan and what the Sandpoint facility needs to meet future demands. Better instrument landing equipment, such as a global positioning system (GPS), and runway improvements for greater separation of the runway and taxiway may be on the list of future airport improvements. The future wish list includes development of a commuter air service, perhaps serving the Seattle or Calgary areas (O'Leary). Bonner County also has examined the possibilities of commuter service to Boise.

PRIEST RIVER

Priest River Airport

Source: T-O Engineers

Priest River Municipal Airport, located east of State Highway 57 and north of the City of Priest River, is operated by Bonner County. Established in about 1921, it is the oldest airport in the area. The airport and associated facilities encompass about 39 acres (FAA Form 5010/GCR).

FACILITIES

Elevation at the Priest River Airport is 2187 feet (estimated). The airport's asphalt runway is 2,950 feet long and about 48 feet wide. No instrumental landing systems are available at the airport. A lighted wind indicator and pilot-activated runway lights are provided. There are three private hangars and one County-owned hangar which provide a pilots' lounge and 10 hangar spaces. About 10 tie-downs are available during warmer weather for transient air traffic (Mendive).

AIR TRAFFIC

The Priest River Airport receives its heaviest use during the summer months, when tourists and second-home owners arrive in the area. Priest River's facility is the closest paved airport to Priest Lake, a popular tourist destination. Traffic is also generated by the financial industry, mills, construction work, U.S. Forest Service projects, medical flights and general recreational aviation. The Priest River Airport has seen its greatest growth in the past five years (Mendive).

Economics

The economic benefits of the Priest River Airport to the community include 55 jobs created directly or indirectly by the airport operation, a payroll of $2 million and an estimated output or economic spin-off of approximately $8.4 million (IASP 2010).

Future Development

There are no immediate plans for improvement of the Priest River Airport. With grant money and matching local funds, a runway resurfacing project is tentatively in the works (Mendive).

Non-County-Owned Public-Use Airports

As previously mentioned there are two additional public-use airports located in Bonner County in addition to the Sandpoint and Priest River airports; Cavanaugh Bay and Priest Lake airports. Cavanaugh Bay is owned by ITD Aero and Priest Lake by the USFS.

While these two airports are not part of the core system of 75 airports identified in the ITD Aero IASP, they are recognized in another ITD Aero airport system subset, the Idaho Airstrip Network (IAN).

Per the 2005 IAN, the Idaho Airstrip Network consists of airstrips, the adjacent or nearby lands and facilities, and the portal communities to which they are connected. This network includes airstrips that have turf and dirt surfaces, and limited facilities which vary in their level of development. They are held in public or private ownership, but in all cases public access for general aviation purposes is permitted. Private airstrips without public access are not included in the Network. Predominant uses of these airstrips include: access to recreation opportunities (e.g., rafting, hunting, and fishing), fire protection, the provision for emergency services, natural resource management, recreational aviation, and the servicing of remote ranches and other economic enterprises through pickup and delivery of passengers, mail, food and other supplies (IAN 2005).

Like airports in the IASP, airports in the IAN are categorized.

The Cavanaugh Bay Airport is categorized as a Community Airstrip. Community Airstrips may have additional navigational aids and radio service and other services associated with proximity to communities or other attractions. They are typically located near a community with access to full-service roads and close to some development. Maintenance of these facilities includes: clear vegetation, remove obstacles, blade, mow, treat, fertilize, water, treat invasive and noxious weed, and make spot treatments to maintain an improved airstrip surface (IAN 2005).

The Priest Lake Airport is categorized as a Developed Airstrip. Developed Airstrips have basic navigational aids and some additional services such as restrooms or camping facilities. They may have road access to nearby attractions. They are typically located in areas of high use, often in remote settings, but may be accessed by improved roads. Maintenance of these facilities include: clear hazardous vegetation from approaches, remove obstacles, blade, mow, water, treat invasive and noxious weeds, and make spot improvements regularly to maintain improved airstrip surface (IAN 2005).

Following is summary of facilities, activity, economic impact, and future improvements at the airports.

CAVANAUGH BAY AIRPORT (OWNED BY ITD AERO)

Source: ITD Aero

The Cavanaugh Bay Airport is located about 3 miles north of the Coolin townsite on the east side of Priest Lake.

FACILITIES

The airport is open to the public, but unattended. The grass runway is 3,100-feet long by 120-feet wide. There is no winter maintenance of the airstrip. A wind indicator is provided. There are no services. Elevation at the airstrip is 2484 feet (estimated). Seasonal tie-downs are available (Airnav web site).

Air Traffic

The airport's proximity to Priest Lake and the area's marinas and resorts attracts seasonal air traffic. The facility registers about 86 landings and take-offs per week on the average. The traffic is 100 percent transient general aviation.

Future Development

*****NEED INFORMATION*****

Priest Lake Airport (Owned by USFS)

Source: AirNav.com

The Priest Lake Airport is located about 3 miles south of Nordman, on the west side of Priest Lake, west of State Highway 57. The airstrip is public and operated by the U.S. Forest Service.

Facilities

There are no services other than seasonal tie-downs available at the Priest Lake Airport. The facility is at an estimated elevation of 2611feet. The 4,400-foot long by 175-foot wide grass landing strip is open only on a seasonal basis; there is no winter maintenance. The grass strip is not mowed to its full width. The airstrip is unattended and has a wind indicator (Airnav web site).

Air Traffic

The landing strip receives about 23 operations per week. The air traffic is 100 percent general aviation, transient (Airnav web site).

Future Development

*****NEED INFORMATION*****

Private Aviation Facilities – Landing Fields and Heliports

In addition to the four public-use airports discussed above, there are several private use aviation facilities in Bonner County. Per the FAA and ITD Aero, private use aviation facilities are available for use by the owner only or by the owner and other persons authorized by the owner.

Following is summary of the private aviation facilities in the county.

Private Landing Fields

There are numerous private landing fields and several smaller airstrips that have been developed in Bonner County to serve the outlying areas. Some of the landing fields are marked on the U.S. Forest Service map. At least two subdivisions in Bonner County, Treeport Subdivision in the southern portion of the county, and the River Lake Estates area, south of the Clark Fork River in eastern Bonner County, have developed residential homesites around community airstrips. There are 12 private aviation facilities and six public facilities in Bonner County. Three of the facilities, two at Priest Lake and one at Bottle Bay, provide seaplane bases (g.c.r. & associates inc.).

Heliports

The Federal Aviation Administration lists three private heliports in operation in Bonner County. The facilities are: Bonner General Hospital's emergency medical helipad in the City of Sandpoint; Bird #1 heliport at Glengary Bay on Lake Pend Oreille; and Holiday Shores, west of Hope on Lake Pend Oreille (g.c.r. & associates inc.). A U.S. Forest Service-operated helipad is located 3 miles south of Nordman at the Priest Lake Airport.

Issues

- **Encroachment of incompatible development** - One of the greatest threats to the viability airports today is the encroachment of incompatible land use. More recently, ITD Aero and FAA have been working with Idaho's airports to strengthen airport land use compatibility policies and practices to reverse this trend. Encroaching incompatible land use poses a significant threat to the state and national airport system and the communities they serve.

- **Safety and Quality of Life** – Proactive planning around the airports ensures the safety of both aircraft operators and airport neighbors from potential aircraft accidents. It also protects the quality of life of airport neighbors by ensuring they are not impacted by the noise, dust and fumes that are associated with airport operations.

- **Grant Assurances** – The Sandpoint and Priest River Airports receive FAA and ITD Aero grant funds for capital improvement projects. When accepting these funds, Bonner County agrees to certain conditions known as Grant Assurances. These Grant Assurances include specific requirements that the County should protect the airport's airspace and prevent incompatible land uses through zoning. Failure to do so may result in the FAA and ITD Aero no longer funding the airport if they do not believe Bonner County has taken reasonable steps to protect the airports from incompatible development. Duration of these grant assurances is a period of 20 years from when the County received the last grant.

- **Jurisdiction** - One major challenge airport owners face when promoting compatible land use is lack of jurisdiction. Airport operations and associated potential impacts (i.e. safety, noise, dust, fumes) can and do extend beyond the physical boundary of airport property. The airport owner is liable for adherence to the FAA and ITD Aero grant assurances. In many instances however, surrounding jurisdictions have control of land in the vicinity of the airport, not the owner, thus the owner has no say in land use policies and decisions. If the surrounding jurisdictions do not wish to proactively plan around the airport, they do not have to.

  Further, neither the FAA nor ITD Aero have jurisdiction over local land use nor do they have any enforcement authority to stop incompatible encroachment. As such, local communities are heavily relied upon and responsible for undertaking such efforts.

- **Protection of local, state and federal investment** - Both the Sandpoint and Priest River airports have received substantial financial investment from either the FAA, ITD Aero, or both, for many years. The County itself has invested significant funding into the airports to operate and maintain them. Proactive planning around the airports, including zoning, will help insure the airports are protected and can operate for the long term thus protecting the substantial federal, state, and local investment.

  As the state and FAA consider future investments into the airports, a major consideration is the community's willingness to protect the investment. This begins with effective compatible land use planning.

- **Economic Benefit** - The Sandpoint and Priest River airports provide a substantial economic benefit to the County and its citizens. Users such as corporations, life flight operators use the airports and contribute to economy as a result of their use. These airports need to be protected so that they can continue to provide users access to the community and continue to provide economic benefits for many years to come.

OBJECTIVES & POLICIES

- Bonner County will be proactive in protecting the public health, safety, and general welfare of both airport users and the communities around the airports. Primary consideration will be the public-use airports in the County. The County will be cognizant of potential impacts on private use aviation facilities that may be impacted by future growth and development in the County.

- As the owner of the Sandpoint and Priest River Airports, Bonner County will be proactive in protecting the operation, orderly maintenance, and development of the airports.

- Planning and expansion of the Sandpoint and Priest River airports should account for existing economic activity and transportation infrastructure so as to integrate with, complement, or augment them.

- Compatible land use planning around the airports should be proactive and effective in its purpose while keeping in mind property owner's rights and concerns.

