



# Updating Minnesota's Airport Zoning Laws

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MACPZA Annual Conference

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We all have a stake in **A**  **B**



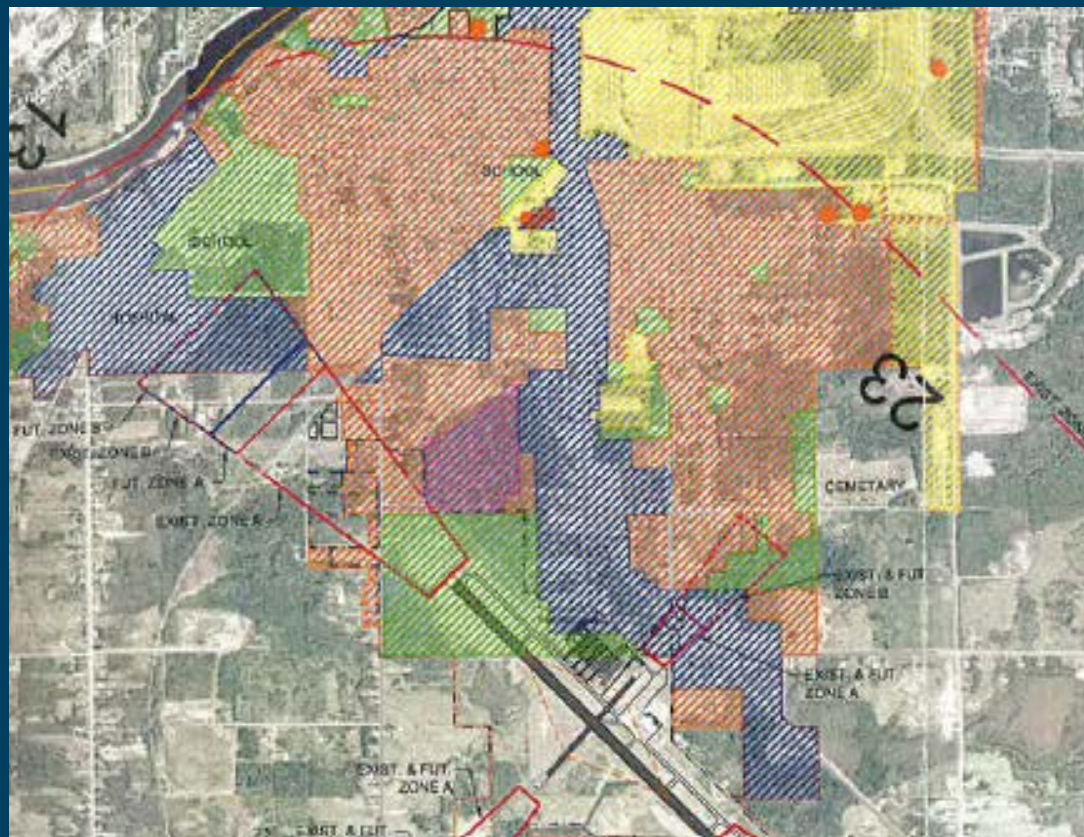
# Today's Agenda

- ▶ What is Airport Zoning?
- ▶ What does Airport Zoning look like in MN?
- ▶ Why do we have Airport Zoning?
- ▶ What are the issues with Airport Zoning?
- ▶ What is MnDOT proposing?
- ▶ What are the next steps?



