

**CHOUTEAU COUNTY
AIRPORT AFFECTED AREA
REGULATIONS**

Final Adopted Regulations: August 2020

**CHOUTEAU COUNTY
AIRPORT AFFECTED AREA REGULATIONS**

Adopted by Resolution No. 2020-14

Section I. General Provisions

A. Title

These regulations shall be known as the Chouteau County Airport Affected Area (AAA) Regulations.

B. Authority

Authorization for these regulations is in the Airport Compatibility Act found in Title 67, Chapter 7, Montana Code Annotated (2005).

C. Purpose and Intent

It is the purpose of these regulations to promote the public health, safety, and general welfare of airport users and persons and property in the vicinity of the Big Sandy Airport and the Fort Benton Airport (“Airports”) by addressing the effects of noise, height of structures and trees, and land use in the vicinity of the Airports, in accordance with Section 67-7-203, MCA. These regulations are intended to protect the transportation infrastructure provided to the community by the Airports from incompatible development and protect the Airports from personal or property injury claims due to noise and hours of operations.

D. Designation of Airport Affected Area

The Chouteau County Commissioners (“Commissioners”), as the governing body that controls the Airports, requested that the Chouteau County Joint Airport Board (“Airport Board”) assist it with the designation of the Airport Affected Area and the establishment of the regulations for the Airports. Draft regulations were prepared by the Airport Board and the Board held hearing on June 11, 2020. The Airport Board then finalized its recommendations on the airport affected area and the regulations and forwarded its recommendations to the County Commissioners.

The Chouteau County Commissioners held a hearing on August 3, 2020 regarding the Airport Affected Area (AAA) and proposed regulations. Notice of the hearing was published in accordance with Section 7-1-2121, MCA in the Fort Benton River Press and Big Sandy Mountaineer. The AAA and the regulations were discussed at that hearing and public comment was taken and considered.

The Airport Affected Area for the Big Sandy Airport and Fort Benton Airport is shown and described on the Sheets A in Appendix B of these regulations. The AAA encompasses the entire 14 CFR, Part 77 surfaces as shown on two different Sheet B's of these regulations in Appendix B. These documents are on file with the Chouteau County Clerk and Recorder.

E. Jurisdiction

The AAA for both Big Sandy and Fort Benton Airports is located partially within the jurisdictional area of the Chouteau County Commissioners. Chouteau County is exclusively responsible for the administration and enforcement of the provisions of these regulations within its jurisdictional area. See Appendix A for the location of each airport.

F. Severability

If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment affects only the part held invalid.

Section II. Definitions

A. Generally

Definitions that generally apply to Title 67 and to these regulations are found in Section 67-1-101, MCA (2005). In addition, definitions specific to the Airport Compatibility Act are found in Section 67-7-103, MCA (2005). The Airport Compatibility Act allows definitions from 14 CFR, Part 77 to apply to these regulations as well. The following definitions apply to these regulations. If there is a conflict in interpretation between Title 67 or 14 CFR, Part 77 and these regulations, the more restrictive applies.

B. Specifically

1. **“Airport”** is the Big Sandy Airport and Fort Benton Airport.
2. **“Airport Affected Area (otherwise known as the AAA)”** is the land and space above the ground surface of an airport in the proximity of the airport, the use of which may be affected by the airport's existence, and includes areas with land use restrictions and zones with height restrictions lying beneath the horizontal surface, the conical surface, the primary surface(s), the approach surfaces and the transitional surfaces as described in 14 CFR, Part 77 and in these regulations. A description is provided on Sheet A of this document.
3. **“Airport Appeals Board”** for the Big Sandy and Fort Benton Airports is the Chouteau County Commission. The provisions of 76-2-223 and 76-2-225

through 76-2-228 shall apply to the Airport Appeals Board.

4. **“Airport Elevation”** is the highest point on the Airport’s established runways measured in feet above mean sea level (MSL) and based on the North American Vertical Datum of 1988 (NAVD 88). The elevation of the Big Sandy Airport is 2698.5 feet. The elevation of the Fort Benton Airport is 2868.8 feet.
5. **“Airport Layout Plan (ALP)”** is a graphic depiction of existing conditions and future proposed development approved by and on file with the FAA. An ALP typically consists of several drawings, each intended to depict specific information about the airport, and an ALP report explaining the reasoning behind, and important features of the ALP.
6. **“Areas”** consist of land within certain boundaries shown on Sheet D, designating where various land uses are permitted.
7. **“Administrative Officer (otherwise known as the AO)”** is that person designated by the Chouteau County Commissioners to serve as the governing body’s representative to grant, grant with conditions, or deny permits and variances under these regulations and to administer the regulations. The Chouteau County Planner shall be the Administrative Officer.
8. **“Electromagnetic Effect”** is any interference or impediment to the transmission or quality of navigation or communication signals to or from aircraft, meteorological equipment, navigation equipment, communications equipment, or air traffic control facilities caused by a power source, radio frequency transmitter, or an object or surface that emits, reflects or re-radiates an electromagnetic signal or electrical pulse.
9. **“FAA”** is the Federal Aviation Administration.
10. **“Governing Body”** is the Chouteau County Commission.
11. **“Height”** is the vertical difference in feet between the highest point of a structure or tree and the ground elevation coinciding with its location shown on the Vicinity Sketch.
12. **“Nonconforming Use”** is any preexisting structure, tree or other object of natural growth or use of land that is lawfully in existence when these regulations become effective, but does not conform to the height or use provisions of these regulations.
13. **“Non-Precision Instrument Runway”** is a runway having or planned to have an authorized instrument approach procedure providing course guidance without vertical path guidance. At the Big Sandy Airport, Runway 6-24 (ultimate)

is a non-precision instrument runway with anticipated “greater than 3/4-mile” approach visibility minimum. Fort Benton Airport Runway 5-23 (existing/ultimate) is a non-precision instrument runway with anticipated “greater than 3/4-mile” approach visibility minimum.

14. “Non-Utility Runway” is a runway that is constructed for and intended to be used by aircraft of over twelve thousand five hundred (12,500) pounds maximum gross weight. Fort Benton Airport runway 5-23 (existing/ultimate) is a non-utility runway.

14. “Runway” is the defined and prepared surface of an airport, suitable for landing or taking off by aircraft, as well as planned extensions documented on the AAA Drawing. The types, dimensions and orientation of the runways for the Chouteau County airports are:

a. Big Sandy Airport:

- i) Runway 6-24 (existing/future) is a 3,570’-long by 60’-wide paved runway with end monuments at approximately 48°09’42.98”N, 110°07’26.21”W and 48°09’51.51”N, 110°06’35.13”W.
- ii) Runway 6-24 (ultimate) is a 4,800’-long by 75’-wide paved runway with end monuments at approximately 48°09’39.95”N, 110°07’43.86”W and 48°09’51.43”N, 110°06’35.14”W.
- iii) Runway 13-31 (existing/ultimate) is a 2,100’-long by 100’-wide turf runway with end monuments at approximately 48°09’58.93”N, 110°06’44.22”W and 48°09’41.63”N, 110°06’27.18”W.

b. Fort Benton Airport:

- i) Runway 5-23 (existing/ultimate) is a 4,300’-long by 75’-wide paved runway with end monuments at approximately 47°50’32.33”N, 110°38’39.08”W and 47°50’52.46”N, 110°37’43.60”W.
- ii) Runway 14-32 (existing/ultimate) is a 1,700’-long by 75’-wide turf runway with end monuments at approximately 47°50’38.09”N, 110°38’22.04”W and 47°50’23.32”N, 110°38’10.22”W.

15. “Structure” is an object forty feet (40’) or taller, constructed or installed by a person, including but not limited to buildings, towers (cell or otherwise), radio antennae, cranes, smoke stacks, earth formations, and overhead transmission lines.

16. “Surfaces” are 14 CFR, Part 77.19 civil airport imaginary surfaces for existing and planned development of the Airport as documented on Sheet B. These surfaces are located above and in relation to a runway or runways. Types of surfaces include Approach Surfaces, Conical Surface, Horizontal Surface, Primary Surface, and Transitional Surface.

17. **“Terrain penetration”** is any natural land surface that penetrates into any of the civil airport imaginary surfaces as defined in 14 CFR, Part 77.19.

18. **“Threshold”** is the beginning of the portion of a runway that is available for landing.

19. **“Tree”** is any vegetation or other naturally growing object greater than forty feet (40') above the ground.

20. **“Utility runway”** is a runway that is constructed for and intended to be used by aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less. Big Sandy Airport runways 6-24 (existing/future) and 13-31 (existing/ultimate) are utility runways. Fort Benton Airport runway 14-32 (existing/ultimate) is a utility runway.

21. **“Variance”** is an allowed deviation from the height or use requirements of these regulations.

22. **“Vicinity Sketch”** is an 8 ½" x 11", non-reduced copy of a portion of a 7.5 minute USGS Quadrangle Map showing the location of a proposed structure, tree or land use, and identifies the ground elevation at the proposed location. The Vicinity Sketch must include the name of the USGS map copied, the Township and Range of the area shown, and the horizontal and vertical data upon which the map is based (typically found in the lower right-hand corner).

23. **“Visual Runway”** is a runway that is not equipped with an authorized instrument approach procedure. Landings are completed by pilots maintaining visual contact with the runway during the entire descent. At the Big Sandy Airport, Runways 6-24 (existing) and 13-31 (existing/ultimate) are visual runways. Fort Benton Airport Runway 14-32 (existing/ultimate) is a visual runway.

24. **“Zones”** are the projection of the Part 77 three-dimensional surfaces onto the ground within which certain height restrictions apply. They are shown on sheets B and C.

Section III. Administration

A. Appointment of Administrative Officer

The Chouteau County Planner shall be designated as the “Administrative Officer (AO),” and serve as the person authorized to grant, grant with conditions, or deny permits and variances under these regulations, and to administer the regulations.

B. Fees for Permits and Variances

An administrative fee shall be assessed for processing permits and variances in accordance with the fee schedule which is available from the Administrative Officer.

C. Permit Procedure

The purpose of the permitting process is to allow the Administrative Officer to monitor the height of structures or trees and the uses in the County's AAA and to advise those members of the public who wish to change or add structures, trees or uses where there are legal restrictions on that activity, in order to protect the public health, safety, and general welfare, as well as protect the current flying operations at the airport and those expected in the future. A permit must be obtained before the changes or additions are made.

1. When a Permit is Required

- a. If the erection of a new structure in the AAA is planned
- b. If new trees are planted in the AAA which have mature heights taller than forty feet (40')
- c. If existing structures in the AAA are substantially altered, repaired or replaced, which increases their existing perimeter, height, or use
- d. If existing trees in the AAA are replaced with trees which have mature heights taller than forty feet (40')
- e. If uses of land or structures are changed

2. Procedure for Obtaining an AAA Structure Permit

- a. Complete an application for a permit. Applications are available from the Administrative Officer.
- b. Submit to the Administrative Officer (AO) the fee, the completed application, site plan containing enough detail to determine height of the structure above ground level, and a vicinity map that shows the location of the structure within the AAA, in relation to property or section lines.
- c. The permit application shall be presented to the Airport Board for review prior to the AO approving or denying the permit.
- d. After consultation with the Airport Board, the AO shall either approve, approve with conditions, or deny the application and provide a written explanation of the decision.

e. Decisions of the AO may be appealed to the Airport Appeals Board, pursuant to Section 67-7-302, MCA.

3. Procedure for Obtaining an AAA Tree Permit

a. Complete an application for a permit. Applications can be obtained from the Administrative Officer (AO).

b. Submit the application and a description of the proposed tree, including genus and species and expected height at maturity, existing height relative to the ground and a location of the tree within the AAA on a vicinity map to the Administrative Officer. (No fee is required for trees).

c. The permit application must be presented to the Airport Board for review prior to the AO approving or denying the permit.

d. After consultation with the Airport Board, the AO shall either approve, approve with conditions, or deny the permit application and provide a written explanation of the decision.

e. Decisions of the AO may be appealed to the Airport Appeals Board, pursuant to Section 67-7-302, MCA.

4. Procedure for Obtaining an AAA Use Permit

a. Complete an application for a permit. Application can be obtained from the Administrative Officer (AO).

b. Submit the fee, the application and a description of the existing use and proposed use of the land or structure to the AO. The application should explain why that proposed use is either a permitted or conditional use under these regulations. Submit a site plan and vicinity map with enough detail to determine the location of the proposed use within the AAA, in relation to property or section lines. If the proposed use involves changes to an existing structure, combine this application with a structure permit set forth above.

c. The permit application must be reviewed by the Airport Board prior to the AO deciding about whether to approve or deny the permit. The Board meeting must be properly noticed and public comment about the proposed use shall be allowed.

d. If the application is for a conditional use, the person requesting the permit shall notify the adjacent landowner(s) of the application by mail at least 10 days before the meeting. Discussion of the permit application must be held with the Airport Board and the application must be included as an

agenda item in the notice for the meeting of the Board and public comment allowed at the meeting.

e. After consultation with the Airport Board and taking into consideration any public comment, the AO shall either approve, approve with conditions, or deny the permit application and provide a written explanation of the decision.

f. Decisions by the AO may be appealed to the Airport Appeals Board, pursuant to Section 67-7-302, MCA.

5. Criteria for Granting Permits

a. Permits will not be granted for structures or trees that will exceed the height limitations of zones set forth in these regulations or for uses which are not in accordance with these regulations, unless a variance has been granted pursuant to the procedure in Section III.D below.

b. A permit application approved by the AO may require that the owner of the structure or tree in question allow Chouteau County, to install, operate and maintain the lights and markers necessary to warn pilots of the presence of that structure or tree at the owner's expense.

c. Permits will not be granted for structures or trees that result in obstructions to the Airport's surfaces, or that allow a change in a nonconforming.

D. Variances

1. **When necessary**--A person who would like to erect or increase the height of a structure, or permit the growth of a tree in excess of the height limitations in these regulations, or use property in a manner that is not a permitted or is conditional use, may seek a variance from these regulations.

2. Criteria for Granting a Variance

a. Considerations

i. Substantial practical difficulty or unnecessary hardship

If a literal application or enforcement of these regulations would result in substantial practical difficulty or unnecessary hardship, a variance may be granted, subject to the public interest evaluation below.

ii. Public interest

A variance will be granted only if it is not contrary to the public interest and when it is determined, after review by the Administrator Officer (AO) and after consultation with the FAA, that there is no immediate hazard to air navigation or to persons and property in the vicinity of the airport and when the noise or vibrations from normal and anticipated normal airport operations would not be likely to cause damage to structures. Public interest considerations include hours of operation and the annoyance to the intended users of the structures.

b. Conditions for a variance

Conditions may be imposed to mitigate any impacts caused by granting the variance, including, but not limited to, a requirement the owner of a structure or tree pay for the installation, operation and maintenance of lights and markers necessary to warn pilots of the presence of an AAA obstruction. The County may install the lights or markers.

3. Notice to Applicant

A person granted a variance to build a structure pursuant to that variance, or buys property for which a variance has been granted is hereby notified that the airport existed before the variance was granted and that noise, fumes, vibrations, light, or any other effects from normal and anticipated normal airport operations may occur.

