

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

#498 Transportation - Airport Zoning Standards

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 1-4-79 Temporary Rule _____

Resubmitted and Received 5-24-79

DUE DATE 1-24-79 - 6-3-79

a. Returned to Agency w/o filing w/Secy of State 1-24-79
b. Approved 6/5 Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable N.A.
4. Order for Hearing ✓
5. Notice of Hearing ✓
   (i) Sufficiency ✓
6. Secretary of State's List ✓
7. Certificate of Acquisition of Secretary of State's List ✓
8. Affidavit of Mailing ✓
   (i) At least 30 days prior to hearing ✓
9. Statement of Need and Evidence ✓
10. Hearing Examiner's Report ✓
11. Agency's Findings of Fact ✓
12. Certificate of Board's Resolution Adopting Rules, where applicable N.A.
13. Order Adopting ✓
14. Report of Chief Hearing Examiner ✓
    (i) Finding of No Substantial Change ✓
    (ii) Permission to Incorporate by Reference, where applicable N.A.
15. Certificate of Compliance with Rulemaking Procedures ✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N.A.
17. Petition by Public, where applicable N.A.

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Eric Ingvaldson
Special Attorney
Aeronautics Division
Department of Transportation

DATE: January 24, 1979

FROM : Lee E. Sheehy
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of Amendments to Rules of the Department of Transportation Governing Airport Zoning Standards

The above-captioned rules have not been approved by this office or filed with the Secretary of State for the below-enumerated reasons. After agency consideration of these reasons and appropriate agency action, if any, the rules may be resubmitted to this office for approval. At that time, please ensure that the agency resubmits the original of the Order Adopting and the Adopted Rules which is necessary for filing with the Secretary of State.

The rules have not been approved for the following reasons:

1. Retroactivity: Construing law to be retroactive is disfavored under Minnesota law. See Minn. Stat. § 645.21. The Minnesota A.P.A. implicitly recognizes this notion when it defines a rule as an "agency statement of general applicability and future effect..." (Emphasis added.) Minn. Stat. § 15.0411, Subd. 3. Scholarly commentary in the area also acknowledges concern over the legality of retroactive agency rules. See Davis, Administrative Law Text, Section 5.05. Absent an agency showing of proper legal authority, all retroactive provisions in the above-captioned rules are disapproved, except those expressly authorized by Minn. Stat. § 360.066, Subd. 1a(b).

2. Incorrect Citation: 14 MCAR § 1.3010 F(5)(e)(3) contains an incorrect citation in the last sentence. I believe that the citation should be "Minn. Stat. § 360.066, subd. 1a (a) and (d) (1978)."

If you have any questions, do not hesitate to call me.

LES:mb

Enclosure

cc: Duane Harves
Allan Williams

Department of Transportation

Adopted Rules Governing the
Airport Zoning Standards

The rules proposed in the State Register, Volume 3, Number 10, pp. 532-535, September 11, 1978 (3 S.R. 532) are adopted and are identical to their proposed form with the following changes:

14 MCAR § 1.3010

A. Airport zoning. Contained herein are minimum standards for the zoning of public airports as to airspace, land use safety, and noise sensitivity.

B. Airport zoning powers. Any person or governmental body having airport zoning powers under Minn. Stat. §§ 360.061 to .076 may adopt airport zoning ordinances, orders, or regulations more restrictive than the minimum zoning standards set forth herein or in any other applicable law.

C. Airspace zones. The following airspace zones are established with relation to an airport and each runway:

1. Primary zone. All that land which lies directly under an imaginary primary surface as defined in 14 MCAR § 1.3009 E.1.

2. Horizontal zone. All that land which lies directly under an imaginary horizontal surface as defined in 14 MCAR § 1.3009 E.2.

3. Conical zone. All that land which lies directly under an imaginary conical surface as defined in 14 MCAR § 1.3009 E.3.

4. Approach zone. All that land which lies directly under an imaginary approach surface as defined in 14 MCAR § 1.3009 E.4.

5. Precision instrument approach zone. All that land which lies directly under an imaginary precision instrument approach surface as defined in 14 MCAR § 1.3009 E.5.

6. Transitional zone. All that land which lies directly under an imaginary transitional surface as defined in 14 MCAR § 1.3009 E.6.

D. Height restrictions. Except as necessary and incidental to airport operation, no structure or tree shall be constructed, altered, or allowed to grow in any airport zone so as to project above any of the imaginary airspace surfaces as established in paragraph C.

E. Land use safety zones. The following land-use safety zones are established with relation to an airport and each runway:

1. Safety Zone A. In the approach zones of a runway, Safety Zone A extends outward from the end of the primary surface a distance equal to two-thirds the runway length or planned runway length.

2. Safety Zone B. In the approach zones of a runway, Safety Zone B extends outward from Safety Zone A a distance equal to one-third the runway length or the planned runway length.

3. Safety Zone C. All that land which is enclosed within the perimeter of the horizontal zone defined in paragraph C.2. and which is not included in Zone A or Zone B.

F. Use restrictions. In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from an airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case

of accident, the following use restrictions are applied to the land use safety zones:

1. General. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. Zone A. Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (nonspectator), cemeteries and auto parking.

3. Zone B. Zone B shall be restricted in use as follows:

a. Each use shall be on a site whose area shall not be less than three acres.

b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.

c. Each site shall have no more than one building plot upon which any number of structures may be erected.

d. A building plot shall be a single, uniform and

noncontrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at Least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (sq. ft.)	Max. Site Population (15 persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150
	20	6:1		
20	and up	4:1	218,000	300

e. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly.

4. Zone C. Zone C is subject only to the general restrictions contained in paragraph F.1.

5. Existing residential neighborhoods ~~as-of-January-1,-1978~~. The provisions of paragraphs F.2. and F.3. above shall not apply to land uses ~~which-existed-as-of-January-1,-1978~~, in "established residential neighborhoods in built-up urban areas." Such "established residential neighborhoods in built-up urban areas" ~~which-existed-as-of-January-1,-1978~~, shall be subject to the use restrictions contained in this paragraph F. 5. ~~The-existing-provisions~~

~~of-paragraphs-F.2.-and-F.3.-shall-continue-to-apply-to-land uses-which-were-not-in-existence-as-of-January-1,-1978,-and which-were-not-located-in-"established-residential-neighborhoods in-built-up-urban-areas"-as-of-that-date.~~

a. Statement of purpose: Airport Safety Zoning balances the public interest involved in safety for persons on the ground, safety of persons traveling in aircraft and the public interest in maintaining existing land uses. The legislature has mandated special protection for existing land uses ~~existing-as-of-January-1,-1978~~, in "established residential neighborhoods in built-up urban areas." The provisions of paragraphs F.1. - 4. above strike the appropriate balance with regard to other land uses and areas and shall therefore be applied in those cases.

b. "Established residential neighborhoods in built-up urban areas." Each governmental authority having airport zoning powers shall determine which areas located in Safety Zones A and B of each airport within its jurisdiction are also located in "established residential neighborhoods in built-up urban areas." ~~as-of-January-1,-1978.~~ In making such determination, the factors enumerated in subparagraph d. below shall be considered. Such neighborhoods ~~which-existed-on-such-date-and-which-were~~ located in whole or part in Safety Zones A or B shall be specifically located on the airport zoning map and shall be legally-described in the airport zoning ordinance. Each governmental authority having airport zoning powers shall submit its proposed zoning map and ordinance to the Commissioner of Transportation for review and approval prior to holding a public ~~meeting~~ hearing or taking other action thereon.

c. ~~As-of-January-1,-1978~~. No land use in Safety Zones A or B and in an area designated as having been an "established residential neighborhood in a built-up urban area" ~~as-of-January 1,-1978~~, shall be prohibited by an airport zoning ordinance except as provided in subparagraph e. below. In addition, any isolated, low-density residential building lot or low-density residential structure which existed on January 1, 1978, in an "established residential neighborhood in a built-up urban area," must either be allowed to continue as a conforming use under the terms of the local zoning ordinance or must be acquired, altered or removed as provided in subparagraph e. (2) below. For this purpose, a low-density residential structure shall mean a single-family or two-family home and an isolated low-density residential building lot shall mean a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

d. In determining what constitutes an "established residential neighborhood in a built-up urban area" the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on ~~January-1,-1978~~, the effective date of these rules:

(1) location of the airport;

(2) nature of the terrain within Safety Zones A and B;

(3) existing land uses and character of the neighborhood around the airport;

(4) population of the community;

~~(5) population-density;~~

(5) that the average population density in all areas within one mile of any point on a runway be equal to or greater than one dwelling unit per acre;

(6) population density near the airport compared with population density in other areas of the community;

(7) the age and the economic, political and social stability of the neighborhood and the community as a whole;

(8) the proximity of supporting school, commercial, religious, transportation and other facilities and their degree of integration with residential land uses;

~~(9) the character of the community as residential;~~

(9) presence or absence of public utilities including, but not limited to public central sanitary sewer system, electric service and gas mains;

(10) whether or not the factors listed in subparagraphs (8) and (9) above tend to make the community surrounding the airport a self-sufficient unit;

(11) whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and

~~(10)~~ (12) other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban and built-up.

e. Safety hazards.

~~e.~~ (1) The following land uses if they exist in Safety Zones A or B and in an "established residential neighborhood in a built-up urban area" are considered by the Commissioner

to constitute airport safety hazards so severe, either to persons on the ground or to the air-traveling public, or both, that they must be prohibited under local airport zoning ordinances:

~~a.~~ (a) any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A and within 1000 feet of the end of the primary zone;

~~b.~~ (b) any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A or B and which penetrates an imaginary approach surface as defined by 14 MCAR 1.3009, E.4.;

~~c.~~ (c) any land use in Safety Zone A or B which violates ~~the provisions of 14 MCAR 1.3010, F.1.,~~ any of the following standards;

(i) the land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft;

(ii) the land use must not make it difficult for pilots to distinguish between airport lights and other lights;

(iii) the land use must not result in glare in the eyes of pilots using the airport or impair visbility in the vicinity of the airport.

~~d.~~ (d) ~~as of January 1, 1978~~, any isolated residential building lot zoned for single-family or two-family residences on which ~~such a~~ any structure, if built, would be

prohibited by subparagraphs e.(1) (a), (b) or (c) above. An "isolated" residential building lot is one located in an area in which the predominant land use is single-family or two-family residential structures; and

e. (e) any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the Commissioner shall consider the following factors:

(i) possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;

(ii) possibility that the land use may, in case of an aircraft accident, cause an explosion, fire or the release of harmful or noxious fumes, gases or substances;

(iii) tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;

(iv) effect of the land use on availability of clear areas for emergency landings; and

(v) flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(2) In the case of any land use prohibited by paragraph e.(1) above and which is located in an "established residential neighborhood in a built-up urban area" as defined by the local government unit and as reviewed and approved by the

Commissioner, ~~the property on which the use is located shall be acquired at public expense by the governmental unit owning the airport and the prohibited use shall be eliminated.~~ the prohibited land use must be acquired, altered or removed at public expense by the governmental body which owns the airport. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

~~f.~~ (3) The prohibited uses enumerated in paragraph e.(1) above are only those which present the most severe safety hazards to the air-traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in Safety Zones A and B as being unsafe to the public. The use restrictions contained in 14 MCAR 1.3010, F.1. - 4. provide guidance as to what uses the Commissioner deems not to be public interest in these Safety Zones. See also subparagraphs e. (1) (c) and e. (1) (e) above. ~~However, low density residential structures and isolated low density residential building lots in "established residential neighborhoods in built up urban areas" as of January 1, 1978, must be acquired at public expense, as required by Minn. Stat., § 360.066, subd. 1 (a) (d) (1978), if such land uses are to be prohibited under a local zoning ordinance.~~ The local governmental unit must note the requirement of Minn. Stat., § 360.066, subd. 1a (a) and (d) (1978) that certain prohibited land uses must be acquired, altered or removed at public expense.

f. In the event that the provisions of this section F. 5., as reflected in a proposed local zoning ordinance, would require the acquisition, alteration or removal of any land use, then, in such event, at least sixty (60) days prior to the first hearing on adoption of the ordinance, the local zoning authority shall so notify the airport owner. The airport owner shall then consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening and displaced thresholds and shall then promptly notify the local zoning authority in writing, if it proposes to take any of such alternative actions.

g. These rules shall be effective five working days after publication in the State Register, except as provided above as to isolated, low-density residential building lots and low-density residential structures.

APPROVED AS TO FORM AND LEGALITY
JUN. 5 1979 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 5 1979
Secretary of State

1:40 PM

STATE OF MINNESOTA SUPPLEMENTAL FINDINGS

COMMISSIONER OF TRANSPORTATION

AIRPORT ZONING STANDARDS

In the matter of the proposed adoption of rules of the Department of Transportation.

On April 12, 1979, by an Order and Notice of Rule Adoption, the Department adopted rules in the above-entitled matter. These rules differed in certain respects from the rules previously adopted in the Department's Order and Notice of Rule Adoption dated December 20, 1978.

Specifically, the following two changes were made:

1. The following sentence was deleted from 14 MCAR § 1.3010 F.5 c:

> In designating the location of Safety Zones A and B, particularly in established residential neighborhoods in built-up urban areas, the local zoning authority shall consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening, and displaced thresholds on runways, so as to minimize financial burdens upon municipalities within its jurisdiction.

The following paragraph was inserted in its place, as 14 MCAR § 1.3010 F.5 f:

> In the event that the provisions of this Section F. 5, as reflected in a proposed local zoning ordinance, would require the acquisition, alteration or removal of any land use, then, in such event, at least sixty (60) days prior to the first hearing on adoption of the ordinance, the local zoning

authority shall so notify the airport owner. The airport owner shall then consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening and displaced thresholds and shall then promptly notify the local zoning authority in writing, if it proposes to take any of such alternative actions.

2. The following sentences were added to 14 MCAR § 1.3010 F.5 c:

In addition, any isolated, low-density residential building lot or low-density residential structure which existed on January 1, 1978, in an "established residential neighborhood in a built-up urban area," must either be allowed to continue as a conforming use under the terms of the local zoning ordinance or must be acquired, altered or removed as provided in subparagraph e. (2) below. For this purpose, a low-density residential structure shall mean a single-family or two-family home and an isolated low-density residential building lot shall mean a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

The rules as modified are reasonable and are within the Department's authority. The aforesaid changes are supported by the record.

The substance of the first change set forth above is that the airport owner, rather than the local zoning authority, is the entity which is directed to consider the alternatives of closing a runway and so forth. The zoning authority is required to give the airport owner at least 60 days to consider the stated alternatives.

This change was necessary because it is the airport owner, not the local zoning authority which has the power to consider and implement the stated alternatives. The local zoning authority has no power to order the airport owner to close a runway or implement one of the other alternatives.

The rules as adopted by the December 20, 1978 Order, at least implied that such power exists. The issue of zoning authority control over decisions and actions, properly the function of the airport owner, was raised by Mr. Robert Asleson in his testimony at the public hearing. (Transcript, pp. 99-103). Although Mr. Asleson was addressing a slightly different point in his testimony, the underlying issue is the same and consideration of it requires the change. The necessity of considering these alternatives is amply supported by the record. (See, in particular, the testimony of Mr. Ken Gernander, Transcript, pp. 58-67).

The 60-day minimum notice requirement is necessary in order to allow the airport owner to evaluate and consider the alternatives before a zoning ordinance is passed.

The second change set forth above in numbered paragraph 2 does not change the substance of the proposed rules. The sentences quoted above were merely re-written and inserted in a different location for purposes of clarity.

The substance of the two added sentences were contained in the rules adopted by the December 20, 1978 Order. Please see the following provisions of that version of the rules:

a. 14 MCAR § 1.3010 F.5. c., first sentence.

b. 14 MCAR § 1.3010 F.5. e., (1)(d).

c. 14 MCAR § 1.3010 F.5. e., (3).

The necessity and desirability of defining the terms "isolated low-density residential building lot" and "low-density residential structure" was pointed out by Mr. Robert Asleson in his testimony at the hearing. (Transcript, pp. 109-111, 114-115, 116-120).

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

By: _____
Richard P. Braun
Commissioner

Date: 5-23-79

STATE OF MINNESOTA

COMMISSIONER OF TRANSPORTATION

AIRPORT ZONING STANDARDS

ORDER AND NOTICE

OF RULE ADOPTION

In the matter of the proposed adoption of rules of the Department of Transportation.

The above-entitled matter came on for hearing before Harry Seymour Crump, duly appointed Hearing Examiner, on October 12, 1978, at 9:30 a.m. in the State Office Building Auditorium, St. Paul, Minnesota. The hearing was pursuant to proper notice as required by Minn. Stat. § 15.0412.

After consideration of the comments made at the public hearing and the written materials which were submitted into the record, the Department proposed certain changes to the rules as reflected in a Order and Notice of Rule Adoption of the Department of Transportation dated December 20, 1978. The rules as proposed were then submitted to the Chief Hearing Examiner who issued his report dated December 27, 1978. The rules were then submitted to the Attorney General pursuant to ATTY. GEN. 302 for review as to legality January 4, 1979.

On January 24, 1979, the Attorney General returned the rules to the Department of Transportation. The rules were not approved because of a question raised as to retroactivity and one as to an incorrect citation.

The objections of the Attorney General have been remedied by corrections in the proposed rules. In addition, certain other

changes have been made by the Department for purposes of accuracy and clarity.

In various places throughout the proposed rules, the date of January 1, 1978, was omitted. This is to comply with the retroactivity objection of the Attorney General. Additionally, a new Subparagraph G was added to 14 MCAR § 1.3010 F. 5. to establish an effective date for the rules.

Incorrect citation noted by the Attorney General was changed. This reference appears in 14 MCAR § 1.3010 F. 5. e. (3).

The following sentence was deleted from 14 MCAR § 1.3010 F. 5., first paragraph, because the Department felt that it was redundant:

> The existing provisions of Paragraphs F. 1. and F. 3. shall continue to apply to land uses which were not in existence as of January 1, 1978, and which were not located in "established residential neighborhoods in built-up urban areas," as of that date.

In 14 MCAR § 1.3010 F. 5. b., second to last line, the word "meeting" was deleted and the word "hearing" was substituted in its place. The reference here was to a public hearing on a local zoning ordinance and the Department feels that, under local practice, these gatherings are normally referred to as hearings rather than meetings.

In 14 MCAR § 1.3010 F. 5. c., the following sentence was deleted:

> In designating the location of Safety Zones A and B, particularly in established residential neighborhoods in built-up urban areas, the local zoning authority shall consider the alternatives of closing a runway, runway realignment or

relocation, runway extension or shortening, and displaced thresholds on runways, so as to minimize financial burdens upon municipalities within its jurisdiction.

The substance of this sentence has been put in 14 MCAR § 1.3010 F. 5. f. This change was made for the purpose of clarity of organization. The following sentence was put into 14 MCAR § 1.3010 F. 5. c.:

> In addition, any isolated, low-density residential building lot or low-density residential structure which existed on January 1, 1978, in an "established residential neighborhood in built-up urban area," must either be allowed to continue as a conforming use under the terms of the local zoning ordinance or must be acquired, altered or removed as provided in subparagraph e. (2) below. For this purpose, a low-density residential structure shall mean a single-family or two-family home and an isolated low-density residential building lot shall mean a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

This provision merely amplifies existing language of the proposed rules and was made necessary in order to clarify this particular January 1, 1978, exception from the general effective date of the rules.

The new language which appears in Paragraph F. and G. below, has previously been explained. Paragraph 14 MCAR § 1.3010 F. 5. f. and g. now provide as follows:

> f. In the event that the provisions of this Section F. 5., as reflected in a proposed local zoning ordinance, would require the acquisition, alteration or removal of any land use, then, in such event, at least sixty (60) days prior to the first hearing on adoption of the ordinance, the local zoning authority shall so notify the airport owner. The airport owner shall then consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening and displaced thresholds and shall then promptly notify the local zoning authority in writing, if it proposes to take of any such alternative actions.

g. These rules shall be effective five working days after publication the State Register, except as provided above as to isolated, low-density residential lots and low-density residential structures.

The above-referenced changes are not substantial in that they deal with the legality of the rules as to retroactivity and otherwise are made for purposes of clarity and accuracy.

The Department has afforded interested persons an opportunity to present written and oral data, statements and arguments, has heard all of the testimony, has considered all of the evidence adduced, and has reviewed the records, files and proceedings herein, and applicable statutory standards or criteria, has confirmed the need for the above-captioned rules and the reasonableness thereof and has considered the findings of fact and Report of the Hearing Examiner.

The proposed rules, as adopted by the Department's Order of December 20, 1978, are hereby re-adopted with the following changes, which are indicated below:

14 MCAR § 1.3010 F.

5. Existing residential neighborhoods ~~as-of-January 1,-1978~~. The provisions of paragraphs F. 2. and F. 3. above shall not apply to land uses ~~which-existed-as-of-January-1, 1978,~~ in "established residential neighborhoods in built-up urban areas." Such "established residential neighborhoods in built-up urban areas" ~~which-existed-as-of-January-1,-1978,~~ shall be subject to the use restrictions contained in this paragraph F. 5. ~~The existing-provisions-of-paragraphs-F.2.-and-F.3.-shall-continue~~

~~to-apply-to-land-uses-which-were-not-in-existence-as-of-January 1,-1978,-and-which-were-not-located-in-"established-residential neighborhoods-in-built-up-urban-areas"-as-of-the-date.~~

a. Statement of purpose: Airport Safety Zoning balances the public interest involved in safety for persons on the ground, safety of persons traveling in aircraft and the public interest in maintaining existing land uses. The legislature had mandated special protection for existing land uses ~~existing-as-of-January 1,-1978,~~ in "established residential neighborhoods in built-up urban areas." The provisions of paragraphs F. 1. - 4. above strike the appropriate balance with regard to other land uses and areas and shall therefore be applied in those cases.

b. "Established residential neighborhoods in built-up urban areas." Each governmental authority having airport zoning powers shall determine which areas located in Safety Zones A and B of each airport within its jurisdiction are also located in "established residential neighborhoods in built-up urban areas" as ~~of-January-1,-1978.~~ In making such determination, the factors enumerated in subparagraph d. below shall be considered. Such neighborhoods ~~which-existed-on-such-date-and-which-were~~ located in whole or part in Safety Zones A or B shall be specifically located on the airport zoning map and shall be legally-described in the airport zoning ordinance. Each governmental authority having airport zoning powers shall submit its proposed zoning map and ordinance to the Commissioner of Transportation for review and approval prior to holding a public ~~meeting~~ hearing or taking other action thereon.

c. ~~As-of-January-1,-1978,-no~~ No land use in Safety Zones A or B and in an area designated as having been an "established residential neighborhood in a built-up urban area" ~~as-of-January 1,-1978,~~ shall be prohibited by an airport zoning ordinance except as provided in subparagraph e. below. ~~In-designating the-location-of-Safety-Zones-A-and-B,-particularly-in-established residential-neighborhoods-in-built-up-urban-areas,-a-local-zoning authority-shall-consider-the-alternatives-of-closing-a-runway, runway-realignment-or-relocation,-runway-extension-or-shortening, and-displaced-thresholds-on-runways-so-as-to-minimize-financial burdens-upon-municipalities-within-its-jurisdiction.~~ In addition, any isolated, low-density residential building lot or low-density residential structure which existed on January 1, 1978, in an "established residential neighborhood in a built-up urban area," must either be allowed to continue as a conforming use under the terms of the local zoning ordinance or must be acquired, altered or removed as provided in subparagraph e. (2) below. For this purpose, a low-density residential structure shall mean a single-family or two-family home and an isolated low-density residential building lot shall mean a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

d. In determining what constitutes an "established residential neighborhood in a built-up urban area" the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on ~~January 1,-1978~~ the effective date of these rules:

(1) location of the airport;

(2) nature of the terrain within Safety Zones A and B;

(3) existing land uses and character of the neighborhood around the airport;

(4) population of the community;

(5) that the average population density in all areas within one mile of any point on a runway be equal to or greater than one dwelling unit per acre;

(6) population density near the airport compared with population density in other areas of the community;

(7) the age and the economic, political and social stability of the neighborhood and the community as a whole;

(8) the proximity of supporting school, commercial, religious, transportation and other facilities and their degree of integration with residential land uses;

(9) presence or absence of public utilities including, but not limited to public central sanitary sewer system, electric service and gas mains;

(10) whether or not the factors listed in subparagraphs (8) and (9) above tend to make the community surrounding the airport a self-sufficient unit;

(11) whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and

(12) other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban and built-up.

e. Safety hazards.

(1) The following land uses if they exist in Safety Zones A or B and in an "established residential neighborhood in a built-up urban area" are considered by the Commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air-traveling public, or both, that they must be prohibited under local airport zoning ordinances:

(a) any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A and within 1000 feet of the end of the primary zone;

(b) any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A or B and which penetrates an imaginary approach surface as defined by 14 MCAR 1.3009, E. 4.;

(c) any land use in safety Zone A or B which violates any of the following standards:

(i) the land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft;

(ii) the land use must not make it difficult for pilots to distinguish between airport lights and other lights;

(iii) the land use must not result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport.

(d) ~~as of January 1, 1978,~~ any isolated residential building lot zoned for single-family or two-family residences on which any structure, if built, would be prohibited by subparagraphs

e. (1) (a), (b) or (c) above. An "isolated" residential building lot is one located in an area in which the predominant land use is single-family or two-family residential structures; and

(e) any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the Commissioner shall consider the following factors:

(i) possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;

(ii) possibility that the land use may, in case of an accident, cause an explosion, fire or the release of harmful or noxious fumes, gases or substances;

(iii) tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;

(iv) effect of the land use on availability of clear areas for emergency landings; and

(v) flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(2) In the case of any land use prohibited by paragraph e.(1) above and which is located in an "established residential neighborhood in a built-up urban area" as defined by the local government unit and as reviewed and approved by the Commissioner, the prohibited land use must be acquired, altered or removed at public expense by the governmental body which owns the airport.

This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

(3) The prohibited uses enumerated in paragraph e.(1) above are only those which present the most severe safety hazards to the air-traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in Safety Zones A and B as being unsafe to the public. The use restrictions contained in 14 MCAR 1.3010, F.1. - 4 provide guidance as to what uses the Commissioner deems not to be in the public interest in these Safety Zones. See also subparagraphs e. (1) (c) and e. (1) (e) above.

The local governmental unit must note the requirement of Minn. Stat. § 360.066, subd. 1a(a) and (d) (1978), that certain prohibited land uses must be acquired, altered or removed at public expense.

f. In the event that the provisions of this section F.5., as reflected in a proposed local zoning ordinance, would require the acquisition, alteration or removal of any land use, then, in such event, at least sixty (60) days prior to the first hearing on adoption of the ordinance, the local zoning authority shall so notify the airport owner. The airport owner shall then consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening and displaced thresholds and shall then promptly notify the local zoning authority in writing, if it proposes to take any of such alternative actions.

g. These rules shall be effective five working days after publication in the State Register, except as provided above as to isolated, low-density residential building lots and low-density residential structures.

The rules, as initially proposed, were published in the State Register on September 11, 1978, at 3 State Register 532. A copy of the final proposed rules of the Department, with the changes as indicated from the previously published rules is attached hereto as Exhibit A.

It is hereby ordered, that the rules identified as Airport Zoning Standards, 14 MCAR § 1.3010, in the form of Exhibit A which is attached hereto and made a part hereof, are adopted this 12th day of April, 1979, pursuant to the authority vested in me by the Laws of Minnesota, 1978, Chapter 654, Section 4, and by Minn. Stat. § 360.015, subd. 3 (1978). My Order dated December 20, 1978, is hereby amended to the extent that it is inconsistent herewith but is in all other respects confirmed and ratified.

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

By: R P Braun
Richard P. Braun
Commissioner

Date: April 12, 1979

ADMIN 1000

#498

STATE OF MINNESOTA

DEPARTMENT OFFICE OF HEARING EXAMINERS

Office Memorandum

TO : ERIC INGVALDSON
Special Assistant Attorney General
Aeronautics Division
Department of Transportation

DATE: April 23, 1979

FROM : DUANE R. HARVES
Chief Hearing Examiner

PHONE: 6-8100

SUBJECT: AERONAUTICS DIVISION RULES RELATING TO AIRPORT ZONING

Enclosed is the Report of the Chief Hearing Examiner relating to the above-referenced rules and your file.

You will note that I have found that the changes are not substantial changes and that the agency has complied with Minn. Stat. § 15.0412, Subd. 4. I reached this decision not without some difficulty.

Prior to submitting these rules to Lee Sheehy again, I strongly suggest that the Commissioner adopt supplemental findings to support the changes which have been made other than those previously suggested by Mr. Sheehy. Such findings would have been of great assistance to me but will most likely be mandated pursuant to Minn. Rule Atty. Gen. 302 h.

These findings should address two changes in particular, both of which are supported by testimony in the record. (Hearing Examiner Crump can assist you in specific references to the record.) The changes are:

1. In 14 MCAR § 1.3010 F. 5. c., definitions of "low-density residential structure" and "isolated low-density residential building" are detailed. The definitions can be "found" in other areas of the rule if you look closely enough, but adding them where you have looks to be beneficial to a better reading and understanding of the rules.

2. In 14 MCAR § 1.3010 F. 5. f., the responsibility for looking to alternatives is shifted to the airport owner from the local zoning authority and places a 60-day minimum notice requirement on the zoning authority. Both should be addressed in specific findings.

DRH:sh
Enc.
cc: Richard Braun
Allan Williams
✓Lee Sheehy
Jean Hansen

RECEIVED
APR 25 1979
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED)
ADOPTION OF RULES OF THE)
DEPARTMENT OF TRANSPORTATION)
GOVERNING AIRPORT ZONING)
STANDARDS.)

REPORT OF THE
CHIEF HEARING EXAMINER

The above-entitled matter was previously submitted to the Chief Hearing Examiner for review, pursuant to Minn. Stat. § 15.052, Subdivision 3 and 9 MCAR § 2.110, following which review the Chief Hearing Examiner issued a report on December 27, 1978, finding that the rules as proposed for adoption were not substantially different from those which were proposed and that the agency had complied with the provisions of Minn. Stat. § 15.0412, Subd. 4.

Subsequently, the agency submitted the entire record to the Attorney General for review as to form and legality, which review was completed and the rules rejected by memorandum dated January 24, 1979.

On April 12, 1979, the agency again adopted the rules by order of the Commissioner, Richard P. Braun, and resubmitted the rules to the Chief Hearing Examiner for review.

Having reviewed the rules, as amended, and all of the files and records herein, the Chief Hearing Examiner finds that the rules as adopted on April 12, 1979, are not substantially different from the rules as proposed and that the agency has complied, to date, with the provisions of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Department of Transportation has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 23rd day
of April, 1979.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AFFIDAVIT OF SERVICE

I, Jean M. Hansen, being first duly sworn, desposes and says that on the 4th day of January, 1979, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached ADOPTED RULES Regarding Airport Zoning Standards, the complete hearing record, finding and order of the Chief Hearing Examiner on the Attorney General, as required by his rules.

Jean M. Hansen

Jean M. Hansen

Subscribed and sworn before me

on this 4th day of January, 1979.

Agnes I. Litfin

Notary Public

AGNES I. LITFIN
Notary Public, Ramsey Co., Minn.
My Commission Expires
November 21, 1980

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Deputy Attorney General Eric B. Schultz, do hereby declare I have examined the Proposed Rules, Order of Hearing and Notice of Hearing and related documents and that, based on them, and my personal familiarity with the applicable procedures followed, that the provisions of law have been complied with.

Eric B. Schultz

Deputy Attorney General

Dated this 17th of January, 1979.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 — 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

December 27, 1978

Ms. Jean M. Hansen
Department of Transportation
313 Transportation Building
St. Paul, Minnesota 55155

Re: Rules Governing Airport Zoning Standards
DOT-79-012-HC

Dear Ms. Hansen:

Enclosed please find the documents which you submitted to us for review on the issue of substantial change together with the Report of the Chief Hearing Examiner, pursuant to Minn. Stat. § 15.052, Subd. 3.

Yours very truly,

DUANE R. HARVES
Chief Hearing Examiner

DRH:sh
Encs.

DOT-79-012-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF TRANSPORTATION GOVERNING AIRPORT ZONING STANDARDS.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on October 12, 1978, before Harry Seymour Crump, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Department of Transportation on December 1, 1978; and

WHEREAS, the Department of Transportation has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Department of Transportation has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 110; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Department of Transportation has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Department of Transportation has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 27th day of December, 1978.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

AFFIDAVIT OF SERVICE

Jean M. Hansen, being first duly sworn, desposes and says that on the 21st day of December, 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Adopted Airport Zoning Standards Rules, the complete hearing record, finding and the order on the Chief Hearing Examiner as required by the Report of the Hearing Examiner dated December 1, 1978.

Jean M. Hansen
Jean M. Hansen

Subscribed and sworn before me
on this 21st day
of December, 1978.

Sandra A. Haven
Notary Public

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 23, 1983

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

ORDER ADOPTING REPORT

OF HEARING EXAMINER

In the matter of the proposed adoption of rules of the Department of Transportation governing the airport zoning standards.

The report of the Hearing Examiner in the above-captioned matter, Mr. Harry Seymour Crump, was received by the Department on December 5, 1978. The report of the Hearing Examiner is hereby adopted by the Department in all respects.

The Department has made three changes in its adopted rules which were not presented to or approved by the Hearing Examiner. The first change is a clarification of 14 MCAR § 1.3010 F 5. e. (5). That section previously read as follows:

> "Whether the average population density in all areas within one mile of any point on a runway is greater than one dwelling unit per acre."

That section in the adopted rules reads as follows:

> "That the average population density in all areas within one mile of any point on a runway be equal to or greater than one dwelling unit per acre."

The second change is the addition of the words "Safety hazards" in 14 MCAR § 1.3010 F 5. e. That section will now appear as follows:

e. Safety hazards.

(1) The following land uses . . .

The third change is to MCAR § 1.3010 F 5. e. (1) where parentheses are included around agency rules numbers "a." through "e."

The last two changes are being made to satisfy a technical objection by the publishers of the State Register.

All other changes in the proposed rules as published were submitted to and approved by the Hearing Examiner.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

Jim Harrington

Jim Harrington, Commissioner

Dated: December 20, 1978

STATE OF MINNESOTA

COMMISSIONER OF TRANSPORTATION

In the matter of the proposed adoption of rules of the Department of Transportation governing the airport zoning standards.

ORDER AND NOTICE

OF RULE ADOPTION

The above-entitled matter came on for hearing before Harry Seymour Crump, Hearing Examiner, on October 12, 1978, at 9:30 a.m. in the State Office Building Auditorium, St. Paul, Minnesota. This hearing was pursuant to proper notice as required by Minn. Stat. Section 15.0412 (1977 Supplement).

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced in and upon the records, files and proceedings herein, and the applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules and reasonableness thereof;

NOW, THEREFORE, it is ordered that these rules identified as Airport Zoning Standards, 14 MCAR § 1.3010, are adopted this 20th day of December, 1978, pursuant to the authority vested in me by the Laws of Minnesota, 1978, Chapter 654, Section 4, and by Minn. Stat. Section 360.015, Subd. 3 (1976). These rules, as proposed were published in the State Register on September 11, 1978 at 3 State Register 532 and are identical to their proposed form, except for the following changes:

14 MCAR § 1.3010 F 5.

c. As of January 1, 1978, no land use in Safety Zones A or B and in an area designated as having been an "established residential neighborhood in a built-up urban area" as of January 1, 1978, shall be prohibited by an airport zoning ordinance except as provided in subparagraph e. below. In designating the location of Safety Zones A and B, particularly in established residential neighborhoods in built-up urban areas, a local zoning authority shall consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening, and displaced thresholds on runways so as to minimize financial burdens upon municipalities within its jurisdiction.

d. In determining what constitutes an "established residential neighborhood in a built-up urban area" the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on January 1, 1978:

(1) location of the airport;

(2) nature of the terrain within Safety Zones A and B;

(3) existing land uses and character of the neighborhood around the airport;

(4) population of the community;

~~(5) population-density;~~

(5) that the average population density in all areas within one mile of any point on a runway be equal to or greater than one dwelling unit per acre;

(6) population density near the airport compared with population density in other areas of the community;

(7) the age and the economic, political and social stability of the neighborhood and the community as a whole;

(8) the proximity of supporting school, commercial, religious, transportation and other facilites and their degree of integration with residential land uses;

~~(9) the character of the community as residential;~~

(9) presence or absence of public utilities including, but not limited to public central sanitary sewer system, electric service and gas mains;

(10) whether or not the factors listed in subparagraphs (8) and (9) above tend to make the community surrounding the airport a self-sufficient unit;

(11) whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and

~~(10)~~ (12) other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban and built-up.

e. Safety hazards.

~~e.~~ (1) The following land uses if they exist in Safety Zones A or B and in an "established residential neighborhood in a built-up urban area" are considered by the Commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air-traveling public, or both, that they must be prohibited under local airport zoning ordinances:

~~a.~~ (a) any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A and within 1000 feet of the end of the primary zone;

~~b.~~ (b) any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A or B and which penetrates an imaginary approach surface as defined by 14 MCAR 1.3009, E.4.;

~~c.~~ (c) any land use in Safety Zone A or B which violates ~~the provisions of 14 MCAR 1.3019, F.1.,~~ any of the following standards;

(i) the land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft;

(ii) the land use must not make it difficult for pilots to distinguish between airport lights and other lights;

(iii) the land use must not result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport.

~~d.~~ (d) as of January 1, 1978, any isolated residential building lot zoned for single-family or two-family residences on which ~~such a~~ any structure, if built, would be prohibited by subparagraphs e.(1) (a), (b) or (c) above. An "isolated" residential building lot is one located in an area in which the predominant land use is single-family or two-family residential structures; and

e. (e) any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the Commissioner shall consider the following factors:

(i) possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;

(ii) possibility that the land use may, in case of an aircraft accident, cause an explosion, fire or the release of harmful or noxious fumes, gases or substances;

(iii) tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;

(iv) effect of the land use on availability of clear areas for emergency landings; and

(v) flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(2) In the case of any land use prohibited by paragraph e.(1) above and which is located in an "established residential neighborhood in a built-up urban area" as defined by the local government unit and as reviewed and approved by the Commissioner, ~~the property on which the use is located shall be acquired at public expense by the governmental unit owning the airport and the prohibited use shall be eliminated.~~

the prohibited land use must be acquired, altered or removed at public expense by the governmental body which owns the airport. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

~~f.~~ (3) The prohibited uses enumerated in paragraph e.(1) above are only those which present the most severe safety hazards to the air-traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in Safety Zones A and B as being unsafe to the public. The use restrictions contained in 14 MCAR 1.3010, F.1. - 4. provide guidance as to what uses the Commissioner deems not to be in the public interest in these Safety Zones. See also subparagraphs e. (1) (c) and e. (1) (e) above. ~~However, low density residential structures and isolated low density residential building lots in "established residential neighborhoods in built-up urban areas" as of January 1, 1978, must be acquired at public expense, as required by Minn. Stat., § 360.066, subd. 1 (a) (d) (1978), if such land uses are to be prohibited under a local zoning ordinance.~~

The local governmental unit must note the requirement of Minn. Stat., § 360.066, subd. 1 (a) and (d) (1978) that certain prohibited land uses must be acquired, altered or removed at public expense.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

Jim Harrington

Jim Harrington, Commissioner

Dated: December 20, 1978

Department of Transportation

Adopted Rules Governing the
Airport Zoning Standards

The rules proposed in the State Register, Volume 3, Number 10, pp. 532-535, September 11, 1978 (3 S.R. 532) are adopted and are identical to their proposed form with the following changes:

14 MCAR § 1.3010

A. Airport zoning. Contained herein are minimum standards for the zoning of public airports as to airspace, land use safety, and noise sensitivity.

B. Airport zoning powers. Any person or governmental body having airport zoning powers under Minn. Stat. §§ 360.061 to .076 may adopt airport zoning ordinances, orders, or regulations more restrictive than the minimum zoning standards set forth herein or in any other applicable law.

C. Airspace zones. The following airspace zones are established with relation to an airport and each runway:

1. Primary zone. All that land which lies directly under an imaginary primary surface as defined in 14 MCAR § 1.3009 E.1.

2. Horizontal zone. All that land which lies directly under an imaginary horizontal surface as defined in 14 MCAR § 1.3009 E.2.

3. Conical zone. All that land which lies directly under an imaginary conical surface as defined in 14 MCAR § 1.3009 E.3.

4. Approach zone. All that land which lies directly under an imaginary approach surface as defined in 14 MCAR § 1.3009 E.4.

5. Precision instrument approach zone. All that land which lies directly under an imaginary precision instrument approach surface as defined in 14 MCAR § 1.3009 E.5.

6. Transitional zone. All that land which lies directly under an imaginary transitional surface as defined in 14 MCAR § 1.3009 E.6.

D. Height restrictions. Except as necessary and incidental to airport operation, no structure or tree shall be constructed, altered, or allowed to grow in any airport zone so as to project above any of the imaginary airspace surfaces as established in paragraph C.

E. Land use safety zones. The following land-use safety zones are established with relation to an airport and each runway:

1. Safety Zone A. In the approach zones of a runway, Safety Zone A extends outward from the end of the primary surface a distance equal to two-thirds the runway length or planned runway length.

2. Safety Zone B. In the approach zones of a runway, Safety Zone B extends outward from Safety Zone A a distance equal to one-third the runway length or the planned runway length.

3. Safety Zone C. All that land which is enclosed within the perimeter of the horizontal zone defined in paragraph C.2. and which is not included in Zone A or Zone B.

F. Use restrictions. In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to

and from an airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following use restrictions are applied to the land use safety zones:

1. General. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. Zone A. Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (nonspectator), cemeteries and auto parking.

3. Zone B. Zone B shall be restricted in use as follows:

a. Each use shall be on a site whose area shall not be less than three acres.

b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.

c. Each site shall have no more than one building plot upon which any number of structures may be erected.

d. A building plot shall be a single, uniform and noncontrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at Least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (sq. ft.)	Max. Site Population (15 persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150
	20	6:1		
20	and up	4:1	218,000	300

e. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly.

4. Zone C. Zone C is subject only to the general restrictions contained in paragraph F.1.

5. Existing residential neighborhoods as of January 1, 1978. The provisions of paragraphs F.2. and F.3. above shall not apply to land uses which existed as of January 1, 1978, in "established residential neighborhoods in built-up urban areas."

Such "established residential neighborhoods in built-up urban areas" which existed as of January 1, 1978, shall be subject to the use restrictions contained in this paragraph 5. The existing provisions of paragraphs F.2. and F.3. shall continue to apply to land uses which were not in existence as of January 1, 1978, and which were not located in "established residential neighborhoods in built-up urban areas" as of that date.

a. Statement of purpose: Airport Safety Zoning balances the public interest involved in safety for persons on the ground, safety of persons traveling in aircraft and the public interest in maintaining existing land uses. The legislature has mandated special protection for land uses existing as of January 1, 1978, in "established residential neighborhoods in built-up urban areas." The provisions of paragraphs F.1. - 4. above strike the appropriate balance with regard to other land uses and areas and shall therefore be applied in those cases.

b. "Established residential neighborhoods in built-up urban areas." Each governmental authority having airport zoning powers shall determine which areas located in Safety Zones A and B of each airport within its jurisdiction are also located in "established residential neighborhoods in built-up urban areas" as of January 1, 1978. In making such determination, the factors enumerated in subparagraph d. below shall be considered. Such neighborhoods which existed on such date and which were located in whole or part in Safety Zones A or B shall be specifically located on the airport zoning map and shall be legally-described in the airport zoning ordinance. Each governmental authority

having airport zoning powers shall submit its proposed zoning map and ordinance to the Commissioner of Transportation for review and approval prior to holding a public meeting or taking other action thereon.

c. As of January 1, 1978, no land use in Safety Zones A or B and in an area designated as having been an "established residential neighborhood in a built-up urban area" as of January 1, 1978, shall be prohibited by an airport zoning ordinance except as provided in subparagraph e. below. In designating the location of Safety Zones A and B, particularly in established residential neighborhoods in built-up urban areas, a local zoning authority shall consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening, and displaced thresholds on runways so as to minimize financial burdens upon municipalities within its jurisdiction.

d. In determining what constitutes an "established residential neighborhood in a built-up urban area" the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on January 1, 1978:

(1) location of the airport;

(2) nature of the terrain within Safety Zones A and B;

(3) existing land uses and character of the neighborhood around the airport;

(4) population of the community;

~~(5) population-density;~~

(5) that the average population density in all areas within one mile of any point on a runway be equal to or greater than one dwelling unit per acre;

(6) population density near the airport compared with population density in other areas of the community;

(7) the age and the economic, political and social stability of the neighborhood and the community as a whole;

(8) the proximity of supporting school, commercial, religious, transportation and other facilites and their degree of integration with residential land uses;

~~(9) the character of the community as residential;~~

(9) presence or absence of public utilities including, but not limited to public central sanitary sewer system, electric service and gas mains;

(10) whether or not the factors listed in subparagraphs (8) and (9) above tend to make the community surrounding the airport a self-sufficient unit;

(11) whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and

~~(10)~~ (12) other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban and built-up.

e. Safety hazards.

