

1 METROPOLITAN AIRPORTS COMMISSION

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5 PUBLIC HEARING

6

RE:

7

PROPOSED FINAL FLYING CLOUD AIRPORT (FCM)

8

ZONING ORDINANCE

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HELD ON

12

FEBRUARY 28, 2019

13

6:00 p.m.

14

EDEN PRAIRIE CITY HALL COUNCIL CHAMBERS

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8080 MITCHELL ROAD, EDEN PRAIRIE, MINNESOTA

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REPORTED BY: CAITLIN J. ALBRECHT

1 APPEARANCES

2
3 FLYING CLOUD AIRPORT

4 JOINT AIRPORT ZONING BOARD MEMBERS:

5
6 Brad Aho, JAZB Chair

7 Kate Aanenson, Chanhassen

8 Keith Tschohl, Eden Prairie

9 Julie Klima, Eden Prairie

10 Michael Beard, Shakopee

11 Robert Barker, Eden Prairie

12 Rick King, Metropolitan Airports Commission

13 Gary Schmidt, Metropolitan Airports Commission

14
15 METROPOLITAN AIRPORTS COMMISSION STAFF:

16
17 Roy Fuhrmann, Chief Operating Officer

18 Bridget Rief, Vice President - Planning &

19 Development

20 Neil Ralston, Airport Planner

21 Evan Wilson, Senior Attorney

22 Brad Juffer, Assistant Manager - Noise, Planning &

23 Environment

24
25 (APPEARANCES continued on next page)

1 (APPEARANCES continued)

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3 METROPOLITAN AIRPORTS COMMISSION STAFF (continued):

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5 Mike Wilson, Manager - Reliever Airports

6 Jenn Felger, Planning & Environment Coordinator

7 Andrew Hanson, Attorney

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1 CHAIR AHO: All right. The meeting of the
2 Flying Cloud Airport Joint Airport Zoning Board will
3 come to order. My name is Brad Aho, and I'm chair of
4 the Flying Cloud Airport Joint Airport Zoning Board. I
5 welcome all of you tonight to the Board meeting and the
6 public hearing for the proposed final airport zoning
7 ordinance.

8 The proposed final zoning ordinance is based on
9 the draft airport zoning ordinance that was presented
10 to the public in February of 2018, but also
11 incorporates revisions based on comments received from
12 the Minnesota Department of Transportation.

13 So MnDOT issued a final commissioner's order
14 formally approving the proposed final airport zoning
15 ordinance on January 17th of 2019, so this year.

16 The purpose of this hearing is to solicit
17 public feedback about the proposed final airport zoning
18 ordinance as proposed by MnDOT board members.

19 So, board members, let's introduce everyone
20 here and just state what entity that you represent.

21 So go ahead. Mike, you want to start off?

22 MR. BEARD: Mr. Chairman, good evening.
23 I'm Mike Beard. I represent the City of Shakopee.

24 CHAIR AHO: Thank you.

25 MR. TSCHOHL: Mr. Chairman, I'm Keith

1 Tschohl. I represent the City of Eden Prairie.

2 MR. BARKER: Bob Barker representing the
3 Flying Cloud Airport Advisory Commission of the City of
4 Eden Prairie.

5 MS. AANENSON: Kate Aanenson. I'm
6 representing the City of Chanhassen.

7 MR. KING: Hello. Rick King. I represent
8 MAC.

9 MR. SCHMIDT: Gary Schmidt, representing
10 the airports commission.

11 MS. KLIMA: Julie Klima, city planner,
12 Eden Prairie.

13 CHAIR AHO: Great. Thank you all.

14 So, first of all, the structure of the Board
15 meeting and hearing will be as follows.

16 First, Neil Ralston, planner for the
17 Metropolitan Airports Commission, will be called to
18 provide an overview of the proposed Flying Cloud
19 Airport Zoning Ordinance.

20 Next we will have -- exhibits for today's
21 hearing will be entered into the record starting at
22 6:30.

23 And, third, the Board will take testimony from
24 the public on the Proposed Final Flying Cloud Airport
25 Zoning Ordinance.

