

Using the new *Airport Land Use Compatibility Manual*

Zoning administrators and others concerned with airport land use will soon have help when it comes to making decisions that affect their airports. The recently completed *Airport Land Use Compatibility Manual* is a comprehensive document that describes in detail topics related to Minnesota airport zoning standards, local ordinances, and land use.

The manual was developed by the Minnesota Department of Transportation (Mn/DOT) Office of Aeronautics and Clarion Associates LLC, with assistance from a large advisory committee of representatives from both legislative houses, the Metropolitan Council, the Metropolitan Airports Commission (MAC), the Federal Aviation Administration (FAA), the Association of Minnesota Counties, and several Minnesota airports.

Although zoning administrators are the primary audience for this manual, airport managers and operators can help protect their airports by spreading the word about it and by serving as a resource for the community when airport zoning decisions are made and updated. To increase awareness of the manual, AirTAP featured it during a session at the AirTAP 2006 Fall Forum in October. Kathy Vesely of Mn/DOT's Office of Aeronautics and Gina Mitchell of Bolton and Menk introduced the manual and discussed how zoning issues affect local and regional airports.

The publication is organized by topic, and information on a variety of subjects is repeated throughout to make it easy for a user to find specific information. An

extensive introduction provides an overview of airport land use issues, defines the threat of incompatible land uses, and explains how to use the manual. Other chapters include information on roles and responsibilities for government agencies, sponsors, the Metropolitan Council, airport users, property owners, and the general public. In addition to discussions of best practices and airport safety, an entire chapter is dedicated to compatible land uses and their regulation.

The manual also covers preventive and corrective strategies for airport land use compatibility. Tools and strategies for implementation include regulatory action, real estate disclosure, property acquisition and easement, transfer of development rights, negotiation, and public outreach. Applicable laws, statutes, and legal issues are fully outlined in an easy-to-understand way. In addition, the manual gives users the necessary references to support the basis for airport zoning ordinances in their communities.

Two key elements of the *Airport Land Use Compatibility Manual* are the model airport safety zoning ordinance and the procedural guide for implementing an ordinance. These can be used to develop local airport zoning ordinances that fit within the requirements of the current

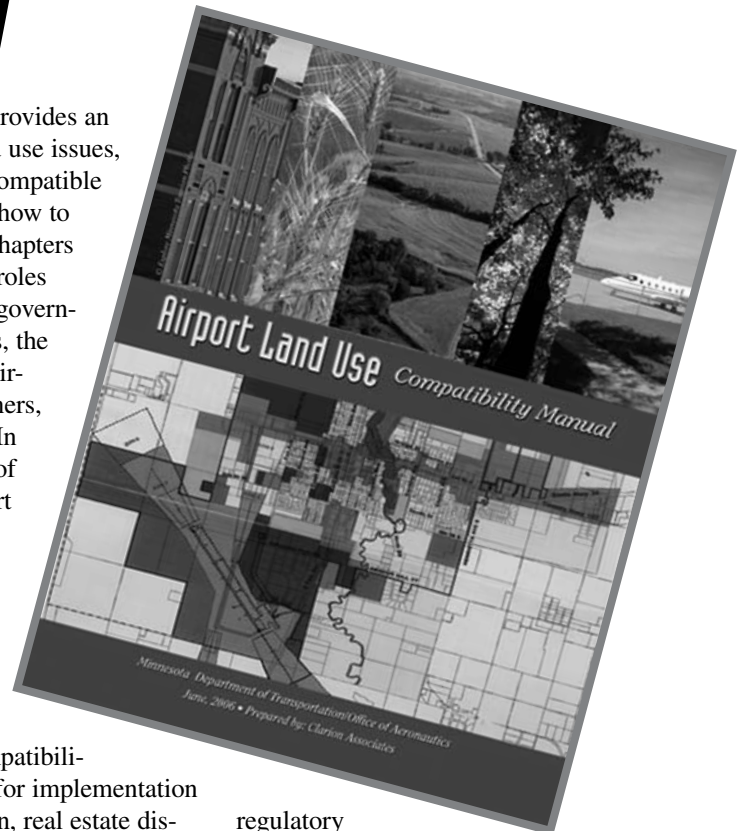
regulatory rules and climate.

The manual describes procedural requirements and guidelines, along with an overview of the permitting process and procedures for zoning variance requests. Procedural forms used to document the process of creating or revising an airport zoning ordinance are also provided.

New legislation (Senate File 1940) supports several recommendations in the new manual. The new regulations, which became effective August 1, 2006, require a seller's disclosure when real estate property within airport safety zone A, B, or C is offered for sale; tie community comprehensive planning to state aviation planning; and define the operation and maintenance of an airport as an essential public service. At the AirTAP 2006 Fall Forum, presenters used case studies to illustrate how these topics might impact a typical community airport and the property surrounding it. Vesely explained several important rule changes, defined common terms, and described what constitutes safety zones A, B, and C.