~~e.~~ (1) The following land uses if they exist in Safety Zones A or B and in an "established residential neighborhood in a built-up urban area" are considered by the Commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air-traveling public, or both, that they must be prohibited under local airport zoning ordinances:

~~a.~~ (a) any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A and within 1000 feet of the end of the primary zone;

~~b.~~ (b) any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A or B and which penetrates an imaginary approach surface as defined by 14 MCAR 1.3009, E.4.;

~~c.~~ (c) any land use in Safety Zone A or B which violates ~~the provisions of 14 MCAR 1.3010, F.1.,~~ any of the following standards;

(i) the land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft;

(ii) the land use must not make it difficult for pilots to distinguish between airport lights and other lights;

(iii) the land use must not result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport.

~~d.~~ (d) as of January 1, 1978, any isolated residential building lot zoned for single-family or two-family residences on which ~~such a~~ any structure, if built, would be prohibited by subparagraphs e.(1) (a), (b) or (c) above. An "isolated" residential building lot is one located in an area in which the predominant land use is single-family or two-family residential structrues; and

e. (e) any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the Commissioner shall consider the following factors:

(i) possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;

(ii) possibility that the land use may, in case of an aircraft accident, cause an explosion, fire or the release of harmful or noxious fumes, gases or substances;

(iii) tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;

(iv) effect of the land use on availability of clear areas for emergency landings; and

(v) flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(2) In the case of any land use prohibited by paragraph e.(1) above and which is located in an "established residential neighborhood in a built-up urban area" as defined by the local government unit and as reviewed and approved by the Commissioner, ~~the property on which the use is located shall be acquired at public expense by the governmental unit owning the airport and the prohibited use shall be eliminated.~~

the prohibited land use must be acquired, altered or removed at public expense by the governmental body which owns the airport. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

~~f.~~ (3) The prohibited uses enumerated in paragraph e.(1) above are only those which present the most severe safety hazards to the air-traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in Safety Zones A and B as being unsafe to the public. The use restrictions contained in 14 MCAR 1.3010, F.1. - 4. provide guidance as to what uses the Commissioner deems not to be in the public interest in these Safety Zones. See also subparagraphs e. (1) (c) and e. (1) (e) above. ~~However, low density residential structures and isolated low density residential building lots in "established residential neighborhoods in built up urban areas" as of January 1, 1978, must be acquired at public expense, as required by Minn. Stat., § 360.066, subd. 1 (a) (d) (1978), if such land uses are to be prohibited under a local zoning ordinance.~~

The local governmental unit must note the requirement of Minn. Stat., § 360.066, subd. 1 (a) and (d) (1978) that certain prohibited land uses must be acquired, altered or removed at public expense.

DOT-79-012-HC

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

SUSAN WOJCIK, being first duly sworn, hereby deposes and says:

That at the City of Saint Paul, county and state aforementioned, on the 5th day of December, 1978, she did serve the Report of Hearing Examiner

upon The Minnesota Department of Transportation

by personally handing to Jean Hansen,

said original copy of Report and official record, including the transcript and exhibits.

Susan Wojcik

Subscribed and sworn to before me this fifth day of December, 1978.

Sandra A. Haven

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 29, 1983

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed
Adoption of Rules of the
Department of Transportation
Governing Airport Zoning
Standards.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Harry Seymour Crump, Hearing Examiner from the State Office of Hearing Examiners on October 12, 1978, at 9:30 a.m. in the State Office Building Auditorium, Saint Paul, Minnesota.

Members of the Department of Transportation, Aeronautics Division (Department) panel appearing at the hearing included the following: Lawrence McCabe, Assistant Commissioner, Aeronautics Division; Richard Keinz, Director, Office of Airport Development and Assistance; David Nybakken, Construction Engineer; James Fortman, Director, Pre Construction; Dagmar Runyon, Zoning Coordinator; Jean Hansen, Administrative Assistant; and Eric Ingvaldson, Special Attorney for the Department.

Twenty-three public witnesses appeared and nine spoke at the hearing. Six written prehearing comments and nine post-hearing comments were received from the public prior to the close of the record on November 1, 1978. Four public exhibits were received at the hearing.

Pursuant to Minn. Stat. Sec. 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Department shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. Sec. 15.0412 within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On September 11, 1978, the Department files the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Notice of Hearing proposed to be issued.

2. On September 11, 1978, a Notice of Hearing and a copy of the proposed rules were published at 3 State Register 532.

3. On September 8, 1978, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On September 18, 1978, the Department filed the following documents:

(a) The Order for Hearing and authorizing resolution.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing the Notice to all persons on the Secretary of State's list.
(e) The Secretary of State's Certificate and list.
(f) The Statement of Need and Reasonableness.
(g) The names of Department personnel who will represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through November 1, 1978, for the receipt of written comments and statements.

6. The Department cites as statutory authority for the promulgation of these rules Minn. Laws 1978, Ch. 654, Sec. 4, which specifies: "Within nine months after the effective date of this act the Commissioner shall amend the standards defining airport hazard areas and categories of uses permitted therein to conform with the requirements of this act." In addition, Minn. Stat. Sec. 360.015, subd. 3 (1976), provides that the Commissioner "may perform such acts, issue and amend such orders and make, promulgate, and amend such reasonable general or special rules, regulations, and procedures and establish such minimum standards, consistent with the provisions of Laws 1945, Ch. 303, as he shall deem necessary to carry out the provisions of Laws 1945, Ch. 303 . . ." Laws 1045, Ch. 303 specifically provides for the zoning of airport areas. (See Minn. Stat. Sec. 360.061 - Sec. 360.074 (1976), as amended.)

14 MCAR Sec. 1.3010 - Airport Zoning Standards

7. The purpose of the proposed rules is to modify existing airport zoning rules to protect "existing residential neighborhoods". The existing rules governing airport zoning create a series of safety zones in which the use of the land surrounding the airport is regulated. A simplified formula was provided specifying the area to be zoned as follows: The overall area to be zoned equals three times the maximum contemplated length of the runway. This area is then subdivided into three zones defined as A, B, and C. Zone A is defined as all land in that portion of the approach zones of a runway which extends outward from the primary surface, a distance equal to two-thirds of the planned length of the runway. Zone B begins at the end of A, and includes all land in that portion of the approach zones of a runway which extends outward from Zone A a distance equal to one-third of the

planned length of the runway. See Department Exhibit 1. Each Zone gets wider as the distance from the end of the runway increases (Tr. 12) thus, forming a trapezoidal configuration.

8. Land uses in Zone A are restricted to agriculture, cemeteries, light outdoor recreation (non spectator), and auto parking. No structures are allowed. However, structures are allowed on land in Zone B, provided they are sufficiently low density (each site must be at least three areas) and the use will not attract large congregation of people in one location.

9. Zone C is defined as an arc drawn from each end of the runway, 6,000 feet in radius, and connected by two straight lines. The only land use restrictions are those which create or cause interference with the operations of radio or electronic facilities on the airport or the communication between the airport and aircraft.

10. Under the existing rules, homes already built in Zone A are designated as non-conforming uses. These homes were allegedly difficult to sell or improve because the prospective purchaser reportedly could not obtain a mortgage from the lending institutions. (Tr. 14) Real estate developers reportedly experienced temporary difficulty in obtaining approval of plat because the proposed lot sizes did not conform with Zone B density standards. (Tr. 15) These concerns contribute to the passage of Minn. Laws 1978, Ch. 654. (Tr. 15)

11. The proposed rules are minimal standards intended to reduce the zoning impact on non-conforming land use in established residential neighborhoods in built-up urban areas, by identifying these uses as conforming unless they constitute severe safety hazards. (Tr. 16)

12. Section 1.3010 F.5. sets forth the scope of application of the proposed rule. This rule provides that the only land uses governed by the new rules are those which were in existence on January 1, 1978, and which were in established residential neighborhoods in built-up urban areas. The Department commented that the word "urban" should be inserted after "built-up" and before "areas" in second and last sentence of this rule to correct a technical error. Two (2) post-hearing comments were received regarding the effect of the "January 1, 1978", cut off date relating to existing residential neighborhood. They suggested that this date ought to either coincide with the effective date of the revisions or some future date. The Department responded strongly against changing the effective date. The Hearing Examiner concludes that the cut off date appears to comply with the intent of legislation. It is not unreasonable for the Department to select a date which is mentioned in the legislation.

13. The Department opposed a suggestion to expand the scope of this rule to protect ancilliary uses because the scope of the statute primarily expresses "established" residential neighborhoods.

14. Section 1310 F.5.a. deals with a statement of purpose for the other provisions of proposed paragraph 5. This rule makes reference to existing rules Sections 1.3010 F.1-4. as factors to applied when balancing other competing public interest. This rule drew no comment.

15. Section 1.3010 F.5.b. directs the local governmental authority with airport zoning power to determine which areas located in safety Zones A and B should be considered "established residential neighborhoods in built-up urban areas". Then, the Department must review and approve the local government's determination, submitted in the form of a zoning map and ordinance, prior to further action by the local governmental body. It is appropriate that this determination be made on a local basis because the geographic and demographic conditions surrounding each airport are unique. The Department reviews these local determinations to ensure some uniformity in the zoning of airports in the State. At the hearing, the reference in the seventh line of this rule to "subparagraph b" was changed to "subparagraph d" to correct a technical error. Metropolitan Council (MC) commented that the proposed rule should incorporate clear definitions of the terms "established residential neighborhoods" and "built-up urban areas". The Department response to the comment is contained below under Section 1.3010 F.5.d.

16. Section 1.3010 F.5.c. restricts the local zoning authority from prohibiting land uses in existence in Zone and B of an established residential neighborhood (ERN) as of January 1, 1978, except for safety hazards established by proposed rule Section 1.3010 F.5.e. The rule provides for the maintaining of the integrity of existing neighborhoods. It preserves all land use in these areas, including schools, churches, shops, parks and other facilities and homes. At the hearing, Ken Gernander, City Attorney, City of Goodview, argued in opposition to the adoption of the rules because of the resulting projected financial impact on the City of Goodview due to losses of revenues for the affected properties. By comment, the Department amended this rule to include a statement of alternatives which are available to municipalities in making initial zoning determinations. These alternatives have always been available and they are mentioned here because the use of one or more of them may be warranted in a residential neighborhood. This is particularly true because of the financial impacts of Chapter 654 on local units of government. The amendment reads as follows:

> In designating the location of Safety Zones A and B, particularly in established residential neighborhoods in built-up urban areas, a local zoning authority shall consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening, and displaced thresholds on runways so as to minimize financial burdens upon municipalities within its jurisdiction.

The alternatives were discussed at the hearing by the Department and do not appear to constitute substantial changes. So modified, the rule is needed and reasonable. The following change was made in the first sentence to correct a technical error: "built-up urban area".

17. Section 1.3010 F.5.d. sets forth certain criteria for the local zoning authorities to use in determining what areas should be designated as "established residential neighborhood in a built-up urban area". These factors included, among others, the population density and nature of the terrain of the affected area. This rule drew several comments. MC suggested more explicit criteria to define a "built-up urban area" as having

public or central sanitary sewer and water systems, and/or a density of greater than one dwelling per acre. Robert Aselson, Assistant City Attorney, City of Duluth, suggested that more specificity was needed with respect to Items 1, 2, 5, 6, 7, 8 and 10 in determining an ERN. In response, the Department amended this rule as follows:

~~(5) Population density;~~

(5) Whether the average population density in all areas within one mile of any point on a runway is greater than one dwelling unit per acre;

~~(9) The character of the community as residential;~~

(9) Presence or absence of public utilities including, but not limited to public central sanitary sewer system, electric service and gas mains;

(10) Whether or not the factors listed in subparagraphs (8) and (9) above tend to make the community surrounding the airport a self-sufficient unit;

(11) Whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and

~~(10)~~ (12) Other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban and built-up.

18. The proposed changes are to clarify the criteria used by local zoning authorities in determining the existence and perimeters of the ERN. The Department also commented that it was unable to find any definition or measure of "community" which would reasonably and rationally apply to all situations. The Department contended that the term has a sufficiently well-recognized meaning to be understood and used by the local zoning authorities. This rule, so amended, is reasonable and needed and does not appear to constitute a substantial change.

19. Section 1.3010 F.5.e. enumerates certain land uses which are considered to be safety harzards so severe that they must be prohibited by the local zoning ordinances, notwithstanding the public interest in preserving the integrity of existing neighborhoods. The Department's Statement of Need and Reasonableness is adopted by the Hearing Examiner as justification for this rule. This rule prohibits any structure use as a principal residence which is located entirely within Safety Zone A and within 1,000 feet of the end of the primary zone. (Primary zone is defined in the existing rule, Section 1.3010 C.1.) This rule drew several comments from public witnesses. MC suggested that "all structures within the first 1,000 feet be acquired or eliminated, not just residential structures". The Department responded that it decided to include only residential structures because of the increased danger in connection with such structures of the loss, in particular, of entire families.

20. Section 1.3010 F.5.e.(1)(c). The Department amended this rule by setting forth the requirements of Section F.1. which were previously only referenced. At the hearing, Section 1.3010 F.5.e.(1)(d) was amended by deleting the term "such a " and inserting in lieu "any" in the first sentence.

21. Section 1.3010 F.5.e.(1)(e). The Department modified this proposed rule to add a list of safety factors to clarify the rule. This rule drew comments regarding the lack of criteria to determine what criteria was included in the Commissioner's opinion. By comment, the Department proposed the following amendments:

> (e) Any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the Commis- shall consider, among other things, the following factors:
>
> (i) Possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;
>
> (ii) Possibility that the land use may, in case of an aircraft accident, cause an explosion, fire or the release of harmful or noxious fumes, gases of substances;
>
> (iii) Tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;
>
> (iv) Effect of the land use on availability of clear areas for emergency landings; and
>
> (v) Flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

This rule, as amended, is necessary because of the wide variety of conditions surrounding the various airports. However, the term "among other things" in the last sentence of amended paragraph (e) allows the Department unfettered discretion and thus, should be deleted. So modified, the rule is reasonable and does not constitute a substantial change.

22. Section 1.3010 F.5.e.(2) requires that the land uses prohibited by subparagraph e.(1) above be eliminated at the expense of the unit of government which owns the airport. This rule drew several comments concerning the scope of financial impact of its application. The representatives of the City of Winona and Goodview argued with the adoption and application of the proposed rules as they applied to one of the four approaches at the Winona Municipal Airport. The Department realized their situation poses unique problems because of the extensive residential urban development of the southeast end of a seldom used runway.

a. The proposed rules would require Winona to spend an estimated $1½ million (Tr. 89) to acquire property in Goodview, off the southeast approach of the cross-wind runway. This is deemed by the Department as an unfeasible solution to the incompatible land use that exists at Winona Municipal Airport.

b. Clearly, it is in the best interest of both air travelers and people on the ground to have airspace clear of obstructions and a reasonable amount of clear land at the end of the runway according to the Department.

c. Presently, as Winona indicated, the glide slope in the southeast approach clears the structures below by a 19:1 ratio. This falls short of the State's minimum requirements of a 20:1 ratio. In addition, there is

virtually no clear ground in the first 1,000 feet of the approach zone. All this presents an accident potential. The Department commented that community interests may best be served without negatively affecting property values by the pursuit of the following options:

1. Runway realignment or relocation.
2. Runway extension or shortening.
3. Runway threshold displacement which moves the landing surface farther away from the objectionable land use. See proposed rule section 1.3010 F.5.c.

If an alternative solution to buying seems unworkable, a final option can be exercised in the form of a waiver by the Commissioner as set forth in existing rule, 14 MCAR Sec. 1.3006 H. as follows:

> H. Exceptions. In any case where it is determined that the public interest and safety will not be adversely affected, the Commissioner may waive any of the requirements stated in 14 MCAR 1.3006-1.3016, subject to such conditions or limitations as may be necessary.

The Department commented that careful consideration will be given by the Aeronautics Division to the amount of use on the crosswind (approximately 600 light aircraft landings a year).

d. The Department believes, that regardless of the ultimate solution to the problem at Winona, this "worst case" situation should not be the basis for determining safety standards throughout the state.

23. MC suggested that other alternatives be included in the rule. The Department commented by proposing the following amendment:

> (2) In the case of any land use prohibited by paragraph e.(1) above and which is located in an "established residential neighborhood in a built-up urban area" as defined by the local government unit and as reviewed and approved by the Commissioner, ~~the property on which the use is located shall be acquired at public expense by the governmental unit owning the airport and the prohibited use shall be eliminated.~~ the prohibited land use must be acquired, altered or removed at public expense by the governmental body which owns the airport. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

So modified, the rule is reasonable and needed. The amendment complies with the intent of the legislation and does not appear to constitute a substantial change. The Hearing Examiner also adopts the Department's Statement of Need and Reasonableness with respect to the rule.

24. Section 1.3010 F.5.f. provides that local governmental units may prohibit other land use since these proposed rules of the Department are minimal standards. Senator Bill Luther pointed out the inconsistency of this provision to Section 1.3010 F.5.c. concerning the power of local zoning authorities. In response, the Department proposed an amendment to clarify the intent of the rule by the renumbering of the rule to include it under Section 1.3010 F.5.c., which will serve to incorporate it into the exception set forth in Section 1.3010 F.5.c. The modified rule reads as follows:

(3) ~~f.~~ The prohibited uses enumerated in paragraph e.(1) above are only those which present the most severe safety hazards to the air-traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in Safety Zones A and B as being unsafe to the public. The use restrictions contained in 14 MCAR 1.3010, F.1. - 4. provide guidance as to what uses the Commissioner deems not to be in the public interest in these Safety Zones. See also subparagraphs e.(1)(c) and e.(1)(e) above. ~~However, low density residential structures and isolated low density residential building lots in "established residential neighborhoods in built-up urban areas" as of January 1, 1978, must be acquired at public expense, as required by Minn. Stat. Sec. 360.66, subd. 1 (a) -- (d) (1978), if such land uses are to be prohibited under a local zoning ordinance.~~ The local governmental unit must note the requirement of Minn. Stat. Sec. 360.066, subd. 1(a) and (d) (1978) that certain prohibited land uses must be acquired, altered or removed at public expense.

So modified, the rule is needed and reasonable and does not appear to constitute a substantial change.

CONCLUSIONS

1. Due, timely and adequate notice of the hearing was properly served and published by the Department and the Commissioner. All other substantive and procedural requirements have been fulfilled.

2. The Department and Commissioner have demonstrated their statutory authority to adopt the proposed amendments and rules.

3. The Department and Commissioner have demonstrated the need for and reasonbleness of the proposed amendments and rules by an affirmative presentation of facts.

4. The modifications to the proposed rules made by the Department at the hearing and in its post-hearing comments do not constitute substantial changes.

5. The suggestions made by the Examiner are not intended in any way to preclude the Department and Commissioner from making their own non-substantial changes and improvements to the proposed rules.

RECOMMENDATION

That the proposed rules be modified as suggested in the Findings, and that so modified, they be adopted.

Dated: December / , 1978.

Harry Seymour Crump

HARRY SEYMOUR CRUMP
Hearing Examiner

RECEIVED
NOV 2 1978
OFFICE OF HEARING EXAMINERS

635- 5th. Street
Winona, Mn. 55987

Oct. 31, 1978.

Mr. Barry D. Crump, Hearing Examiner
Office of Hearing Examiners
1745 University Avenue
St. Paul, Minnesota 55104

Dear Mr. Crump;

I was shocked when I received the letter from our City Clerk informing me that I was in the "Safety Zone".

I just retired from teaching in June 1977. I bought the house in 1975, thinking I would be set for life. This has been quite a traumatic experience for me.

I certainly hope you will give serious consideration to my and other retirees plight in this matter.

Yours very truly,

Mrs. Winifred Tanberg

GEORGE LATIMER
MAYOR

CITY OF SAINT PAUL
OFFICE OF THE MAYOR

347 CITY HALL
SAINT PAUL, MINNESOTA 55102
(612) 298-4323

RECEIVED
NOV 1 1978
OFFICE OF HEARING EXAMINERS

November 1, 1978

Mr. Harry C. Crump
Hearing Examiner
Office of Hearing Examiners
1745 University Avenue
Saint Paul, MN 55155

RE: Comments on "The Matter of the Proposed Adoption of Rules of the Dept. of Transportation Governing Airport Zoning Standards"

Dear Mr. Crump:

Our planning staff has reviewed the proposed airport zoning rules changes and has attended the public hearing held on October 12 in regards to these changes. Based on these proceedings, we offer for your consideration the following comments relative to the proposed modifications.

Our comments deal with three sections of the proposed modifications. They are:

1) the definition of "established residential neighborhoods in built-up urban areas",

2) the prohibition of residential structures within the initial 1000 feet of Safety Zone A,

3) the cutoff date used to ascertain when an "established residential neighborhood" was in existence.

The first area, dealing with defining "established residential neighborhoods..." for the purpose of allowing uses within Safety Zone A and B to continue as conforming rather than non-conforming uses, is a necessary and reasonable action giving recognition and validity to those uses that have been in existence within well-defined areas for a number of years. In our opinion, the key words in this phrase are "in built-up urban areas." This signifies that other use types ought to be considered and included as legitimate and even more appropriate if they happen to be situated within the environs of an airport. Thus, we would wish to see this phrase expanded or modified in some manner to include certain commercial and industrial land uses as well. A good case in point is the Riverview Industrial Park adjacent to the Downtown St. Paul Airport. This 320 acre area is a well-planned industrial setting providing numerous commercial and light industrial sites and providing a large economic base for the City of St. Paul. The few remaining vacant parcels that are situated within the approach zones are now precluded from developing. Thus, we believe that established commercial and industrial areas should be treated in the same manner as established residential areas and should be allowed as conforming rather than non-conforming uses.

The second comment we would like to make is in regards the 1000 foot clear zone extending outward from the end of the primary zone into the approach zones. While this provision would not cause any undue hardship as far as the City of St. Paul, we can appreciate that this could cause some unnecessary hardships in the case of lightly-used runways in outlying areas of the state. We, therefore, suggest that this provision not be a blanket prohibition but be reviewed in each case.

Lastly, we question the basis for determining the date for regarding when an area is to be considered an "established residential neighborhood..." We believe that this date ought to either coincide with the effective date of the revisions or some future date. While it is legally possible to make this date retroactive, we believe that this could cause undue confusion and/or hardships on communities that have not yet established airport zoning controls.

We wish to thank you for the opportunity to respond to these proposed airport zoning amendments.

Sincerely,

George Latimer
Mayor

GL/cc

cc: James Bellus
Robert Sprafka

Minnesota
Department of Transportation
Transportation Building
St. Paul, Minnesota 55155

RECEIVED
NOV 1 1978
OFFICE OF HEARING
EXAMINERS

November 1, 1978

Phone 296-8046

Mr. Harry Seymour Crump
Hearing Examiner
Office of Hearing Examiners
1745 University Avenue
St. Paul, Minnesota 55104

Dear Mr. Crump:

Re: Proposed Adoption of Rules of the Department of Transportation Governing Airport Zoning Standards

We have enclosed the Department's comments regarding the proposed revision to 14 MCAR § 1.3010 F. These comments are in addition to those made by staff at the public hearing on October 12, 1978.

Sincerely,

Lawrence E. McCabe
Assistant Commissioner
Division of Aeronautics
Room 413

LEM:CS

Enc.

RECEIVED
NOV 1 1978
OFFICE OF HEARING
EXAMINERS

Comments on the Department's proposed changes to the rules

14 MCAR Section 1.3010 F.5c has been modified to include a statement of alternatives which are available to municipalities in making initial zoning determinations. These alternatives have always been available and they are mentioned here because the use of one or more of them may be warranted in a residential neighborhood. This is particularly true because of the financial impacts of Chapter 654 on local units of government.

14 MCAR Section 1.3010 F.5d has been modified in several respects primarily in response to the comments of Mr. Asleson. The proposed changes will be of aid to local zoning authorities in determining the existence and parameters of established residential neighborhoods. The standard of one dwelling unit per acre contained in subparagraph (5) has been suggested to the Department by urban planners as being pertinent to classification of the area as "urban".

14 MCAR Section 1.3010 F.5e(1)(c) has been modified to set forth the requirements of section F.1 which were previously only referenced. This will add clarity to the rule at the expense of brevity. The Department submits that this trade-off is justified here because the requirements of F.1 are additional safety considerations which the local bodies may and the Commissioner shall consider and it is therefore reasonable to emphasize them.

14 MCAR Section 1.3010 F.5e(1)(e) has been modified to add a list of safety factors which the Commissioner and local bodies may consider. This adds clarity to the rule and will be of aid to local zoning authorities in determining which land uses may be unsafe in areas near an airport.

The modification to 14 MCAR F.5e(2) sets forth alternatives to actual purchase of land. These alternatives are authorized by and consistent with

statute and may help local bodies to accomplish the purpose of the airport zoning in those areas at a lesser expense.

14 MCAR Section 1.3010 F.5e(3) is the old F. 5f. The re-numbering helps to clarify some apparent confusion as to the power of local zoning authorities as expressed by Mr. Williams in section II C of his memorandum to Senator Luther. Paragraph F.5c states that no land uses may be prohibited except as provided in F.5e. The proposed F.5f (now F.5e(3)) states that local authorities may prohibit additional uses subject to the requirements of Chapter 654.

Re-numbering of this rule to include it under F5e will serve to incorporate it into the exception set forth in F.5c, thereby eliminating the alleged inconsistency.

§ 1.3010 Airport Zoning Standards.

A. Airport zoning. Contained herein are minimum standards for the zoning of public airports as to airspace, land use safety, and noise sensitivity.

B. Airport zoning powers. Any person or governmental body having airport zoning powers under Minn. Stat. §§ 360.061 to .076 may adopt airport zoning ordinances, orders, or regulations more restrictive than the minimum zoning standards set forth herein or in any other applicable law.

C. Airspace zones. The following airspace zones are established with relation to an airport and each runway:

1. Primary zone. All that land which lies directly under an imaginary primary surface as defined in 14 MCAR § 1.3009 E.1.

2. Horizontal zone. All that land which lies directly under an imaginary horizontal surface as defined in 14 MCAR § 1.3009 E.2.

3. Conical zone. All that land which lies directly under an imaginary conical surface as defined in 14 MCAR § 1.3009 E.3.

4. Approach zone. All that land which lies directly under an imaginary approach surface as defined in 14 MCAR § 1.3009 E.4.

5. Precision instrument approach zone. All that land which lies directly under an imaginary precision instrument approach surface as defined in 14 MCAR § 1.3009 E.5.

6. Transitional zone. All that land which lies directly under an imaginary transitional surface as defined in 14 MCAR §1.3009 E.6.

D. Height restrictions. Except as necessary and incidental to airport operation, no structure or tree shall be constructed, altered, or allowed to grow in any airport zone so as to project above any of

the imaginary airspace surfaces as established in paragraph C.

C. Land use safety zones. The following land-use safety zones are established with relation to an airport and each runway:

1. Safety Zone A. In the approach zones of a runway, Safety Zone A extends outward from the end of the primary surface a distance equal to two-thirds the runway length or planned runway length.

2. Safety Zone B. In the approach zones of a runway, Safety Zone B extends outward from Safety Zone A a distance equal to one-third the runway length or the planned runway length.

3. Safety Zone C. All that land which is enclosed within the perimeter of the horizontal zone defined in paragraph C.2. and which is not included in Zone A or Zone B.

F. Use restrictions. In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from an airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following use restrictions are applied to the land use safety zones:

1. General. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. Zone A. Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (nonspectator), cemeteries and auto parking.

3. Zone B. Zone B shall be restricted in use as follows:

a. Each use shall be on a site whose area shall not be less than three acres.

b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.

c. Each site shall have no more than one building plot upon which any number of structures may be erected.

d. A building plot shall be a single, uniform and noncontrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at Least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (sq. ft.)	Max. Site Population (15 persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150

20		6:1		
20	and up	4:1	218,000	300

e. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly.

4. Zone C. Zone C is subject only to the general restrictions contained in paragraph F.1.

5. Existing Residential Neighborhoods as of January 1, 1978. The provisions of paragraphs F.2. and F.3. above shall not apply to land uses which existed as of January 1, 1978, in "established residential neighborhoods in built-up urban areas." Such "established residential neighborhoods in built-up urban areas" which existed as of January 1, 1978, shall be subject to the use restrictions contained in this paragraph 5. The existing provisions of paragraphs F.2. and F.3. shall continue to apply to land uses which were not in existence as of January 1, 1978, and which were not located in "established residential neighborhoods in built-up urban areas" as of that date.

a. Statement of Purpose: Airport Safety Zoning balances the public interest involved in safety for persons on the ground, safety of persons traveling in aircraft and the public interest in maintaining existing land uses. The legislature has mandated special protection for land uses existing as of January 1, 1978, in "established residential neighborhoods in built-up urban areas." The provisions of paragraphs F.1. - 4. above strike the appropriate balance with regard to other land uses and areas and shall therefore be applied in those cases.

b. "Established Residential Neighborhoods" in Built-up Urban Areas." Each governmental authority having airport zoning powers shall determine which areas located in Safety Zones A and B of each airport within its jurisdiction are also located in "established residential neighborhoods in built-up urban areas" as of January 1, 1978. In making such determination, the factors enumerated in subparagraph d. below shall be considered. Such neighborhoods which existed on such date and which were located in whole or in part in Safety Zones A or B shall be specifically located on the airport zoning map and shall be legally-described in the airport zoning ordinance. Each governmental authority having airport zoning powers shall submit its proposed zoning map and ordinance to the Commissioner of Transportation for review and approval prior to holding a public meeting or taking other action thereon.

c. As of January 1, 1978, no land use in Safety Zones A or B and in an area designated as having been an "established residential neighborhood in a built-up urban area as of January 1, 1978, shall be prohibited by an airport zoning ordinance except as provided in subparagraph e. below. In designating the location of Safety Zones A and B, particularly in established residential neighborhoods in built-up urban areas, a local zoning authority shall consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening, and displaced thresholds on runways so as to minimize financial burdens upon municipalities within its jurisdiction.

d. In determining what constitutes an "established residential neighborhood in a built-up urban area" the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on January 1, 1978.

(1) Location of the airport;

(2) Nature of the terrain within Safety Zones A and B;

(3) Existing land uses and character of the neighborhood around the airport;

(4) Population of the community;

~~(5) Population-density;~~

(5) Whether the average population density in all areas within one mile of any point on a runway is greater than one dwelling unit per acre;

(6) Population density near the airport compared with population density in other areas of the community;

(7) The age and the economic, political and social stability of the neighborhood and the community as a whole;

(8) The proximity of supporting school, commercial, religious, transportation and other facilities and their degree of integration with residential land uses;

~~(9) The-character-of-the-community-as-residential;~~

(9) Presence or absence of public utilities including, but not limited to public central sanitary sewer system, electric service and gas mains;

(10) Whether or not the factors listed in subparagraphs (8) and (9) above tend to make the community surrounding the airport a self-sufficient unit;

(11) Whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and

~~(10)~~ (12) Other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban and built-up.

e. (1) The following land uses if they exist in Safety Zones A or B and in an "established residential neighborhood in a built-up urban area" are considered by the Commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air-traveling public, or both, that they must be prohibited under local airport zoning ordinances:

(a) Any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A and within 1000 feet of the end of the primary zone;

(b) Any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A or B and which penetrates an imaginary approach surface as defined by 14 MCAR 1.3009, E.4.;

(c) Any land use in Safety Zone A or B which violates ~~the provisions of 14 MCAR 1.3010, F.1.;~~ any of the following standards;

(i) The land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft;

(ii) The land use must not make it difficult for pilots to distinguish between airport lights and other lights;

(iii) The land use must not result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport.

(d) As of January 1, 1978, any isolated residential building lot zoned for single-family or two-family residences on which

~~any~~ any structure, if built, would be prohibited by subparagraphs e.(1) (a), (b) or (c) above. An "isolated" residential building lot is one located in an area in which the predominant land use is single-family or two-family residential structures; and

(e) Any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the Commissioner shall consider, among other things, the following factors:

(i) Possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;

(ii) Possibility that the land use may, in case of an aircraft accident, cause an explosion, fire or the release of harmful or noxious fumes, gases or substances;

(iii) Tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;

(iv) Effect of the land use on availability of clear areas for emergency landings; and

(v) Flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(2) In the case of any land use prohibited by paragraph e.(1) above and which is located in an "established residential neighborhood in a built-up urban area" as defined by the local government unit and as reviewed and approved by the Commissioner, ~~the property on which the use is located shall be acquired at public expense by the~~

~~governmental-unit-owning-the-airport-and-the-prohibited-use-shall be-eliminated.~~

the prohibited land use must be acquired, altered or removed at public expense by the governmental body which owns the airport. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

(3) The prohibited uses enumerated in paragraph e.(1) above are only those which present the most severe safety hazards to the air-traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in Safety Zones A and B as being unsafe to the public. The use restrictions contained in 14 MCAR 1.3010, F.1. - .4. provide guidance as to what uses the Commissioner deems not to be in the public interest in these Safety Zones. See also subparagraphs e. (1) (c) and e. (1) (e) above. ~~However, low-density residential structures and isolated low-density residential building lots in "established residential neighborhoods in built-up urban areas" as of January 1, 1978, must be acquired at public expense, as required by Minn. Stat., § 360.066, subd. 1 (a) (d) (1978), if such land uses are to be prohibited under a local zoning ordinance.~~

The local governmental unit must note the requirement of Minn. Stat., § 360.066, subd. 1 (a) and (d) (1978) that certain prohibited land uses must be acquired, altered or removed at public expense.

G. Noise sensitivity zones. Land-use noise sensitivity zones shall be established when requested by the Commissioner or by the governmental unit having airport zoning powers. The governmental unit

having zoning powers, when required by the Commissioner, shall secure a study as to the boundaries of the area to be zoned for this purpose and the uses permitted therein.

RESPONSE TO ALL COMMENTS GENERATED REGARDING

PROPOSED AIRPORT ZONING RULES IMPACT TO WINONA MUNICIPAL AIRPORT

The representatives of the City of Winona and Goodview do not seem to have any argument with our rules as such, but only as they apply to one of the four approaches at the Winona Municipal Airport. We realize their situation poses unique problems because of the extensive residential urban development of the southeast end of a little use runway. Therefore, other alternatives need to be explored.

The proposed rules would require Winona to spend an estimated million and one half dollars to acquire property in Goodview, off the southeast approach of the cross-wind runway. This is deemed by Mn/DOT as an unfeasible solution to the incompatible land use that exists at Winona Municipal Airport.

Clearly it is in the best interest of both air travelers and people on the ground to have airspace clear of obstructions and a reasonable amount of clear land at the end of the runway.

Presently, as Winona indicates, the glide slope in the southeast approach clears the structures below by a 19:1 ratio. This falls short of the State's minimum requirements of a 20:1 ratio. In addition, there is virtually no clear ground in the first 1000 feet of the approach zone so that a maximum performance takeoff and landing is required to clear any obstructions. All this presents an accident potential. So that community interests may best be served without negatively affecting property values, the following options remain:

1. Runway realignment or relocation.
2. Runway extension or shortening.
3. Runway threshold displacement which moves the landing surface farther away from the objectionable land use.
4. Closing the runway.

The airport owner and Aeronautics Division will work together to come up with a satisfactory solution which will prevent the cost of forced land acquisition to the community.

If an alternative solution to buying seems unworkable, a final option can be excercised in the form of a waiver by the Commissioner as set forth in 14 MCAR 1.3006. H. as follows:

> H. Exceptions. In any case where it is determined that the public interest and safety will not be adversely affected, the Commissioner may waive any of the requirements stated in 14 MCAR 1.3006-1.3016, subject to such conditions or limitations as may be necessary.

Careful consideration will be given by the Aeronautics Division to the amount of use on the crosswind (approximately 600 light aircraft landings a year).

The Department believes, that regardless of the ultimate solution to the problem at Winona, this "worst case" situation should not be the basis for determining safety standards throughout the state.

Response to comments of
the Metropolitan Council

The first comment is to the effect that the Janaury 1, 1978 date set forth by Chapter 654 should be considered as "permissive", thus allowing local bodies to adopt later cutoff dates. The Department strongly disagrees with this suggestion in that it would or could lead to inconsistent local determinations throughout the state. The date has been set and no future development should be allowed. The airport zoning authorities and airport owners all have notice of the promulgation of this rule, as required by Chapter 654. No excuses for delays in airport zoning should be written into the Department's rules.

The second point deals with excluding other than residential neighborhoods from the general requirements of airport zoning. Chapter 654 expresses primary concern with established residential neighborhoods. Under the proposed rules, land uses in other areas may be "nonconforming uses" and, if substantially destroyed, such uses could not be rebuilt. This is consistent with the objectives of airport zoning and poses only a minor, if any, threat to existing land uses. The suggested change is not required by the statute and is not in the interest of the public safety or welfare.

The third and fourth points of the Metro Council have been addressed in the Department's response to section II. A of Mr. Williams' memorandum.

The Metropolitan Council's fifth point suggests that all structures within the first 1000' be acquired or eliminated, not just residential structures. The Department welcomes the Council's support of our existing clear zone policy. The Department has decided to include only residential structures in this proposed rule because of the increased danger in connection with such structures of the loss of human life, particularly the destruction of entire families by

an aircraft accident. The Department will continue to strive, through other available means, for the elimination of all structures within the first 1000 feet off the end of a runway.

The Council's final point has been taken into account by the Department's proposed change to 14 MCAR Section 1.3010 F.5(e)(2).

RESPONSE TO COMMENTS OF CITY OF CRYSTAL

BY LETTER OF 9/26/78

The problem expressed in the City of Crystal's letter is that the Metropolitan Airports Commission has not established a master plan or an official zoning map for the Crystal Airport. Although this is not directly pertinent to the matter at hand, the Department does recognize the City's concern. The Department does not believe that there are any plans by MAC to extend any runways at the airport, although no assurance of this can be offered. We would again point out that Crystal has the right to participate in MAC's zoning decisions and the related political processes.

The Department's unofficial maps and overlay of proposed safety zones are similar to those presented at the hearing. We believe that few, if any, homes surrounding the Crystal Airport will be within the first 1000 feet and entirely within Zone A.

Response to Robert E. Asleson,
Assistant City Attorney, Duluth

Many of Mr. Asleson's comments were addressed by the Department at the public hearing. The Department stands on those comments as they are supplemented here.

At the suggestion of Mr. Asleson, the Department has suggested, in its proposed changes, certain modifications to 14 MCAR Section 1.3010 F.5d. Specifically subparagraph 5 was eliminated and replaced by a more specific measure of population density. Subparagraph 6 has not been changed as suggested by Mr. Asleson. The Department is unable to find any definition or measure of "community" which would reasonably and rationally apply to all situations. Nevertheless, the Department submits that the term has a sufficiently well-recognized meaning to be understood by and of use to local zoning authorities in this regard.

At the suggestion of Mr. Asleson, the Department has proposed changes to 14 MCAR Section 1.3010 F. 5d to add a factor relating to the availability of public utilities in the area. A factor relating to the self-sufficiency of the area has also been included.

Mr. Asleson raises a point relating to subdivision E(2) of the proposed rule. We agree with the interpretation that a garage or other reasonable accessory use could not be prohibited unless there was a Safety or other similar reason for doing so. The Department submits that problems with radio antennas and equipment, search lights and the like are dealt with adequately under other provisions of the rules.

Mr. Asleson's last comment deals with whether the State may delegate its authority to require purchase of certain property to the local zoning

authorities. We submit that the State is not doing this. It is the statute and the Mn/DOT rules which will require the purchase of land, not the local zoning ordinance. Although some determinations of what is an "ERN" and what is a safety hazard may be made on a local level and may have the effect of requiring acquisition, these decisions will be based upon certain criteria and will be subject to Department review. These local determinations are necessary in order to account for unique local conditions. This procedure is in keeping with the statutory zoning scheme which contemplates that airport zoning is to be done locally at least in the first instance.

RESPONSE COMMENTS MADE BY INVER GROVE IGHTS

REGARDING AIRPORT ZONING RULE CHANGES

Regarding Mr. Magnuson's first comment requesting a special provision be inserted into the rules to include authorization of the local units of government to determine that an "established residential neighborhood" exists irrespective of whether a residential structure may or may not exist on a given residential lot or area, we were uncertain as to the exact meaning of the comment, and we called him for clarification. His concern was whether the proposed rule would allow the subdivision of an isolated residential building lot into two or more such lots. This assumes that the lot was zoned for single or two-family residential as of 1/1/78 and that it is isolated. We believe the proposed rule would allow this.

The second comment, requesting specific provision in the rules, will be written into the model ordinance which will authorize local units of government to issue necessary building permits, etc., to any structure in Zone A or B that has been damaged or destroyed.

Mr. Magnuson's final comment about helicopter flight patterns at South St. Paul does not relate to the proposed rules. However, we recommend any problems in this matter should be resolved with the airport manager.

Response to Comments of
Alan C. Williams, Senate
Counsel, as submitted by
Senator William P. Luther

In section I. A of his memorandum, Mr. Williams refers to 14 MCAR Section 1.3010 B which states that a local zoning authority may adopt ordinances which are more restrictive than the minimum standards of the Commissioner. While this provision is part of the Mn/DOT Aeronautics rules, it is not a part of the rules under consideration here. In any event, the proposed 14 MCAR Section 1.3010 F.5(e)(3) addresses Mr. Williams's concern in that it cites Minn. Stat. Section 360.066 subd. 1(b) and (d) which provide that if certain residential land uses are to be prohibited by a local zoning ordinance, the land use must be acquired, altered or removed at public expense.

The second point made by Mr. Williams in section I.A. is that the proposed rule talks of prohibited land uses and not of "nonconforming uses". The Department submits that prohibition of a land use by a zoning ordinance is what causes the use to be "nonconforming". With that qualification the proposed rule clearly meets Mr. Williams' objection.

The point made by Mr. Williams in section I. B of his memorandum is, in part, well-taken. The Department has attempted to answer this criticism in the attached proposed changes to the rules by listing additional criteria. However, we disagree that the proposed rules upon which the hearing was held provide insufficient guidance to local bodies. The originally proposed 14 MCAR Section 1.3010 F. 5(f) states that 14 MCAR Sections 1.3010 F. 1-4 provide guidance as to what the Commissioner has determined about safety considerations. The local governmental units are well-suited to balance other interests against these safety considerations.

RECEIVED
OCT 31 1978
OFFICE OF HEARING
EXAMINERS

Mr. Harry S. Crump, Hearing Examiner
Office of Hearing Examiners
1745 University avenue
St. Paul, Mn 55104

Oct. 28, 1978

Dear Sir:

Our property is one that is effected by a Commissioner of Transportation findings as to the proximity of same to the airport runway. There are at present about forty -one residences effected by this rule. We have been notified that our homes are subject to removal. We have lived at this location for about thirty-one years, before the airport was established. This north-south runway is a seldom used one about sixty planes a year.

We strongly object to this unfair ruling and we feel that this is no guarantee that we will not be in danger of an accident elsewhere. We have complied fully heretofore with the FAA as to the removal of tree-tops and antenna, now this is just too much . Our home is paid for and we are of retirement age, but not ready for a nursing home byany means.

If we are living in such a vulnerable location then why are our taxes the same as always. Now especially with this publicity they will be even less valuable. We could and should demand a rebate.

Respectfully,

Elizabeth Chicke
Eg Chicke

RECEIVED
OCT 27 1978
OFFICE OF HEARING EXAMINERS

Metropolitan Council
300 Metro Square Building
Seventh Street and Robert Street
Saint Paul, Minnesota 55101
Telephone (612) 291-6453
Office of the Chairman

October 26, 1978

Mr. Harry S. Crump
Hearing Examiner
Office of Hearing Examiners
1745 University Avenue
St. Paul, Minnesota 55104

Re: Proposed Amendment to State Aeronautics Rule 14 MCAR 1.3010

Dear Mr. Crump:

Transmitted herewith are the comments of the Metropolitan Council staff relative to the amendment of Aeronautics Rule 14 MCAR 1.3010 as proposed by the Aeronautics Division of the Minnesota Department of Transportation.

In general, we believe that the proposed amendment meets the public needs as identified to the Metropolitan Council by the Cities of Brooklyn Center, Brooklyn Park and Crystal during negotiations surrounding our issuance of metropolitan systems statements last year. We would like to compliment the Aeronautics Division for its work on the proposed amendment.