1 So if anyone has a prepared statement or
2 document, you may read it into the record, or you can
3 submit it and we'll make it part of the record. And
4 the Board asks that you limit your statement to no more
5 than 5 minutes, but seeing that we don't have a lot of
6 people here, I don't think that's going to be a
7 problem.

8 If you wish to testify, please fill out a
9 speaker card and hand it to the secretary, who is Jenn
10 Felger, back in the back there. Speaker cards are
11 located at the entrance to this room.

12 And prior to this meeting, a public
13 informational open house was held from 5 to 6 p.m., and
14 notice of that open house was published and mailed to
15 interested parties.

16 So just to kind of reiterate some of the facts
17 about this hearing. This hearing is not a public
18 hearing about no airport noise. It is about an
19 adoption of an airport zoning ordinance, which will not
20 alter the number, frequency, or noise level of aircraft
21 at Flying Cloud Airport. An airport zoning ordinance
22 would affect the use of land surrounding the airport,
23 and that's really all it's about.

24 A court reporter is here tonight to take down
25 all proceedings of the evening.

1 So, Mr. Ralston, I'll turn it over to you, and
2 please proceed.

3 MR. RALSTON: All right. Thank you, Chair
4 Aho. Good evening, ladies and gentlemen. Thank you
5 for taking the time to join us. I'm Neil Ralston,
6 airport planner for the Metropolitan Airports
7 Commission.

8 As stated, we're here tonight to provide a
9 brief overview of the proposed final airport zoning
10 ordinance that has been developed by this esteemed body
11 for Flying Cloud Airport. The proposed final airport
12 zoning ordinance is based on the draft ordinance that
13 was presented to the public just about a year ago in
14 February 2018, but does incorporate those revisions
15 based on comments that we received from the Minnesota
16 Department of Transportation.

17 I'll begin tonight by presenting the purpose
18 and goals for the Joint Airport Zoning Board, along
19 with a timeline of the Board's activity, then I will
20 move into a summary of the proposed final airport
21 zoning ordinance.

22 Finally, I'll talk about the next steps in the
23 process to advance the ordinance towards its final
24 adoption and implementation.

25 Before going any further, however, I'd like to

1 define a few terms and acronyms that will be used
2 during the presentation tonight and on the slides,
3 because we certainly love our acronyms.

4 First, the three letters "FCM" when are
5 presented refer to the Flying Cloud Airport. That is
6 the official identifier for the airport that pilots
7 use.

8 Second, the term "JAZB," which is pronounced
9 JAZB (pronounced JAZZ-bee), is shorthand version for
10 Joint Airport Zoning Board.

11 Next, "MnDOT" refers to the Minnesota
12 Department of Transportation, Office of Aeronautics.

13 And last but not least, "FAA" is used to
14 reference the Federal Aviation Administration.

15 So why is it important for the JAZB to continue
16 pursuing airport zoning for Flying Cloud Airport now?

17 First, zoning remains a requirement of state
18 law. MnDOT's expectation is that the JAZB will
19 successfully develop zoning for the airport in order to
20 avoid potential grant funding implications.

21 Second, the pace of development around Flying
22 Cloud Airport is only increasing, and the lack of an
23 adopted airport zoning ordinance is creating
24 uncertainty and confusion about possible land use
25 controls and restrictions.

1 Third, the Metropolitan Airports Commission
2 would like to continue to pursue non-aeronautical
3 commercial uses on some of its airport-owned parcels.
4 Uncertainty regarding zoning is holding up the approval
5 process for those parcels, and we'd like to remove that
6 hurdle.

7 And last but not least, it's time to provide a
8 level of certainty to all stakeholders around the
9 airport regarding airport zoning requirements.

10 At a high level, the JAZB's purpose is to
11 collaboratively develop an airport zoning ordinance
12 that achieves this balance between providing a
13 reasonable level of public safety while allowing for
14 compatible community development.

15 To achieve this, Minnesota state statutes
16 provides guidance to consider the social and economic
17 costs of restricting land uses around the airport
18 versus the benefits derived from a strict application
19 of the state's airport model zoning ordinance. The
20 state's model zoning ordinance is a template provided
21 by MnDOT Aeronautics that provides a common approach to
22 developing zoning for all airports across the state of
23 Minnesota.