ACTION PLAN

1. Adhere to guidelines provided in the Airport Master Plans and/or the Airport Layout Plans and associated drawings of the airports when evaluating land use compatibility issues associated with new development in areas near or influenced by operations at the airports.

2. Adopt a combination of criteria, standards and zoning techniques that will protect the airports and aviation uses from incompatible development. Include special airport overlay zoning, height restrictions, building restrictions in high noise areas, and development siting criteria for evaluating land uses or activities in key areas adjacent to the airport.

3. Coordinate as required with all surrounding political subdivisions, including the cities of Sandpoint and Priest River, Idaho, USFS (Priest Lake Airport), and ITD Aero (Cavanaugh Bay Airport) to establish consistent development guidelines and regulations that utilize local, state and FAA guidelines, standards, rules, regulations and other best management practices encouraging compatible land uses adjacent to the airports.

4. Notify all political subdivisions providing services within Bonner County, including the cities of Sandpoint, Priest River, the USFS and ITD Aero, of intent to adopt or revise the comprehensive and other land use plans that may impact the airports in the county. This includes the evaluation of future planning activities to ensure they will not result in an increase to incompatible land uses or development adjacent to an airport.

5. Encourage aviation-related economic development opportunities in appropriate locations surrounding the airports.

6. Require avigation easement and/or disclosure notification for new or substantial redevelopment of lots, buildings, structures and activities near the airport. The easement and disclosure should notify that the property is both near an airport and may experience low overhead flights, noise and other aviation impacts.

7. Encourage commercial and industrial uses in the proximity of the airport that benefit from and do not conflict with aircraft operations.

8. Prohibit uses in airport areas which attract birds, create visual hazards, and emit transmissions which may interfere with aviation communications, or otherwise obstruct or conflict with airport operations.

9. Allow uses that promote the efficient mobility of goods and services consistent with regional economic development and transportation goals.

10. Encourage open space and clear areas within key safety areas adjacent to the airport to protect the airport and to reduce safety risk exposure of people on the ground and in the air.

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Appendix B

Model Airport Zoning Ordinance

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STATE OF IDAHO
IDAHO TRANSPORTATION DEPARTMENT

AIRPORT ZONING ORDINANCE TEMPLATE

PREPARED BY THE
IDAHO DIVISION of AERONAUTICS

FOR USE BY
IDAHO CITIES AND COUNTIES

JULY 2016

ORGANIZATION AND CONTENTS

PURPOSE

It is the purpose of the _____ Airport Zoning Ordinance (herein referenced in this chapter as "this Ordinance") to restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the _____ Airport (the Airports) by: creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; define certain terms used herein; reference the Airports' FAR Part 77 Airspace Drawing and Airport Land Use Zone Map, which are incorporated in and made a part of this Ordinance; provide for enforcement; establish a board of adjustment; and impose penalties.

It is hereby found that an aviation hazard endangers the lives and the property of users of the Airports, as well as the property and the occupants of land in the vicinity of the Airports. An aviation hazard reduces the size of the area available for landing, takeoff and maneuvering of aircraft, and thus diminishes or impairs the utility of the Airports and the public investment therein.

Accordingly, it is declared that:

1) The Airports fulfill an essential community purpose; and

2) The creation or establishment of an aviation hazard is a public nuisance and will injure the region served by the Airports; and.

3) The encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein endangers the health, safety, and welfare of the owners, occupants, or users of the land; and

4) It is necessary in the interest of the public health, safety, and general welfare that the creation of aviation hazards be prevented; and

5) Joint cooperation between all governing boards having jurisdiction within or adjoining the airports' hazard areas is encouraged as a mechanism to prevent aviation hazards; therefore

6) The prevention of these aviation hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

AUTHORITY

The Board adopts this Ordinance pursuant to the provisions and authority conferred by Article 12, Section 2, of the Idaho State Constitution, and Title 21, Chapter 5, Airport Zoning Act, and Title 67, Chapter 65, Local Land Use Planning, of the Idaho Code.

APPLICABILITY

The provisions of this chapter shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the AP-O Airport Overlay Zone designated on the _____ Airport Airspace Drawing and Airport Land Use Zone Map that are located within _____, Idaho, whether now or in the future.

SHORT TITLE

This Chapter shall be known as the "_____ – Airport Overlay Zoning Ordinance."

DEFINITIONS

To be amended into Chapter # (Definitions), _____ Zoning Ordinance per revised Chapter # (Airport Zoning), _____ Airport Zoning Ordinance.

Administrator – The <City or County> official responsible for planning and zoning decisions.

Airport – Any runway, any area, or other facility designed or used either publicly or privately for the landing and taking-off of aircraft, including all accessory taxiways, aircraft storage and tie down areas, hangars, and other necessary buildings. For purposes of this Ordinance, Airport includes the _____ Airport.

Airport Elevation – The highest point of an airport's usable landing area measured in feet from mean sea level.

Airport Influence Area – An area which establishes boundaries used to define the airport environs for land use planning purposes. Factors to be considered in defining the boundary of the Airport Influence Area include airport noise contours (when applicable), airport traffic patterns, departure, arrival and instrument approach corridors, safety zones and height restriction areas.

Approach Surface – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section (land use limitations) of this Ordinance. The outer width of an approach/departure surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end as identified on the airport's approved Airport Layout Plan.

Approach, Transitional, Horizontal, and Conical Zones – These zones are set forth in Section (height limitations) of this Ordinance.

Aviation Hazard – An obstruction or hazard to air navigation that includes any new or existing structure, object of natural growth, use of land, or modification thereto, which endangers the lives and property of users of an airport, or of occupants of land in its vicinity, and that reduces the size of the area available for landing, taking off and maneuvering of aircraft, or penetrates an imaginary surface, and has an adverse effect on the safe and efficient utilization of the navigable airspace.

Avigation Easement – A non-possessing property interest in airspace over a land parcel or portion of land. It is a legally developed document obtained by the owner of an airport to permit activities including the right of flight and the right to remove obstructions, but not necessarily to the extent of prohibiting the use of the land within the limits of the rights obtained.

Board – <Board of County Commissioners or City Council> of _____, Idaho.

Board of Adjustment – For purposes of this Ordinance, the Board of Adjustment shall be the <Board of County Commissioners or City Council> of _____, Idaho.

Impact Coordination Zone – An area in the proposed City Impact Area where aircraft are commonly operating for the purposes of landing and take-off. The Impact Coordination Zone(s) establishes land use restrictions to enhance the protection of people and property on the ground while considering influences of the City Impact Area.

Compatible Land Use – Compatibility of land use is attained when the use of property adjacent to an airport neither adversely affects flight operations from the airport nor is itself adversely affected by such flight operations. In most cases, the adverse effect of flight operations on adjacent land results from exposure of noise sensitive development, such as residential areas, to aircraft noise and vibration. Land use that adversely affects flight operations is that which creates or contributes to a flight hazard. For example, any land use that might allow tall structures, block the line of sight from the control tower to all parts of the airfield, inhibit pilot visibility (such as glaring lights, smoke, etc.), produce electronic aberrations in navigational guidance systems, or that would tend to attract birds would be considered an incompatible land use. For instance, under certain circumstances, an exposed landfill may attract birds. If open incineration is regularly permitted, it can also create a smoke hazard. In some cases, concurrent land use can be an appropriate compatible land use. Concurrent land use means that the land can be used for more than one purpose at the same time. For example, portions of land needed for clear zone purposes could also be used for agriculture purposes at the same time.

Incompatible Land Uses – Incompatible land use at or near airports may result in the creation of hazards to air navigation and reductions in airport utility resulting from obstructions to flight paths or noise-related incompatible land use resulting from residential construction too close to the airport. Incompatible land uses include obstructions or residential construction built on airport property or in violation of conditions of released land or residential development within grant funded aircraft noise compatibility land. Introducing a wildlife attractant or failure to take adequate steps to mitigate hazardous wildlife at the airport can also result in an incompatible land use. Incompatible land uses can include wastewater ponds, municipal flood control channels and drainage basins, sanitary landfills, solid waste transfer stations, electrical power substations, water storage tanks, golf courses, and other bird attractants. Other incompatible uses would be towers or buildings that penetrate Part 77 surfaces or are located within a runway protection zone (RPZ), runway object free area (ROFA), object free zone (OFZ), clearway or stopway.

Commercial Uses – Commercial uses include community retail, wholesale, service, office and limited manufacturing businesses. For purposes of this Ordinance, High Intensity commercial uses such as large retail box stores (i.e. Wal-Mart, Home Depot, Costco, etc.) are not acceptable commercial uses in all airport land use zones. Refer to the Airport Land Use Overlay Zone Map.

Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Critical Zones – An extended area off the runway end used to enhance the protection of people and property on the ground.

Light Industrial Uses – Light industrial uses include a wide range of manufacturing and related establishments, research, supplies and sales businesses. For purposes of this Ordinance, light industrial uses shall be free of hazardous or objectionable elements such as obstructions, dust, smoke or glare that result in an Aviation Hazard.

Inner Critical Zone – Rectangular in shape and centered about the extended runway centerline. The width of the Inner Critical Zone is 2000 feet and extends a horizontal distance of 5000 feet from each end of the primary surface.

Outer Critical Zone – Rectangular in shape and centered about the extended runway centerline. The width of the Outer Critical Zone is 1000 feet and extends a horizontal distance of up to 5000 feet, but no less than 3000 feet, from each end of the Inner Critical Zone.

FAA – The Federal Aviation Administration.

14 CFR PART 77 – Code of Federal Regulations referred to as Federal Aviation Regulation (FAR) Part 77. 14 CFR Part 77 defines the regulations applicable to objects which may affect navigable airspace.

Fair Disclosure Statement – A notification to prospective buyers of property near airports that they may be exposed to potentially impactive levels of aircraft overflight. These statements in no way abrogate an individual's right to take later action against the airport, but rather give buyers a fair warning.

Height – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the Horizontal Zone.

Larger Than Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Lateral Safety Zone – An area extending 1000 feet either side of runway centerline and including the area between the ends of the primary surface(s) used to enhance the protection of people and property on the ground.

NAVD 88 – North American Vertical Datum 1988. All elevations in this Ordinance are referenced to the 1988 North American Vertical Datum.

