

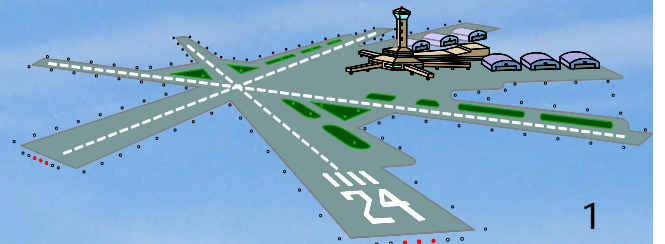
What does the New Land Use Handbook have to offer?



2006

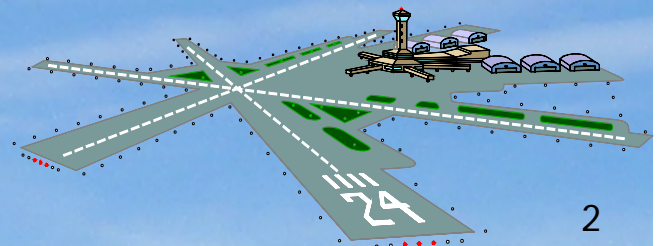
AirTAP Fall Forum

Kathy Vesely, Gina Mitchell





New Legislation



New Legislation

→ SF 1940

→ Effective August 1, 2006

→ *The operation and maintenance of airports is an essential public service.*



New Legislation

✈ SF 1940

- ✈ Effective August 1, 2006
- ✈ Requires real estate disclosure that property is within an airport safety zone.
- ✈ Includes A, B, & C



New Legislation

✈ SF 1940

- ✈ *“A municipality that adopts a comprehensive plan that the commissioner finds is incompatible with the state aviation plan is not eligible for assistance from the state airports fund.”*
- ✈ Effective August 1, 2006



Example

Integrating Community & Airport Land Use Plans

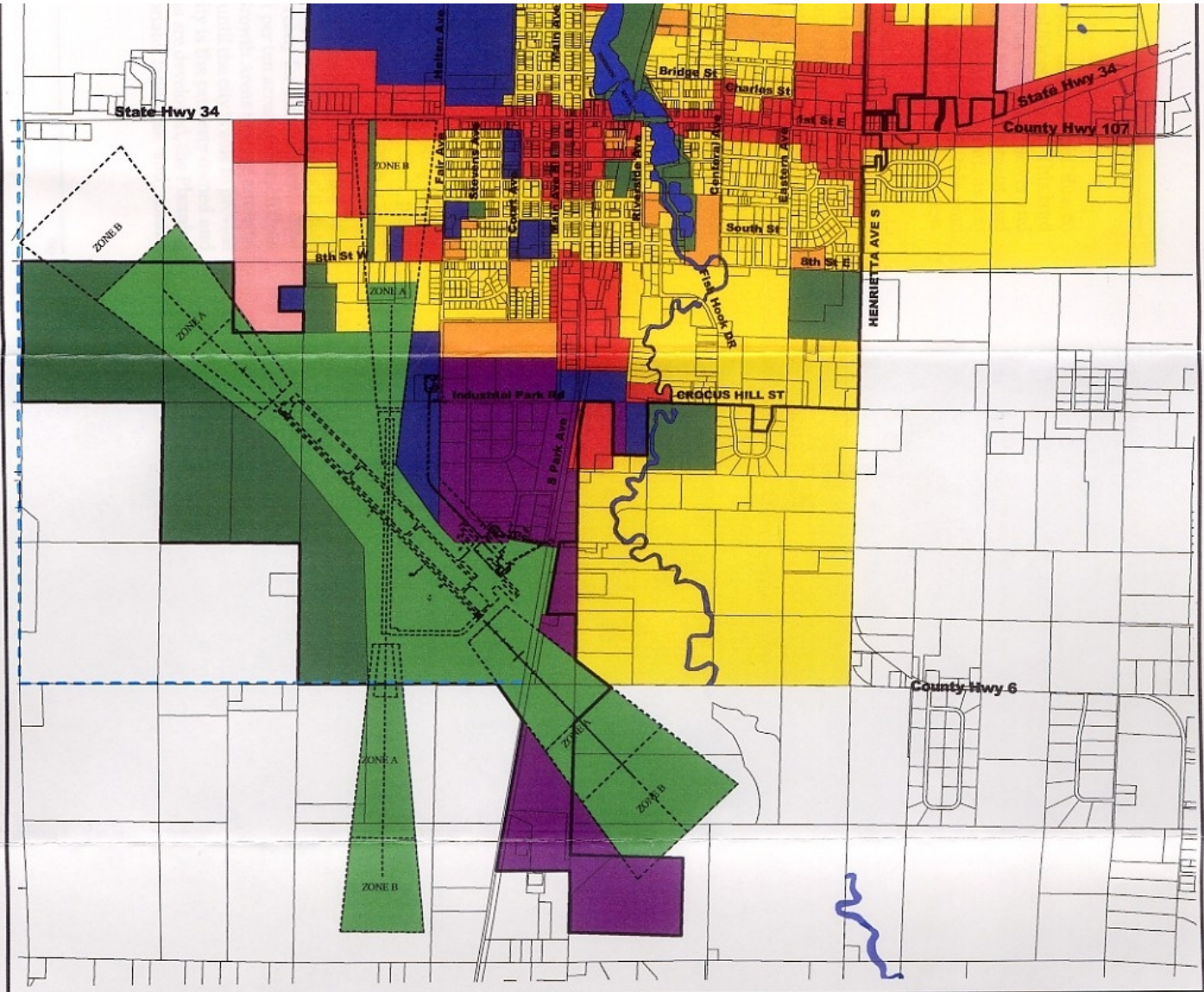
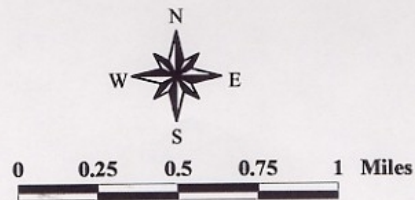


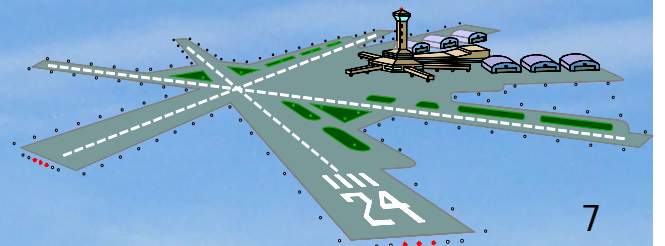
Figure 7
City of Park Rapids
Comprehensive Plan 2005
Future Land Use Map



| Future Land Use | |
|--|---------------------|
| ■ | Airport |
| ■ | Commercial |
| ■ | Park and Open Space |
| ■ | Industrial |
| ■ | Public/Semi Public |
| ■ | Single Family |
| ■ | Multiple Family |
| ■ | Light Industrial |
| ■ | Water |
| --- | Future Bypass |
| — | City Boundary |



Rule Changes



Minnesota Rules Chapter 8800

→ Dates

→ September 5, 2005

→ September 11, 2006

→ www.revisor.leg.state.mn.us/revisor/pages/forms/getrulechap.php

Or

→ www.revisor.leg.state.mn.us/arule/8800

Approaches

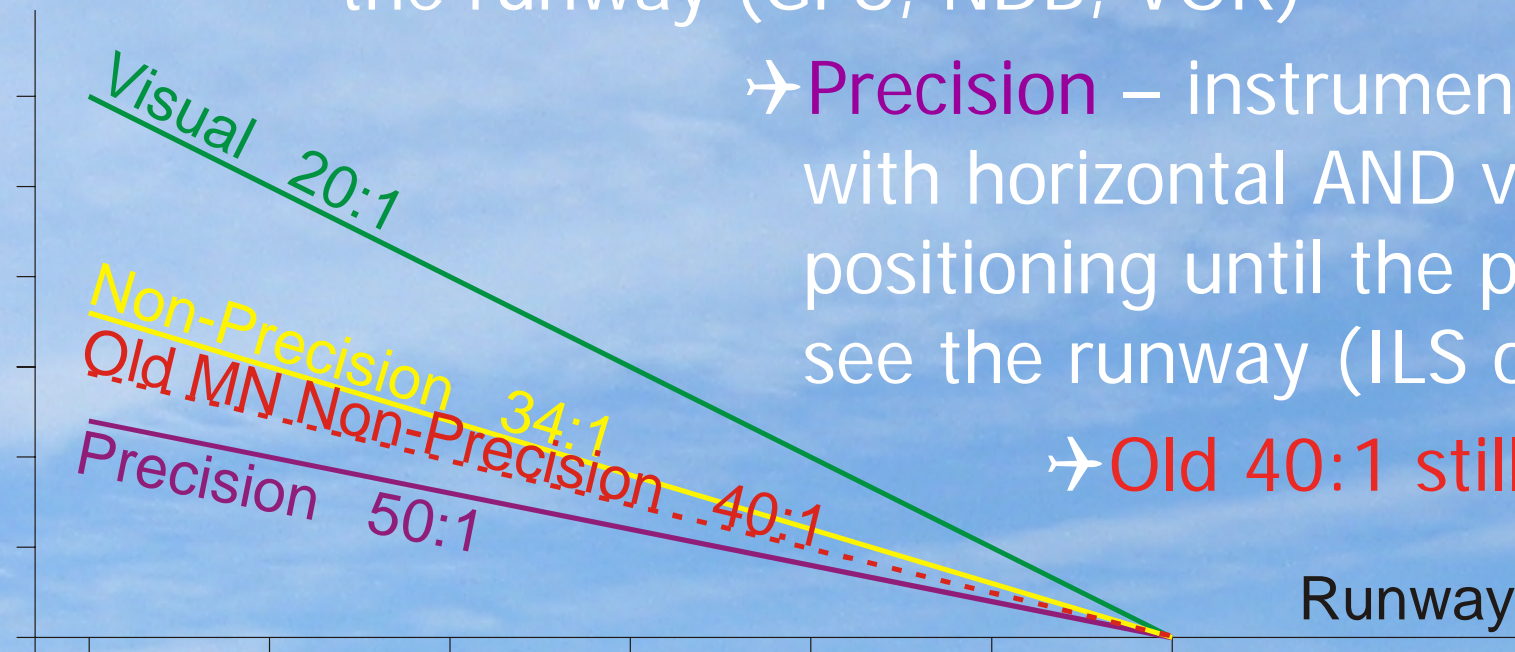
→ A Trapezoid section of the airspace that acts as a ramp to the runway.