24 The overarching goal for the JAZB is to develop
25 an airport zoning ordinance for review and approval by

1 the MnDOT Commissioner of Transportation and subsequent
2 adoption by the Board, and then the local participating
3 communities.

4 Supporting goals for the JAZB include updating
5 previous zoning proposals to reflect current conditions
6 and to ensure that an appropriate level of stakeholder
7 and community engagement occurs about the process, and,
8 of course, tonight's hearing is another important step
9 in achieving that last goal.

10 Next, I'd like to review the activity timeline
11 for the JAZB. This Board first met back in 2009 and
12 developed a draft airport zoning ordinance that was
13 submitted to the MnDOT Commissioner of Transportation
14 for review and action in December of 2010. However, in
15 early 2011, MAC requested on behalf of the JAZB that
16 MnDOT temporarily suspend review of that draft zoning
17 ordinance due to some legal uncertainties surrounding
18 airport zoning-related litigation that was pending at
19 the time.

20 By 2016, that litigation had been settled and
21 it became increasingly apparent that there was a need
22 to move forward with restarting and completing the
23 zoning effort due to the pace of development activity
24 in the vicinity of the airport. Based on coordination
25 with MnDOT, it was determined that too much time had

1 passed just to pick up where we had left off in 2011
2 without reconvening the JAZB and reengaging with
3 stakeholders.

4 To accomplish this, the first meeting of the
5 reconvened JAZB was held in September of 2017. Between
6 then and now, the JAZB has been working to update the
7 airport zoning ordinance and its supporting studies,
8 which include a safety/risk study and an economic
9 impact analysis.

10 In January of 2018, the JAZB formally approved
11 an updated draft airport zoning ordinance for formal
12 public review and comment. The draft ordinance served
13 as the basis for the public hearing that was held in
14 this very room about a year ago on February 27th, 2018.

15 After reviewing public feedback and comments,
16 the JAZB decided to make its first submittal of the
17 draft airport zoning ordinance to MnDOT in April of
18 2018.

19 Then a few months later, in June 2018, MnDOT
20 responded by objecting to the first submittal of the
21 draft airport zoning ordinance as it did not fully
22 conform with the state model zoning standards. That
23 objection certainly did not come as a surprise to us,
24 as we had concluded that a strict application of
25 MnDOT's model zoning standards exceeds what is

1 necessary to provide a reasonable level of safety at
2 Flying Cloud Airport.

3 A productive meeting with representatives of
4 MnDOT followed in early August to help pinpoint some
5 specific items to improve the likelihood of the draft
6 ordinance being approved during its second submittal
7 process. One of the items that came out of that
8 discussion was development of a supplemental
9 safety/risk study to again explore if there's empirical
10 data to support strict application of MnDOT's model
11 zoning standards to the areas around Flying Cloud
12 Airport. Based on both the original safety/risk study
13 and now the supplemental analysis, the answer continues
14 to be no.

15 We also elected to make a few changes to the
16 sizes and the shapes of JAZB Safety Zones A and B, and
17 I'll talk about those changes more in a few moments.

18 In September 2018, the JAZB formally approved
19 making a second submittal of the draft ordinance to
20 MnDOT. As part of the second submittal review cycle,
21 the JAZB responded to further MnDOT comments by
22 providing an additional social and economic cost factor
23 analysis supporting the decision to exclude residential
24 and commercial zone property from the safety zones, and
25 again, more about that in a few moments.

1 After some additional back-and-forth with
2 MnDOT, the JAZB formally approved the proposed final
3 airport zoning ordinance with a few minor tweaks on
4 January 7th, 2019, and it was submitted to MnDOT later
5 that same day.

6 Man, we've been busy. A lot of stuff here.

7 Our collaboration with MnDOT Aeronautics paid
8 off as they issued a commissioner's order on January
9 17th, 2019, approving the proposed final airport zoning
10 ordinance.

