

OFFICE OF THE COMMISSIONERS
COUNTY OF CONVERSE

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COMMISSIONERS: Al Stoick, Chairman • Frank G. Eathorne, Jr., Vice-Chairman • Sharon K. Lovitt, Member

NOTICE

Implementation of Airport Influence Area (AIA) Resolution 16-01

Dear Property Owner,

Your property may fall within the AIA established by the Converse County Board of Commissioners on December 5, 2001. This Resolution (16-01) approves those restrictions required by the Federal Aviation Administration (FAA) in order to continue federal funding for the Converse County Airport.

We have attached a copy of the Resolution for your records and ask that you review it prior to putting it away. After all the hearings, and after further review by the FAA, the final restrictions are considerably less onerous than the original proposal.

We have also adopted a procedural mechanism to minimize the impact of any restrictions and to simplify the obtaining of needed variances. If you are unsure of the applicability of the Resolution or you need a variance, contact the Director of Special Services, in the County Courthouse. As much as possible, bring with you the height of your structure and the location where you wish to build.

Helpful information would be your Township, Range and Section, on a 7.5 minute Quad (sheet) map. The appropriate Quad will be either "Antelope Creek" or "Douglas". If you do not have the proper Quad, the Director of Special Services will help you locate your proposed structure location. If you can have locations surveyed, that would be better. Locate as close as possible, using either the Global Position Satellite (GPS) or the distance from North and East section lines or from the South and West section lines of the Section in which you propose to build.

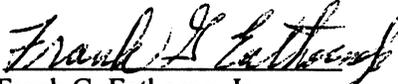
If the Director of Special Services cannot approve your request, the FAA Form 7460-1 will be provided to apply for a variance. The FAA has promised a quick response, and in most cases, will require only telephonic approval.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

CONVERSE COUNTY, WYOMING


Al Stoick
Chairman


Frank G. Eathorne, Jr.
Vice-Chairman


Sharon K. Lovitt
Member

RESOLUTION No: 16-01
BOARD OF COMMISSIONERS
CONVERSE COUNTY, WYOMING

WHEREAS Converse County Airport (Airport) is owned by Converse County; and
WHEREAS the Wyoming State Statute 10-5-301 authorizes the governing body of each Wyoming municipality and county to regulate and restrict by ordinance the height of buildings and other structures within one-half (1/2) mile of the boundaries of the Airport, as well as areas beneath the airspace associated with the current applicable approach zones established by the Federal Aviation Administration; and

WHEREAS the Airport is subject to certain Grant Assurances that were made a part of grants received from the Federal Aviation Administration under the Airport Improvement Program; and

WHEREAS Assurance No. Twenty-One (21) of said assurances states that the airport sponsor will take appropriate action, including the adoption of zoning laws, to the extent reasonable, 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; and

WHEREAS the FAA has indicated through correspondence that continued funding of the Capital Improvement Program for Converse County Airport is contingent upon the County taking appropriate action to become compliant with Grant Assurance No. 21; and

WHEREAS Converse County desires to act expeditiously in order to protect its investment in the Airport, enhance the safety of aircraft operations, protect the safety of persons and property in the vicinity of the Airport, and ensure continued federal investment in the Airport;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: An Airport Influence Area overlay district is hereby established in the vicinity of the Airport, whose boundaries are described and as more explicitly spelled out in Exhibit "A" of this resolution. The boundaries will also be graphically depicted on the official Airport Influence Area map and kept on file at the Converse County Courthouse. This overlay district affords the Converse County Commissioners the ability to consider, and if warranted in the interest of safety and/or the viability of the Airport, disapprove development proposals in the vicinity of the Airport that would be deemed incompatible with the Airport.

APPROVED AND ADOPTED THIS 5th day of December, 2001.