Navigable Airspace – Any airspace where heavier-than-air craft can operate. Specifically per Federal Aviation Regulations (FAR), navigable airspace includes airspace at and above the minimum safe flight level, including airspace needed for safe takeoff and landing.

Nonconforming Use – A use of premise which does not conform to the regulations of this Ordinance, but which was in existence at the time of the effective date of this Ordinance.

Nonprecision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a nonprecision approach system is planned and is so indicated on an approved Airport Layout Plan.

Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section. (land use limitations) . of this Ordinance.

Person – An individual, corporation, joint venture, limited partnership, partnership, firm, syndicate, association, trustee, or other similar entity or organization

Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR) or a Global Positioning System

(GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved Airport Layout Plan.

Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section (height limitations) of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length

Runway Protection Zone (RPZ) – An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The applicable RPZ dimensions are depicted on the Airport Layout Plan.

Structure – Anything constructed or erected and which is attached, directly or indirectly, to a fixed location on the ground. Structures include, but are not limited to, buildings, modular homes, mobile homes, walls, fences, signs and billboards. For purposes of this Ordinance, the term “structure” shall be expanded to include, in addition to the foregoing, overhead electrical transmission lines or power poles, and their appurtenances, towers, cranes and smokestacks.

Transitional Surfaces – These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces as defined in FAR Part 77 to a point where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

Traffic Pattern Area – An area comprised of a rectangle based on a determined distance from the runway centerline and end. The Traffic Pattern Area represents an area where aircraft are commonly operating for the purposes of landing and take-off as depicted in the Airport Land Use Overlay Zone Map. A Traffic Pattern Area is commonly based on the predominant usage of the category of aircraft forecast to use the airport and the specific traffic patterns established at the airport.

Tree – A perennial woody plant having at least one main trunk and produces a more or less distinct and less elevated crown with many branches.

Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures.

AIRPORT HEIGHT RESTRICTION ZONES (HEIGHT ZONES).

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Airports. Such zones are shown on the Airports' Federal Aviation Regulation (FAR) Part 77 Airspace Drawings. Three (3) original, official, and identical copies of the FAR Part 77 Airspace Drawings reflecting the boundaries of the airport Height Zones of _____, Idaho are hereby adopted, and the Board is hereby authorized to sign and attest each map as the official _____Airport FAR Part 77 Airspace Drawings of _____, Idaho, and such maps adopted as reference shall be filed and maintained as follows:

One (1) copy each shall be filed in the office of the Administrator and shall be designated as Exhibit 1. The Administrator shall maintain this copy by posting thereon all subsequent changes and amendments.

One (1) copy each shall be filed in the office of the <City or County Clerk and/or Recorder> and shall be designated as Exhibit 2. The Administrator shall maintain this copy by posting thereon all subsequent changes and amendments.

One (1) copy each shall be filed in the office of the Airport Manager and shall be designated as Exhibit 3. The Administrator shall maintain this copy by posting thereon all subsequent changes and amendments.

Each portion of an area located in more than one (1) of the following zones shall be evaluated independently according to the zone in which it is located. The various zones are hereby established and defined below. Not all Approach Zones may apply. Refer to the Federal Aviation Administration (FAA) Part 77 Airspace Drawing to determine the applicable Approach Zone(s).

1) PRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY). The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet. Its centerline is the continuation of the centerline of the runway.

2) NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY). The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3) NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT). The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

4) VISUAL RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY). The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

5) VISUAL RUNWAY APPROACH ZONE (UTILITY AIRCRAFT). The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach surface

expands uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the approach zone is a continuation of the centerline of the runway.

6) TRANSITIONAL ZONE. The transitional zones are the areas beneath the transitional surfaces.

7) HORIZONTAL ZONE. The horizontal zone is established by swinging arcs of 5,000 or 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The horizontal zone was constructed with 10,000 feet radii.

8) CONICAL ZONE. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

AIRPORT HEIGHT ZONE LIMITATIONS

Pursuant to (this) Section and except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any Height Zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the Height Zones in question as follows:

1) PRECISION INSTRUMENT RUNWAY APPROACH ZONE. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. Then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first 10,000 feet and extending to a horizontal distance of 40,000 feet along the extended runway centerline.

2) NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY). Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

3) NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT). Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

4) VISUAL RUNWAY APPROACH ZONE. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

5) TRANSITIONAL ZONE. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

6) HORIZONTAL ZONE. Established at 150 feet above the airport elevation.

7) CONICAL ZONE. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

EXCEPTED HEIGHT LIMITATIONS

1) EXCEPTED HEIGHT LIMITATIONS In the area lying within the limits of the Horizontal and Conical Zones, nothing in this Ordinance shall be construed as prohibiting the construction, maintenance, or growth of anything to a height that is less than fifty (50) feet above the surface of the land, except when, because of terrain, land contour or topographic features, such structure or growth would extend above the height limits prescribed herein.

AIRPORT HEIGHT ZONEING MAP

In order to accomplish and illustrate more fully the objectives and purpose of this chapter, the height zones identified above shall be shown and identified on the Airport's Federal Aviation Regulation (FAR) Part 77 Airspace Drawing:

- One (1) original, official copy of the FAR Part 77 Airspace Drawing reflecting the boundaries of the Airport Height Zones of _____, Idaho, is hereby adopted, and the <City or County> is hereby authorized to sign and attest the map as the official _____ ___ Airport FAR Part 77 Airspace Drawings of _____, Idaho. The map will be kept on file with the building and planning department.

- The map shall be as much a part of this ordinance and chapter as if fully described herein.

AIRPORT COMPATIBLE LAND USE OVERLAY ZONES (LAND USE ZONES)

The controlled area of the airport is divided into Airport Compatible Land Use Overlay Zones (Land Use Zones). The purpose of such zones shall be to regulate the development of noise sensitive land uses; promote compatibility between the Airports and the surrounding land uses; protect the Airports from incompatible development; and promote the health, safety and general welfare of property users. The Airport Land Use Zones established herein shall be known as:

- Runway Protection Zone (RPZ)
- Lateral Safety Zone (LSZ)
- Inner Critical Zone (ICZ)
- Outer Critical Zone (OCZ)
- Traffic Pattern Area (TPA)
- Impact Coordination Zone (ICZ)
- Airport Influence Area (AIA)

AIRPORT COMPATIBLE LAND USE OVERLAY ZONE BOUNDARIES

The Airport Land Use Zone boundary lines shown on the official Airport Land Use Zone Map shall be located and delineated along contour lines established for the Airports. Where uncertainty exists as to the boundaries of the Airport Land Use Zones as shown on the official Map, the following rules shall apply:

1) Boundaries shall be scaled from the nearest runway end shown on the map.

2) Boundaries shall be scaled from the nearest physical feature shown on the map.

3) Distances not specifically indicated on the original Airport Land Use Zone Map shall be determined by a scaled measurement on the map.

Where physical features on the ground differ from the information shown on the official Airport Land Use Zone Map or when there arises a question as to how or where a parcel of property is zoned and such questions cannot be resolved by the application of Section ___ (land use limitations), the property shall be considered to be classified as the most restrictive Airport Land Use Zone subject to the review of the Board of Adjustment.

Where a parcel of land lies within more than one (1) Airport Land Use Zone, the zone within which each portion of the property is located shall apply individually to each portion of the development.

AIRPORT LAND USE ZONE MAP

The boundaries of the Airport Land Use Zones set out herein shall be delineated upon the Airports' Airport Land Use Zone Maps, with said maps being adopted by reference and made a part of this Ordinance as fully as if the same were set forth herein in detail.

Three (3) original, official, and identical copies of the Airport Land Use Zone Maps that reflect the boundaries of the Airport Land Use Zones are hereby adopted, and the Board is hereby authorized to sign and attest each map as the official Airport Land Use Zone Maps of _____, Idaho, and such maps shall be filed and maintained as follows:

1) One (1) copy shall be filed in the office of the Administrator and shall be designated as Exhibit 1. The Administrator shall maintain this copy by posting thereon all subsequent changes and amendments.

2) One (1) copy shall be filed in the office of the <City or County Clerk and/or Recorder> and shall be designated as Exhibit 2. The Administrator shall maintain this copy by posting thereon all subsequent changes and amendments.

3) One (1) copy shall be filed in the office of the Airport Manager and shall be designated as Exhibit 3. The Administrator shall maintain this copy by posting thereon all subsequent changes and amendments.

USE OF LAND AND BUILDINGS

Within the Airport Land Use Zones as defined herein, no land shall hereafter be used and no structure or other object shall hereafter be erected, altered, converted, or modified other than for those compatible land uses permitted by the underlying comprehensive zoning districts, as specified in the _____

Zoning Ordinance. Additional land uses are prohibited in the Airport Land Use Zones, regardless of underlying zoning, as set forth in the Airport Compatible Land Use Table attached to this ordinance.

Where any use of prohibited land and buildings set forth in Section (land use limitations) conflicts with any use of land and buildings set forth in the _____ Zoning Ordinance and/or Zoning Map, this chapter shall apply.

Section (land use limitations) does not apply to property within the official boundaries of the Airport Zone as defined in Chapter # (purpose of zoning), _____ Zoning Ordinance.

ADDITIONAL LAND USE REGULATIONS

Except as provided in Section (land use limitations) and Section (enforcement) of this Ordinance, all development within the jurisdiction of _____, Idaho and within the Airport Influence Area as depicted on the Airport Land Use Zone Map, shall have a minimum land division size of 40 acres as defined in Land Division A-1 of the _____ Zoning Ordinance.

On property within the Airport Land Use Zone Map jurisdiction, but outside the jurisdictional limits of _____ _____, Idaho, Section (land use limitations) shall be used to formulate land use recommendations or responses to land use comment requests from other jurisdictions.

In the event of conflict between this section and any aviation hazard restriction, the most restrictive provision shall apply.

Notwithstanding any other provisions of this Ordinance or sections of the _____ Zoning Ordinance, no use may be made of land, water, or structures within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the Airports and aircraft; make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the Airports; impair visibility in the vicinity of the Airports; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the Airports.