→ **Visual** – pilot can see the runway

→ **Non-Precision** – instruments assist with horizontal positioning until the pilot can see the runway (GPS, NDB, VOR)

→ **Precision** – instruments assist with horizontal AND vertical positioning until the pilot can see the runway (ILS or better)

→ **Old 40:1 still important**

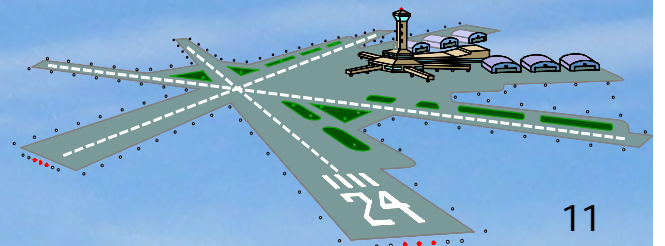


Definitions

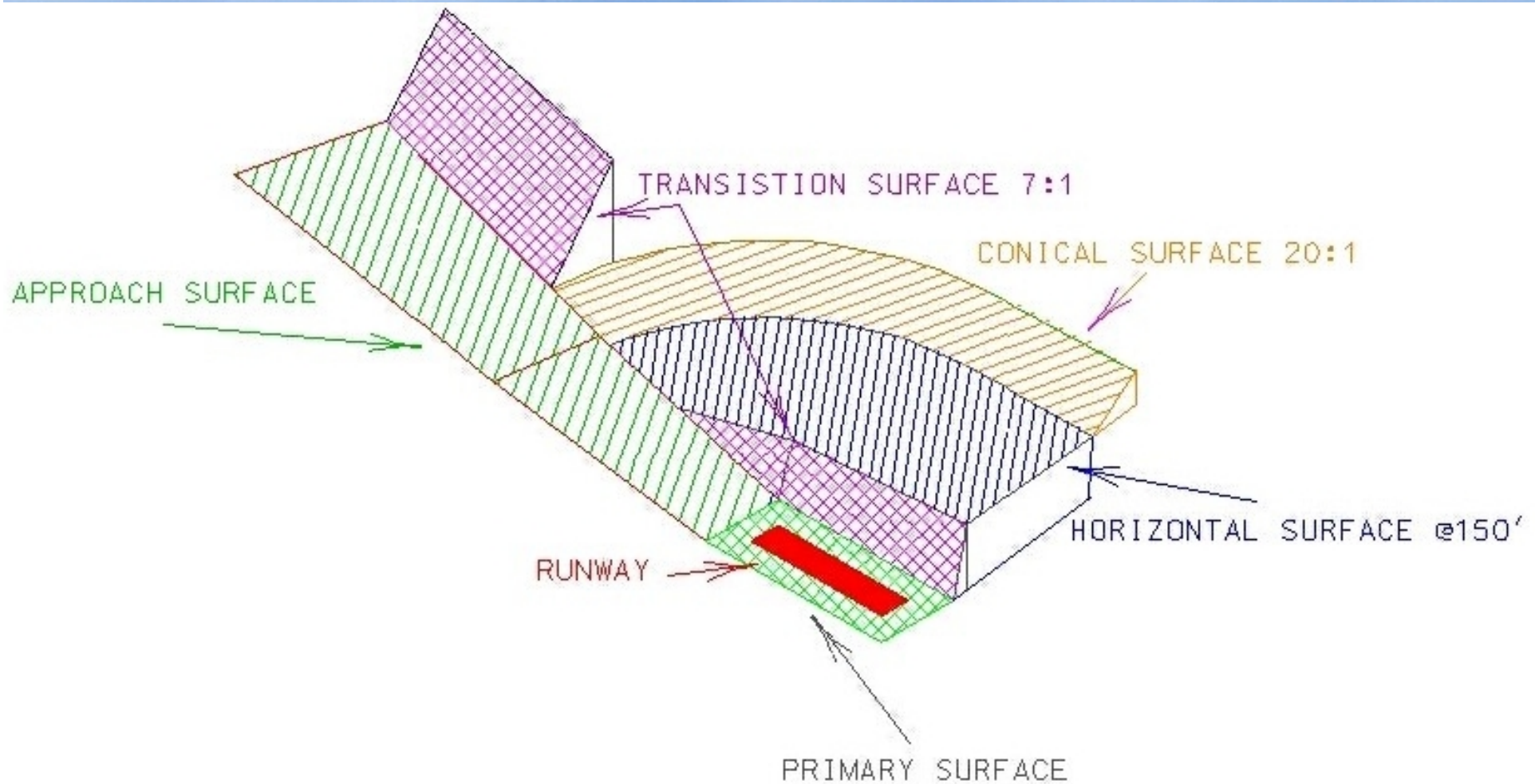
- Utility Runway = less than 4900' length
 - Used for prop aircraft, 12,500 pounds or less
 - 5,000 ft Zone C radius
- Other than Utility = greater than 4900' runway length
 - Used for jet aircraft, more than 12,500 pounds
 - 10,000 ft Zone C radius
- Special Use Airports
 - Airports not runways



Zoning Review



Airspace Diagram



Minnesota Standard Zones

Simple Example
of Airport Zoning



Zone C

Zone A
+ Zone B
Runway Length

OK

- Agricultural crops
- Horticulture
- Raising livestock
- Wildlife habitat
- Nonspectator outdoor recreation
- Cemeteries
- Auto parking

Zone A



NO

- Buildings
- Temporary structures
- Exposed transmission lines
- Assembled groups of people
- Or similar other uses
- Radio interference
- Lighting

OK

- Buildings
 - (on appropriate size site)
- All uses OK in Zone A
 - Agricultural crops
 - Horticulture
 - Raising livestock
 - Wildlife habitat
 - Non-spectator outdoor recreation
 - Cemeteries
 - Auto parking

Zone B



NO

- Building Site less than 3 acres
- Assembly of people (> 15 / acre)
- Churches
- Schools
- Stadiums
- Trailer Courts
- Radio interference
- Lighting
- ↳ Hospitals
- ↳ Theaters
- ↳ Hotels & Motels
- ↳ Camp grounds

Zone C

OK

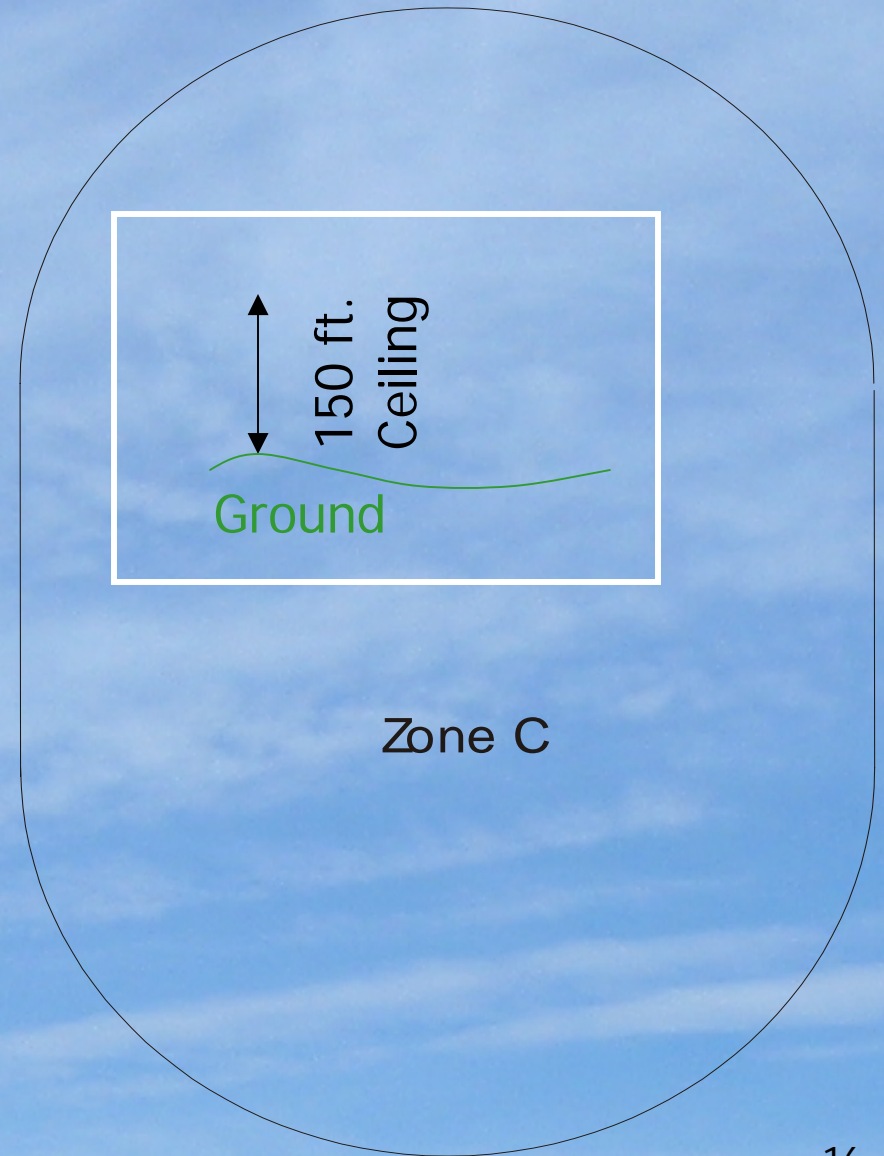
- All other uses below the height restrictions

NO

- Radio interference
- Lighting

Consider Other Heights

- 100?
- Less?



Procedural Steps

1. Submit Documents to Mn/DOT Aeronautics
2. Establish Joint Zoning Board
3. Draft Zoning Ordinance & Map
4. Mn/DOT Aeronautics First Review
5. Prepare for Public Hearing
6. First Public Hearing
7. Mn/DOT Commissioner's Order
8. Second Public Hearing
9. Adopt Ordinance
10. File with County Recorder