11 Which brings us, finally, to tonight, which is
12 the hearing to solicit public feedback about the
13 proposed final zoning ordinance for the JAZB to
14 consider when making a final -- a decision about its
15 final adoption.

16 The proposed final airport zoning ordinance
17 continues to have two primary components: height
18 limitations and land use limitations. We'll cover them
19 both briefly, starting with the height limitations
20 item.

21 The proposed final airport zoning ordinance
22 does not change any of the height limitations that were
23 included in the previous draft. It establishes an
24 airspace zone to limit the height of structures and
25 vegetation out to approximately 2 miles to the west of

1 the airport and out to approximately 1 1/2 miles in
2 other areas of the airport. The airspace zone heights
3 are based on FAA criteria.

4 If a proposed development seeks to penetrate
5 the height limitations as stipulated by the airspace
6 zone, a variance will have to be granted by a board of
7 adjustment. The Board of Adjustment is proposed to be
8 comprised of members of the Metropolitan Airports
9 Commission.

10 The proposed final ordinance includes a set of
11 grid maps to show the airspace zone heights in 10-foot
12 intervals for areas surrounding the airport. As an
13 example, the slide shows grid location C3, which is on
14 the northwest side of the airport. The index at the
15 bottom of the graphic shows the geographic spread of
16 the grids, each of which has its own grid map in the
17 document. The heights of these grid maps are expressed
18 as above mean sea level, not above ground level. To
19 calculate the above-ground-level height of the airspace
20 zone, one must subtract the ground elevation from the
21 airspace elevation.

22 To provide more specificity of the allowable
23 construction heights for each parcel, we have created
24 another set of grid maps called "Maximum Construction
25 Height Without Permit." These maps establish a height

1 per parcel up to which an airport zoning permit is not
2 needed.

3 As a point of clarification, an airport zoning
4 permit is different than a variance that would be
5 issued by the Board of Adjustment. If a proposed
6 development does not exceed the maximum construction
7 height without permit elevation, no zoning permit or
8 variance would be needed; however, an FAA airspace
9 review may still be required.

10 If a proposed development exceeds the maximum
11 construction height without permit elevation but does
12 not penetrate the airspace zone, the applicant will
13 need to obtain an airport zoning permit from the city
14 zoning administrator, but not a variance.

15 The maximum construction heights without permit
16 are intended to provide a buffer below the airspace
17 zones, and the JAZB believes it's prudent for the city
18 zoning professionals to review proposed developments
19 that are getting close to penetrating the airspace
20 zone.

21 If a proposed development exceeds both the
22 maximum construction height without permit elevation
23 and penetrates the airspace zone, then both an airport
24 zoning permit and a variance will be needed, and all
25 that is outlined in the ordinance itself.

1 The draft ordinance also contains a set of grid
2 maps showing the maximum construction heights without a
3 permit that have been calculated for each parcel within
4 the zoning area. This example continues to use grid
5 section C3, again, on the northwest side of the
6 airport. Each of these heights shown is expressed as
7 above ground level, making it easier to interpret and
8 use than the previous airspace zone grid maps.

9 These heights were calculated by identifying
10 the location of each parcel where the highest ground
11 elevation was under the lowest airspace zone elevation.
12 We then subtracted the ground elevation from the
13 airspace zone height with that location and rounded it
14 down to the nearest 10-foot interval. In the vast
15 majority of cases, we have found that the airport
16 zoning height limitations would be less restrictive
17 than the maximum structure heights allowed in the
18 municipal zoning code.

19 Next, we'll move on to the land use safety
20 zones. The proposed final ordinance has three safety
21 zones, Zones A, B, and C.

22 JAZB Safety Zone A is the most restrictive
23 zone, located immediately off the ends of the runways,
24 and prohibits structures and land uses that bring
25 together assemblies of people.

1 JAZB Safety Zone B is a less restrictive zone
2 located further off the runway ends. It allows for
3 some low-density development while prohibiting land
4 uses that, again, bring together assemblies of people.

5 JAZB Safety Zone C is the least restrictive
6 zone and contains general land use restrictions against
7 interfering with flight activity at the airport.