4. AAA Obstruction Variance

a. Procedure to request an AAA Obstruction Variance

i. Obtain an application for a variance from the Administrative Officer and an FAA Form 7460-1. See Appendices C and D.

ii. Submit the fee, completed application, a site plan with enough detail to determine the overall height of the structure or tree above ground level, and a vicinity sketch that shows the location of the structure or tree within the AAA, in relation to property or section lines to the AO. In addition, explain in detail why literal application or enforcement of these regulations would result in substantial practical difficulty or unnecessary hardship. The application must address, to the best of the applicant's ability, why granting the variance will not create an immediate hazard to persons or property in the vicinity of the airport as well as assurance that the normal and

anticipated normal airport operations will not be likely to cause damage to any proposed structure(s). The Form 7460-1 must be filled out, a copy provided to the Administrative Officer, and submitted to the FAA.

iii. The requested variance must be addressed by the Airport Board prior to the Administrative Officer making a decision about whether or not to grant the variance. The person requesting the variance shall notify the adjacent landowner(s) of the request by mail, at least 10 days before the Airport Board meeting, and this notice must include the date, time and place of the meeting. The discussion of the requested variance with the Airport Board must be specifically set forth as an agenda item in the notice for the meeting of the Airport Board. Public comment about the variance shall be allowed at the meeting of the Airport Board.

iv. After consulting with the Airport Board and taking into consideration any public comment and the FAA determination (Form 7460-1), the Administrative Officer shall either approve, approve with conditions, or deny the requested variance and provide a written explanation for the decision.

v. Decisions of the Administrative Officer may be appealed to the Airport Appeals Board pursuant to Section 67-7-303(2), MCA.

b. Criteria for granting an AAA Obstruction Variance

i. A requested variance will only be reviewed by the Airport Board after the FAA has decided, pursuant to Form 7460-1, whether the proposed variance would pose a hazard to air navigation.

ii. A variance may only be granted when the applicant demonstrates a literal application or enforcement of the regulations would result in substantial practical difficulty or unnecessary hardship, when the variance would not be contrary to the public interest and when the noise or vibrations from normal and anticipated normal airport operations would not be likely to cause damage to the proposed structure(s). FAA-recommended mitigation must be a condition of granting the variance.

5. AAA Use Variance

a. Procedure to request an AAA Use Variance

i. Apply for a variance to the Administrative Officer (AO).

Applications are available from the AO.

ii. Submit the fee and the completed application to the AO, including a description of the existing use and proposed use of the land or structure, and explain in detail why that proposed use should be allowed by variance. In addition, submit a vicinity map that shows the location of the proposed use within the AAA, in relation to property or section lines. Also explain in detail why literal application or enforcement of these regulations would result in substantial practical difficulty or unnecessary hardship. The application must address, to the best of the applicant's ability, why granting the variance will not create an immediate hazard to air navigation or to persons or property in the vicinity of the airport, as well as assurance that the normal and anticipated normal airport operations will not be likely to cause damage to any proposed structure(s), as well as steps that will be taken to mitigate the effects of normal airport operations.

iii. The requested variance must be reviewed by the Airport Board prior to the Administrative Officer deciding about whether to grant the variance. The person requesting the variance shall notify the adjacent landowner(s) of the request by mail, at least 10 days before the Airport Board meeting, and this notice must include the date, time and place of the meeting. Review of the requested variance with the Airport Board must be specifically set forth as an agenda item in the notice for the meeting of the Airport Board. Public comment about the variance shall be allowed at the meeting of the Airport Board.

iv. After consulting with the Airport Board and taking into consideration any public comment, the Administrative Officer shall either approve, approve with conditions, or deny the requested variance and provide a written explanation of the decision.

v. The decision of the Administrative Officer may be appealed to the Airport Appeals Board pursuant to Section 67-7-303 (2), MCA (2005).

b. Criteria for granting an AAA Use Variance

i. A variance may be granted when the applicant demonstrates a literal application or enforcement of the regulations would result in substantial practical difficulty or unnecessary hardship, when the variance would not be contrary to the public interest and when the applicant demonstrates the noise or vibrations from normal and

anticipated normal airport operations would not be likely to cause damage to any proposed structure(s).

ii. If noise will affect the use sought by variance, a review criterion can be the extent to which the applicant proposes to mitigate the effect of that noise.

E. Appeals

1. An appeal of a decision by the Administrative Officer (AO) **must** be submitted in writing to the Airport Appeals Board within thirty (30) days of the written decision by the AO. Appeals may be filed by the applicant, by any aggrieved person or taxpayer, or by the governing body of a political subdivision and must state, with specificity, the basis of the appeal. An unsuccessful appellant may appeal further to a court of record.

2. This appeal process does not apply to a determination by the FAA that a requested obstruction would create a hazard to air navigation.

F. Enforcement

The Administrative Officer, in cooperation with the County Attorney, is the agent designated by the Chouteau County Commissioners to enforce these regulations. Written notice of a violation must be given by the Administrative Officer to the violator, specifying how these regulations have been violated, how the violation can be remedied, and setting a reasonable deadline for the correction of the violation, prior to the imposition of a penalty. The penalty provisions of these regulations must also be included in the notice.

G. Penalty

If a person who violates the provisions of these regulations does not correct a violation, after notification pursuant to Section F above, that person is subject to a civil penalty and a criminal penalty. The civil penalty is a fine of \$100 for each day that the violation is not remedied after the Chouteau County Commissioners have determined there is a violation for which a fine should be assessed against the violator, have given their own written notice of the violation to the violator, have held a hearing on the violation, and have provided a written determination to the violator that there is a violation.

In addition, the County Attorney may file misdemeanor criminal charges for a violation of these regulations. Pursuant to Section 45-2-104, MCA, a person is absolutely liable for a violation of these regulations. Upon conviction a fine of \$500 must be imposed.

H. Injunction

The Chouteau County Commissioners may institute in any court of competent

jurisdiction an action to prevent, restrain, correct, or abate any violation of Title 67, Chapter 7 or of these regulations.

I. Immunity

1. Generally

After the designation of an AAA, a person may not recover damages from a local government, an airport authority, an airport operator, or an airport owner for any injury caused by noise, fumes, vibrations, light, or any other effects from normal and anticipated normal airport operations.

2. After granting a variance

A person owning or using a structure built pursuant to a variance may not collect damages from a governing body or local government or from an airport authority, airport operator, or airport owner for interference with the enjoyment of that structure caused by noise, fumes, vibrations, light, or any other effects from normal and anticipated normal airport operations.

Section IV. Airport Affected Area (AAA)

A. Introduction.

Utilizing its police power, the Chouteau County Commissioners, in accordance with Section 67-7-201, MCA (2005), designated an AAA for the Airports located within its jurisdictional area. The AAA includes the land surrounding the runways and the space or surfaces above that land.

Height restrictions for zones and land use restrictions in specified areas found in these regulations are meant to be reasonable and are designed to promote the health, safety and general welfare of airport users and persons and property in the vicinity of the airport, taking into consideration the character of the flying operations conducted or expected to be conducted at the Airports, the nature of the terrain, future development of the airport, and FAA recommendations for aeronautical surfaces necessary for safe flying operations. In addition, these regulations protect the Airports and its operations from uses that may infringe on airport operations and result in liability to the Airports.

B. Zones

1. Explanation of Zones

Zones are established by these regulations to reasonably regulate the height of structures and trees around the airport. The term “zones” as used in these regulations and as shown on each Sheet B for the individual Airports found in Appendix B of these regulations refers to regions in which the height of structures

and trees is regulated to protect the public health, safety, and general welfare. The zones for the Airport are described below and approximately shown on each Sheet B for the individual Airports found in Appendix B of these regulations.

a. Primary Zones. Primary zones are designated the area extending equidistantly on either side of each runway centerline with total width:

- i. For utility runways having only visual approaches, 250 feet.
- ii. For utility runways having non-precision instrument approaches, 500 feet.
- iii. For non-utility runways having a non-precision instrument approach with approach minimum greater than 3/4-mile, 500 feet.

For the length of such runway plus 200 feet on each end when the runway is paved. When the runway is not paved, the primary zone extends for the length of the runway only.

b. Horizontal Zone. A horizontal zone is designated as the area within a perimeter established by swinging arcs from the center of each end of the primary surface, then connecting the adjacent arcs by lines tangent to those arcs. When an arc is encompassed by tangents connecting two adjacent arcs, the arc encompassed must be disregarded in delineating the perimeter of the horizontal surface. The radius of each arc is:

- i. For runways designated utility or visual, 5000 feet.
- ii. For all other runways, 1000 feet.

The horizontal zone does not include the primary, approach, and transition zones.

c. Conical Zone. A conical zone is designated as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of 4000 feet. The conical zone does not include the approach and transition zones.

d. Non-Precision Instrument Approach Zone. A non-precision instrument (NPI) approach zone is designated at each end of non-precision instrument (NPI) runways. The inner edge of an NPI approach zone shall have the same width as the primary surface, widening thereafter uniformly to a width of 3500 feet at a distance of 10,000 feet beyond each end of the primary surface, with its centerline being the continuation of the centerline of the runway.

d. Utility Non-Precision Instrument Approach Zone. A utility non-precision instrument (uNPI) approach zone is designated at each end of utility non-precision instrument (uNPI) runways. The inner edge of a uNPI approach zone shall have the same width as the primary surface, widening thereafter uniformly to a width of 2000 feet at a distance of 5,000 feet beyond each end of the primary surface, with its centerline being the

continuation of the centerline of the runway.

e. Utility Visual Approach Zone. A utility visual (uVIS) approach zone is designated at each end of utility visual runways. The inner edge of a uVIS approach zone is the same width as the primary surface, widening thereafter uniformly to a width of 1,250 feet at a distance of 5,000 feet beyond each end of the primary surface, with its centerline being the continuation of the centerline of the runway.

f. Transition Zones. Transition zones are designated adjacent to each approach zone and symmetrically located on each side of primary zones having variable widths as shown on each Sheet B for the individual Airports found in Appendix B, Airport Airspace Zones.

g. Instrument Departure Zone. An instrument departure zone is designated as a trapezoidal zone centered about the extended runway centerline. It is encompassed by the trapezoid with a width of 1,000 feet at the runway threshold, widening thereafter uniformly to a width of 6,466 feet at a distance of 10,200 feet beyond the runway threshold. Instrument departure zones shall extend outward from the threshold of Big Sandy Airport's Runways 6 and 24, and Fort Benton Airport's Runway 5 and 23, as shown on each Sheet E for the individual Airports found in Appendix B.

2. Height Restrictions in Zones

Restricting the height of structures or trees in certain zones protects the health, safety, and welfare of the users of the airport, as well as persons and property in the vicinity of the airport. These zones and regulations are intended to preserve the utility of the airport and the public investment therein. *Nothing in these regulations should be construed to prohibit the construction of any structure or the growth or maintenance of any tree to a height (a) equal to or below the airport elevation; or (b) up to **forty (40) feet** above the surface of the land.* When an area is covered by more than one conflicting height limitation, the more restrictive shall prevail. In order to comply with federal requirements and those found in Section 67-7-203 (1), MCA, Chouteau County Commission hereby adopts the following height restrictions for the following zones:

a. Primary Zone.

i. Objects greater than 3 inches above grade shall be allowed only when constructed on low impact resistant supports with the frangible point no higher than 3 inches above grade.

ii. Objects that need to be located in this area because of their function shall be constructed at the lowest practical height.

b. Horizontal Zone. 150 feet above the airport elevation.

c. Conical Zone. 150 feet above the airport elevation plus 1 foot in height for each 20 feet of horizontal distance measured from and normal to the periphery of the horizontal zone.

e. Utility Visual Approach Zone. For each runway end, the elevation of the threshold centerline plus 1 foot in height for each 20 feet measured perpendicularly from the end of the primary zone, extending 5,000 feet.

f. Utility Non-Precision Instrument Approach Zone. For each runway end, the elevation of the threshold centerline plus 1 foot in height for each 20 feet measured perpendicularly from the end of the primary zone, extending 5,000 feet.

f. Non-Precision Instrument Approach Zone. For each runway end, the elevation of the threshold centerline plus 1 foot in height for each 34 feet measured perpendicularly from the end of the primary zone, extending 10,000 feet.

g. Transition Zones. Begin at an elevation equal to the elevation of the nearest point on the runway centerline, and extend outward and upward at right angles to the runway centerline or extended runway centerline, increasing 1 foot in height for each 7 feet from the sides of the primary zone and from the sides of all approach zones.

h. Instrument Departure Zone. For each applicable runway end, the elevation of the threshold centerline plus 1 foot in height for each 40 feet measured perpendicularly from the end of the primary zone, extending 10,200 feet.

C. Areas

Areas are designated in the AAA to address the concern the FAA and the Airport have about compatible uses for land around the Airport. The various areas are defined and described as follows:

1. Explanation of Areas

The areas, as shown on each Sheet D for the individual Airports found in Appendix B of these regulations, are those most affected by concentrated flight activities resulting from use of the Airport. The FAA and the State of Montana require airport owners to preserve and protect their airports as part of the larger transportation infrastructure. The Airport is required to comply with FAA regulations and grant assurances within its own boundaries to remain eligible for federal funding assistance, and is requested to comply with those regulations

outside its boundaries.

a. Airport Influence Area. The airport influence area shall extend 10,000 feet from the thresholds of each runway and 1 mile wide on each side of each runway centerline per MCA 67-7-201.

b. Airport Property Area. The airport property area is hereby established as that land owned in part by Chouteau County and known as the Big Sandy Airport and the Fort Benton Airport, exclusive of the airport runway protection areas.

c. Airport Runway Protection Area. Airport runway protection areas are hereby established as trapezoidal areas centered about the extended runway centerline and contained on airport property.

i. Utility Visual Runway Protection Area. A utility visual runway protection area is established at each end of a utility visual runway. It is encompassed by the trapezoid with a width of 250 feet at a distance of 200 feet beyond the runway threshold, widening thereafter uniformly to a width of 450 feet at a distance of 1,200 feet beyond the runway threshold. For the Big Sandy Airport, each end of Runway 13-31 (existing/ultimate) shall be protected by a visual runway protection area. Both ends of Fort Benton Airport Runway 14-32 (existing/ultimate) shall be protected by a visual runway protection area.

ii. Non-precision Instrument Runway protection area (Not lower than 1-mile approach visibility minimum, Category A and B aircraft). A non-precision instrument runway protection area is established at each end of a non-precision runway. It is encompassed by the trapezoid with a width of 500 feet at a distance of 200 feet beyond the runway threshold, widening thereafter uniformly to a width of 700 feet at a distance of 1,200 feet beyond the runway threshold. For the Big Sandy Airport, both ends of Runway 6-24 (existing/future/ultimate) shall be protected for a non-precision approach, not lower than 1-mile visibility, category B aircraft. Both ends of Fort Benton Airport Runway 5-23 (existing/ultimate) shall be protected for a non-precision approach, not lower than 1-mile visibility, category B aircraft.

d. Runway Area of Influence. The runway areas of influence are hereby established as trapezoidal areas centered about the extended runway centerline exclusive of the airport property.

i. Utility Visual Runway Protection Area. A utility visual runway protection area is established at each end of a utility visual runway. It is encompassed by the trapezoid with a width of 250 feet at a distance of

200 feet beyond the runway threshold, widening thereafter uniformly to a width of 450 feet at a distance of 1,200 feet beyond the runway threshold. For the Big Sandy Airport, each end of Runway 13-31 (existing/ultimate) shall be protected by a visual runway protection area. Both ends of Fort Benton Airport Runway 14-32 (existing/ultimate) shall be protected by a visual runway protection area.

ii. **Non-precision Instrument Runway protection area** (Not lower than 1-mile approach visibility minimum, Category A and B aircraft). A non-precision instrument runway protection area is established at each end of a non-precision runway. It is encompassed by the trapezoid with a width of 500 feet at a distance of 200 feet beyond the runway threshold, widening thereafter uniformly to a width of 700 feet at a distance of 1,200 feet beyond the runway threshold. For the Big Sandy Airport, both ends of Runway 6-24 (existing/future/ultimate) shall be protected for a non-precision approach, not lower than 1-mile visibility, category B aircraft. Both ends of Fort Benton Runway 5-23 (existing/ultimate) shall be protected for a non-precision approach, not lower than 1-mile visibility, category B aircraft.