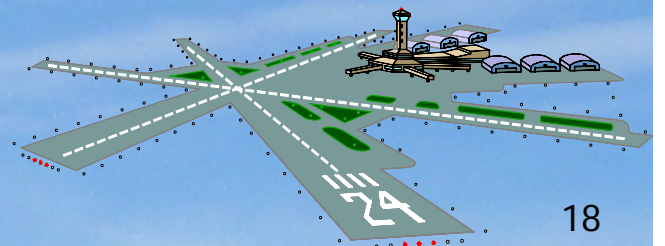


www.mndot.gov - click on the Airplane -

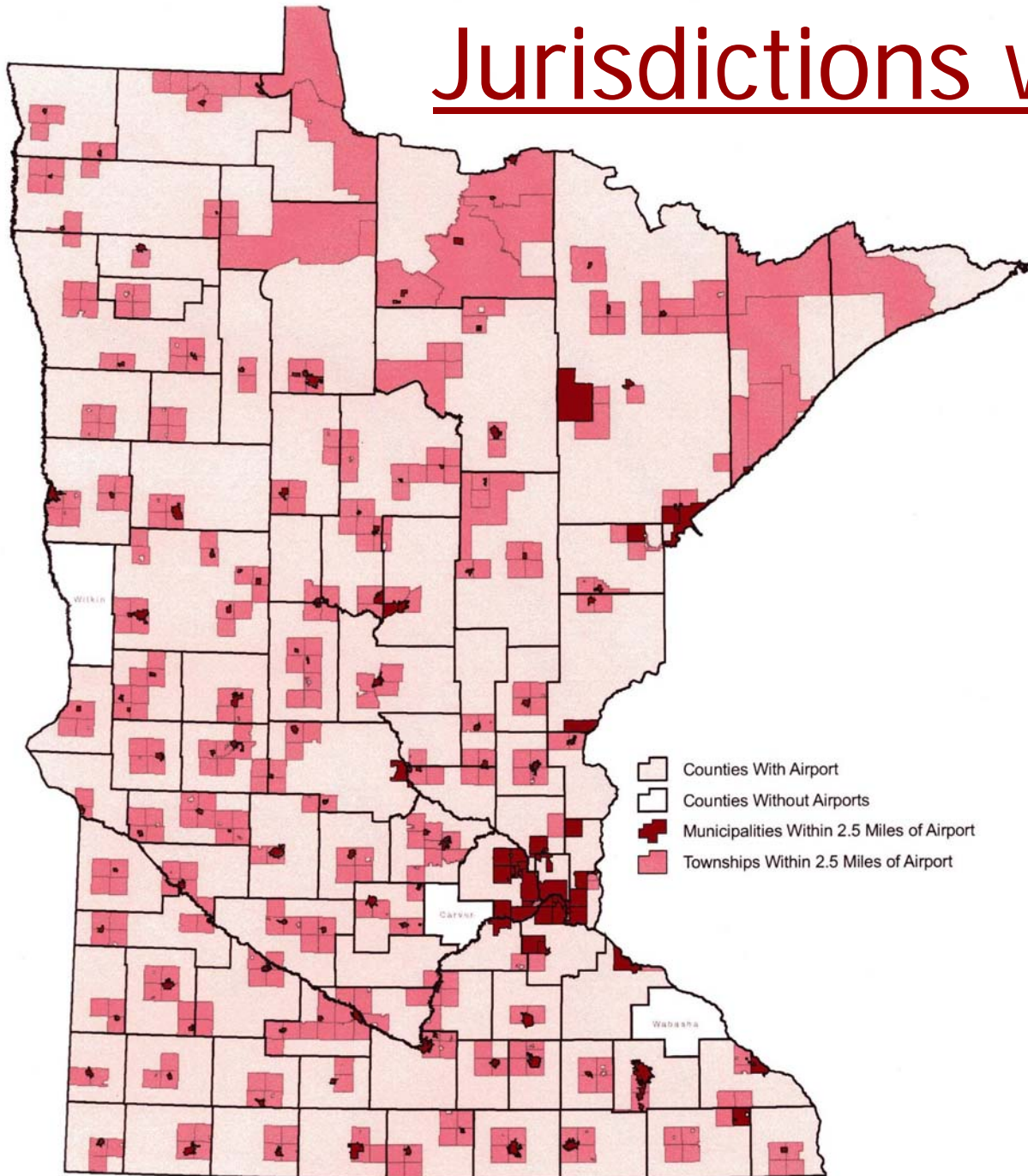




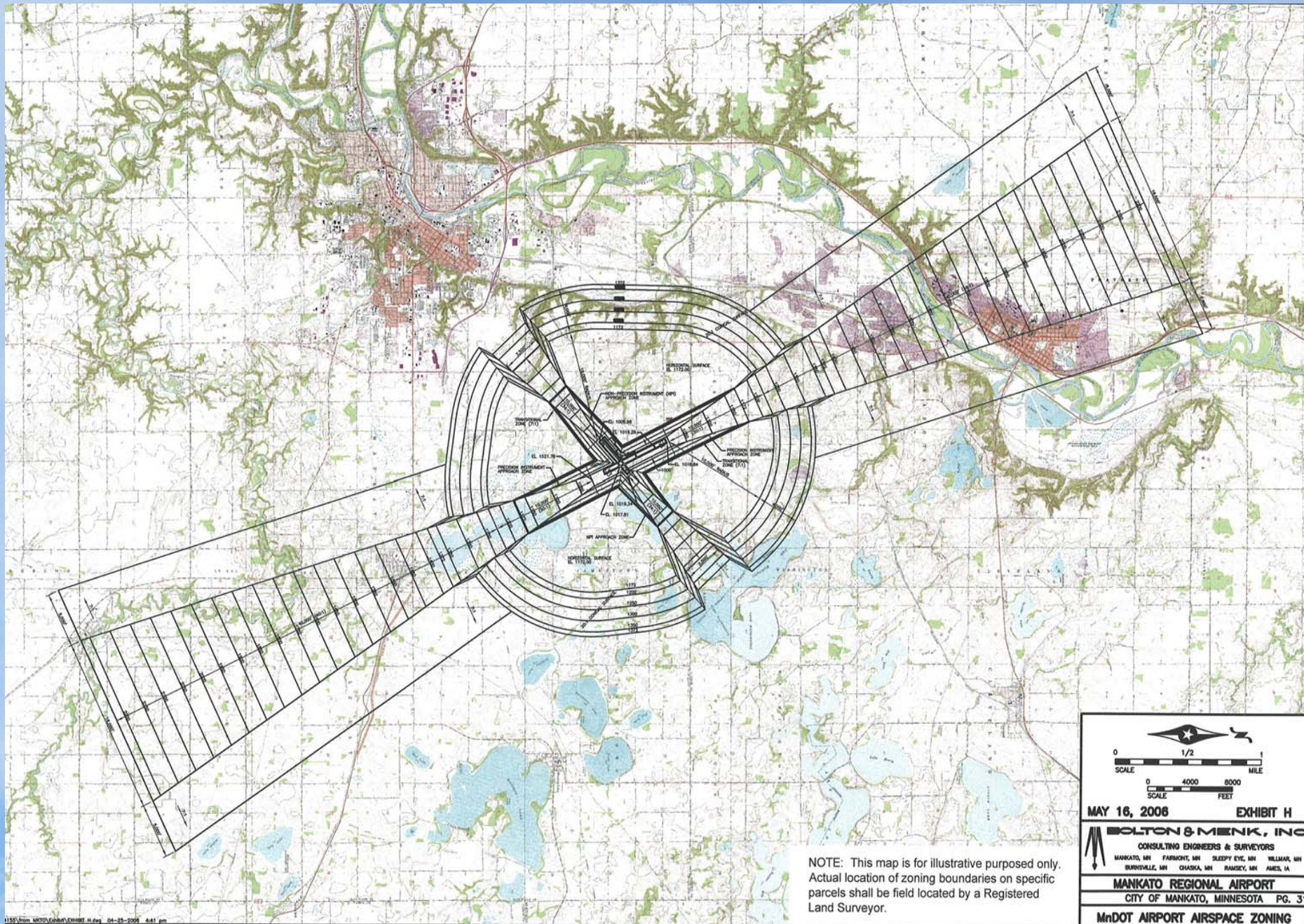
Joint Zoning Board By Invitation Only



Jurisdictions with Airports



- Pink or Red
- Means Airport Zoning influence area.

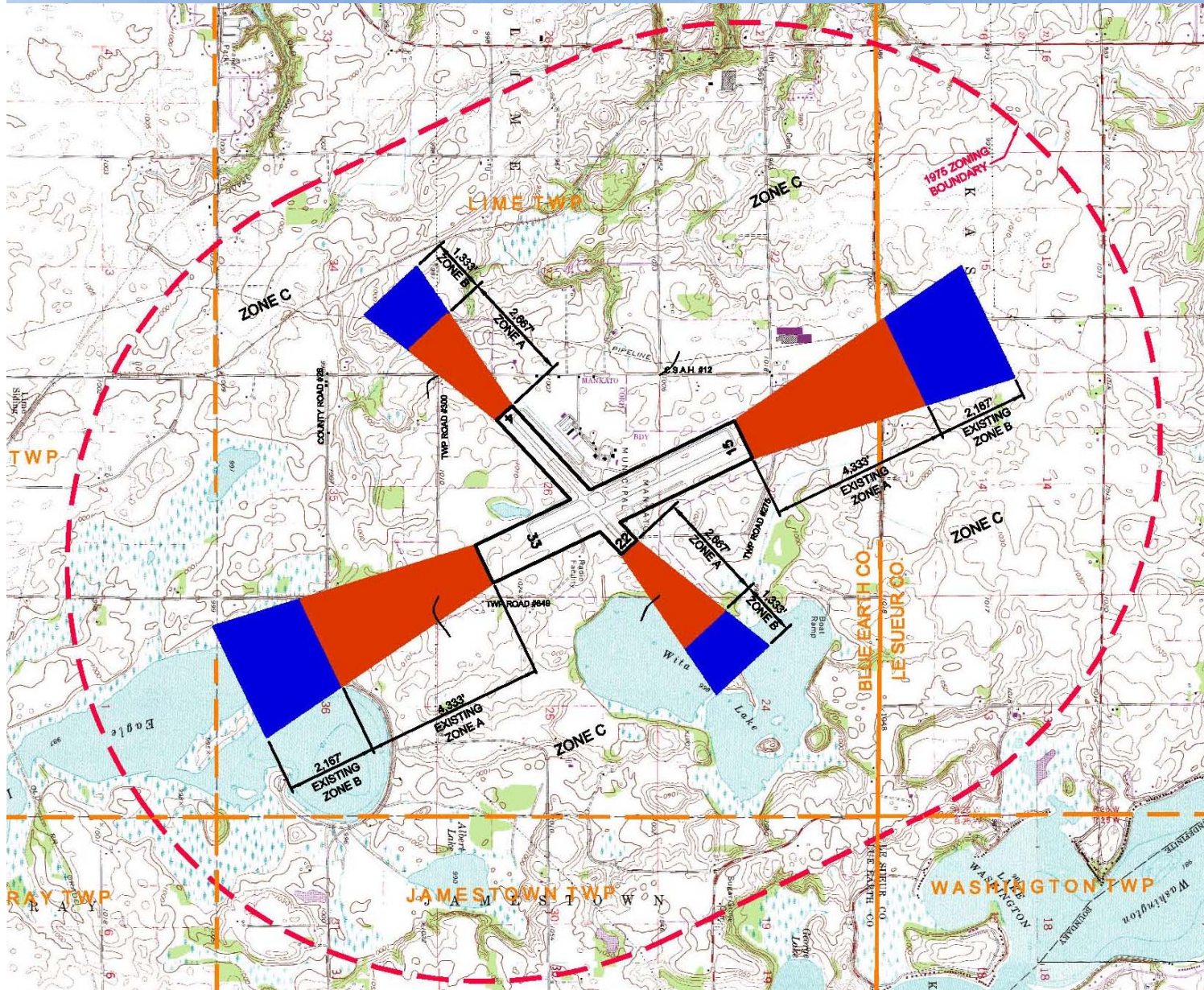


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 0 4000 8000
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MAY 16, 2006 **EXHIBIT H**
BOLTON & MENK, INC
 CONSULTING ENGINEERS & SURVEYORS
 MANKATO, MN FARHOUT, MN SLEEPY EYE, MN WILLMAR, MN
 BURDENVILLE, MN CHASKA, MN RAINSEY, MN AMES, IA
MANKATO REGIONAL AIRPORT
 CITY OF MANKATO, MINNESOTA PG. 31
MnDOT AIRPORT AIRSPACE ZONING

NOTE: This map is for illustrative purposes only. Actual location of zoning boundaries on specific parcels shall be field located by a Registered Land Surveyor.