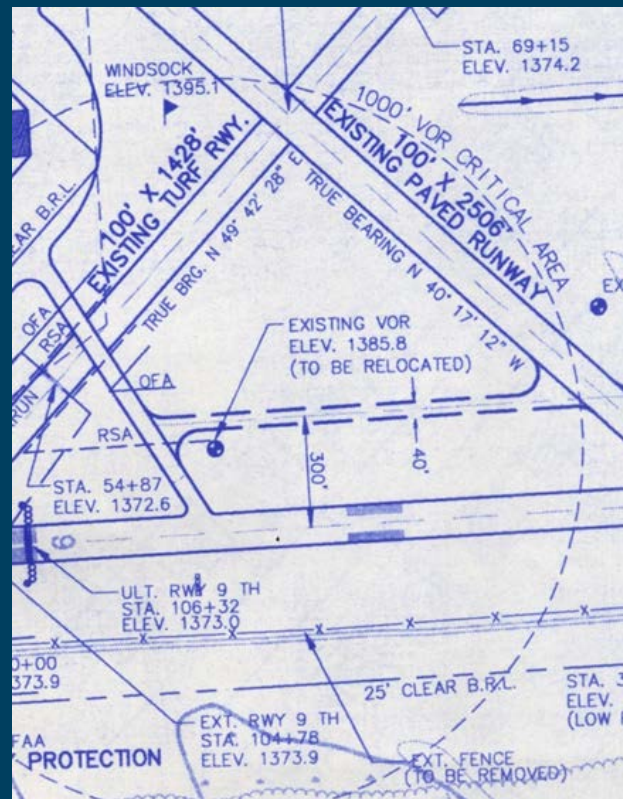
# Airport Planning

- ▶ Airport Master Plan  $\approx$  City/County Comp. Plan



# Airport Planning

- ▶ Airport Layout Plan (ALP)  $\approx$  Development Site Plan



