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Debbie Livenood-Custer County Clerk Colorado

Airport Protection Overlay District For SilverWest Airport



**Custer County
Colorado
2006**

Planning & Zoning Office

AIRPORT PROTECTION OVERLAY DISTRICT FOR SILVERWEST AIRPORT

A Resolution regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the SilverWest 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 SilverWest Airport airspace drawing which is incorporated in and made a part of this resolution; providing for enforcement, adjustment and imposing penalties.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of the SilverWest Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums at the SilverWest Airport; and that an obstruction may reduce the size of areas available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of SilverWest 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 SilverWest Airport.
2. 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
3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the policy power without compensation.

It is further declared that the prevention of the creation of establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of construction are public purposes for which a political subdivision may raise and extend public funds and acquire land or interests in land.

It is hereby resolved by Custer County as follows:

SECTION I: SHORT TITLE

This Resolution shall be known and may be cited as the SilverWest Airport Overlay Protection District.

SECTION II: DEFINITIONS

1. **Airport—SilverWest Airport**
2. **Airport elevation—**The highest point of an airport's usable landing area measured in feet from mean sea level.
3. **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 IV of this Resolution. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. **Approach, transitional, horizontal, and conical zones—**These zones are set forth in Section III of this Resolution.
5. **Board of Adjustment—**A Board consisting of the Custer County Commissioners.
6. **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.
7. **Hazard to air navigation—**An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. **Height—**For the purpose of determining the height limits in all zones set forth in this Resolution and shown on the zoning map, the datum shall be based on WGS84 projections.
9. **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.

10. **Horizontal surface**—A horizontal plane 150 feet above ground level, the perimeter of which in plane coincides with the perimeter of the horizontal zone.
11. **Larger than utility runway**—A runway that is constructed for and intended to be used by propeller driven aircraft greater than 12,500 pounds maximum gross weight and jet powered aircraft.
12. **Nonconforming use**—Any pre-existing structure, object of natural growth, or use of which is inconsistent with the provisions of this Resolution or an amendment thereto.
13. **Non-precision 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 non-precision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision 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 Resolution.
15. **Person**—An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; including a trustee, 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) or precision approach radar (PAR). 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 the 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 elevation of any point on the primary surface is the same as the elevation of the point on the runway centerline.
18. **Runway**—A defined area on the airport prepared for landing and takeoff of aircraft along its length.

19. Structure—An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, crane, smokestacks, earth formation, and overhead transmission lines.

20. 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 to 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.

21. Tree—Any object of natural growth.

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

23. Visual runway—A runway intended solely for the purpose of aircraft using visual approach procedures.

SECTION III: AIRPORT ZONES

In order to carry out the provisions of this Resolution, there are hereby created and established certain zones which include all the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the SilverWest Airport. Such zones are shown on the SilverWest Airport Airspace Map, which is attached to this Resolution and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Non-Precision Instrument Approach Zone—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. It's centerline is the continuation of the centerline of the runway.

2. **Visual Runway Approach Zone**—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 runway.
3. **Transitional Zone**—The transitional zones are the areas beneath the transitional surface.
4. **Horizontal Zone**—The horizontal zone is established by swinging arcs of 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.
5. **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.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Resolution, no structure shall be erected, altered, maintained, and no tree shall be allowed to grow in any zone created by this Resolution 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 question as follows.

1. **Runway Precision Instrument 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 and continues on for a distance of 40,000 feet at a slope of forty (40) feet outward for each foot upward along the extended runway centerline.
2. **Runway Nonprecision Instrument Approach Zone**—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. 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.
4. Horizontal Zone—Established at 150 feet above ground level.
5. Conical Zone—Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone.

SECTION V: USE RESTRICTIONS

Notwithstanding any other provisions of this Resolution, no use may be made of land or water within any zone established by this Resolution in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, 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, takeoff or flight operations of aircraft utilizing the airport.

SECTION VI: NONCONFORMING USES

1. Regulations Not Retroactive—The regulations prescribed by this Resolution 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 Resolution, 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 Resolution, 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 Custer County Zoning Office to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the SilverWest Airport.

SECTIONVII: PERMITS

Application for action by the Board of Adjustment shall be forthwith transmitted by the Custer County Zoning Office.