DISCLOSURE STATEMENT

Fair Disclosure Statement shall be provided to any applicant for a permit within an airport zone, or any prospective buyers of any structure or property within in such zones. Further, the Fair Disclosure Statement shall serve to notify prospective buyers of property near airports that subject property is subject to the provisions of this Ordinance and lies within the Airport Influence Area and under the Airport's FAR Part 77 Airspace. As such, it may be necessary to clear and keep clear the Airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects. This includes reserving the right of the <City or County> to; remove or demolish those portions of such buildings, structures, improvements, trees or any other objects which extend into the Airspace; cut to the ground level and remove any trees which extend into the Airspace; the right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects now upon, or that in the future may be upon, said Parcel, and which extend into the Airspace. The Fair Disclosure Statement shall also notify applicant for permit or prospective buyers that they may be exposed to potentially impactive levels of aircraft overflight, including but not limited to noise, vibration, fumes, dust, fuel or fuel particles, and other effects that may be caused by normal aircraft operations in around an airports.

Before a permit shall issue, the applicant shall sign the Fair Disclosure Statement and the Fair Disclosure Statement will be recorded in the deed records of the County. Upon the applicant's refusal, <City or County> shall acknowledge that the applicant was made aware of the above-described impacts. Such statement shall be recorded in the deed records of the County.

Nothing stated herein is meant to provide pilots, crews, owners of aircraft, or any other person protection from liability for negligence committed on their part.

INSERT **AIRPORT NOISE RESTRICTION ZONES** HERE

If local complaints become common regarding aircraft noise, it may be time to develop a Noise Compatibility Program based upon 14 CFR Part 150, Airport Noise Compatibility Planning. This is a detailed, time consuming, and expensive process, but it is eligible for Airport Improvement Program grant funding through the Federal Aviation Administration. This will provide the airport with a current and future noise map from which to develop aircraft noise control zones. This would add a third zoning map and zones that the airport authority could use to assist in protection of the airport.

INSERT **AIRPORT NOISE ZONE LIMITATIONS** HERE

If local complaints become common regarding aircraft noise, it may be time to develop a Noise Compatibility Program based upon 14 CFR Part 150, Airport Noise Compatibility Planning. This is a detailed, time consuming, and expensive process, but it is eligible for Airport Improvement Program grant funding through the Federal Aviation Administration. This will provide the airport with a current and future noise map from which to develop aircraft noise control zones. This would add a third zoning map and zones that the airport authority could use to assist in protection of the airport.

SPECIAL USE AND VARIANCES PERMITS

Future Uses

Except as specifically provided in "1" and "2" hereunder, no material change shall be made in the use of land, no structure shall be erected or established, in any zone hereby created without a properly authorized special use and/or variance permit. Each application for a special use and/or variance permit shall indicate the action to be permitted and shall provide enough detail, including a map or drawing showing the heights and location of the permitted action in relation to the Height and Land Use Zones, to allow a determination of whether the resulting use, structure, or tree will coform to the regulations prescribed herein. An FAA Form 7460-1, Notice of Proposed Construction or Alteration, shall accompany each application for variance. Receipt of an FAA and Idaho Division of Aeronautics Determination of No Hazard is required before issuing a variance. No special use and/or variance permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a special use and/or variance permit has been approved in accordance with (this) Section.

1) No variance shall be required by this Ordinance for any tree or structure less than 200 feet above ground level that is located in the area lying within the limits of the approach, transitional, horizontal, and conical zones, and which is lower than an imaginary surface extending outward and upward at a slope of 100 feet horizontal for each 1 foot vertical within 20,000 feet (3.8 statute miles) beginning at the closest point of the closest runway.

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

Easements and Disclosure

Where specified in the Airport Compatible Land Use Table, the property owner shall dedicate, in advance of receiving a building permit, an avigation easement to the <City or County>. In addition, a Fair Disclosure Statement will be provided to prospective buyers. The avigation easement shall establish a height restriction on the use of the property and hold _____ harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Airports. The avigation easement shall be signed and recorded in the deed records of the County. The Fair Disclosure Statements will serve to notify prospective buyers of property near airports that they may be exposed to potentially impactive levels of aircraft overflight.

Special Use Permit

A person desiring to use property in a manner which is not in accordance with the regulations prescribed in this Ordinance, shall apply to the Commission for a special use permit from the affecting regulations as outlined in chapter # (Special Uses-Conditional Use) of the _____ Zoning Ordinance. In addition to the chapter # (Special Uses-Conditional Use) requirements, an application for a special use permit shall also be accompanied by a determination by the _____ Airport Advisory Board, the Federal Aviation Administration and the Idaho Division of Aeronautics concerning the affect of the proposal on the operation of air navigation facilities, the safe, efficient use of the navigable airspace, and the safety of airport users as well as the safety and quality of life of surrounding residents. Such special use shall be permitted if it is determined that: a literal application or enforcement of the regulations would result in unnecessary hardship which could be relieved by the special use, and if it is determined that the special use will not be contrary to the public interest, will not create an aviation hazard, will do no substantial injustice, and will be in accordance with the spirit of this Ordinance. A special use permit requested pursuant to this section shall only be considered by the Commission after the airport manager, or designated representative, has been given an opportunity to review the application for safety and aeronautical affects and has submitted written comments to the Commission. If the airport manager's opinion has not been submitted within fifteen (15) days after receipt of the application, the Commission shall act upon the application without such advice.

Variance

A person desiring to erect or increase the height of any structure, or permit the growth of a tree, in a manner which is not in accordance with the regulations prescribed in this Ordinance, shall apply to the Commission for a variance from the affecting regulations as outlined in chapter # (Appeals - Variance) of the_____ _____ Zoning Ordinance. In addition to the chapter # (Appeals - Variance) requirements, an application for a variance shall also be accompanied by a determination by the _____ Airport Advisory Board, the Federal Aviation Administration and the Idaho Division of Aeronautics concerning the affect of the proposal on the operation of air navigation facilities and on the safe, efficient use of the navigable airspace. Such variance shall be viewed favorably if it is determined that: a literal application or enforcement of the regulations would result in unnecessary hardship which could be relieved by the variance, and if it is determined that the variance will not be contrary to the public interest, will not create an aviation hazard, will do no substantial injustice, and will be in accordance with the spirit of this Ordinance. A variance requested pursuant to this section shall only be considered by the Commission after the airport manager, or designated representative, has been given an opportunity to review the application for its aeronautical affects and has submitted written comments to the Commission. If the airport manager's opinion has not been submitted within fifteen (15) days after receipt of the application, the Commission shall act upon the application without such advice.

Existing Uses
A variance shall not be granted if it would allow the establishment or creation of an obstruction or would allow a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was prior to the effective date of this Ordinance, the effective date of any amendment to this Ordinance, or the application date of a permit.

Obstruction Marking and Lighting
In granting a variance permit, the Commission may, if such action is deemed advisable to fulfill the purpose of this Ordinance, place conditions upon the variance which require the owner of the structure or tree in question to install, operate, and maintain at the owner's expense such markings and lights as are considered to be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to allow _____, at the <city's or county's> expense, to install, operate, and maintain the necessary markings and lights.

NON-CONFORMING USE

Regulations Not Retroactive
The regulations prescribed by this Ordinance shall not require the removal or alteration of any structure or tree not conforming to this Ordinance on its effective date with the exception of those structures or trees deemed an Aviation Hazard by the State of Idaho.

Nothing contained herein shall require a change in the construction, alteration, or intended use of any structure whose construction or alteration commenced prior to the effective date of this Ordinance and whose construction is being diligently pursued with the exception of those structures or trees deemed an Aviation Hazard by the State of Idaho.

The regulations of this Ordinance shall not interfere with the continuance of such nonconforming use with the exception of those structures or trees deemed an Aviation Hazard by the State of Idaho.

A structure or portion thereof, deemed a nonconforming use after the effective date of this Ordinance, shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the use of the structure to one permitted in the applicable airport land use compatibility zone. Any enlargement, alteration, or expansion of such a use that increases the height of the structure is prohibited. A nonconforming use may only be changed to a new conforming use.

Upon the discontinuance or abandonment of a nonconforming use, such nonconforming use shall not thereafter be reestablished and any future use shall comply with this Ordinance.

Marking and Lighting
Notwithstanding the provisions of (this Section), the owner of a non-conforming structure or growth is hereby required to permit the installation, operation, and maintenance of such markers and lights as the Commission deems appropriate as indicators of aviation hazards or obstructions to the operators of aircraft. Such markers and lights shall be installed, operated, and maintained at the expense of _____.

Non-Conforming Uses Abandoned or Destroyed
A permit will be required to replace a non-conforming structure destroyed by accidental fire, Acts of God, or other such destructive force so long as the originally intended use of the structure is maintained and the new structure does not become a greater hazard to air navigation than it was prior to the effective date of this Ordinance. Non-conforming use procedures are set forth in Chapter # (Nonconforming Uses) of the _____ _____ Zoning Ordinance.

ENFORCEMENT

It shall be the duty of the <Council or Commission> to administer and enforce the regulations prescribed herein through the office of the Administrator. Applications for permits and variances shall be made to the Administrator upon a form published for that purpose. Applications required by this Ordinance shall be promptly considered by the <Council or Commission>. Each application shall be either: a. Granted without conditions. b. Granted with added conditions, or c. Denied.

BOARD OF ADJUSTMENT

There is hereby created a Board of Adjustment to have and to exercise the following powers:

To hear and to decide appeals from any requirement or decision made by the Planning and Zoning Commission in its enforcement of this Ordinance. Appeal and notice procedures are set forth in Chapter # (Appeals) and hearing procedures for such appeals shall be as set forth in Chapter # (Meetings-Hearings) of the _____ _____ Zoning Ordinance.

To hear and to consider whether any requirement which this Ordinance imposes upon a specific applicant should be modified or set aside in its entirety or in part.

To request and consider expert testimony from professionals conversant with various standards, such as but not limited to the FAA and Idaho Division of Aeronautics staff.

To consider recommendations and/or make final decisions relating to any application that by Ordinance or Idaho Code requires such to be made by the Board of Adjustment.

