

**Joint Airport Zoning Board**

**May 7, 2020**

**3:30 p.m.**

**Duluth International Airport**

**Amatuzio Conference Room**

**AGENDA**

1. Roll Call
2. Approval of Minutes:
  - a. March 5, 2020 Meeting Minutes
3. Agenda Approval
4. Community Reports
5. Public Input
6. Reports of Committees
  - a. JAZB Custom Zoning Summary -- Darren Christopher, RS&H
7. Communications
8. Unfinished Business
  - b. Board of Adjustments
9. New Business, Motions and Resolutions
  - a. Resolution to Approve to Establish and Adopt Custom Zoning Regulations Per 2019 Minnesota Statutes, Chapter 360, Section 360.065 Custom Airport Zoning Standards.

***DRAFT***  
**Joint Airport Zoning Board Minutes**  
**March 5, 2020**  
**Duluth International Airport**  
**Amatuzio Conference Room**

Chair Kevin Comnick welcomed everyone and opened the meeting at 3:30 p.m. He introduced and welcomed the new St. Louis County representative Keith Musolf.

**1. Roll Call:**

**Present:**

Kevin Comnick	Canosia	Dan Golen	Canosia
John Hegstrom	Rice Lake	Suzanne Herstad	Rice Lake
Eric Johnson	Hermantown	John Geissler	Hermantown
Don Monaco	Duluth	Brent Mavlick	Duluth
Frank Jewell	SLC	Keith Musolf	SLC
Steve Hanke	Deputy City Attorney		

**Absent:** Steve Gerads, Duluth

**Visitors:** Mark Papko, Mary Ann Wittkop, and Kyle Deming. Darren Christopher, participated by telephone.

2. **Approval of Minutes of Previous Meetings:** Motion by Frank Jewell to approve the minutes of the February 6, 2020 meeting, seconded by Suzanne Herstad. All ayes, motion carried.
3. **Agenda Items:** Motion by John Geissler to approve the agenda items. Seconded by Frank Jewell. All ayes, motion carried.
4. **Community Reports:** Brief community updates around the table.
5. **Opportunity for Citizens to be Heard:** None.
6. **Reports of Committees:** None.
7. **Communications:** None.
8. **Unfinished Business:** Chair Comnick summarized the Board of Adjustment (BOA) terms and appointments have been completed. Mr. Kyle Deming, Duluth City Planner mentioned a meeting of the BOD should be by the end of the month.

Joint Airport Zoning Minutes

March 5, 2020

Page 2

9. **New Business, Motions and Resolutions:** Chair Comnick recommended until the Work Scope Committee begin their processes and deems it necessary, not to schedule another JAZB meeting. Questions followed. Mr. Mark Papko, DAA Operations Director, updated and detailed further.

**Adjourn:** Chair Comnick made a motion to adjourn the meeting. John Geissler seconded. All ayes. Motion carried. Chair Comnick adjourned the March 5<sup>th</sup> JAZB meeting at 3:44 p.m.

Respectfully Submitted,

Mary Ann Wittkop  
Recording Secretary



# *Airport Zoning Ordinance Revision Support*

*May 7, 2020*



# Minnesota Land Use Safety Zones 8800.2400

- » Mn/DOT Safety Zone Description
- » Clear Zone: Minimum required airport property control of critical runway approach and RPZ
- » Zone A: In approach zones of a runway, shall contain no buildings
- » Zone B: Extends outward from Zone A, distance equal to  $\frac{1}{3}$  runway length, shall not contain uses on a site less than 3 acres
- » Zone C: All land encompassed within perimeter of horizontal zone, subject to uses that do not interfere with airport electronic facilities



# Minnesota Statute 360.0656

## 360.0656 CUSTOM AIRPORT ZONING STANDARDS.

Subdivision 1. **Custom airport zoning standards; factors.** (a) Notwithstanding section 360.0655, a municipality, county, or joint airport zoning board must provide notice to the commissioner when the municipality, county, or joint airport zoning board intends to establish and adopt custom airport zoning regulations under this section.

(b) Airport zoning regulations submitted to the commissioner under this subdivision are not subject to the commissioner's zoning regulations under section 360.0655 or Minnesota Rules, part 8800.2400.

(c) When developing and adopting custom airport zoning regulations under this section, the municipality, county, or joint airport zoning board must include in the record a detailed analysis that explains how the proposed custom airport zoning regulations addressed the following factors to ensure a reasonable level of safety:

(1) the location of the airport, the surrounding land uses, and the character of neighborhoods in the vicinity of the airport, including:

(i) the location of vulnerable populations, including schools, hospitals, and nursing homes, in the airport hazard area;

(ii) the location of land uses that attract large assemblies of people in the airport hazard area;

(iii) the availability of contiguous open spaces in the airport hazard area;

(iv) the location of wildlife attractants in the airport hazard area;

(v) airport ownership or control of the federal Runway Protection Zone and the department's Clear Zone;

(vi) land uses that create or cause interference with the operation of radio or electronic facilities used by the airport or aircraft;

(vii) land uses that make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport;

(viii) land uses that otherwise inhibit a pilot's ability to land, take off, or maneuver the aircraft;

(ix) airspace protection to prevent the creation of air navigation hazards in the airport hazard area; and

(x) the social and economic costs of restricting land uses;

(2) the airport's type of operations and how the operations affect safety surrounding the airport;

(3) the accident rate at the airport compared to a statistically significant sample, including an analysis of accident distribution based on the rate with a higher accident incidence;

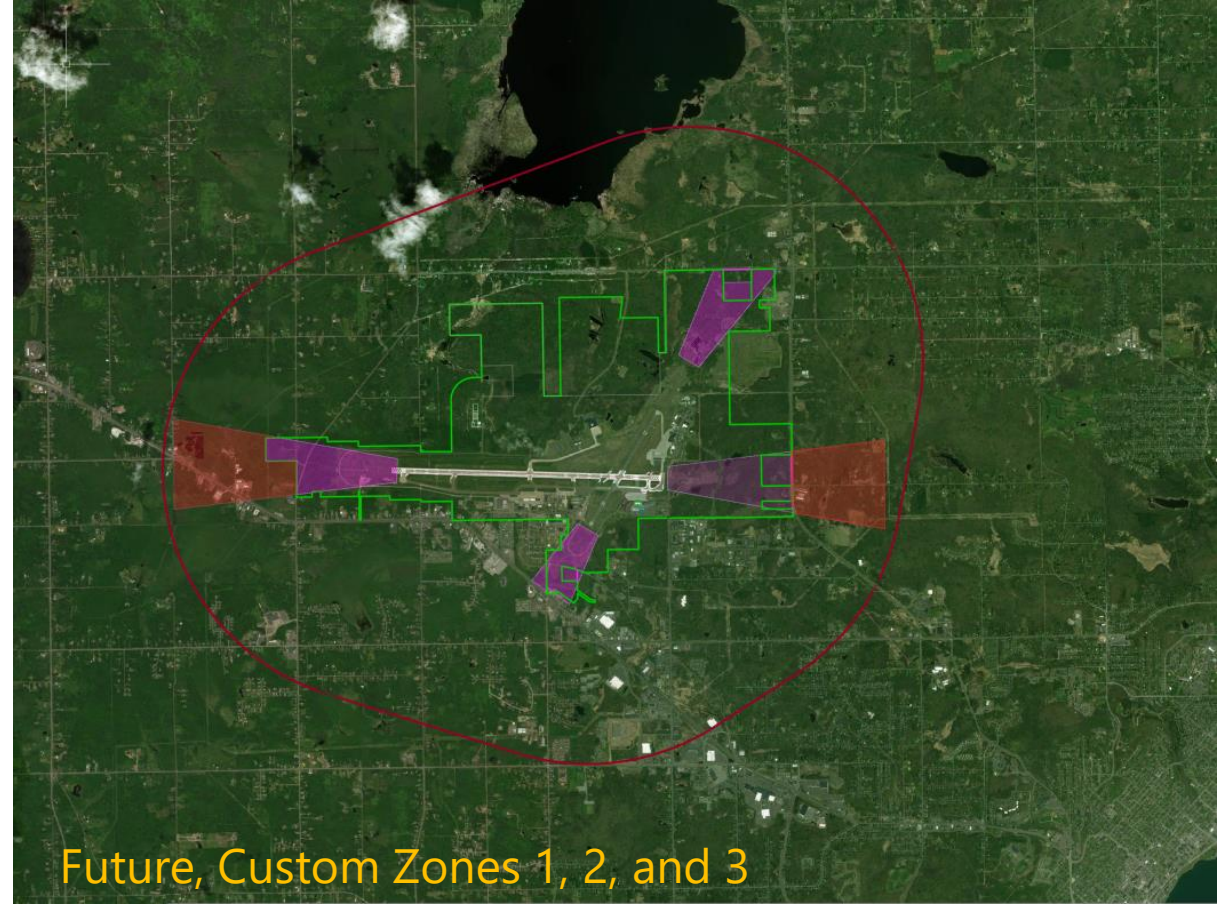
(4) the planned land uses within an airport hazard area, including any applicable platting, zoning, comprehensive plan, or transportation plan; and

(5) any other information relevant to safety or the airport.



# Custom Zoning Ordinance

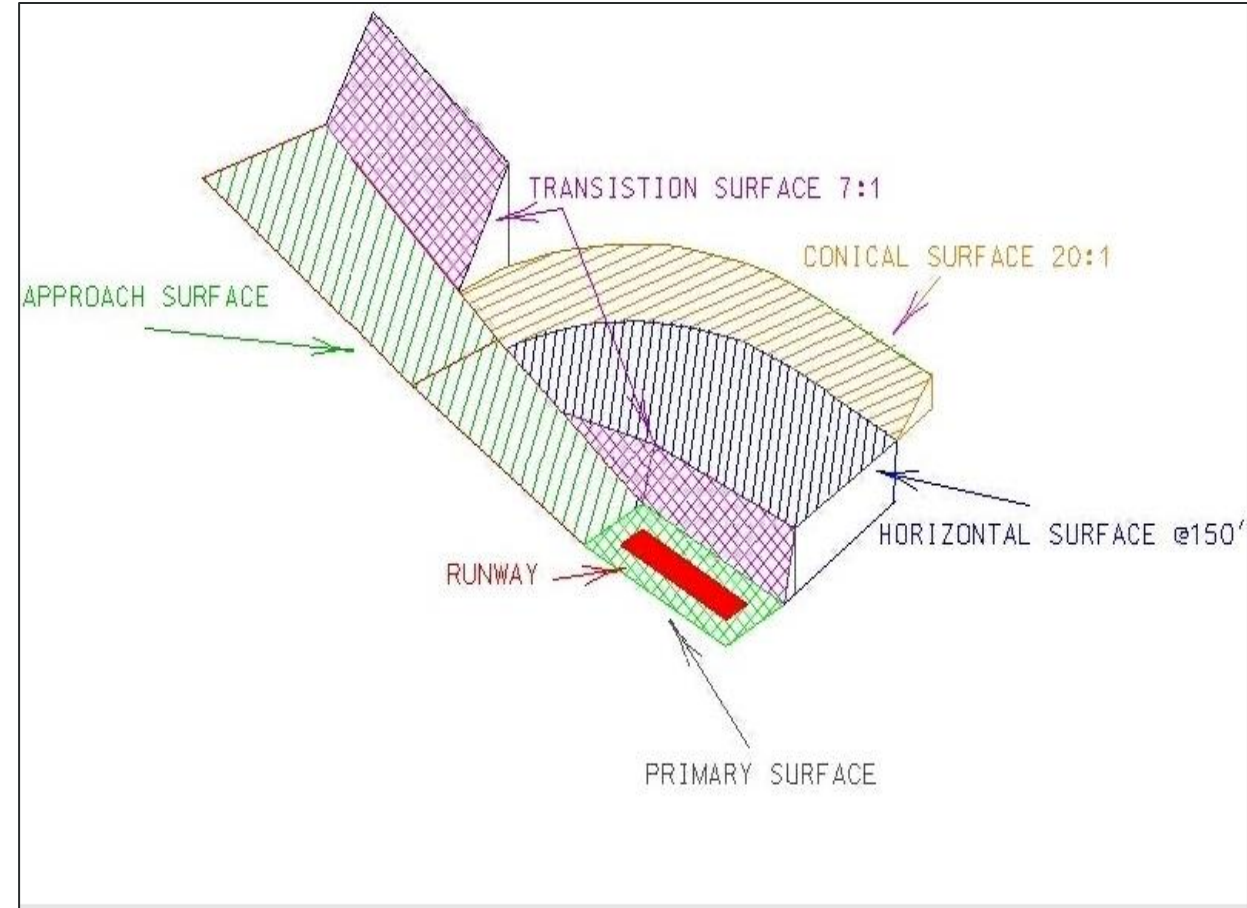
- » Existing land uses are not affected
- » For future development:
  - Zone 1: In approach zones of a runway, shall not contain buildings
  - Zone 2: Extends outward from Zone 1, each use shall not be less than 2.5 acres and prohibits uses that attract/house crowds
  - Zone 3: Subject to uses that do not create or cause interference with airport operations



Future, Custom Zones 1, 2, and 3

# Custom Zoning Ordinance

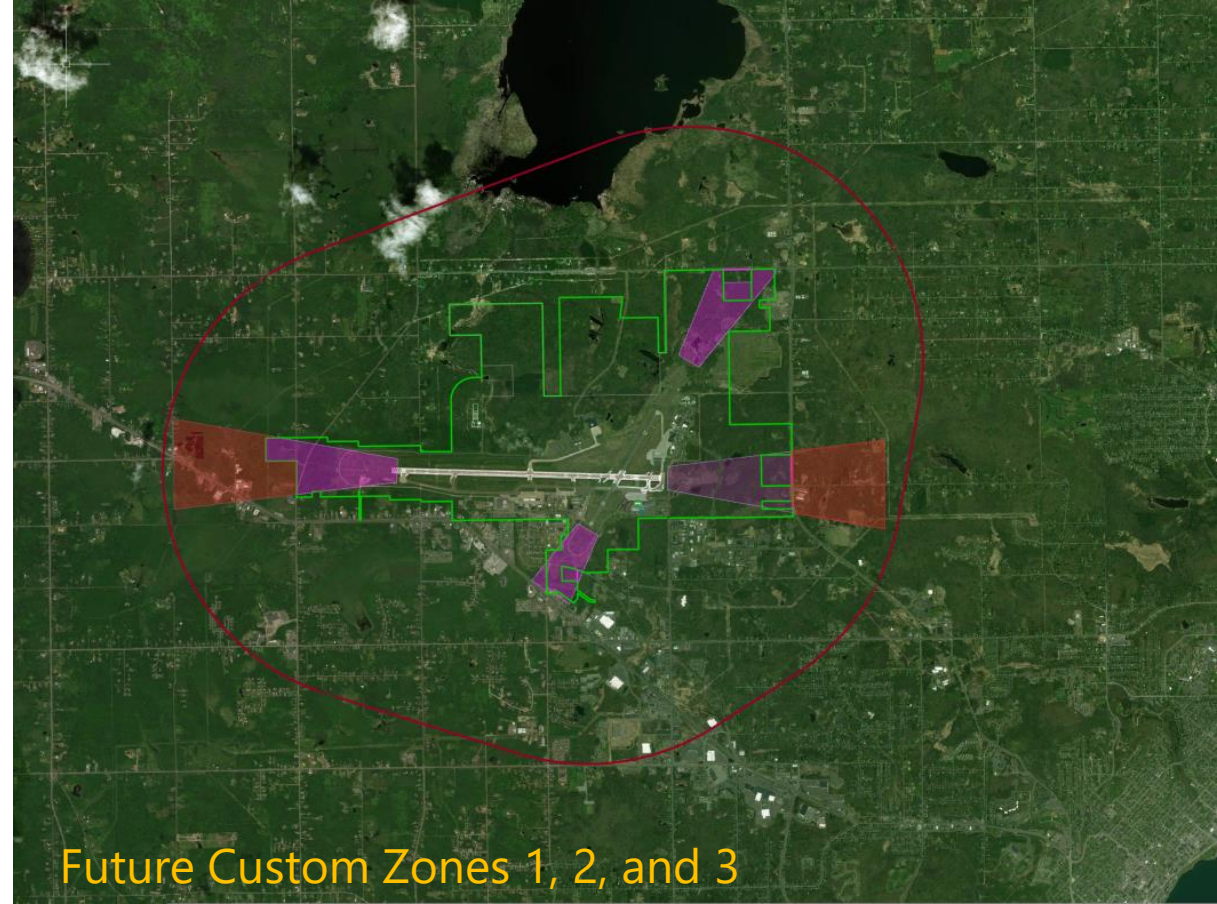
- » **Zone 1: In approach zones of a runway, shall not contain buildings**
  - **Approach surface = Imaginary surface longitudinally centered on extended centerline at each end of a runway**





# Custom Zoning Ordinance

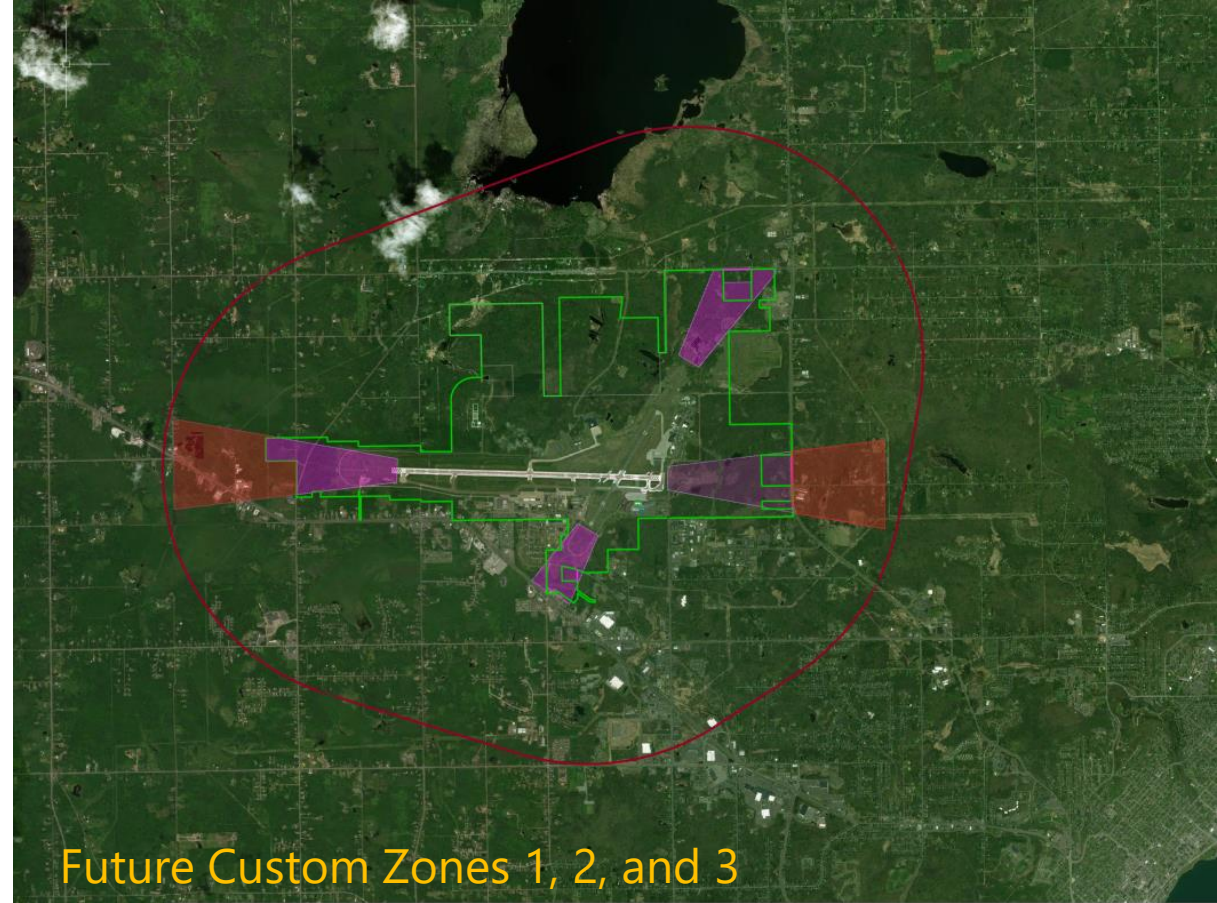
- » Zone 1: In approach zones of a runway, shall not contain buildings
- » **Zone 2: Extends outward from Zone 1, each use shall not be less than 2.5 acres and prohibit uses that attract/house crowds**
  - Places of public assembly
  - Schools
  - Hospitals



Future Custom Zones 1, 2, and 3

# Custom Zoning Ordinance

- » Zone 1: In approach zones of a runway, shall not contain buildings
- » Zone 2: Extends outward from Zone 1, each use shall not be less than 2.5 acres and prohibits uses that attract/house crowds
- » **Zone 3: Subject to uses that do not create or cause interference with airport operations**
  - **Electronic facilities**
  - **Make it difficult for pilots to distinguish airport lights**
  - **Glare**



# Airport Hazard Area

- » The Airport Hazard Area is represented by the extent of the FAA airspace protection surfaces for DLH
- » Airport hazard means any structure, tree, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or takeoff.