1. **Future Uses—Nonconforming—**No material change shall be made in the use of land, no structure shall be erected or otherwise established in any zone hereby created unless, a permit has been approved by the Custer County Zoning Office and the Custer County Commissioners.
2. **Existing Uses—**No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Resolution.
3. **Nonconforming Uses Abandoned or Destroyed—**Whenever Custer County Zoning Office determines that a nonconforming tree or structure has been abandoned or more than 80 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.
4. **Variances—**Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations in this Resolution, may apply to the Custer County Zoning Office for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation, navigation facilities and the safe efficient use of navigable airspace. Such variances may 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 Custer County Zoning Regulations, public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Resolution.

Additionally, no application for variance to the requirements of this Resolution may be considered by the Board of Adjustment unless the has first been furnished to the Custer County Airport Authority Board for advice as to the aeronautical effects of the variance and then, if the Custer County Airport Authority Board does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. **Obstruction Marking and Lighting**—Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Resolution 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 be modified to require the owner to permit at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION VIII: ENFORCEMENT

It shall be the duty of the Custer County Zoning Office to administer and enforce the regulations prescribed herein.

SECTION IX: BOARD OF ADJUSTMENT

1. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirements, decision, or determination made by Custer County Zoning Office in the enforcement of this Resolution; (2) to hear and decide special exceptions to the terms of this Resolution upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.
2. The Board of Adjustment shall be the Custer County Commissioners.
3. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and to decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
4. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of Custer County Zoning Office or decide in favor of the application on any matter upon which it is required to pass under the Resolution, or to effect a variation to this Resolution.

SECTION X: APPEALS

1. Any person aggrieved by any decision of the Custer County Zoning Office made in the administration of this Resolution, may appeal to the Board of Adjustment.

2. All appeals hereunder must be in writing and filed within 30 days as provided by the rules of the Board of Adjustment, by filing with the Custer County Zoning Office a notice of appeal specifying the grounds thereof. Custer County Zoning Office shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless Custer County Zoning Office certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would in the opinion of Custer County Zoning Office cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to Custer County Zoning Office and on due cause shown.
4. The Board of Adjustment shall comply with the Custer County Zoning Resolution in conducting any hearings.
5. The Board of Adjustment may, in conformity with the provisions of this Resolution, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION XI: JUDICIAL REVIEW

Any appeal from the decision of the Board of Adjustment may be made to the District Court as provided by law provided that such appeal is made prior to 30 days following the date of the notification of the Board's decision.

SECTION XII: PENALTIES

Violations will be provided for in the Custer County Zoning Resolution.

SECTION XIII: CONFLICTING REGULATIONS

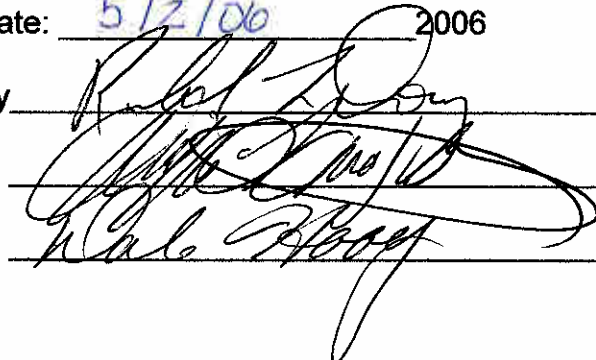
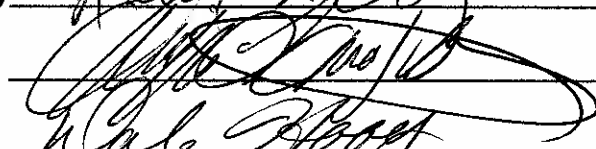
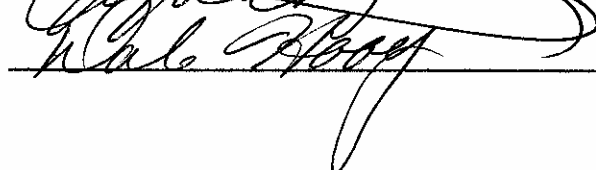
Where there exists a conflict between any of the regulations or limitations prescribed in this Resolution and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

SECTION XIV: SEVERABILITY

If any of the provisions of this Resolution or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provision applications of the Resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this Resolution are declared to be severable.

