

Flying Cloud Airport

Joint Airport Zoning Board

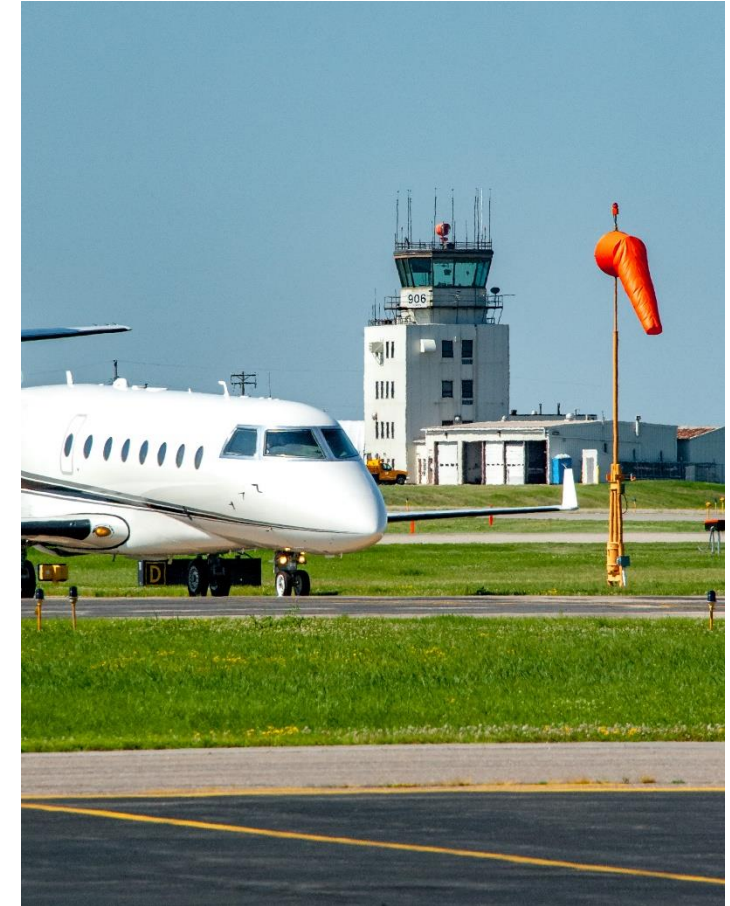


10 April 2019

JAZB Meeting #7

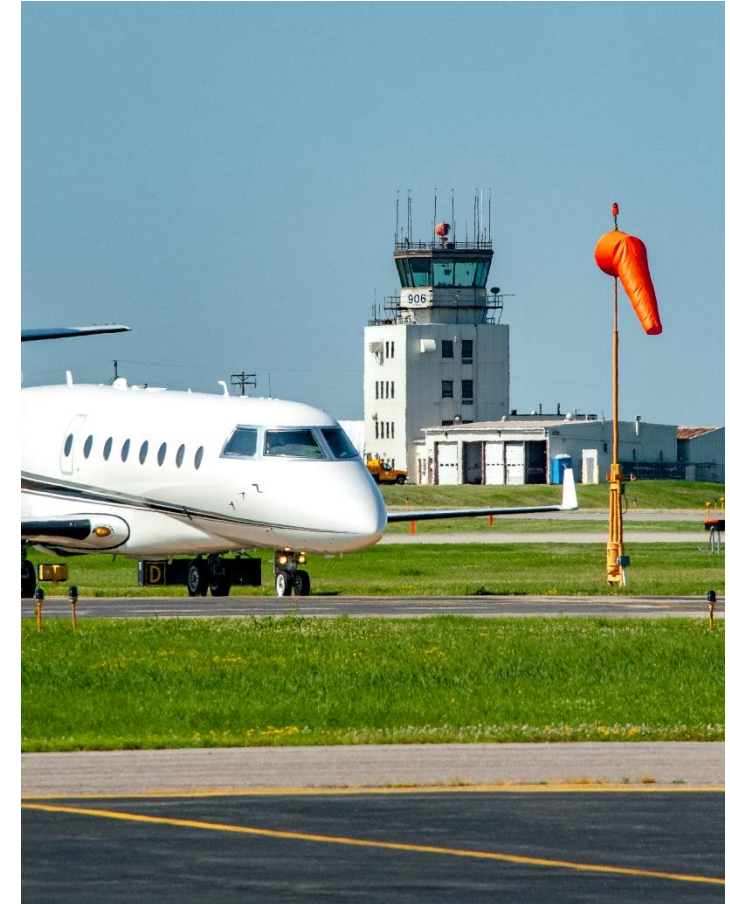
Meeting Agenda

- Chair Opening/Remarks
- Approval of Minutes from January 07, 2019 JAZB Meeting
- Review of February 28, 2019 Public Hearing Report (2nd Public Hearing)
 - Motion to Accept the 2nd Public Hearing Report
- Review of Final FCM Zoning Ordinance Materials
 - Motion to Approve the Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order
 - Motion of Adopt the Final FCM Zoning Ordinance
- Adjourn