2. Land Use in Areas

Regulation of land uses in the AAA around the airport serves to protect the health and safety of those on the ground and in the air and preserve the public investment in transportation infrastructure. Well-established accident data indicate land uses that concentrate people close to aircraft approach and departure paths should be avoided to increase safety. Land uses in the vicinity of an airport should be those compatible with noise, fumes, vibrations, and hours of operation typical of an airport environment. Ground uses that endanger aircraft by degrading navigation by instruments, distracting or disorienting pilots, and attracting birds into the flight paths should not be located in the airport environs.

Permitted uses are those uses allowed by obtaining a permit approved pursuant to these regulations serves as notification to the Administrative Officer of those uses. Conditional uses are those uses that may be allowed provided a permit is obtained pursuant to the procedures set forth in these regulations. Conditional uses will be scrutinized to a greater extent than permitted uses and may be limited in extent and duration. All other uses are prohibited, including sources of electromagnetic effects that may interfere with electronic navigational aids, and lights/reflectors other than navigational aids that glare upward or shine on or in the direction of the airport, and bird attractants such as solid waste disposal sites and lagoons. Under extraordinary circumstances, some uses that are not permitted or listed as conditional uses may be allowed, provided a variance is obtained pursuant to these regulations.

When the following areas overlap, the more restrictive uses apply.

a. Use Restrictions

i. Airport Influence Area.

(aa). Conditional uses:

- (i).** Residential subdivisions if their covenants:
- 1) state that Chouteau County has the right to operate an airport, and residents waive their right to protest the operation of the Airports regarding noise and will be noted on the final plat,
 - 2) require lighting be downward shielded so not to interfere with airport activities, and
 - 3) require roofing materials to be non-reflective.

(bb). Prohibited uses:

- (i).** Solid waste disposal sites, lagoons, or other bird attractants,
- (ii).** Sources of electromagnetic effects that may interfere with electronic navigational aids,
- (iii).** Lights/reflectors other than navigational aids that glare upward or shine on or in the direction of the airport.

ii. Airport Runway Protection Area.

(aa). Permitted uses:

- (i).** Agriculture (other than forestry or livestock).
- (ii).** Livestock, outside the Airport's fence.
- (iii).** Local-access public roadways, when separated from airport airside activities with fencing, lockable gates, and "restricted access" signing.
- (iv).** Local access, non-motorized paths and trails, when separated from airport airside activities with fencing, lockable gates, and "restricted access"

signing.

(v). Automobile parking, when located 125' for visual runways, or 250' for instrument runways or more from the extended centerline of the Airport runway.

(bb). Conditional uses:

(i). Special-use roadways, trails, automobile parking areas, and railroads that satisfy height restrictions.

(cc). Prohibited uses:

(i). Residences

(ii). Educational centers (including all types of primary and secondary schools, pre-schools, childcare facilities).

(iii). Hospitals, medical inpatient treatment facilities, nursing/convalescent home facilities.

(iv). Places of worship

(v). Places of public assembly not previously listed.

(vi). Fuel handling and storage facilities.

ii. Airport Property Area

(aa). Permitted uses:

(i). Aircraft runways, taxiways, ramps, parking areas, and fuel storage facilities.

(ii). Aircraft operational facilities including, but not limited to, instrument landing systems, visual navigational aids and related equipment; communication facilities; weather service offices and equipment.

(iii). Hangars and buildings which may be used for the storage or maintenance of aircraft; airport snow removal, sweeping and other maintenance equipment, and other aviation-related or ancillary activities.

(iv). Offices and facilities for airport management, air charter, air taxi, crop spraying, aircraft sales or rentals, and air cargo processing facilities.

(v). Flight schools, flying clubs and other schools or training facilities relating to aviation or air-related transportation.

(vi). Pilot facilities for flight planning, passenger briefing, transition to ground transportation, and resting between flights.

(vii). Offices and facilities for the operation and maintenance of air rescue, emergency, and firefighting services.

(viii). Aircraft maintenance, manufacturing, and testing facilities.

(ix). Offices and facilities of Federal, State, and local government entities.

(x). Non-aviation-related businesses, including office space, manufacturing facilities, and storage.

(xi). Agriculture (other than forestry or livestock).

(xii). Local access public roadways, when separated from airport airside activities with fencing, lockable gates, and “restricted access” signing.

(xiii). Local access, non-motorized paths and trails, when separated from airport airside activities with fencing, lockable gates, and “restricted access” signing.

(xiv). Automobile parking, when located 125’ for visual runways, or 250’ for instrument runways or more from the extended centerline of the Airport

runway.

(xv). Underground utilities.

(bb). Conditional Uses.

(i). Commercial &/or light commercial development.

(ii). Industrial &/or light industrial development.

(iii). Unattended self-storage facilities.

(iv). Above-ground utilities.

(v). Businesses that are sanctioned by the Airport Board, but have not been heretofore mentioned.

(vi). Under unique, extenuating circumstances, a temporary use, for up to one year, that complies with current building and fire codes.

(cc). Prohibited uses:

(i). No other use, other than those explicitly allowed above.

iii. Runway Area of Influence

(aa). Permitted uses:

(i). Agriculture (other than forestry or livestock)

(ii). Livestock outside the Airport's fence.

(iii). Roadways, automobile parking areas, and railroads that satisfy height restrictions.

(bb). Conditional uses:

(i). Outbuildings, shops, sheds, and storage buildings.

(ii). Expansion of existing structures.

(cc). Prohibited uses:

(i). Educational centers (including all types of primary and secondary schools, pre-schools, child care facilities).

(ii). Hospitals, medical inpatient treatment facilities, nursing/convalescent home facilities.

(iii). Places of worship.

(iv). Places of public assembly not previously listed.

(v). Residences

(vi). Fuel handling and storage facilities.

D. Relationship of Zones and Areas

These regulations describe both zones and areas, which overlap. If there is a conflict between allowable heights in zones and allowable uses in areas, the more stringent interpretation applies.

Section V. Nonconforming Uses

It is not the purpose or intent of these regulations to require removal or alteration of any existing structure or tree or to require the cessation or alteration of a use that was lawfully in existence when these regulations become effective. However, it is assumed nonconforming uses will not continue forever. The following provisions are designed to reasonably address nonconforming uses or structures or trees.

A. Documentation of uses and structures or trees

The Administrative Officer shall document, to the best of the Officer's ability and within a reasonable time after adoption of these regulations, those existing uses of land and the existence of structures or trees found in the AAA, with an estimate of the height of structures or trees.

1. Nonconforming uses of land

Any lawful use of land in existence when these regulations become effective may continue, but reconstruction of a structure, that contains a nonconforming use, after destruction or substantial damage which affects that use, may be prohibited. Any addition to or remodel of a structure containing a nonconforming use requires a variance under these regulations.

2. Nonconforming structures or trees

Existing structures or trees may continue to exist but their expansion or additional growth is prohibited unless a variance is obtained under the provisions of these regulations.

B. Substantial damage to a nonconforming use

“Substantial damage” occurs when 80% or more of a structure or tree is deteriorated or decayed, or when that structure or tree has been torn down or destroyed. The Administrative Officer has the authority to determine substantial damage. A substantially damaged structure or tree, which is nonconforming, may not be reconstructed or replaced without first obtaining a variance under the provisions of these regulations and then obtaining a permit.

C. Maintaining nonconforming trees

After identification of trees in place at the time these regulations become effective, the County may trim those trees, at its expense, to maintain their heights at the time of identification.

D. Marking nonconforming trees or structures

If the County elects to install, operate, and maintain, at its own expense, lights and markers necessary to warn pilots of a nonconforming use, the owners of those structures or trees shall allow this activity.

E. Residential land uses

If land in an area in which residential use is not permitted by these regulations has been developed for that use or platted for that use, the residential use may continue, but existing owners must be notified by the Administrative Officer that the lots are within an adopted AAA within a reasonable time after its designation. It is the responsibility of those owners to notify subsequent purchasers of the property that the property is in an AAA and may be affected by these regulations.

Section VI. Amendment of Regulations

These regulations may be amended by following the same procedure for adoption as set forth in Section 67-7-201 (5), MCA, including the involvement of the Airport Board.

Section VII. Additional Provisions

A. Acquisition of property rights

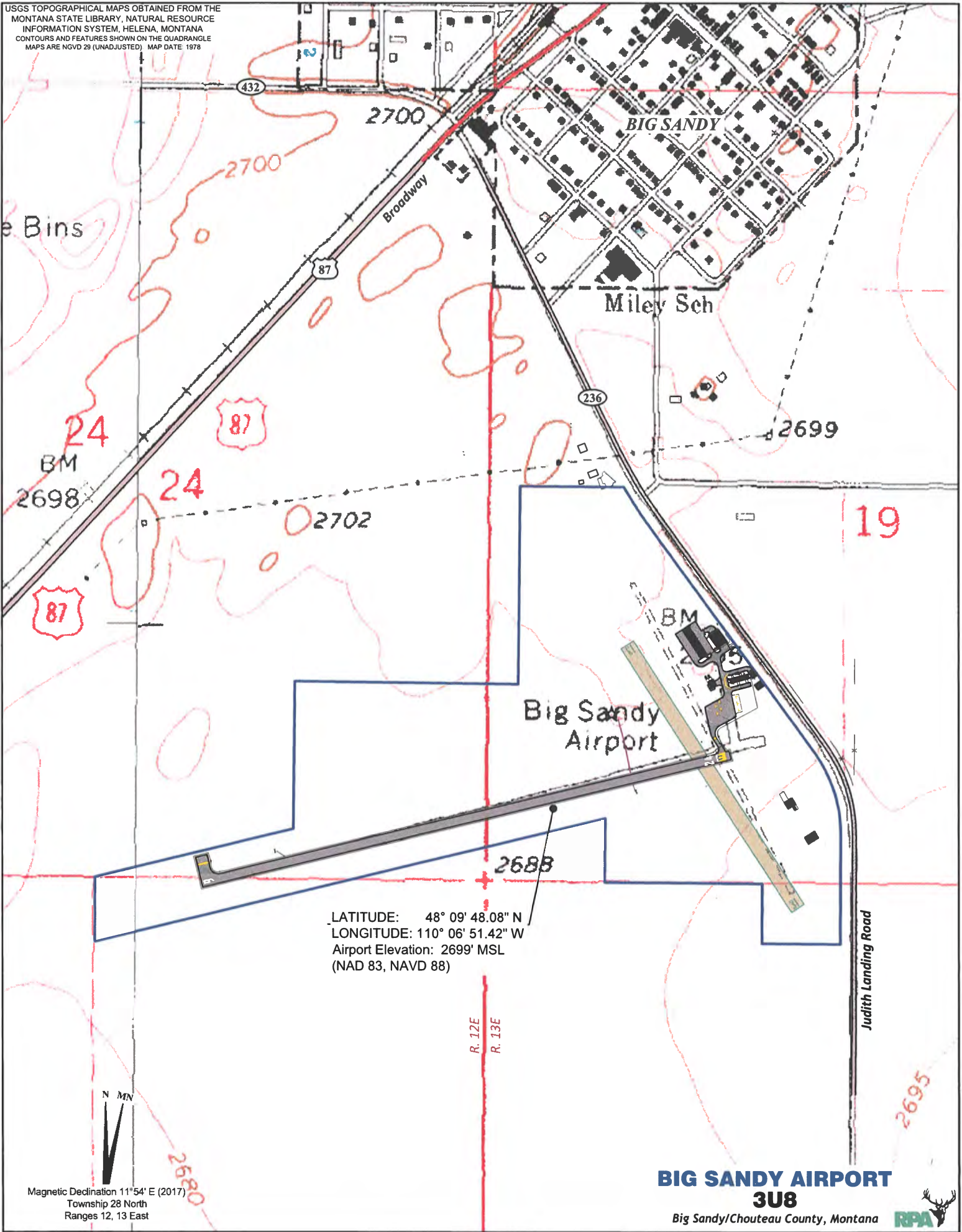
Chouteau County may protect the Airport by utilizing statutory rights set forth in Section 67-7-210, MCA, eminent domain and other sections found in Title 67.

B. Relationship of AAA regulations to zoning ordinances

If Chouteau County, the Town of Big Sandy, or the City of Fort Benton has adopted a zoning ordinance or resolution and there is a conflict between these regulations and the zoning ordinance or resolution, the more stringent limitation or requirement prevails.

**APPENDIX A:
AIRPORT LOCATION MAPS**

USGS TOPOGRAPHICAL MAPS OBTAINED FROM THE MONTANA STATE LIBRARY, NATURAL RESOURCE INFORMATION SYSTEM, HELENA, MONTANA. CONTOURS AND FEATURES SHOWN ON THE QUADRANGLE MAPS ARE NGVD 29 (UNADJUSTED). MAP DATE: 1978



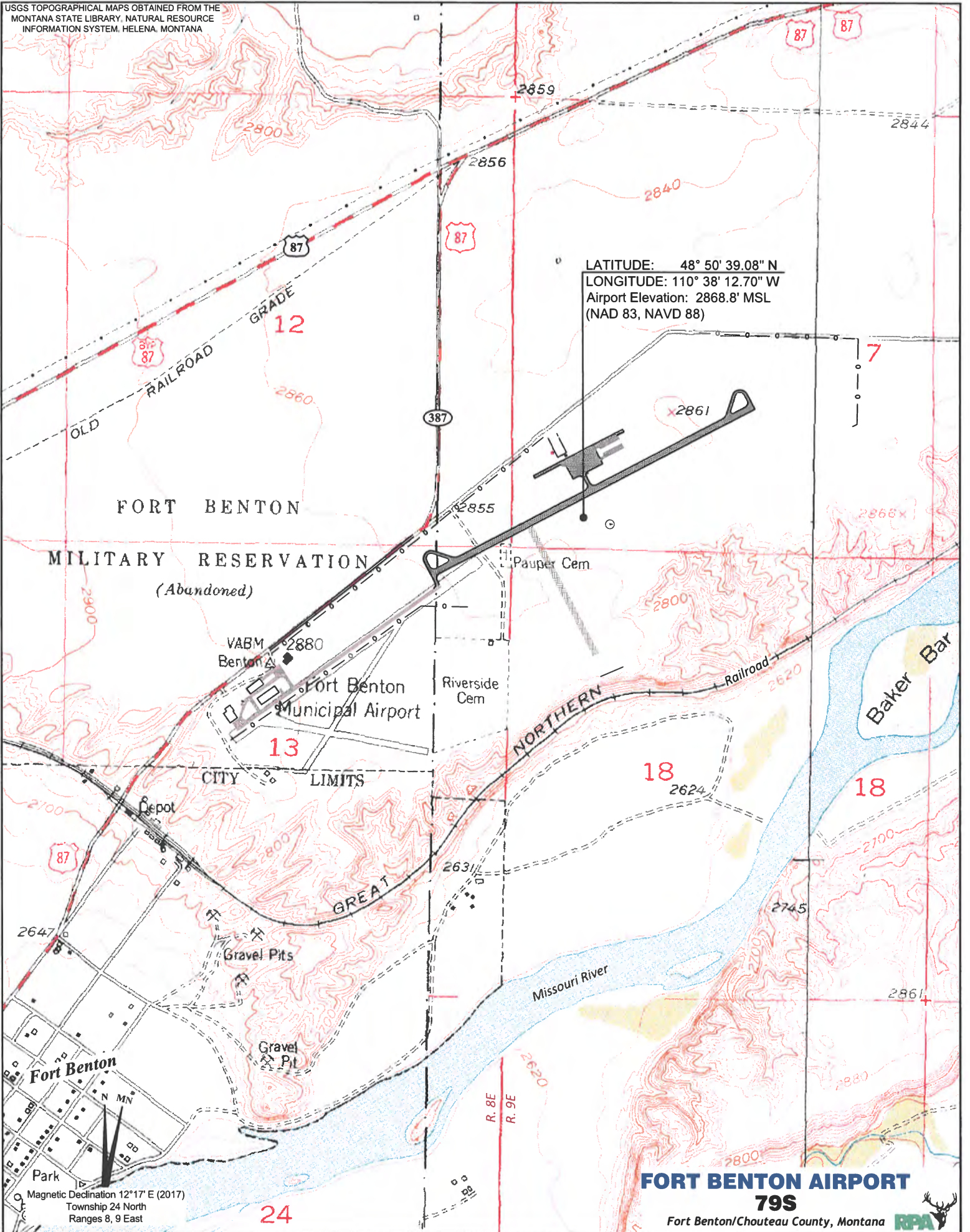
LATITUDE: 48° 09' 48.08" N
LONGITUDE: 110° 06' 51.42" W
Airport Elevation: 2699' MSL
(NAD 83, NAVD 88)