# Factors analyzed

- 1) Schools, hospitals, nursing homes
- 2) Land uses that attract large assemblies of people or location of wildlife
- 3) At least one 3-acre contiguous open space
- 4) Airport ownership of RPZ and Clear Zone area
- 5) Land uses that create or cause interference with electronic airport facilities or inhibit pilot's ability to maneuver aircraft
- 6) Airspace is protected
- 7) Social and economic costs/impacts are minimized
- 8) Airport's operations and safety risk to public are unaffected
- 9) No planned uses within airport hazard area

# Factors analyzed:

## 1) Schools, hospitals, nursing homes

### – Schools:

- *Homecroft Elementary School: 0.95 miles from future custom Zone 3 boundary, east of RW 21*
- *DECS North Star Academy: 0.23 miles from future custom Zone 3 boundary, east of RW 21*

### – Hospitals:

- *St. Lukes Hospital: 3.90 miles from future custom Zone 3 Boundary*

### – Nursing home facilities:

- *Primrose Retirement Community: 1.07 miles from future custom Zone 3 Boundary, southeast of RW 3*
- *McCarthy Manor: 0.58 miles from future custom Zone 3 boundary, southeast of RW 3*

# Factors analyzed:

- 1) Schools, hospitals, nursing homes
- 2) **Land uses that attract large assemblies of people or location of wildlife**
  - **Places of Worship:**
    - *New Life Lutheran Church: Within future custom Zone 3 boundary, 1.14 miles directly east from end of future Zone 1 boundary for RW 3*
    - *Peace in Christ Lutheran Church: Within future custom Zone 3, 0.15 miles, south of RW 3*
  - **Municipal buildings, churches, fairgrounds**
  - **Open water, wetland areas, golf courses, landfills**



# Factors analyzed:

- 1) Schools, hospitals, nursing homes
- 2) Land uses that attract large assemblies of people or location of wildlife
- 3) **At least one 3-acre contiguous open space**
  - **Land shown as public, open space, agricultural, open water**
  - **Bands of property with at least one 3-acre space**

# Factors analyzed:

- 1) Schools, hospitals, nursing homes
- 2) Land uses that attract large assemblies of people or location of wildlife
- 3) At least one 3-acre contiguous open space
- 4) **Airport ownership of RPZ and Clear Zone area**
  - **Runway Protection Zone contained on airport property**

# Factors analyzed:

- 1) Schools, hospitals, nursing homes
- 2) Land uses that attract large assemblies of people or location of wildlife
- 3) At least one 3-acre contiguous open space
- 4) Airport ownership of RPZ and Clear Zone area
- 5) **Land uses that create or cause interference with electronic airport facilities or inhibit pilot's ability to maneuver aircraft**
  - **Antennas**
  - **Cell-towers**
  - **Existing obstructions such as trees or poles**



# Factors analyzed:

- 1) Schools, hospitals, nursing homes
- 2) Land uses that attract large assemblies of people or location of wildlife
- 3) At least one 3-acre contiguous open space
- 4) Airport ownership of RPZ and Clear Zone area
- 5) Land uses that create or cause interference with electronic airport facilities or inhibit pilot's ability to maneuver aircraft
- 6) **Airspace is protected**
  - **City of Duluth Unified Development Code 50-18.2 Airport Overlay District**
  - **City of Duluth Unified Development Code 50-17.5 Airport Zoning District**

# Factors analyzed:

- 1) Schools, hospitals, nursing homes
- 2) Land uses that attract large assemblies of people or location of wildlife
- 3) At least one 3-acre contiguous open space
- 4) Airport ownership of RPZ and Clear Zone area
- 5) Land uses that create or cause interference with electronic airport facilities or inhibit pilot's ability to maneuver aircraft
- 6) Airspace is protected
- 7) **Social and economic costs**
  - **Opportunity for building development (residential or commercial)**  
**Social and economic impacts are minimized**
  - **Employment**
  - **Home displacement**
  - **Land acquisition**

# Factors analyzed:

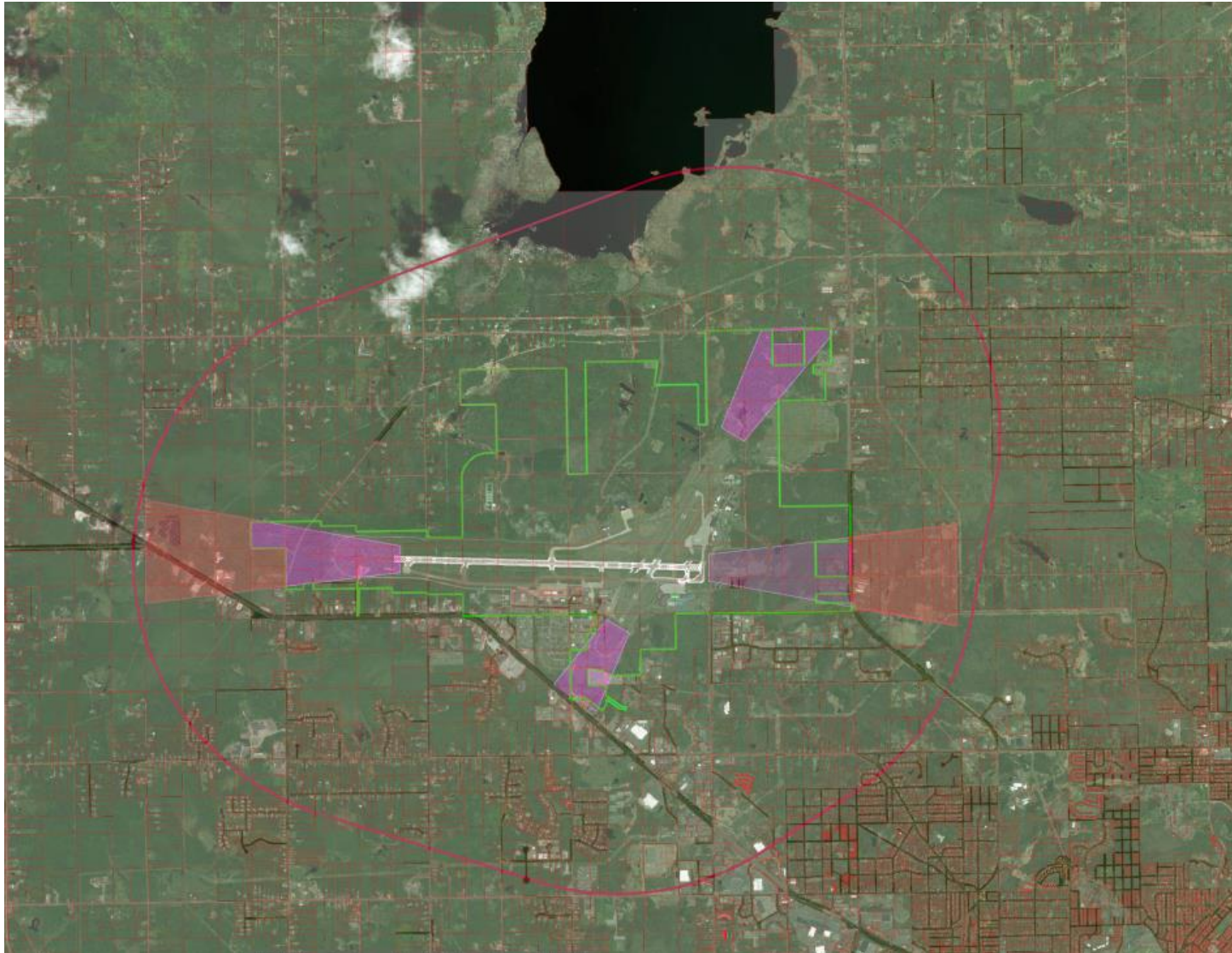
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- 6) Airspace is protected
- 7) Social and economic costs/impacts are minimized
- 8) **Airport's operations and safety risk to public are unaffected**
  - **Airport Area Safety Analysis**

# Factors analyzed:

- 1) Schools, hospitals, nursing homes
- 2) Land uses that attract large assemblies of people or location of wildlife
- 3) At least one 3-acre contiguous open space
- 4) Airport ownership of RPZ and Clear Zone area
- 5) Land uses that create or cause interference with electronic airport facilities or inhibit pilot's ability to maneuver aircraft
- 6) Airspace is protected
- 7) Social and economic costs/impacts are minimized
- 8) Airport's operations and safety risk to public are unaffected
- 9) **No planned uses within airport hazard area**
  - **Hermantown Zoning Map**
  - **St. Louis County Zoning and Future Land Use Districts**



# Future, Custom Zone Boundary Area





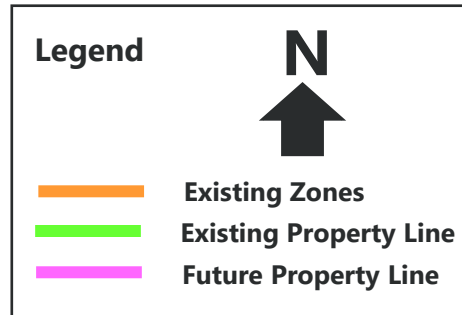
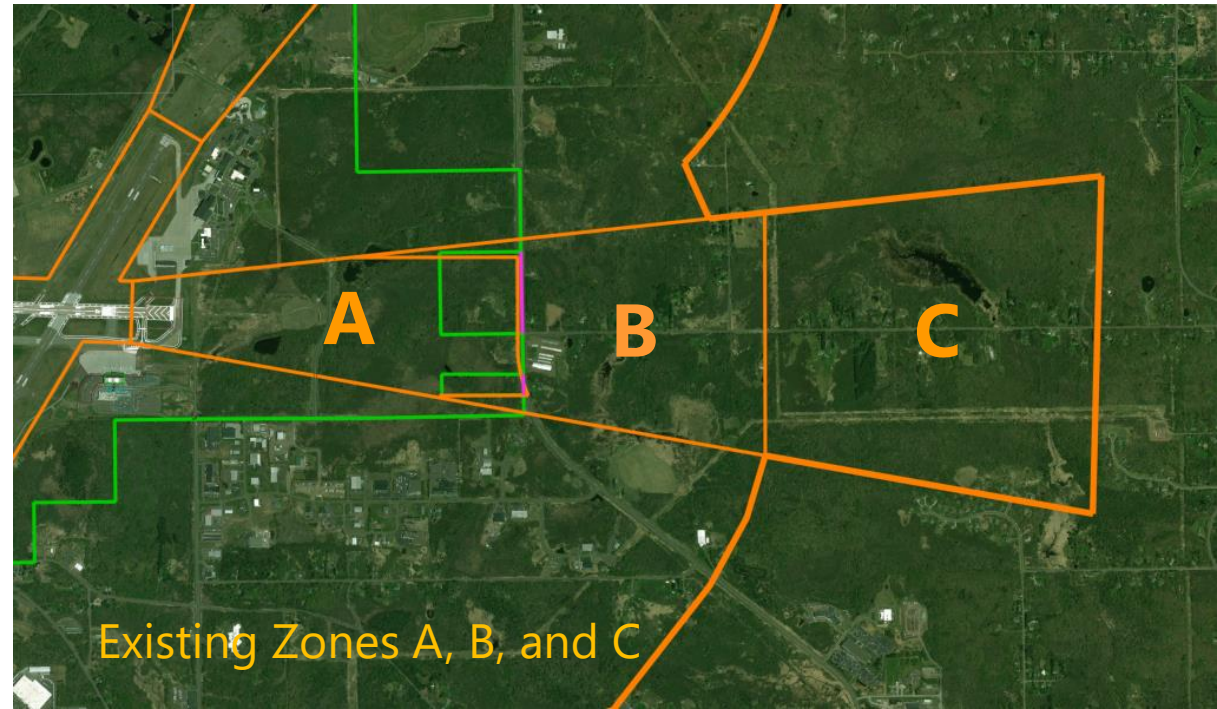
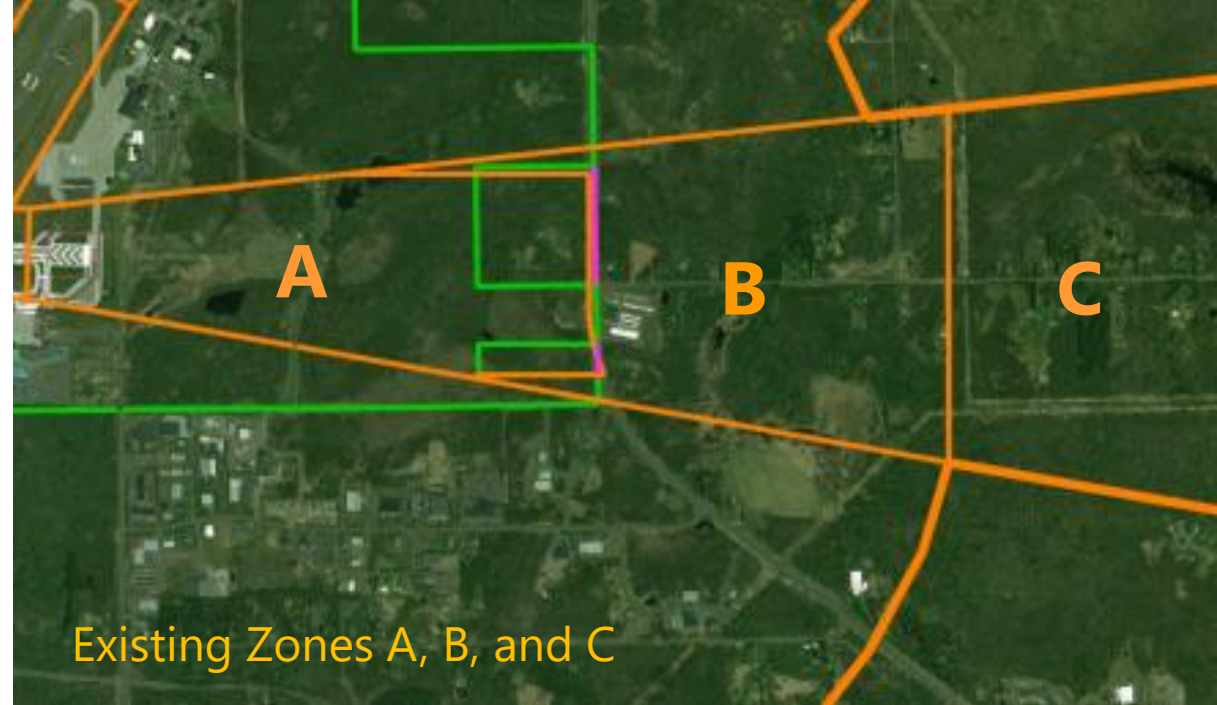


Runway 27



# Existing Conditions

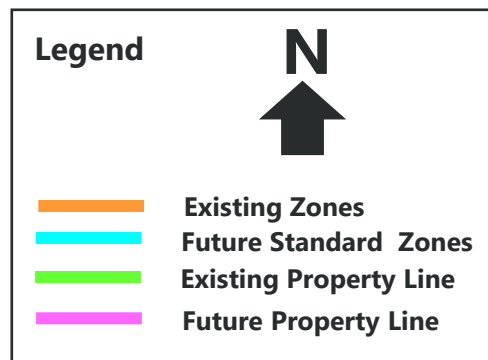
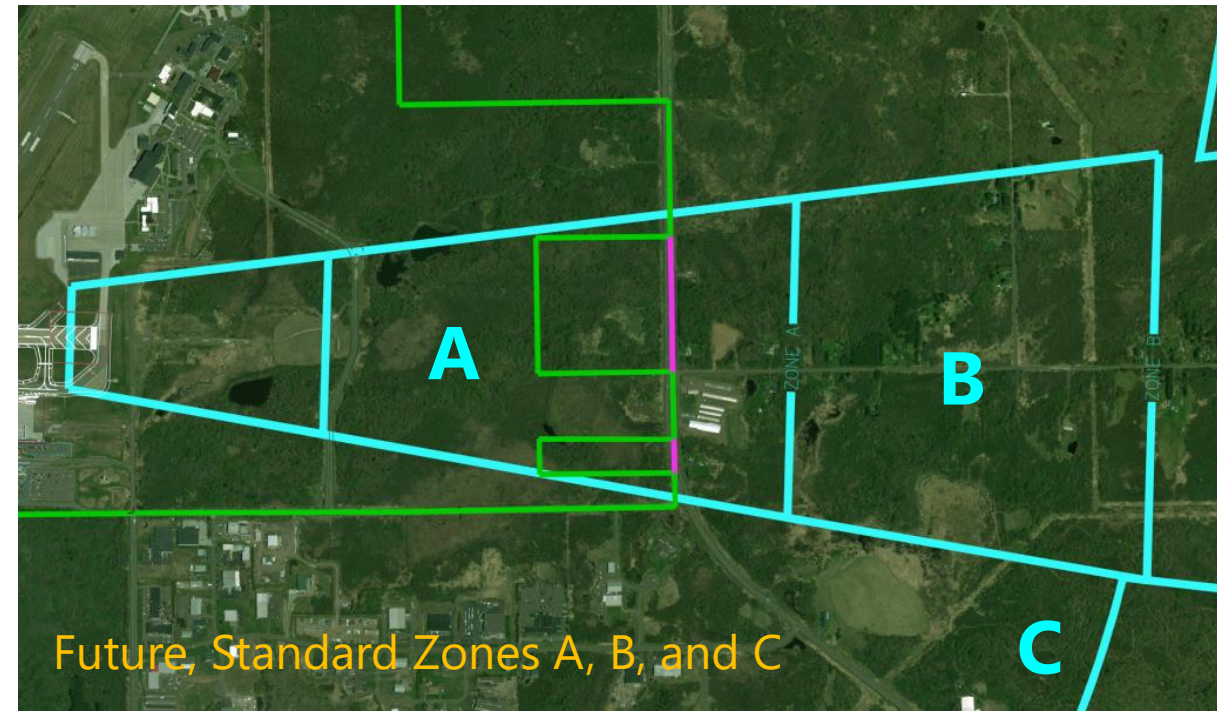
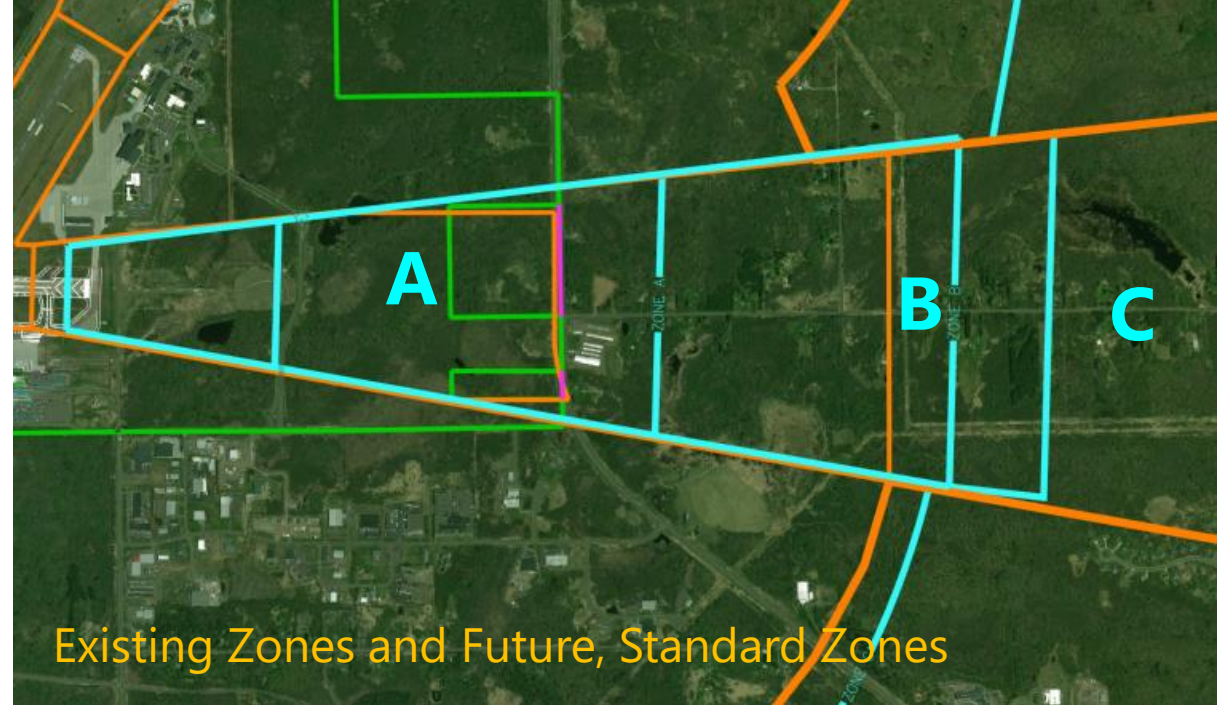
- » Compliant
  - Vulnerable population
  - Contiguous open space
  - Airport control of RPZ/Clear Zone
  - Airport's operations
  - Airspace protection
  - Planned uses