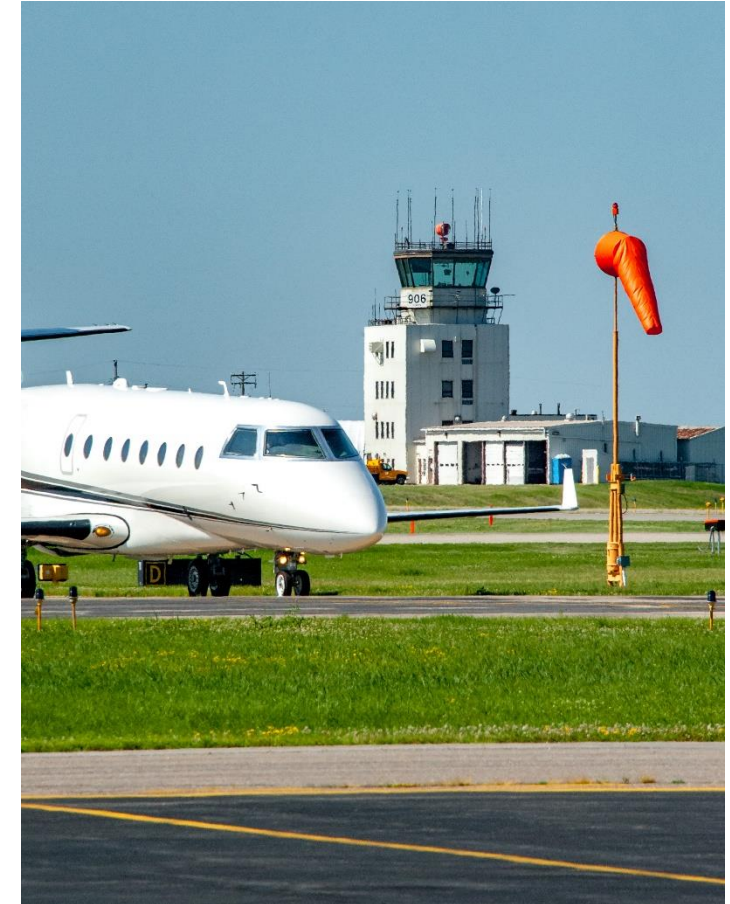
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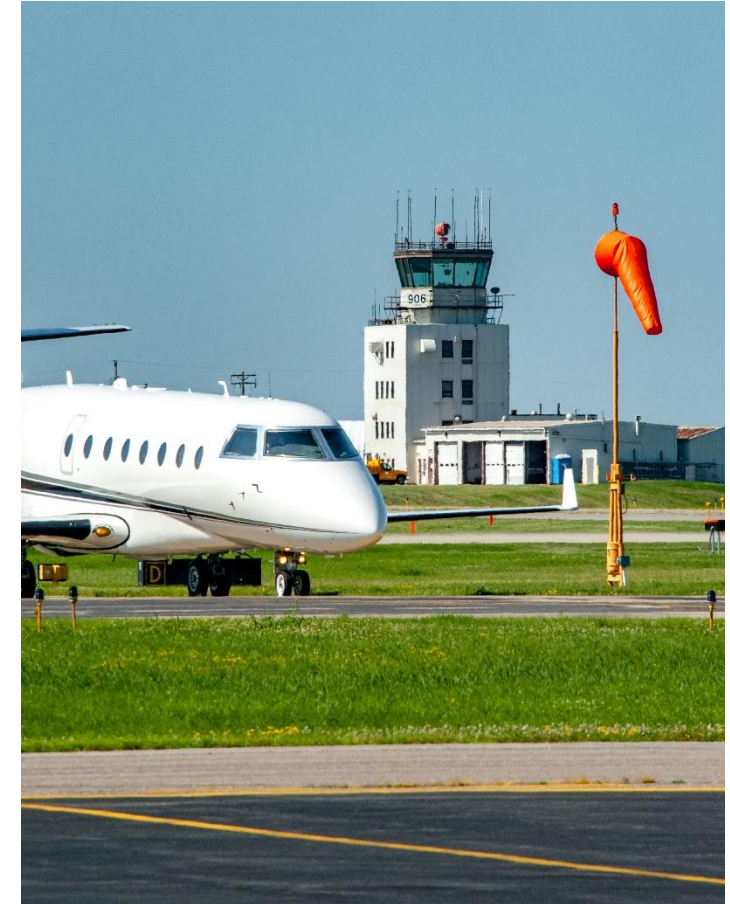
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FCM JAZB Public Hearing #2

