Airport Zoning Outreach

May 11, 2015
Thief River Falls: 1:00 – 3:00

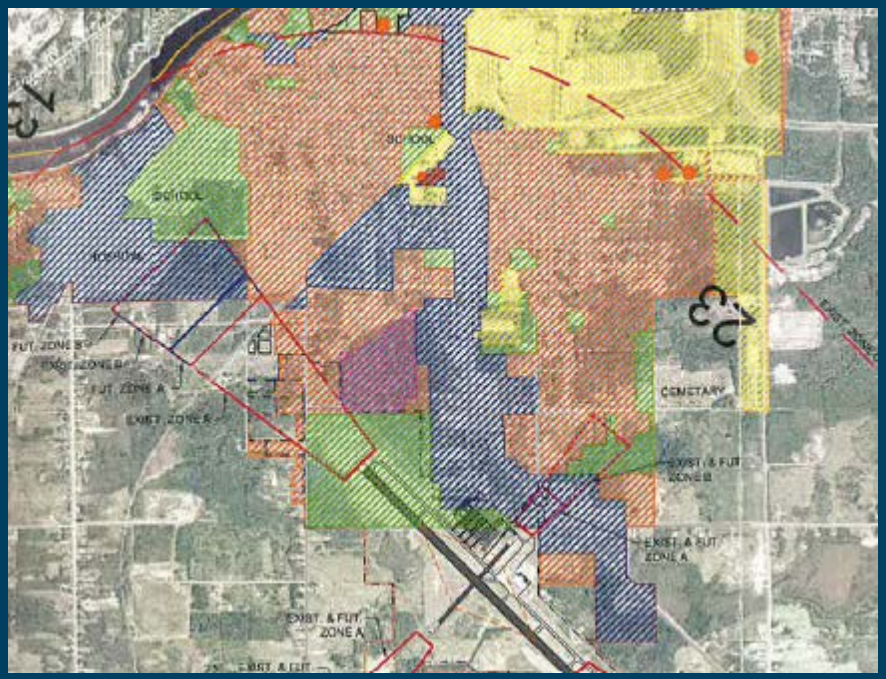
We all have a stake in A TO B

Today's Agenda

- Introductions
- Airport Zoning History
- Purpose of Airport Zoning
- Current Airport Zoning
- Issues/Solutions
- Next Steps
- How to Provide Further Comment
- Questions

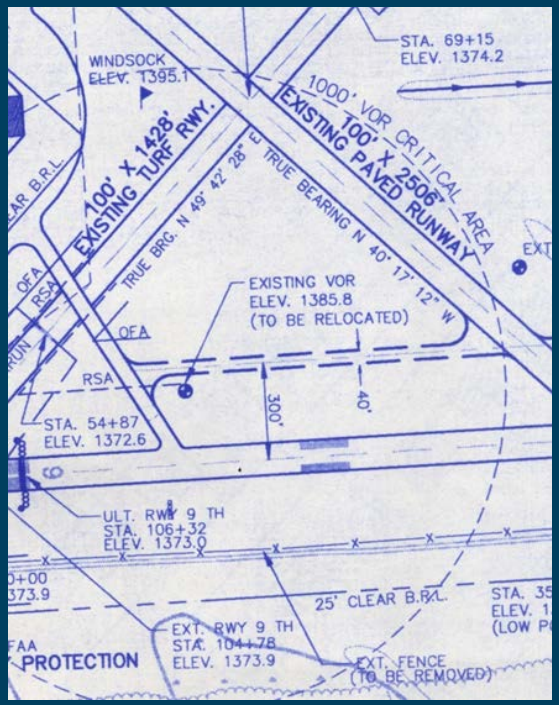
Airport Planning

- Airport Master Plan ≈ City/County Comp. Plan
  - Documents forecast activity and all future development for an airport



Airport Planning

- Airport Layout Plan (ALP) ≈ Development Site Plan
  - A series of drawings depicting the current and future facilities at an airport.
  - Product of the master plan
  - Considered a “plan on file”



Airport Planning

- Airport Zoning = Municipal/County Zoning
  - Protects the existing and future infrastructure from incompatible development.

Importance of Airports in Minnesota

- Employment for airport workers and airport related industry
- A base for recreational and corporate aircraft
- Charter transportation services
- Corporate travel
- Tourism industry development
- Fire and police protection
- Agricultural related support
- Pilot training
- Medical and emergency related transportation service

President's Airport Commission

- 1952
  - Commissioned by President Truman
  - Chaired by General Doolittle
  - Resulting Report =

  The Airport and Its Neighbors

  116 pages

The Airport and Its Neighbors

- Recommendations (25 of them)
- Highlights
  - Integrate municipal and airport planning
  - Incorporate cleared runway extension areas into airports
  - Establish effective zoning laws

Doolittle Recommendations on Zones

- A fan shaped zone
  - At least 2 miles long
  - 6,000 feet wide at outer limits
- Eliminate establishment of places of public assembly
- Restrict residences to distant locations in the zone