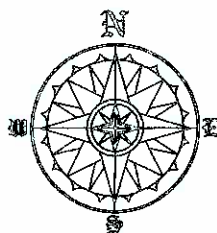
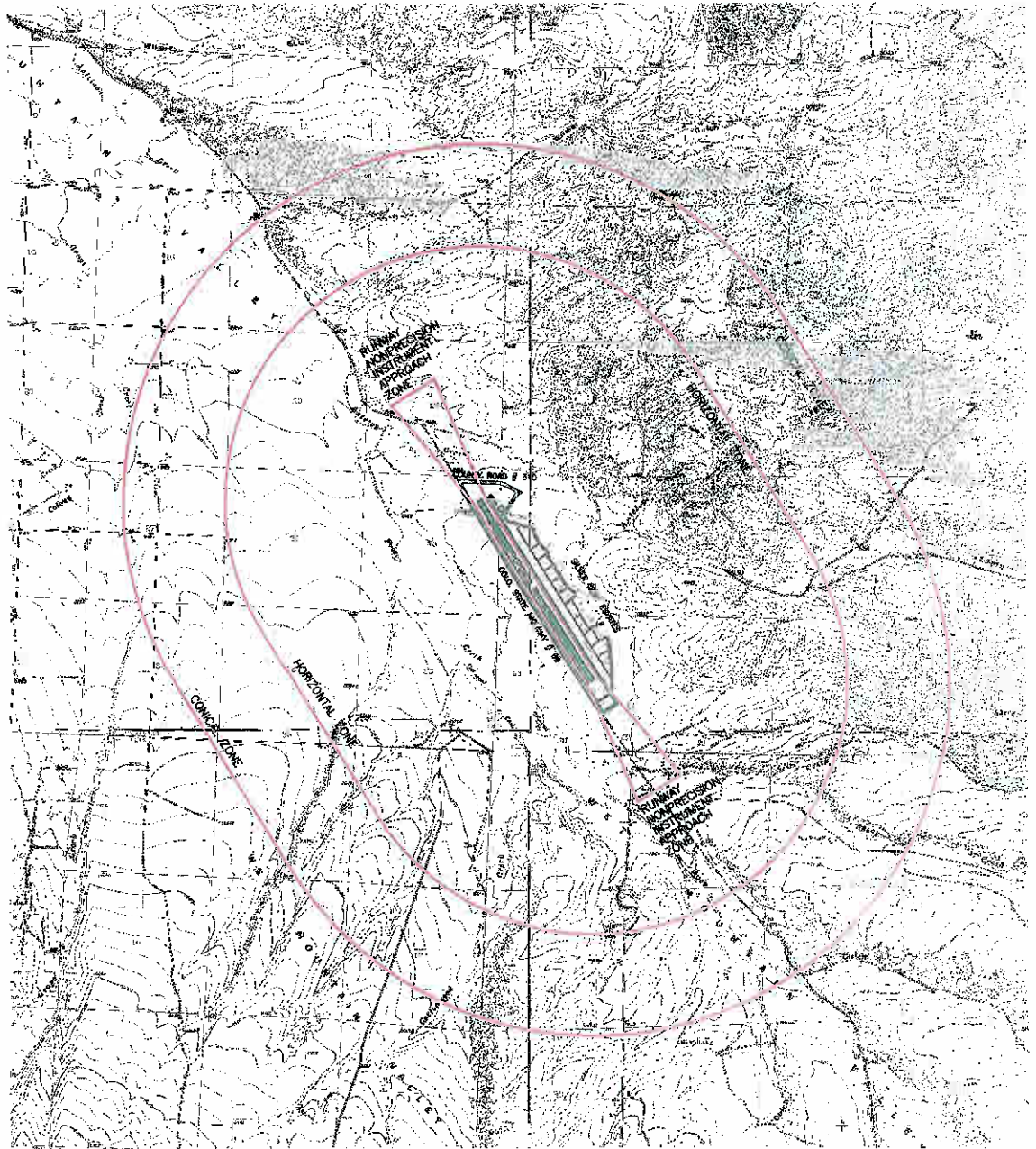
SECTION XV: EFFECTIVE DATE

Whereas, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public health, public safety, and general welfare, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by Custer County and publication and posting as required by law. Adopted this day.

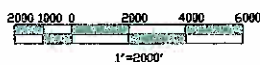
Date: 5/2/06 2006
By 



SILVER WEST AIRPORT

IN SECTION 25, T23S, R72W AND IN SECTION 30, T23S, R71W OF THE 6TH P.M.
CUSTER COUNTY, COLORADO



HORIZONTAL , CONICAL AND RUNWAY NONPRECISION
INSTRUMENT APPROACH ZONE DIAGRAM



Shy Surveyors & Assoc.

600 HERBERT ROAD, P.O. BOX 1590, VESTERLITTS, COLORADO, 81002

Phone (719) 708-8847 Fax (719) 708-8819

NAME : CUSTER CO. AIRPORT

DATA FILE : AIRPORT.CRS

DRAWN BY : SSS 05/30/04

TRNG. FILE : RUNWAY_55004.CRS

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