

# MEMO

June 8, 2012

To: Regional Planning Commission

From: Regional Planning Department *BL/JW*

Re: Draft of Airport Overlay Zoning Ordinance

Attached please find a copy of the draft for the Airport Overlay Zoning Ordinance. This item is on the agenda for the 6/14 RPC meeting as a review, before any public hearing, with the Airport Board and a representative from Armstrong Consultants. Please review this draft prior to the 6/14 RPC meeting.

**HUMBOLDT COUNTY, NEVADA**  
**WINNEMUCCA MUNICIPAL AIRPORT**  
**AIRPORT OVERLAY ZONING ORDINANCE**

An Ordinance regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Winnemucca Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Winnemucca Municipal Airport FAR Part 77 Airspace and Off-Airport Land Use Drawings which are incorporated in and made a part of this ordinance; providing for enforcement; and imposing penalties.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Winnemucca Municipal Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums at the Winnemucca Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Winnemucca Municipal Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Winnemucca Municipal Airport.
2. That the encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein below may endanger the health, safety, and welfare of the owners, occupants, or users of the land; and
3. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
4. That the prevention of these obstructions should be accomplished, to the extent legally possible, without compensation.
5. That the Winnemucca Municipal Airport fulfills an essential community purpose.

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8. **HELIPORT PRIMARY SURFACE** - The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
  9. **HORIZONTAL SURFACE** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which, coincides with the perimeter of the horizontal zone per the most current Airport Layout Plan (ALP) Part 77 Airspace drawing.
  10. **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 large jet powered aircraft.
  11. **NAVD 88** - North American Vertical Datum 1988. All elevations in this ordinance are referenced to the 1988 North American Vertical Datum. To convert elevations referenced from the 1929 National Geodetic Vertical Datum (NGVD 29) to the NAVD 88 datum, subtract 3.3 feet from the NGVD 29 elevation.
  12. **NONCONFORMING USE** - Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this Ordinance or an amendment thereto.
  13. **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 or any other planning document.
  14. **OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
  15. **PERSON** - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
  16. **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 or any other planning document.
  17. **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 III of this Ordinance. The elevation of any point on the

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manner.

- (2) One (1) copy shall be filed in the office of the Director of Planning and shall be designated as "Exhibit 2". This copy shall be maintained by the Planning Department 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". This copy shall be maintained by the Planning Department by posting thereon all subsequent changes and amendments.

An area located in more than one (1) of the following zones shall be regulated in accordance with the zone in which each portion of the area is located. The various zones are hereby established and defined as follows:

- Precision Instrument Runway Approach Zone - 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 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. This is the planned condition for Runway 32.
- Nonprecision Instrument Runway Approach Zone (Larger than Utility Runway) - The inner edge of this approach zone 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. This is the existing and planned condition for Runway 14 and the existing condition for Runway 32.
- Visual Runway Approach Zone (Larger than Utility Runway) - The inner edge of this approach zone is 500 feet wide. The approach surface expands uniformly to a width of 1,500 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. This is the existing and planned condition for Runways 2 and 20.
- Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
- Horizontal Zones - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway 14/32 and by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of Runway 2/20 and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- 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.

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periphery of the horizontal zone and at 150 feet above the airport elevation (4,457 feet MSL) and extending to a height of 350 feet (4,657 feet MSL) above the airport elevation.

**SECTION V**  
**COMPATIBLE LAND USE REGULATIONS**

1. Airport Compatible Land Use Overlay Zoning Districts Established - For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety, and general welfare of property users, the controlled area of Winnemucca Municipal Airport is divided into Airport Compatible Land Use Overlay Zoning districts. The Airport Compatible Land Use Overlay Zoning districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
AIZ	Airport Influence Zone
TPZ	Traffic Pattern Zone
AZ	Approach Zone
IAZ	Inner Approach Zone

2. Airport Compatible Land Use Overlay Zoning Map -

- (A) The boundaries of the Airport Compatible Land Use Overlay Zoning Districts set out herein are delineated upon the Winnemucca Municipal Airport Off-Airport Land Use Drawing, said Drawing being adopted by reference and made a part of this Chapter as fully as if the same were set forth herein in detail.
- (B) Three (3) original, official, and identical copies of the Winnemucca Municipal Airport Off-Airport Land Use Drawing reflecting the boundaries of the Airport Compatible Land Use Overlay Zoning Districts of Humboldt County, Nevada are hereby adopted, and the Chairman is hereby authorized to sign and attest each map as the official Airport Compatible Land Use Overlay Zoning District Map of Humboldt County, Nevada, and such maps shall be filed and maintained as follows:
- (1) One (1) copy shall be filed for permanent record in the office of the County Commission and shall be designated as "Exhibit 1". This copy shall not be changed in any manner.
- (2) One (1) copy shall be filed in the office of the Humboldt County Planning Department and shall be designated as "Exhibit 2". This copy shall be maintained by the Planning Department 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". This copy shall be maintained by the Planning Department by posting thereon all subsequent changes and amendments.