The Board of Adjustment shall maintain its governance in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member of the Board upon each question. If a member of the Board is absent or has failed to vote, the minutes shall indicate such. The minutes shall keep records of the Board's examinations and other official actions, and the minutes shall be filed immediately in the office of the <City or County> Clerk, where they shall be shown upon appropriate request.

The Board of Adjustment shall make a decision in accordance with Chapter # (Meetings-Hearings) or when required by Idaho Code.

The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to override any requirement or decision by the Commission; to set aside any requirement that this Ordinance imposes upon an applicant; and to effect a variation from this Ordinance.

APPEALS

Any affected person as defined by Idaho Code Section 67-6521, as it may be amended from time to time, may appeal a requirement or decision of the Commission made in the administration of this Ordinance to the Board of Adjustment.

All appeals hereunder must be filed with the Administrator’s Office within twenty-eight (28) days from the date of the requirement or decision appealed from. All issues being appealed must be specifically stated in the

appeal. When an appeal is filed, the Administrator shall gather the record of the matter appealed and shall submit it to the Board of Adjustment.

The Board of Adjustment may stay all proceedings in furtherance of the action appealed if it deems such a stay to be necessary. Any such stay that is imposed shall automatically be lifted upon the Board of Adjustment issuing a written decision on the matter being appealed, unless otherwise stated by the Board.

The Board of Adjustment shall follow the notice procedures as outlined in Chapter # (Appeals - Variance) and hearing procedures outlined in Chapter # (Meetings - Hearings), _____ Zoning Ordinance.

In conformity with the provisions of this Ordinance, the Board of Adjustment may reverse or affirm, in whole or in part, or modify the requirement(s) or decision appealed from, and/or may make such requirement(s), decision, or other determinations as may be appropriate under the circumstances.

JUDICIAL REVIEW

Any affected person as defined by section (appeals), may appeal any final decision to the district court as provided by the Local Land Use Planning Act, Title 67, chapter 65 Idaho Code.

PENALTIES

Violation of this Ordinance, or of any regulation, order, or ruling promulgated hereunder, shall be subject to the penalties and actions prescribe under chapter # (Enforcement).

CONFLICTING REGULATIONS

Where there exists a conflict between this Ordinance and other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of the land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SEVERABILITY

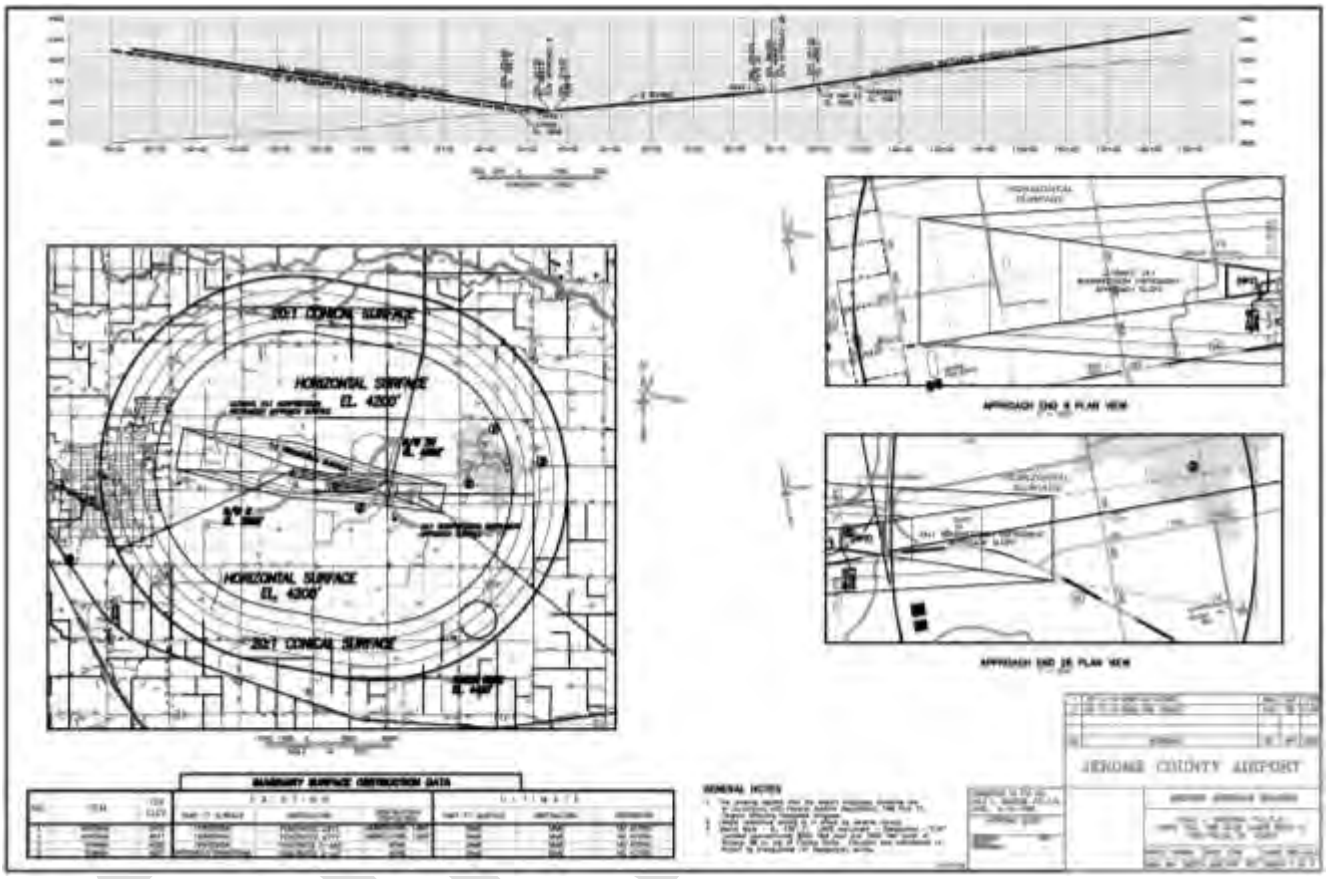
If a provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision(s) or application(s); to this end, the provisions of this Ordinance are declared to be severable.

EFFECTIVE DATE

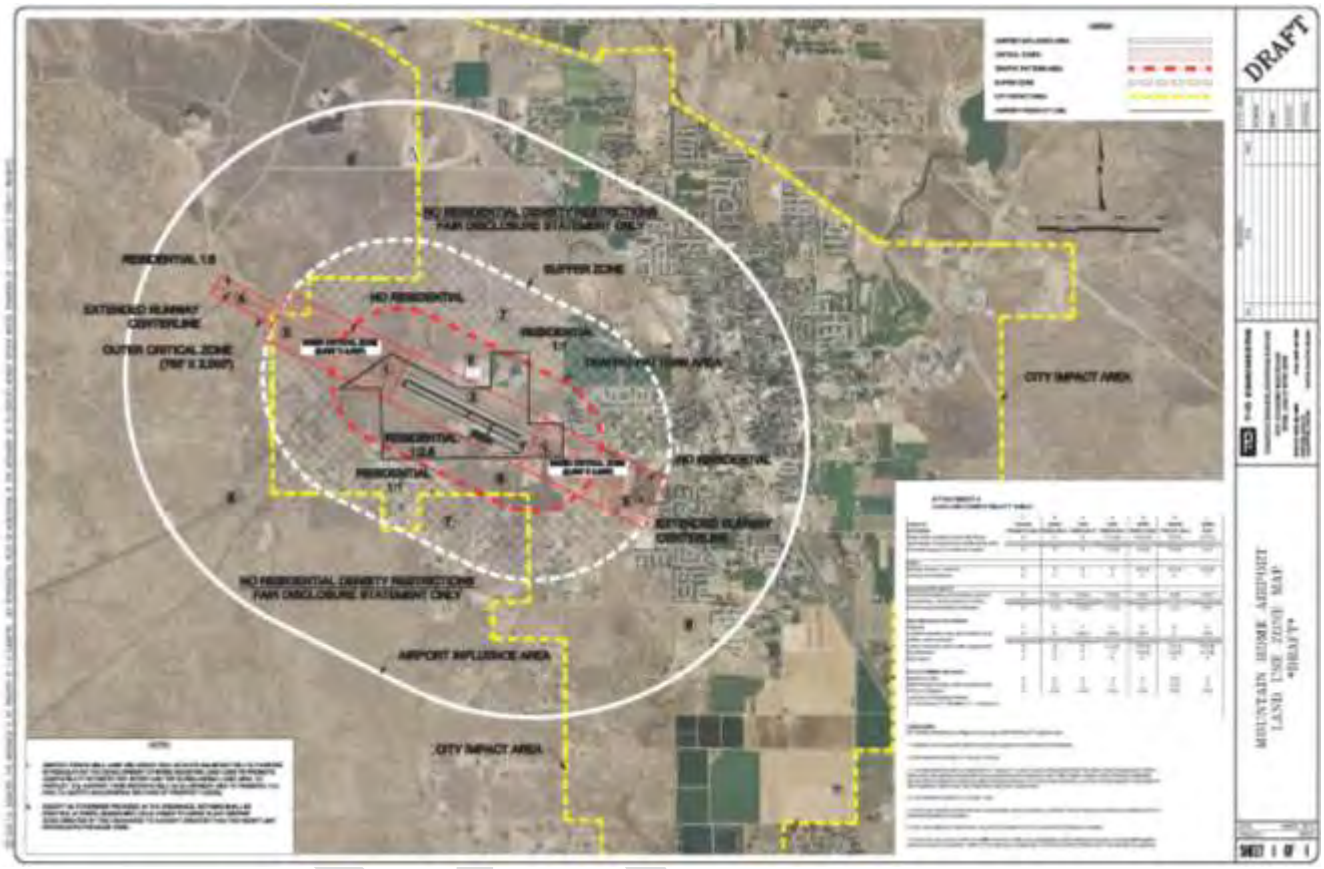
Whereas the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, safety, and general welfare, this Ordinance shall be in force and effect as of the date and time this Ordinance is passed by the <City Council or Board of County Commissioners> of _____ _____, Idaho and published as required by law.