8 I'll go into a little detail about each of the
9 zones now, starting with Zone C.

10 Zone C is shown by the black ellipsoid line on
11 the slide. It's established by drawing radiuses of
12 specified distances from the runway ends and has not
13 changed from the draft version of the ordinance.
14 Again, that's the least restrictive safety zone that
15 calls for general prohibitions that would interfere
16 with flight activity at the airport.

17 Even though the language may seem a bit
18 technical, the uses prohibited in Zone C are generally
19 common-use items the vast majority of property owners
20 would not do anyway. For example, bright uplighting
21 like searchlights or lasers pointed into the sky that
22 could blind pilots would be an undesirable land use in
23 this area.

24 In response to questions we received during the
25 first public comment period, I want to clarify that the

1 ordinance does not seek to prohibit the installation or
2 use of solar rooftop panels on homes or restrict the
3 use of FCC-approved amateur radio stations in JAZB
4 Safety Zone C.

5 Finally, I'd like to point out the land use
6 controls established for Zone C apply to the other
7 safety zones as well.

8 Next we'll move inward to Safety Zone B, which
9 is shown on this graphic as green-shaded areas. JAZB
10 Safety Zone B is more restrictive than C but less
11 restrictive than Zone A. As a change from the previous
12 version of the ordinance, the extents of JAZB Safety
13 Zone B have been adjusted to exclude privately owned
14 residential and commercially zoned property, along with
15 several airport-owned parcels expected to support
16 non-aeronautical commercial development.

17 The decision to exclude these parcels was based
18 on the results of the JAZB's detailed safety risk
19 studies and economic impact analysis specific to the
20 conditions at Flying Cloud Airport, and that helps to
21 explain the odd shape of the proposed JAZB Safety
22 Zone B area.

23 The JAZB also updated the land use controls
24 proposed in Zone B to be more consistent with MnDOT's
25 state model zoning standard. JAZB Zone B now allows

1 for low-density development on individual building
2 sites of not less than 3 acres and does limit maximum
3 populations of those sites. It prohibits certain land
4 uses that would support large assemblies of people,
5 such as churches, hospitals, schools, stadiums, and
6 hotels. It also restricts wildlife attractants,
7 particularly those that would attract waterfowl like
8 the Canada goose.

9 As the proposed JAZB Safety Zone B areas are
10 comprised either of land owned by the airport or
11 off-airport property guided by the city determining it
12 was open space, the requirement in the draft ordinance
13 to maintain a certain amount of contiguous open space
14 has been removed.

15 Lastly, JAZB Safety Zone A is shown by the
16 blue-shaded area on the slide. As mentioned before,
17 it's the most restrictive safety zone and the
18 structures are prohibited unless needed for an aviation
19 purpose. The extents of JAZB Safety Zone A have been
20 enlarged to be more in line with MnDOT's state model
21 zoning standard. However, the expanded areas only
22 encompass land owned by the airport or off-airport
23 property guided by the city to remain as open space.
24 No privately owned residential or commercial zone
25 properties are included in JAZB Safety Zone A.

1 This slide shows a comparison of JAZB Safety
2 Zones A and B from the draft version of the ordinance,
3 which is on the left panel of the slide, to the
4 proposed final version, which is on the right panel of
5 the slide. The larger extents of JAZB Safety Zone A
6 can be seen by the blue-outlined area. Also, the
7 irregular extents of JAZB Safety Zone B, designed to
8 exclude privately owned residential and commercial zone
9 property, are shown with the green outline.

10 Regarding the actual ordinance language itself,
11 we've made minor updates and clarifications to the
12 safety zone descriptions and land use control detail to
13 reflect the changes that I just described.

14 Also, based on feedback from MnDOT, the
15 provision allowing the results of an FAA obstruction
16 evaluation study to stand instead of a variance for
17 proposed structures that exceed the airspace height
18 limitations has been removed. Along those lines, we
19 also added a clarification that a hazard determination
20 under an FAA aeronautical study is a general
21 restriction that applies to all safety zones.

22 Which brings us to the next steps in the
23 process. The public comment period for the proposed
24 final zoning ordinance is open until Wednesday, March
25 13th, 2019.