There are, however, some important concerns which we have about specific portions of the amendment, and which we firmly believe need to be addressed before an amendment is adopted by the agency. In some instances we advocate total rewriting of specific subsections of the proposed amendment. In other instances we suggest the need for minor wording changes or suggest alternative actions which should be considered by the agency to mitigate potential problems with the amendment as written. We urge the Aeronautics Division to incorporate our proposed changes into its amendment before it is officially adopted.

We appreciate your decision to keep the hearing record open until November 1, 1978. If you desire any clarification of our comments, or have any questions regarding our suggestions for improving the proposed amendment, please contact Mr. James Uttley (291-6361) or Mr. Mark Ryan (291-6548). Thank you.

Sincerely,

John Boland

John Boland
Chairman

JB:im
Enc.

cc: Jim Harrington, Commissioner, Mn/DOT
Lawrence McCabe, Assistant Commissioner for Aeronautics
Dagmar Runyon, Zoning Coordinator, Aeronautics Division

RECEIVED
OCT 2 1978
OFFICE OF HEARING EXAMINERS

METROPOLITAN COUNCIL COMMENTS ON THE PROPOSED AMENDMENT

The following comments reflect Metropolitan Council staff concerns as related to the specified portions of the proposed amendment to Rule 14 MCAR 1.3010 - Airport Zoning Standards.

Amendment

Subsection F.5 (the proposed amendment) relates only to existing "residential neighborhoods" as of January 1, 1978. It states that the provisions of 14 MCAR 1.3010, subsections F.2 and F.3 (zones A and B; see background discussion above) shall not apply to land uses which existed as of January 1, 1978, in "established residential neighborhoods in built-up urban areas."

Comments

Although Chapter 654 of Minnesota Laws of 1978, Section 3, Subdivision 1.a., paragraph (b), explicitly mentions January 1, 1978, it appears to do so from the perspective that development preceding that date shall not be made nonconforming. We believe that the legislation (see Subdivision 1.a., paragraph (a)), should be viewed as permissive with respect to date. In other words, the commissioner and local airport zoning authorities could use a later cutoff date, but not one that precedes January 1, 1978.

Since the legislation and the application of airport zoning standards are permissive and not mandatory on municipalities, except as noted below, it may be several years before the standards are incorporated into a local airport zoning ordinance and adopted to apply at any given airport. As written, the new rule would create a new set of nonconforming land uses for municipalities to deal with, those created between January 1, 1978, and the date of the local adoption of an airport zoning ordinance which may be several years. Note: It has been five years since the law was passed mandating the Metropolitan Airports Commission and other municipal airport authorities to adopt airport zoning ordinances, and as yet no airport zoning ordinances have been adopted in the Twin Cities Metropolitan Area.

We suggest that the best way to deal with the potential problems of such future nonconforming uses would be to eliminate the January 1, 1978, reference date so that the creation of nonconforming uses would coincide with the date of local airport ordinance adoption. If this is not feasible, we would suggest that written notices be sent to all affected municipalities by the commissioner once the amendment is formally adopted, putting the municipalities on notice regarding both the amendment and its potential for creating new nonconforming uses unless the municipalities proceed at once to downzone the affected areas near their airports.

Amendment

Subsection F.5 relates only to existing residential neighborhoods in built-up urban areas.

Comment

The proposed amendment would protect established residential neighborhoods and such existing ancillary uses as neighborhood commercial, industrial and institutional uses which the local airport zoning authority and the commissioner find are integral parts of the established "residential" neighborhood.

Chapter 654 seems to have broader implications, however. It finds that the "social and financial cost of disrupting (any) land uses around airports in built-up urban areas. . . often outweigh the benefits. . ." While the legislation stresses "particularly established residential neighborhoods," it seems to clearly include established nonresidential neighborhoods as well. If the amendment is taken literally, industrial parks, major shopping centers and the like would not appear to be protected from becoming nonconforming uses, even if they have existed for years within a built-up urban area.

Consideration should be given to including such uses in the definition of "established residential neighborhoods."

Amendment

Subsection F.5.b. directs each local government with airport zoning powers to make its own initial determination as to which land areas in safety zones A and B should be considered as "established residential neighborhoods in built-up urban areas." The subsection goes on to state that in making such determination, the factors enumerated in subsection d. below shall be considered." In the accompanying statement of needs and authority related to the proposed subsection, it states that "it is necessary that these local determinations be reviewed by the commissioner in order to assure some uniformity in the zoning of airports in the state."

Comments

We support the review of such local determinations by the commissioner in order to assure some uniformity. However, we question the commissioner's ability to make such findings without clearly established performance standards and criteria. We believe that the amendment should incorporate clear definitions of the terms "established residential neighborhoods" and "built-up urban areas," and that the commissioner should use those definitions and the performance standards and criteria enumerated in subsection d. in making reviews.

Amendment

Subsection F.5.d. relates the criteria which a local airport zoning authority shall apply and consider in determining what constitutes an "established residential neighborhood in a built-up urban area."

Comments

The criteria established in this subsection are so general in nature as to offer no guidance whatsoever to municipalities or the commissioner in establishing or reviewing what constitutes an

"established residential neighborhood" or "a built-up urban area."

We suggest that the list of criteria be rewritten and made considerably more explicit. For example, a built-up urban area might be defined as having public or central sanitary sewer and water systems, and/or a density of greater than one dwelling per acre.

Amendment

Subsection F.5.e. establishes criteria for determining airport hazards and requires (in paragraph e.2.) that such property be acquired at public expense.

Comment

We favor the creation of a 1,000-foot clear zone as proposed in this subsection, but suggest that as written the paragraph applies only to residences. We suggest that the subparagraphs in F.5.e. be rewritten to deal with "any structure."

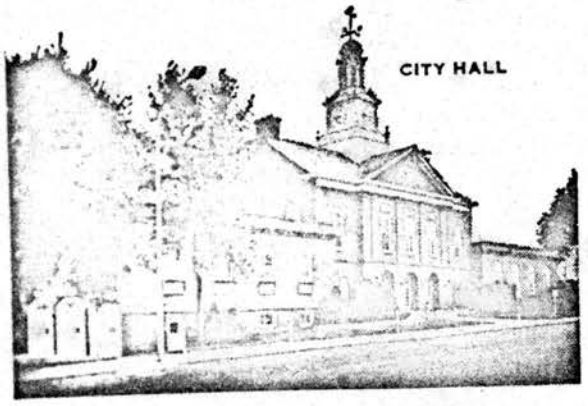
Amendment

Subsection F.5.e., paragraph 2, requires that properties containing hazards as defined in paragraph 1, must be acquired by the municipalities owning the airports.

Comments

Chapter 654 does seem to us to mandate acquisition. The law states that airport hazards shall be "acquired, altered or removed at public expense." This appears to permit the use of alternatives other than property acquisition to eliminate the conflicting land uses if such can be accomplished.

We suggest that the language in this paragraph be broadened to permit the use of other alternatives that may not require public expenditures. Some of the other alternatives which might be considered are: realignment of the problem runway, relocating thresholds, trade for other land owned by the municipality, purchase of development rights, and downzoning of vacant parcels.



City of Fergus Falls
FERGUS FALLS, MINNESOTA 56537

RECEIVED
OCT 26 1978
OFFICE OF HEARING EXAMINERS

DEPARTMENT OF PUBLIC WORKS

DIVISIONS OF:
ENGINEERING
STREETS
PARKS
PUBLIC UTILITIES

October 25, 1978

Mr. Harry S. Crump
Hearing Examiner
Office of Hearing Examiners
1745 University Avenue
St. Paul, Minnesota 55104

Subject: Proposed adoption of rules of the Department of Transportation Governing Airport Zoning Standards

Dear Mr. Crump:

I wish to offer into the record the following comments regarding the subject proposed rules, specifically Part 1.3010, F5d.

While the amendments do not directly affect the Fergus Falls Municipal Airport, it appears that they need to be much more specific in their definition of an "established residential neighborhood in a built-up urban area".

The Fergus Falls Municipal Airport is located in a rural area. However there is a substantial developed residential area located approximately 3600 feet Northeast of the end of a proposed runway. While the subdivision, as developed, is outside of Safety Zone A, the same developer owns land within Safety Zone A. If he had gotten it developed previous to our land acquisition program, we would have been hard-pressed, under the rules as proposed, to know whether or not to define it as an "established residential neighborhood in a built-up urban area". I suspect that although it may have met some of the criteria outlined in Part 1.3010, F5d, our Zoning Board would have avoided the designation given the lack of more specific guidelines.

It would appear that while the rules, as proposed, deal with "established residential neighborhoods in a built-up

area", they avoid a primary issue in not more specifically defining these neighborhoods.

While there is no objection on our part to adoption of the rules if they are more specific, I do feel that the existing rules should be examined in a more critical light to see if they would not accomplish the same goals.

Thank you for your consideration of these comments.

Sincerely,

Donald E. Ronning

Donald E. Ronning, P.E.
City Engineer

DERea
CC: Ms. Dagmar Runyon
Minnesota Department of Transportation
417 Transportation Building
St. Paul, Minnesota 55155

Oct 23, 1978

RECEIVED
OCT 25 1978
OFFICE OF HEARING EXAMINERS

Mr. & Mrs. George J. McElmury
4775 Sixth Street
Winona, Minnesota 55987

Mr. Harry S. Crump
Hearing Examiner

With a lot of hard work and saving we built our house about 40 yrs. ago. We raised our family and now we are retired we feel very safe & secure in our home.

Now we hear a new zoning rule has been adopted and all homes within 1000 ft. of the airport must be destroyed, not by a airplane but by a wrecking crew.

I would guess the chances of a plane destroying our home would be one million to one or less, but I know a wrecking crew is a sure thing.

We will take our chances with the airplane

Sincerely

George J. McElmury Irene McElmury

RECEIVED
OCT 23 1978
OFFICE OF HEARING
EXAMINERS

Oct 23 1978.

Winona, Minn.

I

Dear Sir!-

Am writting this letter to let you know we sure do not like the idea of destroying all our property on account of the airport run way. we have a nice 2 bedroom home here & we are Senia Citizens & retired

would like to keep our property here as always. Hopeing there can be a way of doing it without destroying all these beautifull homes here.

Hopeing this will work out for all of us leaving here.

Sincerely Yours

Mr & Mrs. Martin Eastmann

4752 West 6th St. Goodview

Winona, Minn.

55987.

RECEIVED
OCT 18 1978
OFFICE OF HEARING
EXAMINERS

Thief River Falls, Mn.
October 16, 1978

Mr. George A. Beck, Hearing Examiner
Office of Hearing Examiner
1745 University Avenue
St. Paul, Minnesota 55104

Dear Mr. Beck:

It is my understanding that you are examining the building of homes in the vicinity of airports in the State of Minnesota. I would like to bring to your attention a recent ruling by the Airport Zoning Commission here in Thief RiverFalls.

Mr. Ev Ault made application to build a new home just off the runway of our local airport. At a special meeting of the Zoning committee he was granted a variance to do this. When we built our home within the last five years the State owned the airport and we had to obtain a special permit which very definitely outlined what could and could not be built and where. During this time several homes within the path of the runway (which runs east & west) were moved at the owner's expense. Now, Mr. Ault has obtained permission to build his new expensive home within the direct path of this runway. True, he did sign an agreement that he would not hold the City of Thief River Falls responsible for any damage that an accident would cause his home or family but no where does he exempt the pilots or the companies owning the airplane nor does this agreement bind any future owner which he might sell his home to.

I believe that the Hearing Examiner Office should look into this situation. I cannot see why Mr. Ault would want to build his home so near the actual runway nor why the Zoning Commission granted this request. Perhaps my thinking may be faulty, but I do believe it should be looked into.

Thank you for your time and attention to this matter.

Sincerely,

Mrs. L. Olson

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 – 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

October 19, 1978

Ms. L. Olson
Thief River Falls
Minnesota 56701

Dear Ms. Olson:

I have received your letter of October 16, 1978, concerning the building of homes in the vicinity of airports. I am unable to relate this letter to any files which I have.

Could you please tell me in what document you noticed my name? If your comments are directed at a rule making hearing, perhaps you could give me the name of the state agency involved, or the date of the hearing.

Thank you.

Sincerely,

GEORGE A. BECK
Hearing Examiner

GAB:sw

(28)

We, the undersigned, wish to express our opposition to any rule proposed by the State of Minnesota, Department of Transportation, which would require the City of Winona to either (1) purchase the land and real property within the primary approach zone to runway 35 at Max Conrad Airport, or (2) close runway 17-35 as its only alternative.

The economic importance of Max Conrad Airport to the City of Winona and surrounding community is established. The cost of land and property in the subject zone would be prohibitive, leaving the only alternative to the city of closing the runway. The domino effect of closing this runway could ultimately result in a loss to the community of much of the utility of this valuable facility. Max Conrad Airport is used extensively by light aircraft with limited cross-wind capabilities. Much of the revenue generated by the fixed base operator at the airport is derived from primary flight instruction. The closing of said runway would seriously curtail instruction operations and/or create a safety hazard, perhaps more severe than the existing one. In the history of the airport, no accidents have occurred in this approach zone.

We respectfully request that the proposed rule be withdrawn or amended to include provision for variances.

Fred Bauer Jr Rt #3 Winona

Ken Rummert 1035 Zeisler St. La Crosse, WI

Richard G Kern 750 W. Burns Valley Rd, Winona

Dave Fields 1666 Gilmore Ave Winona

Steven Haller 50 East King St. Winona

Bobbie Jacobson 879 Hickory Cir Winona Minn.

Thom Douglas Route 2 319 Ridge Ave Galesville Wis

Jerome Krzmarzick 1666 GILMORE AVE WINONA, MINN

Fred Lutz RR1 PLUM CITY WIS.

Wm A. Smith 513 W 5th St Winona

Tim Behrens 1666 Gilmore Ave Winona

(39)

We, the undersigned, wish to express our opposition to any rule proposed by the State of Minnesota, Department of Transportation, which would require the City of Winona to either (1) purchase the land and real property within the primary approach zone to runway 35 at Max Conrad Airport, or (2) close runway 17-35 as its only alternative.

The economic importance of Max Conrad Airport to the City of Winona and surrounding community is established. The cost of land and property in the subject zone would be prohibitive, leaving the only alternative to the city of closing the runway. The domino effect of closing this runway could ultimately result in a loss to the community of much of the utility of this valuable facility. Max Conrad Airport is used extensively by light aircraft with limited cross-wind capabilities. Much of the revenue generated by the fixed base operator at the airport is derived from primary flight instruction. The closing of said runway would seriously curtail instruction operations and/or create a safety hazard, perhaps more severe than the existing one. In the history of the airport, no accidents have occurred in this approach zone.

We respectfully request that the proposed rule be withdrawn or amended to include provision for variances.

DAVE BERGER 129 WEST 3RD, WINONA, MN.
832 S HILL FOUNTAIN CITY, WISC.
225 E 3rd WINONA, MN.
Dan Walters R.R. 4 Winona Minn.
653 W. Sarnia, Winona, Minn. 55987
RR 2 EAST BURNS, VALLEY
1050 W LAKE BLVD - WINONA
25 N Main Fountain City, Wisc.
961 E Sanborn Winona
870 44th Ave. Winona
1615 Winona Dr. Winona
625 MANKATO, WINONA
4530 W 7th Goodview
810 5th Ave Goodview
529 Howard St Winona
R#2 Box 395 Galesville, Wis
635 4th Ave. Goodview
1630 W. 8th WINONA
Rt 2 Winona
525 S Baker Winona
PO BOX 161 Caledonia.

Duncan 452 Main #13 Winona

Tom Fiscus 4630 W. 5th St #5 (apartments offered)

Jon Jandsteuk 15 5th Winona

Kimball 250 Franklin

Mike Stumpf RR 3 Pleasant Valley

[illegible] 215 W Broadway Apt 1

Jon Schiller 1258 RANDALL #125

Corne 1258 Randall #225

Olga 527 LEAD ST LaCrosse, WIS.

E. Cook 920 Bruce Apt 81 Winona

Mark 1250 Howard Winona Minn 55987

Theodore J. Sorel 519 W MARK ST WINONA MINN 55987

John W Steen Jr 302 E 10th Winona MN 55987

Michael L. Cahir 257 East fourth Winona MN. 55987.

[illegible] Strangpoard 1106 W. MARK WINONA MN 55987

OCTOBER 12, 1978

TESTIMONY ON PROPOSED RULE CHANGES GOVERNING AIRPORT ZONING STANDARDS

PRESENTED BY STATE REPRESENTATIVE LINDA SCHEID, CHIEF AUTHOR OF H.F. 2052, PASSED IN 1978, BECOMING LAWS OF MINNESOTA, 1978, CHAPTER 654

I AM HERE TODAY TO TESTIFY REGARDING LEGISLATIVE INTENT IN PASSING H.F. 2052. IN THE FALL OF 1977 SEVERAL AREA LEGISLATORS AND I BECAME AWARE OF A PLANNED REZONING OF A LARGE AMOUNT OF LAND NEAR THE CRYSTAL AIRPORT IN THE NORTHWEST SUBURBAN AREA OF HENNEPIN COUNTY. SPECIFICALLY THE METROPOLITAN COUNCIL IN DRAFTING THE AVIATION CHAPTER OF ITS METROPOLITAN DEVELOPMENT GUIDE WAS GOING TO REQUIRE THE REZONING OF LAND NEAR THE ENDS OF AIRPORT RUNWAYS INTO AIRPORT CLEAR ZONES; THAT IS, A SAFETY ZONE A (EXTENDING AWAY FROM THE RUNWAY 2/3 OF THE LENGTH OF THE RUNWAY) AND A SAFETY ZONE B (EXTENDING ANOTHER L/3 OF THE LENGTH OF THE RUNWAY).

REGULATIONS REQUIRE THAT NO STRUCTURES BE LOCATED IN ZONE A AND THE DENSITY OF DEVELOPMENT IN ZONE B WOULD BE LIMITED. THERE WERE ALREADY SEVERAL HUNDRED HOMES WITHIN PROPOSED ZONES A AND B IN THE COMMUNITIES OF BROOKLYN CENTER, CRYSTAL AND BROOKLYN PARK.

WITH THE HELP OF REPRESENTATIVES OF EACH OF THE COMMUNITIES AFFECTED, METROPOLITAN COUNCIL STAFF, MN-DOT STAFF, METROPOLITAN AIRPORTS COMMISSION STAFF, HOMEOWNERS IN THE A-FECTED AREA, AND LEGISLATIVE STAFF, REPRESENTATIVE LYN CARLSON, STATE SENATOR BILL LUTHER AND I DRAFTED LEGISLATION TO ADDRESS THE ISSUE. THE EFFECT OF THE RE-ZONING WAS TO CAUSE PEOPLE, SOME OF WHOM HAD LIVED IN THEIR HOMES FOR 20 YEARS, TO BE PLACED IN THE POSITION OF LIVING IN THEIR OWN HOMES UNDER CONDITIONAL USE PERMITS BECAUSE THEY WOULD BE NON-CONFORMING USES -- HOMES STANDING IN AN AIRPORT SAFETY ZONE.

THE VERY FACT THAT THERE WERE NO PLANS TO ACTUALLY CLEAR OR LOWER THE DENSITY OF STRUCTURES IN THE SAFETY ZONES INDICATED THAT THE HAZARD WAS NOT SEVERE ENOUGH TO MERIT REMOVAL OF THE HOMES. WHY PLACE THE QUESTION MARK OVER THE PROPERTY -- IS IT SAFE OR UNSAFE? CAN HOME-OWNERS REBUILD A GARAGE THAT MIGHT BURN DOWN? OR A HOME THAT MIGHT BE SEVERELY DAMAGED IN A STORM OR FIRE?

SO THIS IS WHERE WE WERE COMING FROM. WE SOUGHT TO PROTECT THE INVESTMENT OF THE HOMEOWNERS AND RELIEVE THEIR ANXIETIES ABOUT THEIR SAFETY. THE LEGISLATION DIRECTS THAT EXISTING DEVELOPED AREAS NEAR AIRPORTS NOT BE REZONED. WHERE THERE IS A SUBSTANTIAL, UNDEVELOPED ARE THE ZONING REGULATIONS WILL BE IMPLEMENTED AND THE AREA WILL BE KEPT CLEAR. WHERE THE HAZARD TO THE AIRCRAFT AND ITS PASSENGERS OR TO THE PEOPLE AND STRUCTURES ON THE GROUND IS SO SEVERE, THE ZONING WILL BE IMPLEMENTED. BUT IN SUCH CASES THE OWNER OF THE PROPERTY WILL BE COMPENSATED AND THE STRUCTURE WILL BE REMOVED.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed
Adoption of Rules of the
Department of Transportation
Governing Airport Zoning Standards

STATEMENT OF THE CITY
OF WINONA, MINNESOTA

The following statement is respectfully submitted by the City of Winona, Minnesota:

HISTORICAL FACTS

The airport at Winona was built in 1946 after the land was acquired by the City of Winona. A zoning ordinance was imposed on the airport and approaches at that time. When the airport was built, Fifth Street was U.S. Highway No. 61, a highway which had been established for a number of years. The village of Goodview (now City of Goodview) had been established for many years and had a population probably in excess of 1,500 people. The Chicago and Northwestern Railroad Company and The Milwaukee Road had, prior to 1900, established railroad lines paralleling Highway 61 and between Highway 61 and the airport proper. Power lines had been in place for many years on the right-of-way of the railroads. There were structures off the end of the short runway southerly of the railroad track and northerly and southerly of U.S. Highway No.61. Winona lies in the valley and on each side are bluffs which rise approximately 600 feet above the valley floor. Presently, off the end of the runway are many residential facilities. In fact nearly all of the single family dwellins now in the approach were built before the airport was constructed.

USE AND NATURE OF RUNWAY 17/35

There are two runways at the Winona airport. One is 17/35, the subject of this paper and the other is 11/29. 17/35 crosses 11/29 near its southeast extremity. 17/35 is 2600 feet long and unlighted. Off the southerly end of this runway, approximately 5500 feet from the

primary zone, are the bluffs. These bluffs present a natural hazard limiting the approach to the runway to a 23:1 approach slope instead of 40:1 (design). It is believed that there have been no recorded accidents associated with 17/35.

The structures presently located in the approach zone now restrict the approach slope to 19:1. These include the railroad, power lines and six-plex apartment buildings.

The Federal Aviation Administration Advisory Circular (150-5330-3) suggests that enough runway should be provided to achieve 95 percent wind coverage at 12 miles per hour crosswind. Using the latest information available, the main runway is able to provide a 94.85 percent coverage which indicates that the crosswind runway (17/35) needs to be used 5 percent of the time during the daylight hours by small aircraft. Most of these aircraft are making an approach to the other end of the crosswind runway, which is over a backwater of the Mississippi River. The required use of 17/35 over theCity of Goodview is probably less than 2 percent of the total aircraft landings during daylight hours at the airport.

Using the Speas Associates Analysis Table 4-6, in the City of Winona's Airport Master Plan, completed in October of 1976, the number of landings over the City of Goodview would be less than 600 for the entire year. The City of Winona contends that this small amount of use during daylight hours, does not constitute a severe safety hazard as indicated in 5-e (bottom of Page 6) of the proposed zoning standards. This regulation does not allow for any variance to the proposed rules and regulations and therefore the City of Winona finds it unacceptable.

COST-BENEFIT

It does not make sense to the City of Winona that any government agency should purchase $1,125,000.00 worth of residences so that 600 light aircraft per year can land during the daylight hours. Besides

outright residential property purchases, other expenses will be encountered such as; utility modifications when and if the residences are purchased and removed. There will be the expense connected with scarifying and removing streets and replacing them with black dirt and seeding them. It is anticipated that sanitary sewers would have to be disconnected and water mains relocated, since this would be property of the City of Winona and the utilities would never serve a usefull purpose. Northern States Power Company, Northwestern Bell, and American Cablevision, would have to disconnect their services. Feeder lines for these utilities would have to be rerouted. Costs for these modifications cannot be estimated at this time.

The land to be acquired, if acquired, would be bordered by residential and commercial peoperty. Weeds, grass, and trees would have to be kept under control so that the area would be compatible with the surrounding areas. This would be a considerable and continuing annual expense for the City of Winona.

Costs which <u>can</u> be calculated are relocation costs for the residents and peoperty owners. Attached to this statement is a breakdown of the relocation cost of $357,000 as estimated by the City of Winona. This brings the total, not including utility and street costs, to nearly 1.5 million dollars.

POLICING PROBLEMS

The City of Winona would end up owning an important portion of the City of Goodview. This portion of Goodview would not be physically adjacent to the City of Winona. The laws of the City of Goodview would apply to the property. The likelihood is that if there was an abuse of the land such as dumping, the City of Winona would be responsible to the City of Goodview. Control and use of the land would be a perplexing and continuing problem for the two cities.

The purchase of this land would cause a tax loss to the City of Goodview and would result in the loss of precious acres needed for development because of the nature of the terrain in the area of the

two Cities. Neither City has sufficient land for its requirements in the foreseeable future, particularly serviceable residential areas.

FINANCIAL ABILITY TO PAY

The financial burden of acquisition and most of the other financial burdens will be imposed directly on the City of Winona. The City owns the airport, which is used by residents of the City of Winona, the City of Goodview, Winona County, and surrounding areas. However, the expense of operating the airport insofar as local government agencies are concerned, is borne entirely by the City of Winona. The City of Winona functions on a five-year capital improvement program. There are other programs, particularly one mandated by its proximity to the river. In 1965, after the highest flood on record, it was determined that the City of Winona would have to be protected by a very elaborate dike system. A portion of the dike system has been built and shortly, the City of Winona is bound to begin the acquisition of lands for the extension of the dike system. The total project is estimated to be $23,300,000, with the City's share $2,150,000, over the next 5 years.

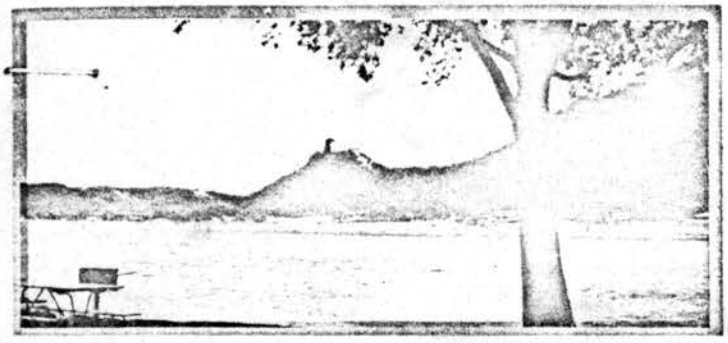
The City of Winona feels that it will be unable to raise the funds necessary to purchase the remaining residential structures in the first 1000 feet of zone A, for runway 35 if these proposed regulations are adopted.

CITY OF WINONA

by _____
Mayor

Dated: October 12, 1978

Exhibit K 10/10/78 cm.



CITY OF WINONA

CITY HALL · FOURTH & LAFAYETTE
WINONA, MINNESOTA · 55987
TELEPHONE (507) · 452-8550
452·4582 LIBRARY 452·2881 POLICE 452·4612 FIRE

October 5, 1978

R. James Harrington, Commissioner
MN Department of Transportation
Division of Highways
Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155

Dear Jim:

Knowing your interest in transportation matters here in Winona I thought I'd write you to let you know personally of the City's displeasure with the proposed MN/DOT rules governing airport zoning standards which would result in the City of Winona's spending a million and a half dollars or more to purchase property in Goodview.

I'm enclosing a copy of Winona's objections which will be presented before the hearing officer on October 12.

I'm hopeful that the merit of our objections will be considered with the end result that planned acquisition which would be required under the proposed rules will be unnecessary.

I hope you'll be able to devote personal attention and concern to this matter in the Department's arriving at its decision.

Best regards.

Sincerely,

Earl Laufenburger

Earl Laufenburger
Mayor

EL:df



** PLEASE PRINT CLEARLY

HEARING REGISTER

NAME	REPRESENTING	STREET ADDRESS	CITY	STATE ZIP	CHECK HERE IF YOU WISH TO MAKE A STATEMENT.	TELEPHONE NO.	CHECK HERE IF YOU WISH TO BE NOTIFIED BY THE AGENCY WHEN THE HEARING RECORD HAS BEEN SUBMITTED TO THE ATTORNEY GENERAL.
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			✓
[illegible]	" " "	" " "	"	"	✓		✓
John A. Olson	City of Crystal	4141 Douglas Dr	Crystal	55422	✓	533-8421	
Robert E Askegaard	City of Duluth	Rm 400 City Hall	Duluth	55802	✓	723-3645	✓
James P Uttley	Metropolitan Council	300 Metro Sq Bldg		55101		291-6421	✓
Mark Ryan	"	"	"	"	✓	"	✓
Ralph Rubenberger	City of Minneapolis	4th & Lafayette	Minneapolis	55401	✓	348-2500	✓
[illegible]	Lake Minnetonka	[illegible]	Excelsior	55331	✓	933-2158	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	
Brian Schaub	Ramsey District #14	1021 S.O.B.	St. Paul	55115	✓	771-5812	✓
Lawrence Jang	St. Paul Planning	421 Wabasha	St Paul	55102		298-4513	✓
Martha Greenwald	Midwest Planning & Research	416 E. Hennepin	Mpls	55414		379-4600	✓

** PLEASE PRINT CLEARLY

HEARING REGISTER

CHECK HERE IF YOU WISH TO MAKE A STATEMENT.

WISH TO BE NOTIFIED BY THE AGENCY WHEN THE HEARING RECORD HAS BEEN SUBMITTED TO THE ATTORNEY GENERAL.

NAME	REPRESENTING	STREET ADDRESS	CITY	STATE ZIP		TELEPHONE NO.	
HARRY A. LYON JR	Self- Comm Pilot	2119 E. Skillman Ave	No St. Paul	55109 Mn		777-2235	✓
GARY E BROWN	City of Winona	P.O. Box 378	WINONA	55987 MN		507-452-8550	✓
RICK JOPKE	CITY OF RICHFIELD	6700 PORTLAND AVE	RICHFIELD	55423		869-7521	✓
DAVID L. BANGASSER	CITY OF REDWOOD FALLS	BOX 10	R. F.	5628		507 637 5755	

Pg 4

Public Exhibit 4
10/12/78
SM

NARRATIVE STATEMENT

LEO BORKOWSKI

WINONA COUNTY COMMISSIONER

AIRPORT ZONING BOARD MEMBER

Having served as a member of the Winona County Commissioners for sixteen years and as a Airport Zoning Board Member for fifteen years, I am shocked by this proposed rule governing our airport zoning. The idea of the State of Minnesota ordering the City of Winona to purchase nearly one million dollars worth of residences in the City of Goodview, is totally ridiculous.

Many of the people who live in the area wouldn't know that they live next to an airport unless they had driven over to it. In fact, they seldom see planes using it.

I have heard some reaction to this proposal to close this runway, however, I know that it is very important to the small single engine aircraft, especially during very windy days.

It seems to me that this would be a good law for some larger airports, but due to the little use at this airport, some provisions should be put into the law to take into consideration existing conditions, future expansion plans, and the amount of air traffic.

Winona County cannot afford to lose this tax base anymore than the City of Goodview, nor can the City of Winona afford to purchase it.

This rule must be changed to allow for variances.

Leo R. Borkowski

Leo R. Borkowski
Winona County Commissioner
Second District

Pub. Ex 1 10/12/78 4m.a

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Airport Zoning Standards.	STATEMENT OF CITY OF GOODVIEW

The proposed rules, if adopted, would apply to zoning regulations affecting areas surrounding the Winona Municipal Airport. Some of the affected property lies within the City of Goodview. The principal effect of the proposed regulations would be to require purchase of existing residential properties in the City of Goodview by Winona. The City of Goodview is therefore an interested and affected party in these proceedings, and objects to the adoption of the proposed rules for the reasons hereafter stated.

The proposed rules do not conform to the requirements of the enabling legislation, and are contrary to the spirit and obviously intended effect of the legislation. Minnesota Statutes, Chapter 360, originally enacted as Chapter 303 of Laws 1945, authorizes the adoption and enforcement of airport zoning regulations, which are required to conform to minimum standards adopted by the Commissioner of Transportation (formerly the Commissioner of Aeronautics). Section 360.062 of the Statute contained legislative findings supporting restrictions upon the creation of airport hazards. Section 360.066 contained a general requirement that airport zoning regulations be reasonable and

necessary, considering the character of flying operations, the nature of terrain, the character of neighborhoods, and property uses. The Statute expressly allowed for the continuation of nonconforming uses, and allowed for variances from the strict application of zoning requirements. Amendments to the Statute contained in Chapter 654 of Laws 1978 had as their principal purpose the protection of existing neighborhoods. Section 360.062 was amended by adding a finding that "the social and financial costs of disrupting existing land uses around airports in built-up urban areas, particularly established residential neighborhoods, often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses;" and a declaration that "the elimination or removal of existing land uses, particularly established residential neighborhoods in built-up urban areas, or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety." An amendment to Section 360.066, Subdivision 1, required that zoning regulations take into consideration, in addition to the criteria already contained in the Statute, "the location of the airport," and "the existing land uses." In addition, a new subdivision was added to Section 360.066, entitled "Protection of Existing Neighborhoods." That subdivision requires that zoning regulations distinguish between creation of uses and elimination of existing uses; prohibits classification as nonconforming uses of low density residential structures

in established residential neighborhoods, except when justified by considerations of public safety; and requires that residential properties so classified be acquired at public expense. The obvious intent of the 1978 amendments was to provide additional protection for existing residential properties in areas subject to airport zoning. Ironically the proposed rules would disrupt residential land uses now permitted as nonconforming uses under existing zoning regulations. The proposed rules arbitrarily define certain safety zones in proximity to airports, and require that all residential properties and certain other properties within those zones be acquired at public expense. Many such properties now exist within those zones, and would be permitted to remain as nonconforming uses under existing zoning regulations, and under the previously existing Statute and regulations. It was certainly not the intent of the Legislature, in enacting provisions for the protection of existing neighborhoods, that regulations should be adopted by the Commissioner having the direct and immediate effect of disrupting existing neighborhoods.

In addition, the proposed rules adopt general and arbitrary criteria for determining safety zones within which residential properties must be acquired. They fail to take into account such factors as the character of flying operations, the location of the airport, the nature of the terrain, the existing land uses and character of the neighborhood, and the uses to which property to be zoned is put and adaptable, all as specifically required by Section 360.066, Sub-

division 1. It is significant that the 1978 amendments to that subdivision made these considerations applicable to "all minimum standards of the Commissioner defining airport hazard areas and the categories of uses permitted therein" as well as to local zoning regulations. Given the diversity of conditions existing at various airports throughout the State, it is submitted that the Commissioner cannot properly adopt minimum standards of general and unvarying application, but must consider local conditions in establishing minimum standards applicable to each airport.

The proposed rules would be particularly unreasonable in their application to circumstances existing at the Winona Municipal Airport. The area that would be primarily affected by the proposed rules is that area lying in the approach to runway 35. Runway 35 is a short (2,600 feet), unlighted, crosswind runway, with approach limitations resulting from terrain as well as existing land uses. The approach to runway 35 is over the City of Goodview, and a substantial number of residences, apartments, and properties devoted to commercial and other uses lie within the approach zone and the safety zones defined by existing zoning regulations. Some of this development took place prior to the existence of zoning regulations. Other development took place after zoning regulations had been adopted, but before their existence or applicability was generally known in the community. Other developments took place under variances from applicable zoning requirements, which were granted because the new structures or uses

were regarded as no more hazardous then already existing uses. In any case, the area lying under the approach to runway 35 is now highly developed, predominantly with residential uses. The area located within Safety Zone A and within 1,000 feet of the end of the primary zone, which is the area within which all residences would have to be acquired under the proposed rules, now contains twenty-nine separately described parcels of land, all but four of which are improved and contain existing structures. Twenty-three of the parcels contain single family residences, and two of the parcels contain three sixplex apartment buildings, for a total of forty-one living units. The population of the affected area is estimated at 104 people. The market value of all residential properties within the affected area, according to the most recent estimates of the County Assessor, is the sum of $870,822.00. Current real estate taxes payable by owners of these properties to the City of Goodview total approximately $3,444.00, and real estate taxes payable to the County and school district and other local taxing districts total approximately $11,618.00. In addition, the City of Goodview has outstanding assessments against these properties for local improvements in the amount of $5,356.00. The City of Goodview has estimated that it currently receives, with respect to persons residing in the affected area, local government aids of approximately $3,770.00 per year, and revenue sharing funds of approximately $910.00 per year. Acquisition of these properties by the City of Winona, with the resulting elimination of property

from local taxrolls and displacement of population, would result in a loss of all these revenues to the City of Goodview and other local government units. In addition, local taxes collectable by the City of Goodview would be reduced by approximately $7,530.00, because of levy limitations based upon population. It is assumed that substantially all of the affected population would be lost to the City of Goodview because of the lack of other available housing or vacant property suitable for construction of additional housing. The City of Goodview would also be confronted with a substantial vacant area, which would require disconnection or removal of streets, utilities, and other public improvements, and would create substantial problems in maintaining police protection within the affected area and municipal services in the surrounding area. These substantial costs and burdens to the municipality and affected residents would not be offset by substantial improvements in airport safety, since the runway in question receives limited use and is subject to other obstructions and limitations which would not be affected by the removal of residences. A map of the affected area within the City of Goodview, and a schedule of affected properties and values and projected losses in municipal revenue, are attached hereto as exhibits.

For all of the foregoing reasons, the City of Goodview objects to adoption of the proposed rules in their present form. We submit that any rules establishing minimum zoning requirements which are to be applicable to the Winona Municipal Airport should be specifically

tailored to local conditions, and should give proper consideration to the criteria set forth in the enabling Statute and the purpose and spirit of the 1978 amendments to the Statute.

Respectfully submitted,

CITY OF GOODVIEW

By _____
E. G. Callahan, Mayor

_____
Charles R. Smith

_____
Leslie Christianson

_____
Boyd Nichols

_____
Phil Conway

10/12/78
Exh.

I have received a copy of the statement which is being submitted by the City of Winona concerning the proposed airport zoning rules of the Department of Transportation. The application of those rules to the Winona Municipal Airport, will apparently cause a serious dislocation of people and property in the City of Goodview and impose a substantial cost on the City of Winona.

I believe that these problems could be lessened or eliminated if the proposed rules are redrafted to properly implement Laws 1978, Chapter 654. That act was intended to protect low density residential structures from classification as nonconforming uses under local airport zoning ordinances. The law provides, in effect, that when a low density residential use is determined by a local zoning authority to pose a very severe hazard to aviation or people on the ground, the structure must be acquired, moved or altered to eliminate the hazard.

The proposed rules to implement Chapter 654, however, do not contain any criteria or standards by which a zoning authority can decide whether a structure poses a severe enough hazard to require acquisition. These criteria are specifically required by Chapter 654. As the Winona statement points out, the amount of air traffic over a given neighborhood may be one appropriate criteria. The proposed rules simply give no guidance to local zoning authorities in this manner.

In addition, the proposed rules require local zoning authorities to prohibit and acquire certain land uses in zones around airports. Chapter 654 does not clearly authorize this type of requirement. The law leaves this decision to local zoning authorities provided that the local decision

meets the requirements of Chapter 654 (including consistency with the zoning standards of MnDOT). But even if MnDOT can require certain uses to be prohibited, Chapter 654 requires acquisition only in the case of "low density residential structures" in "established residential neighborhoods." To the extent that the proposed rules require local governments to acquire any other kind of structures, such as apartment buildings, electric transmission lines, et cetera, the rules go well beyond the mandate of Chapter 654 and burden local governments with large and unnecessary expenditures.

Submitted by Roger Laufenburger
State Senator Roger Laufenburger

Date 10/12/78

QUESTIONS

1. What evidence exists to support the reasonableness of the prohibitions on certain kinds of uses in certain areas around airports as contained in the proposed rules?

2. To what extent have the proposed rules recognized the limited financial resources of the affected communities?

Public Ex #3
10/12/78 M.T.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed
Adoption of Rules of the
Department of Transportation
Governing Airport Zoning Standards

STATEMENT OF THE CITY
OF WINONA, MINNESOTA

The following statement is respectfully submitted by the City of Winona, Minnesota:

HISTORICAL FACTS

The airport at Winona was built in 1946 after the land was acquired by the City of Winona. A zoning ordinance was imposed on the airport and approaches at that time. When the airport was built Fifth Street was U.S. Highway No. 61 --- a highway which had been established for a number of years. The Village of Goodview (now City of Goodview) had been established for many years and had a population probably in excess of 1,500 people. The Chicago and North Western Railroad Company and the Milwaukee Road had, prior to 1900, established railroad lines paralleling Highway 61 and lying between the Highway and the airport proper. Power lines had been in place for many years on the right-of-way of the railroads. There were structures off the end of the short runway southerly of the railroad track and northerly and southerly of U.S. Highway No. 61. Winona lies in a valley and on each side are bluffs which rise approximately 600 feet above the valley floor. Presently many residential facilities are off the end of the runway. In fact, nearly all of the single family dwellings now in the approach were built before the airport was constructed.

USE AND NATURE OF RUNWAY 17/35

There are two runways at the Winona airport. One is 17/35, the subject of this paper, and the other is 11/29. 17/35 crosses 11/29 near its southeast extremity. 17/35 is 2,600 feet long and unlighted. Off the southerly end of this runway and approximately 5,500 feet from the primary zone are the bluffs.

These bluffs present a natural hazard limiting the approach to the runway to a 23:1 approach slope instead of 40:1 (design). It is believed that there have been no recorded accidents associated with 17/35.

The structures presently located in the approach zone now restrict the approach slope to 19:1. These include the railroad, power lines, and six-plex apartment buildings.

The Federal Aviation Administration Advisory Circular (150-5330-3) suggests that enough runway should be provided to achieve 95 percent wind coverage at twelve miles per hour crosswind. Using the latest information available the main runway is able to provide a 94.85 percent coverage which indicates that the crosswind runway (17/35) needs to be used five percent of the time during the daylight hours by small aircraft. Most of these aircraft are making an approach to the other end of the crosswind runway which is over a backwater of the Mississippi River. The required use of 17/35 over the City of Goodview is probably less than two percent of the total aircraft landings during daylight hours at the airport.

Using the Speas Associates Analysis Table 4-6 in the City of Winona's Airport Master Plan completed in October of 1976 the number of landings over the City of Goodview would be less than 600 for the entire year. The City of Winona contends that this small amount of use during daylight hours does not constitute a severe safety hazard as indicated in 5-e (bottom of Page 6) of the proposed zoning standards. This regulation does not allow for any variance to the proposed rules and regulations and, therefore, the City of Winona finds it unacceptable.

COST-BENEFIT

It does not make sense to the City of Winona that any government agency should purchase $1,125,000 worth of residences so that 600 light aircraft per year can land during the daylight hours. Besides outright residential property purchases other expenses will be encountered such as utility modifications when

and if the residences are purchased and removed. There will be expense connected with scarifying and removing streets and replacing them with black dirt and seeding them. It is anticipated that sanitary sewers would have to be disconnected and water mains relocated since this would be property of the City of Winona and the utilities would never serve a useful purpose. Northern States Power Company, Northwestern Bell Telephone and American Cablevision would have to disconnect their services. Feeder lines for these utilities would have to be rerouted. Costs for these modifications cannot be estimated at this time.

The land to be acquired, if acquired, would be bordered by residential and commercial property. Weeds, grass and trees would have to be kept under control so that the area would be compatible with the surrounding areas. This would be a considerable and continuing annual expense for the City of Winona.

Costs which <u>can</u> be calculated are relocation costs for the residents and property owners. Attached to this statement is a breakdown of the relocation cost of $357,000 as estimated by the City of Winona. This brings the total cost, not including utility and street costs, to nearly 1.5 million dollars.

POLICING PROBLEMS

The City of Winona would end up owning an important portion of the City of Goodview which would not be physically adjacent to the City of Winona. The laws of the City of Goodview would apply to the property. The likelihood is that if there was an abuse of the land, such as dumping, the City of Winona would be responsible to the City of Goodview. Control and use of the land would be a perplexing and continuing problem for the two cities.

The purchase of this land would cause a tax loss to the City of Goodview and would result in the loss of precious acres needed for development because of the nature of the terrain in the area of the two cities. Neither city has sufficient land, particularly serviceable residential land, for its requirements in the foreseeable future.

FINANCIAL ABILITY TO PAY

The financial burden of acquisition and most of the other financial burdens will be imposed directly on the City of Winona. The City of Winona owns the airport which is used by residents of the City, the City of Goodview, Winona County and surrounding areas. However, the expense of operating the airport, insofar as local government agencies is concerned, is borne entirely by the City of Winona. The City of Winona functions on a five-year capital improvement program and there are other programs which need to be considered, particularly one mandated by its proximity to the Mississippi River. In 1965, after the highest flood on record, it was determined that the City of Winona would have to be protected by a very elaborate dike system. A portion of that dike system has been built and the City of Winona is bound to begin the acquisition of lands for the extension of the dike system shortly. The total project is estimated to be $23,300,000 with the City's share being $2,150,000 over the next five years.