ATTACHMENTS TO THE ZONING ORDINANCE

AIRPORT HEIGHT ZONING MAP



COMPATIBLE LAND USE ZONING MAP



INSERT **AIRPORT NOISE ZONING MAP** HERE

If local complaints become common regarding aircraft noise, it may be time to develop a Noise Compatibility Program based upon 14 CFR Part 150, Airport Noise Compatibility Planning. This is a detailed, time consuming, and expensive process, but it is eligible for Airport Improvement Program grant funding through the Federal Aviation Administration. This will provide the airport with a current and future noise map from which to develop aircraft noise control zones. This would add a third zoning map and zones that the airport authority could use to assist in protection of the airport.

NOISE EASEMENT

NOISE EASEMENT

This indenture made this _____ day of _____, 20____, by _____ and between _____, hereinafter referred to as Grantor, and _____, a municipal corporation organized and existing under the laws of the State of Idaho, hereinafter referred to as Grantee, witnesseth:

WHEREAS the Grantor is the owner in fee of a certain parcel of land in the <City or Count>y of _____, State of Idaho; and

WHEREAS said parcel of land is near _____ Airport, and is within an Airport Noise Overlay Zone as defined by the Zoning Ordinance of the <City or County> of _____, and is subject to existing or forecast aircraft noise levels in excess of 65 DNL; and

WHEREAS the Grantee is the owner and operator of the _____Airport; and

WHEREAS the Grantor proposes to make a use of said land and to develop thereon the following:

_____

_____

which use and development require approval by Municipal and County authorities subject to the applicable provisions of law; and

WHEREAS the Grantor has been advised that the subject property is located in a noise-impacted area; that these present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; that these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time-of-day variations; that changes in airport, air traffic control operating procedures or in airport layout could result in increased noise impact; and that the Grantor's and users' own personal perceptions of the noise exposure could change and that his or her sensitivity to aircraft noise could increase;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and conditions contained herein, the parties hereto agree as follows:

Grantor does hereby grant a permanent noise easement to Grantee overall of the following described real estate:

Provided, however, that the airspace in which the said easement and right-of-way is herein granted shall be that airspace which lies at or above _____ feet above mean sea level (MSL) which is _____ feet above the present surface level of the land, which land is _____ feet above MSL. Determination of non-conforming obstructions shall be based on the height of the obstruction above mean sea level (MSL).

By virtue of this agreement, the Grantor, for and on behalf of himself and all successors in interest to any and all of the real property above described, waives as to Grantee or any successor agency legally authorized to operate said airport, any and all claims for damage of any kind whatsoever incurred as a result of aircraft using the “easement” granted herein regardless of any future changes in volume or character of aircraft overflights, or changes in airport design and operating policies, or changes in air traffic control procedures.

The Noise Easement shall run with the land of the Grantor, as hereinabove described, for the benefit of the Grantee, and its successors and assigns in the ownership, use and operation of the aforesaid airport.

Grantee, its successors and assigns, shall have and hold said easement and all rights appertaining thereto until said airport shall be abandoned and shall cease to be used for airport purposes.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

_____ (SEAL)

_____ (SEAL)

NOTARY ACKNOWLEDGEMENT

STATE OF IDAHO

COUNTY OF _____

Personally, came before me, this _____ day of _____, 20____.
_____ and _____ of the above named Corporation, to me known to be the person who executed for foregoing instrument and to me known to be such _____ and _____ of said Corporation, and acknowledged that they executed the foregoing instrument such officers as the deed of said Corporation, by its authority.

_____
Notary Public, State of Idaho

My Commission Expires _____

LAND USE COMPATIBILITY ZONING TABLE

Land Use Zone	1 Runway Protection Zone	2 Lateral Safety Zone	3 Inner Critical Zone	4 Outer Critical Zone	5 Traffic Pattern Area	6 Airport Influence Area	7 Impact Zone
Residential							
Single-family, nursing homes, multi-family,	X	X	X	C (1,2,6)	C (1,3,6)	C (1,6)	C (1,4)
Apartments, condominiums, mobile home parks							
Transient lodging (i.e. hotels and motels)	X	X	X	C (1,6)	C (1,6)	C (1,6)	C (1)
Public							
Schools, libraries, churches	X	X	X	X	C (1,6)	C (1,6)	C (1,6)
Parking and cemeteries	X	P	P	P	P	P	P
Commercial/Industrial							
Offices, retail trades, light industrial, general	X	C (1)	C (1,5)	C (1,6)	C (1)	C (1)	C (1)
manufacturing, utilities, extractive industry							
Airport revenue-producing enterprises	X	C (1)	C (1,5)	C (1,6)	C (1)	C (1)	C (1)
Agricultural and Recreational							
Cropland	P	P	P	P	P	P	P
Livestock breeding, zoos, golf courses, riding	X	X	C (6,7)	C (6,7)	C (7)	P	C (7)
stables, water recreation							
Outdoor spectator sports, parks, playgrounds	X	X	X	C (1,6)	C (1,6)	C (1,6)	C (1,6)
Amphitheaters	X	X	X	X	C (1,6)	C (1,6)	C (1,6)
Open space	P	P	P	P	P	P	P
Bird and Wildlife Attractants							
Sanitary Landfills	X	X	X	X	X	C (7)	X
Water treatment plants, water impoundments	X	X	X	X	X	C (7)	X
Wetlands Mitigation	X	C (7)	C (7)	C (7)	C (7)	C (7)	C (7)
Land Use Compatibility Criteria							
X - Not Allowed, P - Permitted, C – Conditional							

All facilities should be configured to comply with FAR Part 77 requirements.

LAND USE COMPATIBILITY ZONING TABLE NOTES:

1) If allowed, avigation easements and disclosure must be required as a condition of development.

2) Limit residential density to 1 unit per 10 acres.

3) Limit residential density to a maximum of 1 unit per 5 acres. It is recommended that the minimum land division size of 40 acres (City or County Zoning Ordinance – Land Division A-1) remain intact in the Traffic Pattern Area where reasonable and necessary to protect the Airport and surrounding uses from urbanization as determined by the Commission. Refer to the _____ Zoning Ordinance (Land Division A-1) and Sections (land use limitations) and (board of adjustment) .of Chapter # (airport zoning) , _____ Airport Ordinance, as amended.

4) Limit residential density to 1 unit per 1 acre.

5) Avoid High Intensity commercial uses such as large retail box stores (i.e. Wal-Mart, Home Depot). Use should be located as far from extended centerline as possible.

6) If no reasonable alternative exists, use should be located as far from extended centerline as possible.

7) Such uses may present a bird and wildlife attractant. If allowed, consideration of the proximity of the airport and potential negative impacts should be considered. Refer to FAA Advisory Circulars (AC) 150/5200-33B and 150/5200-34A, as amended, for guidance.

FAIR DISCLOSURE STATEMENT

FAIR DISCLOSURE STATEMENT
DISCLOSURES BY (OWNER) (BUYER)
OF REAL PROPERTY IN CITY OF _____, IDAHO

This is a notification, disclosure, and acknowledgement by (Owner) (Buyer) of real property located in the vicinity of the _____ Municipal Airport in the City of _____, Idaho.

(Owner) (Buyer) hereby acknowledges the following:

AIRPORT

1) Proximity to the Airport

The subject parcel, located in Section ___ Township ___ Range ____, is located within the _____ Municipal Airport Influence Area as defined in Chapter #, Title #, of the City Code of _____. As result, the subject property is located in the airport's Federal Aviation Regulation Part 77 Airspace and one of seven land use zones Airplanes may fly at low elevations over the parcel as they operate to, from, or at the airport. The airport is operational 24 hours per day. Flights may occur at all hours of the day or night.

2) Airspace

The subject parcel property lies under the Airport's FAR Part 77 Airspace and is subject to Federal law and Chapter #, Title # of the City Code of _____, Idaho. As such, it may be necessary to clear and keep clear the Airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects. This includes reserving the right of the City to; remove or demolish those portions of such buildings, structures, improvements, trees or any other objects which extend into the Airspace; cut to the ground level and remove any trees which extend into the Airspace; the right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects now upon, or that in the future may be upon, said Parcel, and which extend into the Airspace

3) Future Improvements and Aircraft Operations

The airport may wish to expand its facilities and operations in the future. Expansion plans include, but are not limited to those shown on the approved Airport Layout Plan (ALP). These improvements may result in increased aircraft operations, operations by larger aircraft, and increased nighttime operations which could increase the noise levels within the vicinity of the airport.

4) Disclosure of Airport Impacts

Due to the proximity of the parcel to the _____ Municipal Airport and the airport's area of influence; owner(s) / buyer(s) should expect frequent overflight and varying degrees of noise and other impacts from these overflying aircraft, which some persons may find intrusive. Further, owner(s)/buyer(s) should expect varying degrees of vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft landing at, taking off from, or operating on or at public airport facilities.

CERTIFICATION

This undersigned owner(s) / purchaser(s) of said parcel of land certify(ies) that (he/she/they) (has/have) read the above disclosure statement and acknowledge(s) the pre or planned existence of the airport named above and the noise and other exposure due to the operation of said airport.

_____

(SIGNED) Date

AVIGATION AND HAZARD EASEMENTS

GRANT OF AVIGATION EASEMENT

The landowner_____ ["Grantor"], hereby grants and conveys to the _____ Airport, a municipal corporation of the _____ of the State of Idaho ("Grantee"), the following avigation easement:

1) The Grantor for good and valuable consideration, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement in and over that certain parcel of real property (the "Parcel") more particularly identified and described in Attachment "A" to and made a part of this instrument, and a right-of-way for the free and unrestricted passage and flight of aircraft in, through, across and about the airspace above an imaginary plane, as such plane is defined by Part 77 of the Federal Aviation Regulations, over said Parcel, as described below (the "Airspace"). As used herein, the term “aircraft” shall mean any and all types of aircraft, whether now in existence or hereafter manufactured and developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whomsoever owned or operated.

2) The Airspace for avigation easement purposes above said Parcel consists of all of the air space above the imaginary plane that is described by Part 77 of the Federal Aviation Regulations.