# Airport Planning

- ▶ Airport Zoning = Municipal/County Zoning



# 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

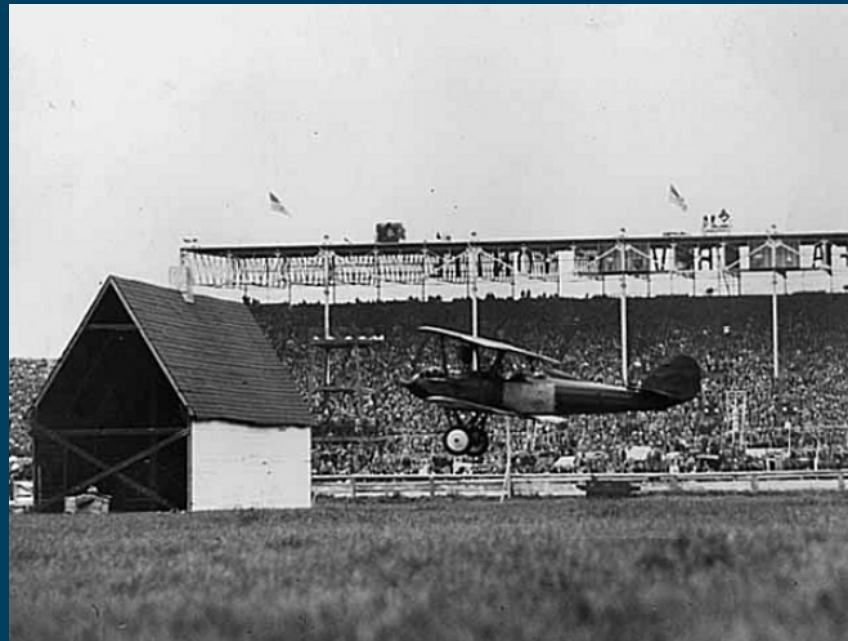
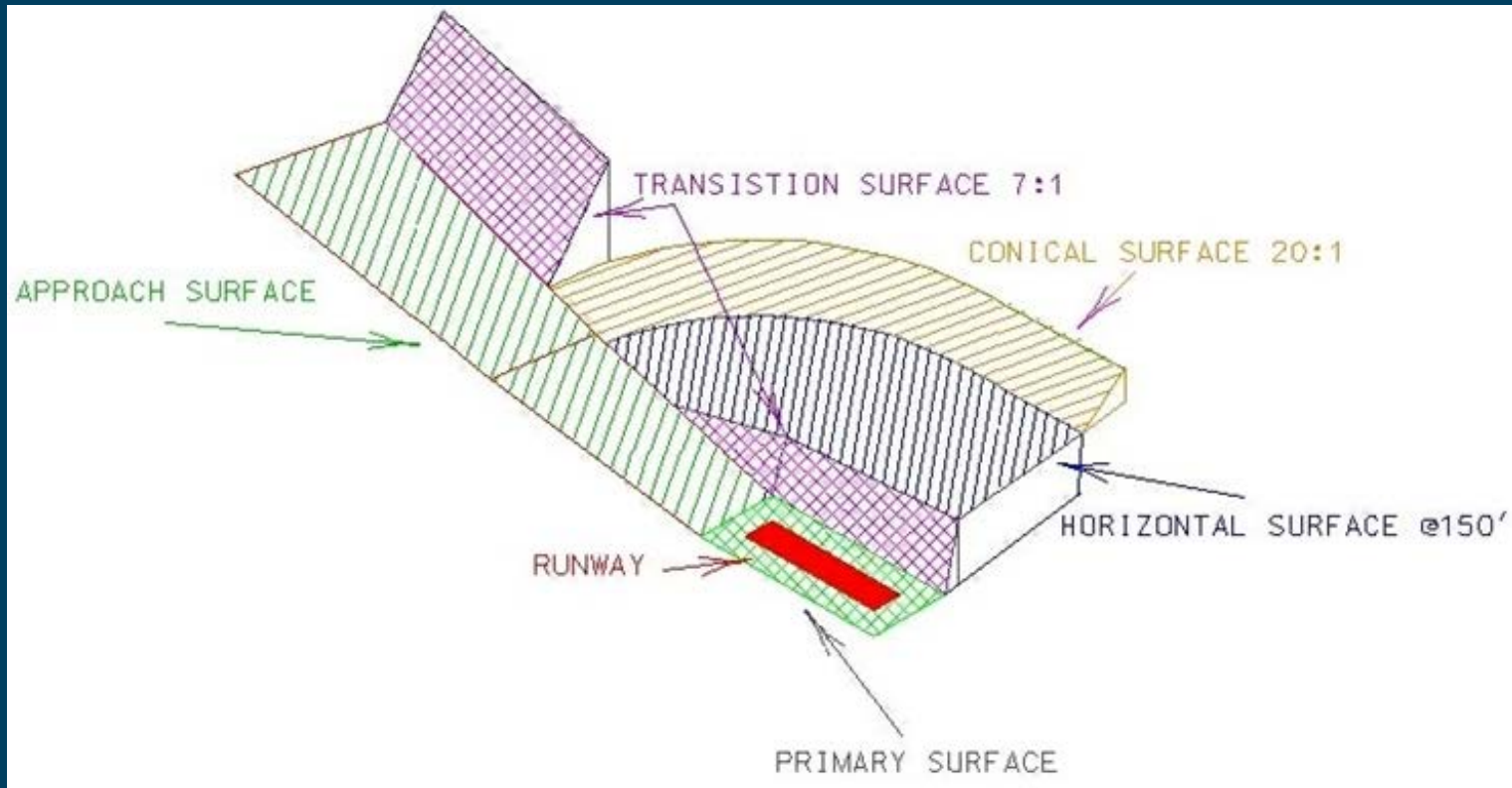


