

**TITLE 6
ELMORE COUNTY
ZONING and DEVELOPMENT ORDINANCE**

CHAPTER 36- AIRPORT ZONING AND DEVELOPMENT STANDARDS

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Section 6-36-1: Airport Hazard Zone (AHZ):

The Airport Hazard Zone is necessary to promote the general welfare, public health and safety of the people in Elmore County; and to assist and promote the military preparedness by regulating, restricting, prohibiting, and prescribing the use of real property within its boundaries. It regulates and restricts the height of structures and objects of natural growth and the use of property in the vicinity of the Mountain Home Air Force Base, City of Mountain Home Airport, and the Glens Ferry Airport by creating the appropriate sub-zones, and establishing the boundaries of said zones.

The sub-zones involve all the land lying within the instrument approach zone, non-instrument approach zone, visual approach zone, horizontal zone, conical zone and AICUZ (composite noise-hazard zones at Mountain Home Air Force Base).

Section 6-36-2: Airport Sub-Zones:

In order to carry out the provisions of the Airport Hazard Zone, there are hereby created and established certain sub-zones which include all of the land laying within the instrument approach zone, non-instrument approach zone, visual approach zone, horizontal zone, and AICUZ (composite noise-hazard zone at Mountain Home Air Force Base). The provisions under which these zones are regulated have been set forth by the United States Air Force and the Federal Aviation Agency. These zones are shown on the Elmore County Zoning Map on file in the office of the Elmore County Clerk and Growth and Development Office. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone (URV) - The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250') feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250') feet at a horizontal distance of five thousand (5,000') feet from the primary surface, its centerline being the continuation of the centerline of the runway.
2. Utility Runway Non-Precision Instrument Approach Zone (URN) - The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500') feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000') feet at a horizontal distance five thousand (5,000') feet from the primary surface. Its centerline being the continuation of the center line of the runway.
3. Approach-Departure Clearance Zone (ADCZ) - This surface is symmetrical about the runway centerline extended, begins as an inclined plane (glide angle) two hundred (200') feet beyond each end of the primary surface of the centerline elevation of the runway end, and extends for fifty thousand (50,000') feet. The slope of the approach-departure clearance surface is fifty to one (50:1) along the extended runway (glide angle) centerline) until it reaches an elevation of five hundred (500') feet above the established airfield elevation. It then continues horizontally at this elevation to a point fifty thousand (50,000') feet from the start of the glide angle. The width at fifty thousand (50,000') feet is sixteen thousand (16,000') feet.
4. Transitional Zone (TZ) - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety (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 approach surfaces to where they intersect the horizontal and conical surfaces.
5. Inner Horizontal Zone (IHZ) - The Inner Horizontal Zone is hereby established by swinging the arc of seven thousand five hundred (7,500') feet radii from the center end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arc. The Inner Horizontal Zone does not include the approach and transitional zones.
6. Conical Zone (CZ) - The Conical Zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of seven thousand (7,000') feet (Mountain Home Air Force Base) or four thousand (4,000') feet (all other airports).
7. Outer Horizontal Zone (HZ) (Mountain Home Air Force Base only) - The Outer Horizontal Zone is hereby established as the area that commences at the outer

periphery of the Conical Zone and extends outward there from a horizontal distance of thirty thousand (30,000') feet.

8. **Airport Commercial Zone (ACZ)** - The Airport Commercial Zone is hereby established as a strip of land six hundred sixty (660') feet wide on each side of the section line, which section line is described as the line between Section 15 and 16, and the line between the S2 of Section 9 and 10, plus that part of the NE3 of the NW3 of the SW3 of Section 10 lying east of the now existing four land Highway 67 (Air Base Road), all in Township 4 South Range 5 East, Boise Meridian.
9. **Air Installation Compatibility Use Zone (AIC)** - Buffer zone outside the Mountain Home Air Force Base within lines as shown on the zoning map containing privately held, State of Idaho and Federal lands. The AIC is described below:

Beginning at a point which is the southeast corner of Section 1, Township 4 South Range 5 East; then west 22 miles along the section line to the south quarter corner of Section 3, thence south 2 mile to the middle of Section 10, thence west 12 miles to the west quarter corner of Section 9, thence north 2 mile to the northwest corner of Section 9, thence west 3 mile, north 2 mile, west 3 mile, north 3 mile, west 3 mile, and north 3 miles to a point on the north section line of Section 5, Township 4 South Range 5 East; then west along the section line 33 miles to the northwest corner of Section 2, Township 4 South Range 4 East; then south 2 mile, west 2 mile, south 12 miles to the south quarter corner of Section 10; thence east 2 mile, south 2 mile and east 2 mile to the center of Section 14; thence south through the center of Sections 13, 26, and 35, Township 4 South Range 4 East, to the center of Section 2 Township 5 South Range 4 East; thence east 2 mile to the east quarter corner of Section 2; thence south along the section line to the Elmore County line which is the Snake River; then easterly along the Snake River to a point where the Snake River crosses the west line of Section 19 Township 5 South Range 6 East; thence north to the west quarter corner of Section 19; thence east 1 mile to the east quarter corner of Section 19; thence north 1 & 3/4 miles, west 2 mile, north 3/4's of a mile, west 2 mile to a point which is the southeast corner of Section 1, Township 5 South Range 5 East; thence north along the section line 6 miles to the southeast corner of Section 1, Township 4 South Range 5 East, which is the point of beginning.

