What is airport zoning and what is its purpose?
What are the issues with current zoning?
What is being proposed to address these issues?
What can you do to become engaged in this effort?
What questions and/or comments do you have?
Purpose of Airport Zoning

- MN Statutes Chapter 360: Purpose and Process
  To prevent the creation of airport hazards that endanger the lives and property of users of the airport and of occupants of land in its vicinity... and impairs the utility of the airport and the public investment therein.
Comparing Statutes and Rules

- **Statutes**
  - Legislature; no other authorization needed
  - Process defined ultimately by Minnesota Constitution
  - Changes can occur quickly with little notice
  - Subject to political winds

- **Rules**
  - Admin. agency; need auth. from legislature
  - Process defined ultimately by Minnesota Statutes, Chapter 14
  - Changes occur slowly and with abundant notice
  - Usually resistant to political winds
Adopting an Ordinance
- Establish governance (form a JAZB, elect to zone unilaterally, or request that each affected jurisdiction zone for itself)
- Provide notice
- Hold hearings
- Draft ordinance
- MnDOT review
  - Approve
  - Deny
- Revise or make arguments about social and economic cost

Standards
- Air space obstructions
- Size of zones A, B, and C
- Restrictions in zones A, B, and C
- Established residential neighborhood criteria
- Arguments regarding social and economic cost and other criteria (currently no standards, only brief mention in statute)
Airport Zoning Process

1. Establish Zoning Board
2. Draft Zoning Ordinance & Map
3. MnDOT Aeronautics First Review
4. Prepare for Public Hearing
5. First Public Hearing
6. Commissioner’s Order – determines compliance with the safety standards or provides for a social and economic justification for modified zones
7. Second Public Hearing
8. Adopt and Enforce Zoning Ordinance
9. File with County Recorder
10. Submit Documents to MnDOT Aeronautics
MN Airspace Zones

- Primary Surface
- Horizontal Surface – 150’ above established airport elevation
- Approach Surface
- Transitional Surface
- Conical Surface
Follows Part 77 Approach Surface
- Easier to deal with same zone for height/land use

Scales with length of runway
- Not “one size fits all”
- Longer runway = faster aircraft = crashes further away from airport
- 2/3 Zone A
- 1/3 Zone B
Safety Zone A

- 2/3 length of ultimate runway length
- No buildings, structures, or use which creates an assembly of people
- No exposed transmission lines or structural hazards
- Permitted uses – agriculture, horticulture, wildlife habitat, passive non-spectator recreation, cemetery

Photo: MN Historical Society
Safety Zone B

- 1/3 length of ultimate runway length beyond the end of Zone A
- Each use on a site not less than 3 acres
- Use shall not attract population 15x that of site acreage w/ specific bldg site ratio
- No hospitals, churches, schools, stadiums, hotels, motels, trailer courts or other places of public assembly
Safety Zone C

- Encircles airport 5,000’ or 10,000’
- No use which creates interference with radio or electronic communications between airport and aircraft
- No use which creates a lighting distraction or impairs pilot’s visibility
Issues

- Cumbersome Process
  - Different from normal zoning processes
- Existing airport zoning forgotten
  - Not shown on planning documents or official controls
- Law allows for no flexibility
- No way to hold neighboring communities responsible
State Aviation System Plan

- 2012 SASP: received comments that we should take a fresh look at the zoning rules and statutes

- Resulted in a commitment to evaluate the rules and statutes to more appropriately balance public safety and economic development opportunities near and around airports.
Progress to date

- MnDOT Convened an Advisory group
  - Comprised of all stakeholders
  - Help identify issues and build consensus
  - Met 5 times
  - Stakeholders asked MnDOT to not proceed with changes during 2015 legislative session; currently on track for 2016

- MCOA Zoning Subcommittee
Overview of Proposed Changes

- Basic and Custom
- Changes to County and Municipal planning sections
- Established Residential Neighborhoods
- Funding Requirement
- Simplified process
Basic and Custom Zoning

