

Chapter 1

AIRPORT ZONING

8-1-1: SHORT TITLE:

This chapter shall be known and may be cited as the *VALLEY COUNTY AIRPORT ZONING ORDINANCE*.
(Ord. 74-4, 10-15-1974)

8-1-2: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section, unless the context otherwise requires:

ADMINISTRATOR: The official designated by the board of county commissioners to administer this chapter.

AIRPORT: The McCall Municipal Airport.

AIRPORT ELEVATION: The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD: Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT REFERENCE POINT: The point established as the approximate geographic center of the airport landing area and so designated.

BOARD: The board of county commissioners of Valley County, Idaho.

COMMISSION: The Valley County planning and zoning commission.

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

LANDING AREA: The area of the airport used for the landing, taking off or taxiing of aircraft.

NONCONFORMING USE: Any preexisting structure, tree or natural growth or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

RUNWAY: The paved surface of an airport landing strip.

STRUCTURE: An object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks, and overhead transmission lines.

TREE: Any object of natural growth.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by aircraft of twelve thousand five hundred (12,500) pounds' maximum gross weight and less, excluding turbo jet powered aircraft.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures, with no existing instrument procedure and no instrument designation indicated on a federal aviation administration or military service approved airport layout plan, or by any other FAA or military planning document. (Ord. 74-4, 10-15-1974)

8-1-3: ZONES:

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying within the noninstrument approach zone, transition zone, horizontal zone and conical zone. Such areas and zones are shown on the McCall Municipal Airport zoning map consisting of an airport vicinity map with topographic contours, one sheet, prepared by Philip Marshall, civil engineer, and dated February 14, 1974, which is attached to the ordinance codified herein, and made a part hereof. The various zones are hereby established and defined as follows:

- A. **Visual Approach Zone:** A visual approach zone shall have a width of two hundred fifty feet (250') at a distance of two hundred feet (200') beyond each end of the runway, widening thereafter uniformly to a width of one thousand two hundred fifty feet (1,250') at a distance of five thousand feet (5,000') beyond each end of the runway, its centerline being the continuation of the centerline of the runway, and has a slope of twenty to one (20:1).

- B. **Transitional Zone:** These zones extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one (7:1) from the sides of the primary zone and from the sides of the approach zones.

- C. **Horizontal Zone:** A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is five thousand feet (5,000') for all runways designated as utility or visual. The radius of the arc specified for each end of the runway will have the same arithmetical value.

- D. **Conical Zone:** A zone extending outward and upward from the periphery of the horizontal zone at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

- E. **Primary Zone:** A zone longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary zone extends two hundred feet (200') beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary zone ends at each end of the runway. The elevation of any point on the primary zone coincides with the elevation of the nearest point on the runway centerline. The width of a primary zone is two hundred fifty feet (250') for utility runways having only visual approaches.

- F. **Approach Zone:** A zone longitudinally centered on the extended runway centerline and extending outward

and upward from each end of the primary zone. An approach zone is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1. The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of one thousand two hundred fifty feet (1,250') for that end of a utility runway with only visual approaches.
2. The approach zone for utility runways with a visual approach extends for a horizontal distance of five thousand feet (5,000') at a slope of twenty to one (20:1).
3. The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway. (Ord. 74-4, 10-15-1974)

8-1-4: HEIGHT LIMITATIONS:

Except as otherwise provided for in this chapter, no structure or tree shall be erected, altered, or allowed to grow, or maintained in any surface created by this chapter to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

- A. Visual Approach Zone For Utility Runway: One foot (1') in height for each twenty feet (20') in horizontal distance beginning at a point on and at the centerline elevation of the end of the runway and extending to a point five thousand feet (5,000') from the end of the runway.
- B. Transitional Zone: These zones extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one (7:1) from the sides of the primary zone and from the sides of the approach zones.
- C. Horizontal Zone: A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is five thousand feet (5,000') for all runways designated as utility or visual. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway when a five thousand foot (5,000') arc is encompassed by tangents connecting two (2) adjacent ten thousand foot (10,000') arcs. The five thousand foot (5,000') arc shall be disregarded on the construction of the perimeter of the horizontal zone.
- D. Conical Zone: A zone extending outward and upward from the periphery of the horizontal zone a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').
- E. Excepted Height Limitations: Nothing in this chapter shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to thirty feet (30') above the surface of the land.