Board of Commissioners
of Converse County, Wyoming:
/s/ Al Stoick, Chairman
/s/ Frank G. Eathorne, Jr., Vice-Chairman
/s/ Sharon Kay Lovitt, Commissioner

Attest: /s/ Lucile K. Taylor, County Clerk

EXHIBIT' "A"
AIRPORT INFLUENCE AREA

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident Potential Area (APA) means an area 1,250 feet either side of the centerline and extending 5,000 feet off each end of Runway 5/23; and an area 2,000 feet either side of the centerline and extending 10,000 feet off each end of Runway 10/28 as depicted on the Airport Influence Area map.

Airport Influence Area District means a designated area of land surrounding an airport which is affected by noise, clear zones, accident potential, flight tracks and any additional locations of potential aircraft noise, vibrations, fumes, smoke, dust and fuel particles from aircraft operations.

FAR Part 77 Surfaces means imaginary surfaces in the airport vicinity as established by the Federal Aviation Administration Regulation, part 77, "Objects Affecting Navigable Airspace," U.S. Department of Transportation, FAA, January 1975, as amended, for commercial and military airports for the purpose of controlling heights of objects in the airport vicinity, as codified at 14 CFR 77.28, incorporated in this article by this reference.

Habitable Building means a building designed or used as a dwelling for human habitation.

DNL means a day-night average sound level measured in decibels (dBA) during a 24-hour period of the A-weighted sound pressure level, with the levels during the period 10:00 p.m. to 7:00 a.m. the following day increased by ten dBA before averaging. Points of equal DNL level may be linked by a contour line.

Purpose and intent

The Board of County Commissioners finds and determines that the operation of Converse County Airport creates short-period noise impacts over a wide area, and that there are certain areas and uses within the corporate jurisdiction of the county, which are noise sensitive and would be adversely affected by such noise. To minimize these impacts, it is the intent of the Board of County Commissioners to adopt this article to provide compatible land uses within airport environs. In adopting this article, the Board of County Commissioners recognizes the unique characteristics of aircraft and the airports that serve their needs, and finds and declares that there is a need to minimize exposure of residential and other sensitive land uses within the county to aircraft noise, to protect property values, to promote sound land use planning practices, and to restrict incompatible land uses within the Airport Influence Area. This resolution is adopted to promote and protect public health, safety and welfare.

Application of Regulations

- (a) Nothing contained in this article shall require any change or alteration in a lawfully constructed building or structure in existence at the time of adoption of the ordinance from which this article derives.
- (b) This article is intended to regulate the following:
 - (1) The erection or establishment of any structure or use which is fifty (50) feet or higher above the ground level at its highest point.
 - (2) The change from one use to another of any building, structure, or land or the reestablishment of a nonconforming use after its discontinuance for a period of one year or more from the effective date of the ordinance from which this article derives.
- (c) This article shall be applied as an overlay district. The application of this article is in addition to the provisions of any underlying zones. Where the provisions of this article conflict with those of the underlying zones, this article shall control.

Districts

- (a) To carry out the purpose of this article, overlay districts are created and established as set forth in this section.
- (b) The Airport Influence Area is created and established as bounded and defined on the map entitled, "Airport Influence Area Map" (Exhibit B) on file at the Converse County Courthouse, together with all references, notations, and other information shown thereon, and such map is adopted by reference and declared to be part of this article as if such map and information thereon were fully described and set forth in this article. The Airport Influence Area consists of the following districts:
 - (1) Accident Potential Area District
 - (2) DNL 65 District
 - (3) Airport Influence Area District

Airport Influence Area District

- (a) Description. The Airport Influence Area District is composed of lands located within an area affected by noise or safety hazards associated with aircraft operations at Converse County Airport. This district encompasses the remainder of land not covered by the APA and DNL 65 districts.
- (b) Height restrictions. Height restrictions shall be set forth in the underlying zone district, provided the permitted height does not exceed that established by FAR part 77 surfaces for civil airports. Approval for proposed development within any area bounded by a part 77 surface will require the submittal of evidence that the proposed development will not affect the safe and efficient use of the navigable airspace, as determined through the submittal of FAA form 7460-1, Notice of Alteration or Construction, as set forth in FAR part 77.
- (c) Notice. Owners of real property located within the Airport Influence Area District shall provide the following notice to prospective purchasers and, unless such notice was previously recorded, cause such notice to be recorded with the clerk and recorder of the appropriate county:

NOTICE

The property known as: (legal description and address) is located within an area that has been officially designated as an Airport Influence Area District by Converse County.