Key Dates in MN Airport Zoning

- 1943 – Airports first authorized by state law to enact zoning
- 1946 – First model airport zoning ordinance enacted (Duluth)
- 1952 – President's Airport Commission
- 1958 – Safety Zones A, B, C, and D designated as part of the model airport zoning standards
- 1973 – Airport zoning made a condition for receiving federal and state funding

Purpose of Airport Zoning in MN

- MN Statutes Chapter 360: Purpose and Process
  - Protects users of the airport
  - Protects people and property in the vicinity of the airport
  - Protects public investment in the airport

Two Types of Airport Zoning

- Airspace
  - Prevent accidents from happening
- Land Use
  - Lessens the impacts of a crash

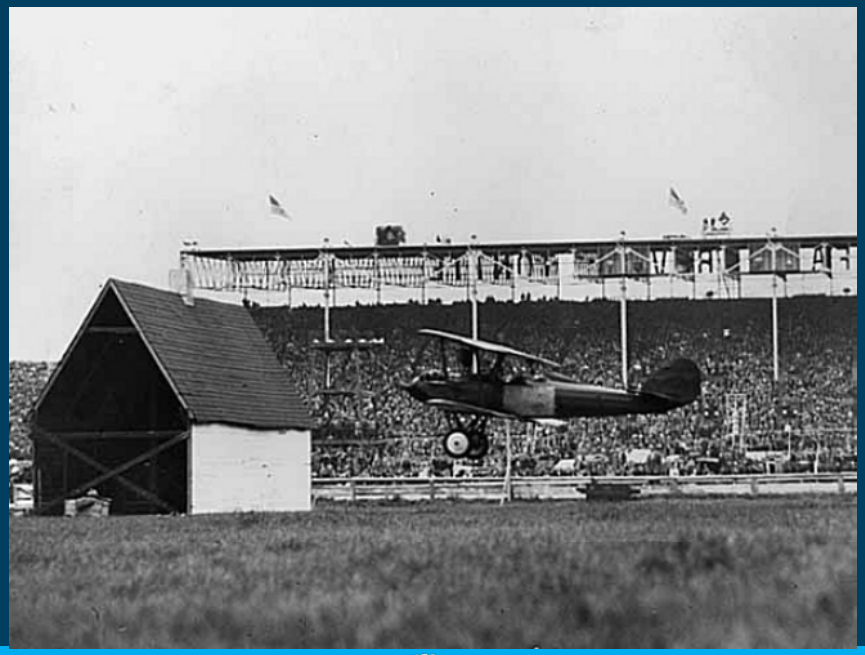
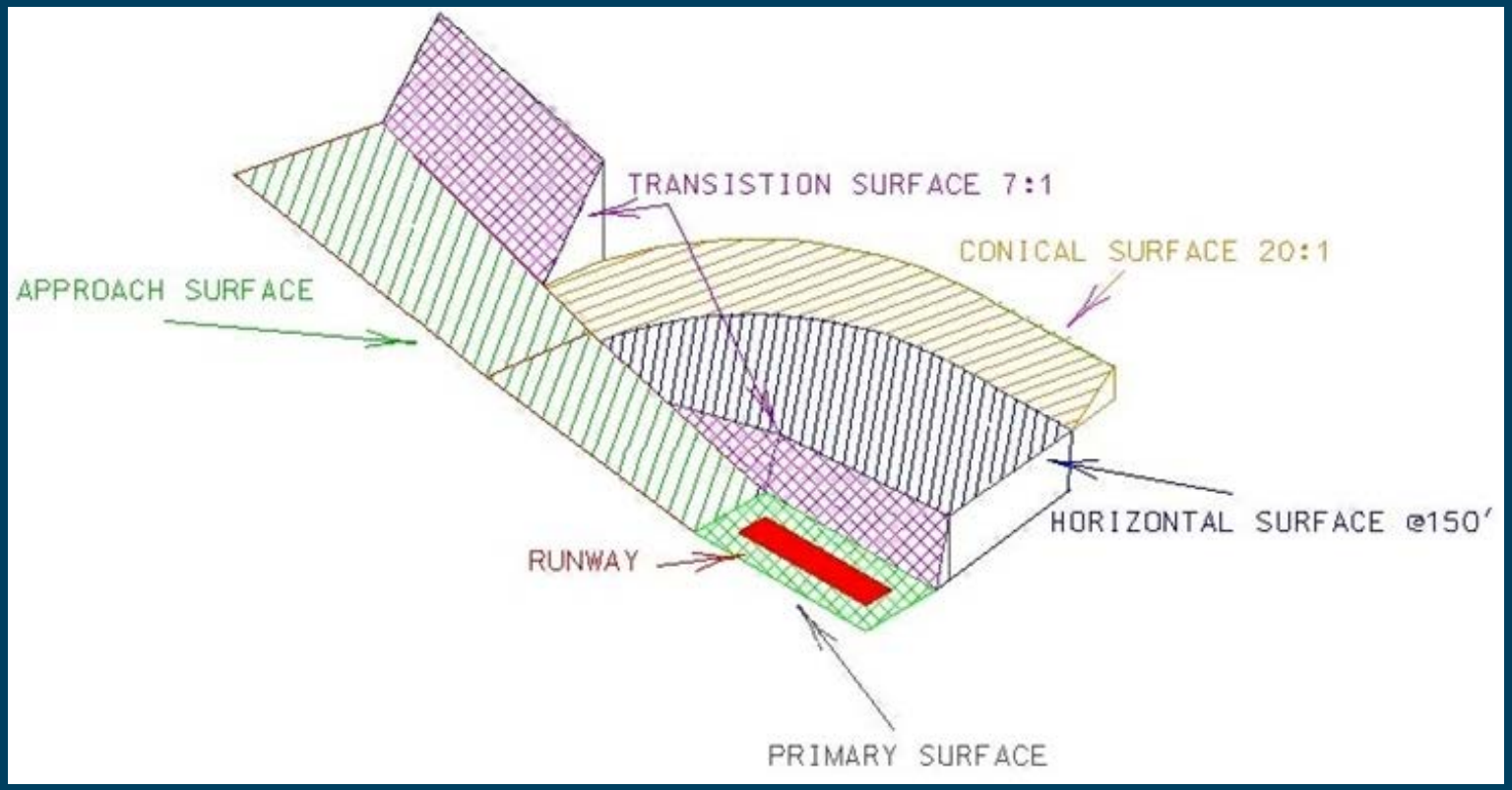
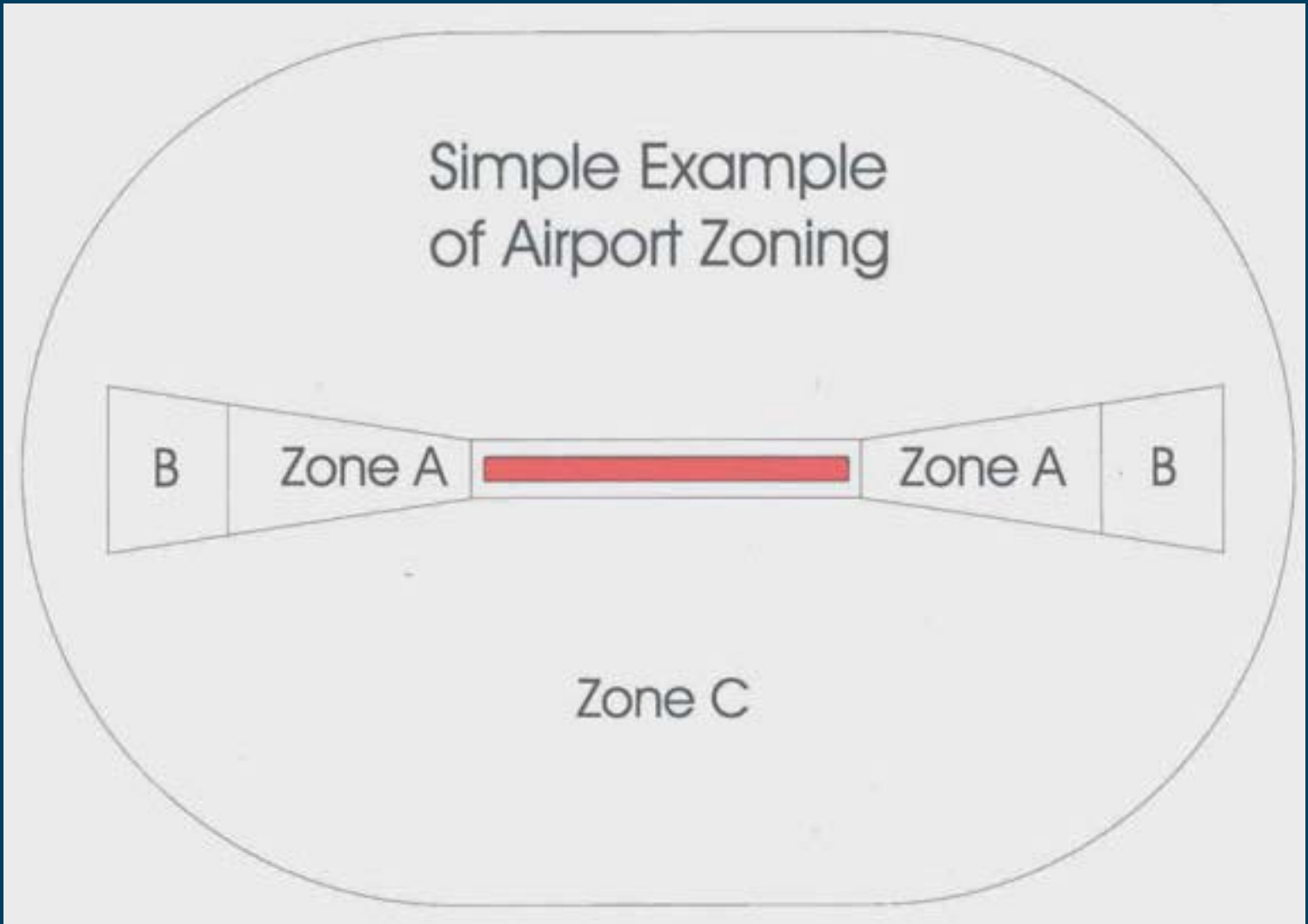