3) The easement and right-of-way described in Paragraphs 1 and 2 includes but is not limited to:

    a. For the use and benefit of the Grantee, the public, and their assigns, guests and invitees or any and all firms, or corporations operating Aircraft to or from the Airport the easement and continuing right to fly, or cause or permit the flight by any and all persons or aircraft; and

    b. The easement and right to cause or create, or permit or allow to be caused or created within the Airspace, such noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke and all other effects as may be inherent in the proper operation of aircraft, now known or hereafter used for navigation of or flight in air; and

    c. The continuing and perpetual right to clear and keep clear the Airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or any other objects which extend into said Airspace and the right to cut to the ground level and remove any trees which extend into the Airspace; and

    d. The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects now upon, or that in the future may be upon, said Parcel, and which extend into the Airspace; and

e. The right of ingress to, passage within, and egress from said Parcel, solely for the above stated purposes.

4) Grantor, on behalf of itself, its successors and assigns hereby covenants with the Grantee, _____ Airport, its successors and assigns as follows:

a. Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right of way, they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantors' Property any building, structure, tree or other object extending into the Airspace.

b. Grantor, its successors and assigns, shall not hereafter use or permit or suffer the use of Grantors' Property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or to permit any use of the Grantors' land that causes a discharge of fumes, dust or smoke which would impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft.

5) The easement and right-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which now or hereinafter constitutes the _____ Airport, and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee, and any and all members of the general public who may use said easement or right-of- way, taking off from, landing upon, or operating such aircraft in or about the _____ Airport, or in otherwise flying through said Airspace.

6) This grant of avigation easement shall not operate to deprive the Grantor, its successors or assigns, of any rights that it may otherwise have from time to time against any individual or private operator for negligent or unlawful operation of aircraft.

7) It is understood and agreed that these covenants and agreements run with the land and shall be binding upon the heirs, representatives, administrators, executives, successors, and assigns of the Grantor, and that for the purposes of this instrument, the Parcel shall be the servient easement and the _____ Airport shall be the dominant tenement.

8) The avigation easement, covenants and agreements described herein shall continue in effect until the last to occur of: (1) the _____ Airport shall be abandoned or (2) all of the property currently used as the _____ Airport shall cease to be used for public airport purpose, at which time it shall terminate.

_____
Grantor

STATE OF IDAHO }ss.

}

COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 200_
by _____.

Witness my hand and official seal.

_____

My commission expires:

_____

Notary Public

ACCEPTANCE

The _____ Airport, a body corporate and politic of the State of Idaho, by and through the _____, hereby accepts the above grant of avigation easement

Dated this_____ day of _____, 200____.

HOLD HARMLESS AGREEMENT

HOLD HARMLESS AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, hereinafter referred to as Grantees (whether singular or plural), hereby covenant and agree that they shall not, by reason of their ownership or occupation of the following described real property, protest or bring suit or action against the _____Airport or the <City or County> of _____ for aviation related noise, property damage or personal injuries resulting from activities at or connected with the _____Airport when such activities conform to the then existing rules and regulations of said airport and the applicable federal air regulations and no negligence on the part of said airport is involved. The real property of Grantees subject to this covenant and agreement is situated in the <City or County> of _____, State of Idaho, and described as follows:

(Insert legal description and appropriate map)

This covenant and agreement is made and executed by the Grantees in consideration of the <City or County> of _____ granting a conditional use permit for Grantees use and development of the above described real property, which real property is located in the airport approach zone of the _____ Airport. The execution of this covenant and agreement by Grantees is required by the <City or County> of _____ as a prerequisite to the granting of the above said conditional use permit to Grantees. This agreement is executed for the protection and benefit of the _____ Airport and the <City or County> of _____ interest in said airport and to prevent development in adjacent lands to said airport which will interfere with the continued operation existent and development of said airport. This covenant and agreement is intended to be binding upon the Grantees, their heirs, assigns, and successors and inure to the benefit of the City <City or County> of _____ and the Airport, their successors and assigns.

DATED this _____ day of _____, 20____.

STATE OF IDAHO)
)
<City or County> of _____)

GRANTEES:
ss._____
_____

THROUGH-THE-FENCE AGREEMENT

THROUGH THE FENCE
AIRPORT ACCESS AGREEMENT

This AGREEMENT is entered into as of _____ ____, 20___ ("Effective Date") by and between The City of _____, an Idaho Municipal Corporation of the State of Idaho ("City") and _____ (referred to as "TTF Licensee").

RECITALS

1) The City is the legal owner of certain real property known as _____ Municipal Airport ("Airport"), as depicted in Exhibit "A".

2) TTF Licensee is the owner of private land adjacent to the Airport, as more particularly described in Exhibit "B" attached hereto and made a part hereof by this reference (the "Private Land").

3) TTF Licensee desires to access the Airport from the Private Land in private aircraft and commercial aircraft.

NOW, THEREFORE, in consideration of the mutual promises and upon the terms and subject to the conditions set forth herein, the parties agree as follows:

AGREEMENT

1) Rules and Regulations. The Minimum Standards for Commercial Operations and Private Users of the _____ Municipal Airport, dated _____ ____, 20___ ("Minimum Standards") and Chapter 61 of the City Code, Title 3, Zoning Ordinance, and any other regulations and ordinances now legally in effect, or as they may be hereafter reasonably and legally amended or adopted in the future, that are applicable to _____ Airport tenants and transients, whether civil or government, shall apply to the TTF Licensee.

2) Grant Assurances. The TTF Licensee, per this Agreement, is subject to all present and future grant assurances and federal property conveyance obligations made between the City and the Federal Aviation Administration (FAA). This includes, but is not limited to, safe operation and equitable compensation for use of the airport.

3) Access to Airport. The City of _____ hereby grants to the TTF Licensee non-exclusive access to the Airport for private and commercial aircraft at the location designated in Exhibits "A" and "B" attached hereto and made a part hereof by this reference. Any costs associated with construction and maintenance of said access point shall be paid for by the TTF Licensee. Any construction on the Private Land shall be completed in accordance with the Minimum Standards and the applicable City Codes. Access shall not be allowed from any portion of the Private Land which is not, at that time, annexed into the City and zoned for airport or aviation use, and which does not, at that time, have approval for the development of the Private Land (see the City Code, Title 3). Access to the airport from any residential use is expressly prohibited. Access to the airport for any use which would require FAA Part 139 certification is expressly prohibited.

1 Chapter 6 of Title 3 defines the City zone for the airport (AP), including development requirements and restrictions.

Access is granted to the TTF Licensee for the use and development as is generally depicted in the Project Site Plan, Exhibit "C", attached hereto and made a part of this Agreement. Note that the Exhibit is an example of a typical layout for this type of facility; the actual configuration and design may be different from what is currently shown and must be approved by the City before any building permit may be issued.

4) Expiration Date. The Expiration Time (fixed contract period) for this Agreement shall be for a period of twenty (20) years from the "Effective Date", provided, however, that the TTF Licensee is not in default of this Agreement.

5) Renewal Option. As long as the TTF Licensee is not then in default of this Agreement, this Agreement may be extended by the TTF Licensee for four (4) additional terms of five (5) years each. Each extension shall be upon the same terms and conditions as are set forth in this agreement except that the Access Fee in section 8 below may be adjusted by City Resolution which takes into account any changes in the Project Site Plan, adjacent properties, or unforeseen financial conditions. The TFF Licensee shall provide written notice to the City of its request to extend at least ninety (90) days prior to the expiration of the then existing term.

6) Security and Gates. The TTF Licensee shall be responsible for the costs of installing and maintaining all security measures and means of access at the access point(s) shown on Exhibits A and C, including, but not limited to, fences, gates and taxiways, in accordance with FAA and Transportation Security Agency (TSA) requirements, as they may be amended from time to time, and to prevent inadvertent access to the Airport property at any time.

7) Conditions and Restrictions. The TTF Licensee's rights hereunder to access the Airport shall be subject to the following conditions:

    a. TTF Licensee shall comply with all applicable present and future:

        i. rules, regulations, and other requirements of the FAA and TSA or any successor agencies; and

        ii. laws of the State of Idaho and of the United States of America, including without limitation, statutes, rules, regulations, ordinances and codes; and

        iii. <City or County> laws, rules, regulations, ordinances, and codes.

    b. All plans, designs and specifications for security measures and means of access, shall be subject to TSA prior review and approval, as may be required by the TSA from time to time;

    c. The TTF Licensee shall be responsible for assuring that traffic and activities relating to access and security construction do not interfere with the normal day-to-day operations of the Airport, do not create a safety hazard, and do not result in unreasonable "wear and tear" on improved areas of the Airport, as defined in the Minimum Standards.

    d. All of the Private Land must be located within the City limits and must be zoned as Airport (AP); see City Code, Title 3, Chapter 6.

e. All of the Private Land which may be required for the proposed relocation of the parallel taxiway and/or future expansion of the runway or taxiways as defined in the 2007 _____ Municipal Airport Master Plan Update must be reserved and dedicated for this use. As land for this purpose may be purchased by the City, the Access Fee defined below will be adjusted accordingly.

f. The access points as shown on Exhibit C to the taxiway may be required to be changed in the future; any cost for doing so will be at the expense of the TTF Licensee.

g. The City may at any time inspect the TTF property and improvements as may be required to assure compliance with this Agreement.

h. No residential uses are allowed including sleeping accommodations and kitchens.

8) Access Fee. Upon execution of this agreement, TTF Licensee shall pay to City the sum of $5,000 as and for the first year access fee. The access fee for the second year will be $15,000. Thereafter, the fee will be calculated by applying the following rates:

Land: $0.02/sq. ft. x 1,029,395 sq. ft. $ 20,588

Buildings: $0.15/ sq. ft. x 154,000 sq. ft. $ 23,100

said fee to be adjusted by inflation (as set forth below) each October 1st beginning October 1, 20___. The $0.15 per square foot (building footprint) charge for buildings shall be applicable upon the issuance of a City Building Permit for each building. Said fees shall be payable on an annual basis in advance on October 1st. Each year the annual access fee will be adjusted by the change in the CPI-West Urban (base year 1982-84). Note that the square footage amounts shown were derived from the TTF Project Site Plan, Exhibit C, data. The amounts will be adjusted to actual values as the project is completed in various phases over time; for example, the actual net Private Land area may be greater than shown as the need for additional land for a new taxiway may be less than the 200 additional feet shown on the Project Site Plan Exhibit C. Note: "Year" in this context means the fiscal year of the City, beginning October 1 and ending September 30. Note 2: The rates should have been state at or equal to existing on airport rates which were at the time this was written $0.145 per square foot per annum for bare land plus $0.279 for the area occupied by the hangar. And, all new leases are to be at $0.35 per square foot per annum for all land.