Does not include the approach zones on each end of the runway; does not include the Mountain Home Air Force Base Gunnery Range as shown on the Zoning Map.

Mountain Home Air Force Base is described as follows: Section 20, 21, 22, 27, 28, 29, 23, 32, 33, and 34 Township 4 South Range 5 East, Boise Meridian

Section 6-36-3: Airport Zone Height Limitations:

Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone within the Airport Hazard Zone 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 zones in questions as follows:

1. Utility Runway Visual Approach Zone (URV) - Slopes upward and outward twenty (20') feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000') feet along the extended runway centerline
2. Utility Runway Non-precision Instrument Approach Zone (URN) - Slopes upward and outward twenty (20') feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000') feet along the extended runway centerline.
3. Approach-Departure Clearance Zone (ADCZ)- (Mountain Home Air Force Base Only) - The height limit within this zone shall be ten (10') feet below the elevation of the primary surface to a maximum height of one hundred fifty (150') feet for the first twenty-five thousand (25,000') feet on a slope upward of fifty (50') feet horizontally to each foot vertically. The height limit for the next twenty-five thousand (25,000') feet of this zone shall be two hundred fifty (250') feet.
4. Transitional Zone (TZ) - These zones extend outward and upward at right angles to the runway centerline and the runway centerline extended to a slope of seven to one (7:1) from the sides of the primary surface and from the sides of the approach zones.
5. Inner Horizontal Zone (IHZ) - One hundred fifty (150') feet above the established airport elevation.
6. Conical Zone (CZ) - Slopes upward and outward twenty (20') feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty (150') feet above the airport elevation and extending to a height of five hundred (500') feet for Mountain Home Air Force Base and three hundred fifty (350') feet for all other airports above the airport elevation.
7. Outer Horizontal Zone (OHZ) (Mountain Home Air Force Base Only) - Five hundred (500') feet above established airport elevation of three hundred four (3,004') feet.

NOTE: When an area is covered by more than one height limitation the more restrictive shall prevail.

Section 6-36-4: Use Restrictions:

Near Mountain Home Air Force Base the following use regulations shall apply:

1. **Precision Instrument Runway Approach Zone (PIR):** Permitted use is Agriculture, but with no residences allowed.
2. **AICUZ (AIC) -** The area within the AIC zone is designated for Agriculture use only. The AIC includes the land under the Horizontal, Conical, and Transitional Zones outside the boundaries of the Mountain Home Air Force Base. Permitted uses are:
 - (a) A single-family living unit may be built or placed on an original lot. **NOTE:** An original lot is a lot or parcel of land that was on record in the Courthouse at the time the Airport Hazard Zone was adopted, effective date - July 22, 1974. Any lot, tract, or parcel of land that has been split, divided, or broken away from another lot, tract, or parcel of land after the effective date is not considered an original lot.)
 - (b) Within the area designated as agriculture (AIC), density is restricted to a one-family living unit per three hundred twenty (320) acres or original lot. {Please see **NOTE** under paragraph (1)}. Buildings, such as barns, animal shelters, well house, silos, shops*, etc., and employees' quarters that are utilized for the operation of the agriculture unit are permitted.
* Shops shall be used only to maintain personal equipment and not used for commercial purposes.
 - (c) No building shall be erected closer than eighty (80) feet to any section line or quarter section line.
 - (d) Signs within the AIC zone shall be limited to no higher than four (4') feet and not larger than nine (9) square feet. No lighted signs are permitted.
 - (e) No permanent or semi permanent agricultural structures are permitted in Mountain Home Air Force Base end of runway clear zones.
 - (f) Home based business

3. **Airport Commercial Zone (ACZ)** The ACZ extends along either side of that portion of Air Base Road that is located within the boundary of the Airport Hazard Zone. Permitted uses are:

Automobile sales lot
Automobile repair and service shop, conducted wholly within enclosed building
Barber & Beauty shops
Convenience type grocery, fruit, or vegetable stores
Drug Stores
Electrical appliance and repair shops
Hardware and building supplies
Laundromats
Professional service

B. Lot Area:

1. The minimum lot or parcel size within the ACZ is five (5) acre.
2. There shall be one (1) business establishment per five (5) acre lot or parcel.
3. Any lot or parcel of less than five (5) acres that was in existence at the time of the effective date (7/22/74) of the Airport Hazard Zone Ordinance shall be excluded from minimum lot size. However, no more than one (1) business shall be allowed on said lot or parcel.
4. Any lot or parcel of less than five (5) acre that has occurs after the effective date of the Airport Hazard Ordinance (7/22/74) shall be subject to the five (5) acre minimum lot size.

