

Proposed Statute Changes to Airport Zoning Public Outreach – Detroit Lakes, May 15, 2015 Summary

These meetings notes are a summary of the above meeting. Any corrections should be sent to Rylan Juran, Rylan.Juran@state.mn.us.

Attendance: See the attached attendance sheet.

Agenda

- Introductions
- Airport Zoning History
- Purpose of Airport Zoning
- Current Airport Zoning
 - Airspace
 - Land Use
- Issues/Solutions
- Next Steps
- How to Provide Further Comments
- Questions

MnDOT delivered a presentation on the agency's proposed changes to airport zoning statutes. The presentation included the history and purpose of airport zoning, current MN airport zoning requirements, and the work of the airport zoning advisory committee.

The airport zoning advisory committee identified issues with current airport zoning and provided input to guide a statutory change proposal. This proposal seeks to provide for better integration with local zoning and planning efforts and provide more flexibility into airport zoning efforts.

MnDOT asked for input on custom-zoning criteria and modifications to Established Residential Neighborhood provisions, and feedback on the proposal in general.

A discussion session followed the presentation and is summarized below:

Question: Is there a review time custom designed ordinances?

Response: Yes, MnDOT is proposing a 120 day review period.

Question: We have no way to get payments for properties in zones A and B.
How/where can we get funds for that?

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Response: The FAA has participated in aviation easement payments, but only the court can determine if it is a “taking” of the property. There are two exceptions in Minnesota where property owners won their cases. Usually the court rules in favor of the municipality. Minnesota has a “Clear Zone” policy which is a subset of Zone A. MnDOT Aeronautics will participate in the purchase of the clear zone to help you purchase the property. The FAA does participate in aviation easement for height control, but not use control. We like to see better integration between city planning and airport planning so it will help protect the city’s airport.

Question: Will future airport zoning ordinances exist as an overlay? This has worked for us because the underlying land is zoned residential/agriculture.

Response: Yes, under the proposal future airport zoning ordinances could be implemented as an overlay to other, underlying and likely less restrictive zoning.

Question: Under the proposal, will airports be required to reestablish airport zoning, or is there some grandfathering considered?

Response: If the current ordinance protects existing and future infrastructure, and a Commissioner’s Order was issued, then the current proposal would not trigger any need to update an ordinance.

Question: How do your projects integrate with other transportation projects?

Response: We look at the needs of the airport and its infrastructure. Zones follow on to that.

Comment: We don’t want our planning process to force another to do something.

Question: How do we integrate plans with townships that are without a plan as well as those with a Master Plan?

Response: If there are zoning controls that go into the next community, it should be brought out during the comprehensive planning.

Question: If a community has a draft airport zoning ordinance that is seven years old, will the proposal require this ordinance to be updated to reflect the new laws and/or rules?

Response: The new standards will likely be somewhat less restrictive so the draft ordinance, assuming it met the standards of the time, likely adequately protect the airport.

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Comment: MCOA is very encouraged with the efforts of this zoning process. MCOA hopes for changes that are reasonably protective and safe; each airport is different and fleet mixes also differ from airport to airport. So flexibility is the key as liability revisions about municipalities get caught up in legal battles. MCOA doesn't feel MnDOT's hands should be tied; MnDOT should be able to guide and advise smaller airports.

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Attendees:

<u>Name</u>	<u>Organization</u>
Brian Yavaran	City of Fergus Falls
Gordon Hydukovich	City of Fergus Falls
Tom Werner	Duluth Airport Authority
Ryan Mathisrud	City of Park Rapids
Kristie Leshovsky	City of Moorhead
Jeff Wig	Brainerd Airport
John Young, Jr.	City of Hawley
Eric Evenson-Marden	Becker County
Ryan Gaug	MnDOT Office of Aeronautics
Rylan Juran	MnDOT Office of Aeronautics
Kathy Vesely	MnDOT Office of Aeronautics
Dan McDowell	MnDOT Office of Aeronautics