# Future, Standard Zones

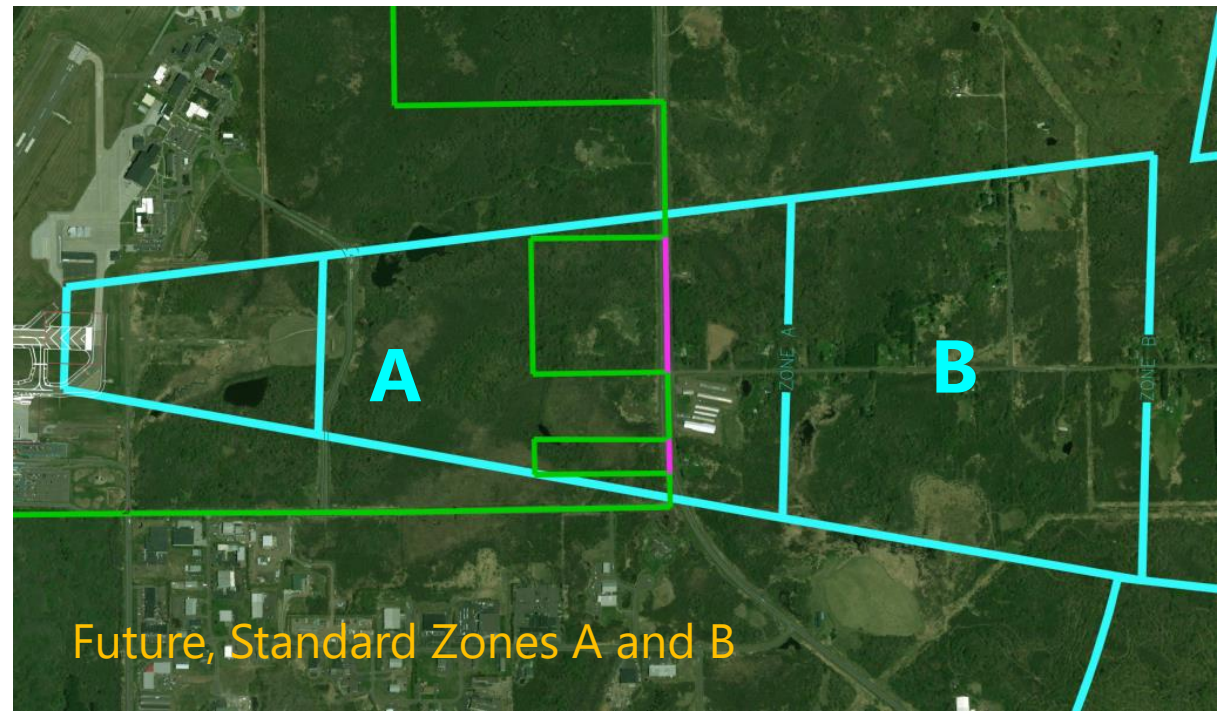
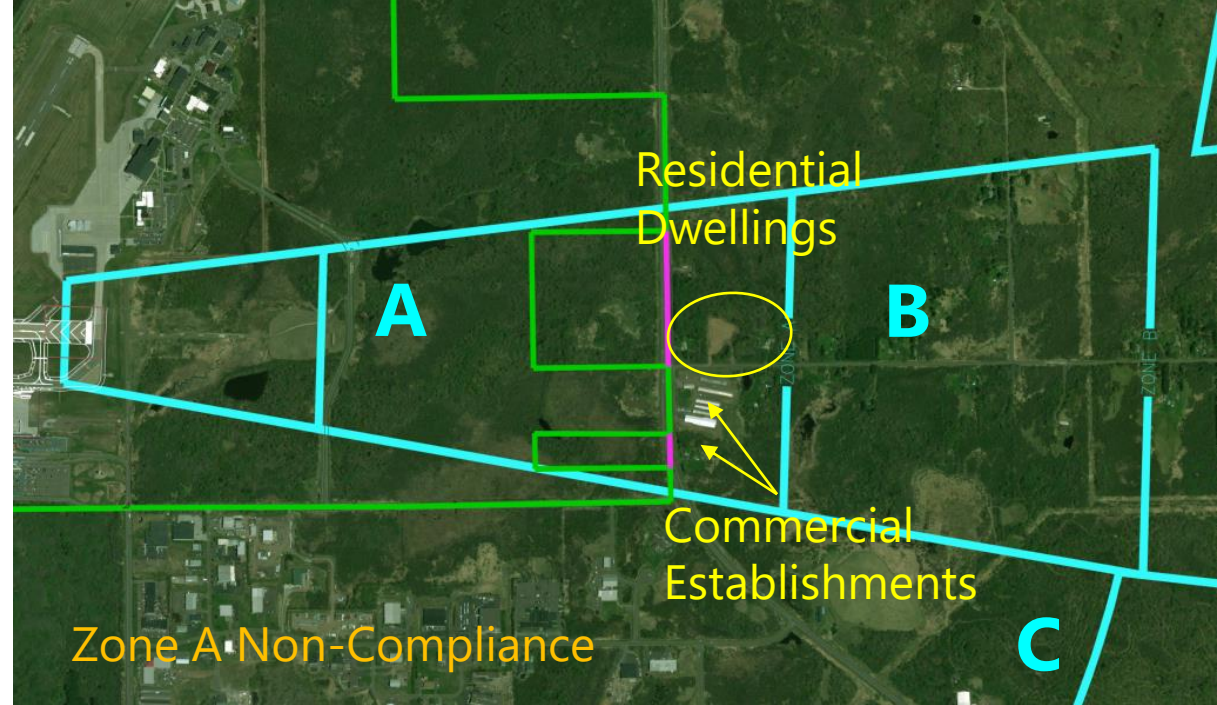
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  - Vulnerable population
  - Contiguous open space
  - Airspace protection
  - Airport control of RPZ/Clear Zone
  - Airport's operations
  - Planned uses





# Future, Standard Zones

- » Non-Compliant
  - Residences in Zone A
  - Commercial properties in Zone A



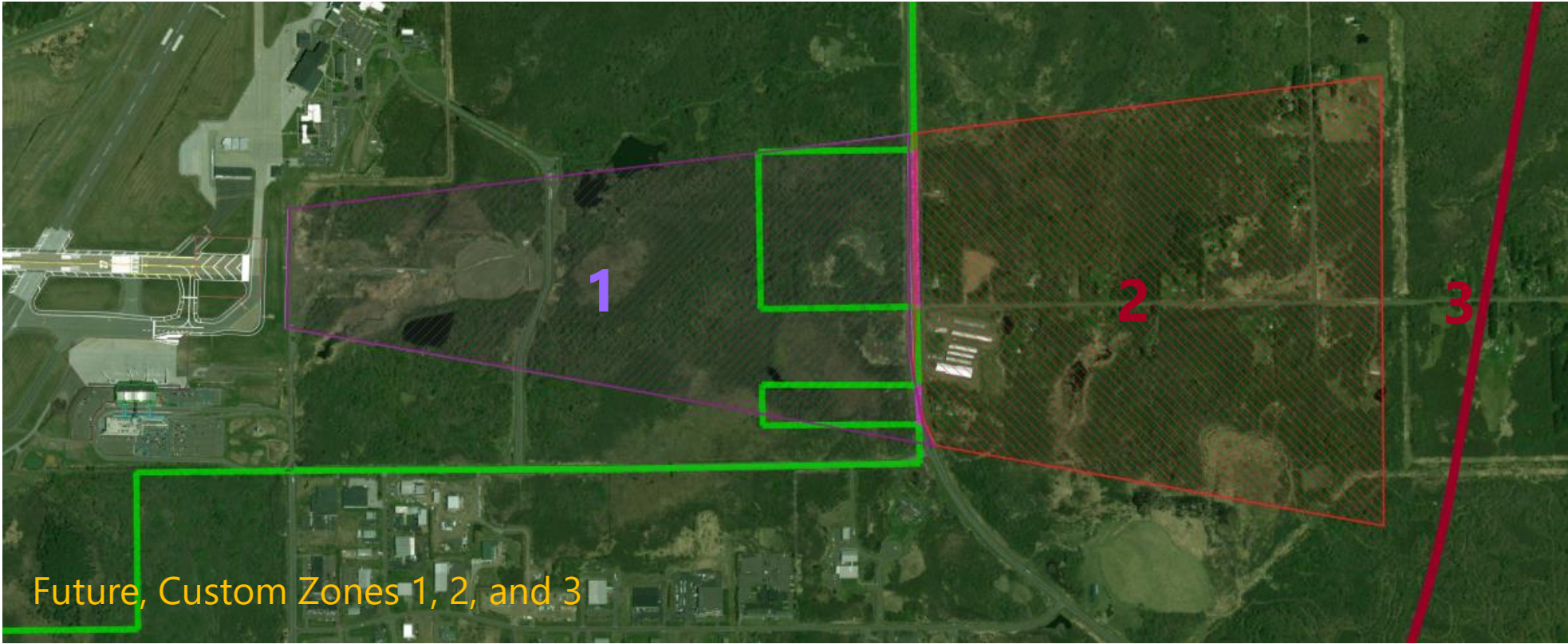
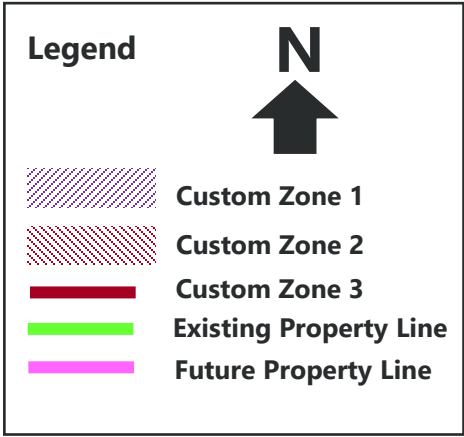
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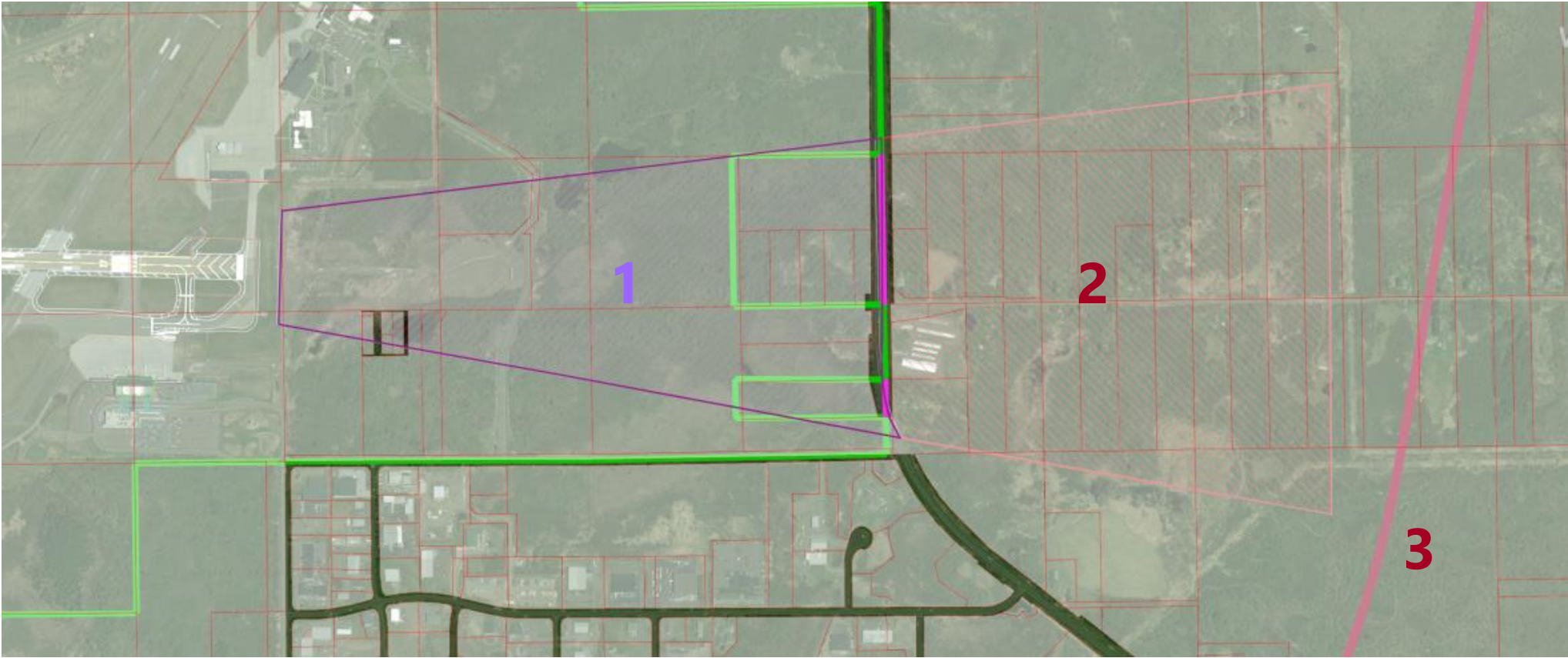
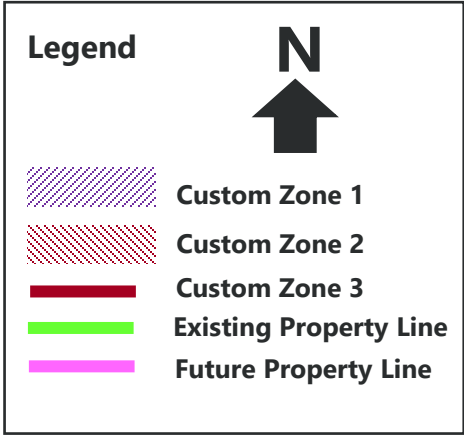
- Future Standard Zones
- Existing Property Line
- Future Property Line



# Future, Custom Zones



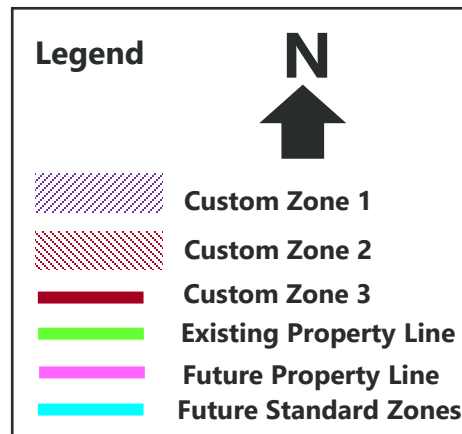
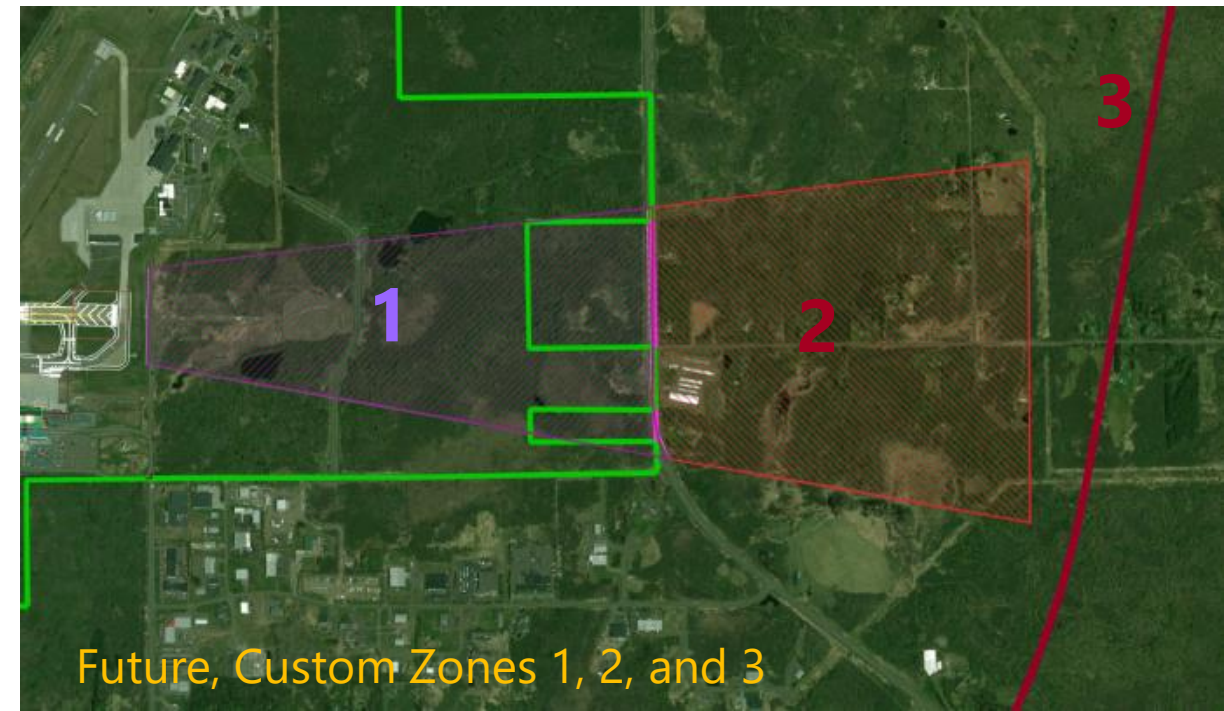
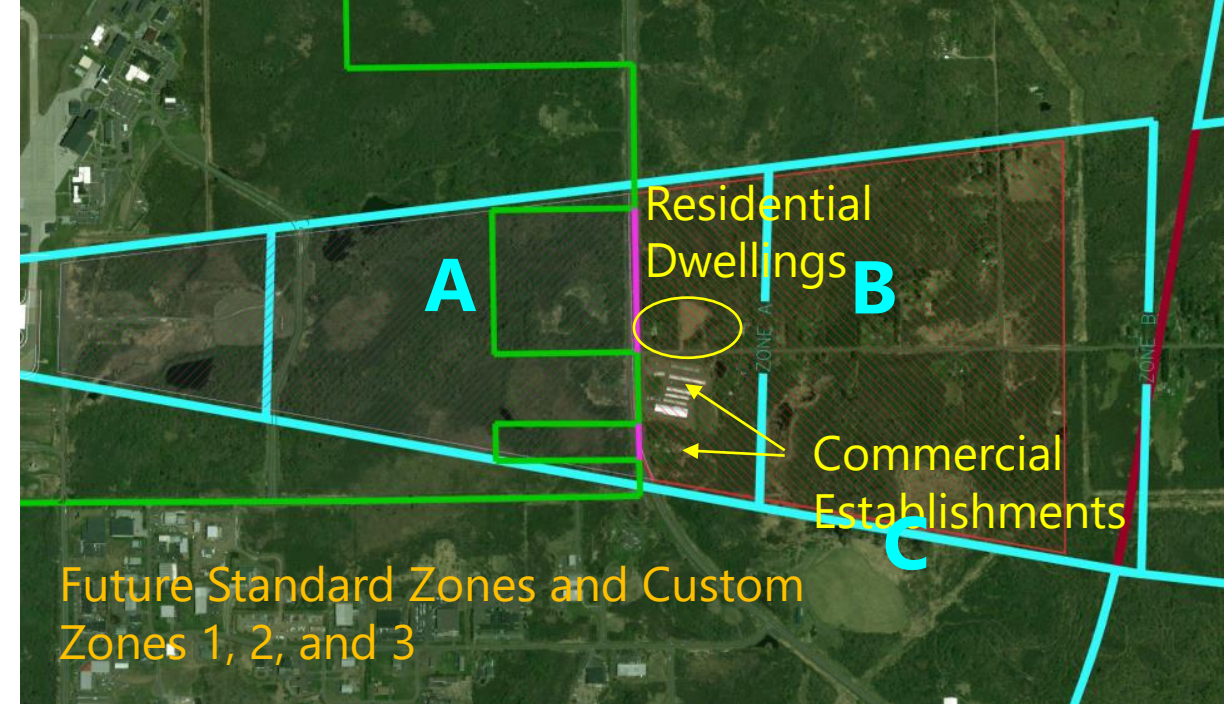
# Future, Custom Zones and Parcels Impacted



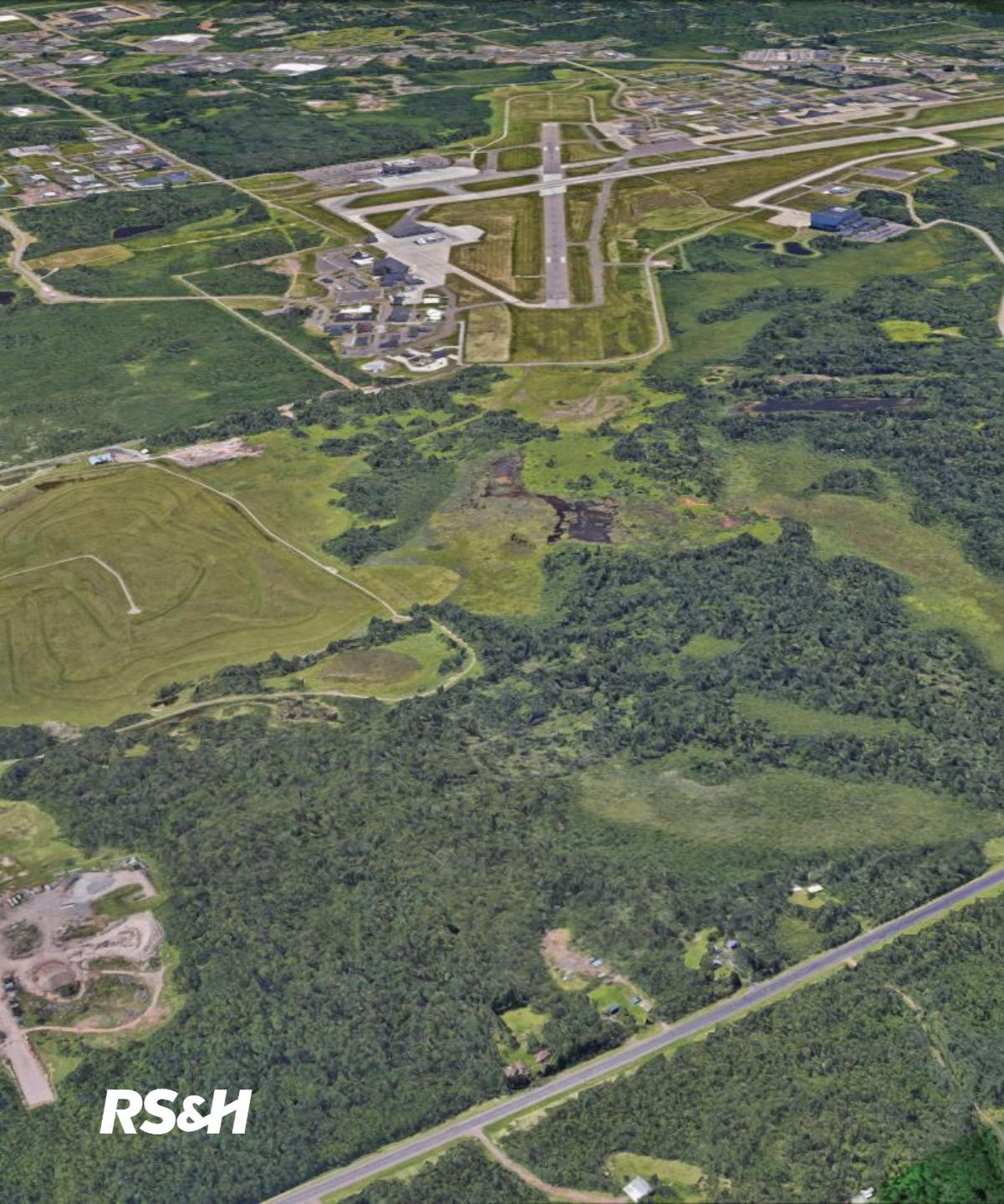


# Acceptability Criteria

- » No buildings or structures in Zone 1
- » Social impact of relocating residences in Zone A too great
- » Economic impact of relocating commercial establishments in Zone A too high