Mankato Land Use Safety Zoning



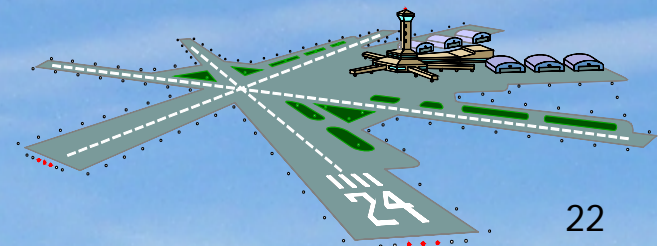
Existing
1975
Zoning
Ordinance

- Zone A
- Zone B
- Zone C (inside dashed circle)



Joint Zoning Board Invitations

Exercise #1



Mankato Zoning Ordinance

Q Joint Airport Zoning Board

Q Board last convened to adopt the 1975 Airport Zoning Ordinance

Q 11 Communities invited to participate in the 2006 ordinance amendment process:

n **City of Mankato**

n **Le Sueur County**

n **Blue Earth County**

n Kasota Township

n **Lime Township**

n Washington Township

n Mankato Township

n **City of St. Peter**

n **Le Ray Township**

n **Nicollet County**

n Jamestown Township

Helpful Information to Know

- Process for amendment/adoption – the differences between airport and city or county enabling legislation
 - Official body considering the Airport Zoning Ordinance
 - Public hearing notice requirements
 - Process for amending/adopting
 - Timeline for completion
 - Zoning Ordinance Maps

Helpful Information to Know

Q Joint Airport Zoning Board

- Q Purpose – to consider the adoption of, or amendment to, an Airport Zoning Ordinance
- Q Composition – State Statute 360 requires certified notice be provided to invite all communities impacted by the airport safety zones to join in creating an Airport Zoning Ordinance
 - Q Any amendment requires you to re-invite all communities to participate
- Q Required Participation – Each community is required to participate in the Joint Board or adopt their own regulations



- Q If communities don't participate, adopt or fail to enforce their own ordinance, the Joint Board may adopt and enforce the regulations
- Q NO elected officials in any capacity



Helpful Information to Know

→ Public hearing requirements

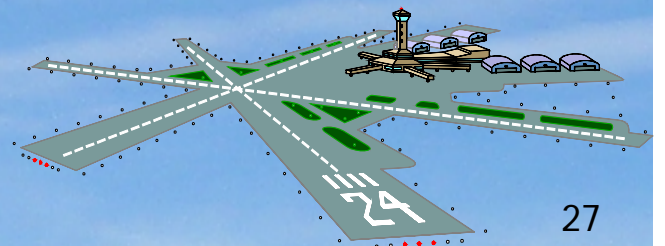
- Minimum of 2 public hearings
- Direct notice at least 15 days prior
 - Property owners in Zones A & B
 - All local units of government affected by area to be zoned
- Published as a display ad in 2 papers at least 3 times between 15 & 5 days prior

→ Timeline for completion

- At least 6 months based on State Statute minimum requirements

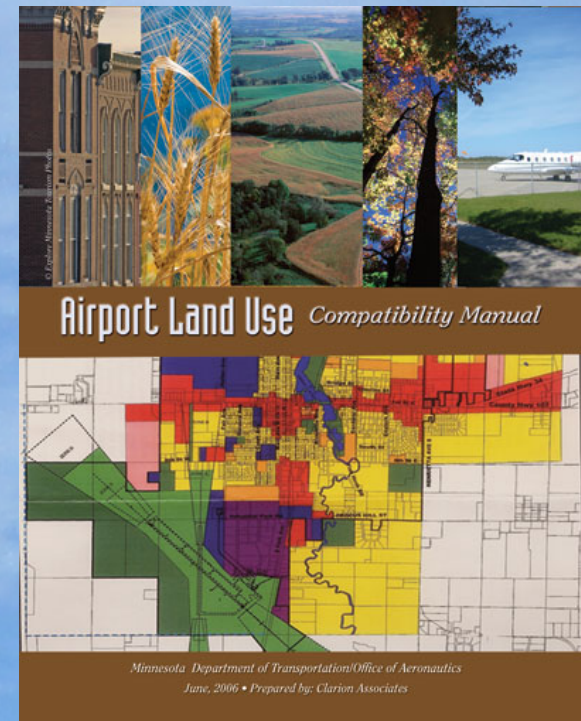


Airport Land Use Compatibility Manual

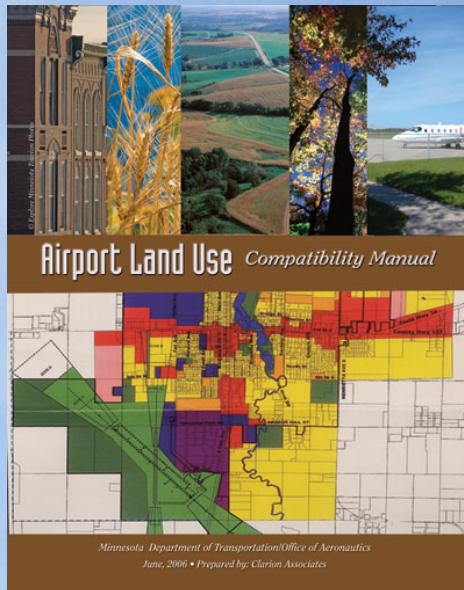


Background

- Contract with Clarion Associates (July 2004)
 - Legal **AND** Planning Expertise
 - National Recognition
- Goal = Comprehensive Manual for Zoning Boards and Administrators
- Final document ready for publication Sept/Oct 2006
- www.mndot.gov – click on the airplane



Airport Land Use Compatibility Manual



1. Introduction
2. The System Today
3. Compatible Airport Land Uses
4. Preventive and Corrective Strategies for Airport Land Use Compatibility

5. Applicable Laws / Statutes and Legal Issues
6. Model Zoning Ordinance and Procedural Guide

TABLE 4-1: COMPATIBILITY STRATEGIES -- A SAMPLING OF POSSIBLE APPROACHES

| Local Govt/ Airport Type/ Growth Pressure | Planning Strategies | Zoning/ Regulations | Capital Investment | Land Acquisition/ Easements | Incentives | Education | Misc. |
|--|---|---|---|--|---|---|---|
| Small rural town/city; general aviation airport; minimal growth pressure | Comprehensive land use plan for airport area designates low-density residential and agriculture uses. | Adopt model airport zoning ordinance; large-lot or agricultural zoning in airport vicinity. | No water or sewer lines extended in airport vicinity, especially in airport safety zones. | Consider limited acquisition of farmland or easements adjacent to airport. | None | Hold public meetings for plan; Mn/DOT staff available to explain airport land use issues. Work with farmers to avoid planting grains that attract wildlife. | |
| Mid-size town/city; general aviation airport with commercial flights; modest growth pressure | Comprehensive land use plan contains specific airport-area element; designates airport area for compatible industrial development. No high-density uses allowed. Residential and commercial growth areas designated away from Safety Zones A, B, and C. | Adopt model zoning ordinance. Zoning map and ordinance amended to follow land use plan. No residential development allowed in airport vicinity. Landfill, water bodies prohibited. Restrictions on lighting for all uses. | Water/sewer lines and roads extended into airport industrial park; targeted residential and commercial growth areas away from airport receive priority funding for infrastructure improvements. | City purchases land for industrial development around airport; resells with restrictive easements. | City agrees to help surrounding jurisdictions defend zoning challenges, in exchange for putting in place protective airport zoning. | Require all large residential developments near airport to disclose that fact in deeds. | Utilize joint zoning board if airport surrounded by multiple jurisdictions. |



New Model Ordinance

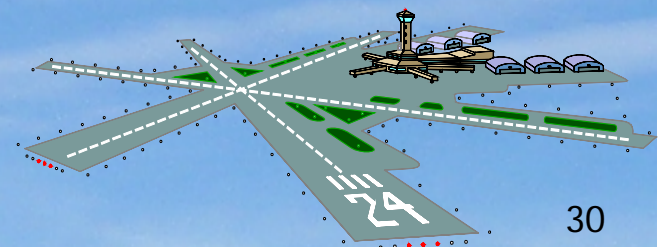




TABLE 9-C: COMPATIBLE LAND USES WITHIN AIRPORT SAFETY ZONES

| Use Categories and Specific Use Types | Safety Zones | | | Additional Regulations |
|--|--------------|--------|--------|---|
| | Zone A | Zone B | Zone C | |
| <p>P = Prohibited by Minnesota Law C = Recommended as Permitted Compatible Use ◆ = May or May Not be Compatible – Additional Local Review Required – May Be Allowed with Conditions or More Specific Study – Prior Consultation with Mn/DOT Strongly Encouraged</p> | | | | |
| GENERALLY PROHIBITED USES AND ACTIVITIES IN ALL SAFETY ZONES | | | | |
| Uses creating large areas of standing water | P | P | ◆ | See Section 9.2(c), General Performance Standards |
| Uses causing electrical, navigational, or radio interference between airport and aircraft | P | P | P | |
| Uses (or structures) emitting fly ash, dust, vapor, gases or other emissions | P | P | P | |
| Uses fostering increase in bird population | P | P | ◆ | |
| Use, device, structure making it difficult to distinguish airport lights (billboards, lights, signs) | P | P | P | |
| Use, device, structure causing glare or impairing pilot visibility | P | P | P | |
| Uses or structures that promote concentrations of flammable substances or materials | P | P | ◆ | |
| RESIDENTIAL AND ACCOMMODATION USES | | | | |
| Residential Uses | | | | |
| Single Family, Two-Family, Duplex Dwellings | P | ◆-1 | ◆-2 | <p>New residential uses are prohibited in Zone A; however, pre-existing single family residential uses may be allowed to remain according to Section 9.3(b), unless they are found to be a hazard so severe, either to persons on the ground or to the air traveling public, or both, that they must be prohibited under Minnesota Statutes, Section 360.066.</p> <p>1: The use must be on a lot no less than 3 acres, the use shall result in a site population no greater than 15 persons per acre, and each site shall have no more than one (1) building plot subject to the size limits stated in Section 9.2(f)(3); consider location restrictions as well. 2: If allowed, consider density and location restrictions.</p> |
| Multi-Family Dwellings | P | P | ◆-1 | <p>1: If allowed, use should be density limited; consider location restrictions as well.</p> |
| Nursing Homes and Other Group Living for the Elderly | P | P | ◆-1 | |
| Permanent Mobile Home Parks and Courts | P | P | ◆-1 | |
| Accommodation Uses | | | | |
| Hotels & motels | P | P | ◆-1 | <p>1: If allowed, use should be density limited; consider location restrictions as well.</p> |