- Held on Thursday, February 28, 2019 @ 6:30pm in the Eden Prairie City Center Council Chambers
- Before the Hearing, a Public Open House was held from 5:00-6:00pm, and a Public Presentation was given at 6:00pm
- Five (5) people signed in on the Public Hearing attendance sheet
- No public testimony was given
- Proceedings were transcribed by a qualified court reporter



FCM JAZB Public Hearing #2

- Public comment period closed at 5:00pm on Wednesday, March 13, 2019
- Four (4) written comments were received during the comment period
 - Questions about development possibilities in Safety Zone B
 - Concern about impacts to wildlife in the MN River Valley and vehicular traffic flows
 - Concern about complexity of airport zoning and availability of summary materials
- All written comments and responses will be published in the Public Hearing Report



FCM JAZB Public Hearing #2 Report

Public Hearing Report Contents

- Notice of Public Comment Period and Public Hearing
- Public Hearing Attendance Sheets
- Public Hearing Transcript
- Public Presentation Slides
- List of Exhibits Entered into the Public Hearing Record
- Written Public Comments and Responses

Proposed Final Flying Cloud Airport Zoning

Ordinance

Public Hearing Report

Second Public Hearing

February 28, 2019

A public hearing was conducted at 6:30 p.m. on February 28, 2019 at the Eden Prairie City Center, City Council Chambers, to receive verbal and written comments about the Proposed Final Airport Zoning Ordinance for Flying Cloud Airport. Public notice of the hearing was provided (Item A).

Present at the public hearing were the following Joint Airport Zoning Board (JAZB) members, who served as Hearing Officers: Brad Aho (Chair, Eden Prairie), Kate Aanenson (Chanhassen), Keith Tschohl (Eden Prairie), Julie Klima (Eden Prairie), Michael Beard (Shakopee), Robert Barker (Eden Prairie), Rick King (MAC), and Gary Schmidt (MAC). MAC staff present at the public hearing included Roy Fuhrman (Chief Operating Officer), Bridget Rief (Vice President, Planning and Development), Neil Ralston (Airport Planner), Evan Wilson (Senior Attorney), Mike Wilson (FCM Airport Manager), Brad Juffer (Assistant Manager, Noise, Environment and Planning), and Jenn Felger (Planning and Environment Coordinator).

Five people signed in on the attendance sheets (Item B).

The proceedings of the Public Hearing were transcribed by a qualified court reporter (Item C).

Neil Ralston, Airport Planner, provided an overview presentation of the Proposed Final Airport Zoning Ordinance for Flying Cloud Airport (Item D).

