

**GREATER BEMIDJI AREA JOINT PLANNING BOARD
BELTRAMI COUNTY, MINNESOTA**

Ordinance No. 2023-06

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE HEIGHT OF STRUCTURES IN AIRPORT ZONE C**

The Greater Bemidji Area Joint Planning Board ordains:

Section 1: Purpose and Intent. The purpose and intent of this interim Ordinance (“Ordinance”) is to impose, pursuant to Minnesota Statutes, section 462.355, subdivision 4, a moratorium within the boundaries of the Bemidji Regional Airport Zone C on the construction, placement, or expansion of structures with a height greater than 50 feet during the period of this Ordinance in order to protect the planning process and the health, safety, and welfare of the residents and those utilizing the Bemidji Regional Airport.

Section 2: Legislative Findings. The JPB hereby finds and determines as follows:

- (a) The JPB is a governing body for the purposes of the Municipal Planning Act (“Act”) in Minnesota Statutes, Chapter 462 and it has exercised its authority pursuant to the Act to adopt the Greater Bemidji Area Zoning and Subdivision Ordinance (“Zoning Ordinance”);
- (b) Minnesota Statutes, section 462.355, subdivision 4 authorizes the JPB to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within the entire JPB area or any portion thereof;
- (c) In 2011, the JPB entered into a joint powers agreement with the Airport Authority for the Bemidji Regional Airport (“Airport”) that authorized the JPB to adopt, administer, and enforce airport zoning regulations within the Airport safety zones;
- (d) The JPB has adopted as part of its Zoning Ordinance an airport protection overlay district with certain regulations to comply with federal and state restrictions imposed on uses within airport safety zones;
- (e) The JPB’s zoning map also shows the areas near the Airport that are in Airport Zone A, Airport Zone B, and Airport Zone C. Airport Zone C encompasses the entire Airport, including Airport Zone A and Airport Zone B;
- (f) The JPB recently processed and denied a request for an interim use permit to place an 89-foot-tall telecommunications tower in Airport Zone C. The JPB determined the proposed tower would unreasonably interfere with the safety of air ambulance operations at the Airport. The JPB recognized as part of processing that application that it should study the permissible heights of structures allowed in the airport