TABLE 9-C: COMPATIBLE LAND USES WITHIN AIRPORT SAFETY ZONES

| Use Categories and Specific Use Types | Safety Zones | | | Additional Regulations |
|--|--------------|--------|--------|---|
| | Zone A | Zone B | Zone C | |
| <p>P = Prohibited by Minnesota Law C = Recommended as Permitted Compatible Use ◆ = May or May Not be Compatible – Additional Local Review Required – May Be Allowed with Conditions or More Specific Study – Prior Consultation with Mn/DOT Strongly Encouraged</p> | | | | |
| Transient mobile home parks courts (RV Parks) or lodgings | P | P | ◆-1 | 1: If allowed, use should be density limited; consider location restrictions as well. |
| PUBLIC, CIVIC AND INSTITUTIONAL USES | | | | |
| Educational Uses | | | | |
| Schools and Other Educational Services | P | P | ◆-1 | 1: If allowed, use should be density limited; consider location restrictions as well. |
| Day Care Facilities | P | P | ◆-1 | |
| Institutional and Assembly Uses | | | | |
| Correctional Institutions | P | P | ◆-2 | <p>1: If allowed, the use must be on a lot no less than 3 acres, the use shall result in a site population no greater than 15 persons per acre, and each site shall have no more than 1 building plot subject to the size limits stated in Section 9.2(f)(3); consider location restrictions as well. 2: If allowed, use should be density limited; consider location restrictions as well.</p> |
| Government Offices | P | ◆-1 | ◆-2 | |
| Hospitals | P | P | ◆-2 | |
| Libraries | P | P | ◆-2 | |
| Religious or Cultural Assembly Uses (Outdoor or Indoor) | P | P | ◆-2 | |
| Other Miscellaneous Public, Civic, or Institutional Uses Not Specifically Listed | P | ◆-1 | ◆-2 | |
| Other Public Uses | | | | |
| Cemeteries | ◆-1 | C | C | 1: Cemeteries are acceptable, but discouraged in Zone A. In all parts of Zone A, no buildings, structures, or other above-ground objects hazardous to airport operations are allowed. |
| Parks and Nature Exhibitions | ◆-1 | ◆-2 | C | <p>1: If allowed, additional review should be required. No public facilities, above-ground structures, or parking allowed; wildlife attractants should be minimized. No spectator facilities allowed. 2: If allowed, use must be on a lot no less than 3 acres, the use shall result in a site population no greater than 15 persons per acre, and each site shall have no more than 1 building plot subject to the size limits stated in Section 9.2(f)(3).</p> |
| COMMERCIAL USES | | | | |
| Business & Professional Offices | | | | |
| Medical & Other Health Care Offices or Clinics | P | ◆-1 | ◆-2 | <p>1: Use must be on a lot no less than 3 acres, the use shall result in a site population no greater than 15 persons per acre, and each site shall have no more than 1 building plot subject to the size limits stated in Section 9.2(f)(3). 2: Density limited.</p> |
| All Other Business and Professional Offices | P | ◆-1 | C | <p>1: Use must be on a lot no less than 3 acres, the use shall result in a site population no greater than 15 persons per acre, and each site shall have no more than 1 building plot subject to the size limits stated in Section 9.2(f)(3).</p> |

Model Zoning Ordinance and Procedural Guide (Chapter 6)

→ Best Practices

or

→ Minimum Standards

→ Electronic Copy of DRAFT

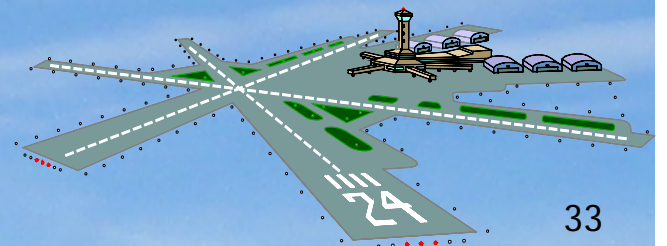
→ Technical Advisory Group

→ Included array of stakeholders



Practical Problem Solving

Exercise #2

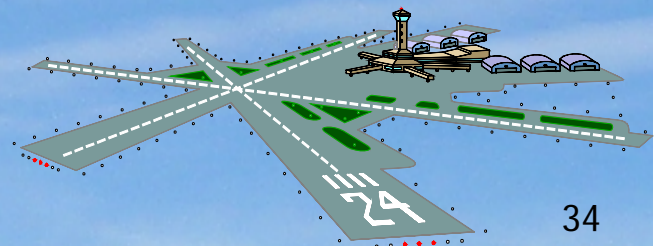




Case Study MKT Mankato Regional Airport

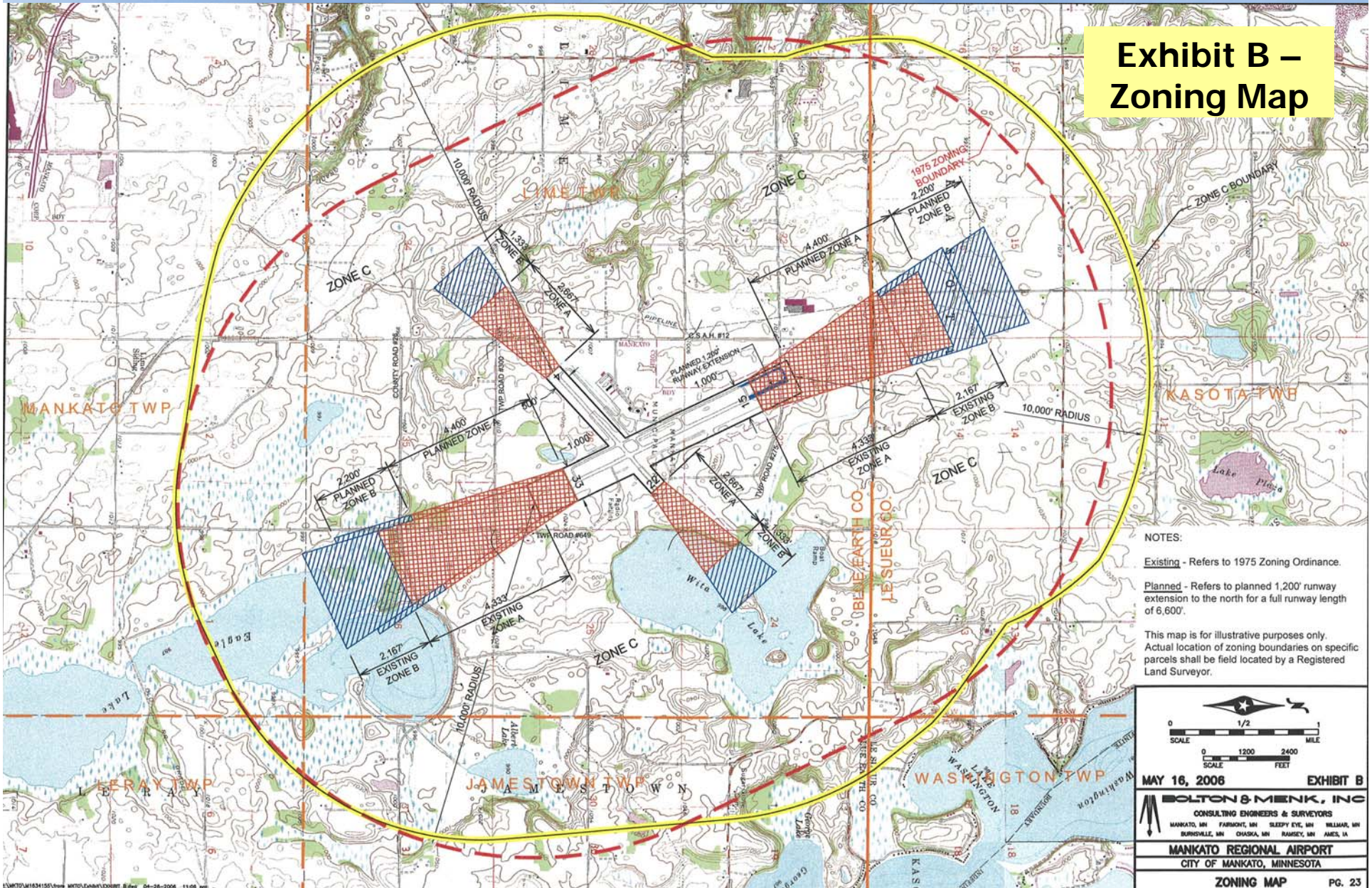


BOLTON & MENK, INC.
Consulting Engineers & Surveyors



Mankato Zoning Ordinance

Exhibit B – Zoning Map



NOTES:

Existing - Refers to 1975 Zoning Ordinance.

Planned - Refers to planned 1,200' runway extension to the north for a full runway length of 6,600'.

This map is for illustrative purposes only. Actual location of zoning boundaries on specific parcels shall be field located by a Registered Land Surveyor.

MAY 16, 2006 **EXHIBIT B**

BOLTON & MENK, INC
CONSULTING ENGINEERS & SURVEYORS
MANKATO, MN FARMINGTON, MN SLEEPY EYE, MN WILLMAR, MN
MINNEAPOLIS, MN CHASKA, MN RAINY LAKE, MN AMES, IA

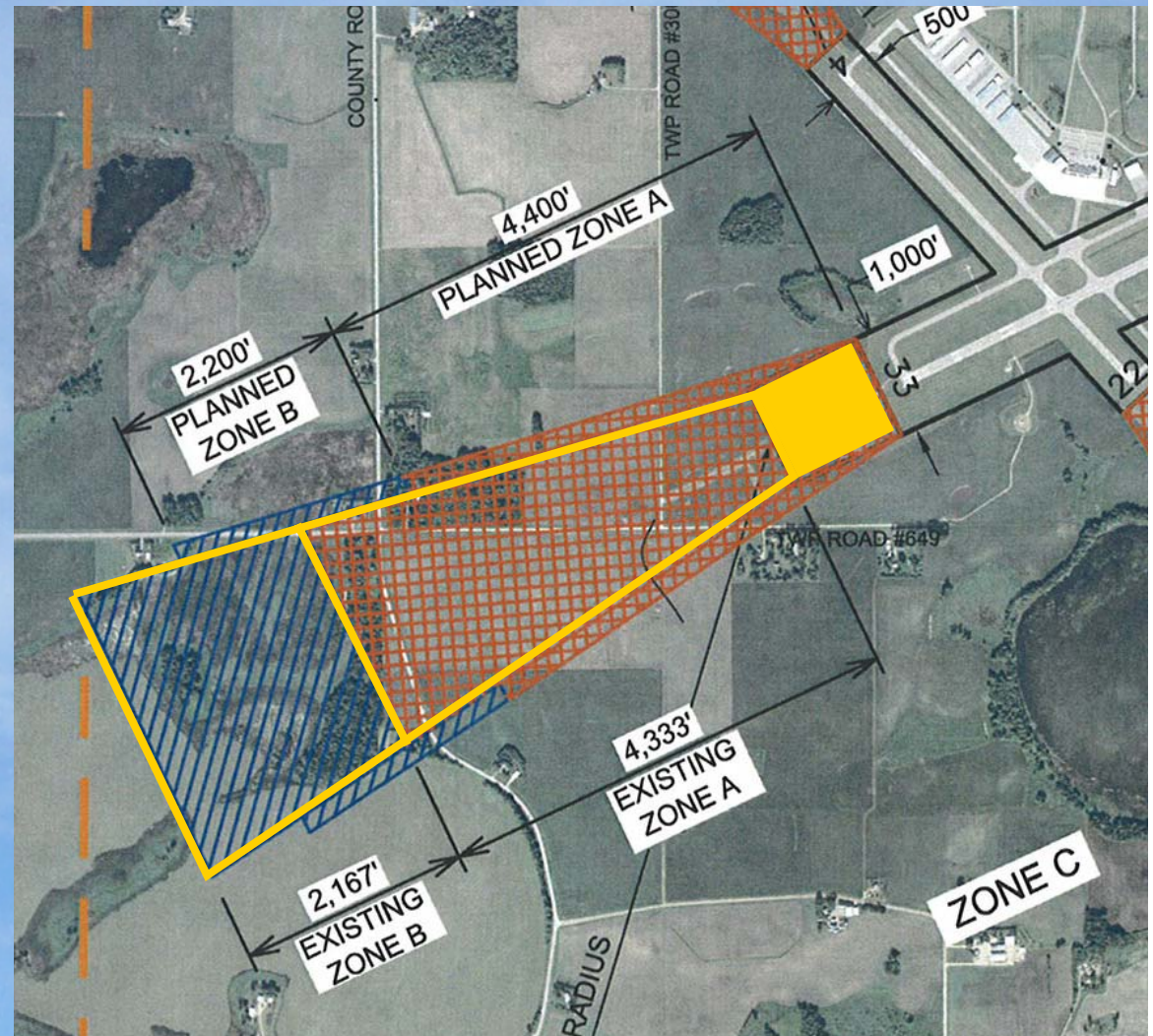
MANKATO REGIONAL AIRPORT
CITY OF MANKATO, MINNESOTA

ZONING MAP PG. 23

Mankato Regional Airport

→ Zone A & B Planning Considerations

- Mankato Regional Airport's 1975 land use zoning considered a longer runway to the south
- Since that wasn't constructed the zoning didn't provide the necessary protection for the current runway