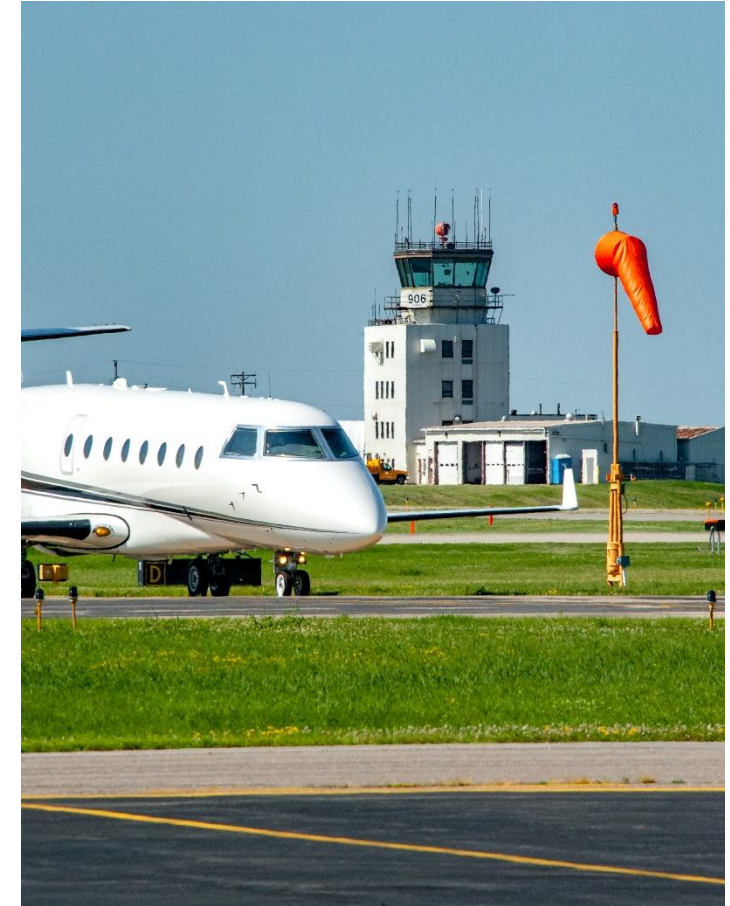
Exhibits A through P were entered into the record by Neil Ralston, Airport Planner, during the public meeting. Exhibits A through P are listed as Item E and are available upon request to Kristin Berwald, JAZB Secretary, at 612-726-8144 or via email at Kristin.Berwald@mspmack.org.

All persons in attendance and wishing to do so were given the opportunity to testify and introduce evidence regarding the issues set forth in the Notice of Public Hearing. No testimony was given.

The public hearing record was kept open until 5:00 p.m. on Wednesday, March 13, 2019, to receive written comments from interested parties. Four (4) written comments were received during the public comment period. These comments, along with responses, are included as Item F.

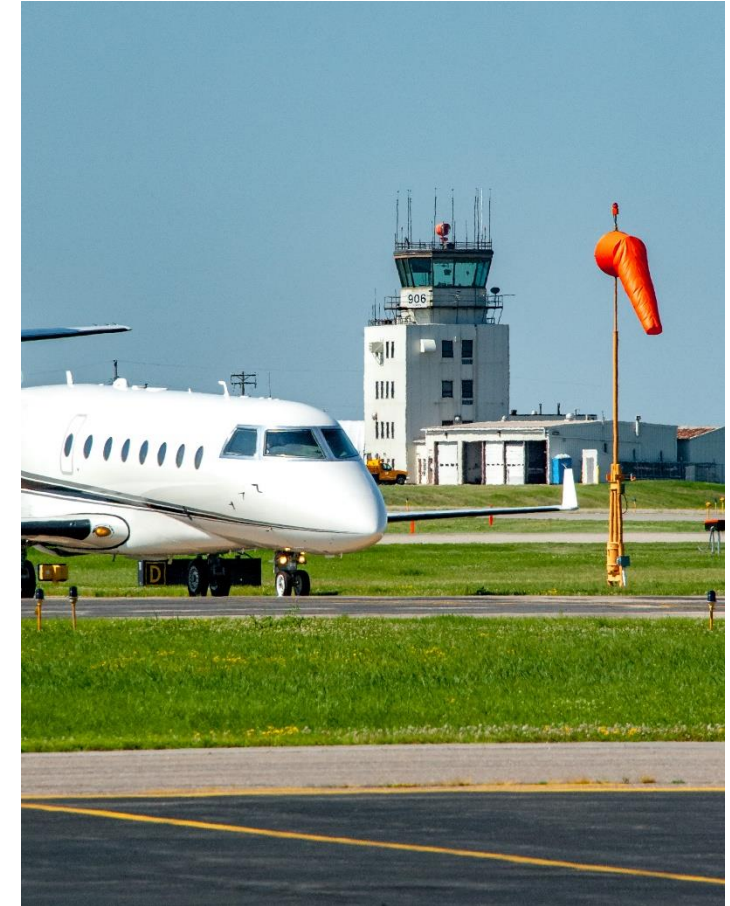
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Review Final Findings & Conclusions

FLYING CLOUD AIRPORT JOINT AIRPORT ZONING BOARD

In the Matter of Adopting a
Flying Cloud Airport
Zoning Ordinance

FINAL STATEMENT OF LEGAL
AUTHORITY, FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

The Flying Cloud Airport Joint Airport Zoning Board (the "FCM JAZB") convened to consider adoption of a Flying Cloud Airport Zoning Ordinance ("FCM Zoning Ordinance"), which will regulate the use of property and the height of structures and objects of natural growth in the vicinity of the Flying Cloud Airport ("FCM" or "Airport").