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noise, 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.

#### **5. Additional Land Use Regulations.**

- (A) Within Humboldt County, Nevada the more restrictive of Humboldt County Land Use Code or Section V-4.(A), shall apply to the development of all property covered by the Airport Compatible Land Use Overlay Zoning District Map.
- (B) When a provision of this Section conflicts with any airport Height Hazard Restrictions, the most restrictive provision shall apply.
- (C) Notwithstanding any other provisions of this Chapter or other Chapter of the Humboldt County, Land Use Code, no use may be made of land, water, or structures within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the Airport 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 Airport; impair visibility in the vicinity of the Airport; create bird strike Hazards, or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the Airport.
- (D) When a subdivision plat is required for any property within an Airport Compatible Land Use Overlay Zoning District or within an area shown on the Airport Height Restriction Overlay Zoning Map for Winnemucca Municipal Airport, the property owner shall dedicate an Aviation Easement to Humboldt County over and across that property. This easement shall establish a height restriction on the use of the property and hold the City of Winnemucca and Humboldt County 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 Winnemucca Municipal Airport.

### **SECTION VI**

#### ***NONCONFORMING USES***

1. Regulations Not Retroactive - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein 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 of this Ordinance, and is diligently prosecuted.
2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing 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 FAA. Humboldt County will indicate to the operators of aircraft in the vicinity of the airport the presence

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navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to 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 condition may require in accordance with FAA provisions.

### **SECTION VIII**

#### ***ENFORCEMENT***

It shall be the duty of Humboldt County to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to Humboldt County upon a form published for that purpose. Applications required by this Ordinance to be submitted to Humboldt County shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by Humboldt County.

### **SECTION IX**

#### ***APPLICATION PROCESS***

1. Applications shall be submitted to the Humboldt County Planning Department for processing.
2. Applications for variances shall be submitted to the Airport Board.

### **SECTION X**

#### ***APPEALS***

1. Any person aggrieved, or any taxpayer affected, by any decision of made in the Planning Department or Airport Board in the administration of the Ordinance, may appeal to the County Commissioners.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Commissioners, by filing with Humboldt County a notice of appeal specifying the grounds thereof. The Planning Department shall forthwith transmit to the County Commissioners all the papers constituting the record upon which the action appealed from was taken.

# ATTACHMENT A

## LAND USE COMPATIBILITY TABLE

LAND USE CATEGORY	AIRPORT INFLUENCE ZONE (AIZ)	TRAFFIC PATTERN ZONE (TPZ)	APPROACH ZONE (AZ)	INNER APPROACH ZONE (IAZ)
<b>RESIDENTIAL</b>				
Single-family, nursing homes, multi-family, apartments, condominiums	C <sup>(6)</sup>	C <sup>(3,4)</sup>	C <sup>(1,3)</sup>	X
Transient Lodging, motels, hotels	C <sup>(6)</sup>	C <sup>(3,4)</sup>	C <sup>(1,3)</sup>	X
<b>PUBLIC</b>				
Schools, Libraries, Churches	C <sup>(6)</sup>	C <sup>(4)</sup>	C <sup>(3,4)</sup>	X
Parking, Cemeteries	P	P	P	C <sup>(5)</sup>
<b>COMMERCIAL &amp; INDUSTRIAL</b>				
Offices, Retail Trade, Service Commercial, Wholesale Trade, Warehousing, Light Industrial, General Manufacturing, Utilities, Extractive industry	P	C <sup>(6)</sup>	C <sup>(4)</sup>	C <sup>(1)</sup>
<b>AGRICULTURAL &amp; RECREATIONAL</b>				
Cropland	P	P	P	P
Livestock Breeding, Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation	P	P	P	P
Outdoor Spectator Sports	P	C <sup>(3)</sup>	C <sup>(3,4)</sup>	X
Amphitheaters	C <sup>(3)</sup>	C <sup>(3)</sup>	C <sup>(3,4)</sup>	X
Open Space	P	P	P	P