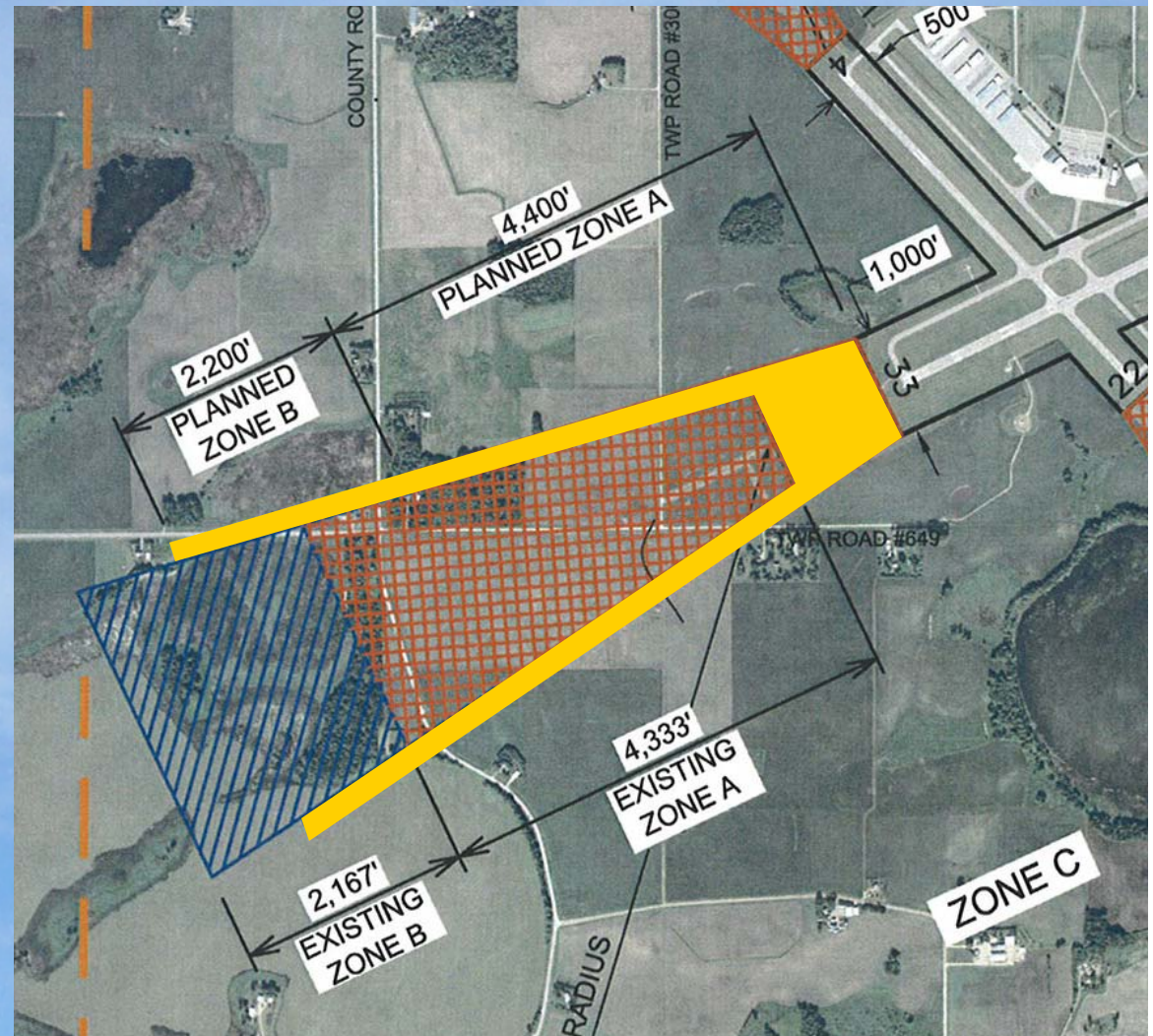
BOLTON & MENK, INC.
Consulting Engineers & Surveyors

City of
mankato
MINNESOTA

Mankato Regional Airport

→ Zone A & B Planning Considerations

- Per Mn/DOT's request, land use zoning was amended to begin on the south approach 200' from the end of the runway
- Result is wider zones on each side of the approach



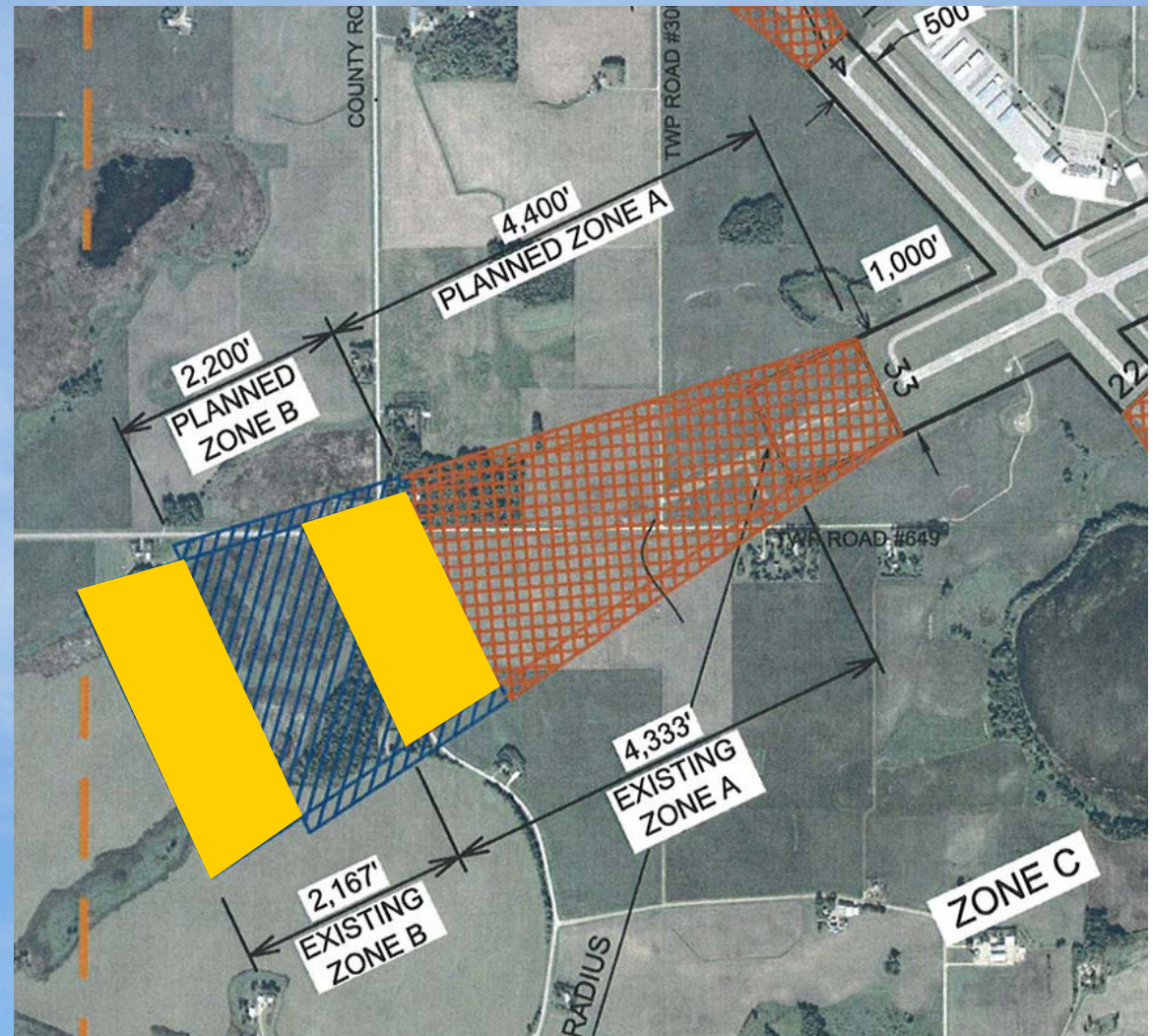
BOLTON & MENK, INC.
Consulting Engineers & Surveyors

City of
mankato
MINNESOTA

Mankato Regional Airport

→ Zone A & B Planning Considerations

- Joint Board decided to maintain existing zoning protection
- Protects airport from future land use encroachments and maintains opportunity for a potential future expansion to the south



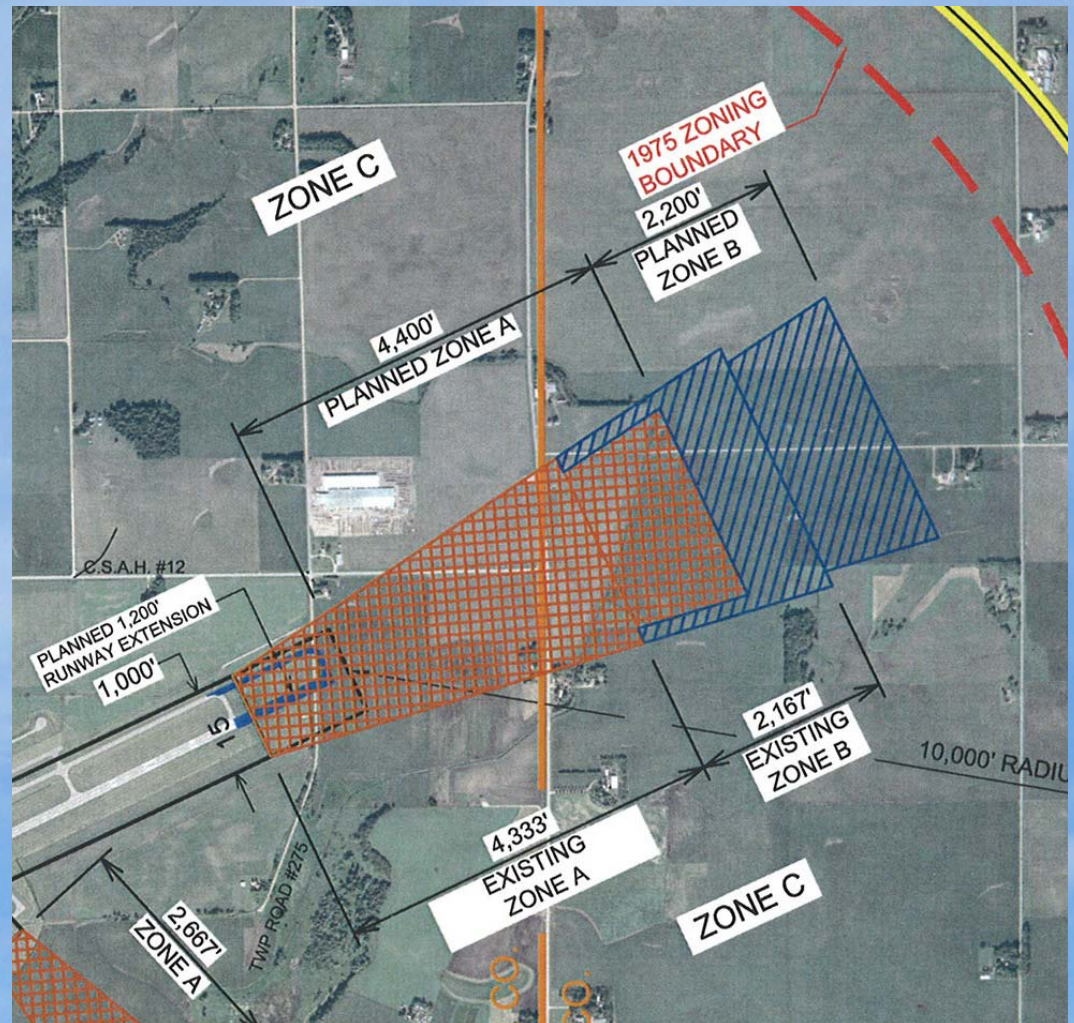
BOLTON & MENK, INC.
Consulting Engineers & Surveyors