- (1) Aircraft noise, vibrations, fumes, smoke, dust, or fuel particulates from aircraft operation may affect the use and the enjoyment of the property.

Accident Potential Area (APA)

- (a) *Description.* The Accident Potential Area (APA) district is designed to regulate land use and reduce hazards in an area characterized by high noise levels and a potential for accidents resulting from aircraft operations.
- (b) *Development standards.* The following development standards shall be used as criteria for evaluating site plans in any APA. Applications and uses that do not meet these standards may apply for a variance as a part of the site plan application. Such variances shall be considered by the county in its review of the site plan application.
 - (1) *Emissions.* The development shall not:
 - a. Release into the air any substance which would impair visibility or otherwise interfere with the operation of the aircraft;
 - b. Produce substantial light emissions, either direct or indirect (reflective) which would interfere with pilot vision; or
 - c. Produce emissions, which would interfere with aircraft communication systems or navigational equipment.
 - (2) *Hazardous materials.* The development shall not involve the use or storage of significant amounts of materials which are explosive, flammable, toxic, corrosive or otherwise exhibit hazardous characteristics, except as permitted by this article.
 - (3) *Other prohibitors.* The development shall not:
 - a. Have high people density characteristics or promote population concentration;
 - b. Concentrate people who are limited in their ability to respond to emergency situations such as children, elderly, the handicapped; or
 - c. Pose hazards to aircraft operations.
- (c) *Prohibited uses.* The following uses shall be prohibited in any APA district:
 - (1) Public and fraternal meeting facilities.
 - (2) Museums, theaters, and similar establishments.
 - (3) Child care facilities
 - (4) Hotels and motels.
 - (5) Nursing and rest homes.
 - (6) Hospitals and health care facilities.
 - (7) Handicapped care facilities.
 - (8) Churches.
 - (9) Spectator sport stadiums.
 - (10) Residential housing, except residential housing shall be permitted at one unit

per acre outside the DNL 65 contour.

- (11) Schools
- (12) Retail and wholesale operations and facilities, which may concentrate people.

DNL 65 district

- (a) *Description.* The DNL 65 district is composed of lands located within a DNL 65 noise contour generated by aircraft operating into and out of the involved Converse County Airport. Current DNL Contours are prepared by the airport in the course of periodic Airport Master Plan Updates and/or Airport Layout Plan Updates. The current DNL 65 contour will also be depicted on the Airport Influence Area map.
- (b) *Uses prohibited.* No new residences, hospitals, churches, libraries cultural centers, childcare centers, preschools, non-airport-related educational facilities, or similar facilities shall be permitted within the DNL 65 district.
- (c) *Noise level reduction.* Office, commercial, or other nonresidential uses or structures where the public is received, which are permitted by any underlying zone, shall provide and include noise level reduction measures in the design and construction of all areas where the public is received to achieve an interior noise level reduction of 25 decibels in A-weighted levels.

Interpretation of district boundaries

The boundaries of the districts created under this article shall be determined by scaling distances on the Airport Influence Area map. Where interpretation is needed as to make exact location of the boundaries of the district, the Planning and Zoning Commission shall make the necessary determination of the boundary. A property owner requesting a determination as to the location of a district boundary or height exceedence affecting his or her property shall be given a reasonable opportunity to present his or her application to the Planning and Zoning Commission, and to submit his or her own evidence if he or she so desires.

The decision of the Planning and Zoning Commission may be appealed to the Board of County Commissioners, provided such appeal shall be filed with the County Commissioners within ten days of the Planning and Zoning Commission's decision. The Board of County Commissioners shall have the power to overrule the Planning and Zoning Commission's decision by a vote of a majority of the Board of Commissioners present and voting.