The City of Winona feels that it will be unable to raise the funds necessary to purchase the remaining residential structures in the first 1,000 feet of Zone A for runway 17/35 if these proposed regulations are adopted.

CITY OF WINONA, MINNESOTA

by Earl Laufenburger
Mayor

Dated: October 12, 1978

Exhibit Q
10/12/78 Hrg.

WILLIAM P. LUTHER
Senator 45th District
306 State Capitol
St. Paul, Minnesota 55155
Telephone: 296-8869

Senate

State of Minnesota

October 11, 1978

Dagmar Runyon
Zoning Coordinator
Room 417 Transportation Bldg.
St. Paul MN 55155

Dear Ms. Runyon,

Thank you for the invitation to appear before you concerning the promulgation of rules pursuant to the changes in the airport zoning laws made during the last legislative session. I am sorry that I am unable to attend the hearing in person but unfortunately I have a prior commitment to speak at the Austin Vocational School.

However, I am enclosing a memorandum which has been prepared at my request by Alan Williams of the senate staff. You will note that he has expressed a number of concerns about the proposed rules and I would like this memorandum to be made a part of your record at this hearing. I have been in contact with Linda Scheid from the House of Representatives and I am informed that she will be attending the hearing and may express similar concerns about the proposed rules.

Since these rules are of critical importance to the citizens of my area, I would ask that the concerns expressed in Mr. William's memorandum be addressed and that appropriate revisions be made before the final promulgation of these rules. I am available to discuss the rules at another time and I hope you will feel free to call on me if I can be of any further assistance. Thank you for your consideration.

Sincerely,

Bill

William P. Luther
State Senator

WPL/df

Enclosure

cc: Rep. Linda Scheid, Dick Keinz, Ellen Temple

In section I.C., Mr. Williams asserts that it is unclear from the proposed rules whether or not the local governmental body may control establishment of new land uses. The Department submits that this point is clearly covered by the introductory paragraph of 14 MCAR Section 1-3010 F.5 which states that the existing provisions of F. 2 and F. 3 will continue to apply to land uses which were not in existence on January 1, 1978.

Section I. D. of Mr. Williams' comments deal with the power of the state to require local governmental bodies to acquire airport hazards other than low-density residential structures. The proposed rule applies to any residential structure, regardless of the number of persons living there. Chapter 654 directs the Commissioner to promulgate regulations to implement the statutes. It would be an unreasonable and unsupportable distinction in the regulations to state that single family homes within 1000' of a runway are unsafe and must be acquired and yet 6 or 8 unit apartment buildings may remain. Chapter 654 deals primarily with residential land uses and not merely with single family homes.

In any event, any apartment building effected by 14 MCAR Section 1.3010 F. 5 (e)(1)(a) and (b) are being prohibited as violation of minimum safety requirements and the Commissioner is clearly to set such requirements.

In section II. A of his memorandum, two points are made. The first is that the criteria to be used in establishing an established residential neighborhood are inadequate. The Department has suggested clarifications to the criteria in its proposed changes which answer part of Mr. Williams' criticism. Mr. Williams complains that the proposed rule does not state how the factors or criteria should be applied. We do not believe that it is necessary to specify, for example, that an area is more "urban" if it has a relatively

higher population. Additionally, we do not believe that the local decisions or the decisions of the Commissioner will tend to be arbitrary. Indeed, an ironclad list of factors which must be included in a specific area would be the arbitrary alternative in that unique local circumstances would not be considered. The very purpose of Department review is to prevent inconsistent determinations throughout the state. The second point raised in section II A is admittedly a debatable matter of statutory construction. Throughout Chapter 654, there are references to established residential neighborhoods in built-up urban areas. The Department's position is that the omission of the phrase "in a built-up urban area" in Minn. Stat. Section 360.066 Subd., 1a, clause (b) is an oversight in drafting and that the clause in question must be read together with the act as a whole.

The point raised in section II. C has been clarified by the re-numbering of 14 MCAR Section 1.3010 F. 5 (f) as 14 MCAR Section 1.3010 F. 5 (e)(3).

The point raised by Mr. Williams in section II. D has been addressed by the proposed change to 14 MCAR Section 1.3010 F. 5(e)(2).

INTER - DEPARTMENT MEMORANDUM

DEPT: Community Development

TO: David Sollenberger

DATE: September 29, 1978

FROM: Dave Mocol

SUBJECT: Airport zoning, estimate of relocation costs for displacing:

21 - Owner occupied single family dwellings
2 - Renter occupied dwellings
18 - Apartment units
(23 - Total dwelling structures)

For City relocation benefits to be in conformance with the Uniform Relocation Law, it is necessary for the City to pay all moving and relocation expenses of displaced individuals provided the occupant was a resident of the property 90 days prior to letter of intent to acquire. The City also must pay attorneys' fees, abstract and recording fees for both the acquired structure and the replacement dwelling.

Relocation

George Robertson, City Attorney, has estimated the attorneys' fees, abstract and recording fees to cost the City $200 per unit x 21 parcels - $4,200
This cost does not include an estimate for the City Attorney's time.

Each individual dwelling unit relocated would be eligible for a $200 relocation allowance. There are 41 dwelling units involved in the project area or 41 x $200 - $8,200

It is necessary to assume the single family structures are moderate sized and that the City would not be acquiring furnishings. For purposes of establishing an estimation, the average single family dwelling unit would consist of six rooms. The cost of moving allowances for a six room single family structure would be $275 x 23 single family dwellings - $6,325

Also for purposes of establishing an accurate estimation, it is necessary to assume the average rental apartment unit is four rooms $225 x 18 apartment units - $4,050

The Uniform Relocation Law requires the City to pay up to $15,000 per elegible homeowner occupied dwelling unit in replacement housing payments. We will assume that the 21 single family homeowners will repurchase homes; and considering inflation on housing markets, it is probable that the City would pay the maximum $15,000 payment to all 21 property owners - $315,000

The City is also required to compensate homeowners for the loss of favorable financing. This is a payment to compensate the displaced homeowner for the present worth of any loss of favorable financing. A displaced homeowner is entitled to an interest payment only if the dwelling acquired by the Housing

Authority was encumbered by a bona fide mortgage which was a valid lien on the dwelling for at least 180 days immediately prior to the date of offer to purchase by the Authority.

The interest payment may include the following:

(a) Debt service costs (such as points paid by purchaser on the replacement dwelling).

(b) The discounted present value of the difference between: the amount required to amortize the unpaid balance of the loan on the acquired dwelling over the remaining term of that loan and, the amount which would be required, at the interest rate of the loan on the replacement dwelling, to amortize the unpaid balance of the loan on the acquired dwelling over the remaining term of that loan.

Due to the variability with this component, an estimate is not possible.

Apartment dwelling units and the two renter occupied single family dwellings would be eligible for a replacement housing payment to cover the difference in rents between the structure acquired and the comparable rents of the replacement unit. The City is compelled to pay the difference between rents for a period of four years.

Based on an assumption that the average monthly difference in rent between the structure acquired and the replacement unit will be $20. The yearly payment per unit will be $240, and for a period of four years, this will cost the City $960 per unit or - $19,200

This estimate is based on the supposition that no rental tenants will relocate to owner occupied housing. If a renter decides to purchase, the City would be required to pay a portion of the down payment.

If you buy: You may decide to buy a home. If you do, you may receive a payment to assist you in making the down payment.

Example:	The replacement house costs	$20,000	
	The down payment required is	4,000	
	You will receive	3,000	
	You will add	1,000	
	For a total payment of		$4,000

Again, due to the variability of this factor, it is not possible to give an estimate as to the projected dollar cost to the City.

The total relocation cost for this project would be at a conservative minimum - $356,975

As stated above, this does not include cost incurred by the City for the services of the City Attorney. It also does not include the cost to cover relocatee's loss of favorable financing and down payment expenses for renters wishing to purchase dwelling units.

I hope this estimate is of some assistance in your analysis.

DM/amm

Exhibit L

Tom Stoa
District 34B
Winona County
Committees:
Environment and Natural Resources
General Legislation and Veterans Affairs
Governmental Operations



Minnesota House of Representatives
Martin Olav Sabo, Speaker

RECEIVED
OCT 11 1978
OFFICE OF HEARING EXAMINERS

October 10, 1978

Mr. Harry Crump, Hearing Examiner
Room 300
1745 University Avenue
St. Paul, MN 55104

Dear Mr. Crump:

I am writing in regard to the matter of the proposed adoption of rules of the Department of Transportation governing airport zoning standards. If these rules were to be adopted as currently written, it would seem that they would require that the city of Winona buy up a large portion of the city of Goodhue at an expense in excess of $1 million. (That is a conservative estimate of the cost of eliminating the residential structure in the first 1000 feet of Zone A of Winona's Runway 35.)

I do not feel that the proposed regulation in this regard is either necessary or following the intent of the Legislature. I understand that Rep. Linda Scheid will further address the point of legislative intent at the October 12 hearing. From a conversation with her, it does seem clear to me that the intent of her legislation was not to mandate the removal of large numbers of buildings, but rather to accomodate them in the existing land use patterns, unless a "severe safety hazard" exists. In my opinion, a severe safety hazard does not exist in the case of the Winona airport. A runway in question has but limited use. It does not seem that the potential safety hazard is so great as to justify the expenditure of over $1 million, as would apparently be required by the proposed rules.

I urge you to carefully reconsider the matter as presented by the Department of Transportation. It does not seem that the proposed rules follow the intent of the Legislature or common sense in approaching the question of this aspect of airport zoning standards. Thank you for your attention to this matter.

Sincerely,

Tom Stoa

Tom Stoa
State Representative

TS/ljb

Reply to: ☐ Minnesota House of Representatives, State Capitol, St. Paul, Minnesota 55155 (612) 296-2709
☐ 763 East Front Street, Winona, Minnesota 55987 (507) 454-5229

Exhibit P 10/13/78 cm. 1.

October 3, 1978

RECEIVED
OCT 4 1978
OFFICE OF HEARING EXAMINERS

Mr. Harry S Crump, Hearing Examiner
Office of Hearing Examiners
1745 University Ave
St Paul, MN 55104

From: Brooklyn Park Crystal Airport Proximity Property Owners' Assn

Re: The matter of the proposed adoption of rules of the Department of Transportation governing airport zoning standards

Dear Sir;

The above association of property owners actively participated in the establishment of legislation under which these proposed rules are being promulgated. We wish the following comments entered into the record.

1) We sincerely believe that MAC, MnDot, the various commissioners and their staffs are to be most highly complimented for:

a) their cooperation and consideration shown the concerned citizens during the hearing and legislative processes that have taken place to date.

b) the exceptional job done in proposing rules that genuinely attempt to properly balance the safety of all sections of the affected public with the socio-economic concerns of the various potentially affected communitites and residents.

2) We support these proposed rules in general.

3) Rep. Linda Scheid speaks for us as to legislative intent as it relates to specifics.

Respectfully,

Joel H Nelson

Joel H Nelson
Chairman
(my home address is:
6441 Georgia Ave N
Brooklyn Park, MN 55428)

STATE OF MINNESOTA

SENATE COUNSEL

PETER S. WATTSON
LARRY R. FREDRICKSON
THOMAS J. TRIPLETT
THOMAS S. DEANS
DIANNE C. HEINS
GARY R. JOHNSON
PATRICIA R. JOHNSON
JO ANNE M. ZOFF
ALAN C. WILLIAMS
JAY Y. BENANAV
JANEL M. BUSH

480 STATE OFFICE BUILDING
ST. PAUL 55155
(612) 296-2511

October 9, 1978

TO: Senator Bill Luther

FROM: Alan C. Williams, Senate Counsel acw

SUBJ: Proposed Amendments to Airport Zoning Rules of the Minnesota Department of Transportation

I have reviewed the amended airport zoning rules which Mn/DOT has proposed in order to implement Laws 1978, Chapter 654, the Act authored by you and Representative Scheid.

The rules fail to implement several of the most important requirements established by Chapter 654. In addition, the rules may require some actions and expenditures by local units of government which were not required by Chapter 654. Finally, the rules are confusing and self-contradictory on a number of points.

I have not attempted to critique the reasonableness of the rules, particularly the department's judgment about which residential uses in Zones A and B must be prohibited under the rules. I presume that Mn/DOT will be required by the hearing examiner to provide satisfactory evidence supporting the reasonableness of those judgments. Nor have I attempted to critique the department's estimate of local expenditures needed to comply with the rules ($3.25 million over two years).

I. Failure to Implement Requirements of Laws 1978, Chapter 654.

A. Prohibition of Certain Non-Conforming Use Classifications

The single most important provision of Chapter 654 requires that

> No airport zoning standards or local airport zoning ordinances or regulations shall be adopted pursuant to sections 360.061 to 360.074

> that classify as a nonconforming use or require such classification with respect to any low density residential structure or isolated low density residential building lots existing on January 1, 1978 in an established residential neighborhood.
> (Minnesota Statutes 360.066, Subdivision 1a, clause (b), Laws 1978, Chapter 654, Section 3)

The proposed rules do not explicitly include this prohibition. Section 1.3010.B. implies that local zoning authorities retain this power by providing that those local authorities

> . . . may adopt airport zoning ordinances, orders, or regulations more restrictive than the minimum zoning standards set forth herein or in any other applicable law.

The specific provisions of the rules concerning the uses that may or may not be prohibited in established residential neighborhoods in built up areas do not address the question of classification as a nonconforming use. This kind of classification is explicitly prohibited by Chapter 654 with respect to "low density residential structures" and isolated lots. But it is permitted for other uses in established residential neighborhoods. This prohibition needs to be made clear in the rules.

B. Criteria for Balancing Public Interests In Safety And Non-Disruption of Existing Uses

Chapter 654 requires that the airport zoning standards of Mn/DOT

> . . . include criteria for determining when an existing land use may constitute an airport hazard so severe that considerations of public safety outweigh the public interest in preventing disruption to that land use. (Laws 1978, Chapter 654, Section 3)

The proposed rules do not contain any criteria for this purpose. Instead, the rules require local zoning authorities to prohibit certain types of existing uses because of the commissioner of transportation's judgment that those uses

> . . . constitute airport safety hazards so severe, either to persons on the ground or to the air-travelling public, or both, that they must be prohibited under local airport zoning ordinances. (Section 1.3010.F.5.e.4))

The local zoning authorities retain discretion to prohibit other existing uses which are not required to be prohibited by Mn/DOT rules. But no criteria are provided by which to exercise this discretion. The rules instead provide that

> The use restrictions contained in 14 MCAR 1.3010, F.1. - .4. provide guidance as to what uses the Commissioner deems not to be in the public interest in these Safety Zones.

Sections 1.3010.F.1. to F.4. contain the existing land use prohibitions in Safety Zones A and B, which continue to apply in non-residential neighborhoods. But the rules provide no criteria by which local zoning authorities can reasonably decide whether or not to apply these prohibitions in residential neighborhoods. Chapter 654 requires this sort of criteria and the rules should include them.

C. Distinguishing Between Existing and New Uses

Chapter 654 requires the Mn/DOT airport zoning standards and local airport zoning ordinances to

> . . . distinguish between the creation or establishment of a use and the elimination of an existing use . . .

The rules are not entirely clear on this point. The rules should make clear that local zoning authorities retain full authority to control establishment of new land uses (with the exception of prohibiting construction of a new low density residential structure on an isolated lot in an established residential neighborhood; this cannot be prohibited unless the local authority acquires the lot).

D. Acquisition of Airport Hazards

Chapter 654 required local authorities to acquire, alter or remove at public expense any low density residential structure in existence on January 1, 1978 in an established residential area if it determines that the structure is a prohibited airport hazard. The proposed rules require the prohibition and acquisition of other kinds of property in addition to low density residential property. The rules prohibit in certain specific areas within Zones A and B

> any structure which a person or persons customarily use as a principal residence (Section 1.3010.F.5.e.1. (a) and (b))

This could include apartment buildings and perhaps other structures which Chapter 654 does not require a local unit of government to acquire if it decides to prohibit them as airport hazards. Rather the local authority is free to declare these structures as non-conforming uses and to prohibit alterations and replacement. If the state is going to require local authorities to acquire any structures other than low density residential structures existing on January 1, 1978 in established residential neighborhoods it must justify this requirement on some basis other than Chapter 654, which does not require such acquisition.

II. Additional Matters

A. Defining "Established Residential Neighborhoods"

Chapter 654 protects low density residential structures in "established residential neighborhoods"; however, the law does not define this term. The rules provide that each local authority must decide whether a given neighborhood in the vicinity of an airport is an "established residential neighborhood in a built up urban area." This decision is then subject to review and approval by the commissioner of transportation. The rules provide what are termed "criteria" for making this decision. But the "criteria" are really only a list of factors to consider in determining whether a neighborhood fits the definition. A local zoning authority or the commissioner could use these factors to reach just about any desired conclusion. The rules do not explain the significance of any of the factors; that is, how consideration of that factor should affect the decision. This lack of any objective criteria for defining established residential neighborhoods could lead to inconsistent application of the law in different parts of the state and to arbitrary decisions by the commissioner when he reviews the local determinations.

It should also be noted that the Chapter 654 prohibition against nonconforming use classification of low density residential structures applies in any "established residential neighborhood," whether in a "built up urban area" or not. (See Laws 1978, Chapter 654, Section 3; Minnesota Statutes, Section 360.066, Subdivision 1a, clause (b)). Restricting the definition to built up urban areas would be inconsistent with Chapter 654.

B. Defining "Low Density Residential Structure"

The term "low density residential structure" is not defined in the rules, although "isolated residential building lot" is defined as a lot

> . . . located in an area is [sic] which the predominant land use is single-family or two-family residential structures.
> (Section 1.3010.F.5.e.1.(d))

Low density residential structure should also be defined.

C. Confusion Concerning Power of Local Zoning Authorities

Section 1.3010.F.5.c. of the proposed rules states that "no land use" in Zones A and B in an area determined to be an established residential neighborhood in a built up area may be prohibited by a local authority except those specifically listed in the rules. But Section 1.3010.F.5.f. of the rules states that

> The prohibited uses . . . [specifically listed]. . . are only those which present the most severe safety hazards to the air-travelling public or persons on the ground, as the case may be. Local government units may also prohibit other land uses in Safety Zones A and B as being unsafe to the public. [emphasis added]

The rules should make clear that local authorities must prohibit some uses and that they may prohibit (and, in some case, classify as nonconforming) other uses that are located in established residential neighborhoods.

D. Acquisition of Prohibited Uses

The rules do not make clear that local authorities may alter or remove a low density residential structure that they declare to be an airport hazard. Acquisition of the entire property is not the only alternative.

ACW:ld

Exhibit O cont.

LAW OFFICES

LeVander, Gillen, Miller & Magnuson

402 DROVERS BANK BUILDING • 633 SOUTH CONCORD STREET
SOUTH ST. PAUL, MINNESOTA 55075 • TELEPHONE (612) 451-1831

HAROLD LEVANDER
ARTHUR GILLEN
ROGER C. MILLER
PAUL A. MAGNUSON
HAROLD LEVANDER, JR.
PAUL H. ANDERSON
TIMOTHY J. KUNTZ
DANIEL J. BEESON

RECEIVED
OCT 4 1978
OFFICE OF HEARING EXAMINERS

September 29, 1978

Mr. Harry S. Crump
Hearing Examiner
Office of Hearing Examiners
1745 University Avenue
St. Paul, Minnesota 55104

In Re: In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Airport Zoning Standards

Dear Mr. Crump:

This is to acknowledge receipt of your Notice of Hearing relating to the above captioned matter called for October 12, 1978.

Please be advised that the City of Inver Grove Heights herewith requests that an insertion be made in the said ordinance specifically providing that "Established residential neighborhoods in Built-up Areas" includes the authorization of the local units of government to determine that such condition exists irrespective of whether a residential structure may or may not exist on a given residential lot or area.

The City of Inver Grove Heights further requests that specific provision be made in the proposed regulation authorizing the local units of government to issue necessary building permits, etc. to any structure within zones A or B that has been damaged or destroyed by fire, windstorm, etc.

In addition to the above stated requests for specific explanatory additions, the City of Inver Grove Heights herewith requests that an inclusion be made in the proposed regulations establishing that aircraft, including helicopters, be required to make their approaches, take-offs, and landings through the specifically designed zones A and B.

INTER - DEPARTMENT MEMORANDUM

DEPT: Community Development

TO: David Sollenberger DATE: September 29, 1978

FROM: Dave Mocol

SUBJECT: Airport zoning, estimate of relocation costs for displacing:

21 - Owner occupied single family dwellings
2 - Renter occupied dwellings
18 - Apartment units
(23 - Total dwelling structures)

For City relocation benefits to be in conformance with the Uniform Relocation Law, it is necessary for the City to pay all moving and relocation expenses of displaced individuals provided the occupant was a resident of the property 90 days prior to letter of intent to acquire. The City also must pay attorneys' fees, abstract and recording fees for both the acquired structure and the replacement dwelling.

Relocation

George Robertson, City Attorney, has estimated the attorneys' fees, abstract and recording fees to cost the City $200 per unit x 21 parcels - $4,200
This cost does not include an estimate for the City Attorney's time.

Each individual dwelling unit relocated would be eligible for a $200 relocation allowance. There are 41 dwelling units involved in the project area or 41 x $200 - $8,200

It is necessary to assume the single family structures are moderate sized and that the City would not be acquiring furnishings. For purposes of establishing an estimation, the average single family dwelling unit would consist of six rooms. The cost of moving allowances for a six room single family structure would be $275 x 23 single family dwellings - $6,325

Also for purposes of establishing an accurate estimation, it is necessary to assume the average rental apartment unit is four rooms $225 x 18 apartment units - $4,050

The Uniform Relocation Law requires the City to pay up to $15,000 per elegible homeowner occupied dwelling unit in replacement housing payments. We will assume that the 21 single family homeowners will repurchase homes; and considering inflation on housing markets, it is probable that the City would pay the maximum $15,000 payment to all 21 property owners - $315,000

The City is also required to compensate homeowners for the loss of favorable financing. This is a payment to compensate the displaced homeowner for the present worth of any loss of favorable financing. A displaced homeowner is entitled to an interest payment only if the dwelling acquired by the Housing

Authority was encumbered by a bona fide mortgage which was a valid lien on the dwelling for at least 180 days immediately prior to the date of offer to purchase by the Authority.

The interest payment may include the following:

(a) Debt service costs (such as points paid by purchaser on the replacement dwelling).

(b) The discounted present value of the difference between: the amount required to amortize the unpaid balance of the loan on the acquired dwelling over the remaining term of that loan and, the amount which would be required, at the interest rate of the loan on the replacement dwelling, to amortize the unpaid balance of the loan on the acquired dwelling over the remaining term of that loan.

Due to the variability with this component, an estimate is not possible.

Apartment dwelling units and the two renter occupied single family dwellings would be eligible for a replacement housing payment to cover the difference in rents between the structure acquired and the comparable rents of the replacement unit. The City is compelled to pay the difference between rents for a period of four years.

Based on an assumption that the average monthly difference in rent between the structure acquired and the replacement unit will be $20. The yearly payment per unit will be $240, and for a period of four years, this will cost the City $960 per unit or - $19,200

This estimate is based on the supposition that no rental tenants will relocate to owner occupied housing. If a renter decides to purchase, the City would be required to pay a portion of the down payment.

If you buy: You may decide to buy a home. If you do, you may receive a payment to assist you in making the down payment.

Example:	The replacement house costs	$20,000	
	The down payment required is	4,000	
	You will receive	3,000	
	You will add	1,000	
	For a total payment of		$4,000

Again, due to the variability of this factor, it is not possible to give an estimate as to the projected dollar cost to the City.

The total relocation cost for this project would be at a conservative minimum - $356,975

As stated above, this does not include cost incurred by the City for the services of the City Attorney. It also does not include the cost to cover relocatee's loss of favorable financing and down payment expenses for renters wishing to purchase dwelling units.

I hope this estimate is of some assistance in your analysis.

DM/amm

NARRATIVE STATEMENT

LEO BORKOWSKI

WINONA COUNTY COMMISSIONER

AIRPORT ZONING BOARD MEMBER

Having served as a member of the Winona County Commissioners for sixteen years and as a Airport Zoning Board Member for fifteen years, I am shocked by this proposed rule governing our airport zoning. The idea of the State of Minnesota ordering the City of Winona to purchase nearly one million dollars worth of residences in the City of Goodview, is totally ridiculous.

Many of the people who live in the area wouldn't know that they live next to an airport unless they had driven over to it. In fact, they seldom see planes using it.

I have heard some reaction to this proposal to close this runway, however, I know that it is very important to the small single engine aircraft, especially during very windy days.

It seems to me that this would be a good law for some larger airports, but due to the little use at this airport, some provisions should be put into the law to take into consideration existing conditions, future expansion plans, and the amount of air traffic.

Winona County cannot afford to lose this tax base anymore than the City of Goodview, nor can the City of Winona afford to purchase it.

This rule must be changed to allow for variances.

Thank you for your consideration of the above matters.

Very truly yours,

LeVander, Gillen, Miller & Magnuson

Paul A. Magnuson, City Attorney
City of Inver Grove Heights

PAM:egm

Exhibit ID N

City of Crystal



Phone: 537-8421

4141 DOUGLAS DRIVE NORTH
CRYSTAL, MINNESOTA 55422

ADMINISTRATIVE OFFICE

RECEIVED
SEP 28 1978
OFFICE OF HEARING EXAMINERS

September 26, 1978

Mr. Harry S. Crump
Hearing Examiner
House of Hearing Examiners
1745 University Ave.
St. Paul, MN 55104

Dear Mr. Crump:

The proposed rules of the Department of Transportation regarding Airport Zoning Standards, were received by the City of Crystal and discussed at the City Council meeting of September 19, 1978. In reviewing the proposed rules, the Council expressed its concern about two items. The first concern was for homes surrounding the Crystal Airport which might be affected by the hazard zone which would be established under Section 5E. According to our calculations, the hazard zone would extend into property and include some homes which are in a line from the southwest end of the southwest-northeast runway of the Crystal Airport. It is the concern of the City Council that these homes would be in jeopardy and would, by the proposed rules, have to be purchased by the Airports Commission.

We would hope that the Hearing Examiner would review this situation and would suggest minor changes to correct the problem.

The second concern, and equally as important as the first, was for a master plan for the Crystal Airport. At the present time, the Metropolitan Airports Commission has not established a master plan for this airport. The Council is concerned that if the MAC proposes any extension of runways, the hazard zone established by the Commissioner in 5E would then include single family residences which, according to the rules, would have to be eliminated.

If the City was assured that the airport would not be extended (the assurance being made in a master plan approved by the Airports Commission) then we would agree with the proposed rules. However, if at such time the Airports Commission does plan to extend the runways and these rules are in effect, then many homes at the end of both runways on the Crystal Airport, would then be in jeopardy of being removed.

I would hope that you would consider these problems when reviewing the proposed rules. The City will be represented at the hearing on October 12 and will again express these concerns and provide visual examples of what I have discussed in this letter.

If you need further information from the City, please feel free to call me and we will provide it to you. Thank you for your consideration.

Yours truly,

John T. Irving

John T. Irving
City Manager

JTI:JAO:pjr

Exhibit M 10/12/78 Cm L.

OFFICE OF THE
CITY ATTORNEY
CITY HALL
BEMIDJI, MINNESOTA
56601

RECEIVED
SEP 15 1978
OFFICE OF HEARING EXAMINERS

TELEPHONE
218-751-5610

September 13, 1978

Mr. Harry S. Crump
Hearing Examiner
Office of Hearing Examiners
1745 University Avenue
St. Paul, MN 55104

Re: In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Airport Zoning Standards

Dear Mr. Crump:

Please send me a copy of the Statement of Need and Reasonableness, which should be on file in your office at this time. I understand there may be some charge for the statement and if so, please bill the City of Bemidji.

I also request that the City of Bemidji be notified of all stages in this proceeding as we may be affected by these proposed Airport Zoning Rules.

Thank you for your cooperation.

Very truly yours,

Eugene R. Ouradnik

Eugene R. Ouradnik,
City Attorney

ERO:cb

cc: Donald Dougherty, City Manager

ADMIN 1000 (REV. 4/77)

STATE OF MINNESOTA

DEPARTMENT Transportation

Office Memorandum

TO : OFFICE OF THE HEARING EXAMINER

DATE: September 15, 1978

FROM : Jean M. Hansen
DOT/Administration

PHONE: 6-7840

SUBJECT: MN/DOT HEARING REPRESENTATIVES FOR AIRPORT ZONING STANDARDS

The hearing for the adoption of rules of the Department of Transportation governing Airport Zoning Standards will be held in the State Office Building Auditorium on October 12, 1978, commencing at 9:30 A.M.

Mn/DOT Hearing Representatives who will be called to testify on behalf of the agency include:

Jim Fortman	-Director of Preconstruction Section
Eric W. Ingvaldson	-Attorney and Legal Counsel Harstad & Rainbow Law Firm
Richard Keinz	-Director of the Office of Airport Development and Assistance
Lawrence McCabe	-Assistant Commissioner of Transportation; Aeronautics
Dave Nybakken	-Construction Engineer
Dagmar Runyon	-Zoning Coordinator

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Airport Zoning Standards.	ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules to be held in the State Office Building Auditorium, Wabasha Street, Saint Paul, Minnesota 55155, on October 12, 1978, commencing at 9:30 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Jim Harrington

Jim Harrington
Commissioner of Transportation

Dated this 30th day of August, 1978.

Subscribed and sworn to before me
this 30th day of August, 1978.

Agnes I. Litfin

Notary Public

AGNES I. LITFIN
Notary Public, Ramsey Co., Minn.
My Commission Expires
November 21, 1980

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Airport Zoning Standards.	NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the State Office Building Auditorium, Wabasha Street, Saint Paul, Minnesota 55155, on October 12, 1978, commencing at 9:30 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected person will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Harry S. Crump Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, Saint Paul, Minnesota 55104 (Telephone: 612-296-8111), either before the hearing or may be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the Hearing Examiner.

The proposed rules, if adopted, would modify existing zoning regulations as they are applied to established urban residential neighborhoods surrounding airports. A copy of the proposed rules is attached to this notice. Additional copies will be available at the door on the date of the hearing. The Department's authority to promulgate the proposed rules is contained in Laws of 1978, ch. 654, sec. 4.

Questions relating to the rules may be directed to Ms. Dagmar Runyon, 417 Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-3933). Please be advised that a lobbyist must register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined by Minn. Stat., ch. 10A.01, subd. 11, as any individual who is:

A. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

B. Spends more than $250, not including travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

Any questions relating to registration of lobbyists should be addressed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, Saint Paul, Minnesota 55155.

NOTICE: Any person may request a notification of the date on which the Hearing Examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the Department (in the case of the Department's submission or resubmission to the Attorney General).

NOTICE IS HEREBY GIVEN that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Department address given above and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the Department at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statment of need and reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge. The adoption of the proposed rules by the Department of Transportation will require the expenditure of public moneys by local public bodies. The Department's estimate of the total cost to all local public bodies in the State to implement the rule is $3.25 million. The Department expects that this total cost would be incurred within two years following the date of adoption of this rule.

Jim Harrington

Jim Harrington
Commissioner of Transportation

Dated this 30 day of August, 1978.

Subscribed and sworn to before me

this 30 day of August, 1978.

Notary Public

JAMES M. SNYDER
Notary Public, Dakota Co., Mn.
MY COMMISSION EXPIRES
Sept. 21, 1979

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF TRANSPORTATION GOVERNING AIRPORT ZONING STANDARDS

CERTIFICATE OF DELIVERY SECRETARY OF STATE LIST

I hereby certify that the attached 529 labels 8 sheets constitute the complete list of persons, associations, and other interested groups who as of 2:50 o'clock P M., this 7th day of September, 1978, have requested pursuant to M.S. 1974, 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Donna M. Scott

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF TRANSPORTATION GOVERNING AIRPORT ZONING STANDARDS

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Jean Hansen, being duly sworn on oath deposes and says:

1) That s he is an employee of the Administration Division of the State of Minnesota.

2) That on the 7th day of September, s he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 7th day of September, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Jean Hansen

Subscribed and sworn to before me this

7th day of September, 19[illegible].

Virginia Daniels

Notary Public,

Ramsey County, Minnesota

My Commission expires

VIRGINIA DANIELS
Notary Public, Ramsey Co., Mn.
MY COMMISSION EXPIRES
June 21, 1980

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed) Adoption of Rules of the) Department of Transportation) Governing Airport Zoning) Standards.)	AFFIDAVIT RELATING TO BARRIER FREE HEARING LOCATIONS

- -

Jean Hansen, Being first duly sworn, deposes and says:

That on the 8th day of September 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, she verifies the scheduled hearing room in the State Office Building Auditorium, Wabasha Street, Saint Paul, Minnesota 55155, barrier free to the handicapped.

/s/ Jean Hansen
Jean Hansen

Subscribed and sworn to before me

this 8th day of September, 1978.

Agnes L. Liefje
Notary Public

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed)
Adoption of Rules of the)
Department of Transportation)
Governing Airport Zoning)
Standards)

AFFIDAVIT OF SERVICE

- -

Jean Hansen, Being first duly sworn, deposes and says:

That on the 8th day of September, 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid and return requested, to all persons at the addresses shown on the attached List of Parties.

/s/ Jean Hansen
Jean Hansen

Subscribed and sworn to before me

this 8th day of September, 1978.

Agnes L. Liefen
Notary Public

§ 1.3010 Airport Zoning Standards.

A. Airport zoning. Contained herein are minimum standards for the zoning of public airports as to airspace, land use safety, and noise sensitivity.

B. Airport zoning powers. Any person or governmental body having airport zoning powers under Minn. Stat. §§ 360.061 to .076 may adopt airport zoning ordinances, orders, or regulations more restrictive than the minimum zoning standards set forth herein or in any other applicable law.

C. Airspace zones. The following airspace zones are established with relation to an airport and each runway:

1. Primary zone. All that land which lies directly under an imaginary primary surface as defined in 14 MCAR § 1.3009 E.1.

2. Horizontal zone. All that land which lies directly under an imaginary horizontal surface as defined in 14 MCAR § 1.3009 E.2.

3. Conical zone. All that land which lies directly under an imaginary conical surface as defined in 14 MCAR § 1.3009 E.3.

4. Approach zone. All that land which lies directly under an imaginary approach surface as defined in 14 MCAR & 1.3009 E.4.

5. Precision instrument approach zone. All that land which lies directly under an imaginary precision instrument approach surface as defined in 14 MCAR § 1.3009 E.5.

6. Transitional zone. All that land which lies directly under an imaginary transitional surface as defined in 14 MCAR § 1.3009 E.6.

D. Height restrictions. Except as necessary and incidental to airport operation, no structure or tree shall be constructed, altered, or allowed to grow in any airport zone so as to project above any of the imaginary airspace surfaces as established in paragraph C.

E. Land use safety zones. The following land-use safety zones are established with relation to an airport and each runway:

1. Safety Zone A. In the approach zones of a runway, Safety Zone A extends outward from the end of the primary surface a distance equal to two-thirds the runway length or planned runway length.

2. Safety Zone B. In the approach zones of a runway, Safety Zone B extends outward from Safety Zone A a distance equal to one-third the runway length or the planned runway length.

3. Safety Zone C. All that land which is enclosed within the perimeter of the horizontal zone defined in paragraph C.2. and which is not included in Zone A or Zone B.

F. Use restrictions. In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from an airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following use restrictions are applied to the land use safety zones:

1. General. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport

and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. Zone A. Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (nonspectator), cemeteries and auto parking.

3. Zone B. Zone B shall be restricted in use as follows:

a. Each use shall be on a site whose area shall not be less than three acres.

b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.

c. Each site shall have no more than one building plot upon which any number of structures may be erected.

d. A bulding plot shall be a single, uniform and noncontrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at Least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (sq. ft.)	Max. Site Population (15 persons/A)
3		12:1	10,900	45
	4	12:1		
4		10;1	17,400	60
	6	10;1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150
	20	6:1		
20	and up	4:1	218,000	300

e. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly.

4. Zone C. Zone C is subject only to the general restrictions contained in paragraph F.1.

5. Existing Residential Neighborhoods as of January 1, 1978. The provisons of paragraphs F.2. and F.3. above shall not apply to land uses which existed as of January 1, 1978, in "established residential neighborhoods in built-up areas." Such "established residential neighborhoods in built-up urban areas" which existed as of January 1, 1978, shall be subject to the use restrictions contained in this paragraph 5. The existing provisions of paragraphs F.2. and F.3. shall continue to apply to land uses which were not in existence as of January 1, 1978, and which were not located in "established residential neighborhoods in built-up areas" as of that date.

a. Statement of Purpose: Airport Safety Zoning balances the public interest involved in safety for persons on the ground, safety of persons traveling in aircraft and the public interest in maintaining existing land uses. The legislature has mandated special protection for land uses existing as of January 1, 1978, in "established residential neighborhoods in built-up urban areas." The provisions of paragraphs F.1. - .4. above strike the appropriate balance with regard to other land uses and areas and shall therefore be applied in those cases.

b. "Established Residential Neighborhoods in Built-up Urban Areas." Each governmental authority having airport zoning powers shall determine which areas located in Safety Zones A and B of each airport whithin its jurisdiction are also located in "established residential neighborhoods in built-up urban areas" as of January 1, 1978. In making such determination, the factors enumerated in subparagraph b. below shall be considered. Such neighborhoods which existed on such date and which were located in whole or in part in Safety Zones A or B shall be specifically located on the airport zoning map and shall be legally described in the airport zoning ordinance. Each governmental authority having airport zoning powers shall submit its proposed zoning map and ordinance to the Commissioner of Transportation for review and approval prior to holding a public meeting or taking other action thereon.

c. As of January 1, 1978, no land use in Safety Zones A or B and in an area designated as having been an "established residential neighborhood in a built-up area" as of January 1, 1978, shall be prohibited by an airport zoning ordinance except as provided in subparagraph e. below.

d. In determining what constitutes an "established residential neighborhood in a built-up urban area" the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on January 1, 1978:

(1) Location of the airport;

(2) Nature of the terrain within Safety Zones A and B;

(3) Existing land uses and character of the neighborhood around the airport;

(4) Population of the community;

(5) Population density;

(6) Population density near the airport compared with population density in other areas of the community;

(7) The age and the economic, political and social stability of the neighborhood and the community as a whole;

(8) The proximity of supporting school, commercial, religious, transportation and other facilities and their degree of integration with residential land uses;

(9) The character of the community as residential; and

(10) Other factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban and built-up.

e. (1) The following land uses if they exist in Safety Zones A or B and in an "established residential neighborhood in a built-up urban area" are considered by the Commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air-traveling public, or both, that they must be prohibited under local airport zoning ordinances:

(a) Any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A and within 1000 feet of the end of the primary zone;

(b) Any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zone A or B and which penetrates an imaginary approach surface as defined by 14 MCAR 1.3009, E.4.;

(c) Any land use in Safety Zone A or B which violates the provisions of 14 MCAR 1.3010, F.1.;

(d) As of January 1, 1978, any isolated residential building lot zoned for single-family or two-family residences on which such a structure, if built, would be prohibited by subparagraphs e.(1)(a), (b) or (c) above. An "isolated" residential building lot is one located in an area is which the predominant land use is single-family or two-family residential structures; and

(e) Any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off or maneuvering of aircraft.

(2) In the case of any land use prohibited by paragraph e.(1) above and which is located in an "established residential neighborhood in a built-up urban area" as defined by the local governmental unit as reviewed and approved by the Commissioner, the property on which the use is located shall be acquired at public expense by the governmental unit owning the airport and the prohibited use shall be eliminated.

f. The prohibited uses enumerated in paragraph e.(1) above are only those which present the most severe safety hazards to the air-traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in Safety Zones A and B as being unsafe to the public. The use restrictions contained in 14 MCAR 1.3010, F.1. -.4. provide guidance as to what uses the Commissioner deems not be be in the public interest in these Safety Zones. However, low-density residential structures and isolated low-density residential building lots in "established residential neighborhoods in built-up urban areas" as of January 1, 1978, must be acquired at public expense, as required by Minn. Stat., § 360.066, subd. 1 (a) (d) (1978), if such land uses are to be prohibited under a local zoning ordinance.

G. Noise sensitivity zones. Land-use noise sensitivity zones shall be established when requested by the Commissioner or by the governmental unit having airport zoning powers. The governmental unit having zoning powers, when required by the Commissioner, shall secure a study as to the boundaries of the area to be zoned for this purpose and the uses permitted therein.