City of
MANKATO
mankato
MINNESOTA

Mankato Regional Airport

→ Zone A & B Planning Considerations

- Provide zoning for both the existing runway & planned runway extension



BOLTON & MENK, INC.
Consulting Engineers & Surveyors

City of
mankato
MINNESOTA

Helpful Information to Know

→ Airport Maps

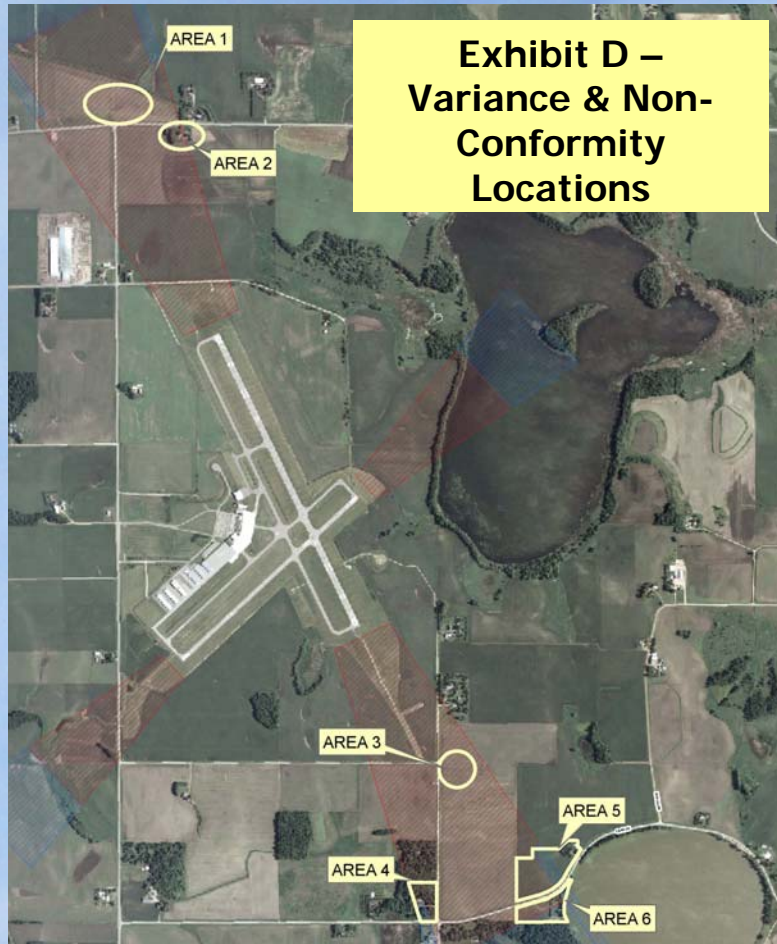
→ Several different types of exhibits are included in the Airport Zoning Ordinance

→ Zoning – Safety Zone A, B & C limits

→ Variance & Non-Conformities (legal & illegal)

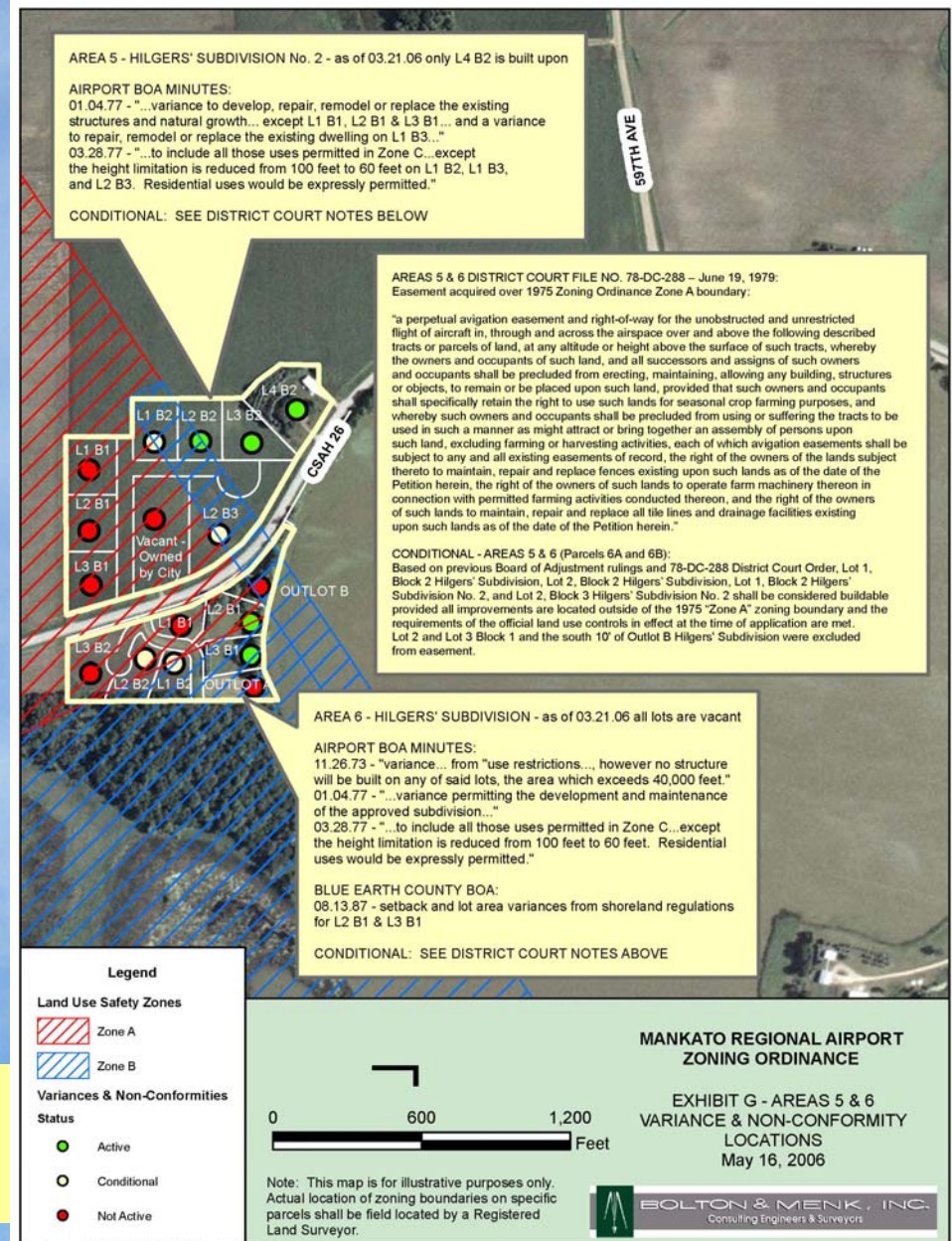
→ Airspace

Mankato Regional Airport



**Exhibit D –
Variance & Non-
Conformity
Locations**

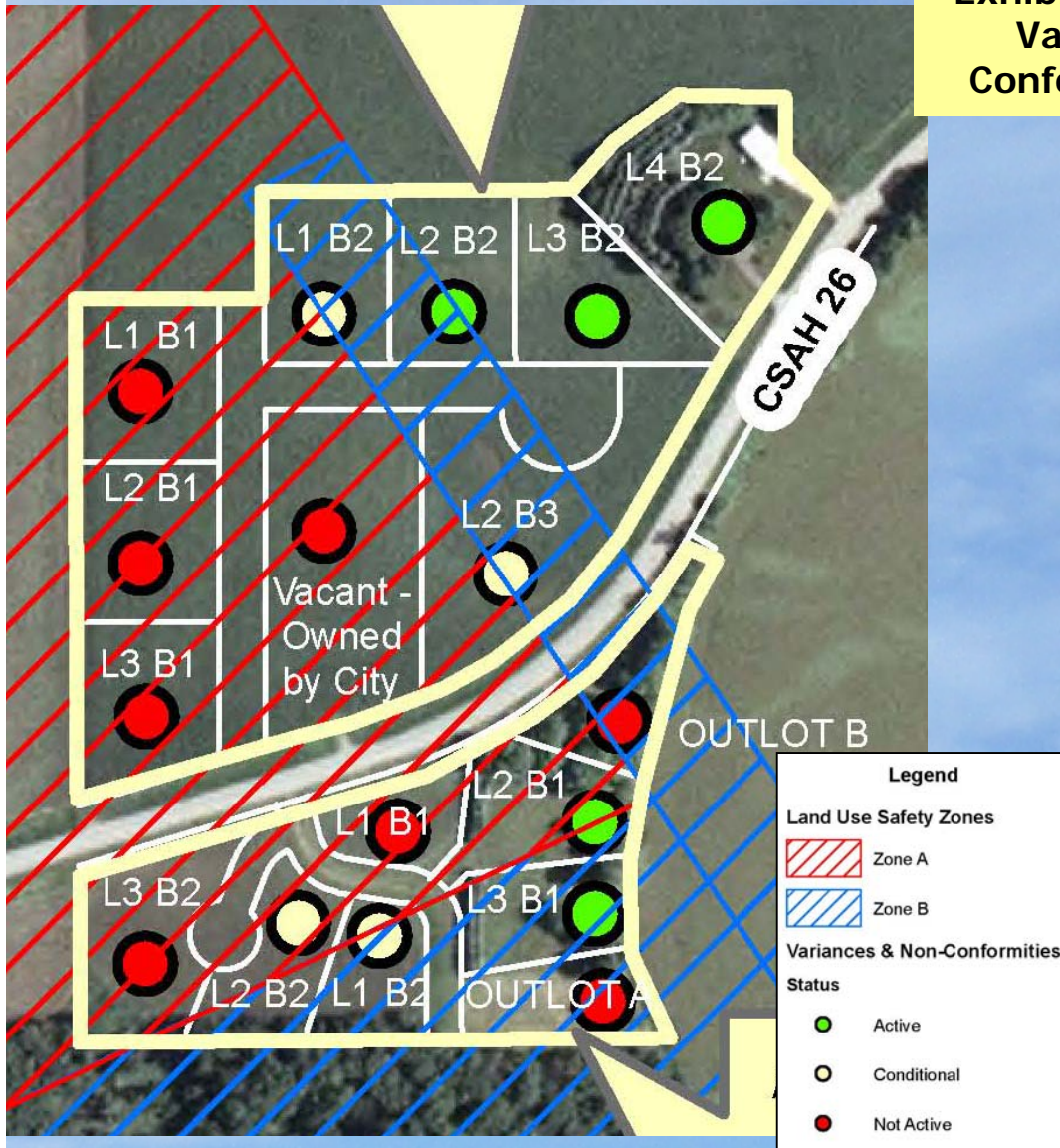
**Exhibit G – Areas 5 & 6
Variance & Non-
Conformity Locations**