Photo: MN Historical Society

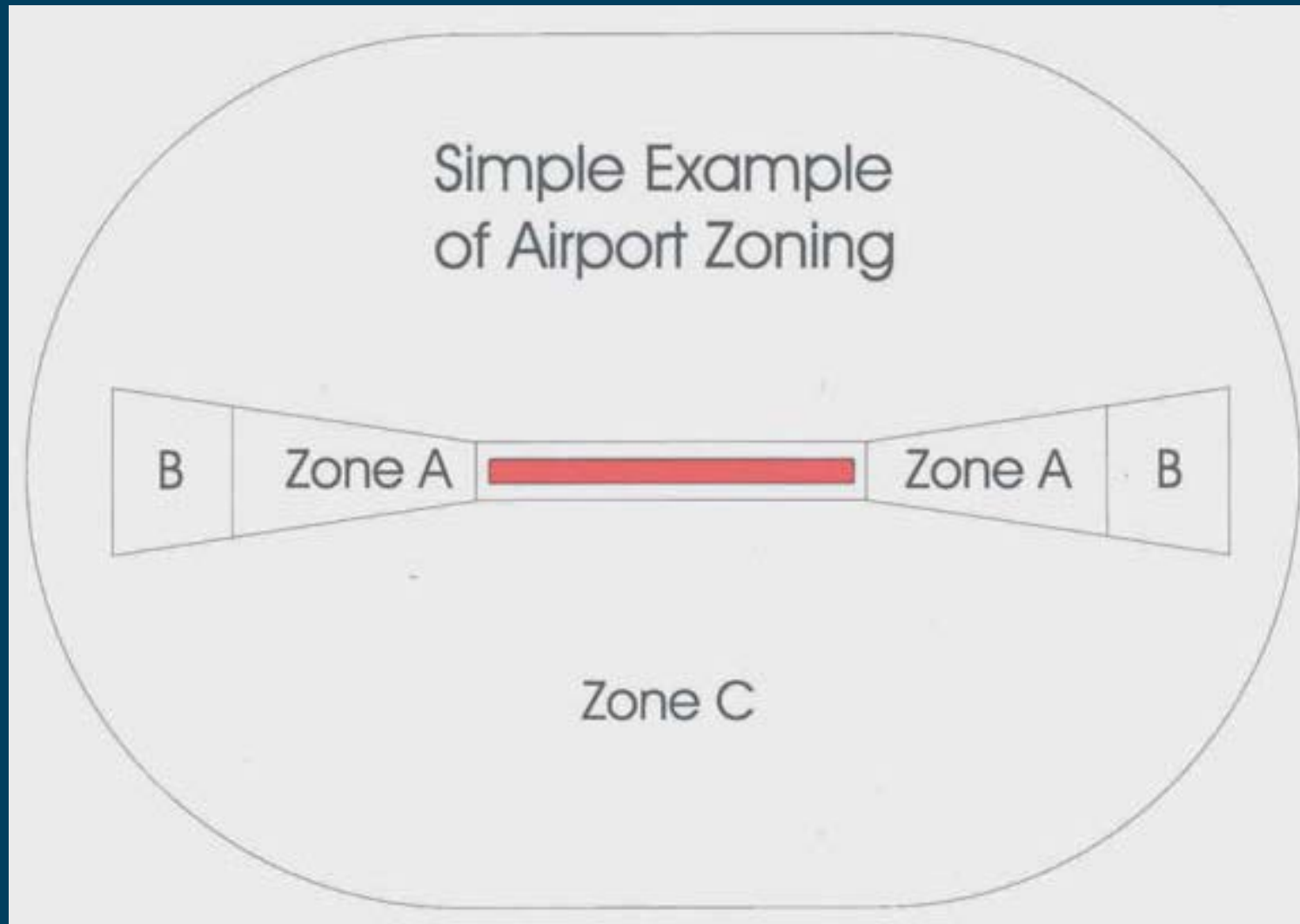


# Airspace Zoning





# Land Use Zoning