TEST PATTERN TEST PATTERN
ADDRESS TEST ADDRESS
CITY TESTCITY MN
55555

TEST PATTERN TEST PATTERN
ADDRESS TEST ADDRESS
CITY TESTCITY MN
55555

AHCI
616
ST
551

ALLIN M KAPLS
2333 UNIV AVE SE
MPLS MN
55414

ALLENDERF MARSHALL
220 GRAIN EX 400 S 4TH
MPLS MN
55415

ALL
150
BLO
554

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDI
111
MPL
554

ANDERSON HAROLD
BOX 3047
MANKATO MN
56001

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

AND
442
EDI
554

ANTHONY DICK WDSM RADIO
230 E SUPR ST
DULUTH MN
55102

ARNOLD ROBERT MESFA
41 SHERBURNE
ST PAUL MN
55103

ARP
CO
VIR
557

ARROWHEAD REGIONAL DEV COMM
200 ARROWHEAD PLACE
DULUTH MN
55802

ASH GEORGE
3040 OTTAWA STREET
ST LOUIS PARK MN
55416

ASM
303
MPL
554

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETARDED
459 RICE SUITE 301
ST PAUL MN
55103

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARATTO DIVINE M
1192 BUSH ST
ST PAUL MN
55106

BAR
ST
DUL

BECK PAT
953 HYACINTH AVE
ST PAUL MN
55106

BEGALKA D REV
212 N ELK ST
BELLE PLAINE MN
56011

BEM
PLA
BEM
566

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BES
404
MPL
554

BINGHAM KE CRIM JUSTICE CTR
351CITY HALL ANNEX
ST PAUL MN
55102

BLAGEN PAPER CO W C LICKE
115 1ST ST SW
GRAND RAPIDS MN
55744

BLOM

NORT
550

AHOLA DEBRA
616 LINCOLN AVE APT 307
ST PAUL MN
55102

ALBERT,AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

ALLERS JOHN
1501 W 80TH ST SUITE210
BLOOMINGTON MN
55431

AMER CAMPING ASSN
3639-21/2 ST N.E.
MPLS MN
55418

ANDERSON DEBRA
1115 E RIVER ROAD
MPLS MN
55414

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON MARY
4425 RUTLEDGE AVE
EDINA MN
55436

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ARROWHEAD ECONOMIC OP AGENCY
CO S BRUSTUN BOX 1065
VIRGINIA MN
55792

ARROWHEAD REG. DEV COMM.
211 W 2ND ST
DULUTH MN
55802

ASMUSSEN,DENNIS,MPING
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

BABCOCK LOCHER NELSON ET
118 E MAIN ST
ANOKA MN
55303

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARTHOLOW HAROLD E FIRE C
2600 109 AVE N W
COON RAPIDS MN
55433

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BENDA GEORGE
RURAL ROUTE 1
ALPHA MN
56111

BEST FLANAGAN ET AL
4040 IDS CENTER
MPLS MN
55402

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BLOOMINGTON CITY CLERK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

BOWMAN & BRUNS ATTN P [illegible]
1616 PIONEER BLDG
ST PAUL MN
55101

BROEKER JOHN
2350METRO DR. SUITE 504
BLOOMINGTON MN
55420

BROBACHER RICHARD COMM ATT
208 ADM BLDG
ST PAUL MN
55101

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

CABLE COMM SYST-H SARRAZIN
BOX 777
HECTOR MN
55342

CARLSON VERNE E
BOX 755 CITY HALL
WILLMAR MN
56201

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CITY OF ABERDEEN
CITY HALL
ABERDEEN SD
5742

CITY OF ANOKA
CITY HALL 2015 1ST AVE
ANOKA MN
5530

CITY OF BRAINERD
CITY HALL
BRAINERD MN
5640

CITY OF BUFFALO
212 CENTRAL AVE
BUFFALO MN
5531

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BRIC
807
DULL
553

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BRO
IND
GOO
567

BRUNING C.P.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BUS
SUI
MPL
554

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

CAIN RUTH
730 E 38TH ST
MPLS MN
55407

CAI
47
MPL
554

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CHA
30
ELY
557

CHIEF EDITOR ST INFO UNIT
1231 25TH ST NW
WASHINGTON DC
20037

CHI
401
MPL
554

CHRYSALIS CENTER FOR WOMEN
2104 STEVENS AVE S
MPLS MN
55404

CIT
386
ST
551

CITY OF ALBERT LEA
221 E CLARK ST
ALBERT LEA MN
5600

CIT
11
ALB
56

CITY OF APPLE VALLEY
14200 CEDAR AVE SO
APPLE VALLEY MN
5512

CIT
91
BL
5

CITY OF BRECKENRIDGE
CITY HALL
BRECKENRIDGE MN
5652

CI
63
BR
5

CITY OF BURNSVILLE
1313 E HWY 13
BURNSVILLE MN
5533

CI
13
CA
5

BRICK PHILIP D
807 SELLWOOD BLDG
DULUTH
55802

BRIGGS & MORGAN - D F FRI
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BROWN C M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
55343

BUSCH NOEL
SUITE 705 510 MARQUETTE
MPLS MN
55402

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

CAIRNS JOHN A
47TH FLR IDS CENTER
MPLS MN
55402

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHAVARRIA ADAM
1325 W 25 1/2 ST APT 206
MPLS MN
55405

CHILDS J L
4012 LYNN AVE S
MPLS MN
55416

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CITY OF ALEXANDRIA
114 7TH AVE W BOX 231
ALEXANDRIA MN
5630

CITY OF ANDOVER
1685 CROSSTOWN BLVD NW
ANOKA MN
55530

CITY OF BLAINE
9150 CENTRAL AVE NE
BLAINE MN
5543

CITY OF BLOOMINGTON
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
5543

CITY OF BROOKLYN CENTER
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
5543

CITY OF BROOKLYN PARK
5800 85TH AVE NO
BROOKLYN PARK MN
5544

CITY OF CAMBRIDGE
139 E FIRST AVE
CAMBRIDGE MN
5500

CITY OF CARVER COUNTY
600 E FOURTH ST
CHASKA MN
5531

CITY OF CHAMPLIN
12001 HWY 52
CHAMPLIN MN
5531

CITY OF CHANHASSEN
7510 LAREDO
CHANHASSEN MN
5531

CITY C
205 E
CHASKA
5531

CITY OF CLEAR LAKE
ROUTE 1
CLEAR LAKE MN
5531

CITY OF COLUMBIA HEIGHTS
590 40TH AVE NE
COLUMBIA HGHT MN
5542

CITY C
1313 C
COON R
5543

CITY OF CROOKSTON
PO BOX 374
CROOKSTON MN
5671

CITY OF CRYSTAL
4141 DOUGLAS DRIVE NO
CRYSTAL MN
5542

CITY C
20225
DEEPHA
5533

CITY OF DODGE CENTER
CITY HALL
DODGE CENTER MN
55927

CITY OF DULUTH
CITY HALL
DULUTH MN
55802

CITY C
3795 P
EAGAN
55122

CITY OF E GRAND FORKS
P O BOX 453
E GRAND FORKS MN
46721

CITY OF EDEN PRAIRIE
9950 EDEN PRAIRIE RD
EDEN PRAIRIE MN
55343

CITY C
4801 W
EDINA
55424

CITY OF FRIDLEY
6431 UNIVERSITY AVE NE
FRIDLEY MN
55432

CITY OF GOLDEN VALLEY
7800 GOLDEN VALLEY RD
GOLDEN VALLEY MN
55427

CITY C
15544
ANOKA
55303

CITY OF HOPKINS
1010 1ST ST SO
HOPKINS MN
55343

CITY OF HUTCHINSON
37 WASHINGTON AVE WEST
HUTCHINSON MN
55350

CITY C
8659 C
INVER
55075

CLARKSON J.P.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

CLAWSC
HELP C
MPLS

COLHAPP TED
1294 VALLEY VIEW ROAD
CHASKA MN
55318

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COMMUN
118 E
MPLS
55404

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
40 NO MILTON ST STE 106
ST PAUL MN
55104

CRAVEN
10637
BLOOMI
55431

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DAHLKE
118 S
BELLE
56011

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAWSON
ROOM
ST PAU
55155

CITY OF CHASKA
205 E 4TH ST
CHASKA MN
5531

CITY OF CCON RAPIDS
1313 CCCN RAPIDS BLVD
CCON RAPIDS MN
5543

CITY OF DEEPHAVEN
20225 CCTTAGEWOOD RD
DEEPHAVEN MN
5533

CITY OF EAGAN
3795 PILOT KNOB ROAD
EAGAN MN
55122

CITY OF EDINA
4801 W 50TH ST
EDINA MN
55424

CITY OF HAM LAKE
15544 CENTRAL AVE NE
ANOKA MN
55303

CITY OF INVER GROVE HTGS
8659 CCURT HOUSE BLVD
INVER GROVE MN
55075

CLAWSCN CONNIE
HELP CT 317-17TH AV SE
MPLS MN

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CRAVEN NORMAN
10637 THCMAS AVE S
BLCOMINGTCN MN
55431

DAHLKE LCIS M
119 S EAGLE ST
BELLE PLAINE MN
56011

DAWSCN JEAN MN GOV'T REPORT
RCCM B12 CAPITOL
ST PAUL MN
55155

CITY OF CIRCLE PINES
9201 LEXINGTON AVE NO
CIRCLE PINE MN
5501

CITY OF COTTAGE GROVE
7516 80TH ST SO
COTTAGE GROVE MN
5501

CITY OF DETROIT LAKES
106 E HOLMES ST
DETROIT LAKES MN
5650

CITY OF EAST BETHEL
2751 VIKING BLVD NE
WYOMING MN
55092

CITY OF FAIRMONT
114 E 1ST ST
FAIRMONT MN
56031

CITY OF HASTINGS
100 SIBLEY ST
HASTINGS MN
55033

CITY OF ROBBINSDALE
C LARSON 4221 LAKE RD
ROBBINSDALE MN
55427

COLEMAN NICHOLAS
208 STATE CAPITOL
ST PAUL MN
55155

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CROW WING CO PLANNING & A
COURT HOUSE
BRAINERD MN
56401

DAILEY THOMAS ECONOMICS L
370 WABASHA ST
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUNN OLIVER PLUMBERS LOC
708 SO 10TH ST
MPLS MN
55404

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

EDEVOLD RUTH
PO BOX 248
BEMIDJI MN
56601

EICHTEN DANIEL
3794 HAZEL
WHITE BEAR LK MN
55110

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
55343

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

ETHICS COMM
RM 41C STATE OFF BLDG
ST PAUL MN
55155

EVANS CHAS.L. PRENTICE-H
ENGLEWOOD CLIFFS
NEW JERSEY

FAEGRE & BENSON ATTN LIBR
1300 NW BANK BLDG
MPLS MN
55402

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FILTER LOREN
BOX 36
BRITT MN
55701

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FITZPATRICK LEO
9138 HENSLOWE AVE S
COTTAGE GROVE MN
55016

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDLUND MRS PHYLLIS
RR 4 BOX 37
CANBY MN
56220

DEVELOP DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

DORSEY MARQUART
2403 1ST NATL BANK BLDG
MPLS MN
55402

DUPONT MIKE
5720 EXCELSIOR BLVD
MPLS MN
55416

EBELING EDWARD H.
151 W. MAIN
PERHAM MN
56573

ELDER DR JAMES S
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ENDERSON WILLIAM
3644 NICOLLET AVE
MINNEAPOLIS MN
5540

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

EXING MRS WM
42 ASTAR RD
BABBITT MN
55706

FARRELL FRANK BUR NOP
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

DICKINSON MRS JOANNE
BOX 1065
MARSHALL MN
56258

DOUGLAS BELL ET AL
2212 AM.NATL BK BLDG
ST PAUL MN
55102

DZUGAN KEN ST PAUL PLANNING
421 WABASHA ST
ST PAUL MN
55102

ECKLUND WM ECKENBERG-LARSON
W 1080 1ST NATL BANK
ST PAUL MN
55101

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

FABE
130
MPL
554

FARSETH PAUL FOOD STAMPS PRO
WELFARE DEPT 650 N ROBT
ST PAUL MN

FINNEGAN J.S.
55 E. 4TH
ST.PAUL MN
55101

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FRISCN FRANK NECA
RM 305 200 SC ROBT
ST PAUL MN
55107

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GLEN. HILLS HOSP.R.VAN HAUER
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

HAROLD J WESTIN CONSTRUCTORS
45 E 8TH ST
ST PAUL MN
55101

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

HEIM PAUL M
3944 IDS CENTER 80 S 8
MPLS MN
55402

HENDRICKSCN MRS VIRGINIA
3324 COUNTRY WOOD DR
BURNSVILLE MN
55337

HOPKINS WM.B. DIR.MISSCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

GEO A HORMEL & CO LAW DE
PO BOX 800
AUSTIN MN
55912

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HARRY RICK
RT 1 BOX 138
KETTLE RIVER MN
55757

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HEISENFELT WM
BOX 616
BEMIDJI MN
56601

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HORNER WALDORF - KAZIUKEW
PO BOX 3260
ST PAUL MN
55165

FREDRIKSON BYRON ET AL
4TH FLR IDS CENTER
PLS MN
55402

GALVIN M J JR
#2162 1ST NATL BK BLDG
ST PAUL MN
55101

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GOLDBERG PROF MELVIN
WM MITCHELL COL OF LAW
ST PAUL MN
55105

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GRUMBERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

HANFT PHILIP A
1200 ALWORTH BLDG
DULUTH MN
55802

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAVEN ROBT TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HELTZER JAMES DAYTON HUDSON
777 NICOLLET MALL
MPLS MN
55402

HOLEY GEORGE
1509 SW SIXTH STREET
FARIBAULT MN
55021

FRIESEN MILLER A
#AHP BD 624 13TH ST S
VIRIGINIA MN
55792

GARDNER FOX - P A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GLEESON MICHAEL
909 SOC SC BLDG U OF M
MPLS MN
55455

GOODMAN CF TEL CABLE TV
302 E SUPERIOR
DULUTH MN
55802

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HANSON WARREN A SKELGAS
PO BOX 1650
TULSA OK
74102

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HEAD & TRUHN
1007 SOC LINE BLDG
MPLS MN
55402

HEARING EX.OFF. M GREENBERG
1745 UNIV AVE
ST PAUL MN
55104

HENDRICKSON A WM
100 FREEMAN DRIVE
ST PETER MN
56082

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

FRIS
RM 3
ST P
5510

GEBE
220
MPLS
5541

GLEN
3901
MPLS
5542

GRAH
854
MPLS
5540

GREE
41 S
ST P
5510

HARI
45 E
ST P
5510

HART
112
MANK
5600

HEAL
BOX
BEMI
5660

HEIN
3942
MPLS
5540

HENI
3324
BURI
5532

HOPK
3915
GOLI
5542

MEET JOHN
517 4TH ST NW
FARIBAULT MN
55021

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
ST PAUL MN
55164

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

JENSEN ARTHUR,CITY CLK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

KABLE RICHARD W

BETHEL MN
55006

KJERVIK DIANE
4302 POWELL HALL U OF M
MPLS MN

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HUSEBYE, CRAIG J.
5036 FRANCE S.
EDINA MN
55410

IMAGE
BOX 3215
ST PAUL MN
55165

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

JENSEN CARL A
127 S MAIN ST
SLEEPY EYE MN
56085

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KROEGER CHARLES
127 NW 7TH STREET
FARIBAULT MN
55021

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

IMS PAUL

ECHO MN

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JONES C NORTHSIDE RES REDEV
1800 OLSON MEMORIAL HWY
MPLS MN
55411

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KRONLOKKEN J E
10049 NORD RD
BLOOMINGTON MN
55437

HULSTRAND ANDERSON & LARS
PO BOX 130
WILLMAR MN
56201

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON LEROY
5939 BLUEBIRD ST NW
COON RAPIDS MN
55433

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRUGER F CLIFTON
210 E WALNUT
MANKATO MN
56001

LABELLE JUANITA MRS
5816 AQUILA AVE NO
NEW HOPE
55428

LAKE SUPERICR INDUSTRIAL
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSEN C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEAVEY THOS
829 22ND AVE SE
MPLS MN
55414

LEWIS CR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS MN
55403

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

MALECKI JAMES
1 SO STATE ST
NEW ULM MN
56073

MALONE E I COMM LABOR & I
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MCCLURG EUNICE
1061 139TH AVE NE
BLAINE MN
55434

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCNEILLY GREG MNDSVIEW ED AS
41 SHERBURNE AVE
ST PAUL MN
55103

METEROTTE, JOAN
1794 SO LEXINGTON
ST PAUL MN
55116

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

KVB ENGINEERING INC
600 S CO RD 18
MPLS MN
55426

LANAGAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEG REPORT SERV-P STURDEVANT
PO BOX 3259
ANNAPOLIS MD
21403

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS MN
55404

MACLIN ALAN ASST ATTY GE.
720 AMERICAN CENTE BLDG
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MCFADDEN G F DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

MIDLAND GLASS-RD SPURLING
PO BOX 49
SHAKOPEE MN
55379

LABE
5816
NEW
5542

LANGVIN DAVID
7560 80TH ST S
COTTAGE GROVE MN
55016

LEAGUE MN MUNIC
300 HANOVER 402 CEDAR
ST PAUL MN
55101

LEVEY JESS MET STATE UNIV
METRO SQ RM 121
ST PAUL MN
55101

LINDALL E JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MAHLE RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
55420

MANKATO STATE STUDENT ASSN
BOX 50 MANKATO COLLEGE
MANKATO MN
56001

MAYO FOUNDATION G ORWELL
200 FIRST AVE NW
ROCHESTER MN
55901

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MET TER MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

MILLER M ADMIN AGENCIES DIV
G19K STATE ADM BLDG
ST PAUL MN
55155

LABE
5816
NEW
5542

LAPP
1200
MINN
5540

LEAG
555
ST P
5510

LEAV
829
MPLS
5541

LOCK
R R 1
BAUD
5662

MALEC
1 SO
NEW U
56073

MANTH
1100
CLEVE
44114

MCCLU
1061
BLAIN
55434

MCNEI
41 SH
ST PA
55103

METRO
300 M
ST PA
55155

MILLER
ST MA
ROCHES
55901

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
[illegible] SHERBURNE AVE
ST P[illegible] MN
55103

S

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN ASSN WATERSHED DIST'

ADA MN
56510

)

MINN COMMUNITY DEVELOP SERV
512 RCSSMOR BLDG
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKA
717 DELAWARE S E
MPLS MN
55440

MINN GOV ENG COUNCIL
2400 SHERWOOD HILL RD
MINNETONKA MN
55343

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

VICE

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN POLLUTION CONTROL AGCY
1935 W CO RD B2
ROSEVILLE MN
55113

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 513
MPLS MN
55416

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
STPAUL MN
55101

MINN STATE RETIREMENT SYS
529 JACKSON ST
ST PAUL MN
55101

MINN. TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 # HWY 36
ROSEVILLE MN
55113

MIXA FRANK LK MNTKA COAS DIS
402 E LAKE ST
WAYZATA MN
55391

MN AUTOMOBILE DEALERS ASS
277 UNIV AVE
ST PAUL MN
55103

MN. BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN ELECTRICAL ASSN
2100 HUMBOLT SO
MPLS MN
55408

MN FED STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MN FCC SERV ASS J HOOD
214 PORTLAND
ST PAUL MN
55102

PILLSBURY TC4
2311 PILLSBURY AVE S
MPLS MN
55404

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN CHAP ASSOC BLDRS-CONTRS
7204 W 27TH ST
MPLS MN
55426

MINNESOTA FARMERS UNION
1717 UNIVERSITY AVE
ST PAUL MN
55104

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN.MTR.TRANSP. .J.N.JENN
1821 UNIV.
ST.PAUL MN
55104

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN
55104

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MN. ASN.C&IND H.D.PETERSON
430 CEDAR ST.
ST.PAUL MN
55101

MN GRAPHIC DESIGNERS ASSN
PO BOX 24272
MPLS MN
5542+

MINN AFL ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SE.
MINNEAPOLIS MN
55403

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MINN STATE EMP UNION COUNC 6
236 E PLATO BLVD
ST PAUL MN
55107

MINN TOB PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MINNESOTA AFL-CIO
175 AURORA AVE
ST PAUL MN
55103

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
5541+

MN ST PHARMACEUTICAL ASSN
2469 UNIVERSITY AVE
ST PAUL MN
55114

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MURPHY PATRICK DUFFY
1440 SUMMITT AVE
ST PAUL MN
55105

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

O'CONNELL RAY
MN GAS CO 733 MARQ AVE
MPLS MN
55402

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE GUL ALVIN

DEGRAFF MN
56233

MN STATE SER BLIND-K NATARDY
1745 UNIVERSITY AVE
ST PAUL MN
55104

MOSS DR JEROME
125 PEIK 155 PILLSBURY
MPLS MN
55455

MPLS ASSN RETARDED CITIZENS
3100 W LAKE ST
MPLS MN
55416

MT OLIVET ROLLING ACRES
R 1 BOX 579
EXCELSIOR MN
55331

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NEUMAN RALPH W
RT 2 BOX 175
EMBARRASS MN
55732

NURSING HOME RES ADV CO.
111 E FRANKLIN S21C
MPLS MN
55404

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

PAYNE RM 3
2400 FIRST NATL BK BLDG
MPLS MN
55402

MGFF
RM 3
MPLS
5541

MLSTC
PO BO
PERH
5657

MPLS
325M
MPLS
5541

MURPH
4200
MPLS
55402

NASS
5TH A
MPLS
55415

NCEC
CONCO
MOORH
56563

NO SU
2487
NC ST
55109

NW BE
224 S
MPLS
55402

OLCES
927 S
MPLS
55402

PARKE
7480
EXCEL
55331

PETER
HOOD
MPLS
55418

MOFFITT R C
RM 301 M MPLS CITY HALL
MPLS MN
55415

MOOD P BLOOMINGTON HLTH D
10200 PE[illegible] SO
BLOOMINGTON MN
55431

MOSTCA
PO BOX J
PERHAM MN
56573

MOTOR VEHICLE MFRS ASSN
411 MAIN ST (215)
ST PAUL MN
55102

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MURPHY DIANA E
4200 IDS-LINDQUIST VEIN
MPLS MN
55402

MURPHY PATRICK SSR INC
BOX 986 COURTHOUSE STA
ARLINGTON VA
22216

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MIT
5501 GREEN VALLEY DR
MPLS MN
55437

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NELSON HOWARD I

LINDSTROM MN
55045

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OLOFSON ARTHUR 880 E MAIN
927 SOO LINE BLDG
MPLS MN
55402

OLSON KATHLEEN
192 SEYMOUR AVE SE
MPLS MN
55414

PARKER SANDY
7480 CHANHASSEN ROAD
EXCELSIOR MN
55331

PATTISON ORVIS
BOX 745
WILMAR MN
56201

PETERSEN DOUG ESTES NEIGHBOR
HOOD SERV 1929 2ND STNE
MPLS MN
55418

PETERSEN MYRON O
ROUTE 2 BOX 99
SACRED HEART MN
56285

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL
55103

PORTER LYLE C

TRACY MN
56175

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

RAUENHORSTCORP-RONALD G KIRK
7900 XERXES S S-2200
MPLS MN
55431

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RIEKE DAVID
PO BOX 9311
MPLS MN
55440

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

SPRAGUE CHARLOTTE B
AREA HOSPITAL BOX 339
WINDOM MN
56101

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

PINNETTI NICK M HALEY & A
40 CENTRAL PARK S
NEW YORK NY
10019

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PROCTOR&GAMBLE L THECHAR
IVORYDALE TECH CENTER
CINCINNATI OH
45217

RADMAN RICHARD-LABOR TEMP
418 AUDITORIUM
ST PAUL MN
55102

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REGION FIVE REG. DEV. COM
102 6TH ST N
STAPLES MN
56479

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

ST PAUL DUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

SCHAEN ETHEL
1745 UNIVERSITY AVE
ST PAUL MN
55104

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN MR D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PORPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER DAVID
3002 27 AVE S
MPLS MN
55406

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56537

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RALPH BURKE ASSOCIATES
5200 W 73RD ST
MPLS MN
55435

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

REID DAVID H
6469 N GRAHAM RD
INDIANAPOLIS IN
46220

REGION NINE DEV. COMM.
709 N FRONT ST
MANKATO MN
56001

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROBBIE JOSEPH
904 CARGILL BLDG NC CTR
MPLS MN
55402

ROBERTS DR ALAN
BOX 297 MAYO C OF M
MPLS MN
55455

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

SAX DOVE & STENSEN
310 ENDICOTT BLDG
ST PAUL MN
55101

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SW REGIONAL DEV COMM
2811 BDWY
SLAYTON MN
56172

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SENATE COUNSEL OFFICE
ROOM 480 STATE OFF BLDG
ST PAUL MN
55055

SHAW ROBERT M
610 MOBIL OIL BLDG
MPLS MN
55402

SIX EAST REG. DEV. COMM.
311 N 6TH ST
WILLMAR MN
56201

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

STATE & FEDERAL AGENCIES
1101-15TH NW
WASHINGTON DC
20005

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SWANSON MORTIMER C
5824 FRANCE AVE S
EDINA MN
55410

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

SCHMIDT F W ICHRS RETIREMENT
202 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHNEIDER & NEESER
706 1ST ST SE PO BX 876
WILLMAR MN
56201

SENATE FINANCE COMMITTEE
ROOM 121 STATE CAPITOL
ST PAUL MN
55155

SIAS JACK W
BOX 4306-1573 SELBY AVE
ST PAUL MN
55104

SMERIKA WM.
BLUE CASCADE PAPERS
INTL FALLS MN
56649

SODERBERG MANGLED J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
MACNIA MN

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SUSSEL CO. ATTN: TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

THOMPSON HOUSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SCHMI
50 S
MPLS
5540

SCHWA
201 W
RCCHE
55901

SCHRC
2172
ST PA
55104

SENAT
RM 30
ST PA
55155

SILVE
8545
ST LO
55426

SMITH
75 DE
BROOK
11201

SODER
1414
MPLS
55402

STD A
3801
MPLS
5541C

SULLI
PO BC
BOISE
83701

SWANS
W-216
ST PA
55101

TIMES
5270
MPLS
55422

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHMIDT WARREN WELLCOME M
GARDEN CITY
MN
56034

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SELECTVISION INC ER VALEN
1 DAG HAMMARSKJOLD PL
NEW YORK NY
10017

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SILVERMAN JUDITH
8545 W 28TH ST
ST LOUIS PARK MN
55426

SITE ENGINEER INC
12 OLD DEERFIELD RD
WELCH MN
55089

SMITH MICHAEL
75 DE KALB AVE
BROOKLYN NY
11201

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SODERMAN ANTHONY
1414 FOSHAY TOWER
MPLS MN
55402

STANSFIELD ARLENE LAND G
PO BOX 116
MPLS MN
55440

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON DALE
P O BOX 335
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TIMESAVERS INC ATT E S VOLD
5270 HANSON COURT
MPLS MN
55422

TWIN CITIES PIPING IND AS
2829 UNIV SE SUITE 304
MPLS MN
55414

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SENATE COUNSEL OFFICE
ROOM 480 STATE OFF BLDG
ST PAUL MN
55055

SHAW ROBERT W
610 MOBIL OIL BLDG
MPLS MN
55402

SIX EAST REG. DEV. COMM.
311 N 6TH ST
WILLMAR MN
56201

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

STATE & FEDERAL AGENCIES
1101-15TH NW
WASHINGTON DC
20005

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SWANSON MORTIMER C
5824 FRANCE AVE S
EDINA MN
55410

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

SCHMIDT F W ICHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHULZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SENATE FINANCE COMMITTEE
ROOM 121 STATE CAPITOL
ST PAUL MN
55155

SIAS JACK W
BOX 4306 E-1573 SELBY AVE
ST PAUL MN
55104

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SUSSEL CO.ATTN:TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

UTLEY JOHN
4610 IDS CENTER
MPLS MN
55402

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

WALZ SAM CO ADMINISTRATION
ANOKA CTY COURTHOUSE
ANOKA MN
55303

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WHITING RALPH
7316 BAILEY ROAD
NEWPORT MN
55055

WILLETTE MARY
2711 W 47TH STREET
MPLS MN
55410

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOS LERLY
2137 BURNS AVE
ST PAUL MN
55119

WAMPLER LINUS DIR USW CF
609 PROVIDENCE BLDG
DULUTH MN

WEST CENTRAL REG. DEV.
ADM BLDG,COMMUNITY COLL
FERGUS FALLS MN
56537

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WILSON R GARY PPG INDUST
1 GATEWAY CENTER
PITTSBURGH PA
15222

WYANT CLINTON W ATTY

AITKIN MN
56431

ZIMMERMAN E OFFERMAN
CAMBRIDGE STATE HOSP
CAMBRIDGE MN
55008

VANDERVOORT T J MET WASTE
350 METRO SQUARE BLDG
ST PAUL MN
55101

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

W.W. MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN DRAKE STEPEN R
PO BOX 2134
TRIPOLI LIBYA N
ARAB

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
55042

WALTERS THOMAS MN MFG HOUSE
4530 W 77TH ST STE 227
MPLS MN
55435

WATERS, DONNA M.
11050 WINDMILL COURT
CHASKA MN
55318

WHITLOCK MARSHALL
RM 433 STATE OFFICE BLD
ST PAUL MN
55155

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WOLKERSTORFER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

UTLE
4610
MPLS
5540

VAN
700
DULU
5580

VOSS
1112
BLAI
5543

WALZ
ANOK
ANOK
5530

WELK
414
MPLS
5540

WHIT
7316
NEWP
5505

WILL
2711
MPLS
5541

WOZN
401
ST P
5510

Airlake Industrial Park, Box 517, Lakeville, 55044

Amen, Harry J., Star Route 2, Pequot Lakes 56472

Amundson Flying Service, Route 1, Box 175, Bricelyn 56014

Andersen, Wayne W., Route 1, Redwood FAlls 56283

Aquatrol Corporation, 2258 Terminal Road, St Paul 55113

Ayer, John E., Ayer Aviation Aero, Municipal Airport, LeSueur 56058

B & J Aerial Spray Service, Humboldt 56731

Beech Aero Center of Mpls, 13601 Pioneer Trail, Eden Prairie 55343

Benson Flying Service, 504 18th Street, North, Benson 56215

Bergemann Aerial Crop Service, Route 1, Box 114, Garden City 56034

Biske, Donal L., Winsted Municipal Airport, Winsted 55395

Block, E.J., 619 South Saratoga, St Paul 55116

Bohman Airways, Inc., Island View Route, Ranier 56668

Brainerd-Crow Wing Co. Airport Commission, City Hall, Brainerd, 56401

Call, O'Wild Air, Route 5 Mankato Airport, Mankato 56001

Charles Aerial Spray, Hancock 56244

Crystal Shamrock, 6000 Douglas Drive North, Mpls 55429

Deel, Dave, Jackson 56143

Duluth, Airport Authority, John C. Grinden, Duluth Int'l Airport, Duluth 55811

Ekstrom, Reynold, Route 2, Cass Lake 56633

Elmo Aero, Inc., Lake Elmo Airport, Lake Elmo 55042

Erickson, Clayton, Route 2, Hawley 56549

Flying Scotchman, Inc., 5201 Irving Avenue North, Mpls 55430

Garrett, Viola M., City Clerk-Treas., Pine River 56474

Gartner, Burkhardt & Schulman, Attn: A. Shulman, 112 7th Street NE, Rochester 55901

Greeley, Don, PO Box 822, Mankato 56001

Haberer, Herman H., 22905 West Martin Lake Drive NE, Stacy 55079

Halvorson, Thomas L., Halvair Div. Duluth Int'l Airport, Duluth 55811

Hart, Patrick V., 112 East Liberty Street, Mankato 56001

[illegible], Mr. & Mrs. Frank B., Route 5, Box 460, Brainerd, 56401

Hoffman's Crop Spraying Service, Route 2, Nicollet 56074

Horton, Don, 1160 Northern Federal Bldg., St Paul 55102

Hovda, James A., 4701 Elliot Avenue South, Mpls 55407

Ingle, Jim, Ingle Spraying Service, Fort Pierre, South Dakota 57532

International Jet Inc., Box 170-D, Lakeville 55044

Johnson, John Arlen, Sacred Heart 56285

Jose, Dorothy, City Clerk-Treasurer, Stephen, 56757

Klaphake, Ronald, City Hall, Morris 56267

Kloos, Lawrence C., Jr., Route 1, Barrett 56311

Korkki Aviation Inc., International Airport, Duluth 55811

Lange, Alden W., Flight Training Ct., Int., 10100 Flying Cloud Drive, Eden Prairie 55343

L.L. LeJeune Company, P.O. Box 19070, 118 West 60th Street, Mpls 55419

Matson, C.E., 2368 Joy Avenue, White Bear Lake 55110

Marine Iron & Ship Bldg., Co., 325 Lake Avenue South, Duluth 55801

McCall Aviation, Route 4, Box 57, Montevideo, 56265

Mesaba Aviation, 2002 Airport Road, Grand Rapids 55744

Midwest Helicopter, Inc., Route 5, Box 460, Brainerd 56401

MN Aviation Trades Assn., Inc., Box 6444, Mpls 55423

Mohr's Air-Marine Service, Crane Lake 55725

Moore, Glen, Crookston Flying Service, Inc., Municipal Airport, Crookston 56716

Nelson, Leonard T., St James Municipal Airport, St James 56081

Nord, Terry, Hallock Mun.Airport, Hallock 56728

Notch Electric, 334 Central Avenue, Long Prairie 56347

Olmsted County Flying Club, Inc., P.O. Box 6035, Rochester 55901

Olson, Raymond, Route 1, Hackensack 56452

Orr Public Airport, Orr 55771

Progressive Helicopter Services Inc., 5301 Chantrey Road, Edina 55436

Raiber, Ken, 309 West 2nd Street, Canby 56220

Brady Flying Service, Inc., 8 Division Street, Buffalo 55313

Red Baron Flyers, Caledonia 55921

Ricks, Lowell, Elbow Lake

Royalaire Co., Hector Airport, Hector 55342

Runke, George Jr., Cosmos 56228

Ryan AG Service, Inc., Attn: Jerome Johnson, Box 312, East Grand Forks

Saef-Air Repair, Inc., E.E. Francis, Fleming Field, So St Paul 55075

Sharkey, Edwin, 111 East Main, New Prague 56071

Sky-Farmer Aerial Sprayers, Inc., Attn: T.K. Pfeil, Box 166, Hwy 13 South, Waseca 56093

South Dakota Skydrivers Inc., Box 63, Sioux Falls, South Dakota 57101

Straight, Annabelle M., City of Pelican Rapids 56572

Tamarac Helicopter Corp., Gary Behrens, Press, Box 297, Evansville 56326

Thunderbird Aircraft Co., 5100 Eden Avenue, Mpls 55436

Valley Sky Divers Inc., % Don Solberg, 630 7th Street, West Fargo, ND 58078

Vermilion Aviation Inc., PO Box 397, Ely 55731

Vocational Flight Training, Box 360, Maple Lake 55358

Vogan, Virl, Gunflint, Lake, Grand Marais 55604

Waldref, Jerome, 760 San Ysidro Lane, Santa Barbara, California 93108

eber's Aero Repair, Inc., Alexandria Airport, Alexandria 56308

ecks, T.N., City Clerk, Windom 56101

est Central Airways Inc., Box 432, Fergus Falls 56537

iederkehr Ballons Intl., Inc., 1604 Euclid Street, St. Paul 55106

illmar Air Service, Inc.,Muncipal Airport, Willmar 56201

ings, Inc., Attn: John Lindberg, Hangar #1, St Paul Downtown Airport, St Paul 55107

orthington Flying Service, Inc., PO Box 605, Worthington 56187

yant, Clinton W., Attorney at Law, Aitkin 56431

Please Note:

If you intend to supplement this list with other lists when mailing a hearing notice, please compare lists and eliminate duplicate notices.

Thank you.

ALSO
NOTIFY ALL INTERESTED STATE DEPARTMENTS, BOARDS AND COMMISSIONS
AND
PLEASE SORT OUT INTEROFFICE MAIL FROM LABELS

The Following Names on the General Mailing List can be sent through Interoffice Mail

Brubacher, Richard, Comm. Adm., 208 Adm. Bldg.

Christiansen, Fredrik, Rm 505, Capitol Square Bldg.

Coleman, Nicholas, 208 State Capitol

Consumer Services Dept. Comm., 5th Floor, Metro Square Bldg.

Develop Disabilities Programs, State Plan, 101 Capitol Square Bldg.

Dispatch Pioneer Press, Press Rm, State Capitol

Ethics Comm., Rm 410, State Office Bldg.

Farseth, Paul, Welfare Dept., 690 N Robert Street, St. Paul

Giel, David, Rm B-28, State Capitol

House Appropriations Comm., Rm 109 State Capitol

Human Rights, 200 Capitol Square Bldg.

Human Services 414 Lafayette Rd., 5th Floor

Vandervoort, T.J., Met. Waste, 350 Metro Square Bldg.

Whitlock, Marshall, Room 433, State Office Bldg.

Leg. Ref. Lib-Z. Dewitt, Rm 111, State Capitol

Levey, Jess, Met. State Univ., Metro Square Bldg., Rm 121

McLellan, Larkin, 215 Adm. Bldg. St. Capitol
Maclin, Allen -Spec.Assist. Atty. Gen. 720 American Center Bldg. St..Paul
Malone, E.I., Comm. Labor & Industry, 444 Lafayette Rd., 5th Floor

Met. Waste Control Comm., 350 Metro Square Bldg.

Metropolitan Council Library, 300 Metro Square

Miller, Michael, Admin. Agencies Div., G19K State Admin. Bldg

Minn Comm for Handicapped, Metro Square

Minn Pollution Control Agency, 1935 W Co Rd B2, Roseville

Minn State Retirement System, 529 Jackson St

Minn Water Resources Bd, Rm 206, 555 Wabasha St.

Mpls Star Press Room, State Capitol

Office of the Governor, 130 State Capitol

Schmidt, H.W. Teachers Retirement, 302 Capitol Square Bldg.

Schutz, Linda, Rm 328 Capitol Bldg.

Senate Coun. Office, Room 480, State Office Bldg.

Senate Finance Comm., 121 State Capitol

Senate Gov. Op. Comm. Rm 303, State Capitol

Senator Robert J. Tennessen, 309 State Capitol

ADDITIONAL NAMES FOR THE GENERAL LIST

City of Jackson	City Hall	Jackson, Mn. 56143
City of LaCrescent	P.O. Box 142	LaCrescent,Mn. 55947
City of Lake Elmo	11194 Upper 33rd St.	Lake Elmo,Mn. 55042
City of Lake Independence	Route 1 Box 123A	Maple Plain, Mn. 55359
City of Lakeville	8830 207th St. W.	Lakeville, Mn. 55044
City of Litchfield	126 No. Marshall	Litchfield, Mn. 55355
City of Little Canada	515 Little Canada Rd.	Little Canada, Mn. 55117
City of Little Falls	100 7th Ave. N.E.	Little Falls, Mn. 56345
City of Maple Grove	9401 Fernbrook Lane	Maple Grove, Mn.
City of Maplewood	1380 Frost Ave.	Maplewood, Mn. 55109
City of Mendota Htgs.	Bank Bldg. 750 So. Plaza Dr.	St. Paul, Mn. 55120
City of Minneapolis	300 Public Service Center	Mpls, Mn. 55415
City of Minneapolis	220 Grain Exchange Bldg.	Mpls, Mn. 55415
City of Minneapolis	3801 66th Ave. No.	Brooklyn Center, Mn. 55429
City of Minnetonka	14600 Minnetonka Blvd.	Minnetonka, Mn. 55343
St. of Mn. Bldg. Code Div.	408 Metro Sq. Bldg.	St. Paul, Mn. 55101
City of Moorhead	Box 779,City Hall	Moorhead, Mn. 56560
City of Morris	City Hall	Morris, Mn. 56244
City of Moundsview	2401 Highway #10	St. Paul, Mn. 55113
City of Mountain Lk.	City Hall	Mountain Lk., Mn. 56159
City of New Brighton	803 5th Ave. N.W.	New Brighton, Mn. 55112
City of New Hope	4401 Xylon Ave. No.	New Hope, Mn. 55428
City of Northfield	304 So. Division	Northfield, Mn. 55057
City of Oakdale	1584 Hadley Ave. So.	Oakdale, Mn. 55119
County of Olmsted	Public Works Dept.	1421 Southeast Third Ave. Rochester,Mn.
City of Orono	P.O. Box 66	Crystal Bay, Mn. 55323
City of Plymouth	3025 Harbor Lane	Plymouth, Mn. 55441
City of Proctor	200 Second St. City Hall	Proctor, Mn. 55810
City of Ramsey	14100 St. Francis Dr.	Anoka, Mn. 55303

City of Red Lake Falls	Box 448	Red Lake Falls, Mn. 56750
City of Richfield	6700 Portland Ave.	Richfield, Mn. 55423
City of Robbinsdale	4221 Lake Road	Robbinsdale, Mn. 55422
City of Rochester	1421 3rd Ave. S.E.	Rochester, MN 55901
City of Rosemount	Box 455	Rosemount, MN 55068
City of Roseville	2701 No. Lexington Ave.	Roseville, MN 55113
City of St. Anthony	2900 Kenzie Terrace	Mpls., MN 55418
City of St. Cloud	City Hall	St. Cloud, MN 56301
City of St. Louis Park	5005 Minnetonka Blvd.	St. Louis Park, MN 55416
City of St. Paul	445 City Hall	St. Paul, MN 55102
City of St. Peter	Box 270	St. Peter, MN 56082
City of Savage	12305 Quentin Ave. So.	Savage, MN 55378
Scott County Bldg. Official	428 So. Holmes St.	Shakopee, MN 55379
City of Shakopee	129 E. 1st Avenue	Shakopee, MN 55379
City of Shoreview	4665 No. Victoria St.	Shoreview, MN 55112
City of So.St.Paul	125 3rd Ave. No.	So. St. Paul, MN 55075
City of Spring Lake Park	1301-81st Ave. N.E.	Spring Lake Park, MN 55432
City of Thief River Falls	P.O.Box 528	Thief River Falls, MN 56701
City of Warren	City Hall	Warren, MN 56762
Washington County	14900 - 61st St. No.	Stillwater, MN 55082
City of Wayzata	600 Rice Street	Wayzata, MN 55391
Township of White Bear	1281 Hammond Rd.	White Bear Lake, MN 55110
City of White Bear Lake	250 Miller Ave.	White Bear Lake, MN 55110
City of Windom	444-9th Street	Windom, MN 56101
City of Woodbury	2100 Radio Drive	Woodbury, MN 55041

Mr. Blaire Tremere (Brooklyn Center) 561-5440
6301 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430

Mr. Scott Clark 425-4502
5800 85th Avenue
Brooklyn Park, Minnesota 55443

Mr. William Sherburne 537-8421
4141 Douglas Drive
Crystal, Minnesota 55422

Mr. Robert Simon 451-1738
City Engineer
125 Third Avenue North
So. St. Paul, Minnesota 55075

Mr. John Voss 854-6252
8650 Courthouse Building
City of Inver Grive Heights
Inver Grove, Minnesota 55075

Mr. William Olson, Director of Planning & Engineering 726-5782
Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, Minnesota 55450

Mr. Nigel Finney 726-5791
Planning & Construction Engineer
6040 28th Avenue South
Minneapolis, Minnesota 55450

Mr. Donald R. Stockdale, Chief 725-3346
Airports District Office
Federal Aviation Administration
6301 - 34th Avenue South
Minneapolis, Minnesota 55450

Mr. Mark Ryan 291-6548
300 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Mr. Chauncy Case
300 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

City Planning Commission 941-2262
City of Eden Prairie
8950 Eden Prairie Road
Eden Prairie, Minnesota 55344

Mr. Duane Grace 777-5510
Chairman, Planning Commission
11194 Upper 33rd Street
Lake Elmo, Minnesota 55042

Mr. Howard Dahlgren 452-1850 (City Hall)
Planning Consultant for Mendota Heights
1 Groveland Terrace
Minneapolis, Minnesota 55403

Mr. Richard Krier, AIP
Planning & Re-development Director
6700 Portland Avenue South
Richfield, Minnesota 55423

869-7521

Minneapolis Planning Department
City Hall, Room 210
Minneapolis, Minnesota 55415

348-6315
-2597
(Oliver Byrum)

Mr. Dennis N. Olson
Crow Wing County Planning & Zoning
County Court House
Brainerd, Minnesota 56401

218-829-1726

Ms. Ann Leviton
Acting Planning Director
221 East Clark Street
Albert Lea, Minnesota 56007

507-373-2393

Mayor Helmer A. Ruth
3161 Maple Grove Road
Hermantown, Minnesota 55811

Mr. Tim Reilly
Office of Planning & Zoning
St. Louis County Courthouse, 5th Floor
Duluth, Minnesota 55802

723-3441

Mr. Robert Asleson
Duluth Ass't City Attorney
Room 400, City Hall
Duluth, Minnesota 55802

218-723-3368

Mr. Tom Katrube
Office of Planning & Zoning
Room 124
St. Louis County Courthouse
Duluth, Minnesota 55802

Mr. Tim Kennedy
Cook County Zoning House
Cook County Courthouse
Grand Maraid, Minnesota 55604

Mr. Thomas N. Rodeberg
City Engineer
P. O. Box 311
Montevideo, Minnesota 56265

Mr. Vincent Brown
City Planning Director
8 Bryant Avenue SE
P. O. Box 30
Wadena, Minnesota 56482

218-631-2383

Mr. Eugene R. Ouradnik
City Attorney
Box A
Bemidji, Minnesota 56601

Mr. Verne E. Carlson, [illegible]
City Hall
333 SE 6th Street
Willmar, Minnesota 56201

Mr. Darryl Zimmer
Goodview City Clerk
4140 5th Street
Winona, Minnesota 55987

Mr. Gary Brown, Utilities Director
City Hall, 207 Lafayette Street
Winona, Minnesota 55987

Mr. Arlyn Grussing
Director of Planning
2215 West Old Shakopee Road
Bloomington, Minnesota 55431

Mr. Dale Runkle 454-8100
Eagan Planning Department
3795 Pilot Knob Road
City of Eagan, Minnesota 55122

Mr. Cyril Walker 218-283-3378
City Clerk-Treasurer
City Hall
So. International Falls, MN 56679

Mr. Jerome Shermoen
City Attorney
City Hall
So. International Falls, MN 56679

Mr. Fred Boeckh Office 283-4114
Chairman, Int'l Falls-Koochiching Co. Airport Comm.
Falls International Airport
International Falls, MN 56649

Mr. Greg Withers, Planning Director 612-421-6630
City Hall
2015 1st Avenue North
Anoka, MN 55303

Mr. Rollie Green, Chairman
Joint Zoning Board
Box 251
Ely, MN 55731

Mr. Jim Walker, P.E.
15th Street and Bemidji Avenue
Box 634
Bemidji, MN 56601

Mayor Robert C. Beaudin
Duluth City Hall
Duluth, Minnesota 55802

Joint Airport Zoning Board
Duluth International Airport
c/o Patty Lundberg
Duluth, Minnesota 55811

State Representative Linda Scheid
224 State Office Building
St. Paul, Minnesota 55155

State Senator William P. Luther
306 Capitol Office
St. Paul, Minnesota 55155

AN ACT

H.F. No. 2052
CHAPTER No.

NOTE
This is the final version
of the bill that was
transmitted to the governor's
desk. Consult House Index Department
for updated status (296-6646)

RECEIVED
SEP 1 1978
OFFICE OF THE GOVERNOR
EXAMINED

relating to aeronautics; modifying airport zoning regulations to protect existing residential neighborhoods; amending Minnesota Statutes 1976, Sections 360.062; 360.065, Subdivision 1, and by adding subdivisions.

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

Section 1. Minnesota Statutes 1976, Section 360.062, is amended to read:

360.062 [HAZARDS CONTRARY TO PUBLIC INTERESTS; PROTECTION OF EXISTING NEIGHBORHOODS.] It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, ~~and also if of the obstruction type in effect~~ reduces may reduce the size of the area available for the landing, taking-off, and maneuvering of aircraft, ~~thus tending to destroy or impair~~ thereby impairing the utility of the airport and the public investment therein. It is also found that the social and financial costs of disrupting existing land uses around airports in built up urban areas, particularly established residential neighborhoods, often outweigh the benefits of a reduction in airport hazards that

might result from the elimination or removal of those uses. Accordingly, it is hereby declared: (1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (2) that it is therefor necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and (3) that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation ; and (3) that the elimination or removal of existing land uses, particularly established residential neighborhoods in built up urban areas, or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety . It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

Sec. 2. Minnesota Statutes 1976, Section 360.056, Subdivision 1, is amended to read:

360.056 [ZONING REQUIREMENTS.] Subdivision 1. [REASONABLENESS.] All minimum standards of the commissioner defining airport hazard areas and the categories of uses permitted therein and all airport zoning regulations adopted under Laws 1945, Chapter 303, shall be reasonable, and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of Laws 1945, Chapter 303. In determining what minimum standards and regulations it may adopt be adopted , the commissioner

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

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

Sec. 4. Minnesota Statutes 1976, Section 360.066, is amended by adding a subdivision to read:

Subd. 1b. Within nine months after the effective date of this act the commissioner shall amend the standards defining airport hazard areas and categories of uses permitted therein to conform with the requirements of this act. Until the commissioner adopts amended standards as required by this subdivision the unamended standards, insofar as they require classification of any residential property as a nonconforming use contrary to the provisions of subdivision 1a, clause (b), shall be without force or effect.