Photo: MN Historical Society

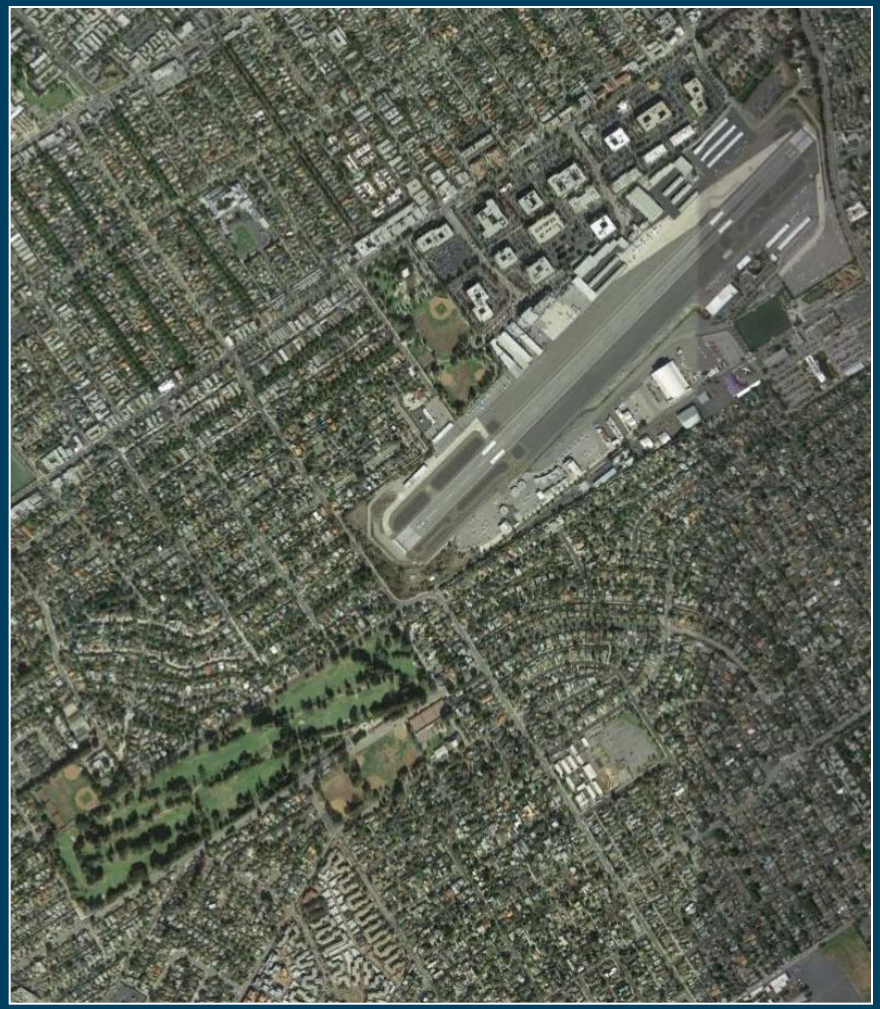
Airspace Zoning



Land Use Zoning