# (In)Compatible Land Use

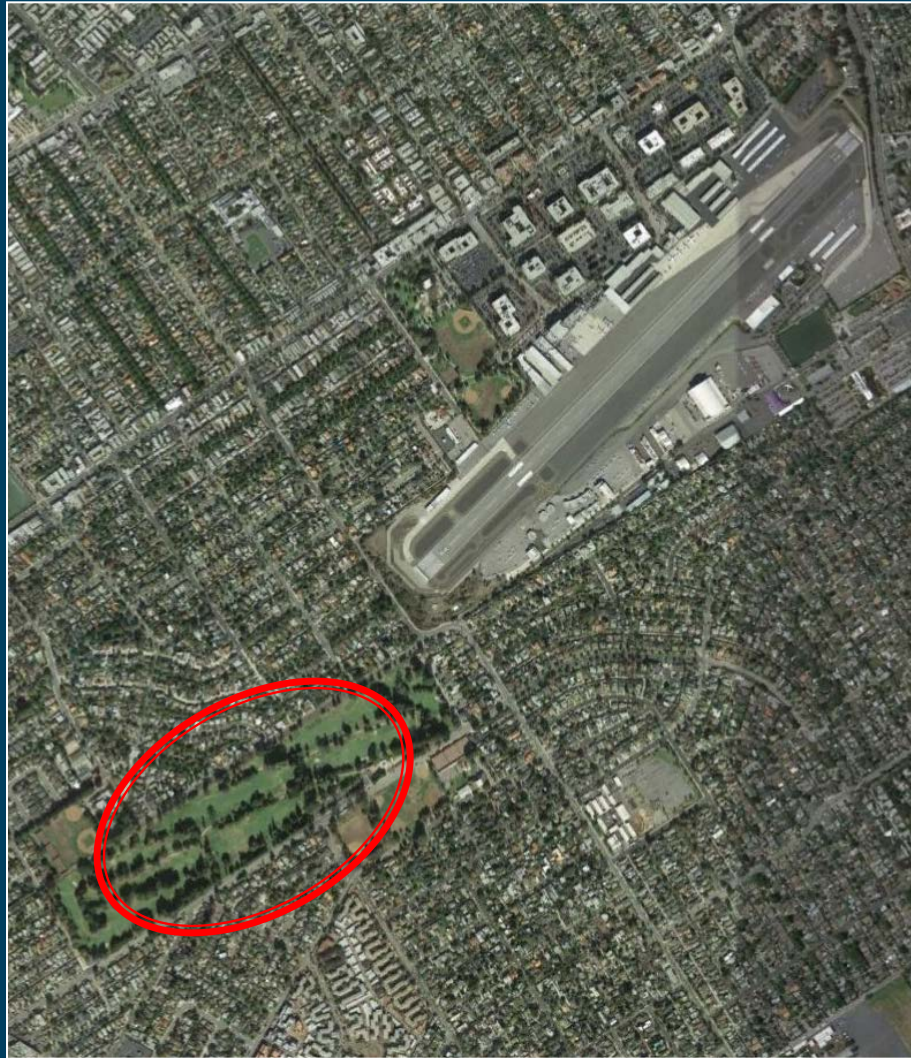


Photo: Google Earth



# (In)Compatible Land Use



Photo: Google Earth