Sec. 5. [EFFECTIVE DATE.] This act is effective the day following final enactment.

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
COMMISSIONER OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED
ADOPTION OF RULES OF THE
Department of Transportation,
Aeronautics, GOVERNING
Airport Zoning Standards

STATEMENT OF FACTS
ESTABLISHING NEED AND
REASONABLENESS OF RULES

SEP 1 1978
OFFICE OF HEARING
EXAMINERS

Statement of Need and Authority

The proposed rules of the Department of Transportation governing Airport Zoning Standards would amend 14 MCAR § 1.3010 F. by adding a new subparagraph 5 dealing with "Existing Residential Neighborhoods as of January 1, 1978."

The Commissioner's authority to promulgate these rules is contained in Laws of Minnesota, 1978, Ch. 654. Section 4, which specifies: "Within nine months after the effective date of this act the Commissioner shall amend the standards defining airport hazard areas and categories of uses permitted therein to conform with the requirements of this act." In addition, Minn. Stat. § 360.015, Subd. 3 (1976), provides that the Commissioner "may perform such acts, issue and amend such orders and make, promulgate, and amend such reasonable general or special rules, regulations, and procedures and establish such minimum standards, consistent with the provisions of Laws 1945, Ch. 303, as he shall deem necessary to carry out the provisions of Laws 1945, Ch. 303 . . . " Laws 1945, Ch. 303 specifically provides for the zoning of airport hazard areas. (See Minn. Stat. §§ 360.061 - 360.074 (1976), as amended.)

The Department of Transportation, hereinafter the "Department," has existing rules which govern zoning in the areas surrounding airports. These rules are found in 14 MCAR § 1.3010. The existing rules, among other things, create a series of safety zones in which land use is regulated. An explanation of the safety zone concept is contained in "Airport Zoning is Simplified to A, B, C in Minnesota," Airport Services Management, May 1975, pp. 20-22. A copy of that article is attached hereto as Exhibit 1.

Safety Zone A extends outward from the end of each runway for a distance of two-thirds of the length of the runway. Zone B extends beyond Zone A for an additional one-third of the length of the runway in question. Each zone gets wider as the distance from the end of the runway increases, thus forming a trapezoidal configuration.

Land uses in Zone A are restricted to such things as farming, cemeteries and parking lots. Basically, no structures are allowed. Structures are allowed in Zone B, provided that they are of sufficiently low density and that the use does not tend to attract large congregations of people in one location. The reason for these land-use restrictions is to further the safety of the air-traveling public and of the occupants of the land (see Minn. Stat. § 360.062 (1978)).

The existing rules, 14 MCAR § 1.3010, provide minimum standards for local zoning ordinances. When a zoning ordinance is adopted which prohibits certain land uses which exist at the date of adoption, the existing use does not normally need to be eliminated right away. Rather, it becomes a nonconforming use which may not be rebuilt if it is substantially destroyed (see Minn. Stat. § 360.067, Subd. 1 (2)). There are existing land uses in areas surrounding airports in Minnesota which are, or would be, prohibited by a local zoning ordinance which met the Department's minimum standards. Those land uses are, or would become, nonconforming uses.

There are a number of single-family residences in the area of the Crystal, Minnesota, Airport. Many of these residences would become nonconforming uses if the land around the Crystal Airport were zoned to meet the existing minimum standards of the Department. The proposed promulgation of such an ordinance recently caused some controversy in the press and apparently led to the passage of Laws of Minnesota, 1978, Ch. 654. A copy of this law is attached hereto as Exhibit 2.

The controversy centered around the alleged inability of an individual homeowner to sell his house. The house did not sell because the prospective purchaser reportedly could not obtain a mortgage because lending institutions did not want to place a mortgage on a house which was a nonconforming use. Additionally, a real estate developer had some temporary difficulty in getting a plat approved because his proposed lot sizes would not have been in conformity with Zone B density standards.

The following Exhibits which are attached hereto and made a part hereof document the aforementioned controversy which contributed to the passage of Laws of Minnesota, 1978, Ch. 654:

A. Exhibit 3: Article from Brooklyn Park Post entitled "Representatives Pursue Airport Zoning Change."

B. Exhibit 4: Article from St. Paul Dispatch, November 20, 1977, entitled "Homes Near Airports May Lose FHA Financing."

C. Exhibit 5: Article from North Minneapolis Post entitled "Scheid Introduces Bill On Airport Area Zoning."

D. Exhibit 6: Article from St. Paul Dispatch, December 20, 1977, entitled "Airports Plan Changes Expected."

E. Exhibit 7: Article from Brooklyn Center Post, December 15, 1977, entitled "Council Takes Action On Airport Zoning."

F. Exhibit 8: Article from Brooklyn Center Post, December 15, 1977, entitled "Airport Zoning Solution Offered."

G. Exhibit 9: Article from Blaine-Spring Park Post, December 23, 1977, entitled "Zoning Laws and Airports Impact."

H. Exhibit 10: Article from Minneapolis Tribune, December 5, 1977, entitled "Closeness To Airport Hampers House Sale."

I. Exhibit 11: Article from Brooklyn Park Post entitled "Proposed Airport Rules Concern Homeowners."

J. Exhibit 12: Article from North Minneapolis Post, November 24, 1977, entitled "Proposed Rules Could Affect Airport Neighbors."

K. Exhibit 13: Article from Blaine-Spring Park Sun, November 18, 1977, entitled "Airport Meeting Draws Protests, Questions."

L. Exhibit 14: Letter from Minneapolis/St. Paul Metropolitan Airports Commission dated August 17, 1977, to John Rutford of the Metropolitan Council.

M. Exhibit 15: Letter from Metropolitan Council to the HUD Area Director dated September 28, 1977.

N. Exhibit 16: Memorandum dated December 8, 1977, regarding the number of affected homes in Brooklyn Center which would be in Zones A and B.

O. Exhibit 17: News release of the Metropolitan Council dated December 9, 1977.

P. Exhibit 18: Letter dated February 3, 1978, from John Boland, Chairman, Metropolitan Council, addressed to Twin Cities Real Estate Lending Institutions.

The Legislature, in Laws of Minnesota, 1978, Ch. 654, has declared that the elimination of existing land uses or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible, consistent with reasonable standards of safety, particularly if the land uses are in existing residential neighborhoods in built-up urban areas. It is therefore necessary to establish, through local input, subject to review by the Department, the boundaries of established residential neighborhoods in built-up urban areas. Review by the Department is necessary to

provide a degree of uniformity in airport zoning throughout the State. It is also necessary that the Department give guidance, based on its experience, to local zoning authorities in establishing safety standards.

Statement of Facts Establishing Reasonableness

The existing rules, 14 MCAR § 1.3010, identify compatible or conforming land uses in the hazard zones of an airport. By definition, any other land use is non-conforming.

The proposed revision to the rules will reduce the zoning impact on land uses in existence as of January 1, 1978, in established residential neighborhoods in built-up urban areas, by identifying those uses as conforming unless they constitute severe safety hazards. In the case of such a severe safety hazard, the property must be acquired at public expense and the hazardous use must be eliminated.

The adoption of the proposed rules will require the expenditure of public money by local public bodies in that certain property must be acquired and certain hazardous land uses must be eliminated. It is obvious that the acquisition of all property in Safety Zones A and B is an unaffordable endeavor. There are 160 houses in the safety zones in Brooklyn Center alone. This is only one community adjacent to Crystal Airport (see Exhibit 16). If sufficient funds were available, at least in certain cases, the social and economic impacts to the people affected would outweigh the public's perceived value of the airport. Safety considerations must, therefore, be compromised to a point that is deemed to be socially acceptable and economically affordable. The proposed rules allow the exercise of discretion on the local level in making some of these determinations. The rules provide certain minimum safety standards and also provide for the Commissioner's review and approval of local actions so as to assure that minimum standards are met and that some degree of uniformity is maintained.

The first paragraph of 14 MCAR § 1.3010 F. 5 sets forth the scope of application of the proposed rule. It states that the only land uses governed by the new rules are those which were in existence on January 1, 1978, and which were in established residential neighborhoods in built-up urban areas. Only land uses existing as of January 1, 1978, are subjected to the new, less-stringent requirements because it is in the public interest to prevent the development of new land uses which conflict with safety considerations. Only where there are existing uses in residential neighborhoods do other social interests outweigh these safety factors.

The new rules only apply to "established residential neighborhoods in built-up urban areas." All other areas will continue to be governed by the existing rules (14 MCAR § 1.3010 F. 2 and F. 3). The controversy which apparently led to the passage of Laws of Minnesota, 1978, Ch. 654, related to the application of the existing rules to an established residential neighborhood in a built-up urban area. Chapter 654 itself gives special consideration to this type of an area. It is in established residential neighborhoods in built-up urban areas that the social and economic impacts of the existing airport zoning rules are likely to be the greatest. With regard to other areas, however, it is reasonable to continue to apply the existing rules with their emphasis on safety. There is an existing procedure for granting variances which can be applied on a case-by-case basis to handle special situations in these other areas.

Subparagraph a of 14 MCAR § 1.3010 F. 5 is a statement of purpose for the other provisions of proposed paragraph 5. This subparagraph is included in the rules to make it clear that there are competing public interests involved in airport safety zoning. In the case of existing residential neighborhoods in built-up urban areas as of January 1, 1978, the Legislature has found that the safety considerations contained in the existing rules are outweighed by other considerations.

Subparagraph b of 14 MCAR § 1.3010 F. 5 directs each local governmental authority with airport zoning powers to make its own initial determination as to which land areas in Safety Zones A or B should be considered "established residential neighborhoods in built-up urban areas." It is appropriate that this determination be made on a local basis because the geographic and demographic conditions surrounding each airport are unique. The determination also has a local impact because it has the effect of allowing certain land uses which are now prohibited to continue and also may result in the acquisition of certain land by the local public body. It is necessary that these local determinations be reviewed by the Commissioner in order to ensure some uniformity in the zoning of airports in the State. It has been the experience of the Department that local zoning authorities occasionally do not give proper consideration to safety factors, and protection against this is another reason for requiring review by the Commissioner.

The Department's existing model ordinance, and presumably most or all airport zoning ordinances which have been adopted in the State, require the use of a zoning map. It is reasonable to require that "established residential neighborhoods in built-up urban areas" be shown on zoning maps and legally described in the ordinances since the zoning requirements will differ for these areas.

Subparagraph c of 14 MCAR § 1.3010 F. 5 states the general rule that land uses which were in existence on January 1, 1978, in areas which were "established residential neighborhoods in built-up urban areas" as of that date, may not be prohibited by the local zoning ordinance. The exceptions to this general rule are stated in 14 MCAR § 1.3010 F. 5 e, discussed below. This subparagraph puts into effect the legislative judgment that the integrity of existing neighborhoods should be maintained. Subparagraph e prohibits certain land uses which are considered too

hazardous to be allowed to continue. The proposed rule allows all existing land uses in these areas to continue, not just residential uses. This is reasonable because a neighborhood consists of schools, churches, shops, parks and other facilities in addition to houses. If it is in the societal interest to preserve the houses in these areas, then the other neighborhoods facilities should also remain undisturbed.

Subparagraph d of 14 MCAR § 1.3010 F. 5 sets forth certain criteria for the local zoning authorities to use in determining what areas should be designated as "established residential neighborhoods in built-up urban areas. The location of the airport relative to the community is obviously relevant to the characterization of the area as urban. The nature of the terrain could be important for a variety of unique local conditions. Population density is a key factor in determining whether the area is "established" as is the age of the neighborhoods. Item (10) of Subparagraph d allows the local zoning authority to consider other factors which it deems relevant in the circumstances.

Subparagraph e of 14 MCAR § 1.3010 F. 5 enumerates certain land uses which are considered to be safety hazards so severe that they must be prohibited by the local zoning ordinances, notwithstanding the public interest in preserving the integrity of existing neighborhoods. This subparagraph applies to these land uses only when they exist on property which is both in an established residential neighborhood in a built-up urban area and in either Safety Zone A or B. The land use may present a hazard to the air-traveling public, to people on the ground, or to both.

The following documents are offered as evidence that airport zoning as contained in 14 MCAR § 1.3010 is warranted by safety considerations. These documents are attached hereto as Exhibits:

A. Exhibit 19: Internal memorandum of the Department of Transportation,

Aeronautics Division, which lists aircraft accidents which have occurred in the landing and departure phases of flight at Minneapolis International, St. Paul and Lake Elmo Airports.

B. Exhibit 20: Internal memorandum of the Department of Transportation, Aeronautics Division, dated November 11, 1975, summarizing certain aircraft accident data in terms of proximity to airports.

C. Exhibit 21: Excerpts from United States Government Report No. NTSB-ARG-78-1, entitled National Transportation Safety Board Annual Review of Aircraft Accident Data, U. S. General Aviation, Calendar Year 1976, as follows:

a. "Analysis of Statistical Information--Overview," p. 1.

b. "Table 1--Overview, U. S. General Aviation, 1975 through 1976," p. 2.

c. Narrative and tabular material on "Types of Accidents," pp. 5 - 6.

d. Narrative and tabular material on "Causes/Factor" of aircraft accidents, pp. 7 - 8.

e. "Conclusions" of the National Transportation Safety Board, pp. 13 - 14.

f. "Analytic Table, Airport Proximity by Injury Index, All Operations," p. 103.

It is clear from an examination of the foregoing documents that many aircraft accidents occur near airports and in connection with the landing and take-off phases of aircraft operation. It is obvious that objects which intrude into airspace in which aircraft operate are likely to cause accidents. This is the reason for Subparagraph e

(1) (b). It is also obvious that persons on the ground may be injured as a result of aircraft accidents.

Subparagraph e (1) (e) of 14 MCAR § 1.3010 F. 5 allows the Commissioner of Transportation to require the prohibition of other hazardous land uses. This provision is necessary because there is a wide variety of conditions surrounding the various airports within the State. General rules cannot be made to deal with all of these unique situations. The right to prohibit certain hazardous land uses must be retained by the Department rather than delegated to local government because the Department has the necessary expertise to determine what presents a danger to the air-traveling public or to persons on the ground.

Subparagraph e (2) of 14 MCAR § 1.3010 F. 5 requires that the land uses which are prohibited by Subparagraph e (1) be eliminated. This is to be accomplished by purchase of the property on which the land use is located and elimination of the use. This must be done by the unit of government which owns the airport and is required by considerations of safety and by the directive of Laws of Minnesota, 1978, Ch. 654, Sec. 3 (Minn. Stat. § 360.066, Subd. 1A (c) (1978)).

The requirement is reasonable because aircraft accidents do tend to occur near ends of runways. Pilots need clear zones in which to land if they fail to reach sufficient speed on takeoff, crash right after takeoff or before landing, cannot stop the aircraft after landing and to account for various unique problems. Having these areas clear enhances the safety of persons in the aircraft and those on the ground. For these reasons, the Department has an established policy of requiring the acquisition and clearing of certain areas near the ends of runways as a condition to receiving state aid for airport maintenance and improvements. A statement of this policy is attached hereto as Exhibit 22. The Federal Aviation Administration also

requires the establishment of certain "clear zones" at the ends of runways as a condition to federal airport aid. See F.A.R. §§ 152.9 and 152.11 and F.A.R. §§ 77.21, 77.23 and 77.25, copies of which are attached hereto as Exhibits 23 and 24, respectively.

The above-referenced State and Federal "clear zone" policies are not precisely the same as the land acquisition policies contained in the proposed rule. They are, however, consistent with the goals of the proposed rule and they support the reasonableness of the proposed rule in that much of the land which must be acquired and cleared in order to comply with 14 MCAR § 1.3010 F. 5 e, as proposed, would have to be acquired and cleared in any event as a precondition to receipt of State or Federal airport aid.

Subparagraph f of 14 MCAR s 1.3010 F. 5 is included in the proposed rule to make it clear that the requirements of Subparagraph e are only minimum standards. Insofar as safety considerations alone are concerned, it would be in the public interest to provide larger clear zones and to prohibit more kinds of land use than are covered by the proposed rule. Subparagraph f points out that local units of government are allowed to strive for these goals if economic and social interests in their communities allow for it.

Dated: September 15, 1978

Jim Harrington
Commissioner of Transportation

Airport Zoning is Simplified to A, B, C in Minnesota

State Aeronautics Department develops formula that can be applied to any airport, any length runway

When the Minnesota Legislature passed a statute that required some evidence of an effort at zoning by local authorities in order to qualify for state airport aid funds, a number of questions immediately surfaced: How much land should be zoned for a given airport? How do you define the area to be zoned? How stringent should the zoning for any particular area be?

Out of the situation came a staff effort by the State's Department of Aeronautics, headed by Commissioner Lawrence E. ("Larry") McCabe. Principal developers of the solution, according to Commissioner McCabe, were staff men Dave Nybakken and Steve Gatlin. Their effort resulted in, first, a simplified formula for specifying the area to be zoned; and then a complete "package" to aid a local community in implementing the zoning requirement including draft resolutions and ordinances.

A, B, C Zoning

Larry McCabe explained the simplified formula as simply "three times the maximum contemplated length of the runway." This is the overall area to be zoned. This area is then subdivided into three zones — defined as A, B, and C.

Both height of structures and types of land uses allowable are covered in all three zone categories.

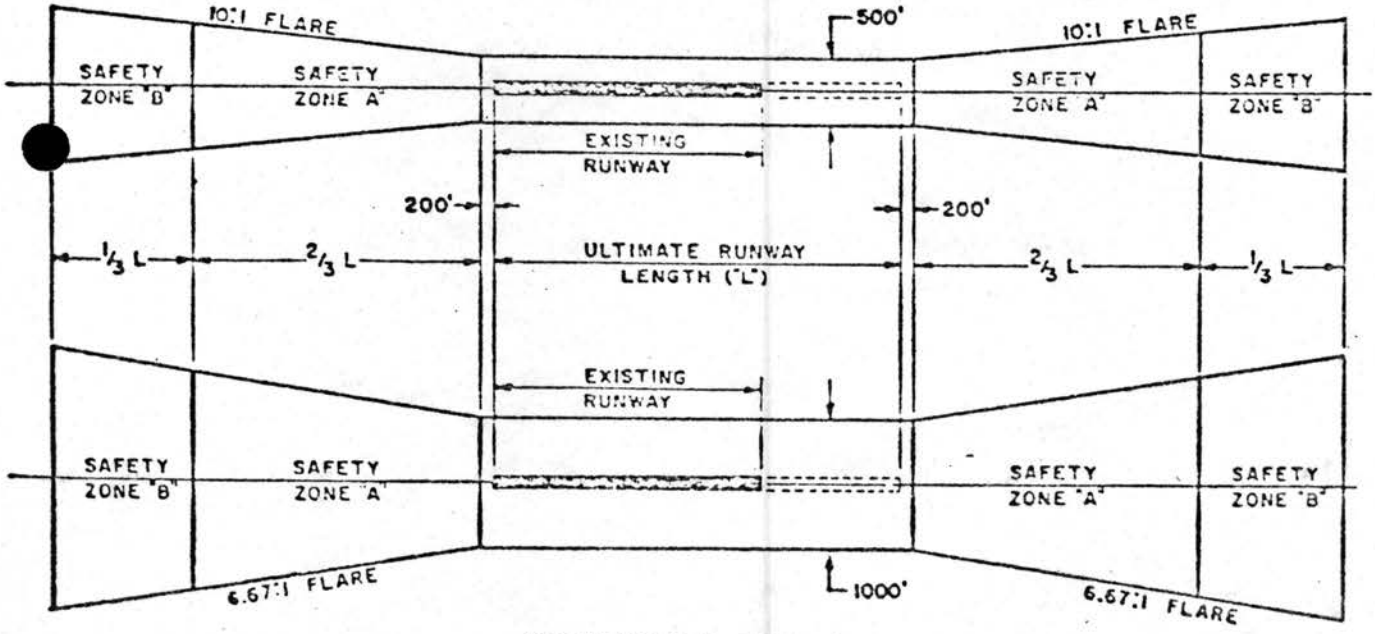
Zone A is defined as "All land in that portion of the approach zones of a runway...which extends outward from the end of primary surface a distance equal to *two-thirds* of the planned length of the runway..." An area designated as Zone A should not have any buildings or structures, and the land use "shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture, light outdoor recreation (nonspectator), cemeteries, and auto parking," according to the suggested zoning ordinance.

Zone B begins at the end of A, and includes "All land in that portion of the approach zones of a runway...which extends outward from Safety Zone A a distance equal to *one-third* of the planned length of the runway..." Areas designated in Zone B may have structures on them, but each site must be at least three acres; only one building plot per site may be developed; and specific ratios are given for various size plots as to the building area and maximum site population. The idea, as Larry McCabe explained it, is "If a guy has an engine quit on takeoff, he's got plenty of room to miss buildings in a forced landing."

Specifically prohibited in Zone B are churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds and other places of public and semipublic assembly. Also, nothing should be permitted that will bring together a site population that would exceed 15 times the site acreage.

Zone C restrictions are somewhat more flexible: it includes land enclosed within the perimeter of the horizontal zone of the airport, defined in a separate subsection, and which is not included in A or B. There are some height restrictions as noted below, but the land use restrictions are generalized as: "No use shall be made of any land in any of the safety zones...which creates or causes inter-

NON-INSTRUMENT RUNWAY



INSTRUMENT RUNWAY

Dimensions of Land Use Safety Zones A and B are shown, without scale, on this drawing. Zone C encompasses both A and B zones for all runways on the airport.

ference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and the aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft."

The simplifying key to the application of the three-zone system is, of course, that it adapts to any airport and any runway configuration. The only real decision is what the ultimate contemplated length of a runway will be or could be.

Height restrictions

A separate subsection of the suggested ordinance provides an above-ground "ceiling" profile for allowable ground structures. This is based again on the three-zone layout of the safety areas — going up as the distance from the runway increases. The proposed wording says that "no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone...so as to project above any of the imaginary airspace surfaces described..."

Provisions are made in the suggested ordinance for granting variances, but based on experience in Minnesota, Larry McCabe cautions: "Watch out for granting variances. When you grant one you immediately open yourself up for pressure to grant others. Precedent can blow the whole idea."

It should also be noted that the idea of the "ceiling profile" is not to create a TCA over the airport. It does not regulate the airspace above — it protects it from incursions from the ground below.

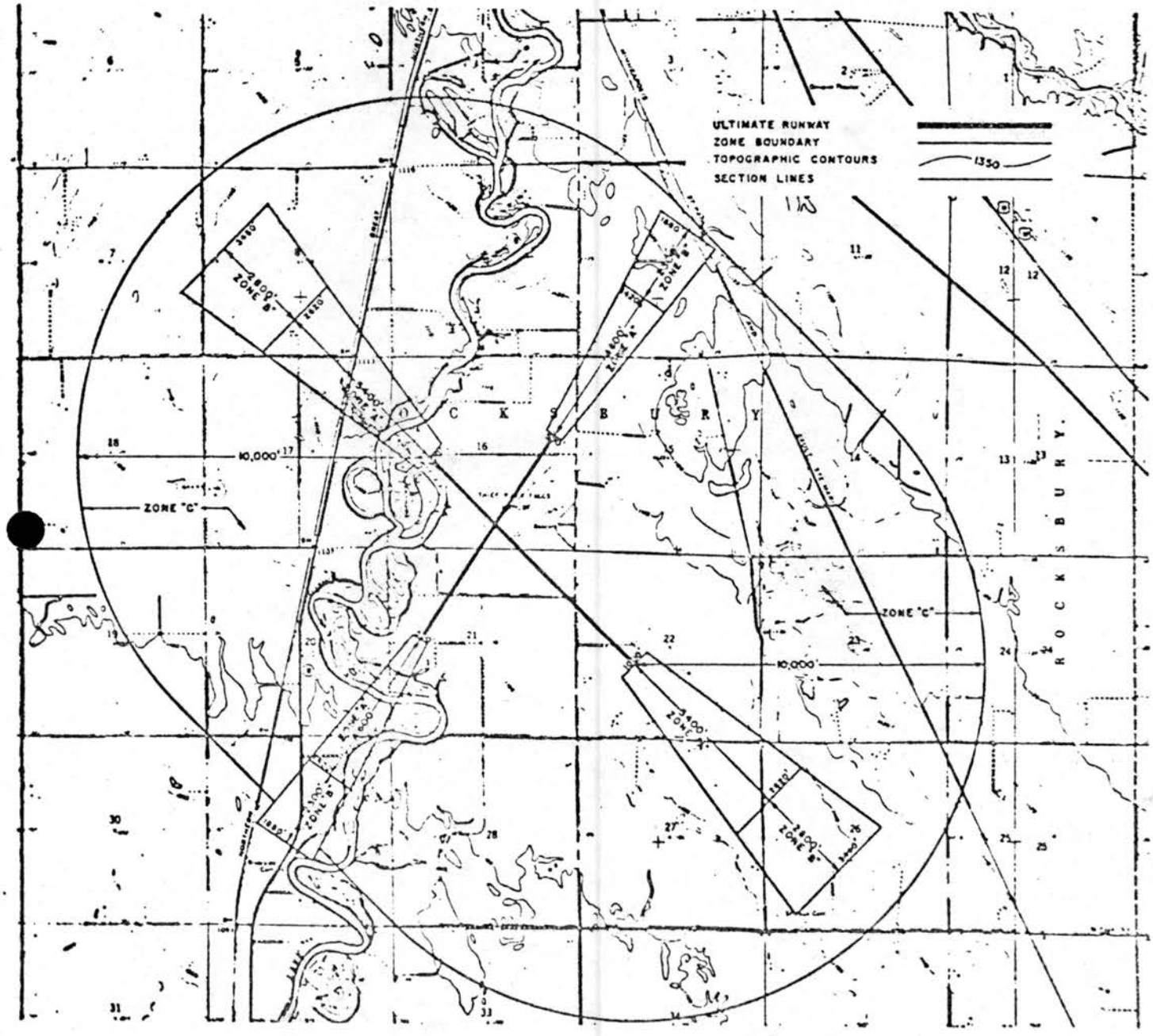
Applying the Zone Concept

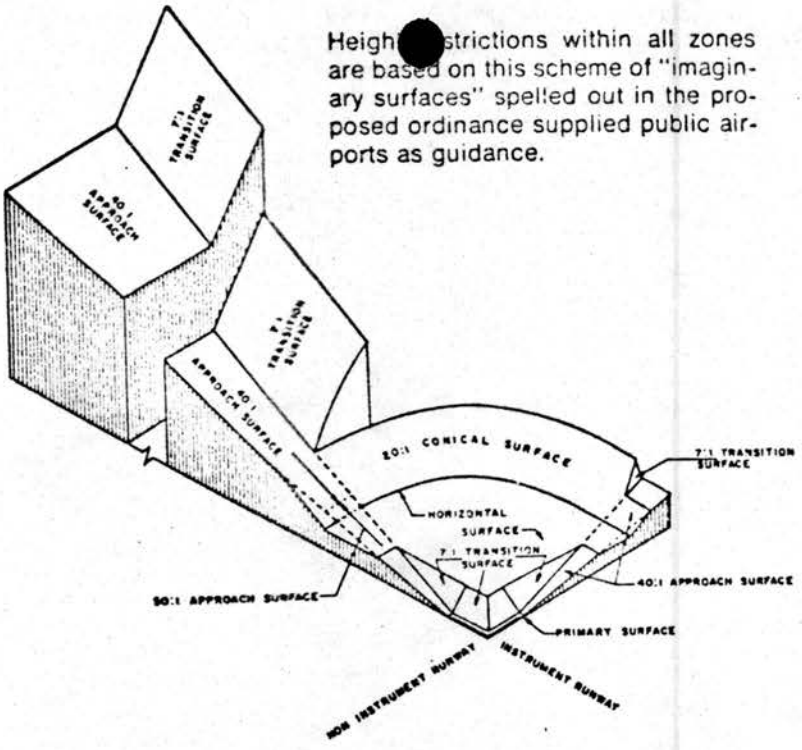
The three-zone concept does work to protect airport airspace. Applying the concept, however, is not always easy. Larry McCabe suggests the following:

"The best way to protect the airport," he says, "is to own the property. If you can't own it all, then at least try to own Zone A. For Zone B, get easements to the ground. This allows you to grow crops on it, and it lets you control the height of anything else above it. For Zone C, it is probably enough to be able to zone for height and land use."

(A test case is in a County District Court on the right of the Mankato, Minn., airport to put an "A" zone into

Minnesota's "A,B,C" airport land use zoning scheme as applied to the airport at Thief River Falls, Minn. The large oval is the boundary of Zone C.





Height restrictions within all zones are based on this scheme of "imaginary surfaces" spelled out in the proposed ordinance supplied public airports as guidance.

force on existing farm property. The case is looked upon as a test, and all parties involved are reported to be amicable. The zoning board in question is on record as being in favor of paying the farmer damages for not allowing him to develop the 15-acre tract.)

Program Moves Slowly

Out of Minnesota's 140 public airports, 138 of them have demonstrated some interest in zoning since the 1973 Legislative requirement went into effect. "Over 91" zoning authorities have been established — the figure isn't definite because the State Aeronautics Department isn't sure that it knows of all of them.

So far, 60 proposed ordinances have been reviewed by the Department and, of these, 38 have been approved and sent back for local reviews. Of these, 25 have been completed and are in effect.

The fact that the program is not moving faster is simply the limitations of manpower in the Department of Aeronautics. "It takes a lot of meetings," says Larry McCabe, and his staff does not have the time available to promote the program.

The State's statute also has some glitches in it, and modifications have been requested of the current Legislature. These are considered to be primarily minor changes in wording, and no great difficulty is expected in getting them made. One example is that the way the law reads now, it is difficult to set up joint zoning boards where more than one local authority may have some jurisdiction over airport land zones.

But the Minnesota "A,B,C" system of zoning is being looked at by both other states and the FAA as providing a simple way to make order out of chaos on a tender subject: zoning the airport to protect its airspace.

Minnesota's Recommended Procedures for Establishing Airport Zoning:

1. Municipality requests county, in writing, to join in creating a joint airport zoning board per State statutes.
2. Municipality and county each pass a resolution creating the joint airport zoning board and appointing two representatives each *pro tem.*
3. Appointed members elect another member to serve as chairman.
4. Zoning board, working with an attorney and an engineer, creates a draft ordinance and map. (State supplies models of these.)
5. The draft ordinance is submitted to the Minnesota Department of Aeronautics for review and approval. Approval will be in the form of an order stating that the ordinance conforms to the minimum standards prescribed.
6. After receipt of State approval, the board passes a resolution declaring the ordinance to be their proposed ordinance, setting a date and place for public hearing and instructing the publication of the proposed ordinance.
7. A hearing is held, following which the board either passes a resolution that the ordinance has been adopted as the final airport zoning ordinance, or amending the proposed ordinance and declaring that to be the new proposed ordinance. (Another public hearing need not be held unless changes are very substantial.)
8. The adopted ordinance must be filed with the County register of deeds per Minnesota statute.
9. Documentation is then submitted to the Department of Aeronautics.

Socio-economic Impact of Airports Reported in Minnesota Study

The impacts of the airports serving three selected communities in Minnesota have been studied by David Braslau Associates, Inc., in cooperation with Howard, Needles, Tammen, and Bergendorff, for the Minnesota Department of Aeronautics.

The three communities were selected to represent diverse economic regions of the state having typical airport facilities. Thief River Falls, in the Northwestern Region, and Duluth, in the Arrowhead Region, both have scheduled air service. They differ in that the former serves as a market center in a primarily agricultural region, while Duluth is in a Standard Metropolitan Statistical Area. Austin, in the Southeastern Region, is served only by general aviation.

Air passenger surveys were distributed to boarding passengers for one and two-week periods. General aviation survey techniques varied for the three airports; a 55 percent response was achieved at Duluth. Major industrial and institutional users of aviation were also interviewed to define the role of this mode of transportation in company location and operations.

Economic results revealed direct impacts ranging from $500,000 at Austin to $6.5 million at Duluth, including both primary and secondary incomes, but not including airport-related military pay and procurement of $23 million in the Duluth area.

An Executive Summary of the study covers survey methods used with relevant conclusions regarding types of airport facilities needed to respond to community economic development desires.

Single copies of the Executive Summary of "A Study of the Socio-Economic Impact of Aviation on Selected Minnesota Communities" may be obtained by writing: Minnesota Department of Aeronautics, Administration Building, St. Paul Downtown Airport, St. Paul, Minn. 55107.

RECEIVED
OFFICE OF REVISOR

CHAPTER 654-H.F.No.2052

[Coded in Part]

An act relating to aeronautics; modifying airport zoning regulations to protect existing residential neighborhoods; amending Minnesota Statutes 1976, Sections 360.062; 360.066, Subdivision 1, and by adding subdivisions.

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

Section 1. Minnesota Statutes 1976, Section 360.062, is amended to read:

360.062 **HAZARDS CONTRARY TO PUBLIC INTERESTS; PROTECTION OF EXISTING NEIGHBORHOODS.** It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and ~~also if of the obstruction type. in effect reduces~~ may reduce the size of the area available for the landing, taking-off, and maneuvering of aircraft, ~~thus tending to destroy or impair~~ thereby impairing the utility of the airport and the public investment therein. It is also found that the social and financial costs of disrupting existing land uses around airports in built up urban areas, particularly established residential neighborhoods, often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses. Accordingly, it is hereby declared: (1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (2) that it is therefor necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and ~~(3)~~ that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation; and (3) that the elimination or removal of existing land uses, particularly established residential neighborhoods in built up urban areas, or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety. It is further declared that ~~both~~ the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

Sec. 2. Minnesota Statutes 1976, Section 360.066, Subdivision 1, is amended to read:

360.066 **ZONING REQUIREMENTS.** Subdivision 1. **REASONABLENESS.** All minimum standards of the commissioner defining airport hazard areas and the categories of uses permitted therein and all airport zoning regulations adopted under Laws 1945, Chapter 303, shall be reasonable, and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of Laws 1945, Chapter 303. In determining what minimum standards and regulations ~~it~~ may ~~adopt~~ be adopted, the commissioner and ~~each~~ any ~~municipality, or county, or joint~~ local airport zoning ~~board,~~ authority shall consider, among other things, the character of the flying operations

expected to be conducted at the airport, the location of the airport, the nature of the terrain within the airport hazard area, the existing land uses and character of the neighborhood around the airport, and the uses to which the property to be zoned is put and adaptable.

Sec. 3. Minnesota Statutes 1976, Section 360.066, is amended by adding a subdivision to read:

Subd. 1a. **PROTECTION OF EXISTING NEIGHBORHOODS.** (a) In order to ensure the minimum disruption of existing land uses, particularly established residential neighborhoods in built up urban areas, the airport zoning standards of the commissioner and the local airport zoning ordinances or regulations adopted under sections 360.061 to 360.074 shall distinguish between the creation or establishment of a use and the elimination of an existing use, and shall avoid the elimination, removal, or reclassification of existing uses to the extent consistent with reasonable standards of safety. The standards of the commissioner shall include criteria for determining when an existing land use may constitute an airport hazard so severe that considerations of public safety outweigh the public interest in preventing disruption to that land use.

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

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

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

Sec. 4. Minnesota Statutes 1976, Section 360.066, is amended by adding a subdivision to read:

Subd. 1b. Within nine months after the effective date of this act the commissioner shall amend the standards defining airport hazard areas and categories of uses permitted therein to conform with the requirements of this act. Until the commissioner adopts amended standards as required by this subdivision the unamended standards, insofar as they require classification of any residential property as a nonconforming use contrary to the provisions of subdivision 1a, clause (b), shall be without force or effect.

Sec. 5. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved March 28, 1978.

EXHIBIT NO. 3

RECEIVED
SEP 13 1973
OFFICE OF HEARING
EXAMINERS

BROOKLYN PARK (MINN.) POST TH 4,313

Representatives pursue airport zoning change

RECEIVED
SEP 13 1973
OFFICE OF HEARING
EXAMINERS

State Rep. Linda Scheid (DFL-45A) said she is working on a bill that would in some fashion exempt existing developments from state zoning regulations for areas around airports. She hopes to have the bill ready to introduce by the Jan. 17, the opening day of the second half of the legislative session.

Mrs. Scheid said Rep. Lyn Carlson of Brooklyn Center is also very much involved in pursuing the change in airport zoning regulations.

State laws setting areas of no development and limited development at the ends of airport runways have been on the books since 1945. However local communities became aware of the regulations recently when there were included in the Metroplitan Council's recently-adopted aviation plan.

THE LAW AS IT stands would affect several hundred homes near Crystal Airport in Brooklyn Center, Brooklyn Park and Crystal. The regulations would not require the homes to be demolished, but they could become non-conforming uses.

The Metroplitan Council has adopted the aviation chapter, but with the notation that single-family residences in the vicinity of a metroplitan area airport do not constitute a hazard to the safe operation of the airport.

Although Mrs. Scheid said she does not consider the homes a hazard in the true sense of the word, she does not believe this approach will be successful with the state legislature. "We can't say those homes aren't a hazard in the metropolitan area but are around future airports outstate," she said, calling that logic a double standard. "We have to exempt developed areas from the zoning. Period."

NOV. 27 1...

COUNCILMAN FEARS

Homes near airports may lose FHA financing

By JIM NAGEL
Staff Writer

It could be that homes or other structures near the runways of Twin Cities area airports will not qualify for FHA financing when the owners wish to sell.

Those same structures may not be allowed to be rebuilt if they suffer more than 40 percent damage from fire, storm or other causes.

THESE POSSIBILITIES were raised by a Brooklyn Park councilman last week at the Metropolitan Council's meeting on the new aviation plan for the metro area.

Councilman Clarence Small said he has learned of one and possibly two cases in Brooklyn Park where would-be home purchasers have been denied mortgages because the homes they wished to purchase are in areas to be designated "safety zones" near runways of Crystal Airport.

Small said the city council ordered letters sent to all property owners in areas that would be classified as safety zones under the new airport plan after financing problems arose for the developer of a large new subdivision, Edgewood Estates.

THE CITY LEARNED that the developer couldn't get FHA financing on his project because three of the proposed lots were in the airport safety zone.

As a result, however, the developer redrew his plat, taking three lots out of the safety zone and designating that land for park purposes.

In an interview with the Dispatch, Small said Minnesota Department of Transportation (DOT) regulations for airports could have the effect of reducing property values.

A CLEAR ZONE equal to two-thirds the length of the runway is required beyond the end of each runway.

Once the Metro Council approves the aviation chapter of the Metropolitan Development Guide, municipalities will be expected to adopt proper zoning to protect the hazard areas near the runways, according to Ron West, Brooklyn Park planner.

Homes already in the hazard zones would most likely be grandfathered in as non-conforming uses, Small said.

BUT AS non-conforming uses homes could not be enlarged or improved or rebuilt if substantially damaged. Also, they could not be sold to new owners when present owners wish to sell.

Both Small and West indicated it is not certain just how such regulations will be enforced. But Small said the fact that one or two lending institutions have already refused to lend mortgage money for a home in the proposed safety area indicates those institutions don't feel the homes would be worth as much under the new zoning.

He suggested that other communities look at such possibilities in connection with the proposed aviation plan.

Marcia Bennett, Metro Council member from Columbia Heights, said she would see that the Metro Council housing staff and attorney look into the report from Brooklyn Park.

Metro Council staff members said that in the proposed aviation plan Crystal Airport is destined to remain a so-called minor airport with only the addition of hangars for aircraft storage planned in the future.

EXHIBIT NO. 4

EXHIBIT NO. 5

NORTH NEWS (MAIL POST W 1,115

RECEIVED
SEP 13 1973
OFFICE OF HEARING
EXAMINERS

Scheid introduces bill on airport area zoning

155

A bill that would exempt existing residential areas next to airports from being rezoned has been introduced by Rep. Linda Scheid (DFL-45A).

In the state senate, a companion bill, S.F. 1908, has been introduced by Sen. Bill Luther (DFL-45).

MRS. SCHEID'S bill, H.F. 2052, says that the "social and financial costs of disrupting existing low density land uses, particularly established residential neighborhoods, often outweigh the benefits of a marginal reduction in airport hazards that might result from the elimination or removal of such uses around airports in built-up or urban areas."

The bill is a response to the recent adoption of the metropolitan council's Metropolitan Aviation Chapter, which in effect would require municipalities to enforce special zones at the ends of airport runways. In the nearest zone, no structures would be allowed and in the second zone, only one structure per three acres would be allowed. The zoning regulations would affect several hundred existing homes in Brooklyn Center, Brooklyn Park and Crystal.

H.F. 2052 has been assigned to the House local and urban affairs committee, of which Mrs. Scheid is a member. Other members of the committee include Rep. Lyndon Carlson (DFL-44A) and Rep. Bob Ellingson (DFL-45-B), both area legislators.

COPIES OF THE full bill are on the bulletin boards at the Brooklyn Park and Brooklyn Center libraries. Joel Nelson, president of the Brooklyn Park Airport Proximity Resident's Association, invited anyone with questions to contact him at 535-0317. Nelson plans to testify at committee hearings on the bill.

EXHIBIT NO. 6

RECEIVED
SEP 10 1973

ST. PAUL DISPATCH-PIONEER PRESS
TUESDAY, SEPTEMBER 30, 1973

Airports plan changes expected

The Metropolitan Council is expected to adopt its new regional airports plan Thursday with some changes to protect areas around existing airports.

John Boland, council chairman, said the council will seek legislation in 1978 to eliminate or sharply reduce any adverse impact that new zoning regulations might have on homeowners living near airports in the Twin Cities area.

FOLLOWING public hearings on the proposed aviation chapter of the Metropolitan Development Guide, changes are being considered that would make some of the plan's provisions pertain only to new airports.

Residents near the Crystal and Anoka County airports in particular have raised questions about zoning requirements designed to provide a clear safety zone near the ends of the runways.

The requirements, if enforced, would make present developments near the airports non-conforming uses. In many communities non-conforming uses cannot be expanded or remodeled, sold to new owners or repaired if substantially damaged.

In fact, one homeowner near the Crystal Airport already claims inability to sell his home because prospective buyers cannot get financing because of fears the home will eventually become a non-conforming use.

REFERRING to that case, Boland said, "While I do not believe the Metropolitan Council's revised airports plan would have that effect, the fears of homeowners in the areas affected are very real. We intend to work with local officials, the Metro Airports Commission, the Minnesota Department of Transportation and with state legislators to minimize any negative impacts on property owners."

The law the council will seek to have amended in the next session of the legislature is the 1943 state airport zoning act.

The act has never been strictly enforced, but it requires safety zoning near airport runways.

In 1973, however, the law was amended by an appropriations rider making zoning around airports mandatory on local governments. It specifically requires that land be zoned around airports before state monies are expended for airport development.

In fact, one Metro Council source suggested last week that the law would even prevent federal money from going to airports because that money usually goes to the state to be turned over to the airports.

TED SMEBAKKEN, Metro Council public information director, said what's needed is additional flexibility in the zoning law. The 1943 law allows for only one type of zoning for property under the flight pattern. He said the council wants to prevent situations where banks or other lenders will penalize properties in those areas.

But he emphasized that zoning is not the Metro Council's business. That is left in the hands of local officials.

He said the 1943 law does provide for joint zoning boards that would include local governments and the airport commission. The council will encouage establishment of these, he said, to work out zoning problems near airports.

Boland said the council also will inform lending institutions of the relationship between state law, regional planning processes and local airport zoning requirements to avoid erroneous assummptions and possible prejudicial action by lenders against property owners.

EXHIBIT NO. 7

RECEIVED
SEP 13 1973
OFFICE OF HEARING
EXAMINERS

BROOKLYN CENTER (MN) POST W 9,644
THURSDAY, DEC. 13, 1973

Council takes action on airport zoning

By MARY JANE GUSTAFSON

Concerned about the effect on a large number of properties in Brooklyn Center near the Crystal airport should the Airport Zoning Act prevail, the city council Monday night took several actions.

Homeowners have been worried that the new regional aviation plan, proposed by the Metropolitan Council might limit their ability to sell or improve their homes.

The state airport zoning law, adopted in 1943, allows affected local governmental units to adopt zoning regulations which would control residential and other developments around airports. A 1973 amendment to the act has the effect of making the adoption of local airport zoning regulations mandatory.