Compatible Land Use



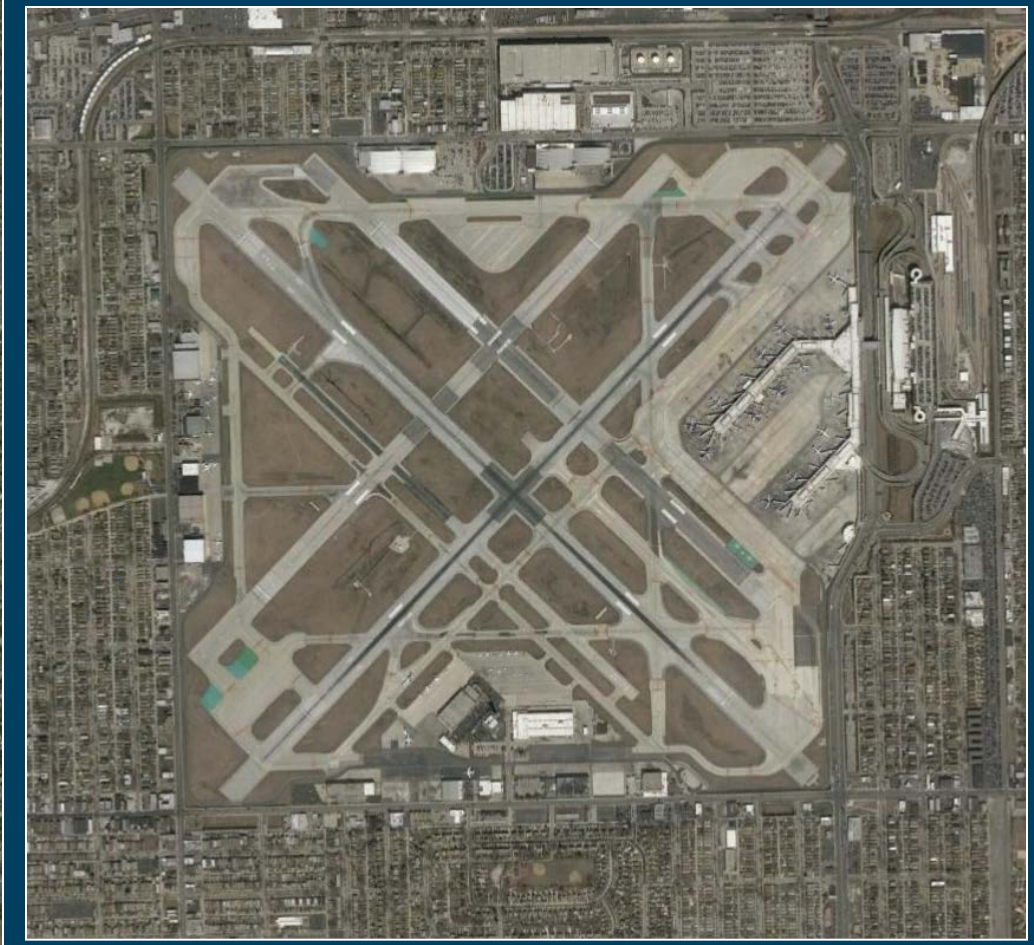
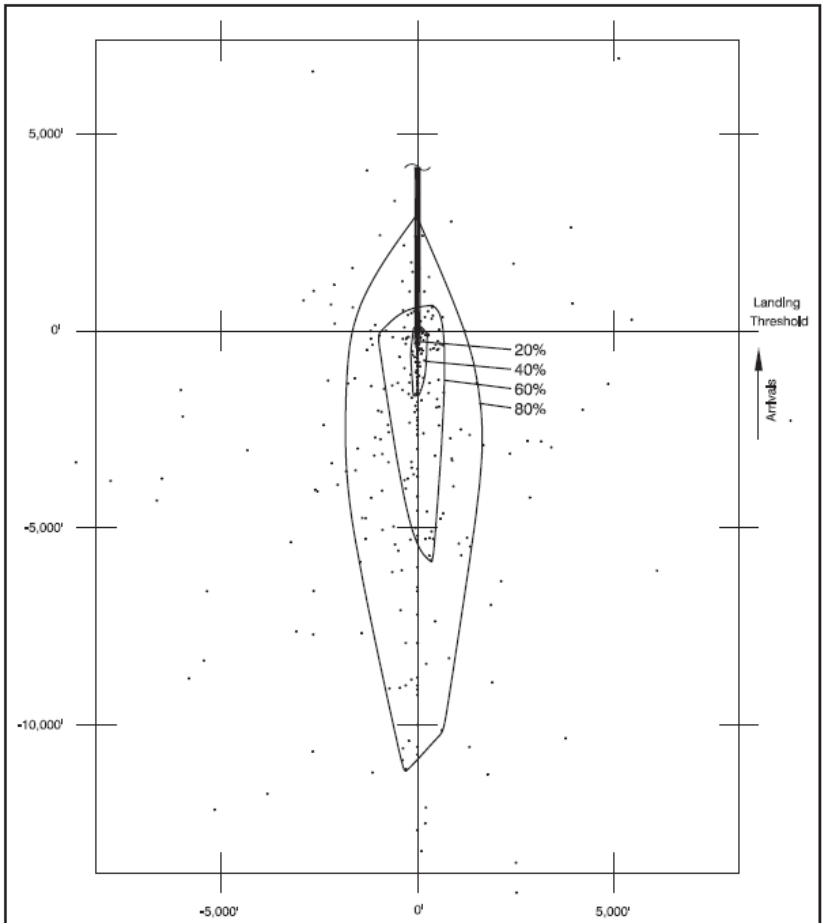