# Accident Distribution

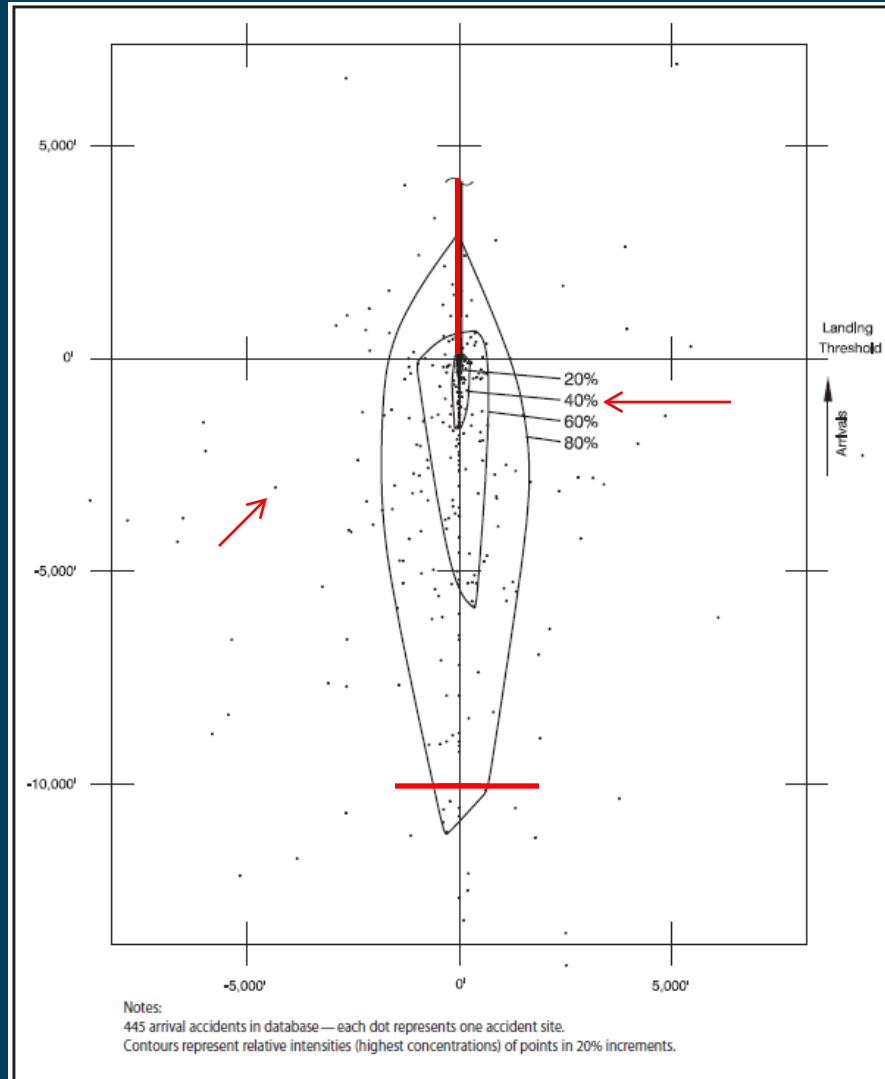
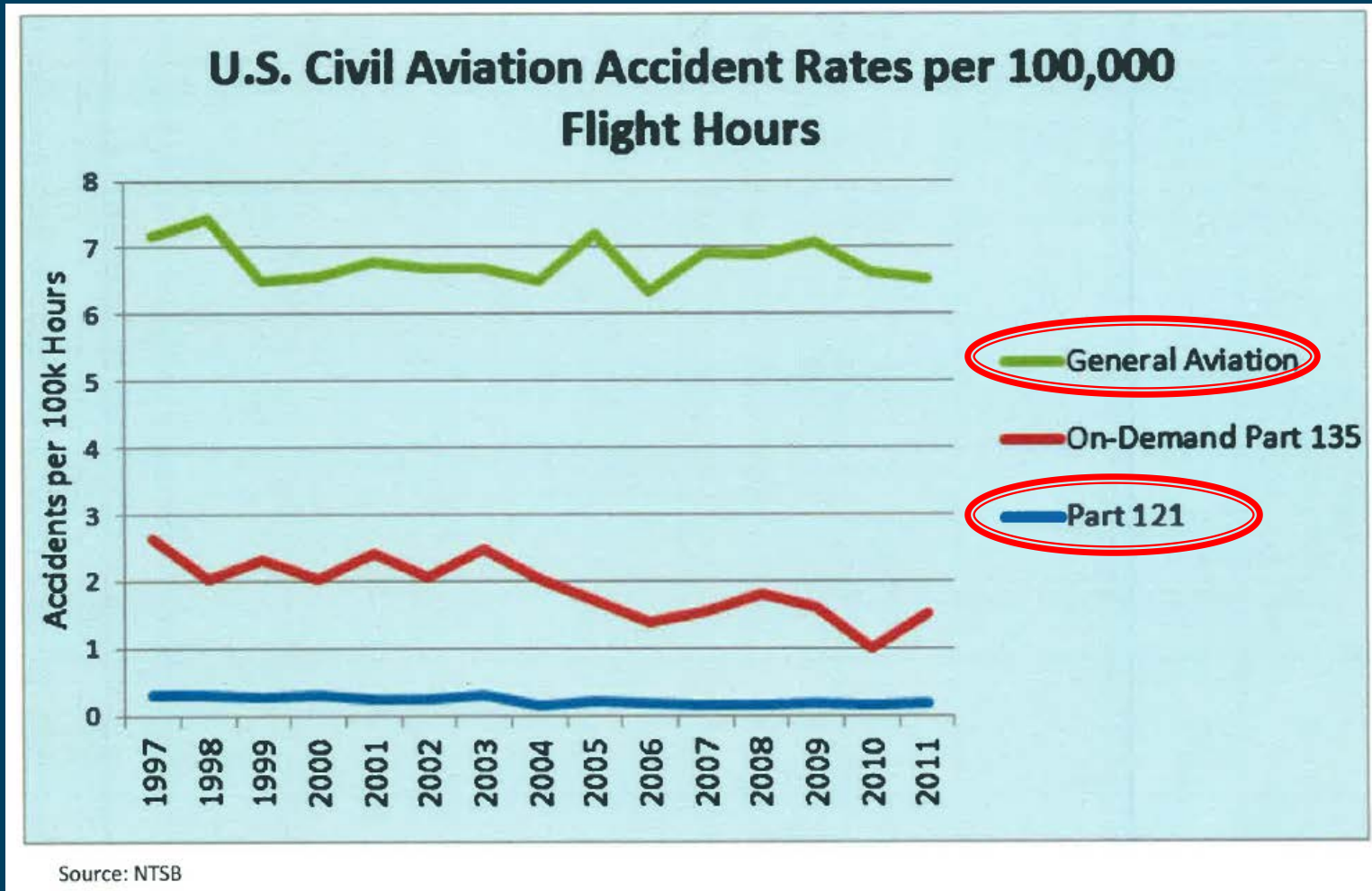