Magnetic Declination 11°54' E (2017)
Township 28 North
Ranges 12, 13 East

BIG SANDY AIRPORT 3U8

Big Sandy/Chouteau County, Montana





LATITUDE: 48° 50' 39.08" N
LONGITUDE: 110° 38' 12.70" W
Airport Elevation: 2868.8' MSL
(NAD 83, NAVD 88)

FORT BENTON
MILITARY RESERVATION
(Abandoned)

VABM Benton
Fort Benton Municipal Airport

Pauper Cem
Riverside Cem

CITY LIMITS

Gravel Pits
Gravel Pit

Missouri River

Baker Bar

Fort Benton

Magnetic Declination 12°17' E (2017)
Township 24 North
Ranges 8, 9 East

**FORT BENTON AIRPORT
79S**

Fort Benton/Chouteau County, Montana



**APPENDIX B:
AIRPORT AFFECTED AREA MAPS FOR BIG SANDY
AND FORT BENTON AIRPORTS**



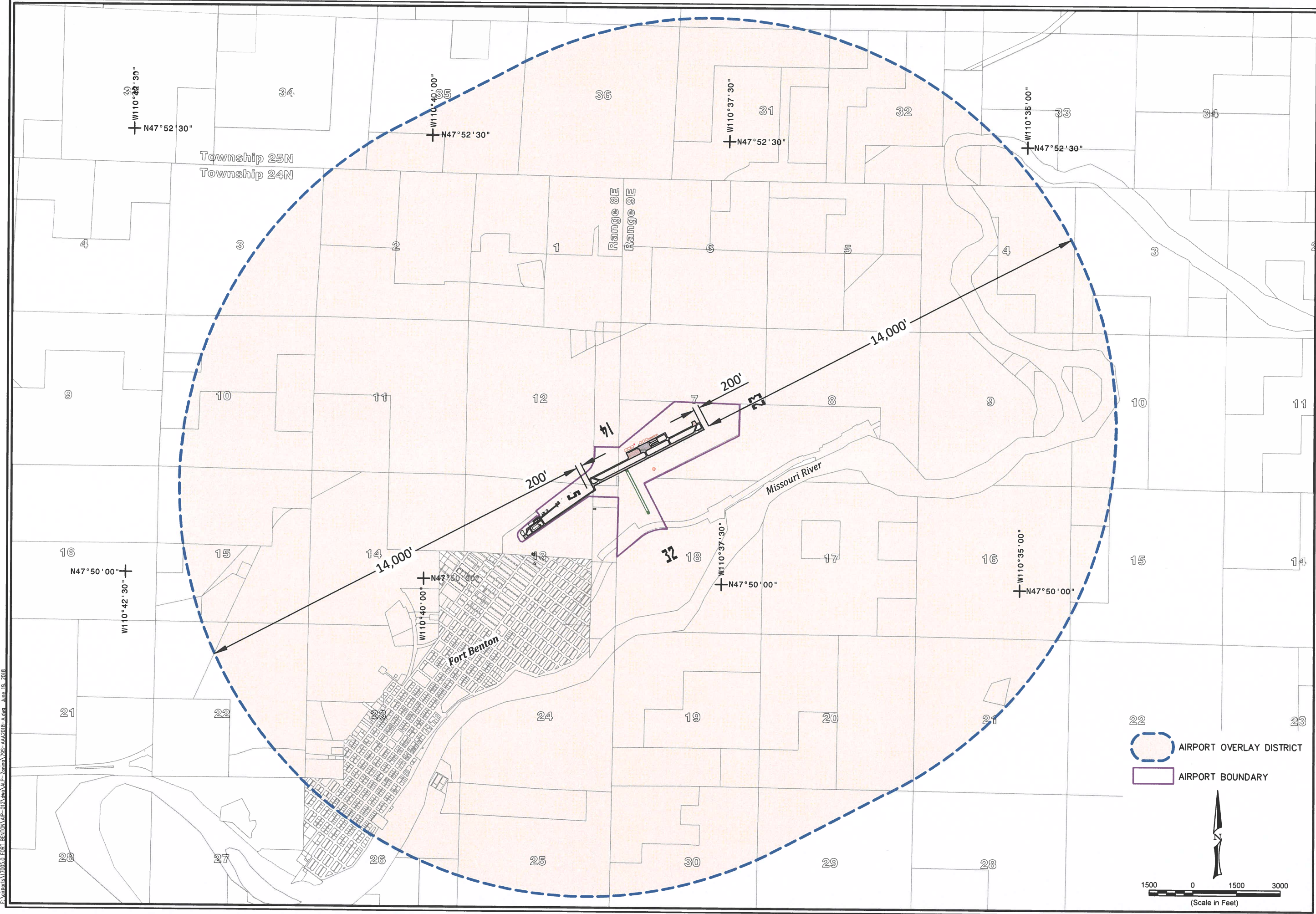
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DESIGNED BY	DATE
N. GEARY	17005.000
DRAWN BY	PROJECT NO.
B. BURKLAND	79S-AAA2018-A
CHECKED BY	FILE

PROJECT:
FORT BENTON AIRPORT
Chouteau County, Montana

SHEET TITLE
**AIRPORT
AFFECTED AREA**

SHEET
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1 OF 1



AIRPORT OVERLAY DISTRICT
 AIRPORT BOUNDARY



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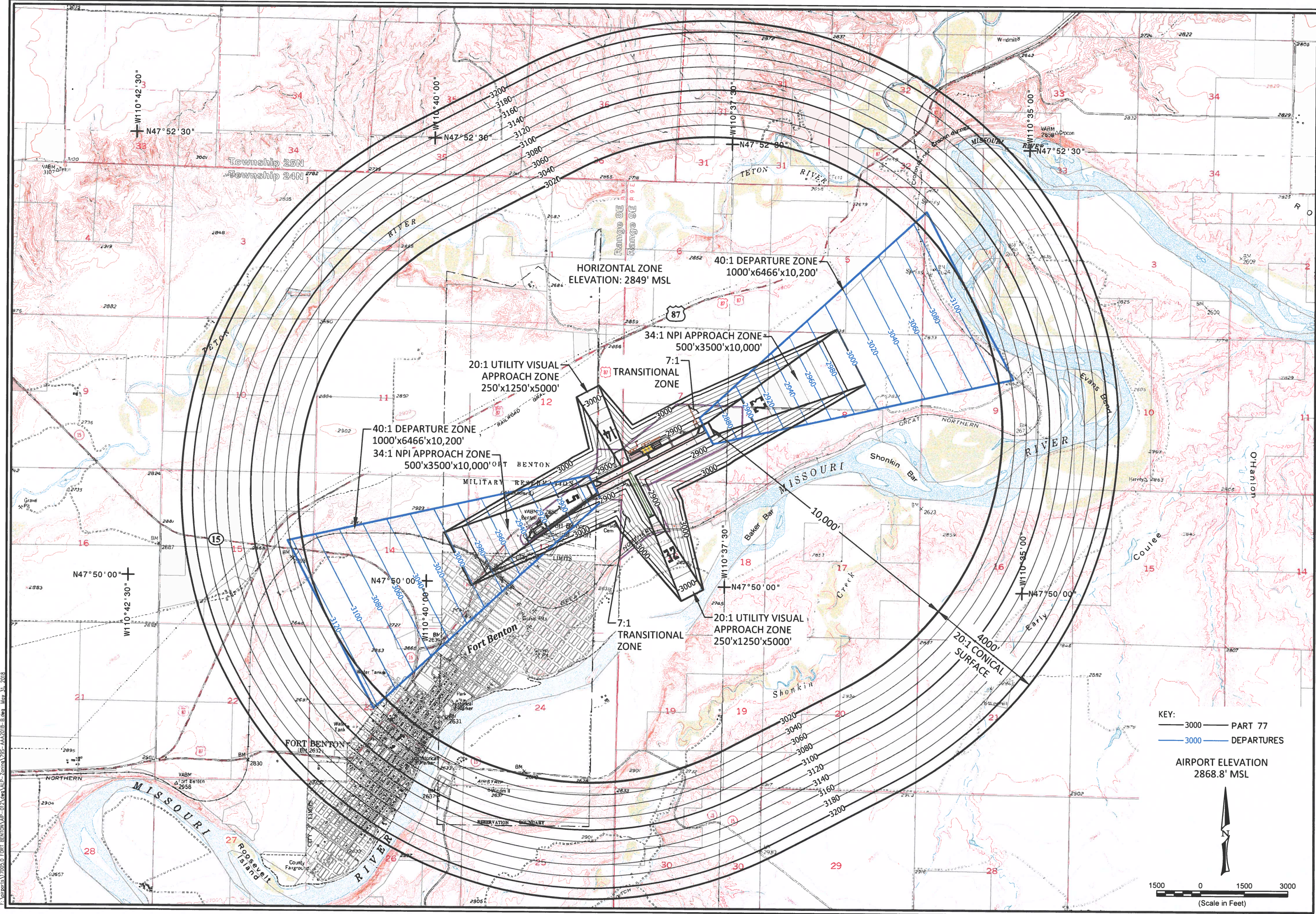
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DESIGNED BY	DATE
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CHECKED BY	FILE

PROJECT: **FORT BENTON AIRPORT**
AIRPORT HEIGHT RESTRICTION ZONES
 Chouteau County, Montana

SHEET TITLE: **AIRPORT HEIGHT RESTRICTION ZONES**

SHEET: **B**
 2 OF 5



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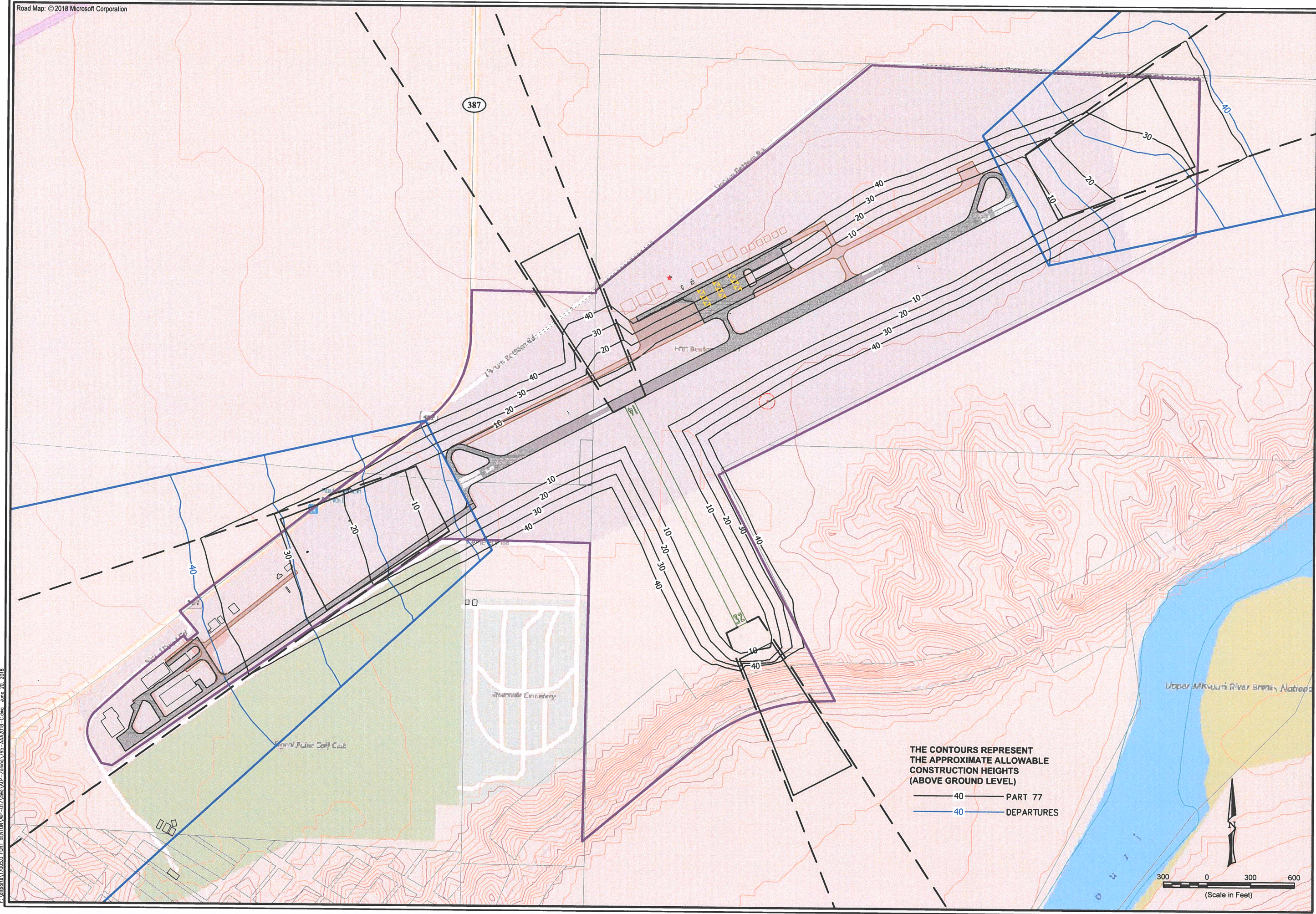
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B. BURKLAND	79S-AA2018-C
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PROJECT:
FORT BENTON AIRPORT
 Chouteau County, Montana

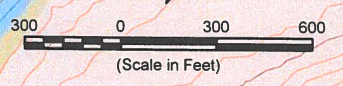
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 3 OF 5



THE CONTOURS REPRESENT THE APPROXIMATE ALLOWABLE CONSTRUCTION HEIGHTS (ABOVE GROUND LEVEL)