P – Permitted      C – Conditional      X – Not Allowed

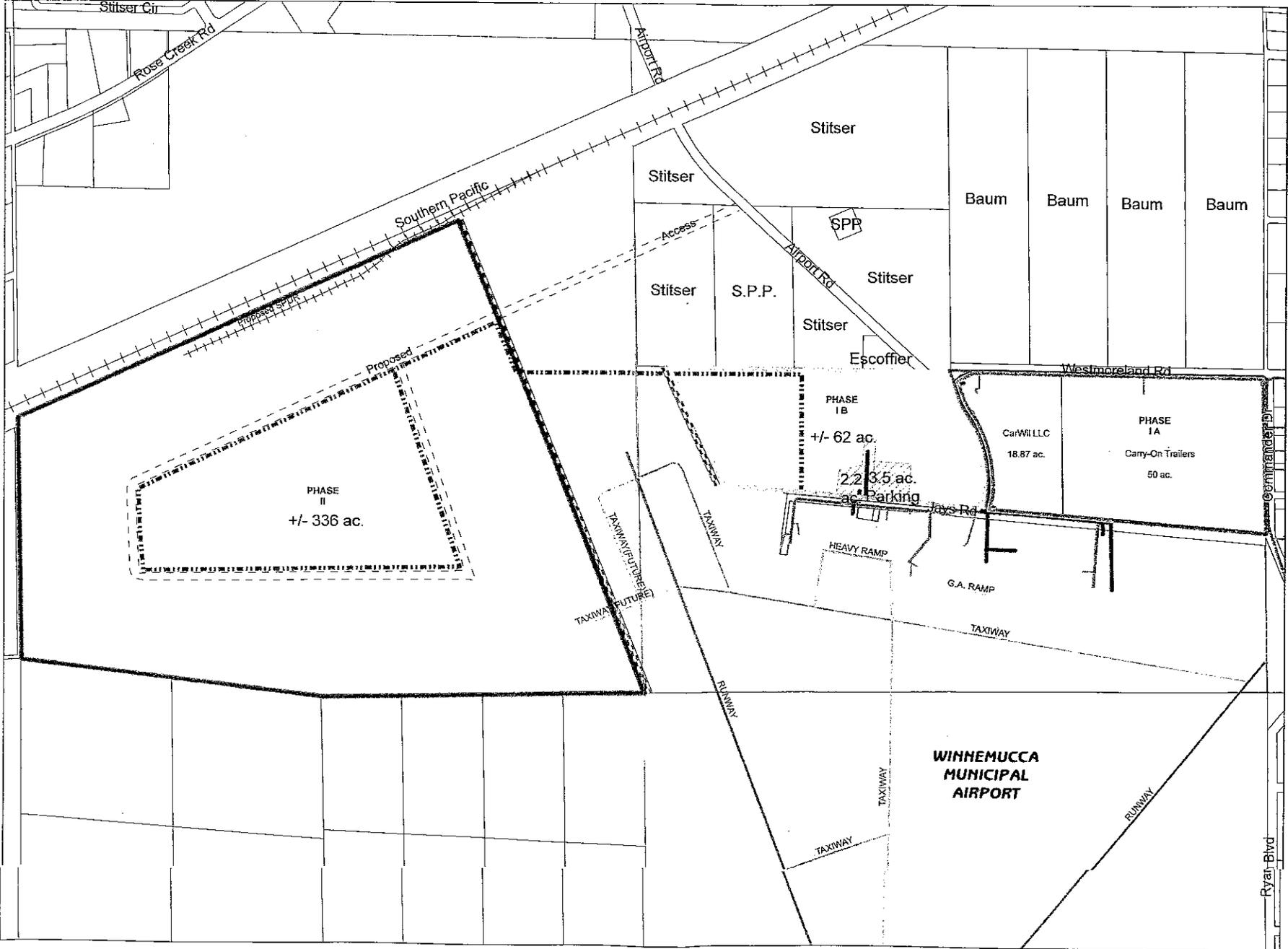
### Conditions:

- (1) If allowed, avigation easements and disclosure must be required as a condition of development.
- (2) Any structures associated with uses allowed in the 65 Ldn Noise Contour must be located outside the 65 Ldn Noise Contour.
- (3) If no reasonable alternative exists, use should be located as far from extended centerline as possible.
- (4) If allowed, disclosure of airport proximity must be required as a condition of development. An avigation easement should be considered based on proximity to runway centerline.
- (5) Transportation facilities in the 65 Ldn Noise Contour (i.e. roads, railroads, waterways) must be configured to comply with part 77 requirements.
- (6) Disclosure of airport proximity should be required as a condition of development.

### Notes:

- Development projects which are wildlife attractants, including sewage treatment ponds and new landfills, within 10,000 feet of the runway are unacceptable (FAA Advisory Circular 150/5200-33). New Landfills within 6 miles of the airport may require special review (FAA AC 150/5200-34).
- An FAA Form 7460-1, "Notice of Proposed Construction or Alteration" must be submitted for any construction or alteration (including hangars and other on-airport and off-airport structures, towers, etc.) within 20,000 horizontal feet of the airport greater in height than an imaginary surface extending outward and upward from the runway at a slope of 100 to 1 or greater in height than 200 feet above ground level.

# WINNEMUCCA AIRPORT INDUSTRIAL PARK



- PHASE**
- IA
  - IB
  - II
- Building\_Restriction\_Zone**
- RAILROAD\_FUTURE**
- Railroads**
- PROPOSED\_ACCESS**
- Water**
- WaterFuture**
- FUTURE PARCEL**
- TYPE**
- G.A. RAMP
  - HEAVY RAMP
  - RUNWAY
  - TAXIWAY
  - Runway\_and\_Taxiway\_Future
  - Inner\_Approach\_Zone
- GAS LINE (Approx Loc.)**
- MAIN PIPE
  - SERVICE PIPE