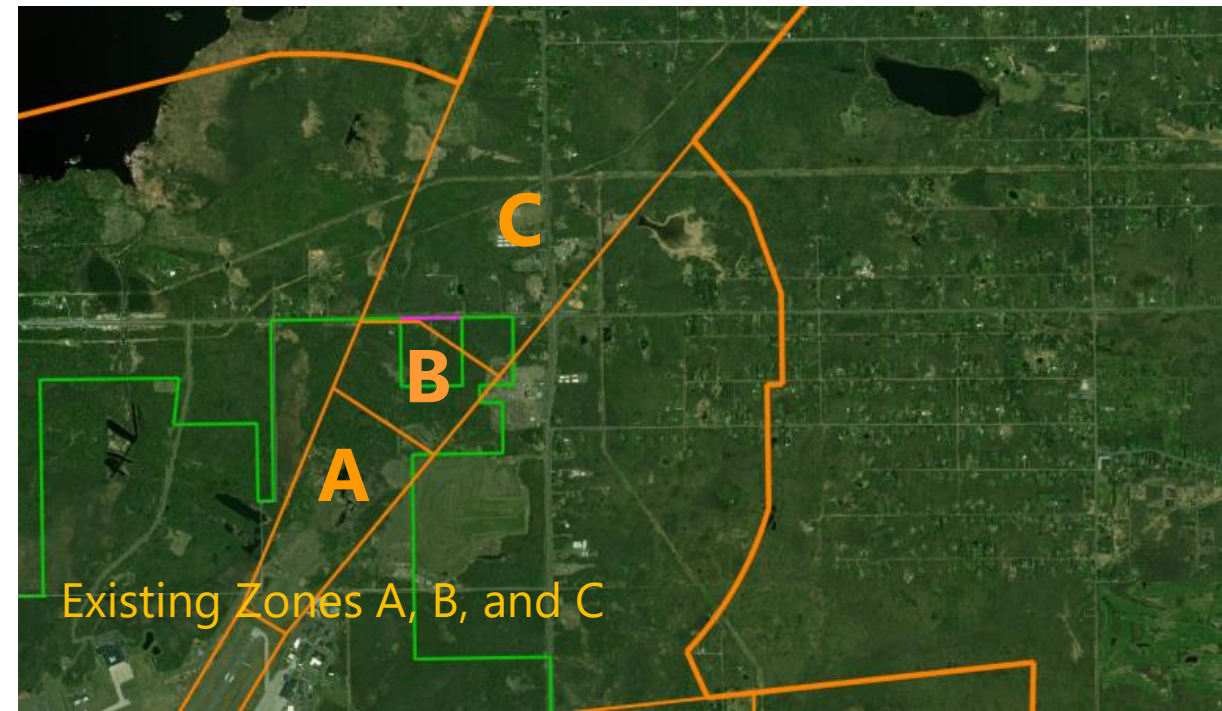
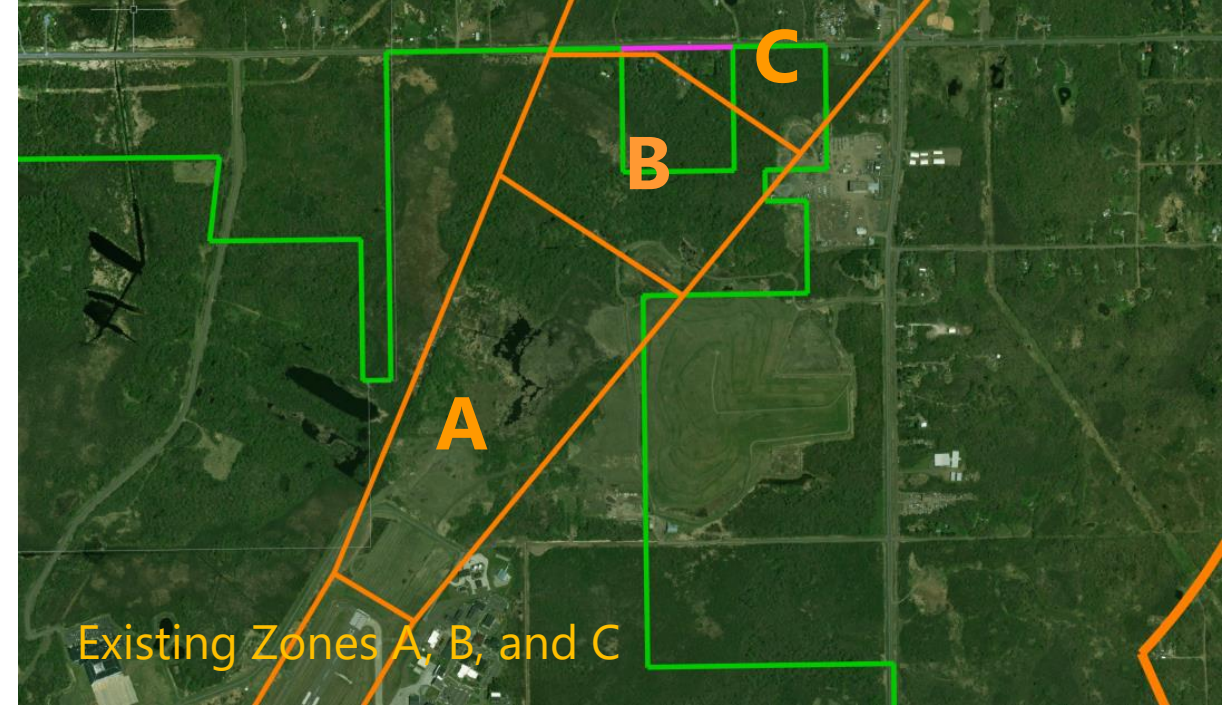
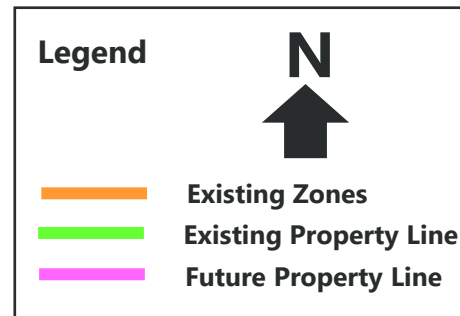


# Runway 21



# Existing Conditions

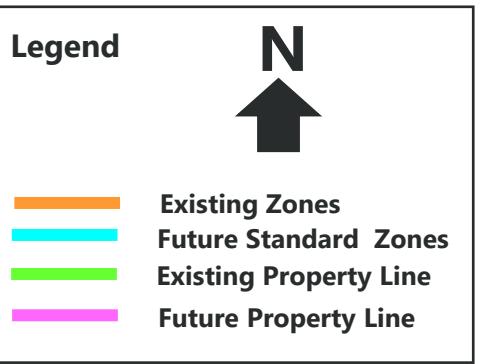
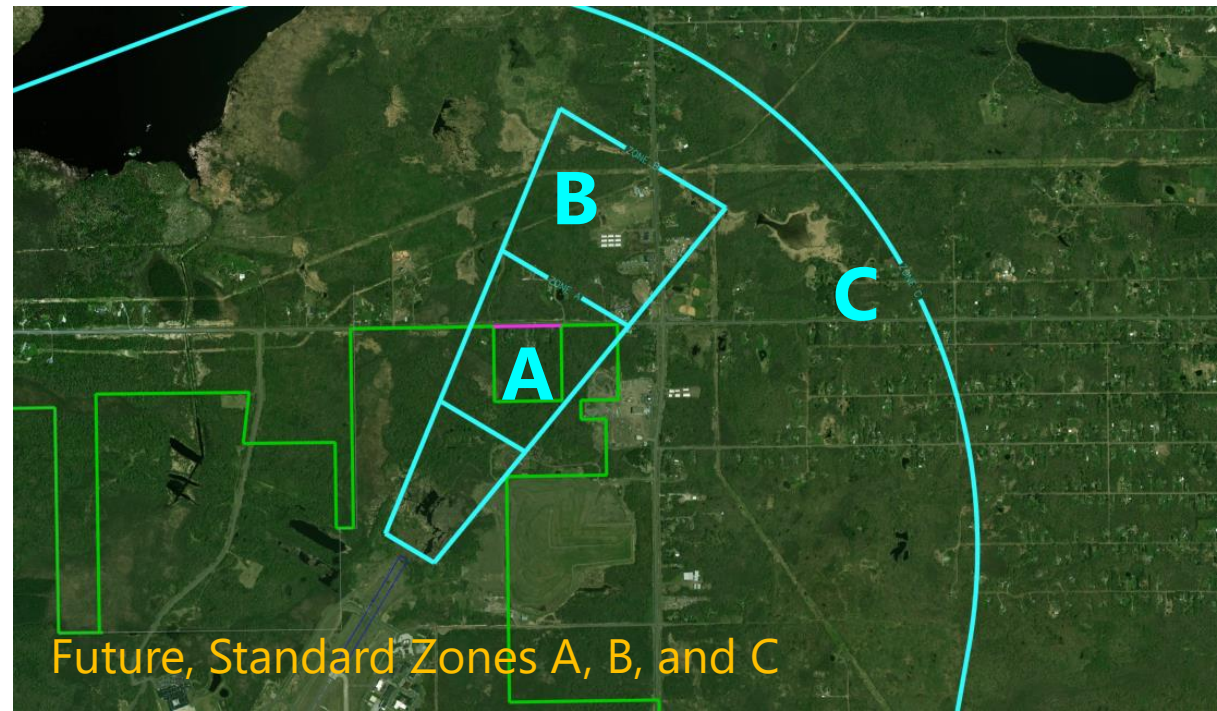
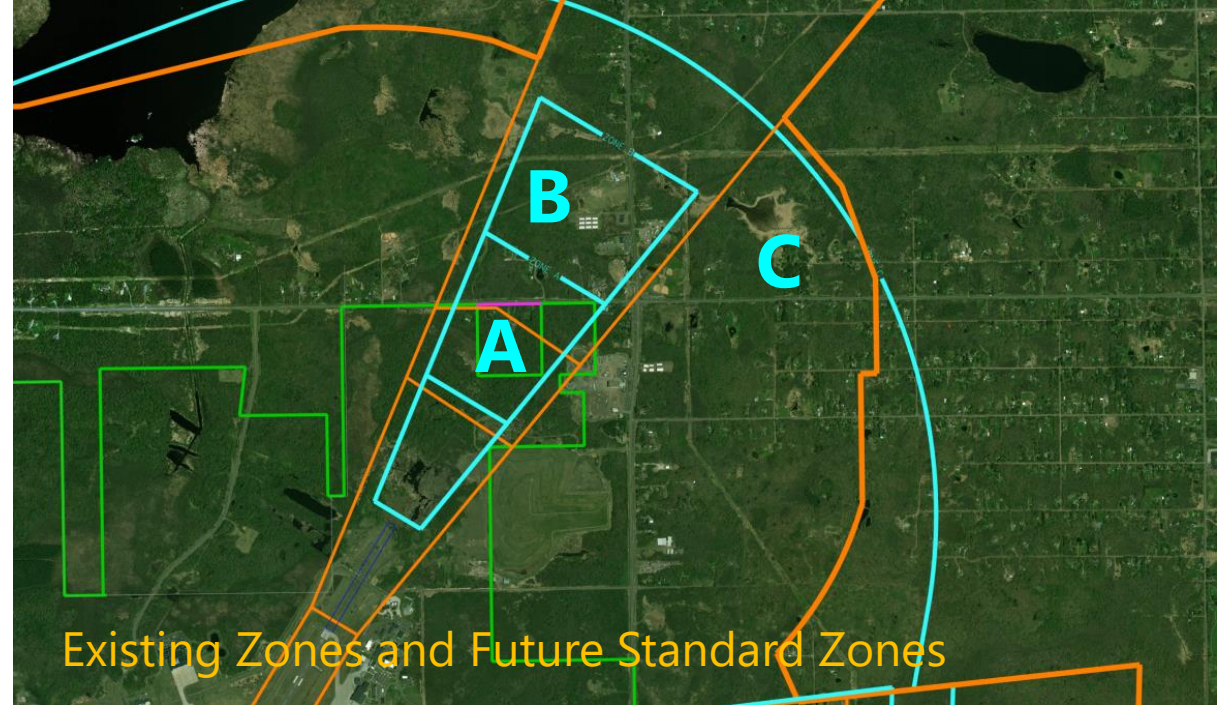
- » Compliant
  - Vulnerable population
  - Contiguous open space
  - Airport control of RPZ/Clear Zone
  - Compatible land uses
  - Airspace protection
  - Social/economic impact
  - Airport's operations
  - Planned uses





# Future, Standard Zones

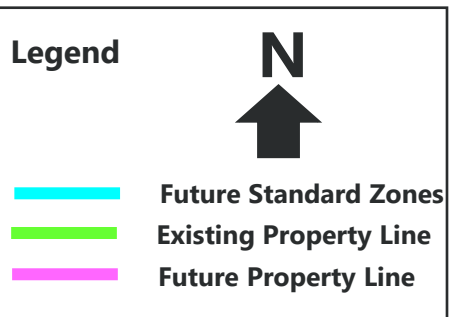
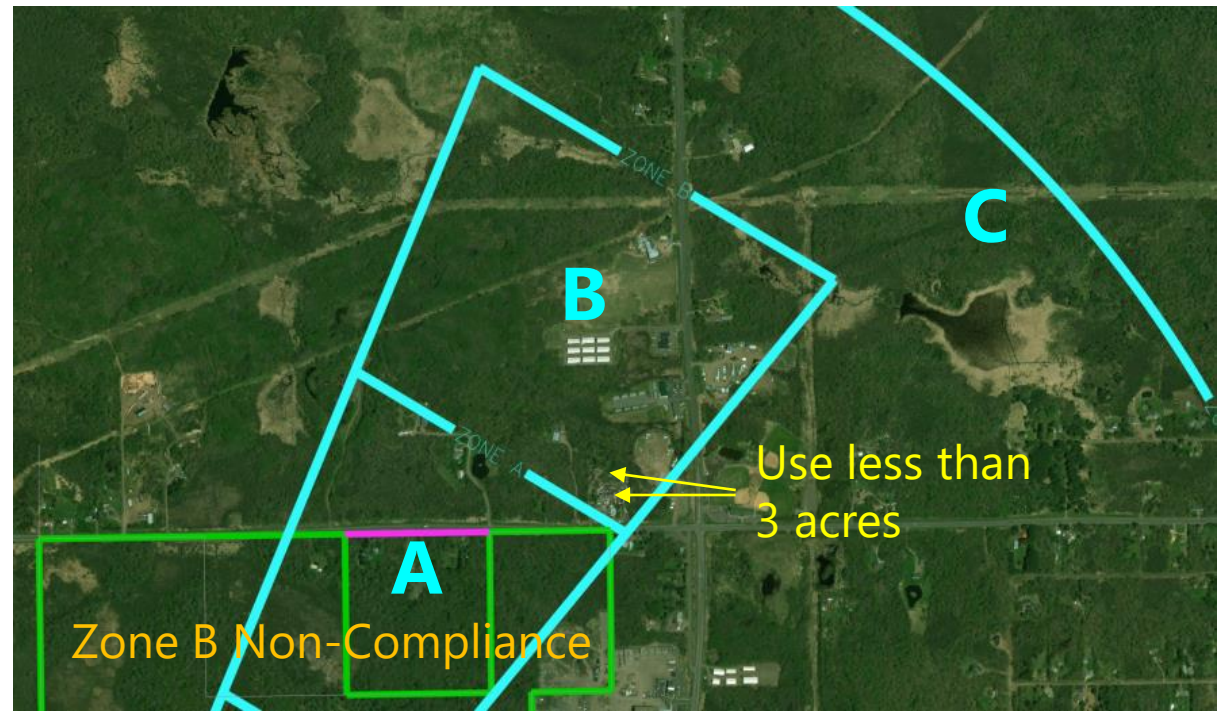
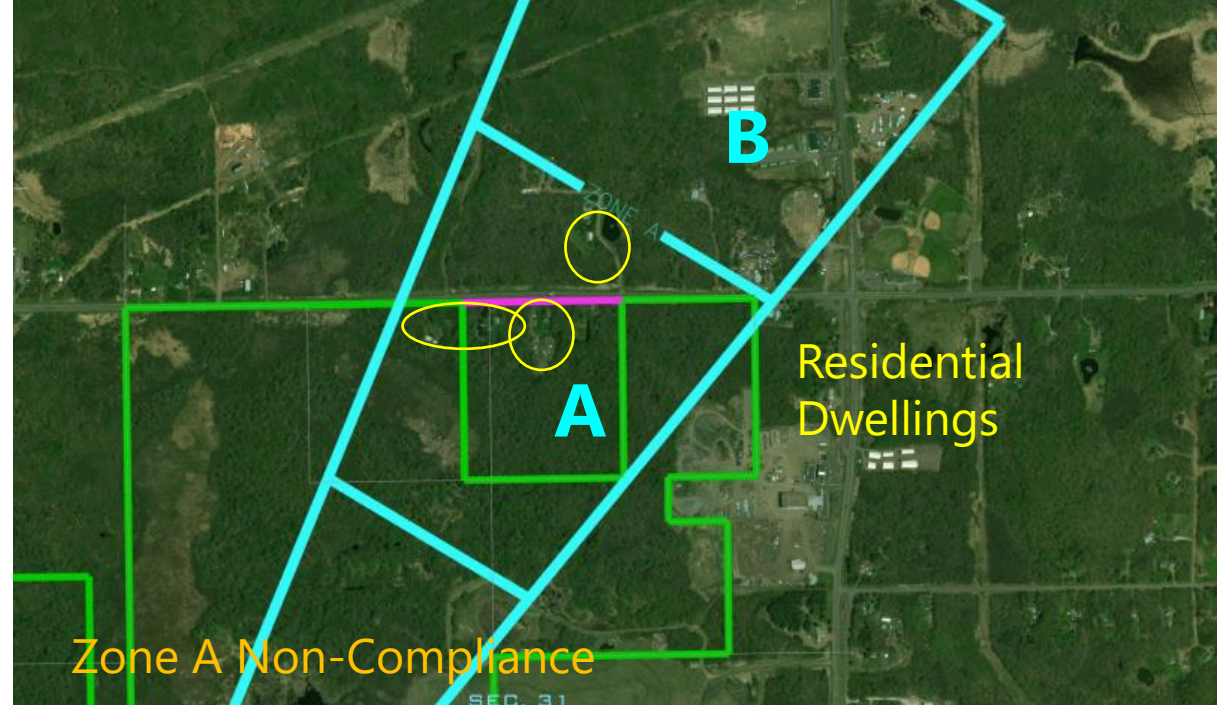
- » Compliant
  - Vulnerable population
  - Airspace protection
  - Airport control of RPZ/Clear Zone
  - Airport's operations
  - Planned uses



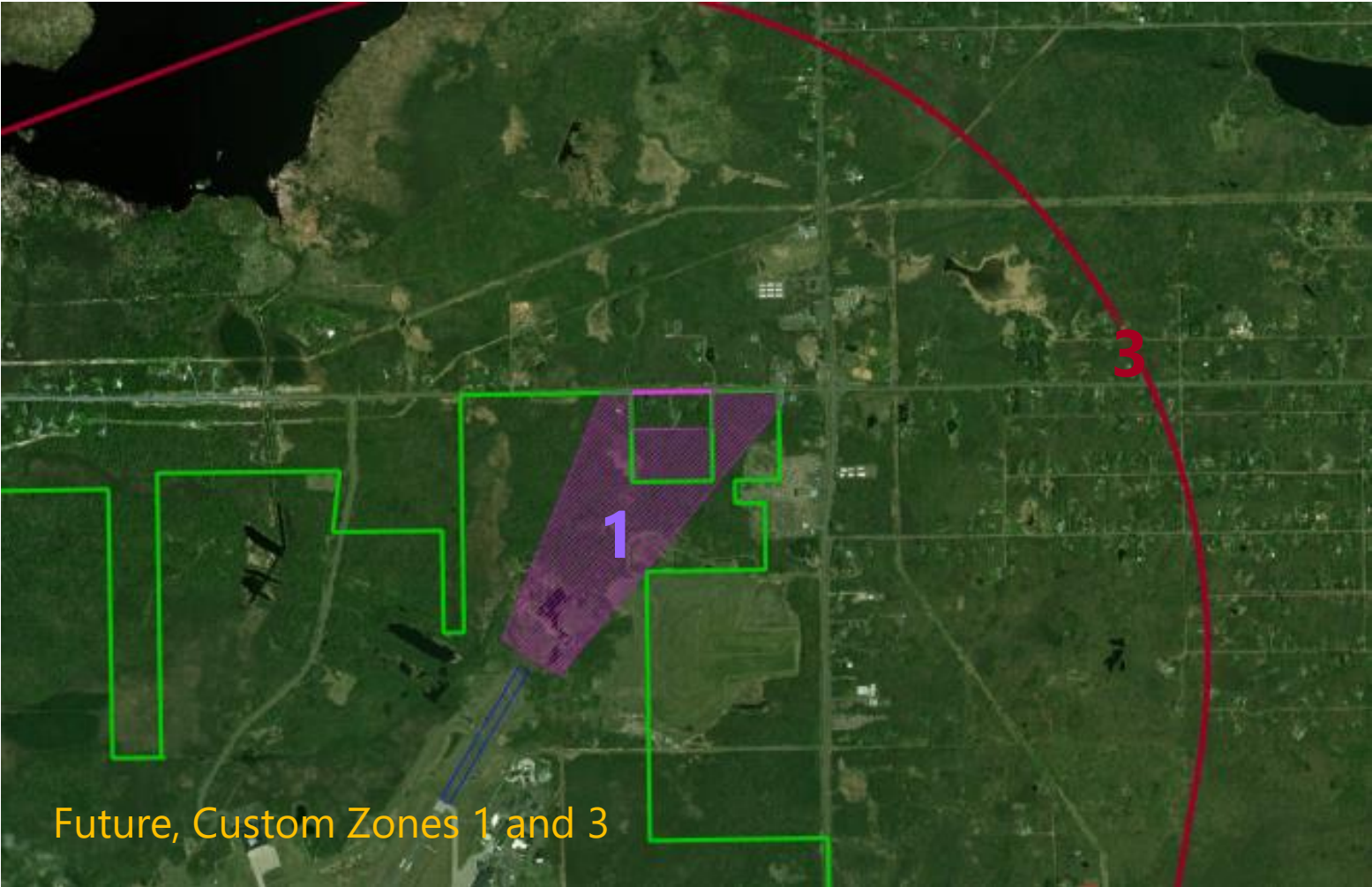
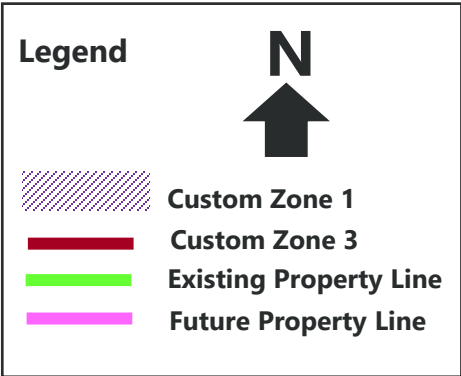