- Created a framework to enact zoning different from a basic design outlined in rules
- Retains an “off the shelf” design for communities desiring an easy and cost effective way to achieve zoning
- Allows a community with significant land use challenges to design an ordinance that takes into account local issues while still providing safety and protecting the airport
- Structural separation between basic and custom design
394 County – 462 Municipal

- Added definitions to this chapter
- Requires that comprehensive plans “consider the location and dimensions of airport safety zones in any part of the county.”
- Added airport safety zone compatibility to goals and objectives section
- Requires airport safety zones to be included on maps depicting official controls
- Changes were well received by associations
Established Residential Neighborhoods

- Eligibility date of Jan 1, 1978 removed in favor of first encumbrance date
- Need ideas to further improve this process without completely negating the protections provided by airport zoning
Funding Requirement

- Airport must be zoned or in the process to receive state/federal funding
- Created an exception for safety
- Have no way to hold surrounding communities accountable
- Ideas to improve are welcome
Simplified Process

- Originally considered moving the process completely to 394/462
- Exceptions became cumbersome
- Made 360 process more like 394/462
  - Notification requirements
  - 2 hearings reduced to 1 (if no changes made)
Other

- Consolidated language
- Removed references to zone names, sizes and uses to allow unconstrained rulemaking
- MnDOT has a 90-day review period
Draft Outreach Schedule

- **St. Cloud, Minnesota Airports Conference**
  - April 15, Wed
- **Duluth, MnDOT District Headquarters**
  - May 7, 9:00am – 11:00am
- **International Falls, TBD**
  - May 7, 1:30pm – 3:30pm
- **Thief River Falls, MnDOT**
  - May 11, 1:00pm – 3:00pm
- **Detroit Lakes, MnDOT District Headquarters**
  - May 15, 1:00pm – 3:00pm
- **St. Cloud, MnDOT District Headquarters**
  - May 28, 9:00am – 11:00am

- **Bemidji, MnDOT District Headquarters**
  - May 29, 1:30 – 3:30pm
- **Mankato, MnDOT District Headquarters**
  - May 29, 9:00am – 11:00am
- **Marshall, MnDOT District Headquarters**
  - June 2, 1:30pm – 3:30pm
- **Austin, Mower County**
  - June 2, 1:00pm – 3:00pm
- **St. Paul, MnDOT Aeronautics**
  - Jun 10, 9:00am – 11:00am
How to Get More Involved

- Participate in an outreach event
- Spread the word
- Ask questions and provide your ideas

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Website
http://www.dot.state.mn.us/aero/planning/zoning-advisory-committee.html
Timeline for Statutory Changes

<table>
<thead>
<tr>
<th>Jul.</th>
<th>Deadline to submit proposal forms to Government Affairs</th>
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</thead>
<tbody>
<tr>
<td>Sept.</td>
<td>Deadline to submit draft legislation to Government Affairs</td>
</tr>
<tr>
<td>Sept. – Oct.</td>
<td>MnDOT leadership reviews legislative proposals</td>
</tr>
<tr>
<td>Oct.</td>
<td>Legislative initiatives submitted to Governor’s Office and MMB</td>
</tr>
<tr>
<td>Oct. 31</td>
<td>By law, drafting requests not submitted to the Revisor of Statutes by this date must be accompanied by a letter from the Commissioner certifying that the request is an unforeseen emergency</td>
</tr>
<tr>
<td>Oct. – Jan.</td>
<td>Legislative initiatives reviewed by Governor’s Office and MMB</td>
</tr>
<tr>
<td>Jan.</td>
<td>2016 legislative session begins</td>
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Formal process takes 6–10 months and must align with legislative session
Process typically takes 12–24 months and is not tied to legislative session.
Goals of statute changes

- Streamline process for enacting an Airport Safety Zoning ordinance
- Making it easier for local officials to understand roles
- More closely integrating airport zoning with other local zoning and planning processes
- Remove references to sizes and shapes to allow for unconstrained rulemaking
- Create a framework for enacting a custom ordinance