THE LAW establishes hazard zones around airports, the clear areas extending from the end of runways. Land use restrictions have been established for the various zones and govern the types of development deemed hazardous to the operation of the airports.

Planning Director Blair Tremere pointed out that from the perspective of the state aeronautics regulations, the hazard represented by the hazard zones is the development within those zones and not the airport and its operation.

In Brooklyn Center there are 76 single family homes within the designated hazard Zone A in which no structures are permitted. In Zone B, which establishes a three-acre minimum density for development and prohibits schools and churches, there are 84 homes, one church property and one school property.

Tremere pointed out there are a total of 160 single family homes one church and one school which would become nonconforming uses under the state regulations. (The C Zone is concerned only with the height of structures.)

HE SAID that the application of the law and regulations would take the form of the Metropolitan Airports Commission approaching cities and the county and eventually establishing a joint zoning board which would govern the land uses and development in the hazard zones.

COUNCIL

(Continued on Page 6)

Council . . continued from one

Tremere said a valid concern of the property owners is whether the zoning approach to establish the hazard zones is unlawful taking of land without compensation through use of the police power, versus outright condemnation and compensation as in the case of freeway right-of-way taking.

Brooklyn Center's zoning ordinance limits nonconforming uses to maintenance and upkeep and does not permit expansion, enlargement or replacement following a certain percent of destruction. Tremere said that in the case of the airport hazards zone, the highest and best use of the land is agricultural open space which to the individual property owner and resident means very little.

City Manager Jerry Splinter said the only way to solve the problem is through corrective state legislation. He told about the meeting held Friday in Brooklyn Park with Metropolitan Council members, and said there are no plans to expand Crystal Airport.

TREMERE pointed out that the city has yet to document claims that financial institutions refused to lend money on the sale of homes near the airport.

Members of the city council agreed they want to be involved in zoning airport property. "The citizens would then deal with us," Mayor Philip Cohen said.

The council also directed the staff to get correct information to the citizens and to work with Minnesota Legislators in the area to change the law. Metropolitan Council members said Friday the zoning restrictions were never intended to apply to already-developed areas around airports.

The mayor directed city staff to contact legislators, work on a draft proposal to change legislation, contact the legislative committee chairmen, work with adjoining cities, and then to hold a public hearing in this area to keep residents informed.

To a question from a resident who lives near the airport on what he could do, the mayor told him to contact his legislators.

IN OTHER ACTION the city council approved a new animal control agreement for next year with Metropolitan Animal Control Services, Inc. with an increase in fees. For instance, it will cost the city $9.75 per hour for patrolling versus $8.25 an hour this year. Some $10,500 has been budgeted and Splinter said patrolling could be cut back.

The council approved a resolution, a joint resolution with Brooklyn Park, requesting the Minnesota Department of Transportation to start taking the necessary steps toward the total upgrading of Highway 169 from I-94 to the future North Crosstown corridor. Jim Merila, director of public works, said a total upgrading is necessary to improve vehicular and pedestrian traffic safety in both communities.

A resolution was approved amending the 1975 budget to provide $3,516 in revenue sharing funds for the fire department's appropriation to provide uniforms in the upcoming year for firefighters.

EXHIBIT NO. 8

BROOKLYN CENTER (MN) POST W 3.6.6
THURSDAY, DEC. 15, 1977

Airport zoning solution offered

155

By CAROL BRAUN

Zoning restrictions limiting building around airports were never intended to apply to already-developed areas, representatives of the Metropolitan Council and three area communities agreed last week.

The communities, Brooklyn Park, Brooklyn Center and Crystal, and the Metropolitan Council, plan to work together to seek legislation that will clarify the zoning law during the 1978 session of the legislature.

RECEIVED
SEP 1 0 1979
OFFICE OF HEARING EXAMINERS

The Metropolitan Council also agreed to clarify its own wording in the Aviation Chapter of the Metropolitan Development Guide, which is expected to be adopted this month.

HOMEOWNERS LIVING near the Crystal Airport became alarmed last month when they learned the proposed aviation chapter would, in effect, require the three communities to enforce state zoning regulations creating limited-development areas extending from runways. In Zone A, two-thirds the length of the runway, no structures are permitted. In Zone B, one building for every three acres will be permitted.

Brooklyn Center and Brooklyn Park would each have one set of Zones A and B and Crystal would have two. In each community, 100 or more existing homes would be affected. Under state zoning regulations, homes already built in these zones would become non-conforming uses, possibly making it difficult to sell or improve them.

In both Brooklyn Center and Brooklyn Park, residents near Crystal Airport had meetings, formed neighborhood associations and signed petitions concerning the problem.

In a meeting at the Brooklyn Park City Hall last Friday, officials from Brooklyn Park, Brooklyn Center and Crystal met with Metropolitan Council members and staff persons. The session began as something of a stand-off, with officials from the three communities contending they were going to be required to enforce something that would be a problem for some residents and the Metropolitan Council representatives, contending the cities were exaggerating the situation.

LARRY DALLAM, a Metropolitan Council staff member, moved the discussion off dead center by saying, "I think we do imply the cities should implement the zoning, and that's the problem." He said existing homes should not be considered a hazard and should not be cleared from Zone A. "What we have to do is clarify the policy. We were talking about undeveloped areas, not developed."

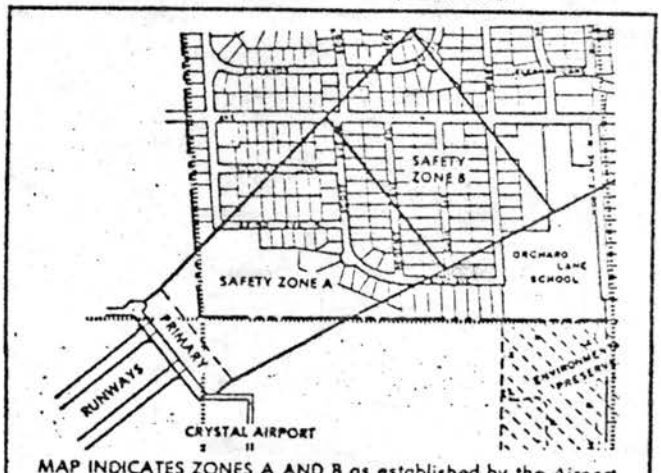
Dallam said after the meeting the Metropolitan Council itself had not considered the aviation chapter's impact on already-developed areas until the municipalities raised the issue.

As the airport zoning regulations were actually set by state law before being incorporated into the aviation chapter, the officials agreed it is up to the state legislature to amend the law to distinguish between developed and undeveloped areas. State legislators from Brooklyn Center and Brooklyn Park have already met with neighborhood groups and municipal officials and have promised to help.

In the meantime, Mayor Jim Krautkremer of Brooklyn Park said, "I can make a definite statement that the city council is not going to pass anything that will create a problem for us or for residents."

Brooklyn Center was represented by Jerry Splinter, city manager; Blair Tremere, planning director; Councilman Bill Fignar and Mayor-elect Dean Nyquist. From Crystal, John Olson, administrative assistant, attended. Metropolitan Council members Marcia Bennett and Charles Weaver were also at the meeting.

Although the question of the effect of the zoning regulations on existing homes was raised regarding Crystal Airport, the law would have affected neighbors of all airports in the metropolitan area.



MAP INDICATES ZONES A AND B as established by the Airport Zoning Act. No structures are permitted in Zone A. The B Zone establishes a three acre minimum density for devlopment and prohibits churches and schools.

EXHIBIT NO. 9

RECEI
SEP 1 0 197
OFFICE OF THE

BLAINE-SPRING PK (MN) SUN W 4,956
FRIDAY, DECEMBER 23, 1977

'Zoning laws and airports impact

Legislation will be sought in the 1978 session of the Minnesota Legislature to eliminate or sharply reduce any adverse impact that new zoning regulations might have on homeowners living near airports in the Twin Cities area, John Boland, Metropolitan Council chairman, announced Friday.

Boland said an agreement to seek changes in the state airport zoning act was reached at a meeting in Brooklyn Park Friday.

Participants in the session included representatives from Brooklyn Center, Brooklyn Park, Crystal, Metropolitan Council Members Marcia Bennett, Columbia Heights, and Charles Weaver, Anoka, and Metropolitan Council staff members.

Concern has been expressed by homeowners, particularly those living near Crystal Airport, that a new regional aviation plan proposed by the Metropolitan Council might limit their ability to sell or improve their homes.

"While I do not believe the Metropolitan Council's revised airports plan would have that effect, the fears of homeowners in the areas affected are very real," Boland said. "We intend to work with local officials, the Metropolitan Airports Commission, the Minnesota Department of Transportation and with state legislators to minimize any negative impacts on property owners."

In addition to the agreement concerning amendments to the state airports zoning law, Boland said the Metropolitan Council intends to make certain changes in its proposed regional aviation plan.

The Council is also preparing a letter to lending institutions which will describe the relationships and interaction between state law, regional planning processes and local airport zoning requirements so as to avoid erroneous assumptions and possible prejudicial action by lenders against homeowners or other property owners.

The state airport zoning law, adopted in 1943, allows affected local governmental units to adopt zoning regulations which would control residental and other developments around airports. A 1973 amendment to the act has the effect of making the adoption of local airport zoning regulations mandatory.

Circle Pines
Anoka
Coon Rapids

Closeness to airport hampers house sale

By Linda Picone
Staff Writer

For 16 years, Allen Parnell and his family have lived happily in Brooklyn Park in a house just two blocks from Crystal Airport.

"This airport has never given any problem to anyone around here," Parnell said. When he tried to sell his 13-room house at 6304 63rd Av. N., however, he discovered the first problem.

Parnell put the house up for sale in September and by the beginning of October his real estate agent had found a qualified buyer and a purchase agreement was signed.

A few days later, Parnell received a letter from the city of Brooklyn Park informing him that his house, like about 100 others, lay in an area that might be rezoned according to guidelines of the Metropolitan Council because of its proximity to the airport. Such a rezoning would, according to the letter, leave Parnell's house in "non-conformance."

According to the Brooklyn Park city ordinances, non-conformance would mean that no additions could be made to the house, and that if 50 percent or more of it were destroyed, it could not be rebuilt.

Non-conformance also might mean, according to the letter, that the house wouldn't qualify for FHA or Veterans Administration financing on a mortgage.

Parnell hadn't planned on selling with FHA or VA financing anyway. When he got the letter, he said, "I gave it to the real estate man and he showed it to the buyer and the finance company. That killed the deal."

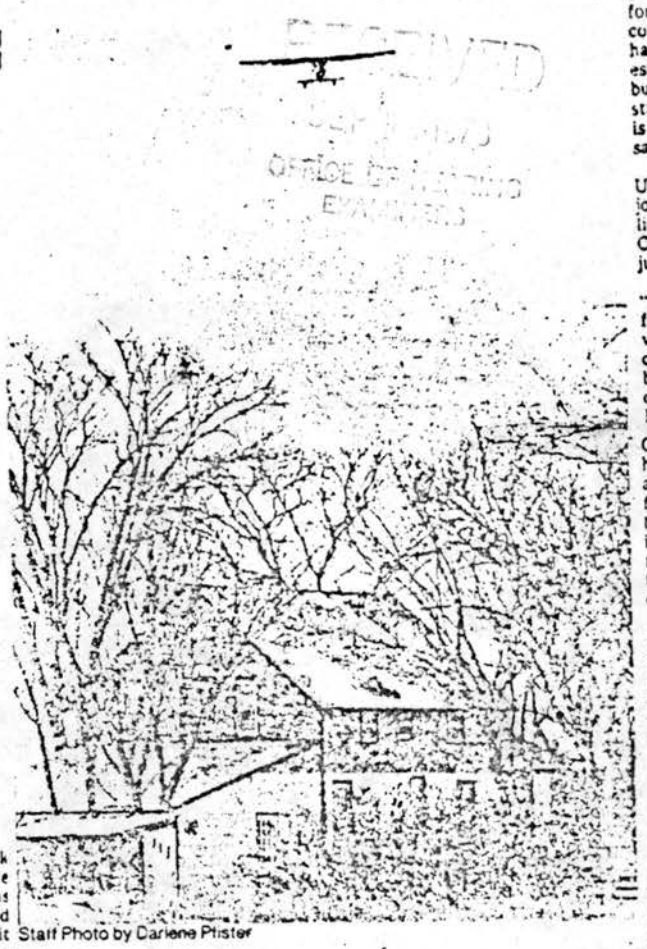
Edward Zappa of The Spring Co. Realty said that he checked with three mortgage companies — including his own firm — after Parnell received the letter and that all three said they were "doubtful" that the buyer could get a mortgage on Parnell's house.

"This is just common sense," said Zappa. "If I were a mortgage company, I wouldn't give a mortgage on it either."

Zappa said the mortgage companies first told him they would not mortgage Parnell's house, then backed off a bit. He asked them if they would mortgage the house if some repairs were done on it and the companies said, according to Zappa, "We just don't know."

"That's as good as telling me 'no'," Zappa said.

Fred Churchsmith, senior loan officer with The Spring Co., said he would not refuse to try to get a mortgage for the house if he were asked to, "but I doubt very much I could get one."



Staff Photo by Darlene Pfister

An airplane flew over the home of Allen Parnell in Brooklyn Park.

When three mortgage companies showed hesitance — if not refusal — to mortgage the house, the buyer backed out and found another house and "the real estate company took the signs down and left," Parnell said.

Because he could not sell his old house, Parnell lost the new house he had planned to buy. "Here we sit on a piece of property and we just don't know what good it is to us," he said. "Anybody would be crazy to want to buy it."

Parnell's predicament and the warning letter from Brooklyn Park spurred the creation of the Brooklyn Park Crystal Airport Proximity Property Owner's Association. It is concerned that the development regulations being reviewed by the Metropolitan Council could, if adopted, make all of their houses "non-conforming."

Ron West, director of community development for Brooklyn Park, said the city shares the residents' concern about the proposed development regulations and opposes having to establish rezoning that makes many houses non-conforming.

West said the city found out about a possible problem with zoning when a subdivision, Edgewood Estates, had its plat disapproved by the Metropolitan Council because three homesites would be non-conforming. The developers of the subdivision simply reworked the plans, but the city began to wonder about the situation for existing houses.

West said the city decided to warn homeowners that there might be a problem when they tried to sell. "People were thankful that we notified them," he said.

West said he has talked to FHA officials since he wrote the letter and was told that the government agency has no restrictions on mortgages in the airport area. In fact, West said, a builder put up two houses just across the street from Parnell and he has not yet had any problems with his plans to sell them.

Chauncey Case, an air transportation planner for the Metropolitan Council, said some of the concern in Brooklyn Park has been caused by people taking a "literal interpretation" of a model zoning ordinance described in the state Airport Zoning Act. Under it, Zone A would extend off the runway for two-thirds the length of the runway and no structures would be permitted in this zone. Zone B would extend for another third of the length of the runway and only one house would be allowed in every three acres.

Under the 1976 Land Planning Act, Case said, the Metropolitan Council has to tell each community what kinds of things it must take into account when it designs a master plan. "When it comes to airports, we have to tell them about safety, noise and the like," he said.

Rather than design its own airport zoning requirements, Case said, the Metropolitan Council simply referred to zoning in the Airport Zoning Act. Under this act, the owner-operator of an airport and the governing bodies of all the communities surrounding it would form a joint zoning board for those communities. That board would have the responsibility of trying to establish the model zoning code, but "just how hard and fast these state rules are going to be applied is up to the joint zoning board," he said.

Unfortunately, Case said, only one joint zoning board has been established and that one, at Flying Cloud Airport in Eden Prairie, has just been formed.

"Outstate, these zonings work fairly easily," Case said. "But when an area is all built up, you're obviously not going to clear out homes. There isn't an attempt on our part to go out there and work hardship on people."

Case said the position of those houses near airport runways that are at least potentially non-conforming is still not clear. Neither is the responsibility of the municipalities. "At this point we're having a number of lawyers sit down with this and try to figure something out," he said.

Although the situation now focuses on Brooklyn Park, Minneapolis Alderman Walter Rockenstein said, "We think we're getting screwed under it too."

Rockenstein said he thinks the Metropolitan Council ran into problems because it tried to move too quickly with the airport guidelines in order to meet the planning deadlines set by the Land Planning Act.

Parnell is, he said, "really bitter" about the situation. "They can't make our property so that it's no good to anybody," he said. "There must be some law against that."

EXHIBIT NO. 11

No. Mpls.
Brooklyn Pk.

RECEIVED
SEP 1 0 1973
OFFICE OF HEARING EXAMINERS

Proposed airport rules concern homeowners

By CAROL BRAUN

Residents whose homes are located on the land below the approaches to Crystal Airport runways may find themselves existing as non-conforming uses, should regulations controlling development around airports be adopted by the Metropolitan Council.

Existing neighborhoods in Brooklyn Park, Brooklyn Center and Crystal would be affected by the regulations, which create no-development and limited-development zones at each end of all runways.

About 70 Brooklyn Park residents who live near Crystal Airport met with city and state officials last Saturday to organize the Brooklyn Park Crystal Airport Proximity Property Owner's Association. As their chairman, they elected Joel Nelson, 6441 Georgia Ave. N., the man who called the Saturday session at Twin City Federal Community Room.

THE DEVELOPMENT regulations, a small part of the Aviation Chapter of the Metropolitan Development Guide now being reviewed by the Metropolitan Council, would create three zones surrounding airports in the Twin Cities.

In Zone A, which would be two-thirds of the length of the runway, no structures would be permitted. In Zone B, one-third of the runway length, one residential unit per three acres of land would be permitted. Zone C would surround the entire airport area. In all of the three zones, no use would be allowed that would cause electronic interference, impair visibility or create glare or light arrangements that could distract or confuse pilots. (See air photo and general story on the inside pages of this newspaper.)

The zoning regulations run into problems at airports like Crystal, which are already surrounded by homes. According to Nelson, the metropolitan council proposes to ask the cities involved to give the existing structures variances to stay. However variance procedures are controlled by state law and variances are usually granted in cases of hardship to existing residents. "They can't always be sold," Nelson said.

CRYSTAL AIRPORT

(Continued on Page 2)

[illegible] PUBLISHED WEEKLY [illegible]
WEDNESDAY, NOV. 29, 1972

Wilk appointed to council post

David Wilk, 1645 Portland Ave., has been appointed to the 25-member regional Arts Advisory Committee of the Metropolitan Council.

Wilk is a literary publication distributor and part-time poetry teacher at Marshall-University High School in Minneapolis. As a member of the advisory committee, he will assist the Metropolitan Council in carrying out a long range plan for stimulating the arts at the local level in the seven-county Twin Cities area.

Airport . . . vote due Dec. 22

(Continued from Page 1)

zoning regulations. "Truthfully, I think they decided to pass the regulations and have the city councils worry about it," he said.

Scheid told the crowd she had talked to Metropolitan Council officials and there is no plan to create a "clear zone". "They're not going to come in and buy up the land around the airport. You can see why, with all the airports in the metro area. I feel they have been indifferent to your real needs and concerns, but I think there's hope. There are things we can do."

SHE SAID THE Metropolitan Council plans to vote on the regulations Dec. 22, but she will try to have that delayed. "I'm not saying the Metro Council doesn't do anything good for us. The guidelines are probably good and will probably prevent future development around airports, but they're not being fair. I don't think they've given enough consideration to the developed areas."

Luther said he would seek to resolve the uncertainty regarding the property owners' rights and what will happen if the regulations are adopted. "There is some suggestion there has been 'redlining' by financial institutions (refusal to give mortgages in a specific area)," he said. "We at the state level have jurisdiction over financial institutions and this is another area we can work in."

Municipalities in the area have received no official notice of the zoning regulations. Brooklyn Park learned of them when the developer of a new plat, Edgewood Estates, 63rd and Florida Aves., sought metropolitan council review for FHA mortgage financing. The developer was forced to move three lots that were in the runway glide path or lose FHA mortgage approval.

The residents said Crystal and Brooklyn Center officials they contacted last week were still not aware of the situation, but Krautkremer said the Brooklyn Park City Council will contact these communities in the hopes of organizing a united effort.

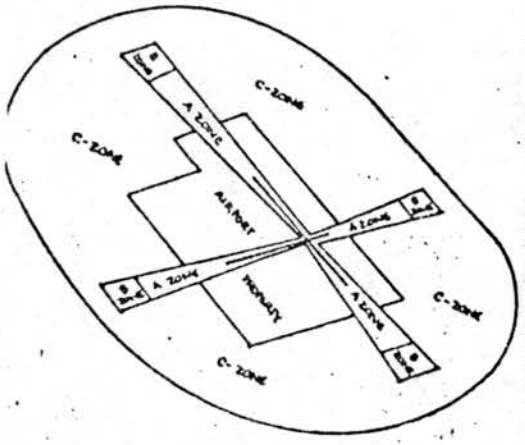
RON WEST SAID there are probably 100 homes in Brooklyn Park alone that would be affected by the zoning rules. These regulations were actually adopted by the state several years ago. The metropolitan council action, West said, would bring about uniform enforcement. Until now, West said he believes enforcement has been on a "piecemeal" basis in developing areas at the request of the metropolitan airports commission.

Allen Parnell, 6304 63rd Ave., was the resident who was unable to sell his home. He told the crowd he listed the house late in September and had a buyer early in October. However after he received the city's notice of the proposed regulations, the buyer no longer wanted the house and four private lending institutions turned him down for financing. (They were not seeking FHA financing).

"We had a house bought ourselves and we had to give it up," Parnell said. "We went through this now. How long will this drag out? It could be years. We have an older home. It's disheartening to fix it up when we don't know what will happen to it."

A neighbor of Parnell's said she had listed her home for sale last Friday. "What do I do now?" she asked. Another woman said they hoped to sell next spring. A woman who identified herself as a real estate agent wondered what this situation means to her ethically. "I just had a buyer in this area and he got financing. I didn't know about this until a few days ago."

Proposed rules could affect airport neighbors



THE BASIC CONCEPT SKETCH of the three-zone airport plan is shown here. The form of airspace zoning districts will be different for each airport to reflect the size, orientation and configuration of its runways, the type of instrumentation for aircraft operations and the height and location of existing obstructions.

By CAROL BRAUN

Existing residences in Brooklyn Center, Brooklyn Park and Crystal near the Crystal Airport may be affected by proposed regulations that would limit development near airport runways.

As part of the Aviation Chapter of the Metropolitan Development Guide, the Metropolitan Council is proposing to include regulations that would establish three zones around airports — one permitting no development; another, limited development; and the third; normal development.

ACCORDING TO Brooklyn Park officials, the existing homes in the first two zones would have to be permitted as conditional uses under variances. However variances can not necessarily be sold to future owners and buildings that are non-conforming uses probably could not be rebuilt if more than 50 percent destroyed by fire or accident. State law governs variance procedures.

One Brooklyn Park resident who lives in what would be Zone A has already been unable to sell his home because private lending institutions refused financing upon learning of the proposed zoning regulations.

Brooklyn Park residents who live near Crystal airport have formed an association and city officials plan to contact the Cities of Crystal and Brooklyn Center to get them involved. If the regulations are adopted, there would be one set of A and B zones each in Brooklyn Center and Brooklyn Park and two sets in Crystal. Zones A and B are directly at each end of the runways.

BROOKLYN PARK AND STATE officials who met with the affected Brooklyn Park residents last Saturday said the problem is that the Metropolitan Council has not given enough thought to residences that already exist in the proposed zoning areas. Rep. Linda Scheid (DFL-45A) and Sen. Bill Luther (DFL-45), told the residents they will work on the state level to determine exactly how the existing homes would be affected and to press for safeguards for the rights of the present property owners.

The newly-formed Brooklyn Park Crystal Airport Proximity Property Owner's Association is preparing a statement to be presented at a Metropolitan Council hearing next week.



CRYSTAL AIRPORT VIEWED FROM THE SKY
New zones on end of runways affect existing homes

THE NORTH MINNEAPOLIS POST
THE NORTH HENNEPIN POST
THE NEW HOPE PLYMOUTH POST
THE BROOKLYN PARK POST
THE BROOKLYN CENTER POST
THE GOLDEN VALLEY POST
Thursday, Nov. 21, 1977
SECTION 1

RECEIVED
SEP 13 1978
OFFICE OF HEARING EXAMINERS

EXHIBIT NO. 12

BLAINE SPRING PK [illegible] SUN W 4,388
FRIDAY, NOVEMBER 18, 1977

Airport meeting draws protests, questions

by Lois M. Anderson

The Metropolitan Council held a public information meeting at Spring Lake Park High School Nov. 14 to discuss proposed changes for the Anoka County Airport.

Marcia Bennett, chairperson of the Physical Development Committee of the Council, moderated the meeting.

Other Council members participating were: Mark Ryan, air transportation planner and councilmember; Chauncey Case, airport planner with the Council and Mike Kuehn, community service staff and council member.

Ryan began by giving the history of how the decision was made to change the Anoka County Airport from a minor airport to an intermediate airport.

A systems plan, which looks at all airports in the region, was established in 1972. It was revised in 1976, taking into account the factors which affect aviation trends. These factors are: social and economic projections, technology, and legislation.

Ryan said that two goals were to enhance the quality of life and to promote growth and economic development of the region.

With the revised plan, a decision was made to improve the Minneapolis-St. Paul International Airport (Wold Chamberlain Field), to improve the existing private airports, and to create two new airports.

The Minneapolis-St. Paul International Airport has the physical capacity to adequately meet the air needs through the year 2,000, Ryan said.

Fifty percent of the air demands are in Hennepin Co., Ryan said.

"The reason Anoka County Airport was chosen was because of its proximity to the immediate demand center," Ryan said. "It was chosen as a reliever capacity to Wold Chamberlain Field."

Case said the intention of the plan is not to use Anoka County Airport as an airline corporation airport.

The role of the Metropolitan Council was defined as that of reviewing and commenting on the existing plan.

"The Metropolitan Council is not about to set up guidelines," Case said.

After the presentation by Ryan and Case, the Council asked for questions from the audience.

Del Freichels, Blaine City Council member, said that the Ham Lake Sewer facility won't be completed until the year 2,000. He wondered how the airport can be expanded with the sewage project uncompleted.

Case said that would be a minor problem.

"What of the development pressures that come from an expanded airport," said Margaret Langfeld, Blaine city council member. Many residents of Mounds View attended the meeting and were concerned with how a larger airport would affect the quality of life in Mounds View. They had been assured in 1968 that there was no intent to make Anoka County Airport a larger airport, and therefore the city worked to develop beautiful residential homes, they stated.

One Mounds View resident said he worried that the next change would be from an intermediate airport to a major airport.

Mark Parnell, Brooklyn Park, read a letter describing how the Federal Housing Agency (FHA) was refusing to finance a house and how it was affecting residents in the Brooklyn Park neighborhood.

"People are moving out. They can't sell their homes and they can't get loans," Parnell said.

"We don't have anything to do with individuals selling houses," said Bennett.

Bennett did say the Council would look into the problem with the Metropolitan Council Housing staff and the Metropolitan Council attorney.

One man in the audience suggested that residents ban together in organizing and then go to the state with their complaints.

L. McGlaughlin, Andover, said he thought Wold-Chamberlain Field should become an intermediate airport and a new metropolitan airport could then be built.

Referring to Wold Chamberlain, "The charter terminal is inadequate in all areas," McGlaughlin said.

Two public hearings will be held to allow for citizens' input.

The first is at 7:30 p.m. Nov. 29 at Richfield West Junior High School, W. 75th St. and Oliver Ave. S. [illegible] held. The second is 7:30 p.m. Nov. [illegible] at the Metropolitan Council Chambers, 300 Metro Square Bldg., 7th and Robert Bldg., St. Paul. Use Jackson St. entrance.

OFFICE OF THE [illegible]

EXHIBIT NO. 13

Minneapolis • Saint Paul
METROPOLITAN AIRPORTS COMMISSION
P. O. BOX 1700 • TWIN CITY AIRPORT • MINNESOTA 55111
OFFICE OF EXECUTIVE DIRECTOR • PHONE (612) 726-5770

August 17, 1977

Mr. John Rutford
Referral Coordinator
Metropolitan Council
300 Metro Square Building
7th Street and Robert Street
Saint Paul, Minnesota 55101

RECEIVED
SEP 1 1977
OFFICE OF HEARING
EXAMINERS

RE: Subdivision Feasibility Analysis Application No. 4681
Edgewood Estates, Brooklyn Park

Dear Mr. Rutford:

We have reviewed the proposed Edgewood Estates Subdivision as it relates to operations of Crystal Airport and are particularly concerned with that portion of the development along Florida Avenue. This particular portion lies within the Crystal Airport A and B Safety Zones established by the State Department of Aeronautics (now DOT) which you are aware prohibit any buildings in Zone A and limit single family homes to three (3) acre tracts of land in Zone B. Extensive construction of new single family homes in the A and B Zones will undoubtedly create problems in the implementation of the "Land Planning Act".

This development area lies directly under the traffic pattern for Crystal Airport. We do not believe the MPCA Noise Standards would be exceeded, however our experience at other airports has shown that residents are concerned about extensive overhead operations regardless of the levels of noise experienced.

In view of the foregoing, we can not favorably endorse the proposed development.

Sincerely,

Claude C. Schmidt
Director of Operations & Environmental Affairs

CCS/sjp

cc: Chauncey Case

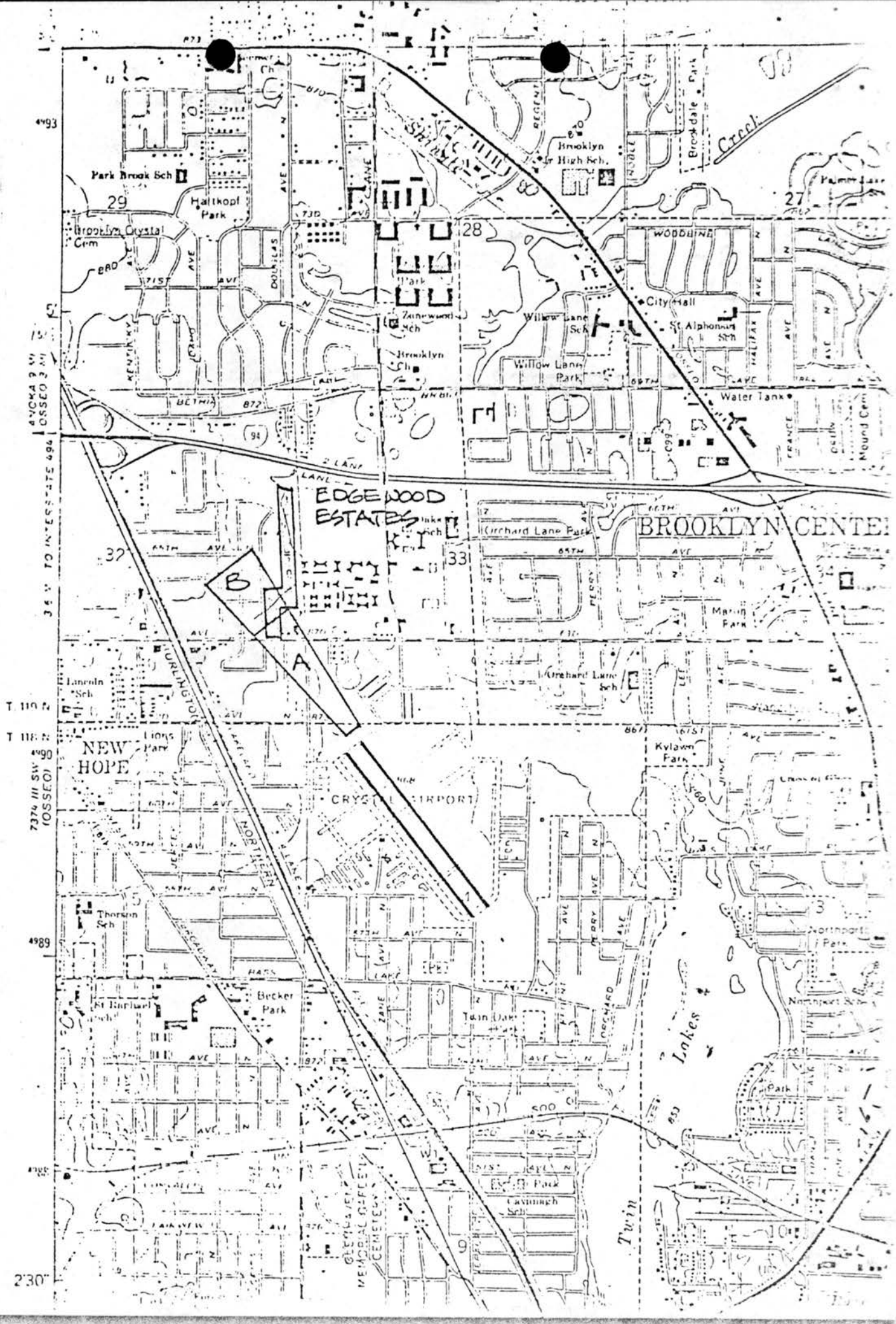

EDGEWOOD ESTATES
BROOKLYN CENTE
NEW HOPE
CRYSTAL AIRPORT
Park Brook Sch
Hallkopf Park
Brooklyn Crystal Cem
Brooklyn Jr High Sch.
Brooklyn Ch
Zane-wood Sch
Willow Lane Sch
Willow Lane Park
City Hall
St Alphonsus Sch
Water Tank
Orchard Lane Park
Orchard Lane Sch
Marion Park
Lincoln Sch
Lions Park
Kylawn Park
Thorson Sch
Becker Park
St Barnard Sch
Twin Lakes
Northport Park
Northport Sch
Edinbrough Park
Edinbrough Sch
Glenwood Memorial Gardens Cemetery
A
B
2'30"

EXHIBIT NO. 15

Metropolitan Council of the Twin Cities Area

300 Metro Square Building, 7th Street and Robert Street, Saint Paul, Minnesota 55101 Area 612, 291-6359

September 28, 1977

RECEIVED
SEP 1 1977
OFFICE OF HEARING EXAMINERS

Mr. Thomas T. Feeney
Area Director
Minneapolis-St. Paul Area Office
Housing and Urban Development
6400 France Avenue South
Edina, Minnesota 55435

RE: Subdivision No. 3597
Edgewood Estates
Brooklyn Park, Minnesota
Metropolitan Council Referral File No. 4681

Dear Mr. Feeney:

At its meeting September 22, 1977, the Metropolitan Council considered the above federally guaranteed housing program application.

The proposed development is located near Crystal Airport. In order to comply with Minnesota Department of Transportation Aeronautics rules and regulations, several of the lots in this subdivision will have to be rearranged as outlined in Chairman John Boland's letter to Mr. Ron West, Director of Planning, City of Brooklyn Park. A copy of this letter is attached. Mr. West indicated that the recommended changes will be acceptable to the City. Conditioned on the recommended changes in several of the lots, as outlined in Chairman Boland's letter, the Council finds no major conflict with respect to the proposed development. The Council find this project involves no major conflict with areawide development plans and goals if the above condition is met.

A copy of the Council's detailed comments on this project is attached. I call your attention to the summary and recommendation section of the report.

Thank you for the opportunity to comment.

Sincerely,

John Boland

John Boland
Chairman

JB/pb

Attachment

MEMORANDUM

EXHIBIT NO. 16

TO: File

FROM: Brad Hoffman, Administrative Assistant

DATE: December 8, 1977

SUBJECT: Airport Zoning Implications

RECEIVED
DEC 1977
OFFICE OF LEGISLATIVE
EXAMINERS

The following is a listing of homes, outlots and other properties affected by the proposed Airport Zoning requirements.

Zone A: No structures allowed within this zone. The following would be non-conforming uses within Zone A:

61st Ave. N.
5013
5019

62nd Ave. N.
5330
Outlot 3
Outlot 4
5318
5313
5312
5307
5306
5301
5300
5219
5213
5212
5207
5206

63rd Ave. N.
5200
5207
5221

Boulder Lane
Outlot 3
5319
5313
5307

Boulder Lane
5306
5301
5300
5213
5212
5207
5206

Scott Ave.
6101
6107
6113
6119
6124
6125
6129
6130
6133
6136
6137
6142
6143
6200
6201
6206
6209
6212
6217
6218
6224
6225

Scott Ave.
6230
6233
6236
6241
6242

Regent Ave.
6110
6120
6125
6130
6131
6136
6137
6142
6143
6200
6201
6206
6207
6213
6219
6225
6231

Quail Ave.
6101
6107
6113
6119

Total: 76 homes
3 outlots
79 properties

Zone B: Three (3) acre minimum per building unit. The following would be nonconforming uses with Zone B:

63rd Ave. No.
4811
4901
4906
4912
4918
4921
5000
5001
5006
5012
5015
5018
5100
5101
5106
5112

Perry Ave.
6107
6113
6119
6124
6125
6201
6202
6207
6208
6213
6214
6219
6220
6225

Perry Ave.
6226
6231
6237
Outlot A
6300
6301
6307
6313
6319

Quail Ave.
6100
6106
6112
6118
6124
6125
6200
6201
6206
6207
6212
6213
6218
6219
6224
6225
6230
6231
6237
6312
6316

Quail Ave.
6320
6321
6324
6328
6329
6332
6336
6337
6340
6345
6401

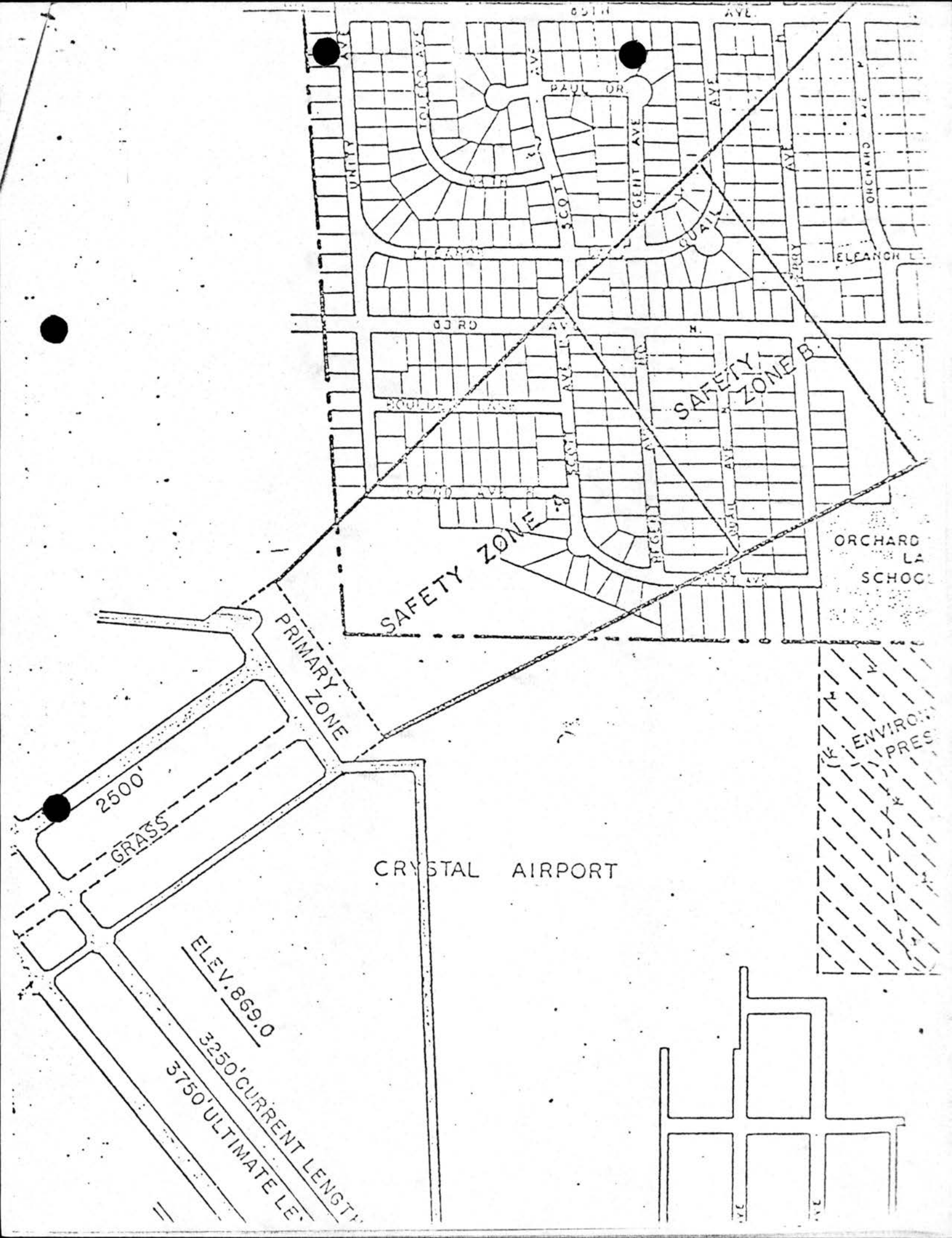
Regent Ave.
6212
6218
6224
6230
6236
6237
6314
6315
6320
6326

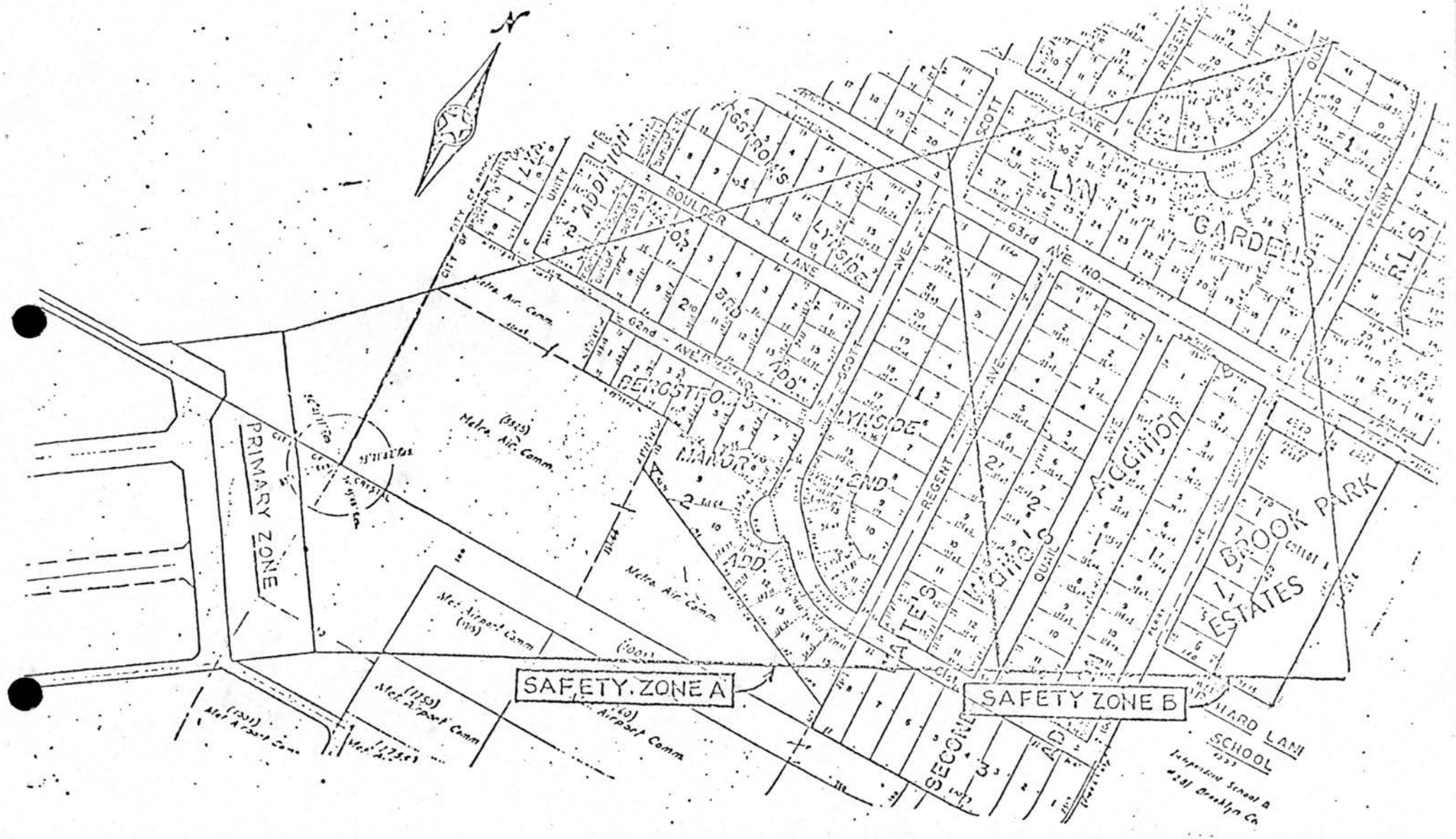
Scott Ave.
6306

Eleanor Lane
5101
5107
5113
Orchard Lane School Property

Total: 84 homes
1 outlot
1 other property
86 properties

Grand Total: 160 homes
4 outlots
1 other
165 properties


SAFETY ZONE B
SAFETY ZONE A
PRIMARY ZONE
2500'
GRASS
CRYSTAL AIRPORT
ELEV. 869.0
3250' CURRENT LENGTH
3750' ULTIMATE LE
PAUL DR
ORCHARD AVE
ELEANOR L
ORCHARD LA
SCHOO
ENVIRON
PRES


PRIMARY ZONE
SAFETY ZONE A
SAFETY ZONE B
Metro Air Comm.
Met. Airport Comm
63rd AVE. NO.
62nd AVE. NO.
BOULDER LANE
SCOTT LANE
REGENT AVE.
QUAIL
PERRY
BERGSTOL'S ADDITION
LYNSIDE GARDENS
BROOK PARK ESTATES
HARD LANE SCHOOL

NEWS

For more information
contact The Public
Information Office
612/291-6464

For Immediate Release:

Friday,
December 9, 1977

Legislation will be sought in the 1978 session of the Minnesota Legislature to eliminate or sharply reduce any adverse impact that new zoning regulations might have on homeowners living near airports in the Twin Cities Area, John Boland, Metropolitan Council chairman, announced Friday.