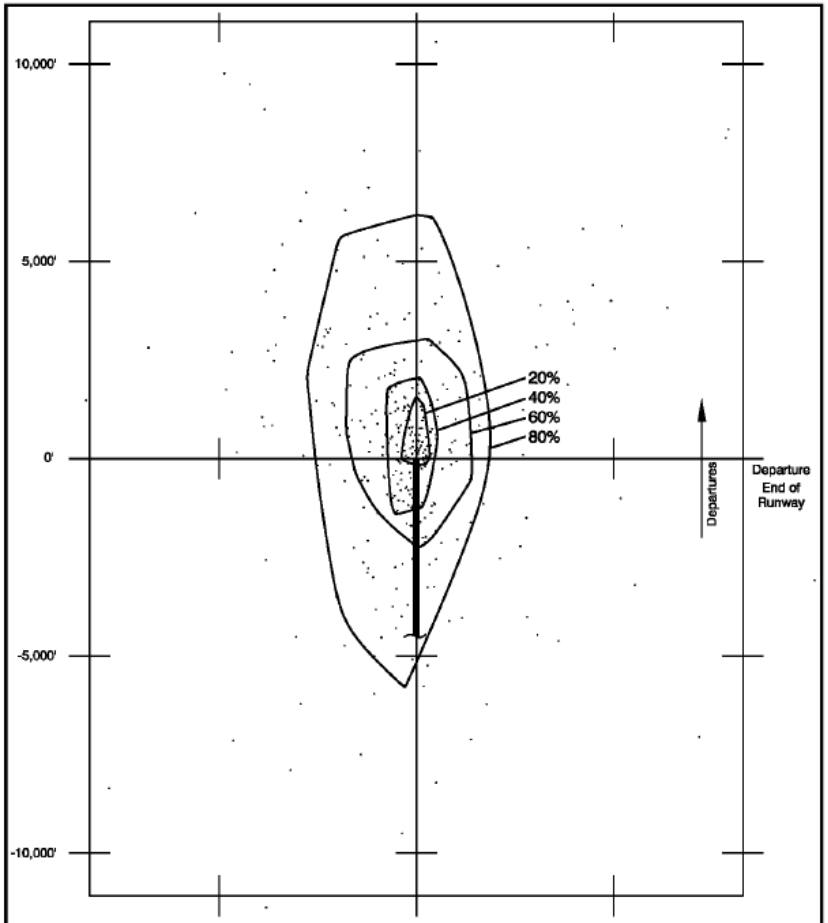
Photo: Google Earth

Accident Distribution



Notes:
445 arrival accidents in database — each dot represents one accident site.
Contours represent relative intensities (highest concentrations) of points in 20% increments.

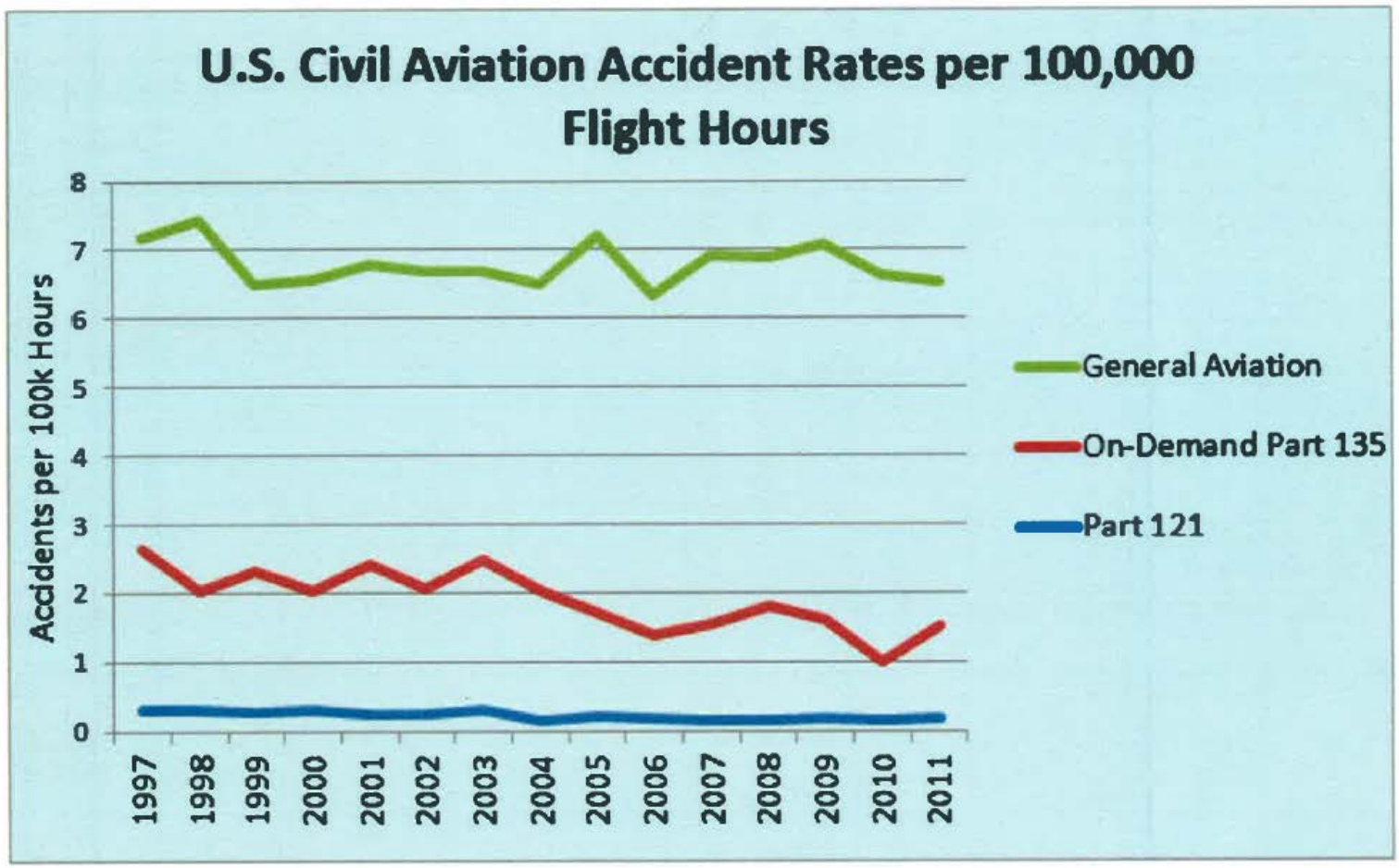
FIGURE F2
General Aviation Accident Distribution Contours – All Arrivals