# Future, Standard Zones

- » Non-Compliant
  - Residences in Zone A
  - Uses in Zone B with less than 3 acres

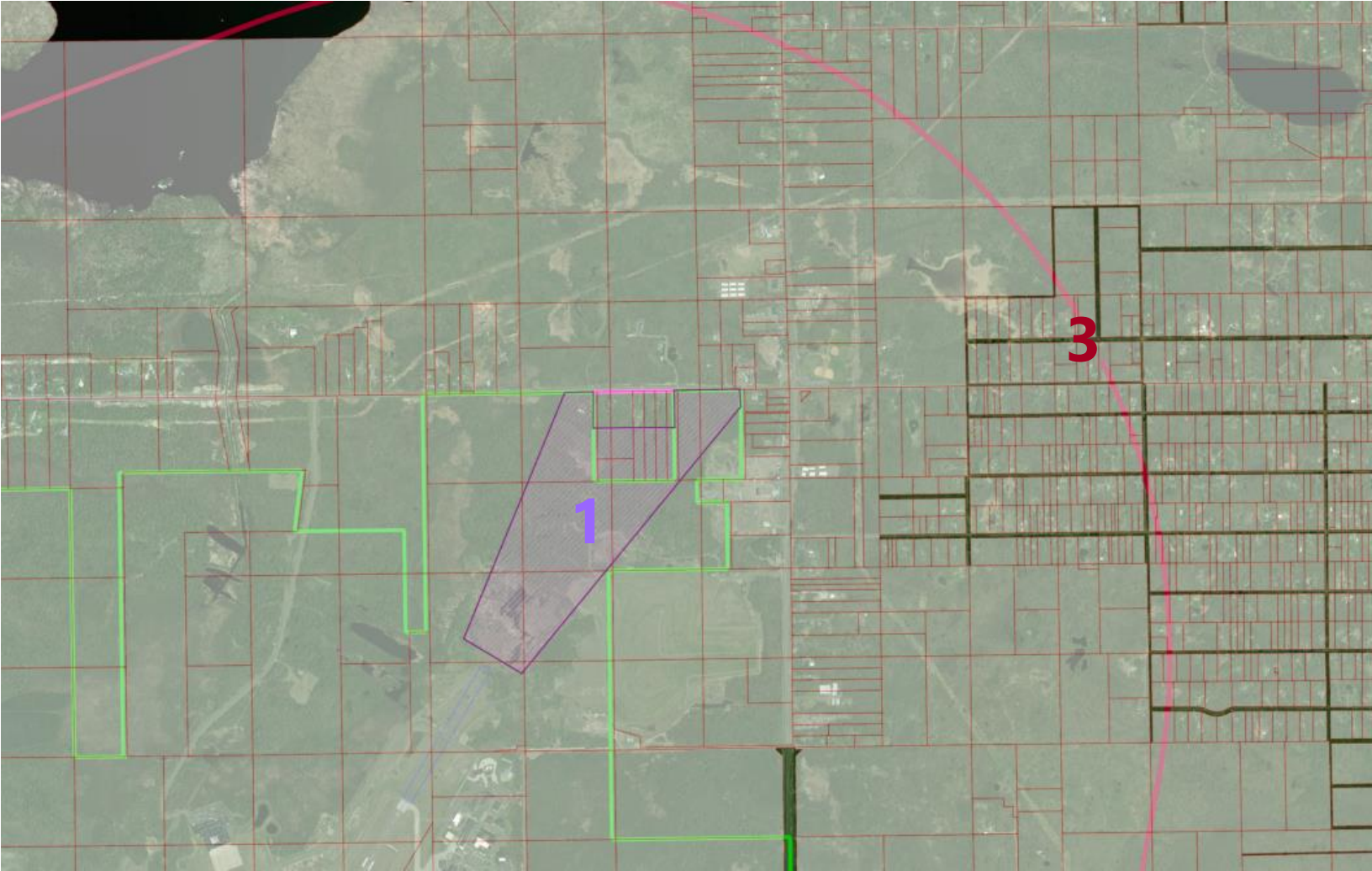
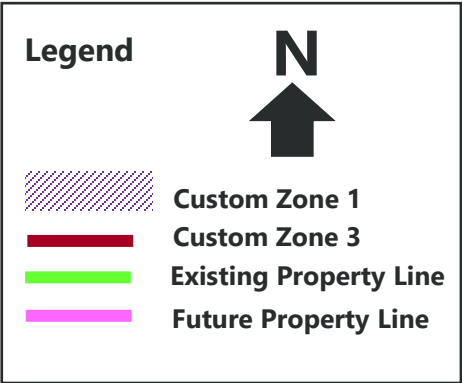


# Future, Custom Zones





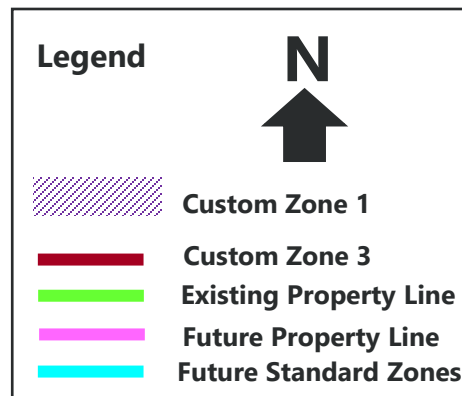
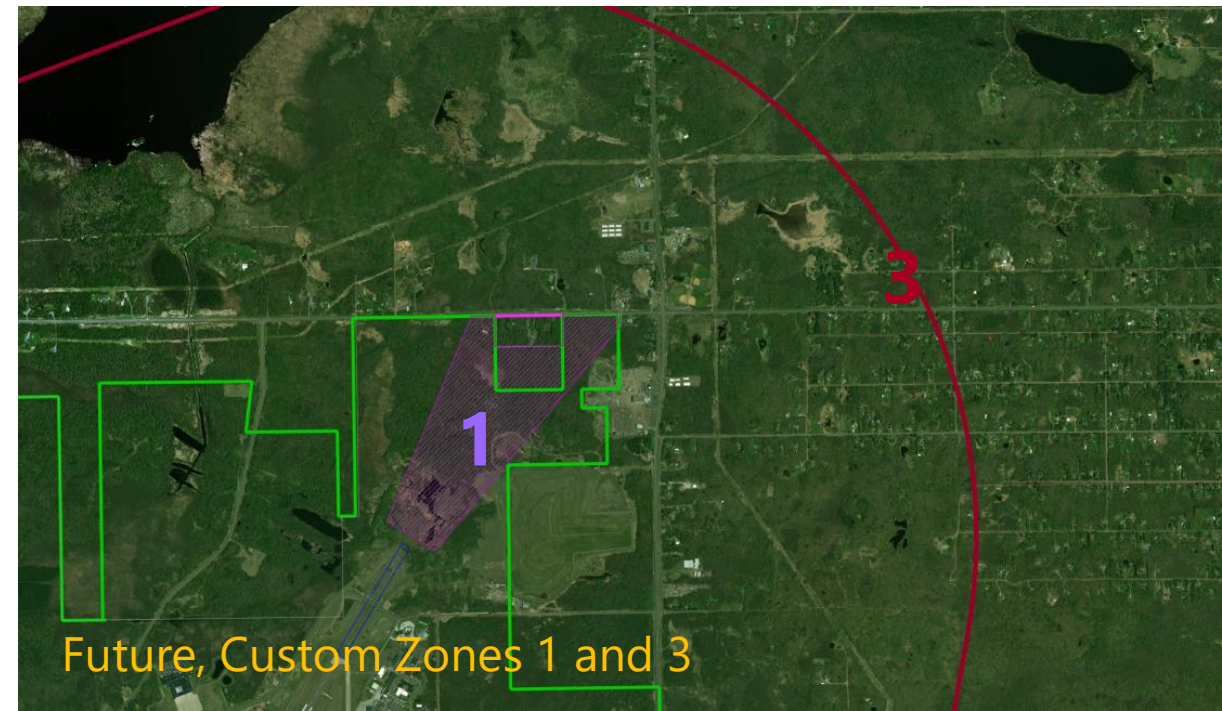
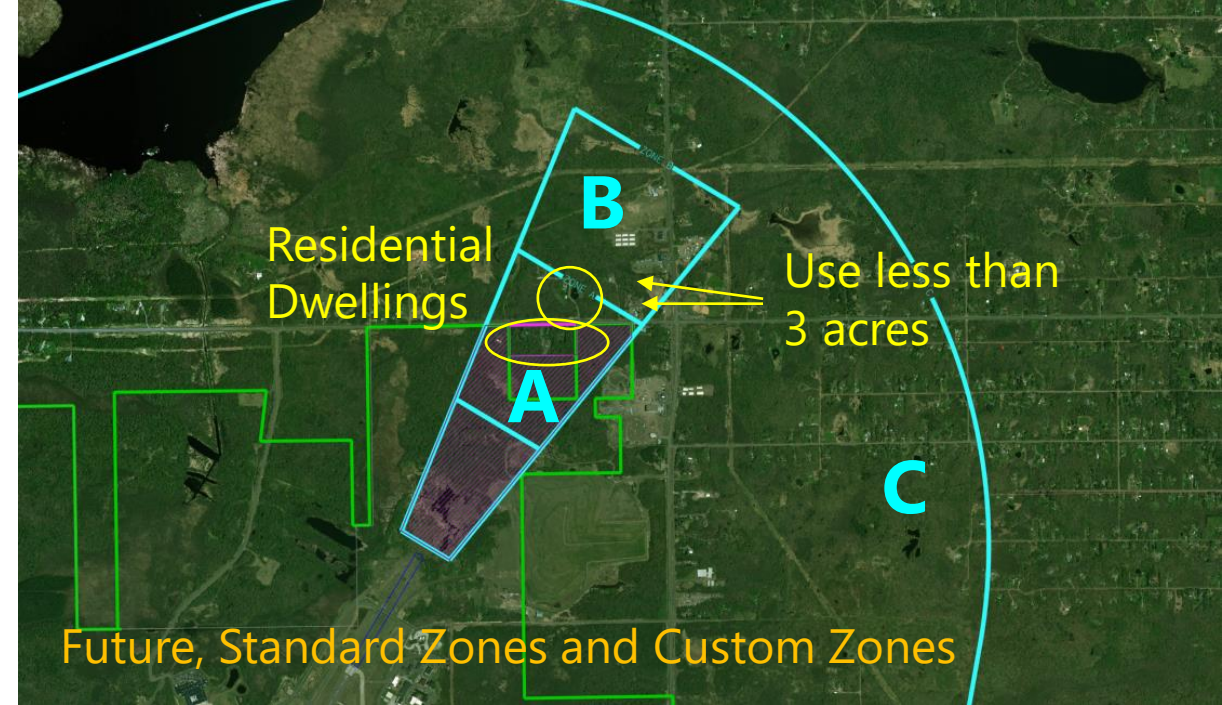
# Future, Custom Zones and Parcels Impacted





# Acceptability Criteria

- » No buildings or structures in Zone 1
- » Social impact of relocating residences in Zone A are too great
- » Economic impact of relocating commercial establishments in Zone B are too high





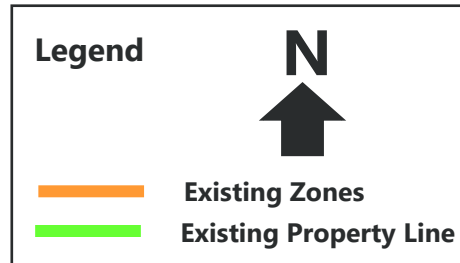
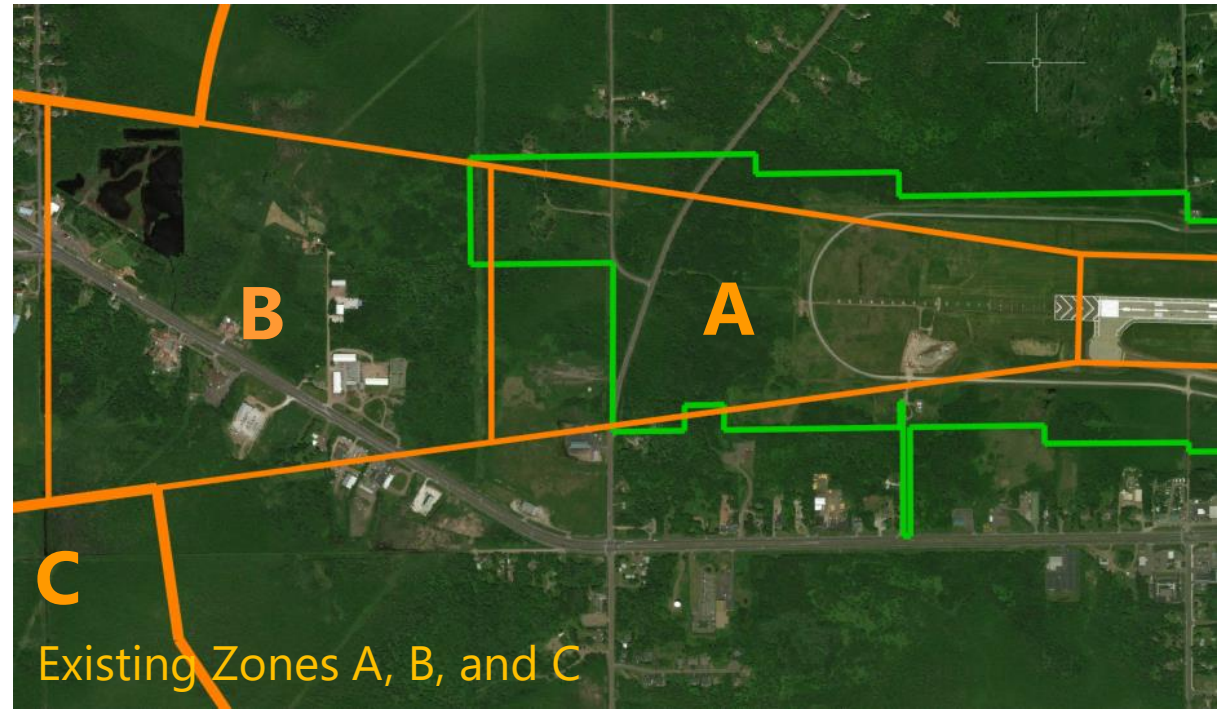
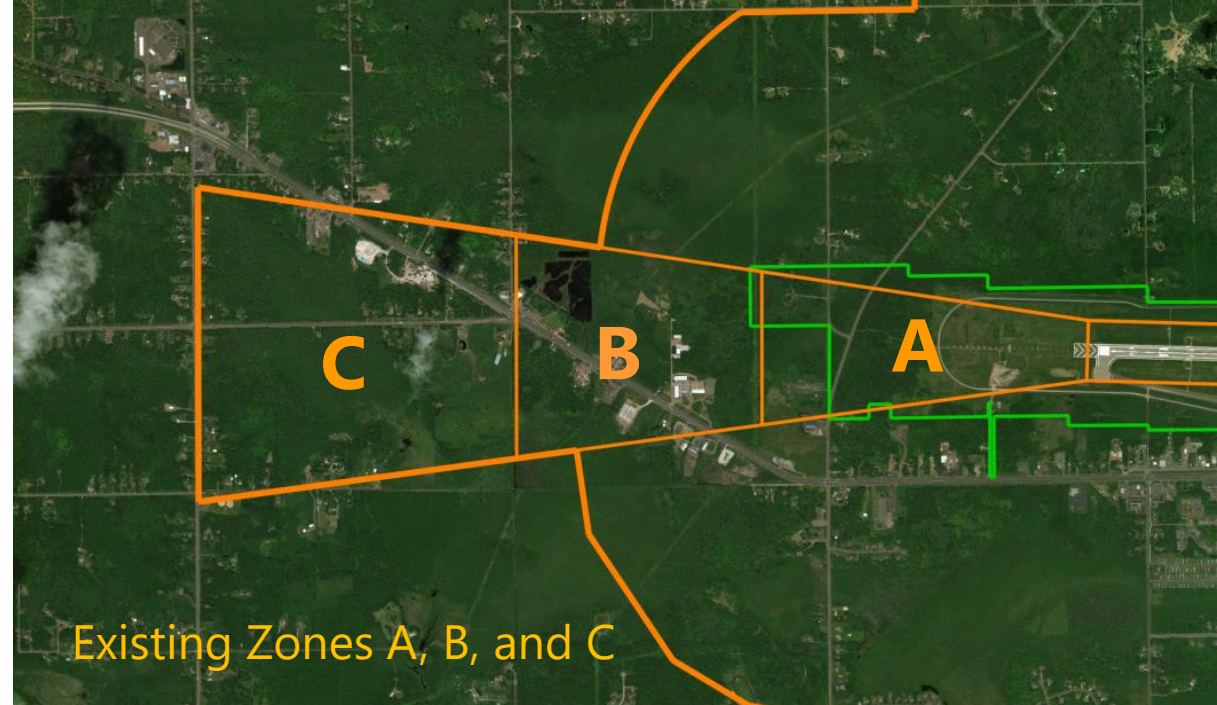


Runway 9



# Existing Conditions

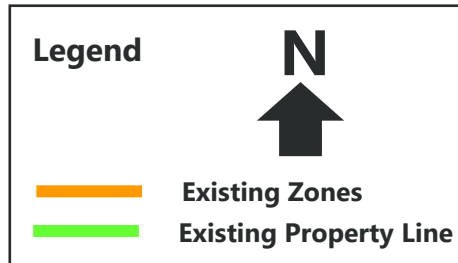
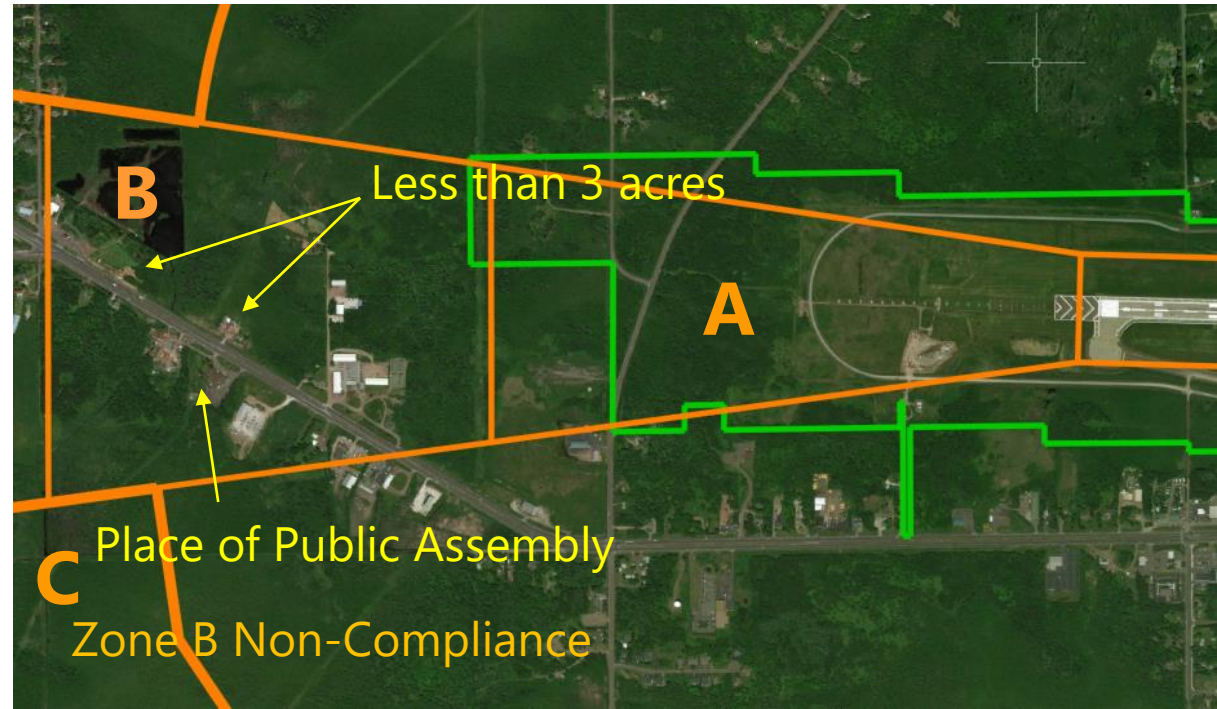
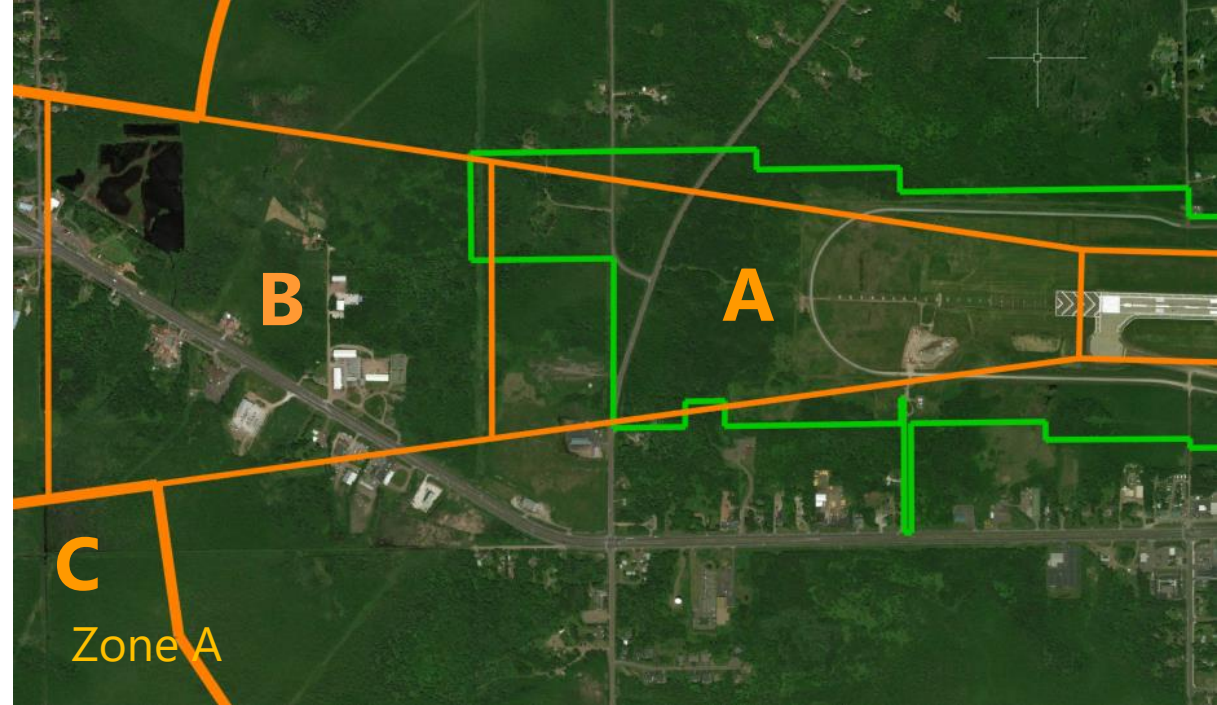
- » Compliant
  - Vulnerable population
  - Airport control of RPZ/Clear Zone
  - Airspace protection
  - Airport's operations
  - Planned uses