Boland said an agreement to seek changes in the state airport zoning act was reached at a meeting in Brooklyn Park Friday.

Participants in the session included representatives from Brooklyn Center, Brooklyn Park, Crystal, Metropolitan Council Members Marcia Bennett, Columbia Heights, and Charles Weaver, Anoka, and Metropolitan Council staff members.

Concern has been expressed by homowners, particularly those living near Crystal Airport, that a new regional aviation plan proposed by the Metropolitan Council might limit their ability to sell or improve their homes.

"While I do not believe the Metropolitan Council's revised airports plan would have that effect, the fears of homeowners in the areas affected are very real," Boland said. "We intend to work with local officials, the Metropolitan Airports Commission, the Minnesota Department of Transportation and with state legislators to minimize any negative impacts on property owners."

In addition to the agreement concerning amendments to the state airports zoning law, Boland said the Metropolitan Council intends to make certain changes in its proposed regional aviation plan. The Council is also preparing a letter to lending institutions which will describe the relationships and interaction between state law, regional planning processes and local airport zoning requirements so as to avoid erroneous assumptions and possible prejudicial action by lenders against homeowners or other property owners.

The state airport zoning law, adopted in 1943, allows affected local governmental units to adopt zoning regulations which would control residental and other developments around airports. A 1973 amendment to the act has the effect of making the adoption of local airport zoning regulations mandatory.

-30-

EXHIBIT NO. 17

NEWS

For more information contact The Public Information Office 612/291-6464

For Immediate Release:

Friday,
December 9, 1977

Legislation will be sought in the 1978 session of the Minnesota Legislature to eliminate or sharply reduce any adverse impact that new zoning regulations might have on homeowners living near airports in the Twin Cities Area, John Boland, Metropolitan Council chairman, announced Friday.

Boland said an agreement to seek changes in the state airport zoning act was reached at a meeting in Brooklyn Park Friday.

Participants in the session included representatives from Brooklyn Center, Brooklyn Park, Crystal, Metropolitan Council Members Marcia Bennett, Columbia Heights, and Charles Weaver, Anoka, and Metropolitan Council staff members.

Concern has been expressed by homeowners, particularly those living near Crystal Airport, that a new regional aviation plan proposed by the Metropolitan Council might limit their ability to sell or improve their home.

"While I do not believe the Metropolitan Council's revised airports plan would have that effect the fears of homeowners in the areas affected are very real," Boland said. "We intend to work with local officials, the Metropolitan Airports Commission, the Minnesota Department of Transportation and with state legislators to minimize any negative impacts on property owners."

In addition to the agreement concerning amendments to the state airports zoning law, Boland said the Metropolitan Council intends to make certain changes in its proposed regional aviation plan. The Council is also preparing a letter to lending institutions which will describe the relationships and interaction between state law, regional planning processes and local airport zoning requirements so as to avoid erroneous assumptions and possible prejudicial action by lenders against homeowners or other property owners.

The state airport zoning law, adopted in 1943, allows affected local governmental units to adopt zoning regulations which would control residental and other developments around airports. A 1975 amendment to the act has the effect of making the adoption of local airport zoning regulations mandatory.

-30-

EXHIBIT NO. 18

RECEIVED
FEB 1 1978
OFFICE OF THE GOVERNOR
ST. PAUL, MINN.

February 3, 1978

TO: Twin Cities Real Estate Lending Institutions

FROM: John Boland, Metropolitan Council Chairman

I am writing to you concerning a question that could arise should your institution become involved in the extension of mortgages or other financing to properties located adjacent to one of the many airports in the Twin Cities Area.

The question concerns the interpretation of a state law (MS 360.061-360.074 as amended by Chapter 255 MS 1976) which requires that appropriate local zoning ordinances be enacted to control the use of land around airports.

This law could require that homes or other properties, if located within specific zones, be placed in a "nonconforming use" class. Once so designated, they may continue to be sold or maintained, but may not be enlarged, expanded or replaced if substantially destroyed by fire or other natural cause.

At the present time, no airport zoning ordinances have been passed that would put the law into effect.

The potential effect of the law surfaced late last year in the process leading up to the adoption by the Metropolitan Council of a revised regional aviation plan. Reports circulated at that time that the Council's regional plan could cause mortgage lenders and financial institutions to deny financing on homes located next to airports.

In response to these reports, the Metropolitan Council adopted a position that homes located near an airport do not constitute a hazard to the airport and, therefore, should not be considered a nonconforming use.

Discussions between representatives from several municipalities, the Association of Metropolitan Municipalities, the Metropolitan Airports Commission, the Minnesota Department of Transportation and the Metropolitan Council led to an agreement that a clarification in the state law was needed and would be sought during the current session of the Minnesota State Legislature.

Legislation has been drafted which states that existing single-family residential development in the vicinity of an airport shall not be reclassified as a nonconforming use.

We fully expect this amendment to the state airport zoning law to pass without difficulty. In the meantime, we urge you not to base your decision to finance a home on its proximity to an airport in the Twin Cities Metropolitan Area.

If you have any questions concerning this situation, please do not hesitate to contact the Council for further information. Mark Ryan or Chauncey Case, our staff airport planners, should be able to provide you with any necessary assistance. Their respective numbers are 291-6548 and 291-6342.

Sincerely,

John Boland

John Boland
Chairman

JB/poc

Ex 11

2/28/78

The following is a chronological list of aircraft accidents which have occurred in the landing and departure phases of flight at Minneapolis International, St. Paul and Lake Elmo Airports. The information was gathered from Arvid Honsvall and Bob Hannon of the MAC Fire Department and Ralph Rovie, manager of St. Paul and Lake Elmo Airports.

SEP 1 1978
OFFICE OF HEARING EXAMINERS

Minneapolis-St. Paul International Airport

1. March 1950 A Martin 202 landing Rwy 35 hit a flagpole in the National Cemetery. The aircraft attempted a go-around and crashed at the intersection of Emerson Ave. So. in Minnehaha Parkway.

2. In 1955 a Navy fighter landed short of Rwy 11 Right and hit the lighting Nav-aids.

3. June 1956 A F9F Navy fighter on final to Rwy 22 veered right and crashed into four houses.

4. In June of 1956 an Air Force F89 aborted takeoff from Rwy 11 Right. The aircraft overshot the runway and crashed into a car parked on the end of the runway. The crew escaped but three car passengers were fatally injured.

5. In the late 1950's, possibly 1958, a light aircraft crashed after takeoff from Rwy 35 into a schoolyard, Morris Park Schoolyard, 1/2 mile from the airport.

6. In August 1958 a Northwest DC6 taking off from Rwy 22 at 3 AM dumped flaps instead of retracting gear, then hit a fence and slammed into a farmyard at the intersection of 72nd and 24th Ave. There was no loss of life in this accident.

7. No date. An F84 crashed on takeoff from Rwy 11 Right. The aircraft crashed on 494. No loss of life.

8. In the late 1960's a single-engine Cessna crashed on takeoff from Rwy 22. The aircraft landed on Hwy 35 and hit a car.

9. In May 1973 a twin Cessna 310 taking off from Rwy 29 Left lost power. The aircraft crashed in a residential area at 68th and 18th Ave. All passengers and crew members died in the accident. No one in the homes were injured.

10. March of 1976 a light aircraft crashed on approach to Rwy 4 at the intersection of Old Shakopee Road and France Ave. five miles from the airport.

St. Paul Downtown Airport

1. July 21, 1971, a light aircraft manufactured by Swift, "N" 8742K, crashed after takeoff. The aircraft lost power and attempted to return to the airport. The aircraft crashed at Robert and Plato. Both pilot and passenger were killed.

2. November 21, 1973, a Bonanza "N" 1877W, crashed on approach to Rwy 26 1/2 mile short of the runway.

3. December 20, 1974, a Bonanza aircraft "N" 2798T crashed on takeoff from Rwy 30 after losing power. The aircraft slid into the VHF localizing antenna.

4. December 1975 a Cessna 337 crashed on approach to Rwy 30 at St. Paul three miles short of the airport.

Lake Elmo Airport

1. On August 10, 1975, a Swift landed short of Rwy 31 approximately 1/4 mile from the runway. The aircraft was totally destroyed. No serious injury to pilot and passenger.

2. February 13, 1976, a Cessna 150 overran Rwy 21, went off the end of the runway and flipped over. No injuries.

3. September 1976 an Aircoupe crashed 1/4 mile North of the airport. The aircraft crashed after takeoff from Rwy 31 at Lake Elmo.

STATE OF MINNESOTA

DEPARTMENT AERONAUTICS

Office Memorandum

TO : File

DATE: 11/17/75

FROM : D. J. Nybakken

SUBJECT: Aircraft Accident Data--Proximity to Airports

The following is a table summarizing data extracted from the NTSB "Annual Review of Aircraft Accident Data" for the years 1965 through 1973:

AR	ON AIRPORT	IN TRAFFIC PATTERN	0-1 MILE	1-2 MILES	2-3 MILES	3-4 MILES	4-5 MILES	OVER 5 MILES	UNKNOWN NOT REPORTED	TOTALS
73	2035	170	413	143	117	67	50	1143	166	4304
72	2037	239	369	152	130	107	51	1154	58	4297
71	2353	241	329	131	129	108	27	1293	37	4648
70	2338	296	350	137	116	100	40	1270	65	4712
69	2362	455	230	136	116	88	39	1283	58	4767
68	2556	602	178	151	119	72	25	1211	54	4968
67	3642	394	259	150	128	91	30	1326	95	6115
66	3433	240	346	143	106	94	28	1268	54	5712
65	3107	155	301	81	53	38	17	1412	32	5196
TALS	23,863	2,792	2,775	1,224	1,014	765	307	11,360	619	44,719
%	53.36	6.24	6.21	2.74	2.27	1.71	.69	25.40	1.38	100%

65.81% of all aircraft accidents occur on or within one mile of airport property.

Analysis of Statistical Information
Overview

There were 4,193 accidents in U.S. general aviation operations during 1976. This number of accidents was in line with the downward trend which began in 1968. The accident total in 1976 is the lowest in the last 19 years. Although the number of fatal accidents in 1976 is not a record low in numbers, it is a record low in rates. The rates are the lowest, according to NTSB records, since 1938, the earliest year in which this information was documented.

The 4,193 accidents in U.S. general aviation in 1976 involved 4,241 aircraft. Twenty-six percent of these aircraft were destroyed and 73 percent were damaged substantially. Six hundred and ninety five of the 4,193 accidents resulted in fatal injuries; 3,498 were nonfatal. There were serious injuries in 422 accidents. Minor injuries were incurred in 565 accidents; there were no injuries in 2,511 of these 4,193 accidents.

There were 8,261 persons aboard the 4,241 aircraft involved in general aviation accidents in 1976; 1,320 persons were fatally injured (15.8 percent of those aboard the aircraft involved). Seven hundred and seventy-one persons (9.3 percent) were seriously injured, 1,045 (12.6 percent) were injured slightly, 5,220 (63.1 percent) were not injured, and the injuries to 1 person were unknown. An average of 1.95 persons were aboard each general aviation aircraft involved in an accident in 1976.

Aircraft in U.S. general aviation were flown over 36 million aircraft hours in 1976. This was an increase over 1975 of almost 2 million hours flown and almost double the hours flown in 1966.

Table 1. -- Overview
U.S. General Aviation
1975 Through 1976

	1975	1976	Percentage Change
Aircraft-hours flown 1/	34,164,993	36,127,631	+ 5.74
Eligible aircraft 1/	168,475	178,304	+ 5.83
Total accidents	4,237	4,193	- 1.04
Aircraft involved 2/	4,288	4,241	- 1.10
Aircraft damage 2/			
Destroyed	1,094	1,095	+ 0.09
Substantial	3,159	3,112	- 1.49
Minor	20	14	- 30.00
None	15	20	+ 33.33
Unknown/Not Reported	0	0	None
Injury index			
Fatal	675	695	+ 2.96
Serious	419	422	+ 0.72
Minor	648	565	- 12.81
None	2,495	2,511	+ 0.64
Unknown/Not Reported	0	0	None
Injuries 3/			
Fatal	1,345	1,320	- 1.86
Serious	769	771	+ 0.26
Minor	1,160	1,045	- 9.91
None	5,269	5,220	- 0.93
Unknown/not reported	2	1	- 50.00
Total aboard	8,517	8,261	- 3.00
Fire after impact 2/			
Fatal accidents	224	196	- 12.50
Nonfatal accidents	135	146	+ 8.15

1/ Source: Federal Aviation Administration
2/ Includes all aircraft involved in collisions.
3/ Includes persons aboard aircraft involved in collisions with general aviation aircraft along with persons injured on the ground.

Types of Accidents

Total Accidents -- 4,193

Type of Accident	Frequency	Percent of Total
Engine failure or malfunction	1,025	24.45
Ground - water loop-swerve	535	12.76
Hard landing	276	6.58
Overshoot	211	5.03
Collision with ground/water controlled	181	4.32
Collided with wires/poles	181	4.32
Collided with trees	177	4.22
Stall/mush	175	4.17
Collision with ground/water uncontrolled	158	3.77
Nose over/down	145	3.46

Types of Accidents

Engine failure or malfunction is cited as the first accident type in almost 25 percent of general aviation accidents. Because of the nature of this accident classification, it is usually followed by a second type of accident where the actual damage or injury occurred. The primary second types of accidents associated with 1,025 engine failures in order of frequency of occurrence are: collision with trees (174); gear collapse (142); nose over/down (129); collision with ground/water, controlled (78); and collided with fence, fenceposts (52). While engine failure/malfunction accounts for nearly 25 percent of the total general aviation accidents, this accident type accounts for 12.7 percent of all fatal accidents and 10.9 percent of total general aviation fatalities.

Groundloop, as a first type of accident, was cited 535 times, 483 times in conjunction with a second type of accident. The principal second types in order of frequency of occurrence are: gear collapse (126); nose over/down (78); collided with ditches (60); collided with snowbank (48); and collided with trees (45).

Overshoot was recorded as a first accident type 211 times. The second accident types most frequently cited following an overshoot were: collided with ditches (43); collided with fence, fenceposts (41); collided with trees (27); gear collapsed (27); and nose over/down (17).

Of the 276 accidents involving hard landing as first type of accident, 147 accidents had gear collapse cited as a second accident type.

Engine failures or malfunctions, groundloops, hard landings and overshoots account for nearly 50 percent of all accident type citations. The remaining six leading accident types - collision with ground/water controlled, collided with wires and poles, collided with trees, stall/mush, collision with ground/water uncontrolled, and nose over/down - accounted for less than 25 percent of the total accidents. However, these six types involved 326 fatal accidents (46.9 percent) and 567 fatalities (43 percent).

Figure 2

Table 4. -- Ten Most Frequently Cited Causes/Factors of 3,470 Nonfatal Accidents
- All Operations -

10 Most Frequently Cited Causes/Factors	Frequency	Percent
Miscellaneous Acts, Conditions - Overload Failure	542	15.62
Pilot - Inadequate Preflight Preparation or Planning	488	14.06
Terrain - High Obstructions	476	13.72
Pilot - Failed to Maintain Directional Control	385	9.94
Pilot - Failed to Obtain/Maintain Flying Speed	330	9.51
Terrain - Rough/Uneven	313	9.02
Weather - Unfavorable Wind Conditions	303	8.73
Pilot - Improper Level Off	302	8.70
Pilot - Mismanagement of Fuel	240	6.92
Pilot - Misjudged Distance and Speed	229	6.60

Tota
air taxi,
5 and 6,
hours flo
1976. Th
in 1976;
year comp
consisten
accident
rate each

As i
flown hav
flying co
flying ha
larger th

Accident Causes/Factors

In 1976, the probable cause(s) was determined for 670 fatal accidents and 3,470 nonfatal accidents. The 10 most frequently cited causes or related factors of fatal and nonfatal accidents are listed by percentage and frequency of occurrence in Tables 3 and 4, respectively.

In accidents where fatalities occurred, 7 out of the 10 leading causal citations involved some type of human failure/error while the remaining 3 involved environmental conditions. No mechanical difficulty or aircraft malfunction citations were included in the top 10.

The specific causal citation "Pilot - Failed to Obtain/Maintain Flying Speed" has increased in fatal accidents from 24.69 percent in 1974 to 27.61 percent in 1976. This pilot causal factor was involved in 185 fatal accidents which resulted in 341 fatalities or 25.8 percent of the fatalities during 1976.

In nonfatal accidents, 6 of the 10 most frequently cited causal factors involve the pilot, while the remaining involve terrain (2), weather (1), and an overload failure (1) of an aircraft component. The highest pilot citation was, "inadequate preflight preparation or planning," recorded on 488 nonfatal accidents or 14.06 percent of the total.

Table 3. -- Ten Most Frequently Cited Causes/Factors of 670 Fatal Accidents.
- All Operations -

10 Most Frequently Cited Causes/Factors	Frequency	Percent
Pilot - Failed to Obtain/Maintain Flying Speed	185	27.61
Terrain - High Obstructions	143	21.34
Weather - Low Ceiling	137	20.45
Pilot - Continued VFR Flight into Adverse Weather Conditions	100	14.93
Weather - Fog	95	14.18
Pilot - Improper Inflight Decisions or Planning	93	13.88
Pilot - Inadequate Preflight Preparation or Planning	82	12.24
Pilot - Spatial Disorientation	80	11.94
Miscellaneous - Unwarranted Low Flying	66	9.85
Pilot - Improper Operation of Flight Controls	53	7.91

FLOWN

Conclusions

1. The 1976 general aviation safety record showed a general improvement when compared with 1975 and continued a decreasing trend over the past ten years.

*total accidents decreased from 4,237 during 1975 to 4,193 during 1976 representing the lowest number of total accidents since 1956 when 3,474 accidents were recorded.

*fatal accidents increased slightly from 675 (1975) to 695 (1976).

*fatalities decreased from 1,345 in 1975 to 1,320 during 1976. This number of fatalities is the lowest during the past ten years with the exception of 1970 when there were 1,310 fatalities.

*the total accident rate (per 100,000 hours) decreased from 12.4 (1975) to 11.6 (1976). This total accident rate is the lowest since 1938 when these data were first recorded.

*the fatal accident rate decreased from 1.97 in 1975 to 1.92 (per 100,000 hours) during 1976. The reduction below the 2.0 level to 1.92 is also the lowest fatal accident rate on record.

2. The types of accidents that, because of their high occurrence rate, provide the most accident prevention potential are:

*fatal accidents
collision with ground/water - controlled and uncontrolled
engine failure or malfunction
stall - spin
collided with trees
collided with wires/poles

*nonfatal accidents
engine failure or malfunction
groundloop
hard landing
overshoot

3. The phases of operation that are associated with the leading accident types listed above are:

*fatal accidents
inflight - normal cruise
takeoff - initial climb
inflight - uncontrolled descent
landing - final approach

1976

*nonfatal accidents
takeoff - initial climb
inflight - normal cruise
landing - level off/touchdown
landing - roll
landing - final approach - VFR

4. Pleasure kind of flying had the highest total and fatal accident rates during 1976. Corporate/executive flying had the lowest total and fatal accident rates. The pleasure flying rates were more than 10 times those of corporate/executive flying. Clearly, pleasure flying represents the activity that could profit most from accident prevention efforts and programs.

5. The pilot was cited as a causal factor in 89 percent of the fatal and 83 percent of the nonfatal accidents during 1976. The leading detailed pilot causal factors were:

*fatal accidents
"failed to obtain/maintain flying speed"
"continued VFR flight into adverse weather conditions"
"improper inflight decisions or planning"
"inadequate preflight preparation or planning"
"spatial disorientation"

*nonfatal accidents
"inadequate preflight preparation or planning"
"failed to maintain directional control"
"failed to obtain/maintain flying speed"
"improper level off"
"mismanagement of fuel"

Accident prevention emphasis to reduce and eliminate these specific pilot causal factors could have a significant impact on the general aviation safety record.

ENTS PERCENT

95.71
.33
.75

1.79
1.41

ANALYTIC TABLE

AIRPORT PROXIMITY BY INJURY INDEX
ALL OPERATIONS

	FATAL	SERIOUS	MINOR	NONE	RECORDS	ACCIDENTS	PERCENT
ON AIRPORT	57	106	197	1479	1839	1814	43.36
ON SEAPLANE BASE	1	2		9	12	12	.28
ON HELIPORT		1		8	9	9	.21
ON BARGE/SHIP/PLATFORM				2	2	2	.05
IN TRAFFIC PATTERN	59	41	53	99	252	249	5.94
WITHIN 1/4 MILE	36	31	38	70	175	174	4.13
WITHIN 1/2 MILE	34	17	19	39	109	108	2.57
WITHIN 3/4 MILE	11	5	6	3	25	24	.59
WITHIN 1 MILE	28	13	18	34	93	93	2.19
WITHIN 2 MILES	29	16	12	42	99	99	2.33
WITHIN 3 MILES	21	7	10	24	62	62	1.46
WITHIN 4 MILES	18	6	5	8	37	36	.87
WITHIN 5 MILES	17	3		18	38	38	.90
BEYOND 5 MILES	375	155	179	597	1306	1293	30.79
UNKNOWN/NOT REPORTED	32	21	30	100	183	182	4.32
RECORDS	718	424	567	2532	4241		
ACCIDENTS	695	422	565	2511		4193	
PERCENTS	16.9	10.0	13.4	59.7			

ENTS PERCENT

95.71
.33
.75

1.79
1.41

ANALYTIC TABLE

FIRE AFTER IMPACT BY INJURY INDEX
ALL OPERATIONS

	FATAL	SERIOUS	MINOR	NONE	RECORDS	ACCIDENTS	PERCENT
YES	197	51	35	58	341	339	99.13
UNKNOWN	1			2	3	3	.87
RECORDS	198	51	35	60	344		
ACCIDENTS	196	51	35	60		342	
PERCENTS	57.6	14.8	10.2	17.4			

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of Part 77 proposing a structure in excess of 2,000 feet aboveground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.

(d) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within five days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

(e) Each person who is required to notify the Administrator by paragraph (b) or (c) of § 77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Chief, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

§ 77.19 Acknowledgment of notice.

(a) The FAA acknowledges in writing the receipt of each notice submitted under § 77.13 (a).

(b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the Advisory Circular.

(c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration—

(1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;

(2) Would exceed a standard of Subpart C but would not be a hazard to air navigation; or

(3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation.

Subpart C—Obstruction Standards

§ 77.21 Scope.

(a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off-airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by § 77.13(a) is filed.

(b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by approriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in § 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.

(c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13(a), that airport is—

(1) Available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or,

(2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,

(3) An airport that is operated by an armed force of the United States.

(d) [Deleted]

§ 77.23 Standards for determining obstructions.

(a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(1) A height of 500 feet above ground level at the site of the object.

(2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.

(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

(4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §§ 77.25, 77.28, or 77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

(1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

(2) Fifteen feet for any other public roadway.

(3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(4) Twenty-three feet for a railroad.

(5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

§ 77.25 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

(a) Horizontal surface—a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) Conical surface—a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) Primary surface—a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having nonprecision instrument approaches.

(3) For other than utility runways the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.

(iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) Approach surface—a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

(iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,

(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface—these surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

§ 77.27 [Revoked]

§ 77.28 Military airport imaginary surfaces.

(a) *Related to airport reference points.* These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.

(1) *Inner horizontal surface*—a plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(2) *Conical surface*—a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) *Outer horizontal surface* — a plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) *Related to runways.* These surfaces apply to all military airports.

(1) Primary surface—a surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

(2) *Clear zone surface*—a surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

(3) *Approach clearance surface*—an inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(4) *Transitional surfaces*—these surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the ap-

POLICY STATEMENT NO. 1

CLEAR ZONE REQUIREMENTS

Mn/DOT, AERONAUTICS DIVISION

In order to restrict land uses which may be hazardous to the operational safety of aircraft and protect life and property in runway approach areas, it shall be the policy of the Mn/DOT, Aeronautics Division, that State participation in acquisition, construction, maintenance, operation and improvement be limited to those airports at which adequate clear zones for the ultimate development of the airport have been acquired and maintained.

The minimum required clear zones and property interests are shown on the attached drawings for airports categorized according to aircraft served, landing aids available and approach minimums planned or established. The actual property interests to be acquired will be determined upon consideration of land lines, availability of property, severence, and other factors affecting compatible land use of the area surrounding the airport.

Exceptions to this policy may be made in the case of routine maintenance projects, emergency, terrain limitations, unusual cost, or other consideration for the safety and convenience of the public as determined by the Assistant Commissioner for Aeronautics.

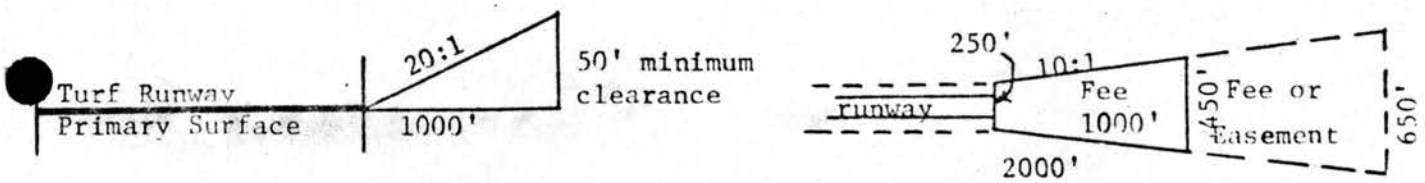
6/5/78

MINIMUM CLEAR ZONE LAND ACQUISITION REQUIREMENTS

VISUAL APPROACH, UTILITY RUNWAYS ONLY

Where no future paving, lighting or instrument approach is planned. Utility runway for propeller-driven planes of 12,500 pounds or less.

I

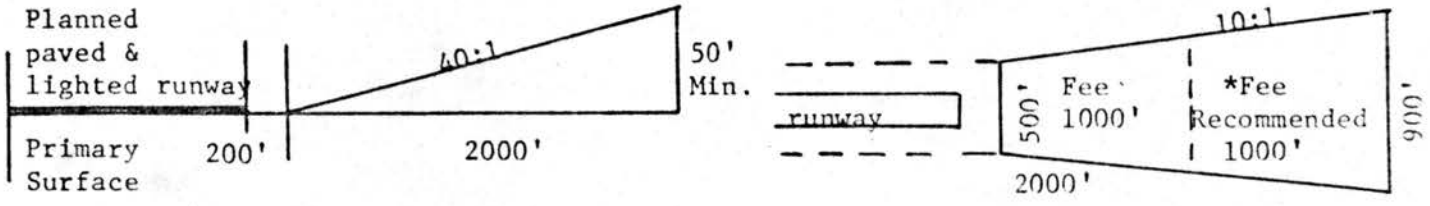


This clear zone does not allow future runway paving.

VISUAL APPROACH WITH LARGER THAN UTILITY RUNWAY

Paved, lighted runways larger than utility for over 12,500 pound planes.

II

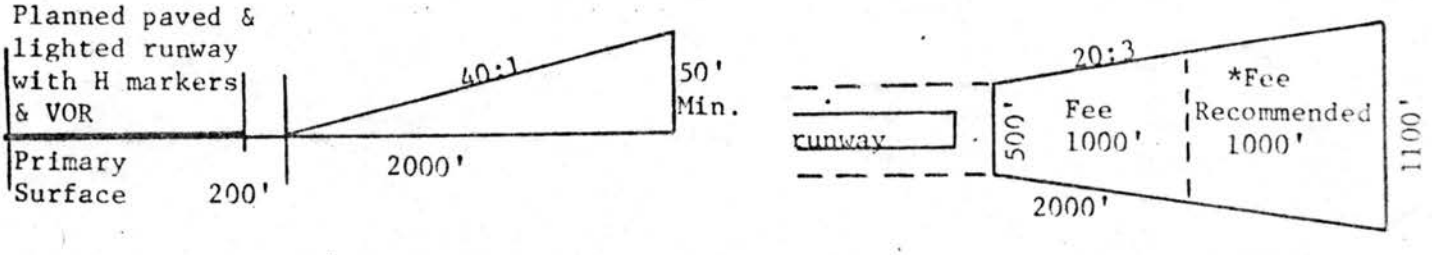


This clear zone does not allow future non-precision instrument approaches.

NON-PRECISION INSTRUMENT APPROACHES

Having visibility minimums greater than 3/4 mile with an H marker or VOR; includes utility or larger than utility runways.

V



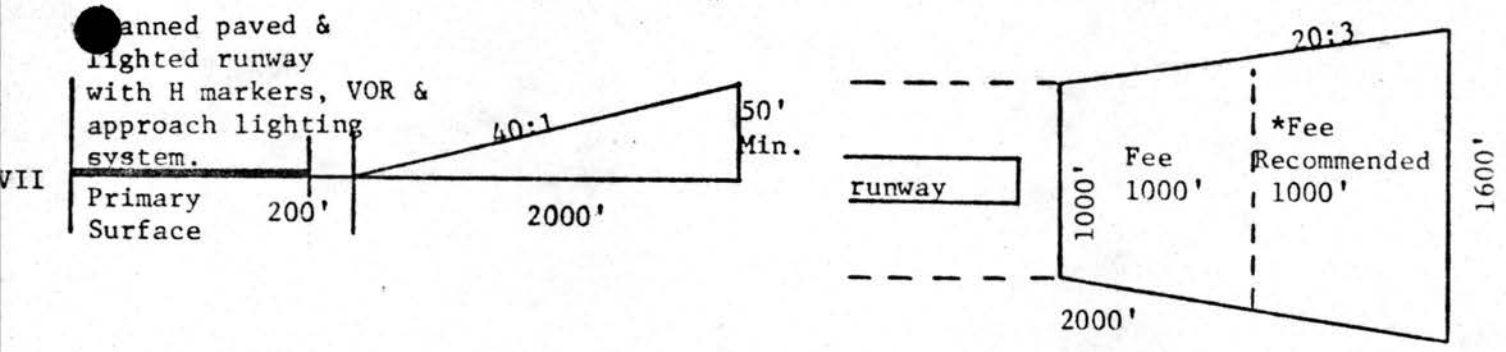
APPROACH SLOPES

REQUIRED CLEAR ZONE AREAS

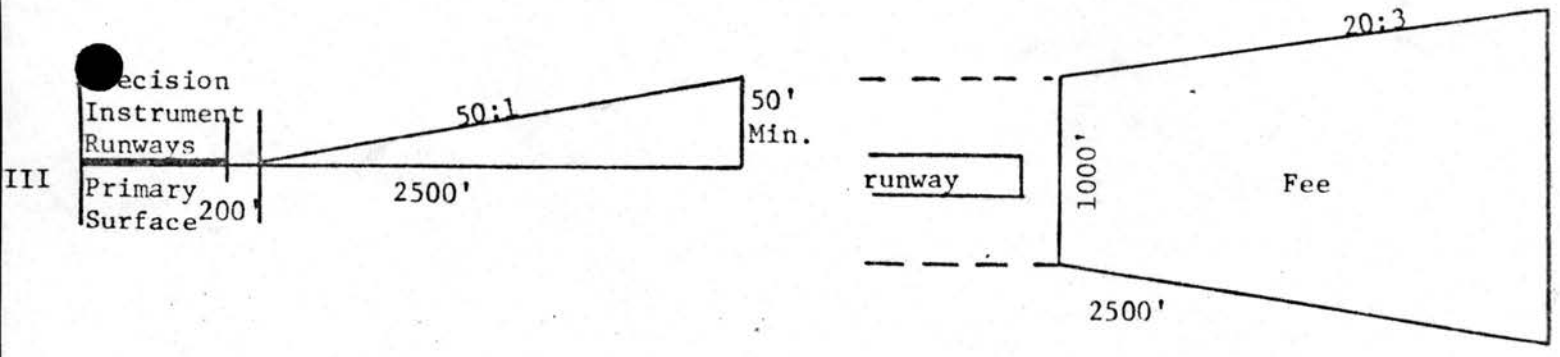
Note: Not to scale.

NON-PRECISION INSTRUMENT APPROACHES

Having visibility minimums as low as 3/4 mile with H marker or VOR and approach lighting system; includes utility or larger than utility runways.



PRECISION-INSTRUMENT APPROACHES



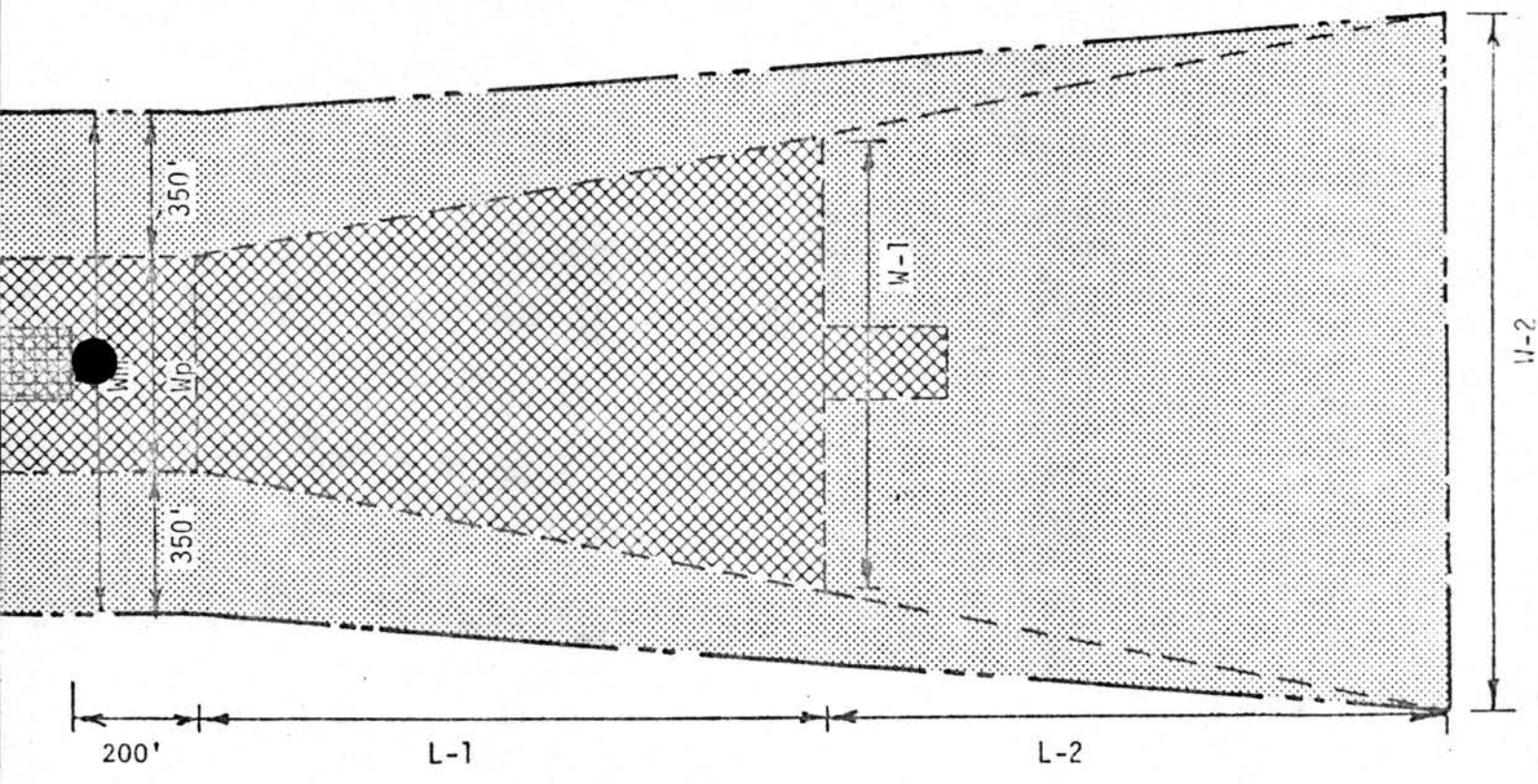
* Fee recommended, however, easement to ground possible if cost or other factors dictate

MINIMUM CLEAR ZONE REQUIREMENTS FOR RUNWAYS WITH VARIOUS APPROACH COMBINATIONS

	RUNWAY APPROACH	APPROACH ON THE OPPOSITE END OF THE RUNWAY
CASE I	Visual Approach	Visual approach
CASE II	Visual Approach	Non-precision instrument approach
CASE III	Visual Approach	Non-precision instrument approach with visibility less than 3/4 mile
CASE IV	Visual Approach	Precision instrument approach
CASE V	Non-Precision Instrument Approach	Visual or non-precision instrument approach
CASE VI	Non-Precision Instrument Approach	Non-precision instrument approach with visibility less than 3/4 mile or precision instrument approach
CASE VII	Non-Precision Instrument Approach, with visibility less than 3/4 mile	Any approach
CASE VIII	Precision Instrument Approach	Any approach

MINIMUM CLEAR ZONE REQUIREMENTS FOR RUNWAYS WITH VARIOUS APPROACH COMBINATIONS

	UTILITY RUNWAYS						LARGER THAN UTILITY RUNWAYS					
	Wp	Wm	W-1	W-2	L-1	L-2	Wp	Wm	W-1	W-2	L-1	L-2
CASE I	250	950	450	450	1000	0	500	1200	700	900	1000	1000
CASE II	500	1200	675	850	1000	1000	500	1200	700	900	1000	1000
CASE III	1000	1700	1125	1250	1000	1000	1000	1700	1150	1300	1000	1000
CASE IV	1000	1700	1125	1250	1000	1000	1000	1700	1150	1300	1000	1000
CASE V	500	1200	800	1100	1000	1000	500	1200	800	1100	1000	1000
CASE VI	1000	1700	1250	1500	1000	1000	1000	1700	1250	1500	1000	1000
CASE VII	1000	1700	1300	1600	1000	1000	1000	1700	1300	1600	1000	1000
CASE VIII	1000	1700	1750	1750	2500	0	1000	1700	1750	1750	2500	0



Fee or easement required

Fee title required

* additional fee title for installation of approach lighting system.

or the deficiency relates to an obligation that is no longer required for the safe and efficient use of the airport under existing law and policy.

(b) *Small proposals and projects.* Unless there is otherwise a special need for United States participation, the FAA includes a project in the Airport Development Aid Program only if the project application involves more than $5,000 in United States funds. Whenever possible with respect to airport development, the sponsor must consolidate small projects on a single airport in one grant agreement even though the airport development is to be accomplished over a period of years.

(c) *Previously obligated work.* Unless the Administrator specifically authorizes it, no project application may include any planning, engineering, or construction work included in a prior agreement with the United States obligating the sponsor or any other public agency to do the work, and entitling the sponsor or any other public agency to payment of United States funds for all or part of the work.

(d) *Limitation on participation.* When a release has been granted, authorizing the sponsor to dispose of land acquired with assistance under the Federal-aid Airport Program or the Airport Development Aid Program or through conveyances under the Surplus Property Act, participation in the cost of a project for airport development or airport master planning is limited to that portion of the total allowable costs of the project that is in excess of the dollar amount the sponsor is obligated to expend on the airport under the terms and conditions of the release. If the sponsor has expended all or a portion of that amount in accordance with the terms and conditions of the release, participation is limited to that portion of the total allowable project costs that is in excess of the unexpended balance.

§ 152.9 Runway clear zones: general.

(a) *Ownership or acquisition.* Whenever funds are allocated for developing new runways or runway safety areas, or to improve or repair existing runways, the sponsor must own, acquire, or agree to acquire, runway clear zones. Exceptions are considered (on the basis of a full statement of facts by the sponsor) upon a showing of uneconomical acquisition costs, or lack of necessity for the acquisition.

(b) *Meaning of "runway clear zone."* For the purpose of this Part, a runway clear zone is an area at ground level that begins at the end of each primary surface defined in § 77.25(c) of this chapter and extends with the width of each approach surface defined in § 77.25(d), to terminate directly below each approach surface slope at the point, or points, where the slope reaches a height of 50 feet above the elevation of the runway end or 50 feet above the terrain at the outer extremity of the clear zone, whichever distance is shorter.

§ 152.11 Runway clear zones: requirements.

(a) *General.* In projects involving grants-in-aid under the Airport Development Aid Program, a sponsor must own, acquire, or agree to acquire an adequate property interest in runway clear zone areas as prescribed in paragraph (b), (c), (d), or (e) of this section, as applicable. Property interests that a sponsor acquires to meet the requirements of this section are eligible for inclusion in the Program.

(b) *On new airports.* On new airports, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas (in connection with initial land acquisition) for all eligible runways or runway safety areas without substantial deviation from standard configuration and length.

(c) *On existing airports: new runways or runway safety areas.* On existing airports where new runways or runway safety areas are developed, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway and runway safety area to be developed or extended, to the extent that the Administrator determines is practical and feasible considering all facts presented by the airport owner or operator, preferably without substantial deviation from standard configuration and length.

(d) *On existing runways: improvements to runways or runway safety areas.* On existing airports where improvements are made to run-

ways or runway safety areas, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway or runway safety area that is to be improved, to the extent that the Administrator determines is practical and feasible with regard to standard configuration, length, and property interests, considering all facts presented by the airport owner or operator. Any development that improves a specific runway or runway safety area is considered to be a runway improvement, including runway lighting and the developing or lighting of taxiways serving a runway.

(e) *On existing airports: other improvements.* On existing airports where substantial improvements are made that do not benefit a specific runway or runway safety area, such as overall grading or drainage, terminal area or building developments, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for the dominant runway or runway safety area, to the extent that the Administrator determines is practical and feasible, with regard to standard configuration, length, and property interests, considering all facts presented by the airport owner or operator.

(f) *On existing airports: alternative to adequate property interest.* If a sponsor or other public agency shows that it is legally able to prevent the future erection or creation of obstructions in the runway clear zone area, and adopts protective measures to prohibit their future erection or creation, that showing is acceptable for the purposes of paragraphs (d) and (e) of this section in place of an adequate property interest (except for rights required for removing existing obstructions). In such a case, there must be an agreement between the FAA and the sponsor for removing or marking or lighting (to be determined in each case) any existing obstruction to air navigation. In each case, the sponsor must furnish information as to the specific height limitations established and as to the current and foreseeable future use of the property to which they apply. The information must include an acceptable legal opinion of the validity of the measures adopted, including a conclusion that the height limitations are not unreasonable in view of current and foreseeable future use of the property, and are a reasonable exercise of the police power, together with the reasons or basis supporting the opinion.

(g) *Authority of Regional Directors.* The authority exercised by the Administrator under paragraphs (b), (c), (d), and (e) of this section to allow a deviation from, or to determine the extent of conformity to, standard configuration or length of runway clear zones, or to determine the adequacy of property interests therein, is also exercised by Regional Directors.

(h) *Meaning of "adequate property interest".* For the purposes of this section an airport operator or owner is considered to have an adequate property interest if it has an easement (or a covenant running with the land) giving it enough control to rid the clear zone of all obstructions (objects so far as they project above the approach surfaces established by § 77.25(d)), and to prevent the creation of future obstructions, together with the right of entrance and exit for those purposes, to ensure the safe and unrestricted passage of aircraft in and over the area.

§ 152.13 Airport Development Aid Program: policy affecting land aid requirements.

(a) *Landing aid requirements.* No project for developing or improving an airport may be approved for the Program unless it provides for acquiring or installing such of the following landing aids as the Administrator determines are needed for the safe and efficient use of the airport by aircraft, considering the category of the airport and the type and volume of traffic using it:

(1) Land needed for installing approach lighting systems (ALS).

(2) Touchdown zone and centerline runway lighting.

(3) High intensity runway lighting.

For the purposes of this Part, "approach lighting system" (ALS) is a standard configuration of aeronautical ground lights in the approach area to a runway or channel to assist