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.
(Ord. 74-4, 10-15-1974)

8-1-5: USE RESTRICTIONS:

Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by this chapter in such a manner as to: a) create electrical interference with radio communication between the airport and aircraft; b) make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport; c) impair visibility in the vicinity of the airport; or d) otherwise endanger the landing, taking off, or maneuvering of aircraft. (Ord. 74-4, 10-15-1974)

8-1-6: NONCONFORMING USES:

- A. Regulations Not Retroactive: The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure the construction or alteration of which was begun prior to the effective date hereof and is diligently prosecuted.
- B. Marking And Lighting: Notwithstanding subsection A of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the director to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of McCall Municipal Airport. (Ord. 74-4, 10-15-1974)

8-1-7: PERMITS:

A. Permit Required; Exceptions:

1. Permit Required: Except as specifically provided in the following subsections, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determinations is in the affirmative, the permit shall be granted.
2. Exceptions:
 - a. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except, when because of terrain, land contour, or topographic features, such tree or structure would

extend above the height limits prescribed for such zone.

- b. In the areas lying within the limits of the noninstrument approach zones but at a distance of not less than five thousand feet (5,000') from each end of the runways, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when such tree or structure would extend above the height limitation prescribed for such noninstrument approach zone.
- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transitional zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter except as set forth in section [8-1-4](#) of this chapter.

- B. Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date hereof or any amendments hereto, or that existed when the application for a permit was made. Except as indicated, all applications for such a permit shall be granted.
- C. Nonconforming Uses Abandoned Or Destroyed: Whenever the administrator determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter, must obtain a permit from the administrator authorizing such action. Such variances shall be allowed where literal application or enforcement of this chapter would result in practical difficulty and unnecessary hardship and the relief granted would not be contrary to the public interest or create hazards to air flight. Any special permits may be allowed subject to such reasonable conditions as the administrator may deem necessary to effectuate the purposes of this chapter, including the condition that the owners of the structure or tree in question permit the political subdivision of this state having an interest in the McCall Municipal Airport to install, operate, and maintain, at its own expense, such markers and lights as may be necessary to indicate to fliers the presence of an airport hazard. (Ord. 74-4, 10-15-1974)

8-1-8: CONFLICTING REGULATIONS:

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same are, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern or prevail. (Ord. 74-4, 10-15-1974)

8-1-9: ENFORCEMENT:

It shall be the duty of the administrator to administer and enforce the regulations prescribed herein.

Applications for permits and variances shall be made to the administrator upon a form furnished by him.

Applications required by this chapter to be submitted to the administrator shall be promptly considered and granted or denied by him. (Ord. 74-4, 10-15-1974)

8-1-10: APPEALS:

A. Decision Of Administrator: Any person aggrieved or any taxpayer affected by any decision of the administrator may, within ten (10) days from the date of such decision, appeal to the commission by filing such appeal with the administrator in writing, setting forth the grounds therefor and such administrator shall forthwith transmit such appeal together with all pertinent documents, to the commission. The commission shall, within thirty (30) days after receipt of such appeal and after ten (10) days' notice to all parties in interest, hear such appeal and within ten (10) days thereafter shall render a written decision thereon.

B. Decision Of Commission; Requirements: Appeals from the decision of the commission may be taken to the board of county commissioners with the same requirements as provided for appeals to the commission.

C. Manner Of Taking Appeal: Appeals from the decision of the board of county commissioners shall be taken in the manner provided by law. (Ord. 74-4, 10-15-1974)

8-1-11: PENALTY:

Each violation of this chapter, or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable as provided in section [1-4-1](#) of this code, and each day a violation continues to exist shall constitute a separate offense. (Ord. 74-4, 10-15-1974; amd. 2011 Code)