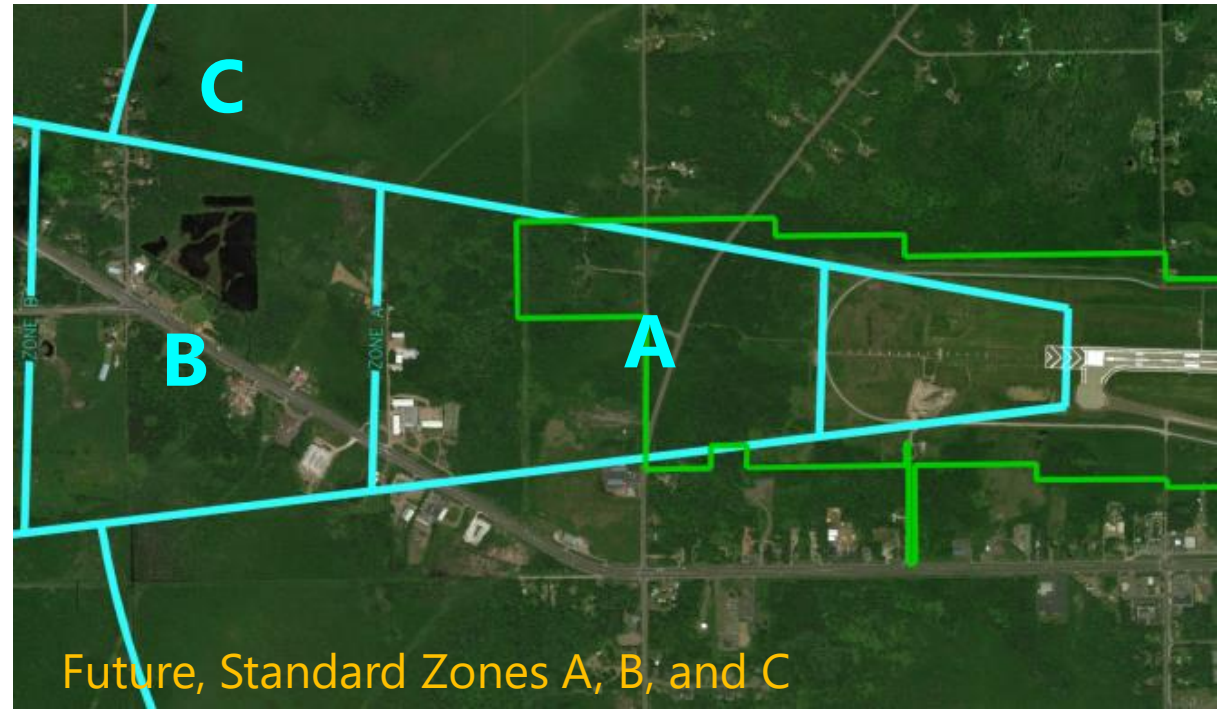
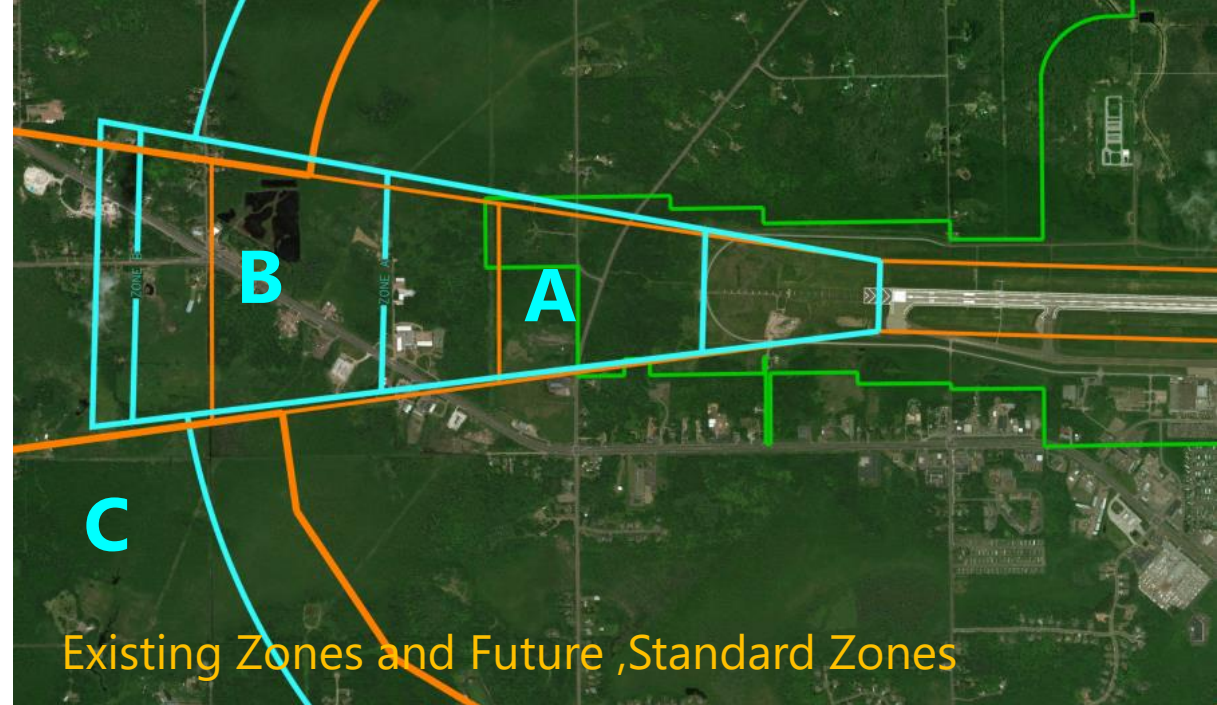
# Existing Conditions

- » Non-Compliant
  - Places of public assembly in Zone B
  - Uses less than 3 acres in Zone B



# Future, Standard Zones

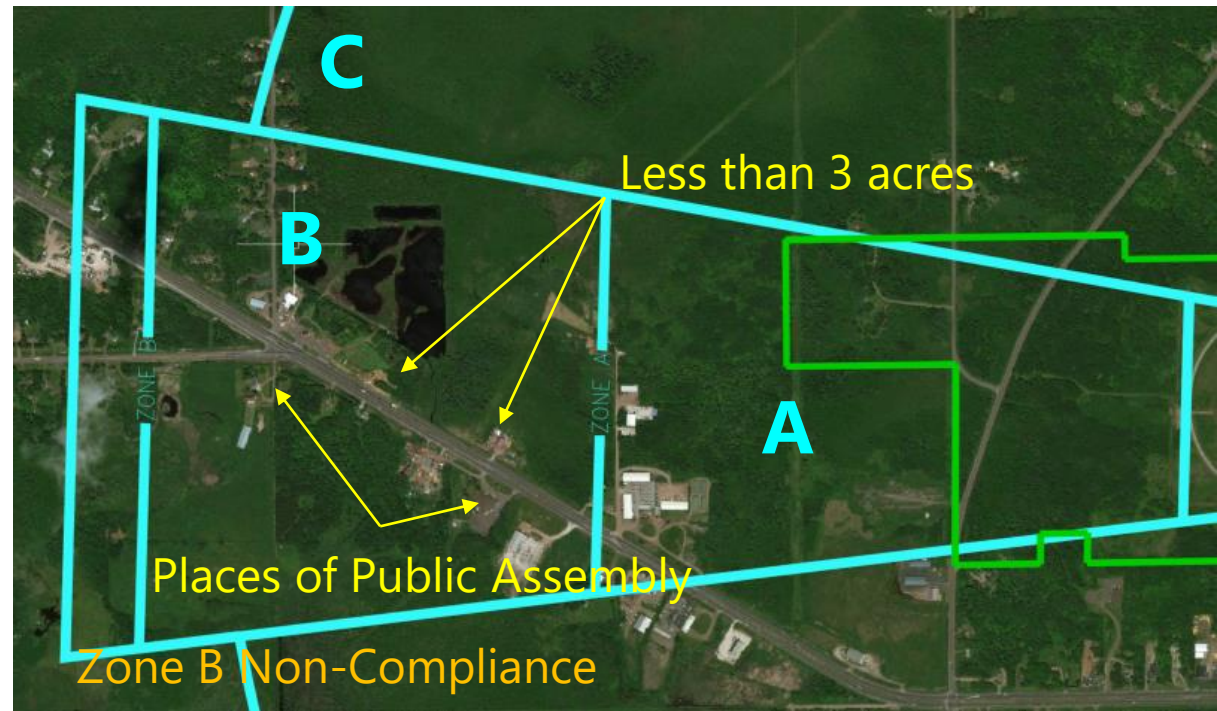
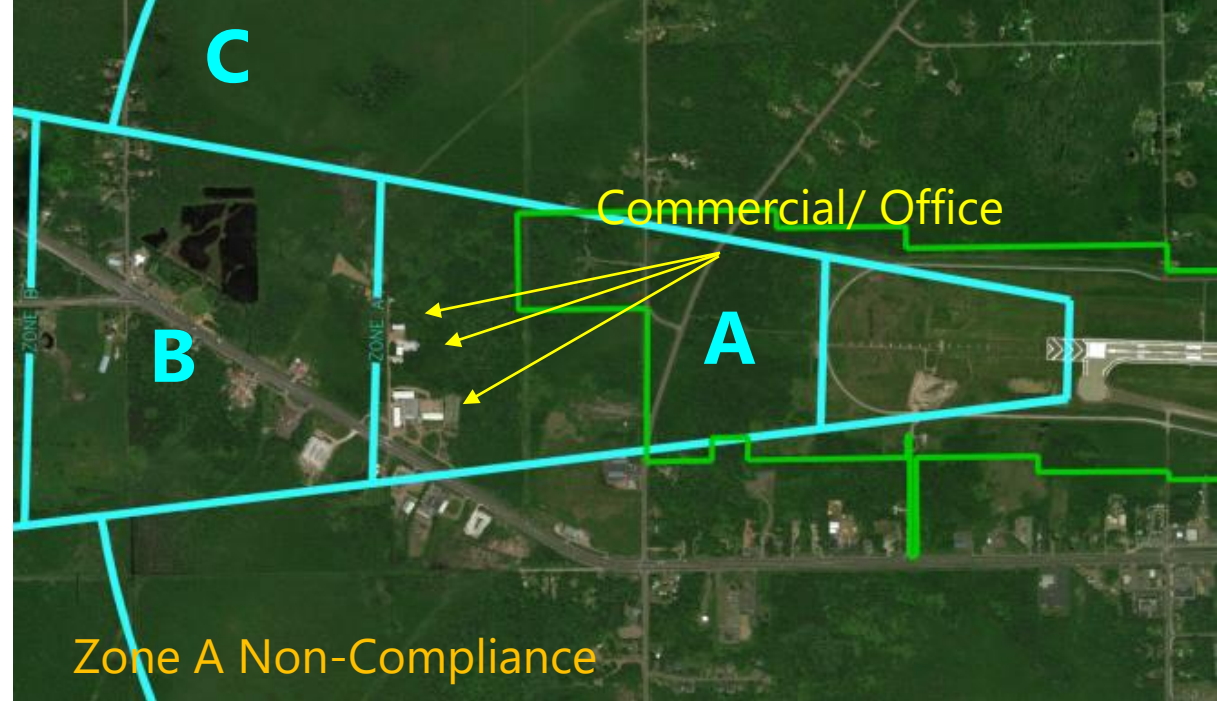
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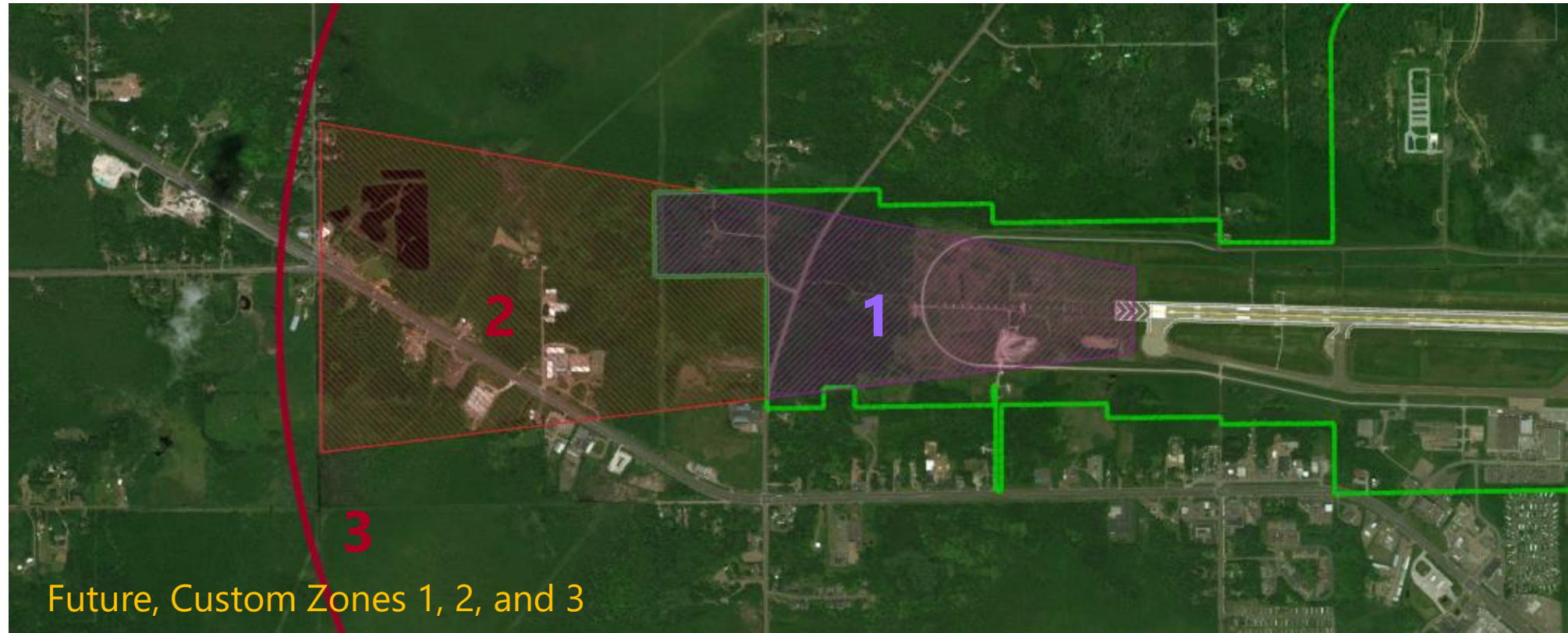
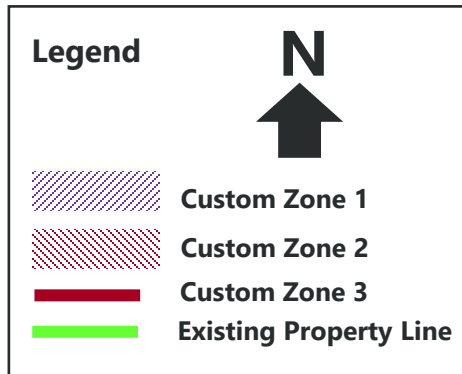


# Future, Standard Zones

- » Non-Compliant
  - Commercial properties in Zone A
  - Places of public assembly in Zone B
  - Uses less than 3 acres in Zone B



# Future, Custom Zones




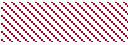




# Future, Custom Zones and Parcels Impacted



Legend

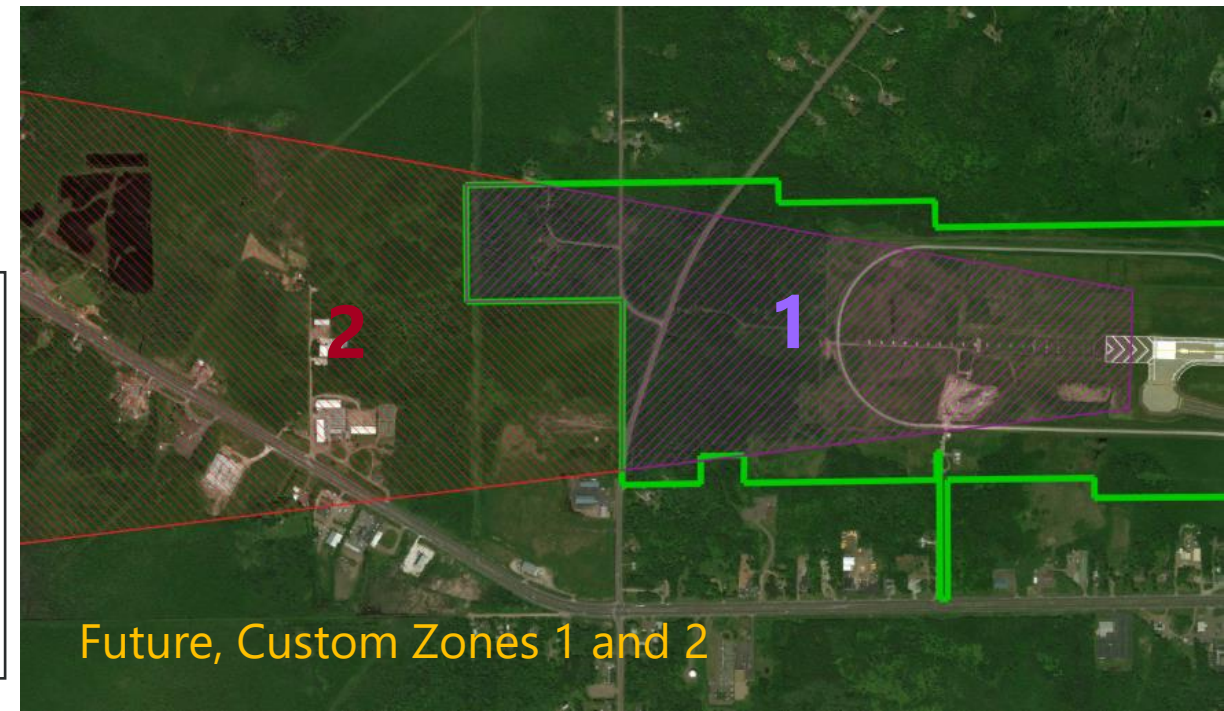
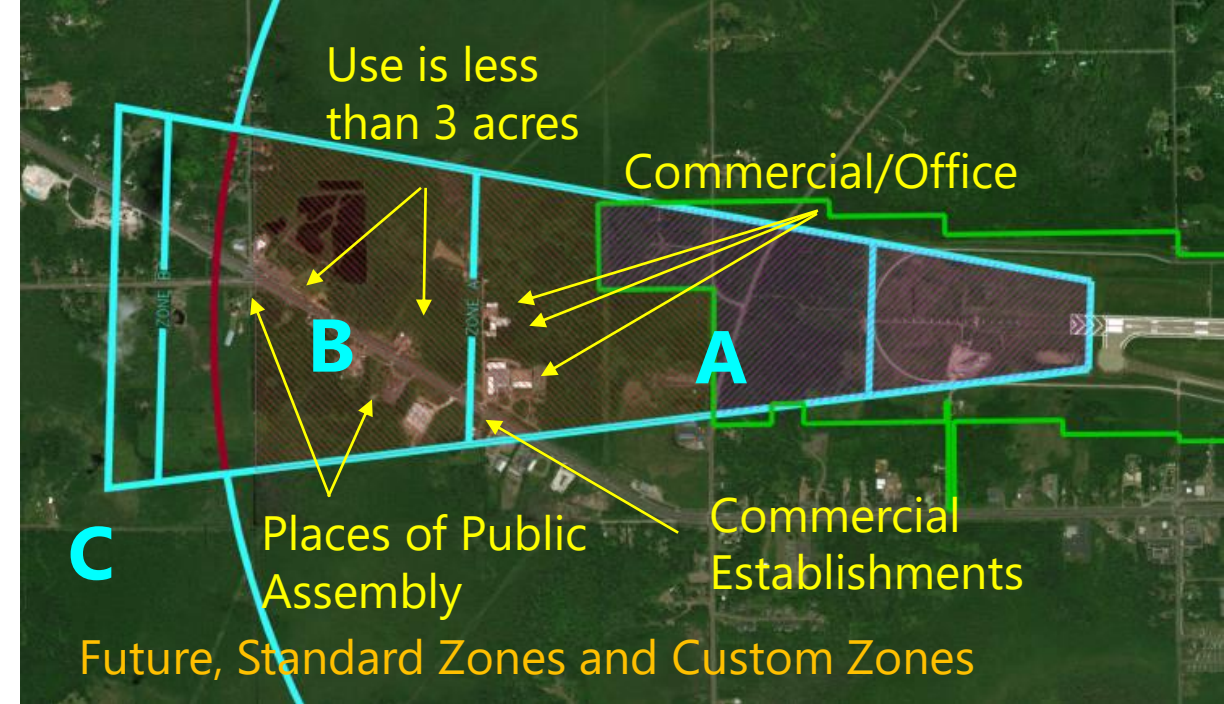
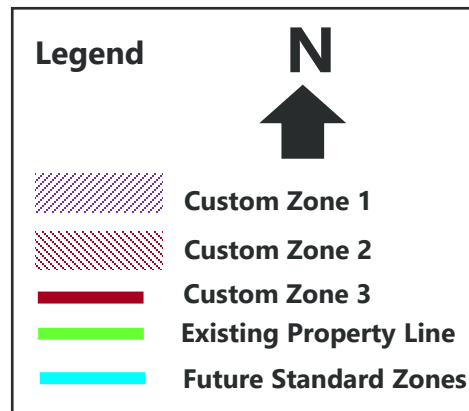
N  
↑