FIGURE F2

General Aviation Accident Distribution Contours – All Arrivals



# Accident Trends

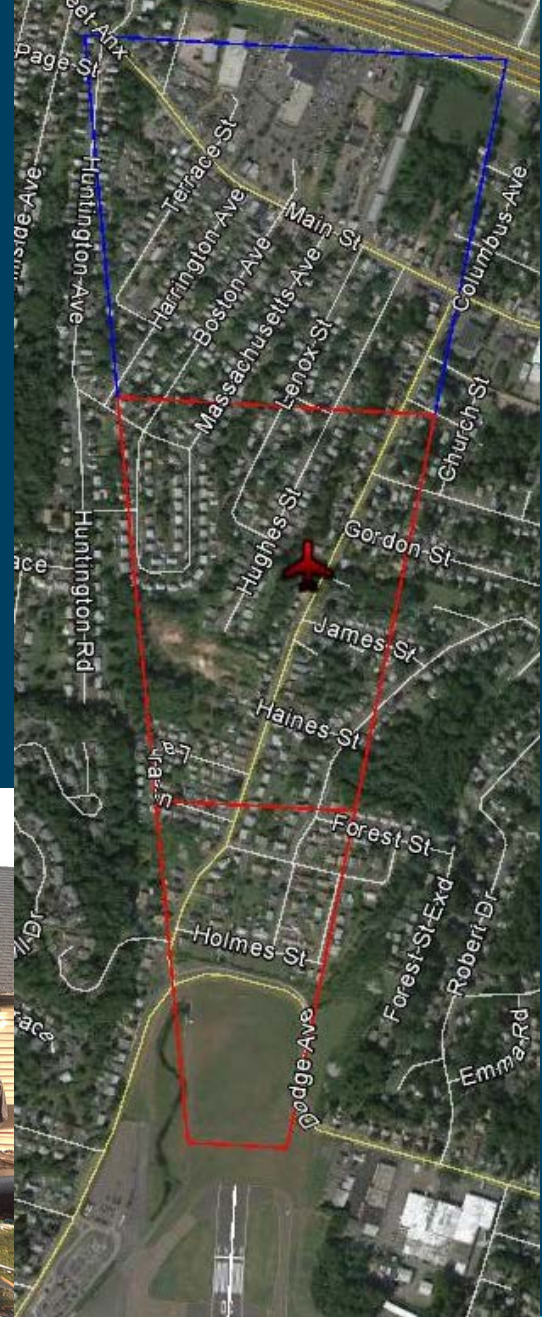


# New Haven, CT

- ▶ August 9, 2013
- ▶ Rockwell International 690B impacted 2 homes while circling to land RWY 20
- ▶ 13 year old and 1 year old killed along with 2 on board aircraft

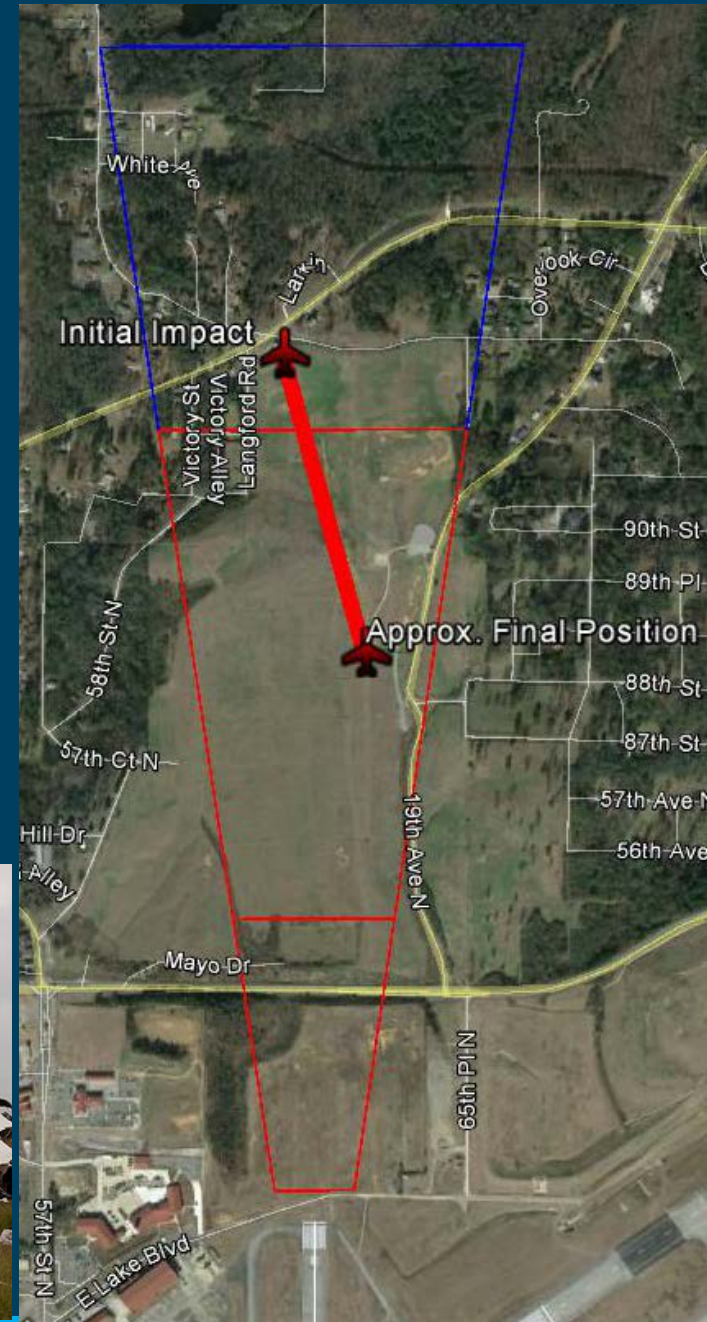


- ▶ Photo: NTSB
- ▶ Google Earth



# Birmingham, Alabama

- ▶ August 14, 2013
- ▶ UPS Flight 1354, Airbus A300
- ▶ Impacted trees and terrain on approach to RWY 18
- ▶ Previous homes removed under noise abatement program
- ▶ No injuries to persons or damage to property on the ground