The FCM JAZB, having reviewed and considered the public record before it, intends to adopt the FCM Zoning Ordinance. In support of its action, the FCM JAZB hereby summarizes its legal authority in this Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order; and finds, concludes and orders as follows.

I. LEGAL AUTHORITY

A. State Law: Authority and Purpose of Airport Zoning

1. The general authority to zone around the Airport is established in Minnesota Statutes §§ 360.061 – 360.074 ("Airport Zoning Statute").
2. The Minnesota Legislature ("Legislature") found that airport hazards endanger lives and property of users of an airport and of occupants of land in its vicinity and may reduce the size of the area available for the landing, taking-off, and maneuvering of aircraft, thereby impairing the utility of an airport. See Minn. Stat. § 360.062.
3. The Legislature also found that the social and financial costs of disrupting existing land uses around airports in built-up urban areas often outweigh the safety benefits of a reduction in airport hazards. See Minn. Stat. § 360.062.
4. The Legislature then declared that the creation of airport hazards is a public nuisance and an injury to the community served by the airport, and that the creation of airport hazards should be prevented. See Minn. Stat. § 360.062.
5. The Legislature also declared that the elimination or removal of existing land uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety. See Minn. Stat. § 360.062.
6. Zoning authority within the Airport approach zones extends two miles from the Airport boundary for location, size and use of buildings and for population density. Zoning authority outside the Airport approach zones extends one and one-half miles for height restrictions and one mile for land use. See Minn. Stat. § 360.063, subd. 1.(b).

IV. ORDER

After reviewing and considering the entire public record, including all information received by the FCM JAZB, public testimony and written comments, and the Commissioner's Orders, the FCM JAZB concludes that the Final Flying Cloud Airport Zoning Ordinance should be adopted for the reasons stated in this Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order.

Approved on April 10, 2019.

I hereby certify that this is a complete, true, and correct copy of the Final Statement Of Legal Authority, Findings Of Fact, Conclusions of Law, and Order as approved by the Flying Cloud Airport Joint Airport Zoning Board on April 10, 2019.