	Custom Zone 1
	Custom Zone 2
	Custom Zone 3
	Existing Property Line



# Acceptability Criteria

- » No buildings or structures in Zone 1
- » Social impact of relocating places of public assembly in Zone 2 too high
- » Economic impact of relocating commercial establishments in Zone 2 too high





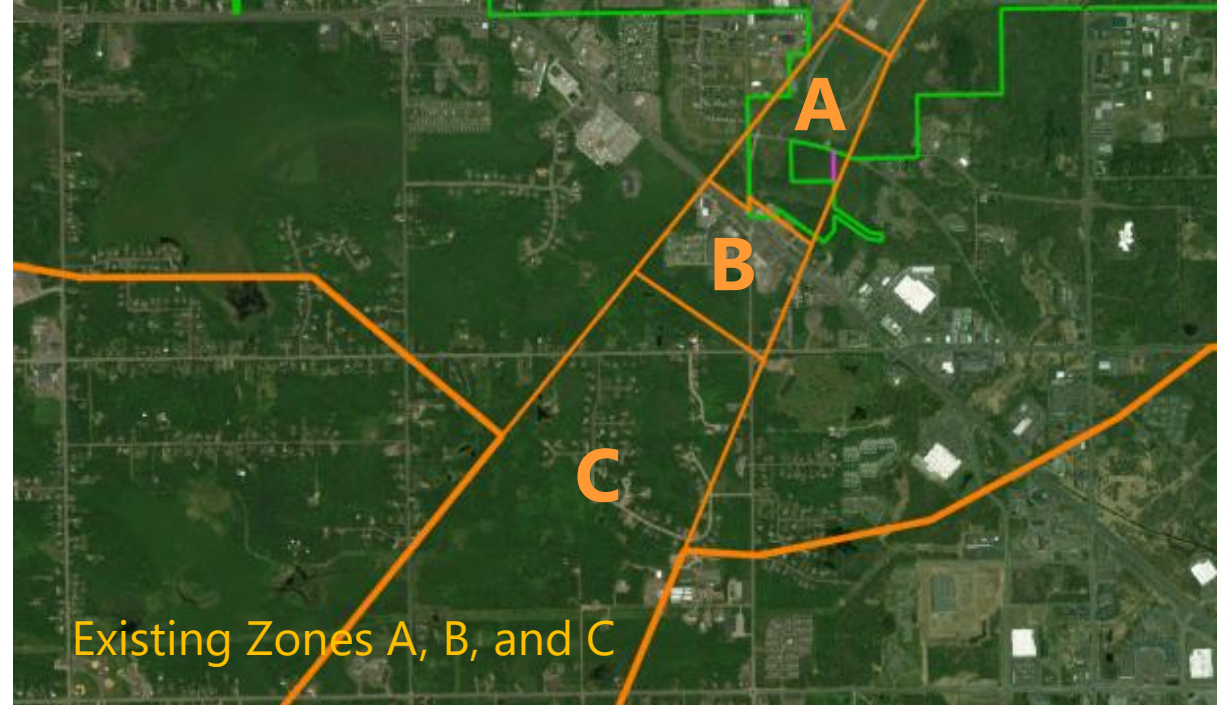
# Runway 3



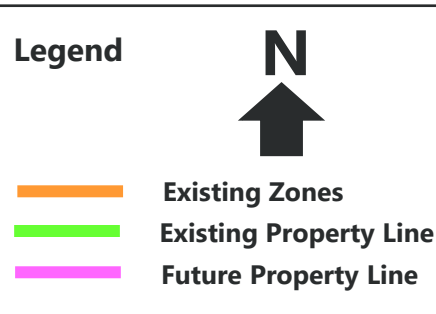
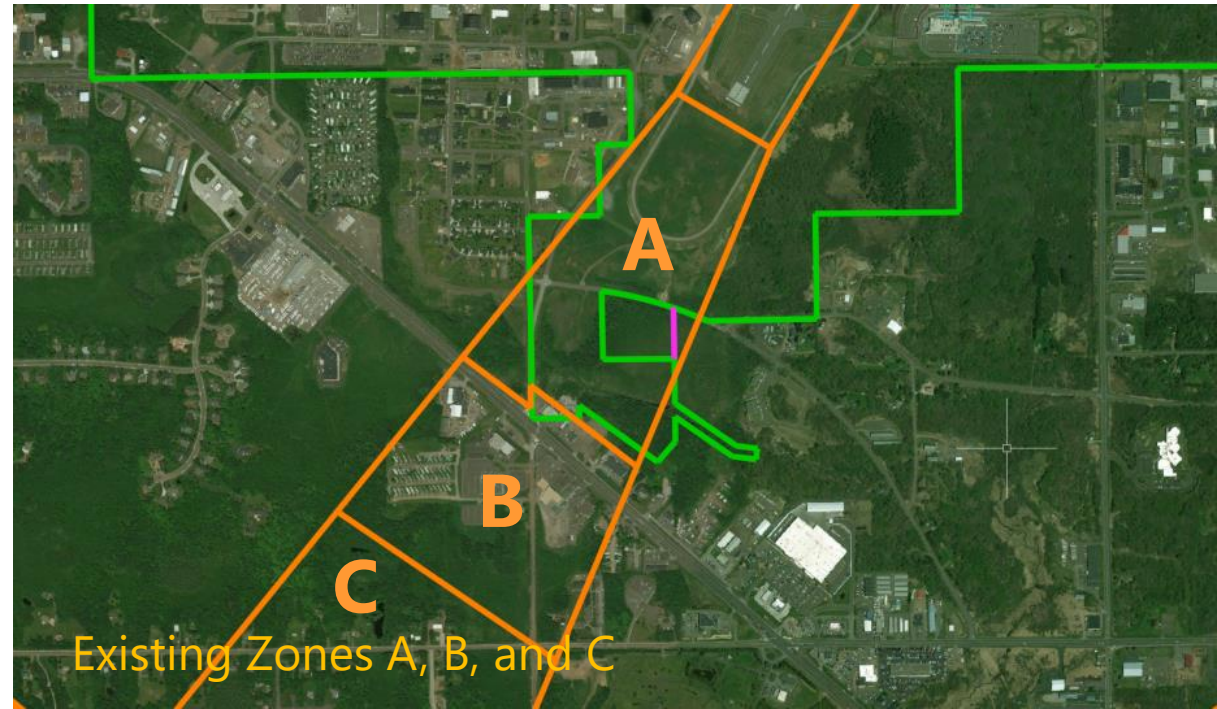


# Existing Conditions

- » Compliant
  - Vulnerable population
  - Airport control of RPZ/Clear Zone
  - Airspace protection
  - Airport's operations
  - Planned uses



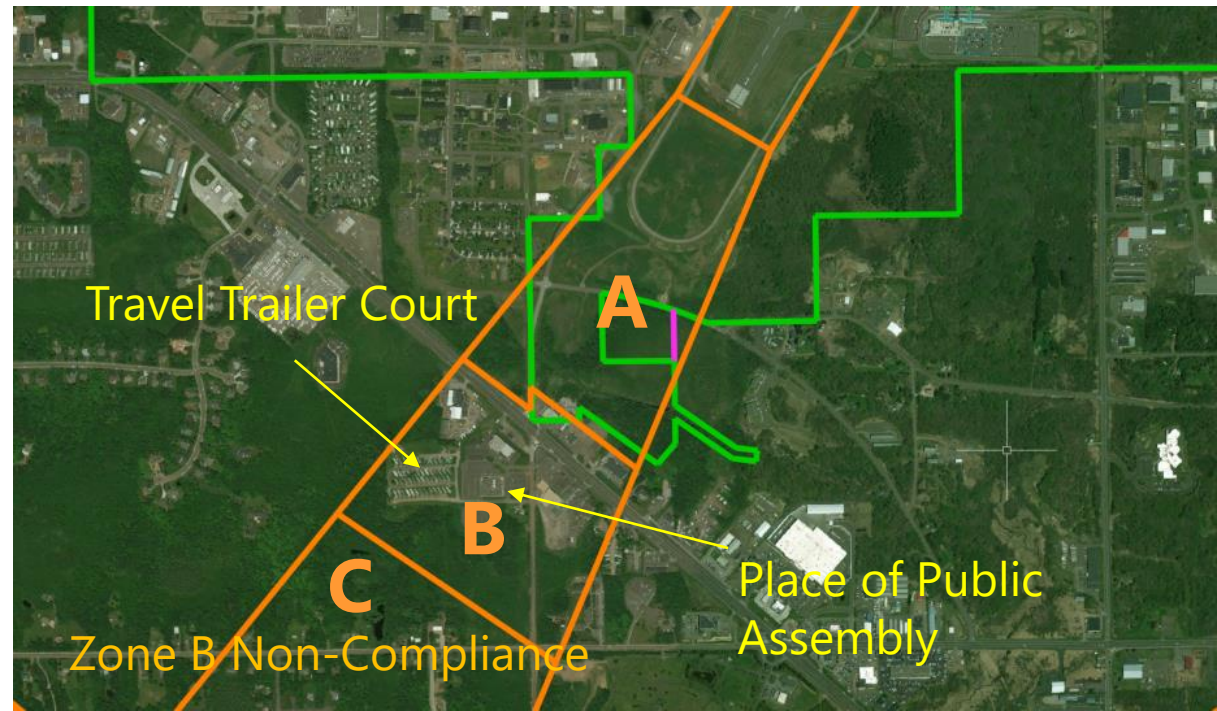
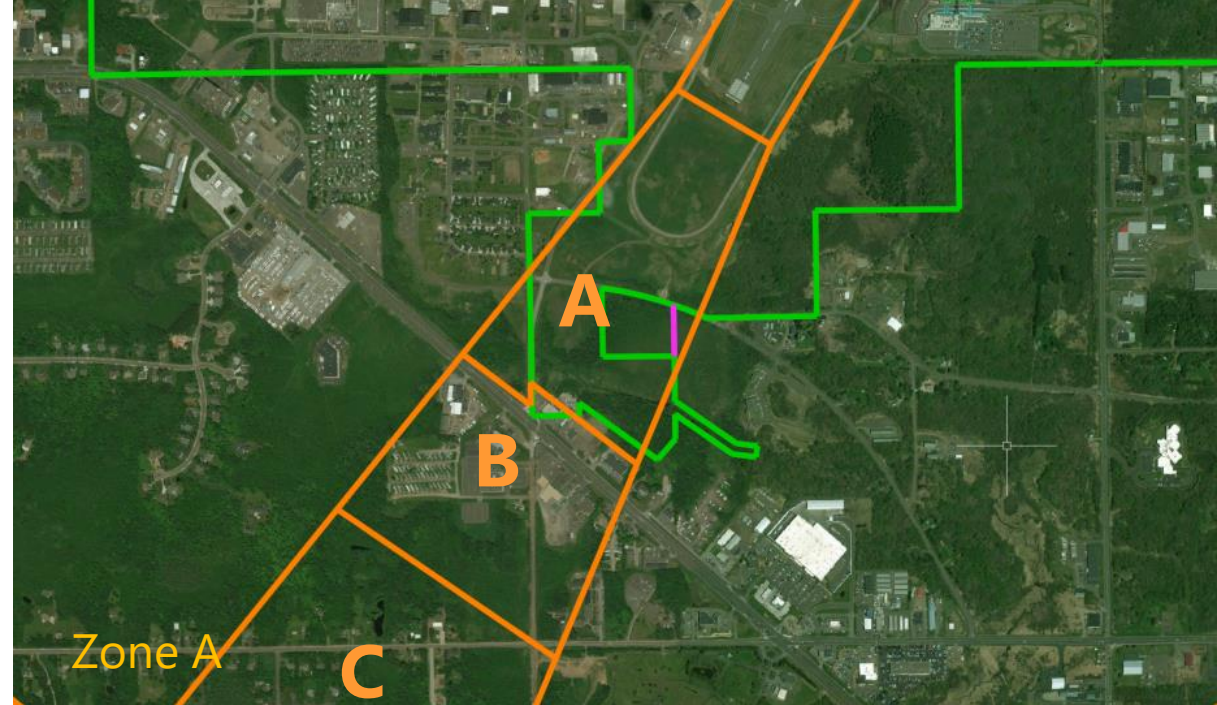
Existing Zones A, B, and C







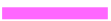
# Existing Conditions

- » Non-Compliant
  - Travel trailer court in Zone B
  - Places of public assembly in Zone B



**Legend**

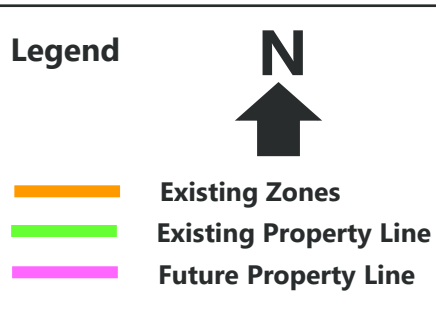
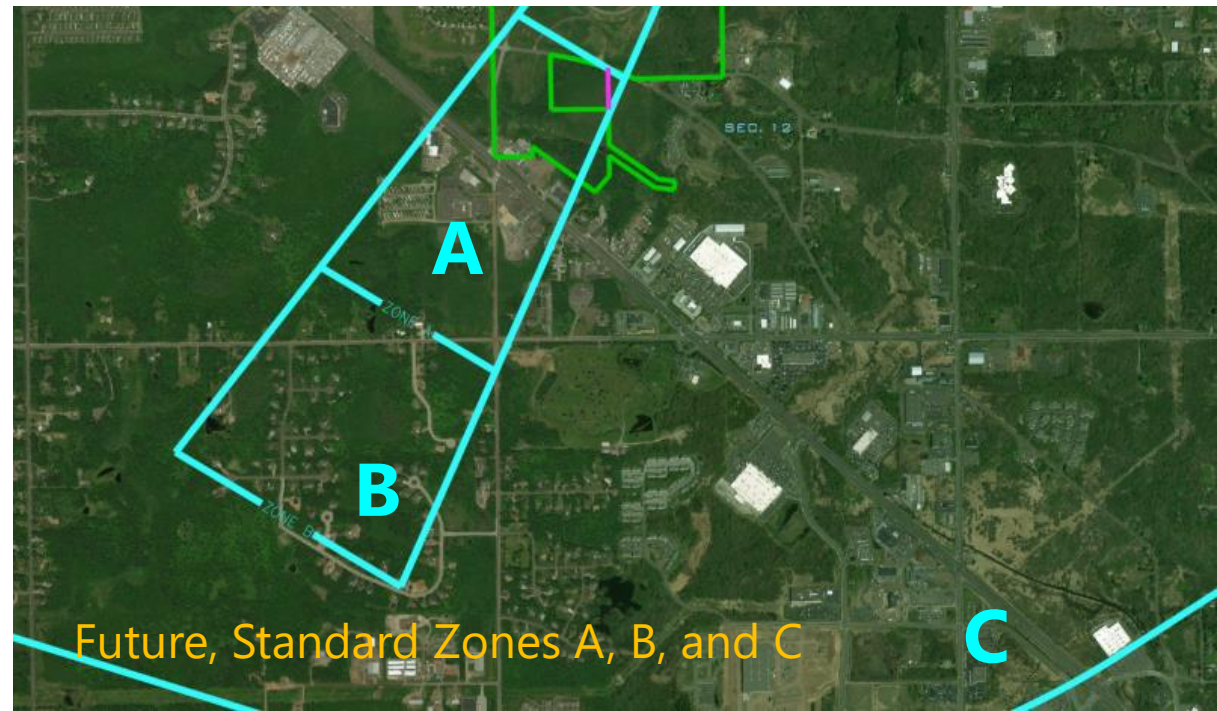
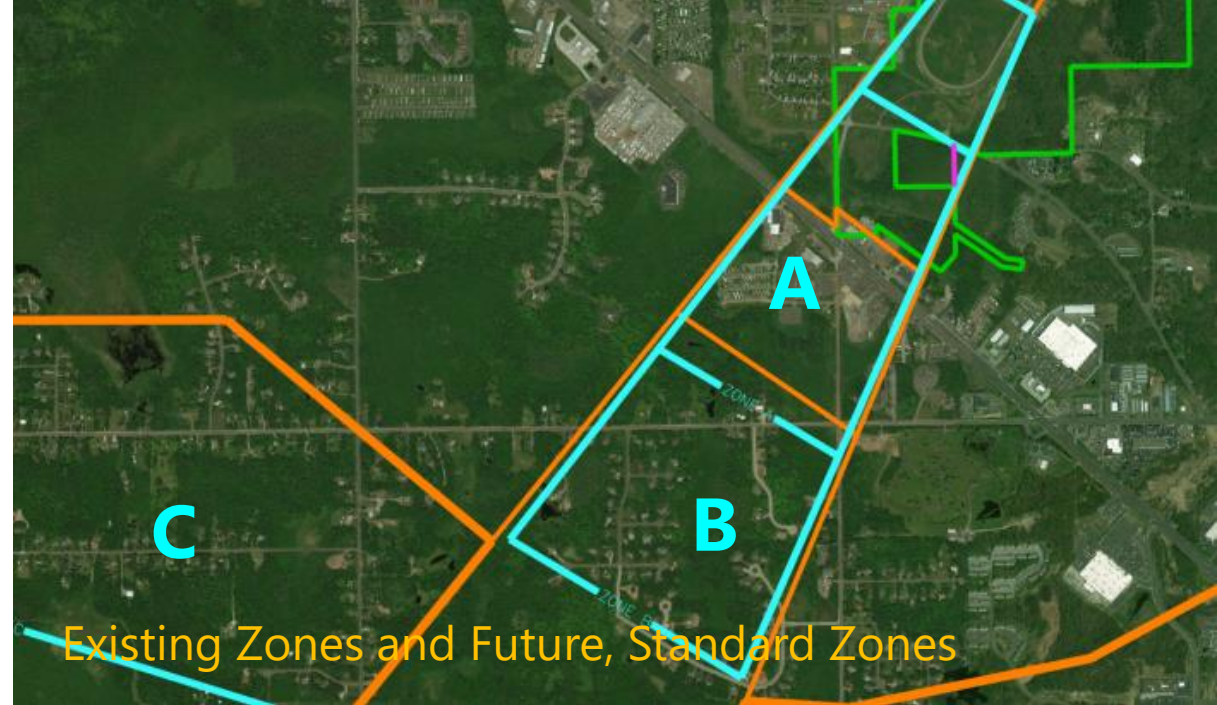