C. Setbacks: The set-back requirement on all commercial lots fronting on Air Base Highway right-of-way is one-hundred feet (100'). No building, structure, or sign may be built or placed within the set back area.

D. Parking and Loading: All loading operations must be behind the one-hundred-foot (100') setback line. Customer parking for the business located on the premises is allowed in the one-hundred-foot (100') setback area.

E. Signs: Within the ACZ Zone signs are subject to the following restrictions:

1. Moving or intermittent flashing signs are prohibited.
2. Signs shall be limited to those identifying the business on the premises and may be placed only on the building itself.

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 6-36-5: Non-Conforming Uses:

- A. Regulations not Retroactive - Since the Airport Hazard Zone was originally implemented and became effective as of July 22, 1974, the regulations prescribed by the AHZ shall not be construed to require the removal, lowering, changing, or alterations of any structure or tree not conforming to the zoning regulations set forth as of the effective date of the AHZ, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change if construction, alteration, or intended use of any structure which was begun prior to July 22, 1974, the effective date of this Ordinance, and is diligently pursued.
- B. Marking and Lighting - Notwithstanding the preceding provision 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 the operator of each individual airport.

Section 6-36-6: Permits:

- A. Future Uses - No material change shall be made in the use of land and no structure or fence shall be erected or otherwise established in any zone hereby created unless a permit shall have been applied for and granted by the Administrator.
- B. Existing Uses - No permit shall be granted that could allow the establishment or creation of an airport hazard; or that will allow 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 original date of the implementation of the AHZ Ordinance or any amendments thereto; or that it is when the application for a permit is 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 fifty (50%) percent 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. Expiration of Permits - Any permit granted hereunder shall expire if the change of use or construction allowed thereby has not been started within one (1) year after issuance of the permit unless good cause can be shown why it was not started. If good cause can be shown, then the permit may be extended for one (1) more year.
- E. Procedure for Application for Permit - An applicant shall provide the Administrator with the information required on the application. Each application shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. If the permit is not granted, then the Administrator shall set forth in writing the reasons for denial, with a copy to the applicant.

Section 6-36-7: Conditional Use Permits:

The Commission shall approve, approve with conditions, or deny a conditional use application under the conditions specified in Chapter 27, along with the additional requirements as set forth and specified within the Airport Hazard Zone.

- 1. Conditional Use Permits Required - Any person desiring to building any structure or building, or to use any land, or grow any tree not in accordance with the zones and regulations of this Ordinance prescribed which is not specifically permitted or prohibited in the particular zone, may apply for a Conditional Use Permit to the Commission.
- 2. Procedure on Application for a Conditional Use Permit - The applicant shall complete and submit an application to the Administrator upon a form prescribed by the Commission and with the information required under Chapter 27. Upon receipt of the application by the Administrator, the matter shall be set down for public hearing before the Commission. The Administrator will give written notification to the Mountain Home Air Force Base Commander concerning the date and time of the public hearing accompanied by copies of the application. In addition, the Administrator shall notify all adjoining property owners listed in the application. Written notification shall be mailed at least ten (10) days prior to the public hearing.

3. Granting of Permit - A Conditional Use Permit shall be approved by the Commission only where it is found that the use of the land or structure, the erection of a structure, or growth of a tree is in harmony, and not in conflict, with the purposes and intent of the comprehensive general plan for development within the Mountain Home Air Force Base area, the Mountain Home City Airport area, and the Glenns Ferry Airport area and would not adversely affect the health, safety, and morals of the residents of the areas or users of the public air transportation, and would not be detrimental to the military mission at the Mountain Home Air Force Base. The Commission may attach such conditions they deem necessary to assure compliance with the purposes and intent of the Ordinance and the comprehensive general plan for the area.
4. Notification to Interested Bodies of Action Taken - In cases that involve hearing and reviewing applications for Conditional Use Permits where the findings, determination, decision, or recommendation has been made on a subject which has been a matter of contest, then in such cases the Commission shall file with the County Clerk, not later than ten (10) days after the conclusion of such matter, a written report stating their finding and action taken. The matter shall be placed on the agenda of the next meeting of the Board of County Commissioners for their review. Notice shall also be made to the applicant concurrently with the filing of the report with the Clerk.
5. Appeal to the Board of County Commissioners - The decision of the Commission may be appealed to the Board of County Commissioner. The Board will hear and make their decisions in conformity with the procedures as outlined for the Commission. (See Chapter 3)

Section 6-36-8: Variances:

A request for a Variance shall follow the provisions under Chapter 3.