

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF:

Docket No. 252
Order No. 645

The approval of zoning regulations for
the Southwest Minnesota Regional
Airport

**FINDINGS, CONCLUSIONS AND
ORDER**

FINDINGS

1. The Marshall-Lyon County Joint Airport Zoning Board has drafted the "SOUTHWEST MINNESOTA REGIONAL AIRPORT SAFETY ZONING ORDINANCE" based upon accepted airport standards and practices and consistent with "AERONAUTICS RULES CHAPTER 8800".
2. A public hearing on the proposed "SOUTHWEST MINNESOTA REGIONAL AIRPORT SAFETY ZONING ORDINANCE" was held on September 5, 2023, giving parties in interest and citizens an opportunity to be heard. Notice of this hearing was published twice during the period between 15 days and 5 days before the hearing in an official newspaper of the jurisdiction. The joint airport zoning board found no second newspaper of wide circulation in the area affected by the proposed regulations. No notices were published in the legal section of the newspaper.
3. In accordance with the requirements of Minnesota Statutes, Section 360.065, Subd. 1, notice of the hearing was sent by mail to each political subdivision in which property affected by the regulations is located.
4. Notice was sent by mail at least 10 days before the hearing to persons owning land proposed to be included in safety zone A or B as provided in the rules of the Department of Transportation and to persons or municipalities that had previously requested such notice.
5. A copy of the notice and a list of the owners and addresses to which the notice was sent was attested to by the responsible person and made a part of the records of the proceedings.
6. The proposed "SOUTHWEST MINNESOTA REGIONAL AIRPORT SAFETY ZONING ORDINANCE" was made available for public inspection during regular business hours at the Marshall City Hall as well as on the internet from August 25, 2023 to the date of the hearing.

CONCLUSIONS

1. Adoption of the proposed "SOUTHWEST MINNESOTA REGIONAL AIRPORT SAFETY ZONING ORDINANCE" is necessary for both the operation of the Airport and the safety of both the public frequenting that airport and the occupants of land in its vicinity.
2. A bona fide effort to comply with the requirements of Minnesota Statutes, Section 360.065, Subd. 1, was made prior to the approval of the proposed "SOUTHWEST MINNESOTA REGIONAL AIRPORT SAFETY ZONING ORDINANCE".

Based upon the foregoing Findings and Conclusions, the substantial evidence contained in the record, and the applicable law, the Director of the Office of Aeronautics of the Department of Transportation of the State of Minnesota, issues the following:

ORDER

The proposed "SOUTHWEST MINNESOTA REGIONAL AIRPORT SAFETY ZONING ORDINANCE" is hereby approved.

**BY ORDER OF THE DIRECTOR OF
THE OFFICE OF AERONAUTICS OF THE DEPARTMENT OF
TRANSPORTATION OF THE STATE OF MINNESOTA**

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Ryan E. Gaug
Director, Office of Aeronautics
Minnesota Department of Transportation

DATE: January 23, 2024