Notes:
428 departure accidents in database — each dot represents one accident site.
Contours represent relative intensities (highest concentrations) of points in 20% increments.

FIGURE F3
General Aviation Accident Distribution Contours – All Departures

Accident Trends



Source: NTSB

Introductions

Airport Zoning History

Purpose of Airport Zoning

Current Airport Zoning

Issues/Solutions

Next Steps

How to Provide Further Comment

Questions

We all have a stake in A to B

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.

Processes

(Minnesota Statutes, Chapter 360)

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

(Minnesota Rules, Chapter 8800)

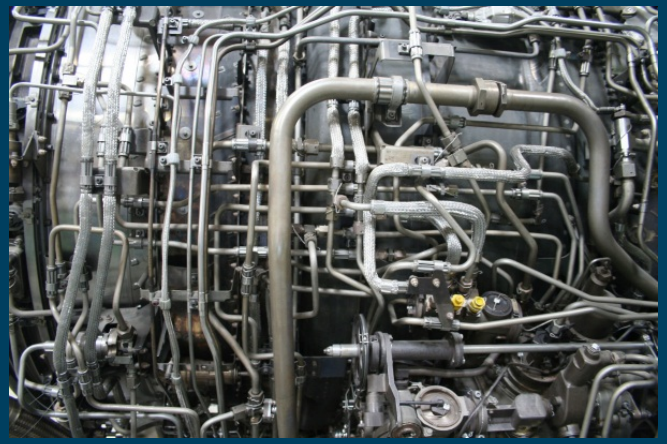
- Air space obstructions
- Size of zones A, B, and C
- Restrictions in zones A, B, and C
- Established residential neighborhood criteria
- *Arguments regarding social and economic cost and other criteria (currently no standards, only brief mention in statute)*

Updating MN Zoning Laws

- Convened advisory group Nov 14, 2013
- Purpose is to inform statute changes and build consensus
- Consisted of:
  - Airport managers
  - City/county zoning officials
  - Consultant Engineers
  - Pilot groups
  - League of Minnesota Cities
  - Minnesota Assn. County Planning and Zoning Administrators
  - Minnesota Council of Airports
  - Metropolitan Airports Commission
  - Regional Development Commissions
  - Metropolitan Planning Organizations
  - American Planning Association

Issues

- Cumbersome Process
  - Different from normal zoning processes
- Existing airport zoning forgotten
  - Not shown on planning documents or official controls
- Law allows for little flexibility

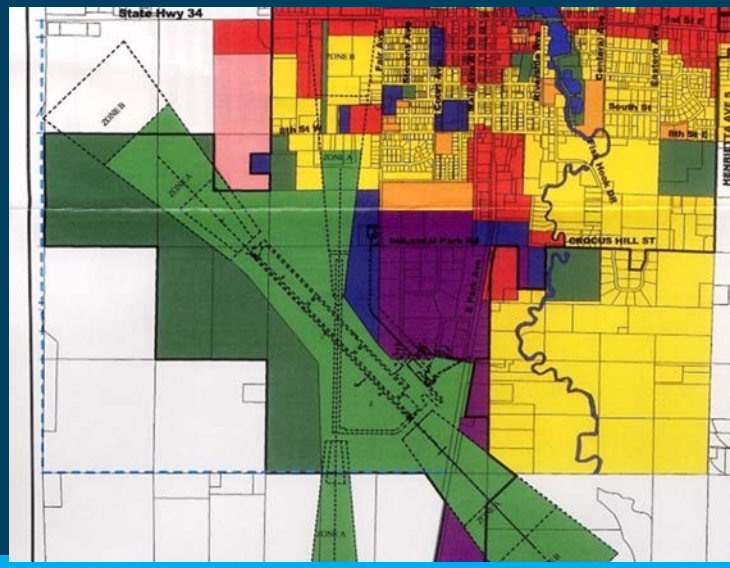


Goals of statute changes

- Integration
  - 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
- Flexibility
  - Remove references to sizes and shapes to allow for unconstrained rulemaking
  - Create a framework for enacting a custom ordinance