- ▶ Photo: NTSB
- ▶ Google Earth



# 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.





# Approach and Progress

- ▶ November 2013 convened advisory group
  - Met 5 additional times (most recent April 30)
  - Consisted of broad range of stakeholders
- ▶ August 2014 key stakeholders asked that MnDOT wait for 2016 Legislative Session
- ▶ May/June 2015 conducted series of 10 State-wide outreach meetings.



# Key Issues

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



# Goals of statute changes

## ▶ Integration

- More closely integrating airport zoning with other local zoning and planning processes

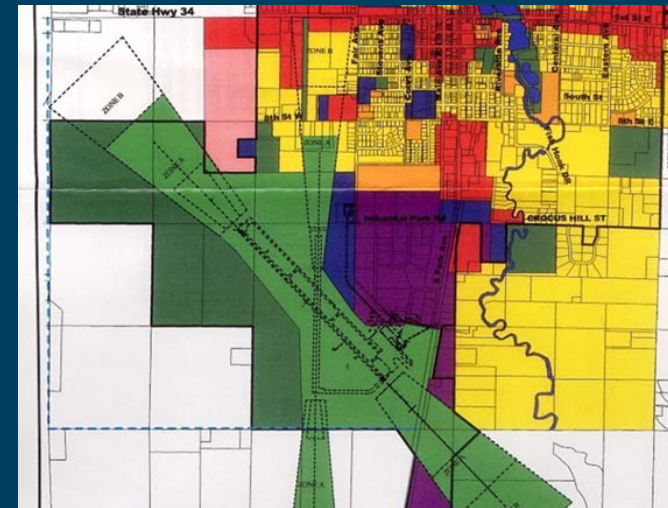
## ▶ Flexibility

- 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
- ▶ Likely require consultants and be more expensive
- ▶ A tailor-made solution should not be considered less safe





# Draft Criteria

- ▶ (i) Location of the airport, including the surrounding land uses and character of the neighborhoods in the vicinity of the airport, including...
- ▶ (ii) The type of operations of the airport and how those operations affect safety surrounding the airport.
- ▶ (iii) Comparison of the accident rate of the airport to a national rate and analysis of accident distribution based on the more conservative rate.



# Draft Criteria

- ▶ (iv) Planned land uses within an airport hazard area, including any applicable platting, zoning, comprehensive plan or transportation plan.
- ▶ (v) Assessment of the social and economic costs of restricting land and the investment and benefit of the airport to the community.
- ▶ (vi) Any other factor the municipality, county, or joint airport zoning board deems relevant to affect the level of safety provided by the proposed ordinance.



# What we learned during outreach

- ▶ Great interest in learning more about today's statutes as well as the proposal
- ▶ Confirmed that awareness of airport zoning is an issue
- ▶ Coordination between jurisdictions sharing an airport hazard area is often lacking
- ▶ There is a fear of takings claims resulting from airport zoning
- ▶ There is a concern this proposal will require all airports to rezone under the new statutes (it will not)
- ▶ Overall, we received very supportive comments and few (if any) objections



# Timeline for Statutory Changes

- ▶ **August 21**      Deadline to submit legislative change concepts to MnDOT Government Affairs
- ▶ **September 11**      Deadline to submit complete draft legislation to Government Affairs
- ▶ **March**      2016 legislative session begins
- ▶ **Mid-2016**      Begin rulemaking process



# What can you do?

- ▶ Actively engage with and learn more about airports in your county
- ▶ Familiarize yourself with any existing Airport Zoning Ordinances
- ▶ Request and review redlines
- ▶ Be an advocate for the legislative proposal



# Thank you!

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## Zoning Advisory Committee

- [www.dot.state.mn.us/aero/planning/zoning.html](http://www.dot.state.mn.us/aero/planning/zoning.html)

## Zoning Outreach Meeting

- [www.dot.state.mn.us/aero/planning/outreachmeetinginvitation.htm](http://www.dot.state.mn.us/aero/planning/outreachmeetinginvitation.htm)

