Using the new Airport Land Use Compatibility Manual

Zoning administrators and others concerned with airport land use will soon have help when it comes to making decisions that affect their airports. The recently completed Airport Land Use Compatibility Manual is a comprehensive document that describes in detail topics related to Minnesota airport zoning standards, local ordinances, and land use.

The manual was developed by the Minnesota Department of Transportation (Mn/DOT) Office of Aeronautics and Clarion Associates LLC, with assistance from a large advisory committee of representatives from both legislative houses, the Metropolitan Council, the Metropolitan Airports Commission (MAC), the Federal Aviation Administration (FAA), the Association of Minnesota Counties, and several Minnesota airports.

Although zoning administrators are the primary audience for this manual, airport managers and operators can help protect their airports by spreading the word about it and by serving as a resource for the community when airport zoning decisions are made and updated. To increase awareness of the manual, AirTAP featured it during a session at the AirTAP 2006 Fall Forum in October. Kathy Vesely of Mn/DOT’s Office of Aeronautics and Gina Mitchell of Bolton and Menk introduced the manual and discussed how zoning issues affect local and regional airports.

The publication is organized by topic, and information on a variety of subjects related to Minnesota airport zoning standards, local ordinances, and land use are the model airport safety zoning ordinance and the procedural guide for implementing an ordinance. These can be used to develop local airport zoning ordinances that fit within the requirements of the current regulatory rules and climate.

The manual describes procedural requirements and guidelines, along with an overview of the permitting process and procedures for zoning variance requests. Procedural forms used to document the process of creating or revising an airport zoning ordinance are also provided.

New legislation (Senate File 1940) supports several recommendations in the new manual. The new regulations, which became effective August 1, 2006, require a seller’s disclosure when real estate property within airport safety zone A, B, or C is offered for sale; tie community comprehensive planning to state aviation planning; and define the operation and maintenance of an airport as an essential public service. At the AirTAP 2006 Fall Forum, presenters used case studies to illustrate how these topics might impact a typical community airport and the property surrounding it. Vesely explained several important rule changes, defined common terms, and described what constitutes safety zones A, B, and C.

Most important, Vesely discussed the purpose and membership of the Joint Airport Zoning Board (JAZB). State Statute 360 requires that certified notice be given to all communities impacted by the airport safety zones, inviting them to join in creating an airport zoning ordinance. Any change to an airport’s zoning...
ordinance also requires that all communities be invited to participate in the process. A board cannot contain any representatives who are elected officials in any capacity. The purpose of the JAZB is to consider the adoption of, or amendment to, a local airport zoning ordinance. As an alternative to the JAZB, each community affected by the safety zones may adopt its own regulations (Chapter 360, Minnesota Statutes 2006).

If communities do not participate, adopt, or enforce their own ordinance, a Joint Board may adopt and enforce the regulations. Once it is developed, the JAZB drafts an airport zoning ordinance, working closely with Mn/DOT aeronautics planning staff to ensure that the proposed ordinance protects the existing and any future runways at the airport. The JAZB must hold at least two public meetings and give direct notice of the meetings to property owners in Zones A and B, and to all local units of government affected by the area to be zoned, at least 15 days prior to the date of the meeting. A Commissioner’s Order of Approval is issued by Mn/DOT’s Office of Aeronautics during the zoning ordinance process, which, based on the procedures in the state statute, takes approximately six months to complete.

To reach the target audience for the new Airport Land Use Compatibility Manual, Mn/DOT aeronautics staff will meet with specialty work groups, including the Association of Minnesota Counties, League of Minnesota Cities, Minnesota Association of Townships, Minnesota Council of Airports (MCOA), Metropolitan Council, MAC, FAA, and the City of Minneapolis. Mn/DOT will also present the manual to the legislative aviation subcommittees. The appendices will provide communities with resource documents on specialty topics related to airport compatible land uses. Highlights include legal subjects such as third-party risk information, a discussion of takings law, sample easement language, and additional federal regulations. Practical information is offered as well on topics such as plants attractive to wildlife, airport noise mitigation, and wildlife management strategies.

The two-part publication (the manual itself and separate supporting appendices) will be published in paper and electronic CD formats this spring. One copy of the Airport Land Use Compatibility Manual will be sent to each Minnesota airport sponsor, and additional copies will be available from the Mn/DOT Office of Aeronautics. An electronic version will also be available for viewing or download on the Mn/DOT Web site (www.dot.state.mn.us/aero/).