- 40 — PART 77
- 40 — DEPARTURES



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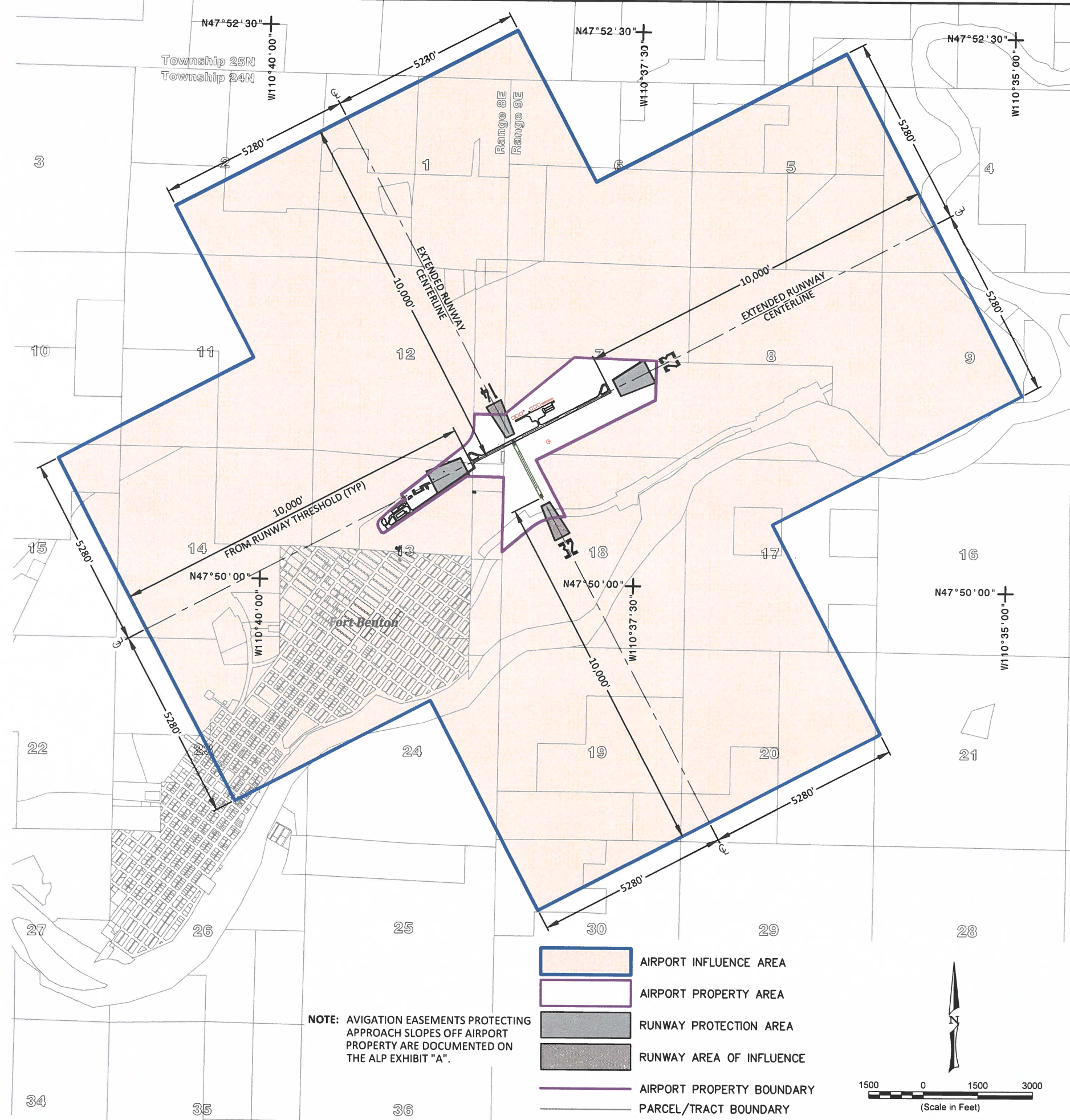
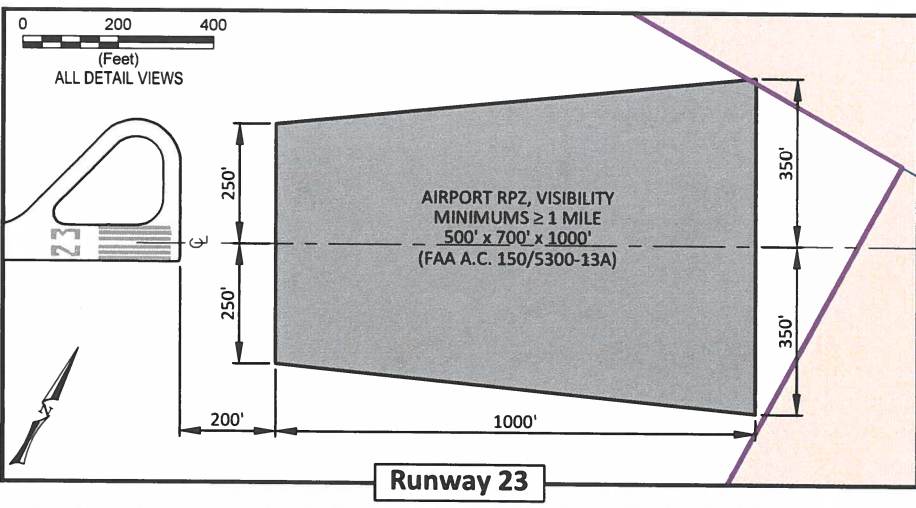
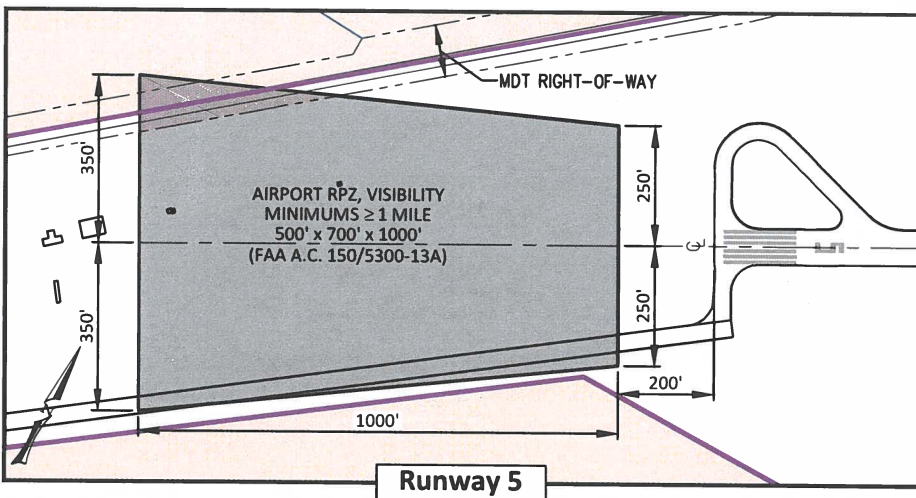
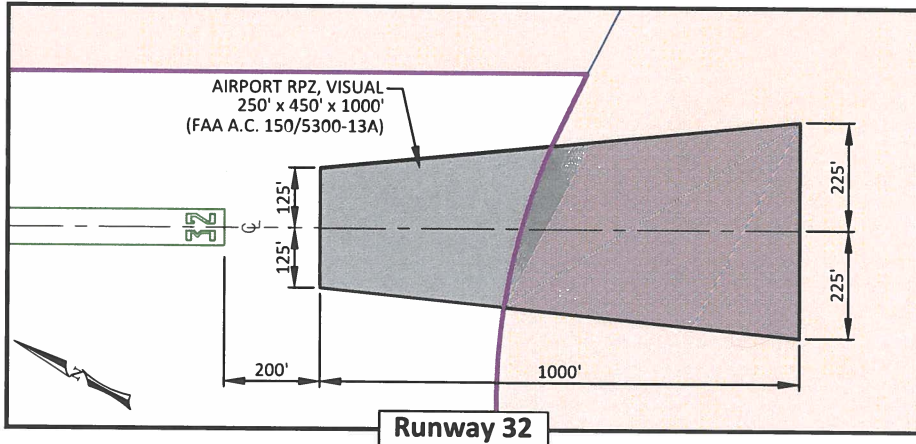
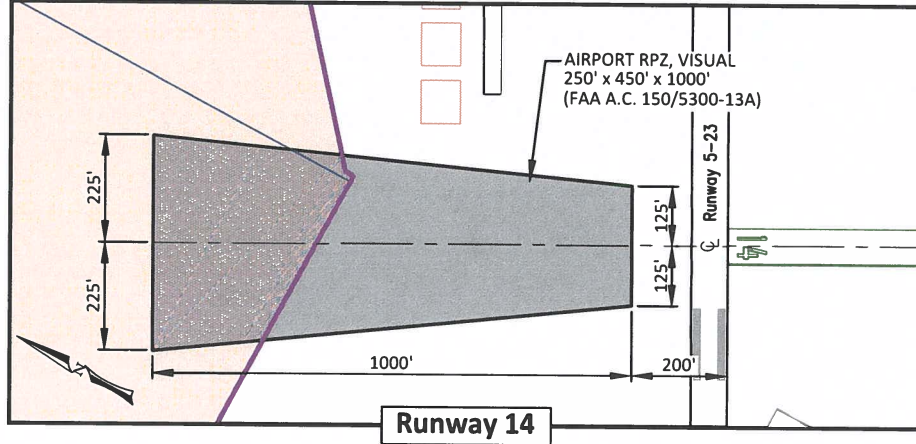
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Chouteau County, Montana

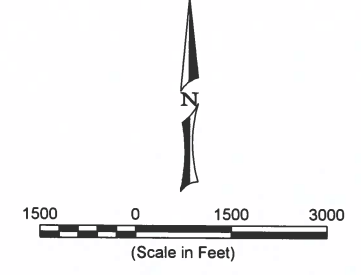
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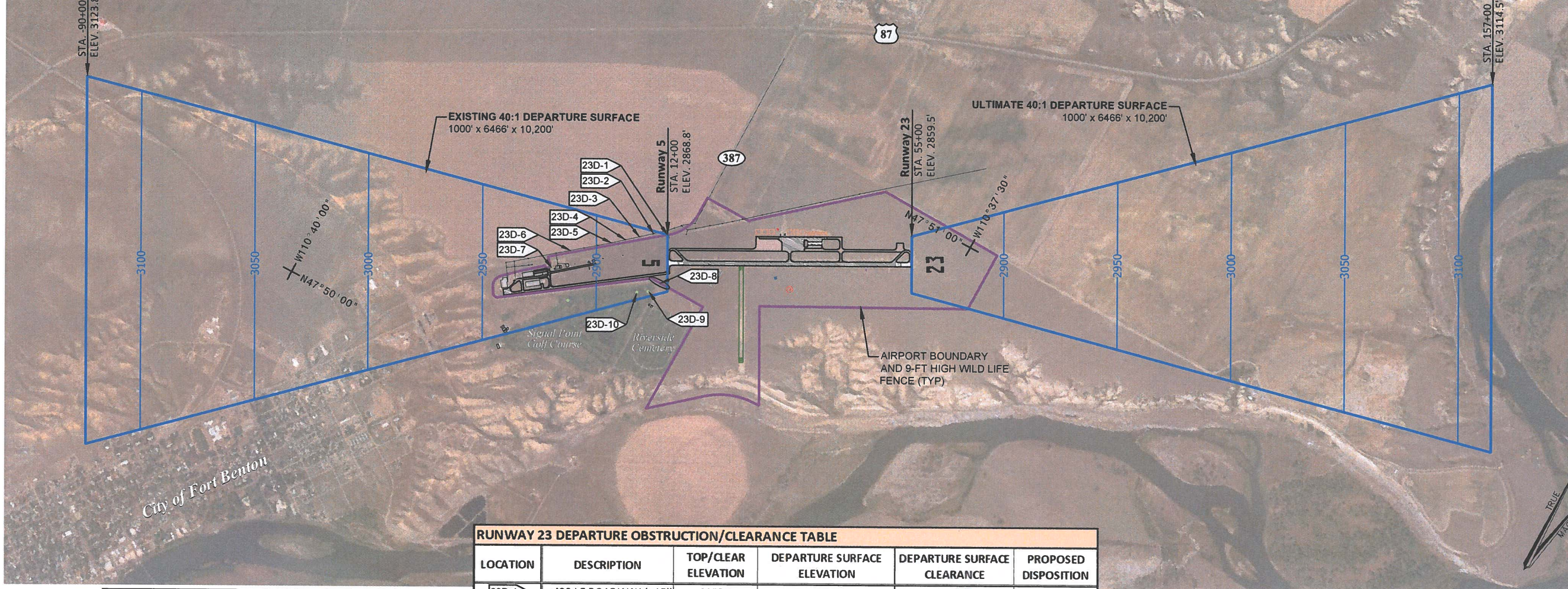


- AIRPORT INFLUENCE AREA
- AIRPORT PROPERTY AREA
- RUNWAY PROTECTION AREA
- RUNWAY AREA OF INFLUENCE
- AIRPORT PROPERTY BOUNDARY
- PARCEL/TRACT BOUNDARY

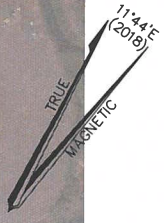
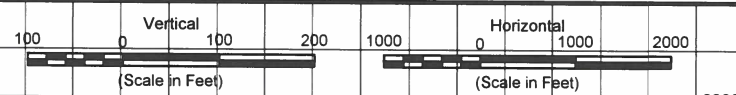
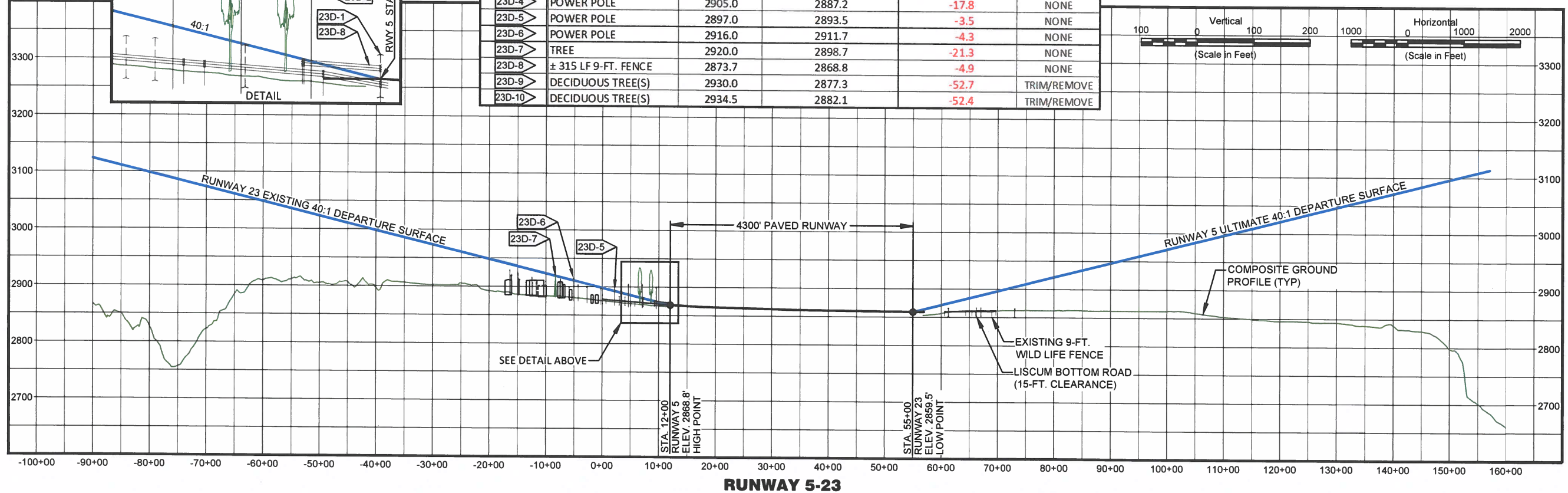
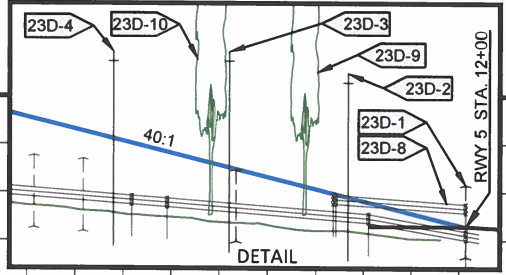
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RUNWAY 23 DEPARTURE OBSTRUCTION/CLEARANCE TABLE					
LOCATION	DESCRIPTION	TOP/CLEAR ELEVATION	DEPARTURE SURFACE ELEVATION	DEPARTURE SURFACE CLEARANCE	PROPOSED DISPOSITION
23D-1	± 490 LF ROADWAY (+15')	2877.3	2868.8	-8.5	NONE
23D-2	POWER POLE	2900.6	2875.0	-25.6	NONE
23D-3	POWER POLE	2905.0	2881.1	-23.9	NONE
23D-4	POWER POLE	2905.0	2887.2	-17.8	NONE
23D-5	POWER POLE	2897.0	2893.5	-3.5	NONE
23D-6	POWER POLE	2916.0	2911.7	-4.3	NONE
23D-7	TREE	2920.0	2898.7	-21.3	NONE
23D-8	± 315 LF 9-FT. FENCE	2873.7	2868.8	-4.9	NONE
23D-9	DECIDUOUS TREE(S)	2930.0	2877.3	-52.7	TRIM/REMOVE
23D-10	DECIDUOUS TREE(S)	2934.5	2882.1	-52.4	TRIM/REMOVE