Brad Aho, Chair
FCM Joint Airport Zoning Board
Date: April 10, 2019

Kristin Berwald, Secretary
FCM Joint Airport Zoning Board
Date: April 10, 2019

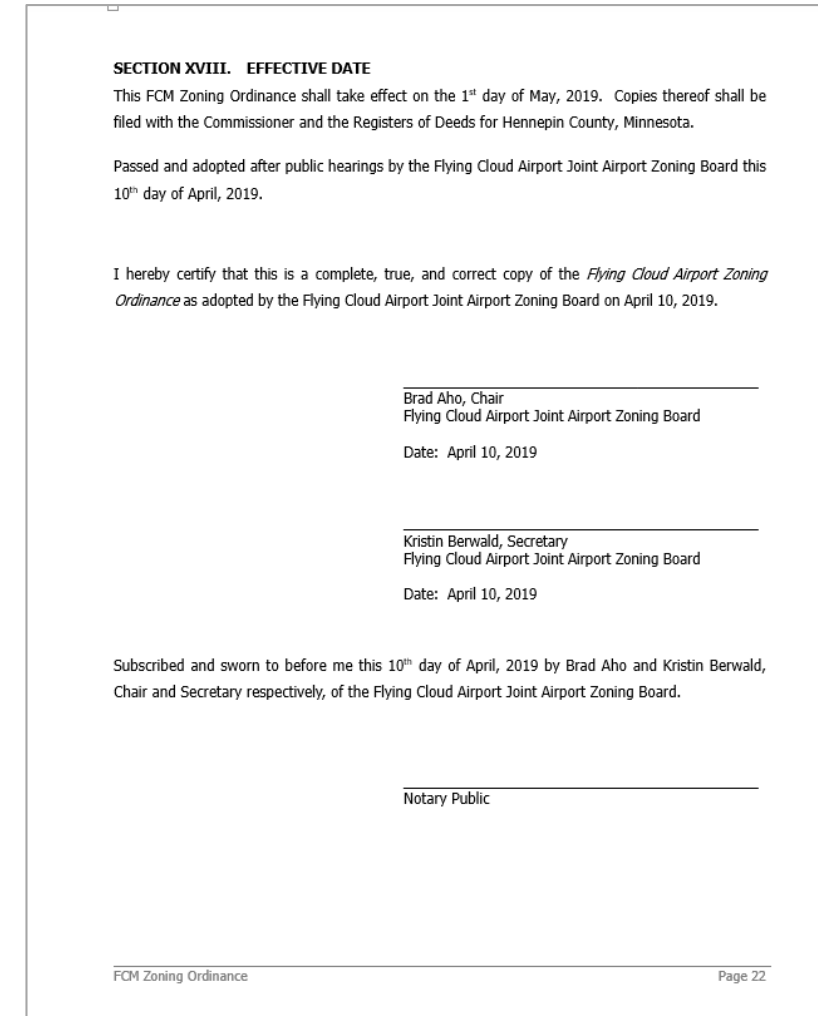
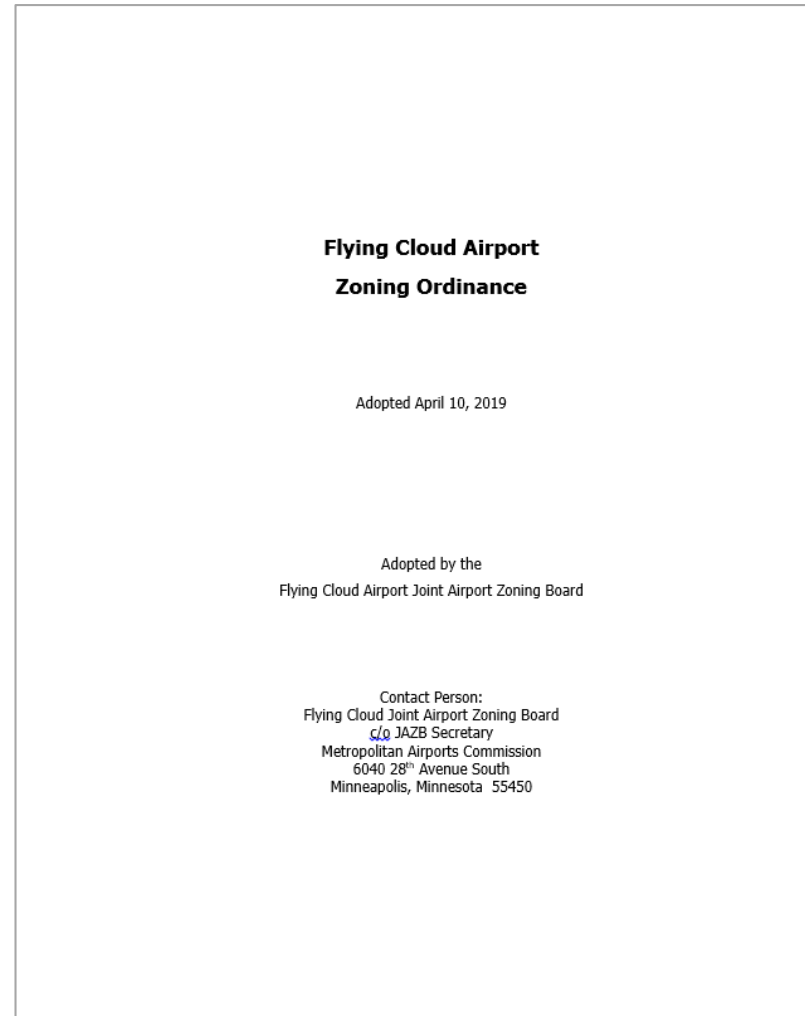
State of Minnesota
County of _____

Subscribed and sworn to before me this 10th day of April, 2019, by Brad Aho and Kristin Berwald, Chair and Secretary, respectively, of the Flying Cloud Airport Joint Airport Zoning Board.