Integration: 394 County – 462 Municipal

- Comprehensive plans must "consider the location and dimensions of airport safety zones…"
- Added airport safety zone compatibility to goals and objectives section
- Airport safety zones must be included on maps depicting official controls



Integration: Simplified Process

- Made 360 process more like 394/462
  - Notification requirements
  - 2 hearings reduced to 1 (if no changes made)

Flexibility: Basic and Custom Zoning

- A two-path solution to airport zoning
- Created a framework to enact zoning different from a basic design outlined in rules
- Structural separation between basic and custom design

Flexibility: Basic Zoning

- Retains an “off the shelf” design for communities desiring an easy and cost effective way to achieve airport zoning
- Majority of airports will choose this path
- Will have a model similar to today

Flexibility: Custom Zoning

- Allows a community with significant land use challenges to design an ordinance from the ground up
- Must meet criteria; safety, heights, etc.
  - To be determined
- Likely require consultants and be more expensive
- A tailor-made solution should not be considered less safe

Unresolved issues

- **Established Residential Neighborhoods**
  - Would like to update ERN's to allow more flexibility
  - How to improve ERN without negating the benefits of zoning?
- **Funding Requirement**
  - Airport must be zoned to receive state/federal funding
  - Created an exception for safety
  - Have no way to hold surrounding communities accountable

Other

- Consolidated language
- Removed references to zone names, sizes and uses to allow unconstrained rulemaking
- MnDOT has a 120-day review period

Next Steps

- Continue to refine proposed statutory changes
- Begin rules update process

Timeline for Statutory Changes

- **Jul.** Deadline to submit proposal forms to Government Affairs
- **Sept.** Deadline to submit draft legislation to Government Affairs
- **Jan.** 2016 legislative session begins
- Early 2016 Begin rulemaking process

How to Comment

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360.065 AIRPORT ZONING; ADOPTION AND APPROVAL OF PROPOSED REGULATIONS.

Subdivision 1.**Notice of proposed zoning regulations, hearing.**

(a) No airport zoning regulations shall be adopted, amended, or changed under sections 360.011 to 360.076, except by action of the governing body of the municipality or county in question, or the boards provided for in section 360.063, subdivisions 3 and 7, or by the commissioner as provided in subdivisions 6 and 8~~, after public hearings, at which parties in interest and citizens shall have an opportunity to be heard.~~.

(b) A public hearing ~~shall~~must be held on the proposed regulations before they are submitted for approval to the commissioner and ~~after that approval but~~ , if any changes are made to the proposed ordinance after the initial public hearing, another hearing must be held before final adoption by the ~~local~~municipality, county, or joint airport zoning ~~authority.~~board.

(1) Notice of a hearing ~~required pursuant to this subdivision shall~~must be published by the ~~local~~municipality, county, or joint airport zoning ~~authority~~board at least ~~three times during the period between 15 days and five~~10 days before the hearing in ~~an~~at least one official newspaper ~~and in a second newspaper designated by that authority~~ which has a wide general circulation in the area affected by the proposed regulations. The notice ~~shall not~~must specify the time, place, and purpose of the hearing and must identify any additional place and time at which the proposed regulations will be available for public inspection. A copy of the published ~~in the legal~~ notice ~~section of a newspaper. Notice of a hearing shall also~~must be ~~mailed~~added to the ~~governing body~~records of ~~each political subdivision in which property affected by the regulations is located. Notice shall~~the proceedings.

(2) Notice of a hearing must be given by mail at least ~~15~~10 days before each hearing to any persons ~~in municipalities that~~who own land proposed to be included in ~~safety zone A or B as~~ a zone in which the location or size of building or the density of population will be regulated. Mailed notice must also be provided ~~in the rules of the Department of Transportation and to~~ at least 10 days before each hearing to persons or municipalities ~~that~~which have previously requested such notice from the ~~authority~~municipality, county, or joint airport zoning board. The notice must specify the time, place, and purpose of the hearing and must identify any additional place and time at which the proposed regulations will be available for public inspection. Mailed notice must also identify the property affected by the proposed regulations and the restrictions to be imposed on the property by the regulations. For the purpose of giving mailed notice, the municipality, county, or joint airport zoning board ~~authority~~ may use any appropriate records to

- http://www.dot.state.mn.us/aero/planning/zoning.html

Questions

- Have you participated in enacting airport zoning?
  - What problems did you encounter?
  - What went well?
- Who enforces airport zoning at your airport?
  - Does the ordinance adequately protect the airport?
- Does your comp plan consider the airport?
  - How could it better reflect the needs of both the community and airport?
- What should we consider when adjusting sizes/uses allowed in zones?
- What criteria should be considered when preparing a custom ordinance?