

## Proposed Statute Changes to Airport Zoning Public Outreach – Duluth, May 7, 2015 Summary

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These meetings notes are a summary of the above meeting. Any corrections should be sent to Rylan Juran, [Rylan.Juran@state.mn.us](mailto: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: It is not required for rural cities/counties to have comprehensive plans. If airport zoning is required to be on the comprehensive plan, will it still apply to communities without comprehensive plans?

Response: There is no requirement for a comprehensive plan but the new proposal will require airport zoning to be included in the comprehensive plans in the next update,

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only if it currently exists. The proposal does not require communities to develop a new comprehensive plan.

Question: A concern about opening up Chapter 462 to legislative review was expressed.

Response: We have met with the League of Minnesota Cities, a representative of the Minnesota Association of County Planners and Zoning Administrators and other agencies and have not heard that concern. We will be sure to look closer at that concern.

Question: You said custom zoning should not be less than basic zoning, what does that mean?

Response: To clarify, we meant it should not be considered less “safe” than basic zoning.

Question: What is the difference between custom and basic and will the difference help when assigning liability?

Response: The proposal is intended to make it easier for communities to zone based on their specific needs. The intent is that the basic design will be used by most communities. Communities can choose to use a custom design if there are issues that the basic design does not address. Liability is not different between the two and the designs should not be compared. Both the basic and custom designs become the standard and deviation from that standard is where you will see risk and liability (if the community chooses not to follow its zoning ordinance).

Question: How does tribal land impact airport zoning?

Response: The tribe is invited, but zoning does not apply to their land. MnDOT has a liaison, but a tribe is under no obligation to join in the zoning effort.

Question: Does MnDOT have a good example of a custom zone received in the past, maybe a MAC example?

Response: MnDOT has reviewed a number of MAC examples. We have not yet finalized the criteria.

Comment MAC: There are several studies that may be accepted under the new statute depending on the criteria that MnDOT comes up with.

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Comment: A crosswind runway extension will have a huge economic impact on property and the city wants to develop, not in five years, but maybe in 15 years.

Comment: Hermantown has concerns including development impacted by the crosswind runway and a potential negative impact for future development. The city would like to customize for safety. On the other side of the airport, there already is economic development and there is potential for Rice Lake to become a city. Hopefully existing zoning will be grandfathered in.

Question: For the basic zoning, maybe the 2/3 and 1/3 zone (A & B respectively) lengths could shrink?

Response: MnDOT thinks it will look similar, but rule-making will be instrumental in the length determination. Also, MnDOT expects the same-type cookie-cutter zoning, but with a cap so the longest runways in the state don't require excessively long zones.

Question: Who grants the approval to go with custom zoning?

Response: Approval is not required to begin the custom zoning process. A notification is required and MnDOT expects to be involved as custom zoning is developed, then a 120-day review and then the airport would request a commissioner's order.

Comment: MCOA has been working with MnDOT and recently took a formal position. MCOA supports reducing the size of the basic zoning, supports the concept of basic and custom zoning with no benchmarking of the custom zoning to the basic zoning. It was also suggested that socio-economic and safety will be two criteria of the custom zoning, but that will be finalized during rule-making.

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Attendees:

<u>Name</u>	<u>Organization</u>
Adam Fulton	Hermantown
Neil Ralston	Metropolitan Airport Commission
John Geissler	City of Hermantown – Duluth Airport Authority – Joint Airport Zoning Board
Al Cottingham	City of Cloquet
Sam Pomush	Douglas County and Duluth-Superior Metropolitan Interstate Council
Casey Komarek	Two Harbors Airport Manager
Joseph Harris	Metropolitan Airport Commission and Minnesota Council of Airports
Andy McDonald	Duluth-Superior Metropolitan Interstate Council
Kyle Deming	City of Duluth
John Kelley	City of Duluth
John Mulder	City of Hermantown
Ron Chicka	Duluth-Superior Metropolitan Interstate Council
Natalie Peterson	Duluth Airport Authority
Tom Werner	Duluth Airport Authority
Christine McCarthy	Lake County
Pete Stauber	St. Louis County
Tara Kalar	MnDOT Office of Chief Counsel
Ryan Gaug	MnDOT Office of Aeronautics
Rylan Juran	MnDOT Office of Aeronautics
Kathy Vesely	MnDOT Office of Aeronautics
Julie Carr	MnDOT Office of Aeronautics