Map Document: (H:\MKY\01634155\Review\AREAS 5 & 6.mxd)
4/19/2006 - 2:39:57 PM

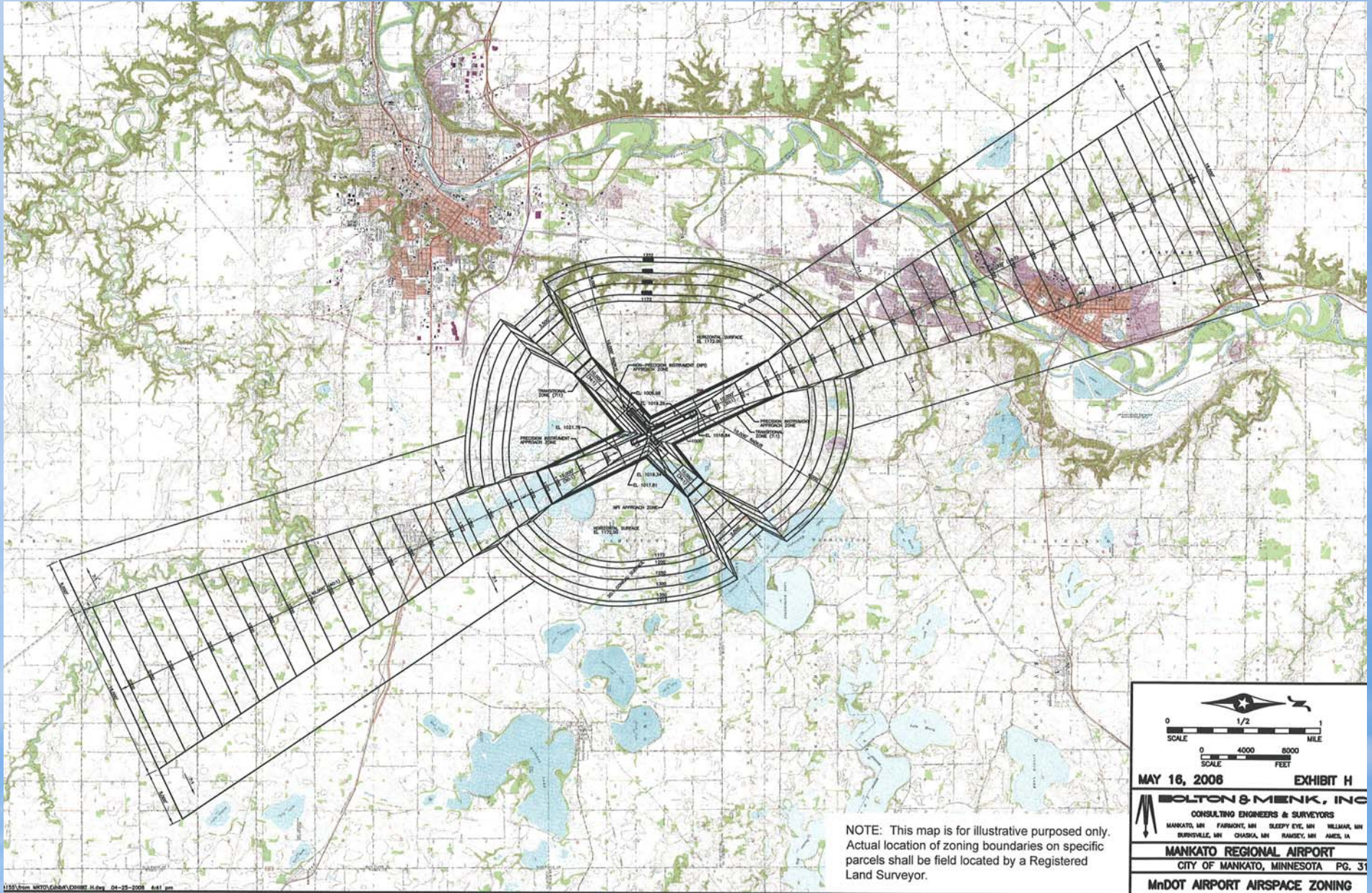
Mankato Regional Airport

Exhibit G – Areas 5 & 6 Variance & Non-Conformity Locations



- Active – Buildable based on:
 - Outside of Zone A
 - Variance approved
 - Not included in aviation easement per District Court Order
- Conditional – To be determined
 - Buildable IF improvements can be located outside of Zone A and comply with all official land use controls in effect at the time of application
- Not Active – Not buildable
 - Variance denied
 - District Court Order precluded

Mankato Regional Airport



NOTE: This map is for illustrative purposes only. Actual location of zoning boundaries on specific parcels shall be field located by a Registered Land Surveyor.

0 1/2 1
SCALE
0 4000 8000
SCALE
FEET

MAY 16, 2008 EXHIBIT H

BOLTON & MENK, INC
CONSULTING ENGINEERS & SURVEYORS
MANKATO, MN FARMINGTON, MN SLEEPY EYE, MN WILLMAR, MN
BURKSVILLE, MN CHASKA, MN RAINSEY, MN AMES, IA

MANKATO REGIONAL AIRPORT
CITY OF MANKATO, MINNESOTA PG. 31

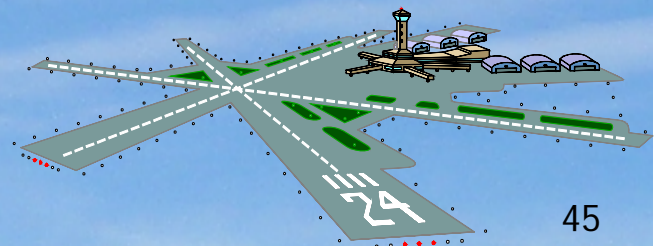
MnDOT AIRPORT AIRSPACE ZONING

Helpful Information to Know

- Opportunities to improve enforcement of Airport Zoning Ordinance
 - Include the extent of the land use safety zones A & B in your local Comprehensive Plan
 - Adopt the Airport Zoning Ordinance by reference
 - Example: Adopt geographic extent of Zone C as an overlay zoning district, similar to shoreland regulations
 - Maintain longevity of Joint Zoning Board & Board of Adjustment
 - Example: Annual appointments by local units of government at their reorganization meeting



Commissioner's Order



Procedural Steps

1. Submit Documents to Mn/DOT Aeronautics
2. Establish Joint Zoning Board
3. Draft Zoning Ordinance & Map
4. Mn/DOT Aeronautics First Review
5. Prepare for Public Hearing
6. First Public Hearing
7. **Mn/DOT Commissioner's Order**
8. Second Public Hearing
9. Adopt Ordinance
10. File with County Recorder



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What We Really Want

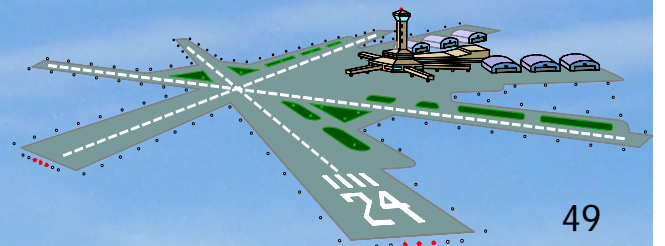
- To work with you from the beginning on the amended Zoning Ordinance
- Suggestions for your new Ordinance.
 - Include an Ordinance Number
 - Amend current Ordinance – Don't start "NEW"
 - Nonconforming uses – Keep original Ordinance date
 - Add definitions draft new model has more
 - Auto Parking – clarify "without light standards"
 - Use destroyed = 80% (Aero) or 50% (Municipal)?
 - Action by Default = 120 days (Aero) or 60 days ?
 - 60 days from Municipal Zoning Statutes 15.99

What We Really Want

- Zoning Maps with Parcel lines if reasonable
 - GIS info available at the county level
- Commissioner's Order complete
 - before 2nd Public Hearing
- Policy Changes
 - Requirements
 - Advisory
 - FYI



Current Discussion of Airport Zoning and Land Use Study (16 Points)



Where Do We Go From Here?

- Meet with Specialty Work Groups
 - Association of Minnesota Counties
 - League of Minnesota Cities
 - Minnesota Association of Townships
 - Minnesota Council of Airports (MCOA)
 - Metropolitan Council, MAC, FAA, City of Minneapolis
 - MN APA
- Present to Legislative Aviation Subcommittees

16 Points

1. **Airports as “Essential Public Facilities:”** Final language development for legislative change consideration.
2. **Comprehensive Plan Inclusion:** Discuss requiring the airport zoning ordinance to be included as a part of comprehensive plans, zoning maps, etc. Development of final language. Current statutory language says “...may be incorporated in...”
3. **Airport Authority:** Discuss creating new language to enable regional airport funding.
4. **Joint Airport Zoning Board and Board of Adjustment Membership:** Discuss allowing some elected official participation, with recusal language, if city or county appeal Joint Zoning Board decision.
5. **Zone C Disclosure Statement:** Discuss language development.

16 Points

6. **Existing or Planned Runways:** Discuss changing “or” to “and,” to maintain zoning protections until future airport changes are constructed.
7. **Auto Parking in Zone A:** Discuss clarification of permissible uses.
8. **Mn/DOT Variance Review:** Discuss Mn/DOT analysis of airport hazard, prior to Board of Adjustment decision.
9. **Municipal Ordinance Alignment:** Discuss changing airport zoning language to be consistent with municipal law, 50% or 80% and 120 day or 60 day
10. **Airport Boundary/Zone C Determination:** Discuss easier way to and administer Zone C.
11. **Non-Supporting Adjacent Communities:** Discuss neighboring communities that don't adopt or enforce airport zoning, including indemnification by airport owner.

16 Points

12. **Compatible/Incompatible Land Use Language:** Discuss revising existing language.
13. **Established Residential Neighborhoods:** Discuss clarifying language.
14. **Zoning Ordinance Challenges:** Discuss State financial support when airport zoning ordinances are challenged in District Court.
15. **Amortization of Non-Conforming Uses:** Discuss concept to remove non-conforming uses over time.
16. **Social and Economic Cost:** Discuss definition and criteria for this concept to implement exceptions to airport zoning standards.

Questions?



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The End

