

Subject Airport zoning
Authors Hornstein
Analyst Deborah A. Dyson
Date March 14, 2019

Overview

This bill makes various changes to the law governing airport zoning. Airport zoning controls land uses around airports for safety and to avoid incompatible uses. Minn. Stat. §§ 360.061 to 360.074.

"Municipality" means the state, a city, town, an airport authority, or the Metropolitan Airports Commission. Minn. Stat. § 360.061, subd. 3.

"Airport" includes a restricted landing area. Minn. Stat. § 360.061, subd. 2.

This bill is the same as H.F. 1933, the second engrossment, that had second reading at the end of the 2018 session.

Summary

| Section | Description |
|---------|---|
| 1 | Comprehensive plan. Defines "comprehensive plan" by cross-reference to county and municipal planning and zoning statutes. |
| 2 | Creation; authorized disbursements. Strikes the prohibition against giving a municipality assistance from the state airports fund if its comprehensive plan is incompatible with the state aviation plan. |
| 3 | Authority to establish. Adds that airport operation and maintenance is an essential public service. (This duplicates the provision in Minn. Stat. § 360.013, subd. 39, which defines "airport" for the entire chapter and also states "The operation and maintenance of airports is an essential public service.") Allows MnDOT to fund airport safety projects to maintain existing infrastructure regardless of a zoning authority's efforts to complete zoning, but otherwise requires funds be withheld from the airport unless it is proceeding with or has completed an airport zoning ordinance. |

| Section | Description |
|---------|---|
| 4 | <p>Airport hazard prevention; protecting existing land uses.</p> <p>Broadens the application of the section to all land uses, not just built up urban areas. States that lighting of airport hazards is an essential public service, not just a public purpose.</p> |
| 5 | <p>Enforcement under police power.</p> <p>Provides for municipal zoning regulation in airport hazard areas, striking the specific distance limitations.</p> <p>Minn. Stat. § 360.013, subds. 40 and 41, define the terms. "Airport hazard" means "any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off."</p> <p>"Airport hazard area" means "any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter."</p> |
| 6 | <p>Joint airport zoning board.</p> <p>Technical. Inserts cross-reference to proposed airport zoning regulation standards in sections 9 and 10, striking reference to the section repealed in the bill.</p> |
| 7 | <p>Comprehensive regulations.</p> <p>Requires inclusion in the municipal comprehensive plan any airport zoning regulations that apply to the same area as a municipal plan does. It is permissive under current law.</p> |
| 8 | <p>Notice of proposed zoning regulations, hearing.</p> <p>Specifies procedures for notice of proposed zoning regulations.</p> |
| 9 | <p>Airport zoning regulations based on commissioner's standards; submission process.</p> <p>Establishes the process for notice and adoption of airport zoning regulations using standards prescribed by the commissioner of transportation. Gives the commissioner 90 days to review. Requires approved airport zoning regulations to be filed with the county recorder. Preserves substantive rights existing and exercised before August 1, 2019. Provides for protection of existing uses.</p> |
| 10 | <p>Custom airport zoning standards.</p> <p>Provides an alternative process to the previous section in order to allow custom regulations. Specifies the factors that must be addressed in the custom regulations.</p> |
| 11 | <p>Reasonableness.</p> <p>Strikes the nonexclusive list of considerations in determining reasonableness of regulations.</p> |

| Section | Description |
|---------|---|
| 12 | <p>Federal no hazard determination.</p> <p>Permits a custom regulation to allow a structure or tree higher than otherwise allowed if the Federal Aviation Administration has analyzed it and determined it does not pose a hazard, require a change in operations, or require mitigation that cannot be accomplished.</p> |
| 13 | <p>Membership.</p> <p>Allows for staggered initial appointments of a zoning board of adjustments. For the Metropolitan Airports Commission, provides that the commission chair, not the commission as whole, makes the appointments.</p> |
| 14 | <p>Zoning required.</p> <p>Similar to section 3, allows the commissioner to fund airport safety projects to maintain existing infrastructure regardless of a zoning authority's efforts to complete zoning, but otherwise prohibits funding unless the municipality, county, or joint airport zoning board is proceeding on with zoning.</p> |
| 15 | <p>Airport safety zone (county planning law).</p> <p>Adds a definition of "airport safety zone" to the county planning and zoning enabling statute by cross-reference to the airport zoning statute.</p> |
| 16 | <p>Comprehensive plan (county planning law).</p> <p>Requires a county to consider the location and dimensions of airport safety zones in its plans, as well as any improvements identified in the airport's most recent approved layout plan.</p> |
| 17 | <p>Comprehensive plans in greater Minnesota; open space (county planning law).</p> <p>Adds to the goals of county plans in greater Minnesota that the plan encourage land uses in airport safety zones that are compatible with safe airport operation.</p> |
| 18 | <p>In district zoning, maps (county planning law).</p> <p>Requires county zoning maps to include airport safety zones. Effective August 1, 2019, and applies to maps created or updated on or after that date.</p> |
| 19 | <p>Airport safety zone (municipal planning law).</p> <p>Adds a definition of "airport safety zone" to the municipal planning and zoning statute by cross-reference to the county planning and zoning statute.</p> |

| Section | Description |
|---------|--|
| 20 | <p>Preparation and review (municipal planning law).</p> <p>Requires a municipality to consider the location and dimensions of airport safety zones in its plans, as well as any improvements identified in the airport's most recent approved layout plan.</p> |
| 21 | <p>Airport safety zones on zoning maps (municipal planning law).</p> <p>Requires municipal zoning maps to include airport safety zones. Effective August 1, 2019, and applies to maps created or updated on or after that date.</p> |
| 22 | <p>Development goals and objectives (municipal planning law).</p> <p>Adds to the goals of municipal plans in greater Minnesota that the plan encourage land uses in airport safety zones that are compatible with safe airport operation.</p> |
| 23 | <p>Repealer.</p> <p>Repeals Minn. Stat. § 360.063, subd. 4, providing for MnDOT to recommend airport approach plans.</p> <p>Repeals Minn. Stat. § 360.065, subd. 2, providing for review by MnDOT of proposed airport zoning regulations. This is replaced by provisions in this bill.</p> <p>Repeals Minn. Stat. § 360.066, relating to protection of existing neighborhoods.</p> |
| 24 | <p>Effective date; application.</p> <p>Effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Does not apply to airports with approved airport safety zoning ordinances in effect on August 1, 2019, that have not and are not planning changes to runways and are not required to update airport safety zoning ordinances.</p> |



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155