Most important, Vesely discussed the purpose and membership of the Joint Airport Zoning Board (JAZB). State Statute 360 requires that certified notice be given to all communities impacted by the airport safety zones, inviting them to join in creating an airport zoning ordinance. Any change to an airport's zoning

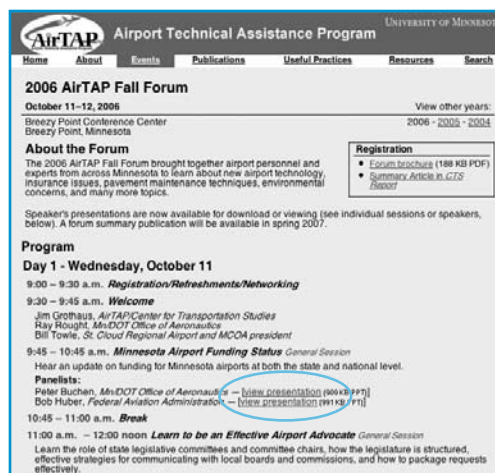
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Fall Forum presentations now available on the Web

Presentations from speakers at the AirTAP 2006 Fall Forum are now available on the AirTAP Web site at www.airtap.umn.edu/events/fallforum/2006/index.html. The PowerPoint documents are listed with their corresponding speakers under session titles.

Watch for a summary proceedings of the Fall Forum, which will be mailed and available on the AirTAP Web site in March.



The screenshot shows the AirTAP website interface. At the top, there is a navigation menu with links for Home, About, Events, Publications, Useful Practices, Resources, and Search. The main content area is titled "2006 AirTAP Fall Forum" and includes the dates "October 11-12, 2006" and the location "Breezy Point Conference Center, Breezy Point, Minnesota". There is a "Registration" section with a link to "Registration (118 KB PDF)" and a link to "Summary Article in CTS Briefing". A "Program" section lists the schedule for "Day 1 - Wednesday, October 11", including registration, welcome, a general session on "Minnesota Airport Funding Status", and a break. The "Panelists" section lists Peter Buchen, Bob Huber, and others. The bottom of the page mentions a "Learn to be an Effective Airport Advocate" session.

ordinance also requires that all communities be invited to participate in the process. A board cannot contain any representatives who are elected officials in any capacity. The purpose of the JAZB is to consider the adoption of, or amendment to, a local airport zoning ordinance. As an alternative to the JAZB, each community affected by the safety zones may adopt its own regulations (Chapter 360, Minnesota Statutes 2006).

If communities do not participate, adopt, or enforce their own ordinance, a Joint Board may adopt and enforce the regulations. Once it is developed, the JAZB drafts an airport zoning ordinance, working closely with Mn/DOT aeronautics planning staff to ensure that the proposed ordinance protects the existing and any future runways at the airport. The JAZB must hold at least two public meetings and give direct notice of the meetings to property owners in Zones A and B, and to all local units of government affected by the area to be zoned, at least 15 days prior to



the date of the meeting. A Commissioner's Order of Approval is issued by Mn/DOT's Office of Aeronautics during the zoning ordinance process, which, based on the procedures in the state statute, takes approximately six months to complete.

To reach the target audience for the new *Airport Land Use Compatibility Manual*, Mn/DOT aeronautics staff will meet with specialty work groups, including the Association of Minnesota Counties,

League of Minnesota Cities, Minnesota Association of Townships, Minnesota Council of Airports (MCOA), Metropolitan Council, MAC, FAA, and the City of Minneapolis. Mn/DOT will also present the manual to the legislative aviation subcommittees. The appendices will provide communities with resource documents on specialty topics related to airport compatible land uses. Highlights include legal subjects such as third-party risk information, a discussion of takings law, sample easement language, and additional federal regulations. Practical information is offered as well on topics such as plants attractive to wildlife, airport noise mitigation, and wildlife management strategies.

The two-part publication (the manual itself and separate supporting appendices) will be published in paper and electronic CD formats this spring. One copy of the *Airport Land Use Compatibility Manual* will be sent to each Minnesota airport sponsor, and additional copies will be available from the Mn/DOT Office of Aeronautics. An electronic version will also be available for viewing or download on the Mn/DOT Web site (www.dot.state.mn.us/aero/). ✈

See you in Alexandria!

Look for the AirTAP "Fly Around" session at the annual Minnesota Airports Symposium, to be held April 11–13 in Alexandria, Minn. Fuel systems, emergency management procedures, storm water pollution prevention plans, GA security, and airport lighting are among this year's topics. Join us for an informal discussion led by local experts—and bring your concerns and questions.

For more information on the symposium, visit www.dot.state.mn.us/aero/avoffice/events/symposium/symposium.html.

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Briefings is published quarterly in print and online. Please direct comments to:

Amy Friebe,
Briefings Editor
Jim Grothaus,
AirTAP Director
Thomas Helms,
Program Coordinator

Center for Transportation Studies
University of Minnesota
200 Transportation & Safety Bldg.
511 Washington Avenue S.E.
Minneapolis, MN 55455
Phone: 612-626-1077
Fax: 612-625-6381
E-mail: jgrothaus@cts.umn.edu
Web: www.airtap.umn.edu

Contributing writer: Ann Johnson, P.E. Services Inc.
Designer: Cadie Wright, CTS

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Airport Technical Assistance Program
University of Minnesota
200 Transportation and Safety Building
511 Washington Avenue S.E.
Minneapolis, MN 55455-0375