SYM	REVISION	BY	APPR	DATE

B. BURKLAND	JUNE 2018	17005.000	79S-AAA2018-E
DESIGNED BY	DATE	PROJECT NO.	FILE
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DRAWN BY			
B. BURKLAND			
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PROJECT: **FORT BENTON AIRPORT**
Chouteau County, Montana

SHEET TITLE: **ADDITIONAL HEIGHT RESTRICTIONS (Non-14 CFR Part 77)**

SHEET



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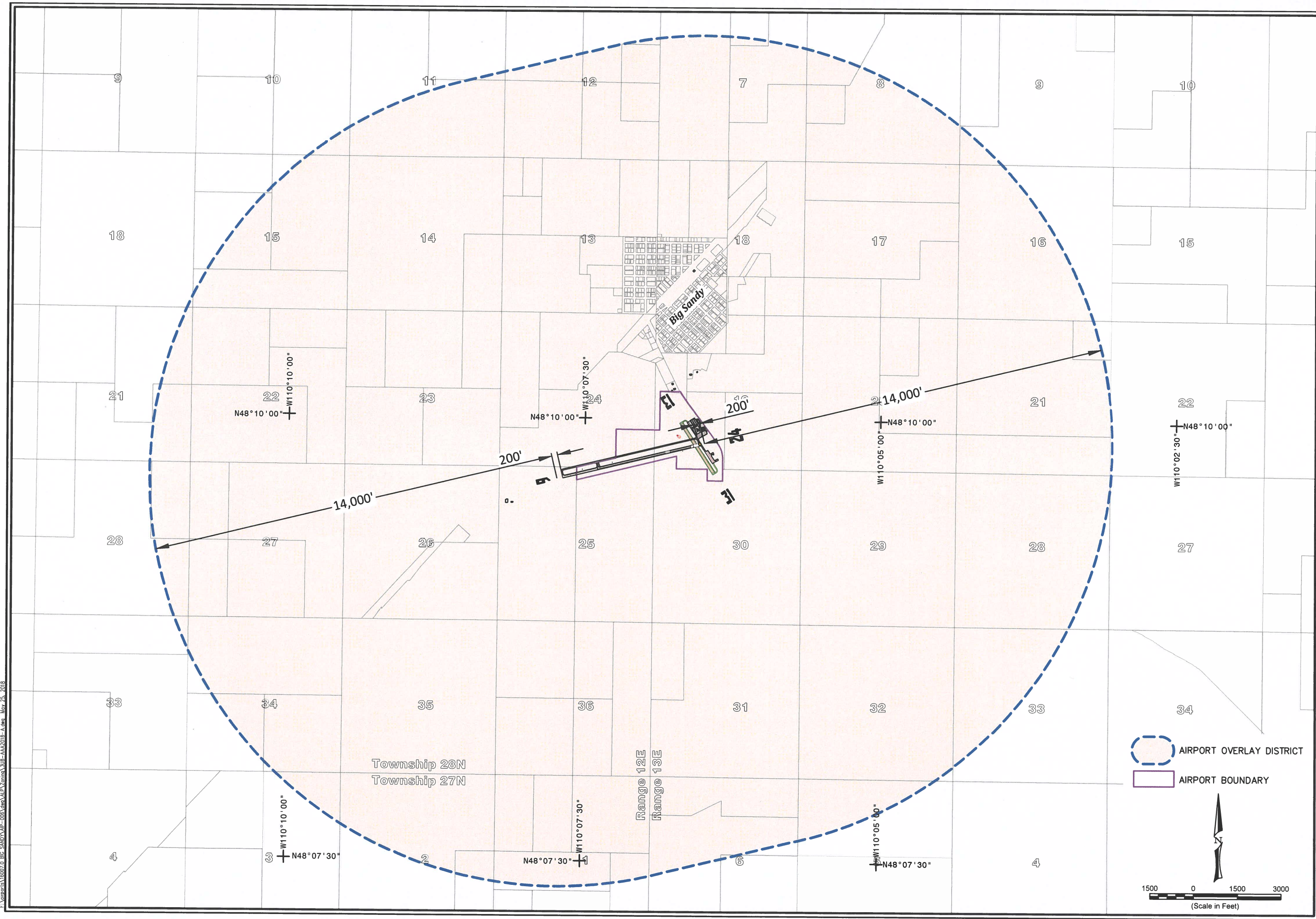
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B. BURKLAND CHECKED BY	3U8-AAA2018-A FILE

PROJECT:
BIG SANDY AIRPORT
Chouteau County, Montana

SHEET TITLE
**AIRPORT
AFFECTED AREA**

SHEET
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1 OF 5



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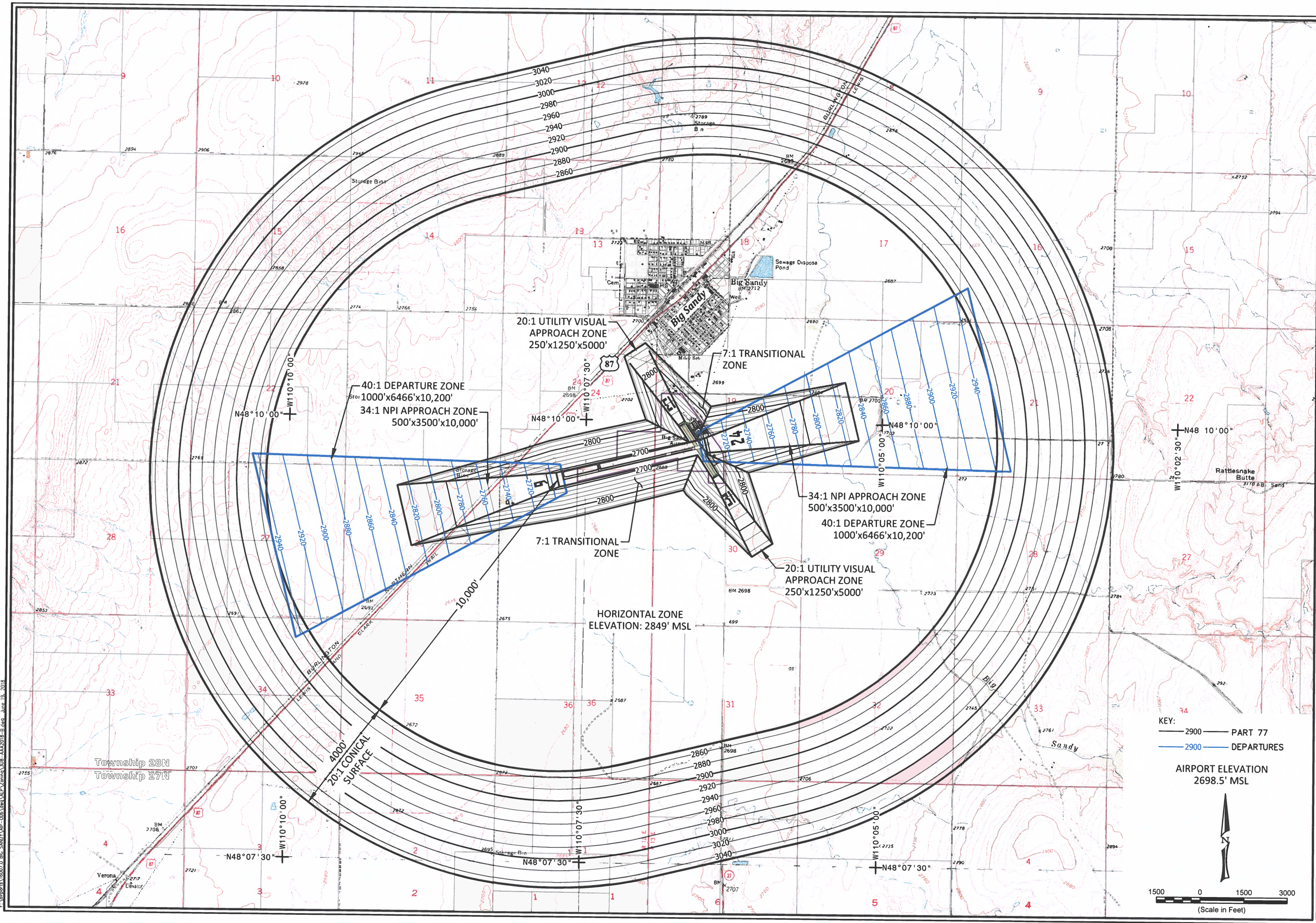
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PROJECT
BIG SANDY AIRPORT
Chouteau County, Montana

SHEET TITLE
AIRPORT HEIGHT RESTRICTION ZONES

SHEET
B
2 OF 5



KEY:
 — 2900 — PART 77
 — 2900 — DEPARTURES

AIRPORT ELEVATION
2698.5' MSL



1500 0 1500 3000
(Scale in Feet)

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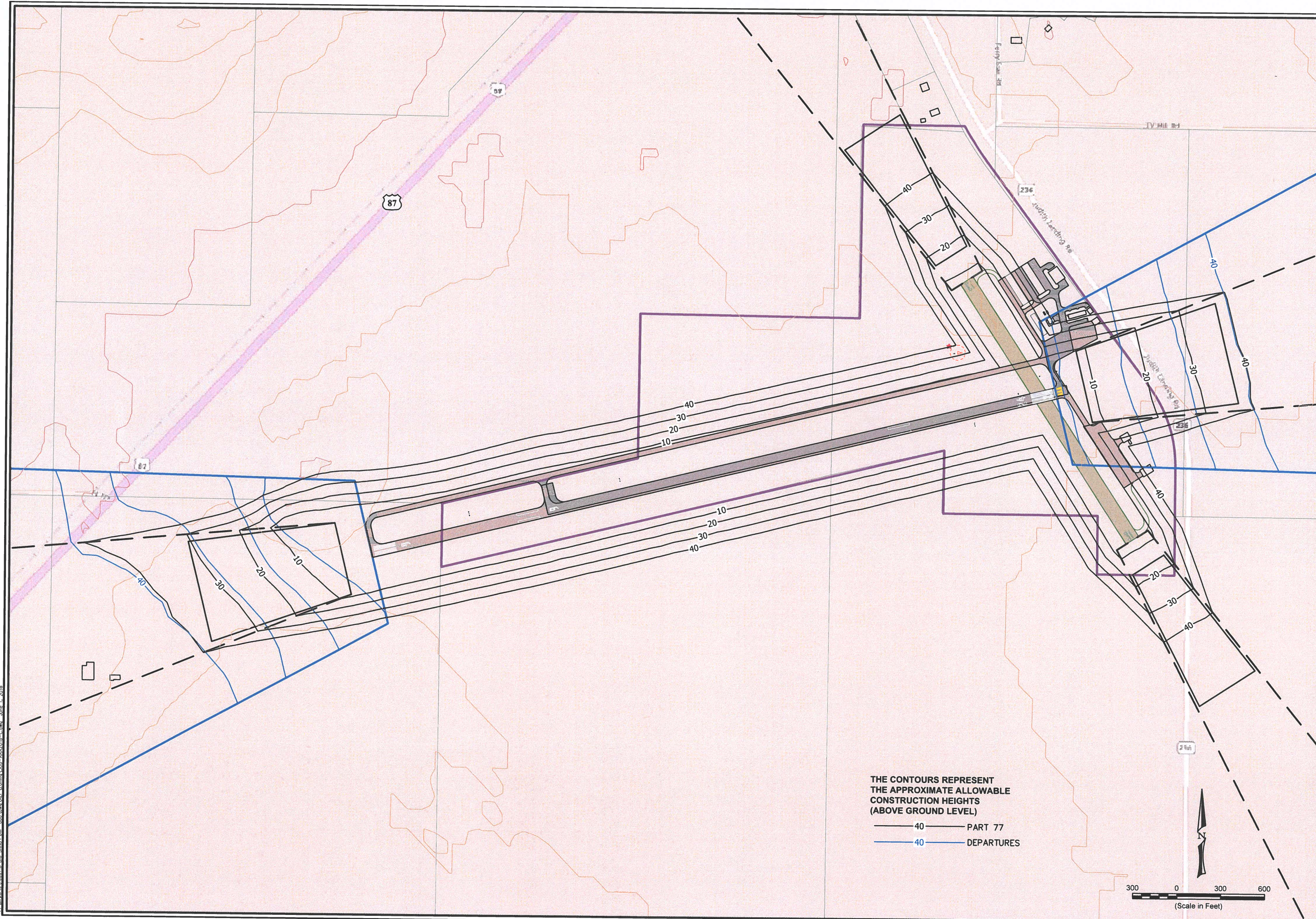
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BIG SANDY AIRPORT
Chouteau County, Montana

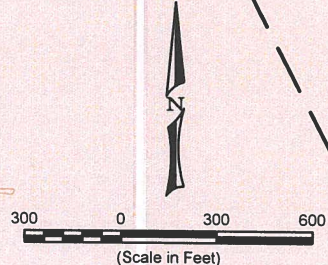
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THE CONTOURS REPRESENT
THE APPROXIMATE ALLOWABLE
CONSTRUCTION HEIGHTS
(ABOVE GROUND LEVEL)

