MCOA Annual Conference
Airport Zoning Session

April 15th, 2015
AGENDA

• Airport Zoning Review:
  – Process Objectives
  – Process Guiding Principles
  – Influencing Factors
  – Phased Process
  – MCOA’s Position
  – Discussion
Administrative Rule Background

- MNDOT Standard Zoning Model
- 8,000’ Runway
  - Zone A=5,333’
  - Zone B=2,667’
Process Objectives

• Comprehensively scope out elements for “global fixes” to zoning rules and statutes that will inform future revisions to applicable state statutes and/or implementing rules.
• Establish a state zoning minimum standard that targets a documented safety goal.
• Integrate enhanced collaboration between Joint Airport Zoning Boards and MnDOT into the development phase of airport zoning ordinances.
Process Objectives

• Ensure airport zoning statutes and administrative rules encourage collaboration between comprehensive municipal planning and airport master planning.

• Ensure the statewide airport zoning minimum standard is reasonably protective of person(s)/property on the ground in the vicinity of airports and users of the aviation system.
Process Guiding Principles

• **Collaboration** amongst stakeholders is key
• Process outcomes must be **flexible** in their application and recognition of the differences in airports and their municipal relationships across Minnesota.
• It all starts with **education/awareness** insure airport operators and municipal leaders are **well-informed** on airport zoning and its impacts to their airport and community.
Process Guiding Principles

- The review process should be **well-defined** with clearly established goals.
- Establish a **technical basis** to guide the development, review, and approval of zoning ordinances.
Influencing Factors

• Every airport’s geographical relationship with its surrounding municipalities is different throughout the State.
• Advances in aviation technology and training have improved aviation safety.
• 9 out of 142 airports have commercial air service.
Safety to the Uninvolved Public
Influencing Factors Continued..

General Aviation Accident Plot
Overrun/Undershoot

Air Carrier Accident Plot
Undershoot
MCOA’s Position

1) Structural Separation between “Basic Ordinance” regulations and “Custom Design” regulations:
   – Path A/Path B approach to creating a zoning ordinance
   – Significant firewall between the two
   – Airport/community can choose either the default ordinance that meets their needs or choose to customize airport zones based on a variety of local conditions, considerations, and thorough study
   – The bottom line is, any custom ordinance adopted should be considered conforming, safe, acceptable and not benchmarked/compared against the default/model for the purposes of assigning liability.
MCOA’s Position

2) Criteria to be applied when developing “Custom Design” regulations: Under the mantra no one knows the local conditions better than local leaders and the best solutions are local solutions, we propose the following elements be considered in the custom design process:

– Safety (risk assessment); the results of an accident probability study that:
  • Calculates the probability of an aircraft accident in the vicinity of the airport based on actual aircraft accident location data.
  • Identifies a localized accident risk standard.
  • Compares accident data against generally accepted industry thresholds

– Socioeconomic Impacts
MCOA’s Position

3) Adoption into Municipal Comp Plans:
   – MCOA fully supports MNDOT’s efforts to synchronize municipal comprehensive planning and airport zoning
   – Adoption of airport zoning into municipal comprehensive plans shall prevent incompatible land use in airport zones.
4) Collaboration During Zoning Ordinance Preparation:

- MCOA supports increased collaboration with MNDOT’s technical experts during critical points in the zoning ordinance development process.
- Proposed statutory language should not “tie” MNDOT staff’s hands, thus allowing them to give advice and technical counsel during the ordinance development process.
MCOA’s Position

5) Revisions to Existing Model Ordinance Standards:
   – Many communities around the state will not require a custom zoning ordinance
   – Communities with approved airport zoning should be grandfathered and not required to undertake an ordinance development process after the statutes and rules are revised
   – Current zoning model’s approach to determine the size and shape of Zone(s) A, and B is overly restrictive and inflexible
   – Size and shape of Zone(s) A and B be reduced while preserving the runway protection zone and the height restrictions in accordance with FAR PART 77.
MCOA’s Position

6) “Penalty Fairness” for Non-compliance:
   – In joint zoning board situations where one municipality owns the airport but airport zoning must be decided by multiple municipalities, the current statutory language cites penalty to the airport for noncompliant zoning.
   – There is currently no penalty for communities who would seek to unreasonably obstruct fair zoning processes leading to an eventual noncompliant condition when they do not own the airport.
   – All communities who participate in a joint airport zoning board or commission be held to a similar standard in terms of their role in achieving compatible land use and complementary, safe airport zoning.
PILOT AIRPORT ZONING ORDINANCE
CREATION PROCESS

Start

Form an Airport Joint Zoning Board

Plot and Overlay Accident Data

Acceptable Accident to Operations Ratio

Conduct a Safety and Socioeconomic Impact Study

Conduct a Risk Analysis

Determine Reasonably Protective Zones-Size, Shape, and Acceptable Land Use For Each Runway End

JZB Approve Size, Shape, and Acceptable Land Use For Each Runway End

Draft Legal and Administrative Framework of the Airport Zoning Ordinance

MNDOT Aeronautics 1st Review: Review and Advise Before the 1st Public Hearing

MNDOT Aeronautics 2nd Review and Commissioner’s Order: Review and Advise Before the 2nd Public Hearing

JZB Approve Final Draft Airport Zoning Ordinance

Hold Public Hearing 1 on the Draft Zoning Ordinance

Hold Public Hearing 2 on the Draft Zoning Ordinance

Submit Approved Airport Zoning Ordinance for Concurrence

Each Impacted Municipal Entity Adopts the Approved Airport Zoning Ordinance Into Their Zoning Overlay

End

Local Ordinance Enforcement

No significant adjustments needed after the public comment period

Respond to Public Comments; Make Adjustments to the Draft Ordinance as Needed

Indicates Local JZB Collaboration with MNDOT Staff
MN Airport Zoning Review Timeline (Phased Process)

**Foundation**
- October 2014
- **Phase 1** January 2015
- MCOA Regional Directors call Membership to Understand Impacts of Model Zoning Ordinance Around the State
- Solidify the MCOA Subcommittee that will work with MNDOT

**Course of Action Development**
- October 2015
- Stakeholder Outreach
- Collaboratively Develop Statutory and Admin Rule Recommendation/Change COAs

**Legislative**
- **Phase 3** October 2015
- OCT 31 draft request to Revisor of Statutes
- January legislative session begins
- OCT 1 Statutory Changes submitted to the Governor for inclusion in the session’s legislative agenda

**Data Collection**
- Education and Awareness
- Development and Adopt Evaluation Criteria

= Workgroup Meetings
MN Airport Zoning Review Timeline (Phased Process)

Answer Administrative Rules
Implication
Questions/Concerns

Socialize Statutory
Changes at the Capitol

Administrative rule making process ends with a widely accepted process and minimum standard for achieving airport zoning

Legislative
March 2016 Phase 3 May 2016

= Workgroup Meetings

Legislative session ends with a positive result

Socialize Administrative Rule Changes

Answer Questions/Concerns Amongst Stakeholders
Discussion