1 If any of you would like to provide written
2 comments beyond any verbal testimony provided here
3 tonight, you can either fill out a comment form before
4 you leave, mail comments to us at the address in the
5 notice, or send them via e-mail.

6 After the public comment period closes, the
7 JAZB will schedule its next meeting to review all
8 testimony and comments submitted and consider final
9 adoption of the airport zoning ordinance.

10 After the JAZB formally adopts the ordinance,
11 it will be followed by adoption, implementation, and
12 enforcement by the municipalities who participated in
13 the process, and we hope to finalize those steps later
14 this spring.

15 Chair Aho, that concludes my presentation, and
16 I'll be happy to take questions until the public
17 hearing formally starts at 6:30.

18 CHAIR AHO: Right. And thank you for your
19 presentation, Mr. Ralston.

20 And so we can't start the public hearing on
21 this process until 6:30, but if the Board has any
22 comments or questions or wants to make any discussions,
23 now would be a great time. We've got about 9 minutes.

24 MR. TSCHOHL: Yes, Mr. Chair. Want to
25 touch on -- and just for the benefit of this board and

1 anyone in the audience tonight.

2 The Board of Adjustment considers being
3 comprised of MAC members. Was there any discussion
4 about having city participation as a part of that board
5 of adjustment from the city in which the affected
6 parcels sit?

7 CHAIR AHO: I don't think we really had
8 any discussion about that. I don't recall any
9 discussion about that.

10 Was there?

11 MR. RALSTON: I don't recall any.

12 CHAIR AHO: Might be something that, you
13 know, if we -- if we did get into that position, then
14 it might be a good thing to have a city -- a city
15 representative with the Board of Adjustment, though. I
16 agree. That's a good comment.

17 MR. WILSON: You know, if I can just make
18 a point of clarification. The ordinance establishes a
19 board of adjustment that consists of five members that
20 are appointed by the Metropolitan Airports Commission.
21 It does not require those members to be MAC
22 commissioners. So there certainly is room under the
23 current draft to entertain that discussion.

24 CHAIR AHO: Thank you. That's a good
25 clarification. I think that would be nice to have

1 someone representing the city on that -- on that board.

2 It's a good point, Keith.

3 MR. TSCHOHL: Thank you.

4 CHAIR AHO: Any other comments?

5 Questions?

6 Mr. Beard.

7 MR. BEARD: Thank you, Mr. Chairman.

8 When you were speaking, Neil, about MnDOT's
9 objection I was having a little sidebar here, because I
10 was thinking about jumping in then and saying, "What
11 were they objecting to?" So you may have explained it,
12 and I noticed it later in your maps you did describe
13 some of the discussion between MnDOT's model ordinance
14 and what we adjusted to to fit the reality on the
15 ground with the airport as it exists today.

16 Anything else that they wanted to change from
17 the draft that we -- that you may have touched on when
18 I wasn't paying attention? Or maybe you didn't cover
19 it.

20 MR. RALSTON: Mr. Chair and Board Member
21 Beard, MnDOT as a matter of practice will object to any
22 submittal of an airport zoning ordinance that doesn't
23 strictly comply with their state model standard on the
24 first submittal, and then that opens up the door for
25 them based on their process to review social and

1 economic cost criteria and safety-based studies in the
2 second review, so that's what happened. It was kind of
3 a perfunctory we have to object to this because it
4 doesn't meet our standard, and then we can have the
5 additional conversations that we did successfully have
6 with them.

7 MR. BEARD: Good deal.

8 Related to that, Mr. Chair, I know that the
9 Council of Airports, MAC, and MnDOT Aeronautics have
10 been working for three or four years on a rewrite or an
11 addendum, as you will -- if you will, to the airport
12 zoning statutes. In effect, what they did, is that
13 what they're trying to accomplish with that
14 legislation, if you're familiar with it at all? Maybe
15 some of the other board members have been part of that
16 process.