Notary Public

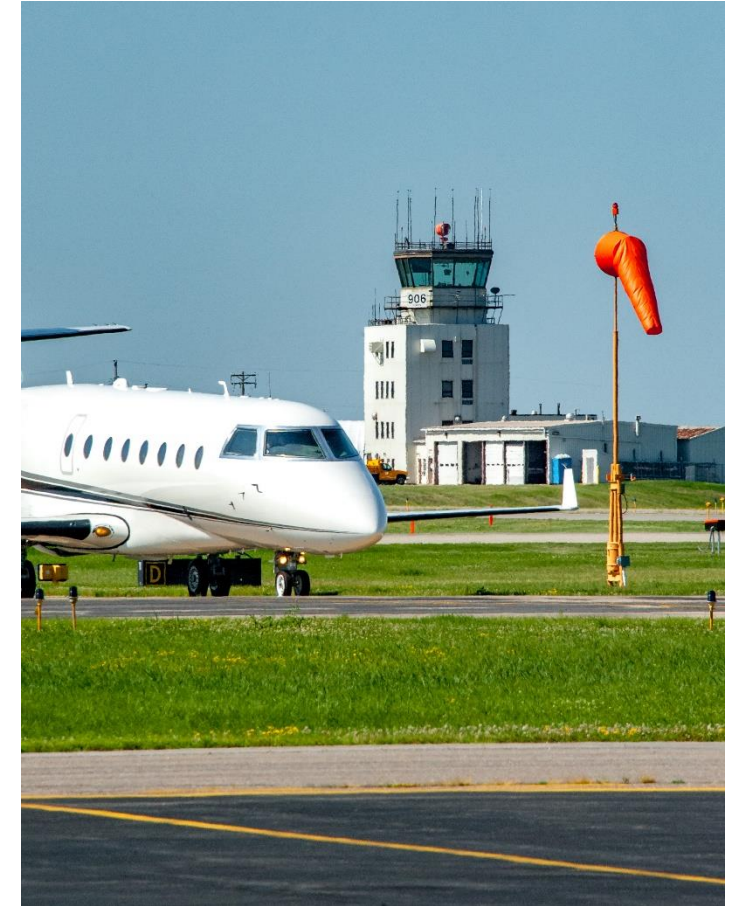
Review Final FCM Airport Zoning Ordinance

- Final FCM Airport Zoning Ordinance
 - No material changes have been made to the 2nd Public Hearing version of the Ordinance dated January 7, 2019
 - Added adoption date of April 10, 2019
 - Added effective date of May 1, 2019



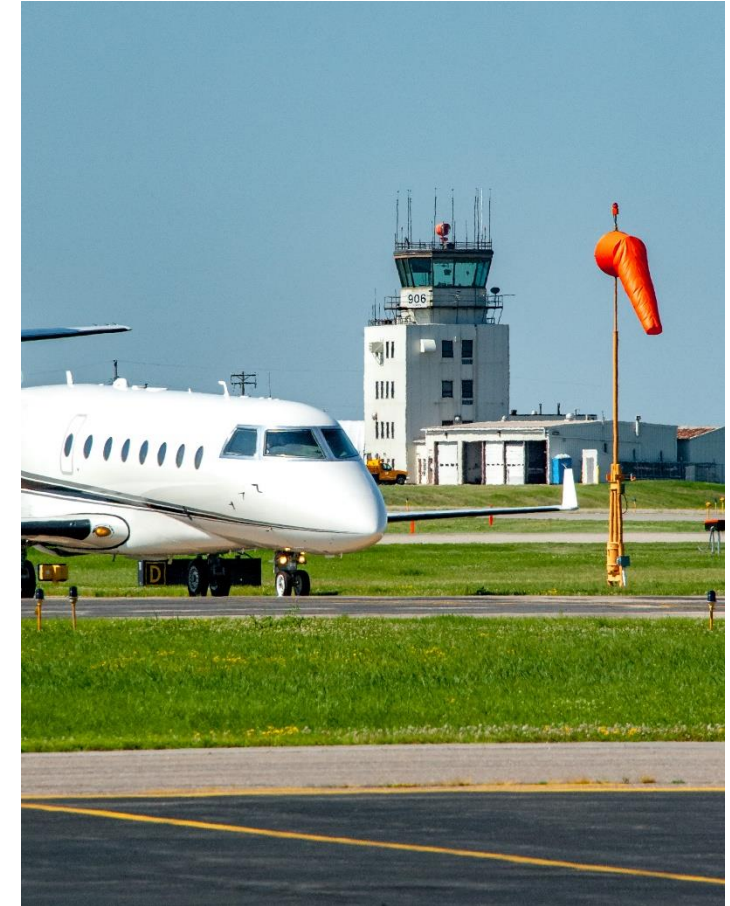
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Thank you for your participation!