9) Additional Fee Collection. The TTF Licensee shall also collect and remit to City, by the fifteenth (15th) of each month, all applicable landing fees, fuel flowage fees, aircraft parking fees, and other concession fees as may be applicable by regulation, rule, or ordinance, including but not limited to car rent fees, catering fees, ground vehicle parking fees, and other percentage of gross sales fees paid by on-airport operators in the previous month. Any FBO granted access by this agreement shall meet all the requirements required of on-airport FBO's. All such additional Fees shall be at parity with any existing on-airport FBO; in addition, any TTF FBO, in order to come onto the Airport to service on-airport tenants, must meet all of the requirements the on-airport FBO is required to meet.

10) Late Charges. Any Access Fee not paid within 30 days of the due date shall be deemed late and, in addition to the Access Fee due, TTF Licensee agrees to pay (i) a late charge equal to 18% of the Access Fee then due, and (ii) interest on the Access Fee at the rate of 18% per annum, and accrued monthly until paid in full. Any fee, which is due and unpaid at the expiration, termination,

or cancellation of this Agreement, shall continue to be an obligation of TTF Licensee notwithstanding such termination or cancellation.

11) Commercial Activities. All commercial activities within the Private Land will conform to City of _____ and FAA Minimum Standards, Rules and Regulations, and ordinances now in effect, or as they may be reasonably and legally amended or adopted in the future. Any commercial activity on the Private Land, or accessing the Airport from the Private Land, shall be subject to all normal and applicable City approval, permits, or license requirements for such activity. Commercial activity in this case excludes commercial passenger service which requires FAA Part 139 certification. Note: Using present FAA guidance commercial activates should likely be prohibited unless there is not enough land on the airport, there are no duplicate commercial activities on the airport, or the activity is needed.

12) Insurance. At all times during the term of this Agreement, including any extensions thereof, TTF Licensee shall procure and maintain insurance against the hazards and liability in the amounts hereinafter set forth and shall provide the City with a certificate of such insurance naming the City as an additional insured:

    a. All Risk Insurance in Connection with Construction. Before commencement of any construction or demolition on or related to the access granted hereunder the TTF Licensee shall procure and shall maintain in force until the completion of the work "All Risk" insurance in a form reasonably satisfactory to City, covering all risks of physical loss or damage to any property in an amount of not less than $1,000,000.

    b. Public Liability Insurance. Comprehensive broad form general public liability and aviation liability insurance covering loss or damage resulting from accidents or occurrences on or about or in connection with the access granted hereunder or the TTF Licensee's use of the Airport, with personal injury, death and property damage combined single limit liability of not less than $5,000,000 for each accident or occurrence for commercial operators, should commercial operations permit be allowed, and $1,000,000 for private hangar owners.

13) General Indemnification. The TTF Licensee hereby indemnifies and holds the City, its elected officials, and employees harmless from and against all liability for injuries to persons or damage to property caused wholly or in part by use of the access granted hereunder.

14) Assignment. This Agreement shall, except as otherwise provided herein, be binding upon and inure to the benefit of the successors and assigns of the parties hereto. Neither this Agreement nor any right granted hereunder shall be assignable or otherwise transferable in whole or in part without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed, in which case a new Agreement must be negotiated and approved by the City and the FAA.

15) Non-responsibility of City for Airport Closures. The City shall not be responsible for airport closures or the inability to operate specific aircraft at any time.

16) Default. In the event the TTF Licensee, its successors, assigns or subsequent owners of the Private Land or any other person acquiring an interest in the Private Land, fails to faithfully and materially comply with all of the terms and conditions included in this agreement, such failure to comply will be deemed a default hereunder. In that event, City shall have the following options:

a. This agreement and the commitments contained herein may be terminated if the City provides written notice of the TTF Licensee's default and the TTF Licensee fails to cure such default within thirty (30) days, subject to extension as provided below, after mailing or delivery of said notice.

b. Enforcement of this agreement may be sought in an action at law or in equity in the _____, Idaho, District Court.

c. A waiver by the City of any default by the TTF Licensee of any one or more of the covenants or conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any covenants or conditions.

d. Notwithstanding anything to the contrary herein, in the event of a material default of the agreement, the parties agree that the City and/or the TTF Licensee shall have thirty (30) days after delivery of notice of such default to correct the same prior to the non-defaulting party's seeking of any remedy provided for herein; provided, however, that in the case of any such default which cannot with diligence be cured within such thirty (30) day period, if the defaulting party shall commence curing the same within the thirty (30) day period and prosecute the curing of same with diligence and continuity, then the time within which such default may be cured shall be extended for such period as may be necessary to complete the curing of the same, but in any event not to exceed (6) months; and provided further, however, no default by a subsequent owner of a portion of the property shall constitute a default by the TTF Licensee for the portion of the property still owned by the TTF Licensee.

e. In the event the performance of any obligation to be performed hereunder by any party hereto is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, with limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

f. Should the TTF Licensee fail to abide with the provisions of this Agreement, then this Agreement shall be held in default and subject to termination, and access to the City Airport shall be denied, and all current TTF fees shall become a lien on the real property of the TTF land and improvements under this Agreement.

g. In the event the City or any of its successors, assigns or subsequent owners of the Airport or any other person acquiring an interest in the Airport, fails to faithfully and materially comply with all of the terms and conditions included in this agreement, such failure to comply will be deemed a default hereunder. In the event of such default, if not cured within thirty (30) days of written notice of default, the TTF Licensee may terminate this agreement or pursue all other rights and remedies available at law or in equity.

h. The City shall have the express right to amend or terminate the Access Agreement to ensure continued compliance with all grant assurances and federal property conveyance obligations.

17) General Provisions. The parties hereto agree to the following general provisions:

a. Further Documentation. The parties hereto agree to execute any and all documents advisable and/or necessary to effectuate the terms and intent of this Agreement.

b. Binding. This Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns.

c. Invalidity of Provisions. If any provision of this Agreement as applied to either party or to any circumstance shall be adjudged by a court to be void and unenforceable, the same shall in no way affect any other provision of this Agreement, the application of such provision in any other circumstances, or the validity or enforceability of the Agreement as a whole.

d. Modification. This Agreement shall not be modified by either party by oral representation made before or after the execution of this Agreement. All modifications must be in writing and signed by the parties.

e. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original Agreement, and all of which shall constitute one Agreement as of the Effective Date

f. Time of Essence. Time is of the essence for the performance of each and every covenant and the satisfaction contained in this Agreement.

g. Attorney's Fees. In the event any action is brought to enforce or interpret any of the terms and provisions of this Agreement, the "prevailing party" in such action shall be entitled to recover, as an element of costs of suit and not as damages, reasonable costs and expenses, including but not limited to taxable costs and a reasonable attorney's fee. The "prevailing party" shall be the party entitled to recover his costs of the suit, regardless of whether such suit proceeds to final judgment. A party not entitled to recover his costs shall not be entitled to recover attorney's fees. No sum for attorneys' fees shall be counted in calculating the amount of a judgment for the purposes of determining if a party is entitled to recover costs or attorneys' fees.

h. Construction. This Agreement shall not be construed against the party preparing it, but shall be construed as if all parties prepared this Agreement, and in accordance with the laws of the State of Idaho. Jurisdiction shall be _____, Idaho.

i. Miscellaneous. All negotiations are merged into this Agreement. This Agreement constitutes the entire understanding of the parties concerning the subject of this Agreement. This Agreement shall constitute a binding obligation between the parties and shall be applicable beyond the term of this Agreement.

j. Costs and Expenses. Each of the parties shall pay all cost and expenses incurred or to be incurred by it in negotiating and preparing this Agreement and in closing and carrying out the transactions contemplated by this Agreement.

k. Headings. The headings of the paragraphs and subparagraphs of this Agreement are included for purposes of convenience only, and shall not affect the construction or interpretation of any of its provisions.

l. Gender. Any reference to he, she, or it shall not be binding as to gender, but shall be construed and interpreted to mean he, she, or it as appropriate in connection with the correct gender.

m. Incorporation of Recitals. The Recitals are hereby incorporated in this Agreement by this reference.

n. Authority to Execute. The individuals executing this Agreement on behalf of a corporation, partnership, trust, or other entity, hereby represent and warrant that they are duly authorized to do so on behalf of such entity, and that all corporate, partnership, trust or other entity requirements have been fully complied with including such resolutions, voting, or agreements as may be required to enter into this Agreement and to make this Agreement a binding obligation of such entity.

o. Facsimile Copies. Facsimile executed copies of this Agreement shall be deemed an original copy. Any party may rely upon the facsimile copy of the original executed Agreement, which may be executed in counterparts. The parties agree to exchange fully executed original copies by mail within five (5) days after signing, provided that said exchange or the failure to exchange originals shall in no way be construed as voiding or negating use of the facsimile copies as originals.

p. Notices. All notices permitted or required under this Agreement shall be deemed given upon (i) personal delivery (ii) actual receipt of notice by the party to whom such notice was directed, or (iii) forty eight (48) hours after having been deposited in the United States mail, certified, postage prepaid, with a second copy sent by regular first class mail and addressed to the appropriate party, at the address provided below or such other address as may hereafter be given by one party to the other party.

In Witness Whereof, the Parties have executed this Agreement as of date first above written.

CITY:

The City of _____, _____ County, Idaho

By: _____

Date: _____

Mailing Address:
City of _____

_____ Street
_____, ID 83_____

TTF LICENSEE:

_____

By: _____
Name

Mailing Address: _____, Idaho, 83_____
Address

Date: _____


AERONAUTICS
IDAHO TRANSPORTATION DEPARTMENT
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