-  Existing Zones
-  Existing Property Line
-  Future Property Line



# Future, Standard Zones

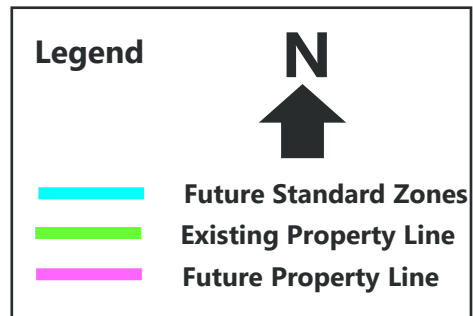
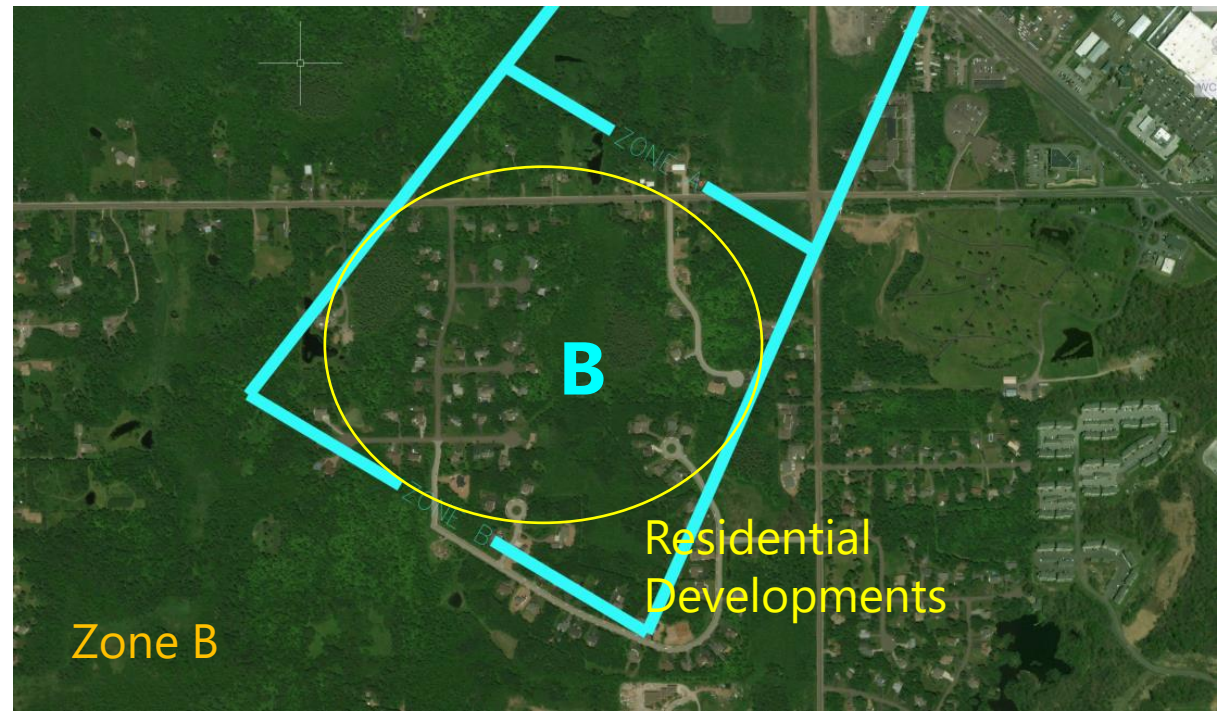
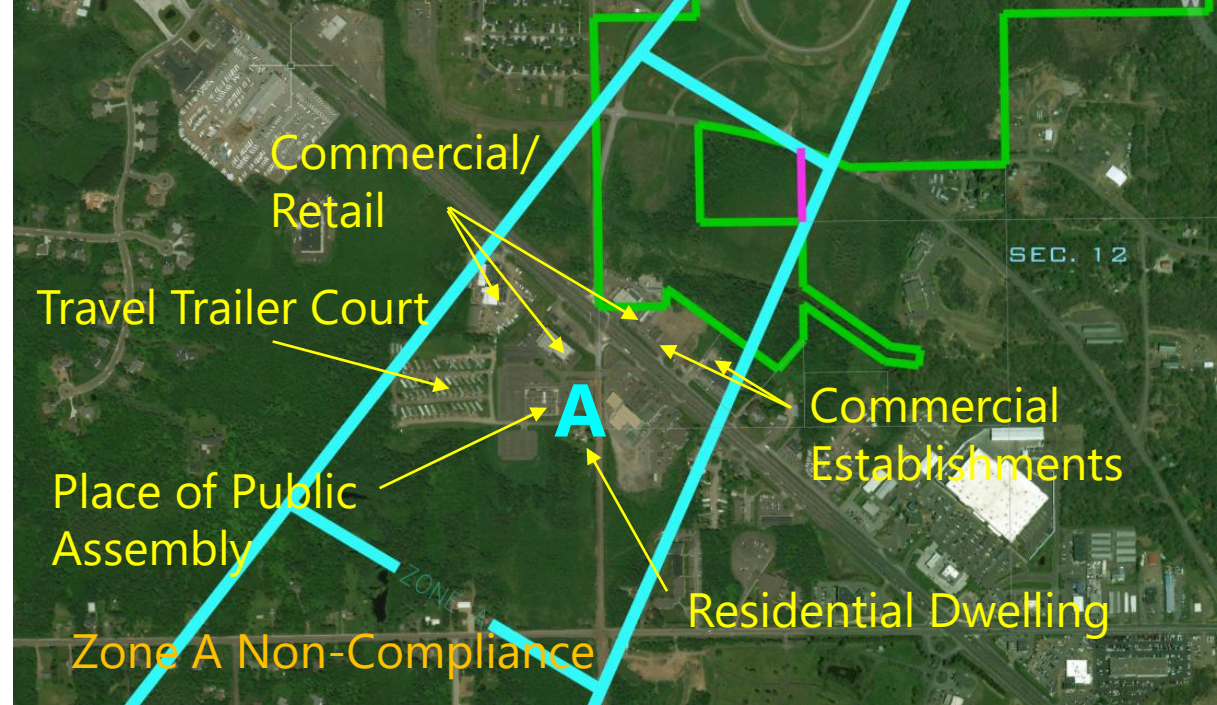
- » Compliant
  - Vulnerable population
  - Airspace protection
  - Airport control of RPZ/Clear Zone
  - Airport's operations
  - Planned uses





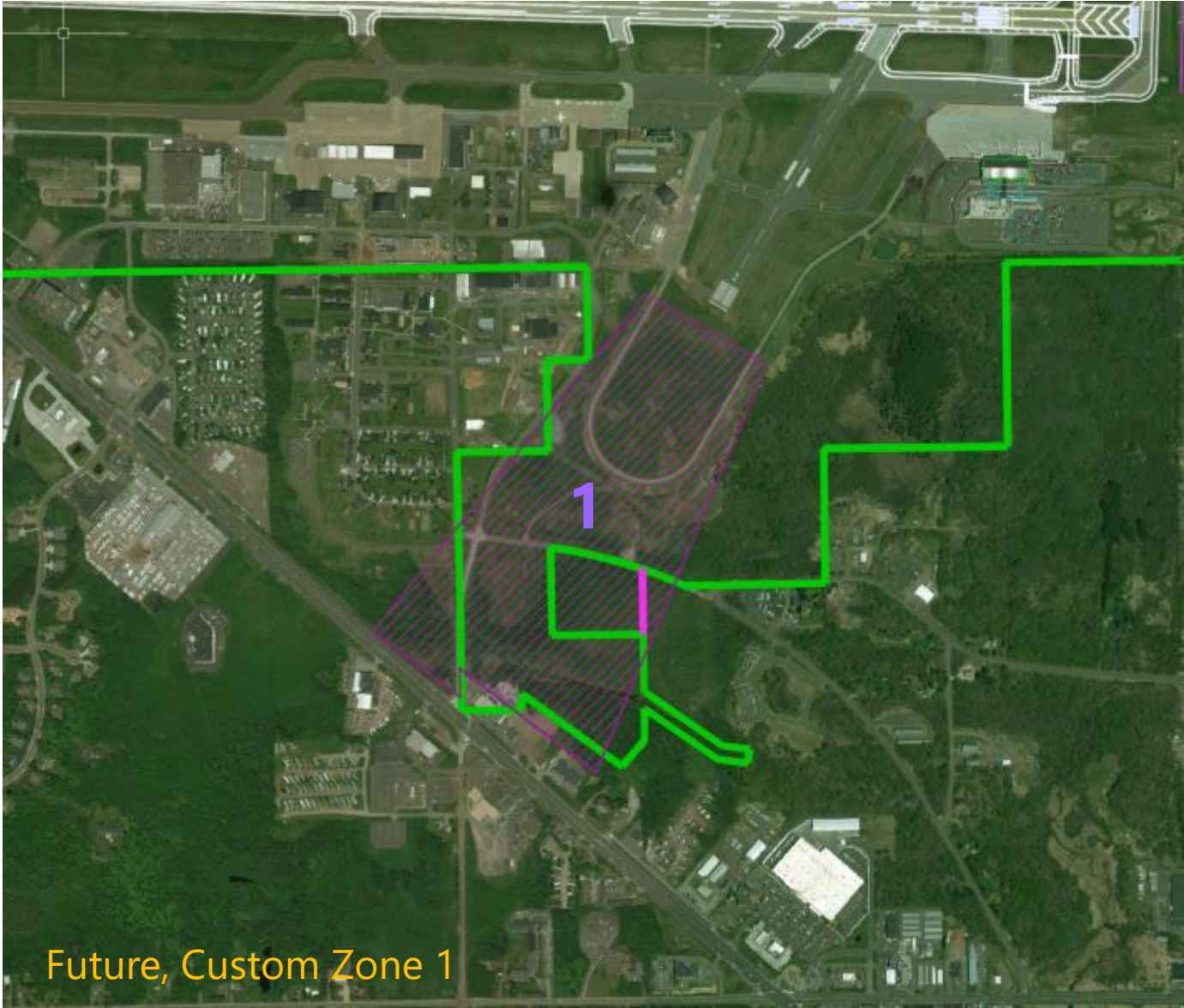
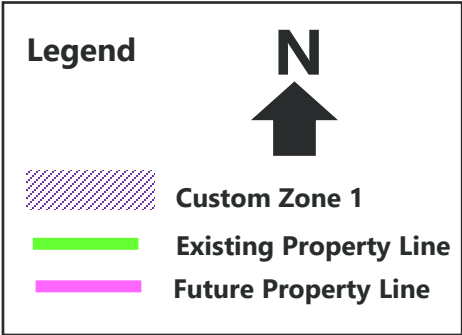
# Future, Standard Zones

- » Non-Compliant
  - Commercial properties in Zone A
  - Travel trailer court in Zone A
  - Places of public assembly in Zone A
  - Uses less than 3 acres in Zone B

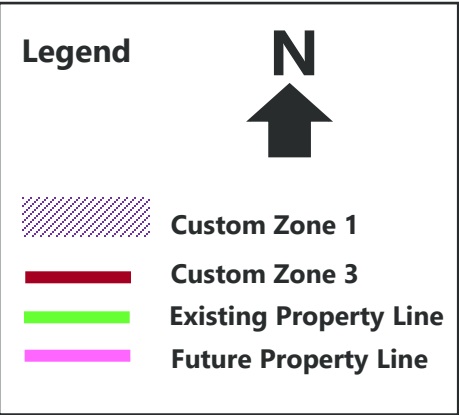
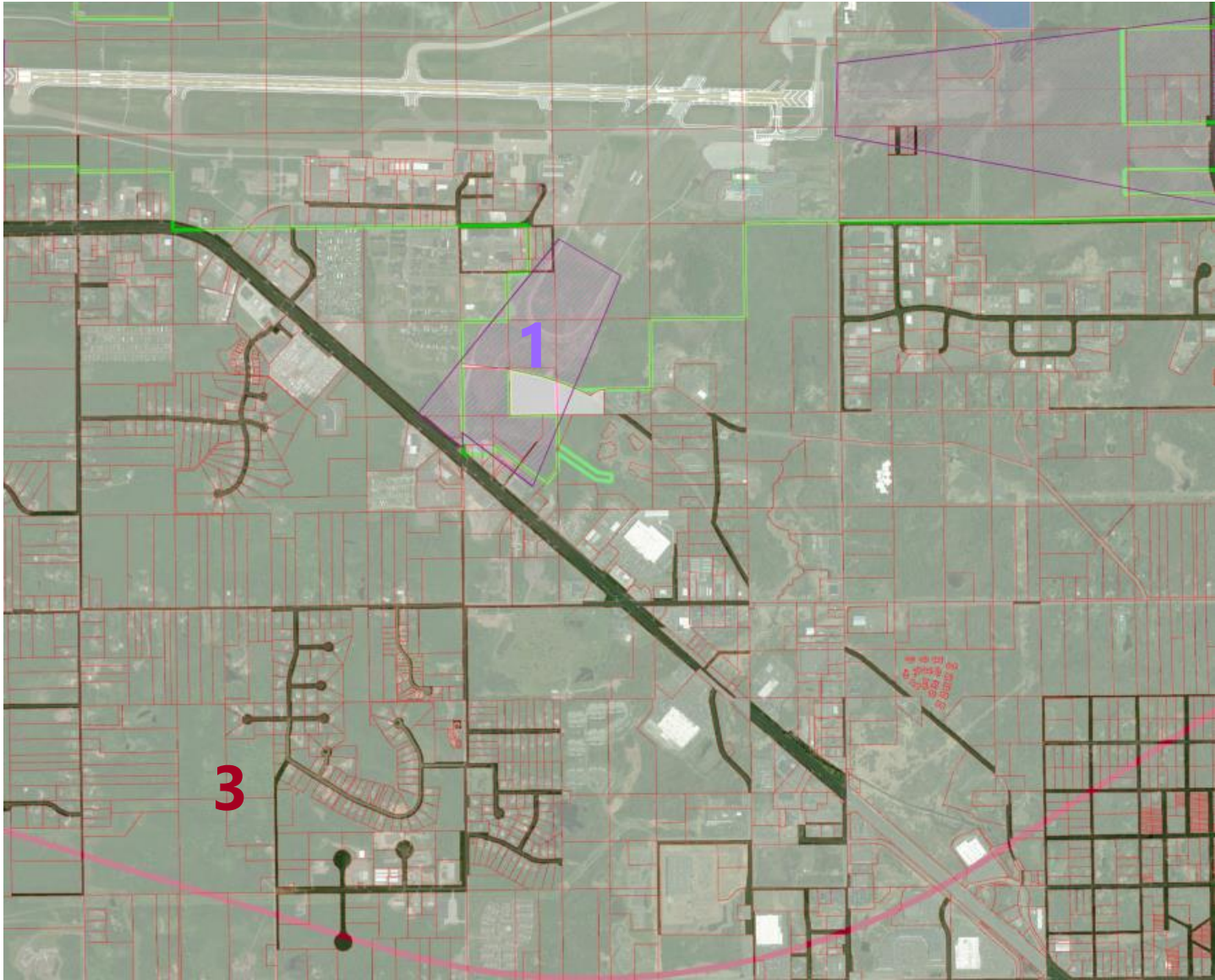




# Future, Custom Zone



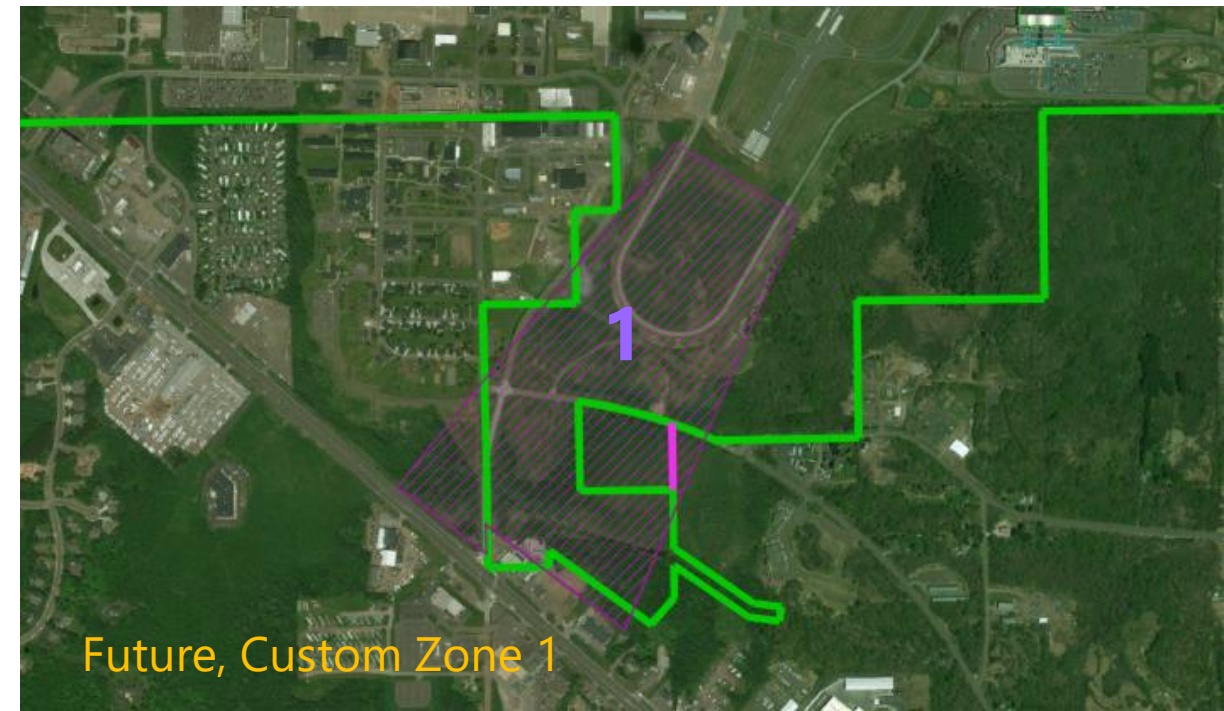
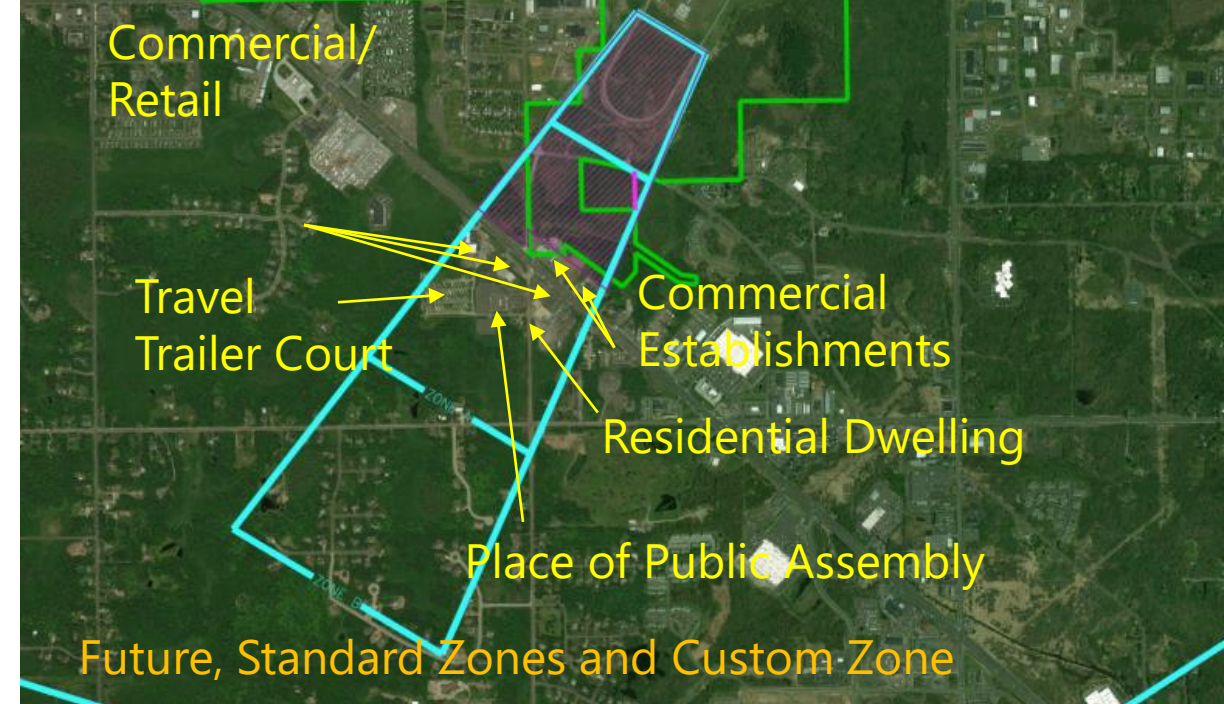
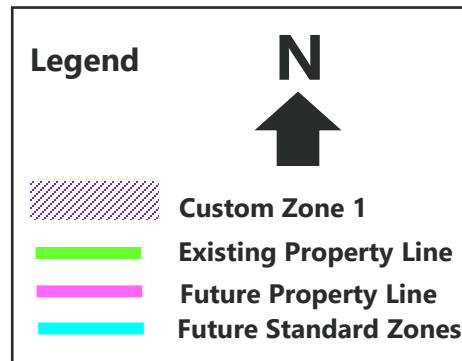
# Future, Custom Zones and Parcels Impacted





# Acceptability Criteria

- » No buildings or structures in Zone 1
- » Social impact of relocating places of public assembly and travel trailer court in Zone B too high
- » Economic impact of relocating commercial establishments in Zone B too high



*Thank You*

**RS&H**



**DRAFT**

**RESOLUTION TO ESTABLISH AND ADOPT CUSTOM ZONING REGULATIONS PER  
2019 MINNESOTA STATUTES, CHAPTER 360, SECTION 360.0656 CUSTOM AIRPORT  
ZONING STANDARDS**

RESOLVED, that the Duluth International Airport Joint Airport Zoning Board (JAZB) does hereby approve to establish and adopt custom zoning regulations per 2019 Minnesota Statutes, Chapter 360, Section 360.065 Custom Airport Zoning Standards.

Approved by the Joint Airport Zoning Board this 7<sup>th</sup> day of May 2020.

**VOTE:**

**Yeas –**

**Nays –**

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I, Kevin Connick, Chair of the Joint Airport Zoning Board, do hereby certify that I have compared the foregoing Resolution passed by the Board of Directors of the Duluth International Airport Joint Airport Zoning Board on the 7th day of May 2020, with the original in my custody as Chair, and that the same is a true and correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of May 2020.

**JOINT AIRPORT ZONING BOARD**

By: \_\_\_\_\_

Kevin Connick  
Chair