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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1928**

March 12, 2007

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The bill was read for the first time and referred to the Transportation Finance Division

1.1 A bill for an act
1.2 relating to transportation; establishing minimum standards for compatible land
1.3 uses in airport safety zones; amending Minnesota Statutes 2006, section 360.066,
1.4 subdivisions 1, 1a, 1b, by adding a subdivision; repealing Minnesota Statutes
1.5 2006, section 360.066, subdivision 2.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 360.066, subdivision 1, is amended to read:

1.8 Subdivision 1. **Reasonableness.** Standards of the commissioner defining airport
1.9 hazard areas and the categories of uses permitted and airport zoning regulations adopted
1.10 under sections 360.011 to 360.076, shall be reasonable, and none shall impose a
1.11 requirement or restriction which is not reasonably necessary to effectuate the purposes of
1.12 sections 360.011 to 360.076. Except as provided in subdivision 3, in determining what
1.13 minimum airport zoning regulations may be adopted, the commissioner and a local airport
1.14 zoning authority shall consider, among other things, the character of the flying operations
1.15 expected to be conducted at the airport, the location of the airport, the nature of the terrain
1.16 within the airport hazard area, the existing land uses and character of the neighborhood
1.17 around the airport, the uses to which the property to be zoned are planned and adaptable,
1.18 and the social and economic costs of restricting land uses versus the benefits derived from
1.19 a strict application of the standards of the commissioner.

1.20 Sec. 2. Minnesota Statutes 2006, section 360.066, subdivision 1a, is amended to read:

1.21 Subd. 1a. **Protection of existing neighborhood.** (a) In order to ensure the minimum
1.22 disruption of ~~existing land uses, particularly~~ established residential neighborhoods in
1.23 built-up urban areas, the airport zoning standards of the commissioner and the local
1.24 airport zoning ordinances or regulations adopted under sections 360.061 to 360.074

2.1 shall distinguish between the creation or establishment of a ~~use~~ neighborhood and
 2.2 the elimination of ~~an existing use~~ a neighborhood, and shall avoid the elimination,
 2.3 removal, or reclassification of existing ~~uses~~ neighborhoods to the extent consistent with
 2.4 reasonable standards of safety. The standards of the commissioner shall include criteria
 2.5 for determining when an existing ~~land use~~ neighborhood may constitute an airport hazard
 2.6 so severe that considerations of public safety outweigh the public interest in preventing
 2.7 disruption to that ~~land use~~ neighborhood.

2.8 (b) No airport zoning standards or local airport zoning ordinances or regulations
 2.9 shall be adopted pursuant to sections 360.061 to 360.074 that classify as a nonconforming
 2.10 use or require such classification with respect to any low-density residential structure or
 2.11 isolated low-density residential building lots existing on January 1, 1978 in an established
 2.12 residential neighborhood.

2.13 (c) A local airport zoning authority may classify a land use described in paragraph
 2.14 (b) as an airport hazard if that authority finds that this classification is justified by
 2.15 considerations of public safety and is consistent with the airport zoning standards of the
 2.16 commissioner. Any land use described in paragraph (b) which is classified as an airport
 2.17 hazard shall be acquired, altered, or removed at public expense.

2.18 (d) The provisions of this subdivision shall not be construed to affect the
 2.19 classification of any land use under any zoning ordinances or regulations not adopted
 2.20 pursuant to sections 360.061 to 360.074.

2.21 Sec. 3. Minnesota Statutes 2006, section 360.066, subdivision 1b, is amended to read:

2.22 Subd. 1b. **Amendment of standards.** Within nine months after March 29, 1978,
 2.23 the commissioner shall amend the standards defining airport hazard areas and categories
 2.24 of uses permitted ~~therein~~ to conform with the requirements of Laws 1978, chapter 654.
 2.25 Until the commissioner adopts amended standards as required by this subdivision the
 2.26 unamended standards, insofar as they require classification of any residential property as a
 2.27 nonconforming use contrary to the provisions of subdivision 1a, paragraph (b), shall be
 2.28 without force or effect.

2.29 Sec. 4. Minnesota Statutes 2006, section 360.066, is amended by adding a subdivision
 2.30 to read:

2.31 Subd. 3. **Minimum zoning standards.** (a) Notwithstanding any law to the contrary,
 2.32 minimum standards for airport zoning ordinances are stated in this subdivision and are not
 2.33 subject to modification by rule, local zoning, or by determination of the commissioner
 2.34 under section 360.065, subdivision 2.

3.1 (b) The safety zones are defined as follows:

3.2 (1) Safety zone A is in the approach zones, as defined by the Federal Aviation
3.3 Administration (FAA) and Department of Transportation aeronautics rules, of a runway
3.4 and extends outward from the end of the primary surface a distance equal to two-thirds the
3.5 runway length or planned runway length.

3.6 (2) Safety zone B is in the approach zones, as defined by FAA and Department of
3.7 Transportation aeronautics rules, of a runway and extends outward from safety zone A, a
3.8 distance equal to one-third the runway length or the planned runway length.

3.9 (3) Safety zone C is that land enclosed within the perimeter of the horizontal zone,
3.10 as defined by FAA and Department of Transportation aeronautics rules, and not included
3.11 in zone A or zone B.

3.12 (c) Within each of the safety zones established in paragraph (b), minimum
3.13 standards for compatible land uses within each safety zone are established in table 3-7
3.14 published September 2006 in the Airport Land Use Compatibility Manual, Department
3.15 of Transportation Office of Aeronautics.

3.16 (d) Notwithstanding any law to the contrary, an existing structure in safety zone A
3.17 that is prohibited under paragraph (c) is an airport hazard and must be acquired by the
3.18 airport owner pursuant to eminent domain authority.

3.19 (e) Airport zoning ordinances containing provisions inconsistent with the minimum
3.20 requirements must be amended within 60 days of enactment of this section to comply with
3.21 the minimum requirements. An airport owner with no existing airport zoning ordinance
3.22 shall enact a zoning ordinance consistent with this chapter within 180 days of enactment
3.23 of this section.

3.24 **Sec. 5. REPEALER.**

3.25 Minnesota Statutes 2006, section 360.066, subdivision 2, is repealed.

3.26 **Sec. 6. EFFECTIVE DATE.**

3.27 Sections 1 to 5 are effective the day following final enactment