- 40 — PART 77
- 40 — DEPARTURES



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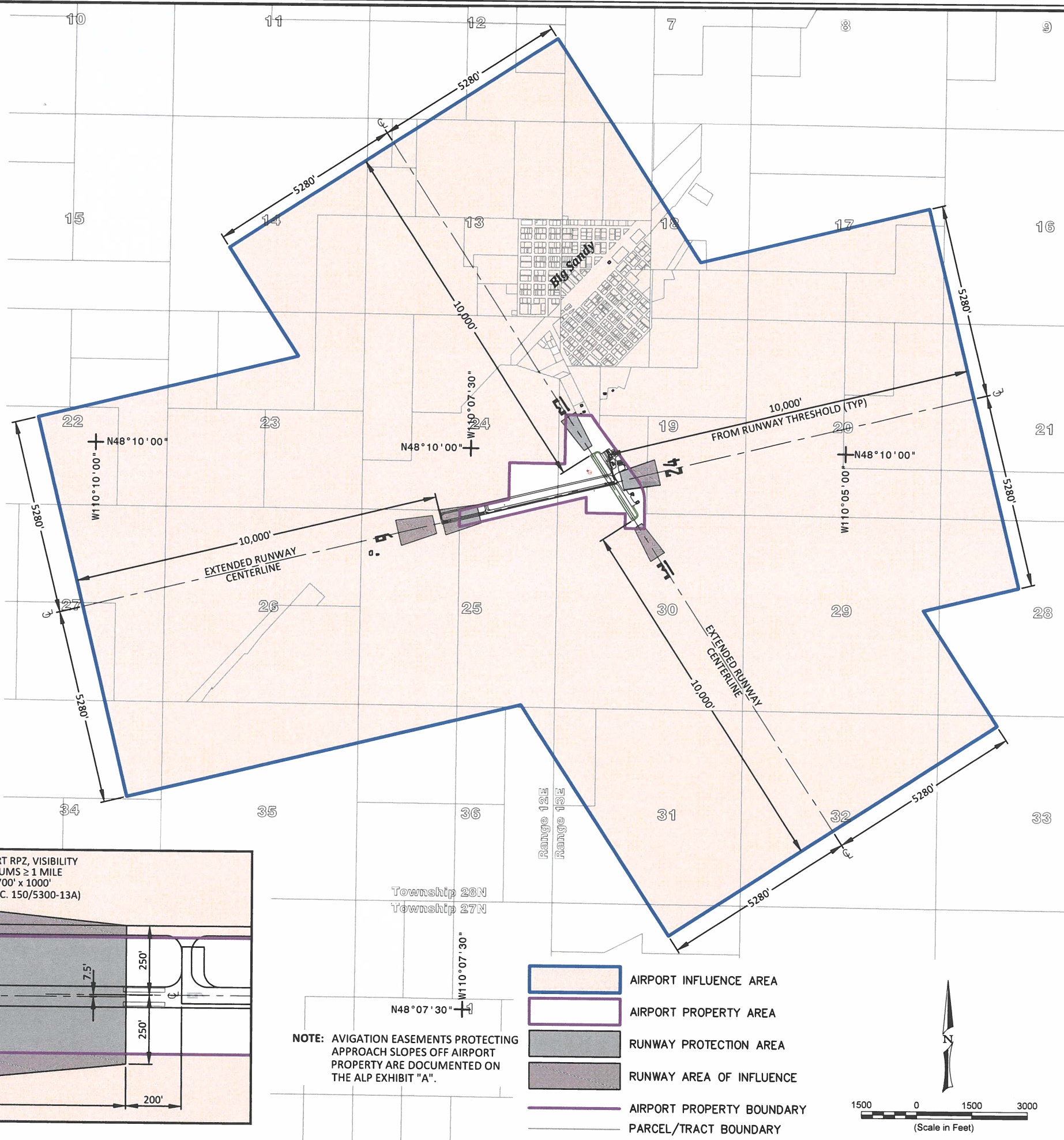
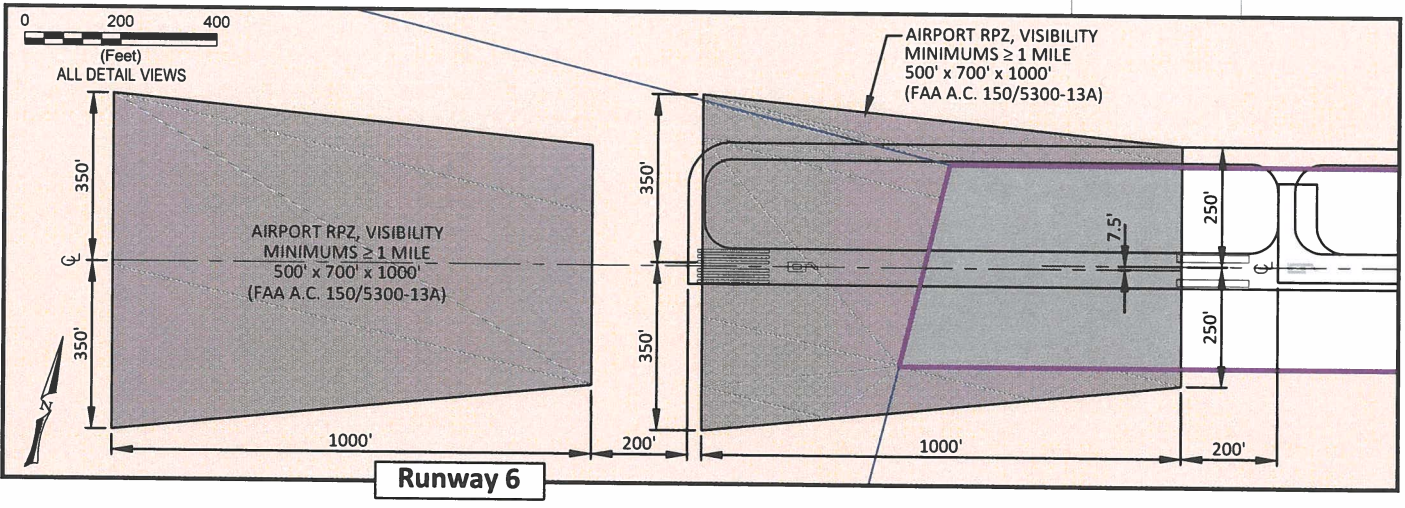
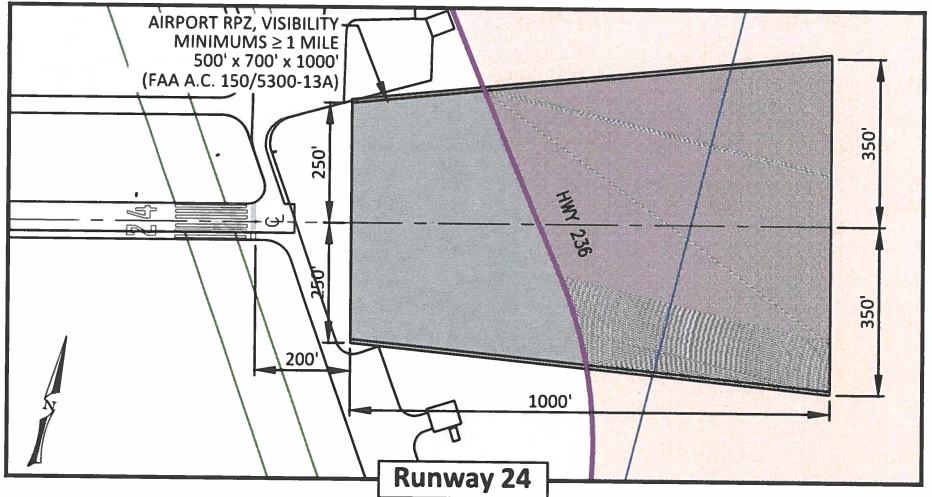
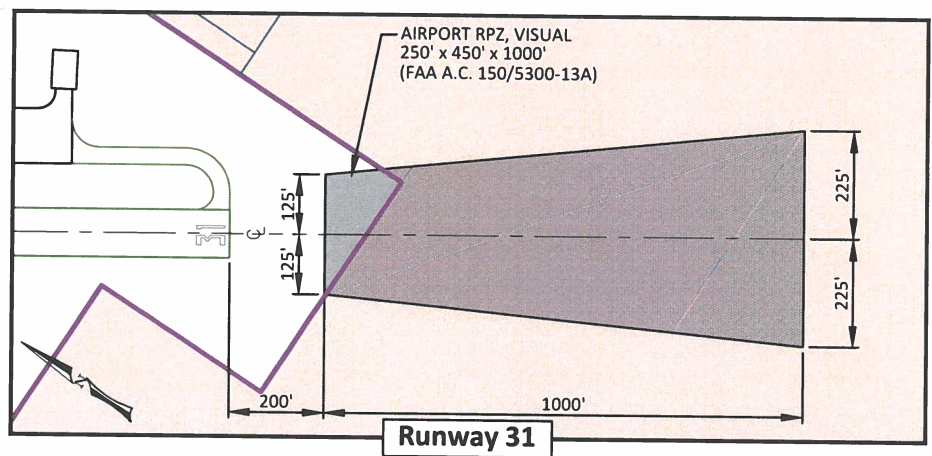
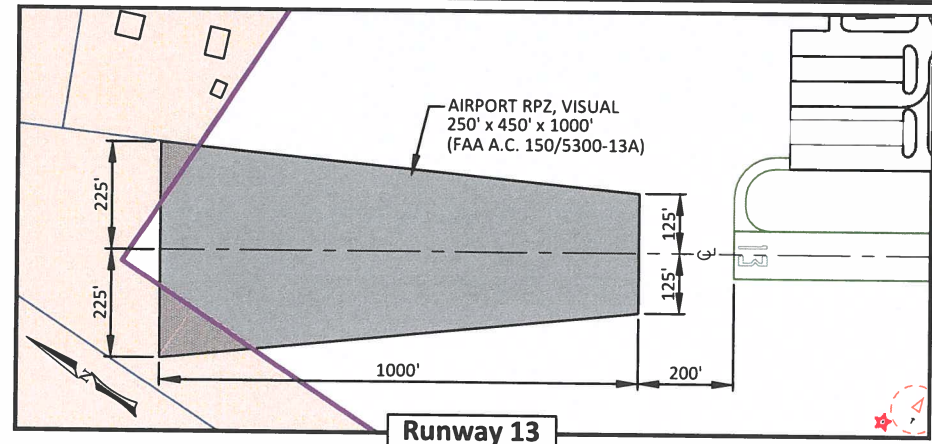
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PROJECT:
BIG SANDY AIRPORT
Chouteau County, Montana

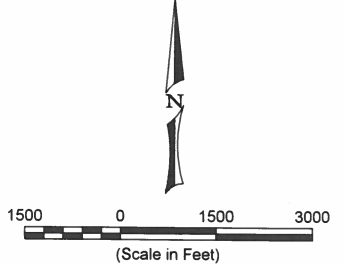
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LAND USE AREA**

SHEET
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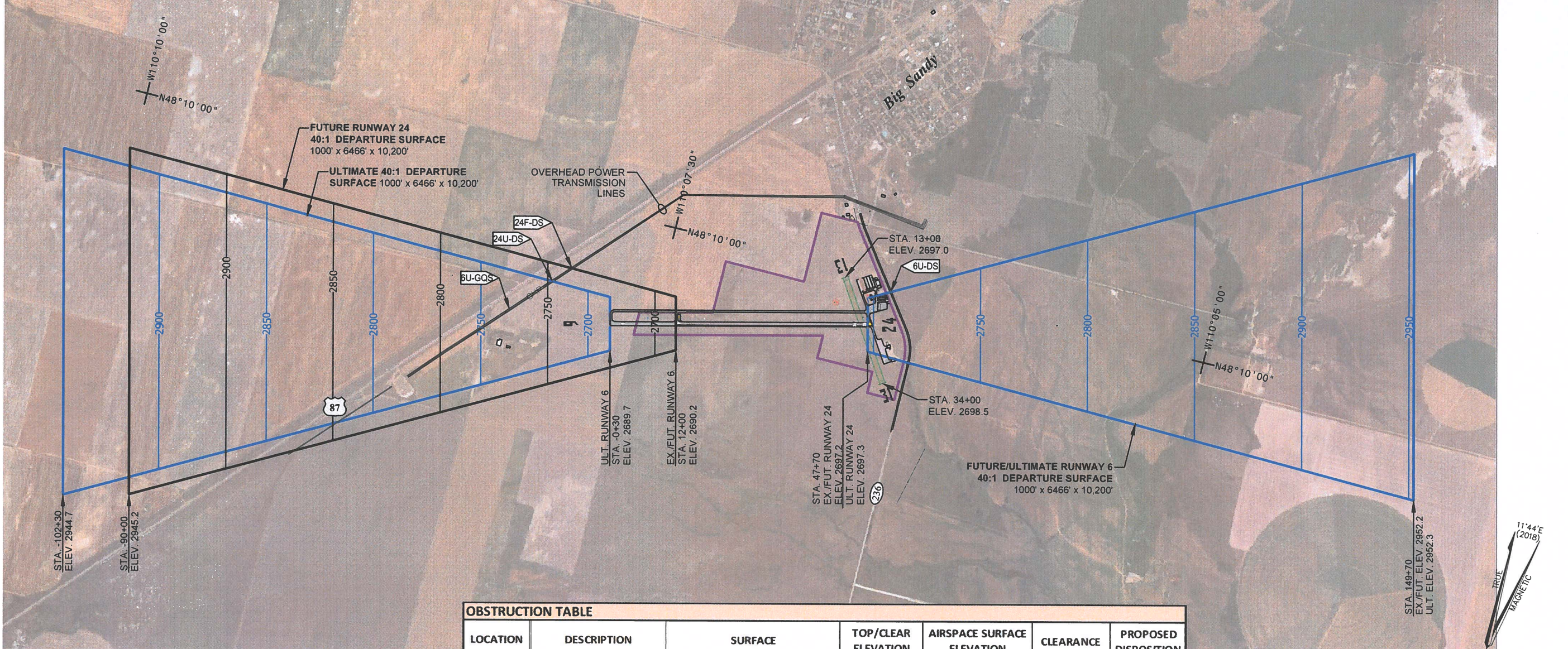


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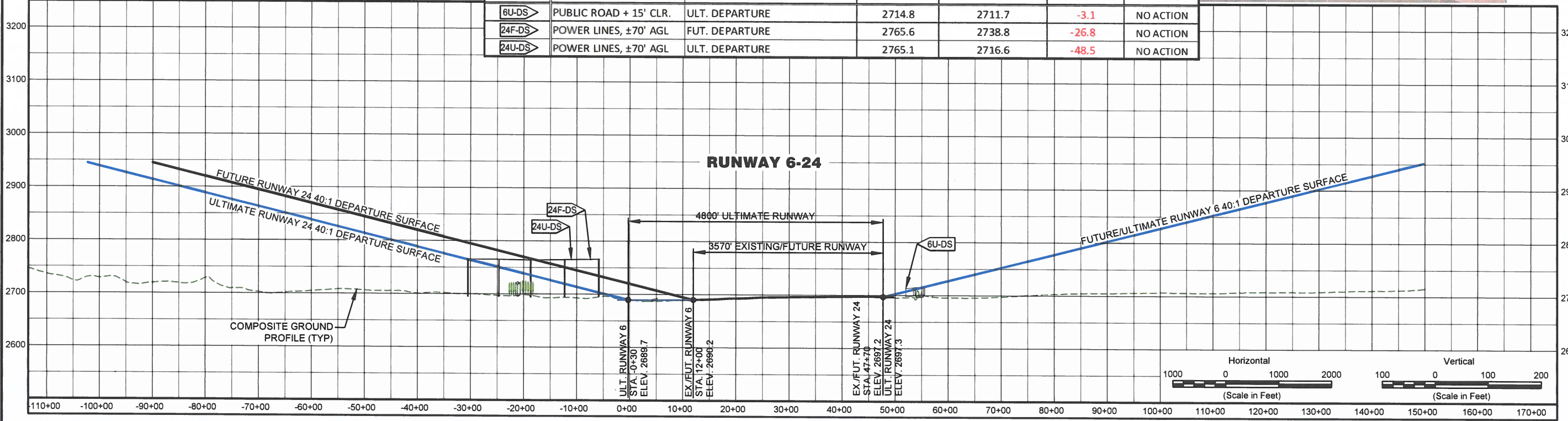
-  AIRPORT INFLUENCE AREA
-  AIRPORT PROPERTY AREA
-  RUNWAY PROTECTION AREA
-  RUNWAY AREA OF INFLUENCE
-  AIRPORT PROPERTY BOUNDARY
-  PARCEL/TRACT BOUNDARY



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OBSTRUCTION TABLE						
LOCATION	DESCRIPTION	SURFACE	TOP/CLEAR ELEVATION	AIRSPACE SURFACE ELEVATION	CLEARANCE	PROPOSED DISPOSITION
6U-DS	PUBLIC ROAD + 15' CLR.	ULT. DEPARTURE	2714.8	2711.7	-3.1	NO ACTION
24F-DS	POWER LINES, ±70' AGL	FUT. DEPARTURE	2765.6	2738.8	-26.8	NO ACTION
24U-DS	POWER LINES, ±70' AGL	ULT. DEPARTURE	2765.1	2716.6	-48.5	NO ACTION



SYM	REVISION	BY	APPR	DATE

B. BURKLAND	JUNE 2018	16007.000	3UB-AAA2018-E
DESIGNED BY	DATE	PROJECT NO.	FILE
N. GEARY			
DRAWN BY			
B. BURKLAND			
CHECKED BY			

PROJECT: **BIG SANDY AIRPORT**
Chouteau County, Montana

SHEET TITLE: **ADDITIONAL HEIGHT RESTRICTIONS (Non-14 CFR Part 77)**

**APPENDIX C:
AIRPORT AFFECTED AREA PERMIT FORM**

CHOUTEAU COUNTY AIRPORT AFFECTED AREA PERMIT

An individual or corporation proposing construction near an airport may be required to complete and submit an FAA Form 7460-1, "Notice of Proposed Construction" directly to the FAA, in addition to those requirements of Chouteau County outlined below. Chouteau County is making use of portions of the federal form as a convenience to those applying for a permit. Submission of this form to Chouteau County does not relieve the proponent of their other obligations under federal law.

STEP 1 – INFORMATIONAL PERMIT

On the FAA Form 7460-1, "Notice of Proposed Construction", available from the Administrative Officer, complete:

1. Items 1 through 5, 20, and 21, providing background information on the proposed project.

For land use change requests, write-in "Land Use Change" for Item 6 before submitting the partially completed form to the Administrative Officer.

The Administrative Officer has determined (*check one box*):

- Sufficient information has been provided to assure the proposed land use change will conform to the requirements of the AAA regulations as a "permitted use". The proposed land use change is **granted as requested / recommended for granting by the Chouteau County Joint Airport Board.**
- Information provided is incomplete or lacks sufficient clarity or accuracy to make a determination. Please revise and re-submit the following: _____

- The information provided indicates the proposed land use is likely a "conditional use" requiring a public hearing before the **Chouteau County Joint Airport Board.** Please make arrangements with the Administrative Officer for a properly published regularly scheduled meeting or special meeting.
- The information provided indicates the proposed land use is likely a "prohibited use" requiring you to seek a variance at a public hearing before the **Chouteau County Joint Airport Board.** Please make arrangements with the Administrative Officer for a properly published regularly scheduled meeting or special meeting.

CHOUTEAU COUNTY AIRPORT AFFECTED AREA PERMIT

For proposed structure(s) or tree(s), on FAA Form 7460-1, complete:

2. Item 12, confirming that “Big Sandy or Fort Benton, MT” is the nearest city.
3. Item 13, confirming the nearest public use airport is “Big Sandy Airport” or “Fort Benton Airport”.
4. Identify the location of the proposed project on the USGS 7.5 minute Quadrangle Map excerpt provided by the Administrative Officer. Hand-mark the location as nearly as possible, sign and date the page and include with the permit.
5. Item 11 confirming the datum of the quad map.
6. Item 16 using the highest elevation contour of the USGS quad map covered by, or immediately adjacent to the “footprint” of the proposed structure.
7. Item 17 providing proposed structure height or expected tree height at maturity.
8. Item 18 providing proposed structure elevation or expected tree elevation at maturity.
9. Item 21 providing a description of the proposal.

Return the partially completed form to the Administrative Officer for evaluation.

The Administrative Officer has determined (*check one box*):

- Sufficient information has been provided to assure the proposed structure / tree will conform to the requirements of the AAA regulations. The proposed structure / tree **may proceed as proposed / is recommended for approval to the Chouteau County Joint Airport Board**. The Administrative Officer has found the proposed project is (*circle all that apply*):
- o Clearly outside the boundaries of the AAA.
 - o Will have a finished elevation at least **50'** below the Airport elevation.
 - o Clearly outside the Airport Critical Area **and** will have a future height less than **40'**.
- The proposed structure / tree **may proceed as proposed / is recommended for approval to the Chouteau County Joint Airport Board** with the following conditions: _____
_____. The Administrative Officer should make a copy of this form and all application submittals for the applicant’s records, as well as recording and filing the originals.
- Sufficient information has been provided to indicate the proposed structure / tree will not conform to the requirements of the AAA regulations. The proposed structure / tree **is denied / is recommended for refusal by the Chouteau County Joint Airport Board**. The Administrative Officer has found the proposed project is clearly within the boundaries of the AAA and exceeds the allowed height in the (*circle all that apply*):
- o Primary zone.
 - o Horizontal zone.
 - o Conical zone.
 - o Approach zone.
 - o Transitional zone.
- The Administrative Officer should make a copy of this form and all application submittals for the applicant’s records, as well as recording and filing the originals. The applicant may proceed with a variance request.
- More detailed information is necessary to assure the proposed structure / tree will conform to the requirements of the AAA regulations. The proponent needs to establish: _____

Please continue with the Basic Permit process, below:

CHOUTEAU COUNTY AIRPORT AFFECTED AREA PERMIT

STEP 2 – BASIC PERMIT - Phase I

Using the FAA Form 7460-1, “Notice of Proposed Construction”, from step 1 above, complete (*or revise by ~~strikeout~~ and addition*):

10. Items 9, 10, and revising 16 to the accuracy of a hand-held GPS unit.

11. Item 11 confirming the datum (*note: NAD 83=WGS 84 for GPS units*)

12. Item 18 revising the proposed structure elevation.

Return the revised form to the Administrative Officer for evaluation.

The Administrative Officer has determined (*check one box*):

- Sufficient information has been provided to assure the proposed structure / tree will conform to the requirements of the AAA regulations. The Administrative Officer has found the proposed project is (*circle all that apply*):
- Clearly outside the boundaries of the AAA.
 - Will have a finished elevation at least 5’ below the Airport elevation.
 - Clearly outside the Airport Critical Area **and** will have a future height less than 40’.
 - Clearly inside the Airport Critical Area **but** will have a future height 10’ less than the approximate “allowable construction heights” contours.

The proposed structure / tree may proceed as proposed / is recommended for approval to the Chouteau County Joint Airport Board with the following conditions: _____

The Administrative Officer should make a copy of this form and all application submittals for the applicant’s records, as well as recording and filing the originals.

- Sufficient information has been provided to indicate the proposed structure / tree will not conform to the requirements of the AAA regulations. The proposed structure / tree is denied / is recommended for refusal by the Chouteau County Joint Airport Board. The Administrative Officer has found the proposed project is clearly within the boundaries of the AAA and exceeds the allowed height in the (*circle all that apply*):
- Primary zone.
 - Horizontal zone.
 - Conical zone.
 - Approach zone.
 - Transitional zone.

The Administrative Officer should make a copy of this form and all application submittals for the applicant’s records, as well as recording and filing the originals. The applicant may proceed with a variance request.

- More detailed information is necessary to assure the proposed structure / tree will conform to the requirements of the AAA regulations. The proponent needs to establish: _____

Please continue with the Basic Permit process, below:

CHOUTEAU COUNTY AIRPORT AFFECTED AREA PERMIT

STEP 2 – BASIC PERMIT - Phase II

Provide additional information attached to the FAA Form 7460-1, “Notice of Proposed Construction”, completed to this point.

13. Provide tied Montana State Plane ground coordinates (latitude, longitude, and ground elevation) for points on the perimeter and high-points of the proposed structure / tree collected, documented, and stamped by a licensed professional land surveyor.
14. Provide an electronic data file of surveyed points with proposed top elevations / electronic drawings to the Owner’s designated engineering representative.

The engineering representative has determined (*check one box*):

- Sufficient information has been provided to assure the proposed structure / tree will conform to the requirements of the AAA regulations. The engineering representative has found the proposed project (*circle all that apply*):
 - Is outside the boundaries of the AAA.
 - Will have a finished elevation below the Airport elevation.
 - Is outside the Airport Critical Area **and** will have a future height less than 40’.
 - Will have a future height less than the AAA-protected surfaces.

The proposed structure / tree may proceed as proposed / is recommended for approval to the Chouteau County Joint Airport Board with the following conditions: _____
_____. The Administrative Officer should make a copy of this form and all application submittals for the applicant’s records, as well as recording and filing the originals.

- Sufficient information has been provided to indicate the proposed structure / tree will not conform to the requirements of the AAA regulations. The proposed structure / tree is denied / is recommended for refusal by the Chouteau County Joint Airport Board. The Administrative Officer has found the proposed project is clearly within the boundaries of the AAA and exceeds the allowed height in the (*circle all that apply*):
 - Primary zone.
 - Horizontal zone.
 - Conical zone.
 - Precision instrument approach zone.
 - Non-precision instrument approach zone.
 - Transition zone

The Administrative Officer should make a copy of this form and all application submittals for the applicant’s records, as well as recording and filing the originals. The applicant may proceed with a variance request.

- More detailed information is necessary to assure the proposed structure / tree will conform to the requirements of the AAA regulations. The following specific information is required for accurate analysis: _____

CHOUTEAU COUNTY AIRPORT AFFECTED AREA PERMIT

STEP 3 – PUBLIC COMMENT AND AIRPORT BOARD CONCURRENCE

A public meeting was advertised on the following date(s): _____ in the **Big Sandy Mountaineer** and/or the **Fort Benton Pioneer Press**, the County paper(s) of record. The advertisement preceded the meeting by at least 3, but not more than 7 days as required by MCA 7-1-2121. The advertisement included the location, time, and date of the meeting, and specifically set forth discussion of the requested variance / land use change / proposed construction as an agenda item in the notice for the meeting.

(if applicable)

The person requesting the variance notified the adjacent landowner(s) of the request by certified mail, at least 10 days before the **Chouteau County Joint Airport Board** meeting, and provided evidence of such notification, before the meeting was opened. This notice included the date, time and place of the meeting of the **Chouteau County Joint Airport Board**. Public comment about the variance was allowed at the meeting.

A public meeting of the **Chouteau County Joint Airport Board** was held with opportunity for public comment:

Date: _____

Location: _____

Concurrence of the **Chouteau County Joint Airport Board** is signified by the following two signatures:

STEP 4 – FAA CONCURRENCE FOR VARIANCES

The FAA Airports District Office, 2725 Skyway Drive, Suite #2, Helena, MT, 59602-1213, (406)449-5271 was consulted in the case of any application for variance. A variance shall not be granted if the FAA objects to the proposed variance. Documentation of FAA consultation and response:

Contact name:

Date:

Finding of obstruction to navigation

Required mitigation: _____

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**APPENDIX D:
FAA FORM 7460-1**

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

§77.13 Construction or alteration requiring notice.

(a) Except as provided in §77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in §77.17:

(1) Any construction or alteration of more than 200 feet in height above the ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a) (5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a) (5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a) (5) of this section.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) (1) or (2) of this section.

(4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.

(5) Any construction or alteration on any of the following airports (including heliports):

(I) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, is clearly indicated that that airport will be available for public use.

(III) An airport that is operated by an armed force of the United States.

(b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of construction or alteration.

(c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if -

(1) The construction or alteration is more than 200 feet above the surface level of its site; or

(2) An FAA regional office advises him that submission of the form is required.

§77.15 Construction or alteration not requiring notice.

No person is required to notify the Administrator for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

(d) Any construction or alteration for which notice is required by any other FAA regulation.

§77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under §77.13 (a) shall send one executed form set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.

(b) The notice required under §77.13 (a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates -

(1) The date the proposed construction or alteration is to begin.

(2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(e) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.

(d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within five (5) days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

(e) Each person who is required to notify the Administrator by paragraph (b) (1) or (c) of §77.13, or both, shall send an executed copy of FAA Form 7460-2, Notice of Actual Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

Mail completed applications to:

FAA HLN-ADO
2725 Skyway Drive, Suite #2
Helena, MT, 59602-1213

e-mail to:

Scott.Eaton@faa.gov

Fax to:

(406) 449-5274

Questions:

(406) 449-5271 or (406) 441-5408



INSTRUCTIONS FOR COMPLETING FAA FORM 7460-1

PLEASE TYPE or PRINT

ITEM #1. Please include the name, address, and phone number of a personal contact point as well as the company name.

ITEM #2. Please include the name, address, and phone number of a personal contact point as well as the company name.

ITEM #3. New Construction would be a structure that has not yet been built.

Alteration is a change to an existing structure such as the addition of a side mounted antenna, a change to the marking and lighting, a change to power and/or frequency, or a change to the height. The nature of the alternation shall be included in **ITEM #21** "Complete Description of Proposal".

Existing would be a correction to the latitude and/or longitude, a correction to the height, or if filing on an existing structure which has never been studied by the FAA. The reason for the notice shall be included in **ITEM #21** "Complete Description of Proposal".

ITEM #4. If Permanent, so indicate. If Temporary, such as a crane or drilling derrick, enter the estimated length of time the temporary structure will be up.

ITEM #5. Enter the date that construction is expected to start and the date that construction should be completed.

ITEM #6. Please indicate the type of structure. **DO NOT LEAVE BLANK.**

ITEM #7. In the event that obstruction marking and lighting is required, please indicate type desired. If no preference, check "other" and indicate "no preference". **DO NOT LEAVE BLANK.** *NOTE: High intensity lighting shall be used only for structures over 500'AGL.* In the absence of high intensity lighting for structures over 500' AGL, marking is also required.

ITEM #8. If this is an existing tower that has been registered with the FCC, enter the FCC Antenna Structure Registration number here.

ITEM #9. and #10. Latitude and longitude must be geographic coordinates, accurate to within the nearest second or to the nearest hundredth of a second if known. Latitude and longitude derived solely from a **hand-held GPS instrument is NOT acceptable.** A hand-held GPS is only accurate to within 100 meters (328 feet) 95 per cent of the time. This data, when plotted, should match the site depiction submitted under **ITEM #20.**

ITEM #11. NAD 83 is preferred; however, latitude/longitude may be submitted in NAD 27. Also, in some geographic areas where NAD 27 and NAD 83 are not available other datums may be used. It is important to know which datum is used. **DO NOT LEAVE BLANK.**

ITEM #12. Enter the name of the nearest city/state to the site. If the structure is or will be in a city, enter the name of that city/state.

ITEM #13. Enter the full name of the nearest public-use (not private-use) airport (or heliport) or military airport (or heliport) to the site.

ITEM #14. Enter the distance **from** the airport or heliport listed in **#13 to the structure.**

ITEM #15. Enter the direction **from** the airport or heliport listed in **#13 to the structure.**

ITEM #16. Enter the site elevation above mean sea level and expressed in **whole feet** rounded to the nearest foot (e.g. 17' 3" rounds to 17', 17'6" rounds to 18'). This data should match the ground contour elevations for site depiction submitted under **ITEM #20.**

ITEM #17. Enter the total structure height **above ground level in whole feet** rounded to the **next highest foot** (e.g. 17'3" rounds to 18'). **The total structure height shall include anything mounted on top of the structure, such as antennas, obstruction lights, lightning rods, etc.**

ITEM #18. Enter the overall height above mean sea level and expressed in **whole feet.** This will be the total of **ITEM #16 + ITEM #17.**

ITEM #19. If an FAA aeronautical study was previously conducted, enter the previous study number.

ITEM #20. Enter the relationship of the structure to roads, airports, prominent terrain, existing structures, etc. Attach an 8-1/2" X 11" non-reduced copy of the appropriate 7.5 minute U.S. Geological Survey (USGS) Quadrangle Map MARKED WITH A PRECISE INDICATION OF THE SITE LOCATION. To obtain maps, Contact USGC at 1-888-275-8747 or via Internet at "<http://store.usgs.gov>". If available, attach a copy of a documented site survey with the surveyor's certification stating the amount of vertical and horizontal accuracy in feet.

ITEM #21.

- For transmitting stations, include maximum effective radiated power (ERP) and all frequencies.
- For antennas, include the type of antenna and center of radiation (*Attach the antenna pattern, if available*).
- For microwave, include azimuth relative to true north.
- For overhead wires or transmission lines, include size and configuration of wires and their supporting structures (*Attach depiction*).
- For **each** pole/support, include coordinates, site elevation, and structure height above ground level or water.
- For buildings, include site orientation, coordinates of **each** corner, dimensions, and construction materials,
- For alterations, explain the alteration thoroughly,
- For existing structures, thoroughly explain the reason for notifying the FAA (*e.g. corrections, no record of previous study, etc.*).

Filing this information with the FAA does not relieve the sponsor of this construction or alteration from complying with any other Federal, state, or local rules or regulations. If you are not sure what other rules or regulations apply to your proposal, contact local/state aviation and zoning authorities.

Paperwork Reduction Work Act Statement: This information is collected to evaluate the effect of proposed construction or alteration on air navigation and is not confidential. Providing this information is mandatory for anyone proposing construction or alteration that meets or exceeds the criteria contained in 14 CFR , part 77. We estimate that the burden of this collection is an average 19 minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless R displays a currently valid OMB control number. The OMB control number for this collection is 2120-0001.