17 MR. RALSTON: Mr. Chair, Board Member
18 Beard, yes, MnDOT has been working collaboratively with
19 the airport community across the state to update the
20 airport zoning statute to streamline the process and
21 also create a path for a custom airport zoning
22 ordinance. It does not fully comply with the state
23 model zoning standard or even begin with the state
24 model zoning standard as its basis, so that legislation
25 is making its way through the legislature. I believe

1 there was a hearing today.

2 Is that correct, Evan?

3 MR. WILSON: Yes. Yes. Chair, Mr. Beard,
4 that legislation has been wrapped into a transportation
5 policy omnibus bill. It was heard in the
6 transportation committee today and it passed. It was
7 referred to the Ways and Means Committee, so it still
8 is working its way through the legislature.

9 We structured this process to comply with both
10 the existing legal framework and any updated legal
11 framework that the bill would create, so in terms of
12 how the bill would affect this process, we're
13 anticipating there would not be any impact.

14 If the bill does pass through the legislature
15 and is signed by the governor, it would take effect
16 August 1st. We hope to be complete with this process
17 before that point in time.

18 CHAIR AHO: Good. At which point, we
19 would be -- we would be done and grandfathered in if
20 any changes came forward. But most likely, those
21 changes would actually be less restrictive than they
22 were prior to us entering this process; is that
23 correct?

24 MR. RALSTON: Yeah.

25 CHAIR AHO: And I think this process

1 helped MnDOT to kind of look at their -- at their
2 standards and their process to help streamline it, so I
3 think our work is helping to guide the state -- you
4 know, the state statutes as well.

5 MR. RALSTON: Yeah. Chair Aho, the --
6 what we actually have done would really be considered a
7 custom zoning ordinance underneath the new legislation,
8 and we got it approved underneath the current state
9 statute, but that's really what it was. It was a
10 custom-built zoning ordinance unique to the airport
11 taking in -- taking into account what's on the ground
12 and the realities of it.

13 CHAIR AHO: Right. And like you say, if
14 you're developing it in a cornfield where there's
15 nothing around it, it's a lot easier to make pretty,
16 nice lines, but when you have buildings already there,
17 neighborhoods there, you know, land use in -- that's
18 existing, it's a lot harder to come up with nice
19 trapezoids that make sense.

20 Any other board member or commission
21 discussion?

22 (No response.)

23 CHAIR AHO: Otherwise, we have about 3
24 minutes until we can open the public hearing. So we'll
25 just wait till 6:30, and at 6:30 we'll open it up to

1 the public hearing.

2 MR. BEARD: Can I ask Neil one more
3 question?

4 CHAIR AHO: Go ahead.

5 MR. BEARD: Neil, while we're kind of
6 jogging in place here for a minute, I know the -- sort
7 of the genesis of this new legislation.

8 In your opinion, had this already been in
9 place, we would have reached the same conclusions,
10 right, with MnDOT?

11 MR. RALSTON: Chair Aho and Commissioner
12 Beard, the question is if the new legislation was in
13 place, would we have come to the same conclusion with
14 the zoning? Yes, we would.

15 MR. BEARD: Yeah.

16 MR. RALSTON: The process hopefully would
17 have been -- maybe we would have eliminated this first
18 objection --

19 MR. BEARD: Sure. Yes, okay.

20 MR. RALSTON: -- and then -- then we go to
21 a second submittal and just get it done in the first.
22 That would be -- that's the beauty of the custom zoning
23 ordinance process that we're trying to work with MnDOT
24 to develop, to really streamline. But yes, we believe
25 this result would be the same.

1 CHAIR AHO: Commissioner King.

2 MR. KING: Mr. Chair, let me just say that
3 the wisdom of the original author of this legislation
4 continues to provide us great clarity and would have
5 simplified the process. I wish I could remember which
6 committee chair of transportation this was.

7 MR. BEARD: If I recall, I'll let you
8 know.

9 MR. KING: It was former Chair Beard,
10 so ...

11 MR. BEARD: Well, you should know there
12 was a great deal of angst that preceded the whole
13 effort, and there were a lot of cooks stirring the pot
14 to get to the product that's passing through the
15 legislature again this year.

16 MR. RALSTON: And just taking a moment, I
17 guess.

18 Chair Aho, appreciate your leadership through
19 this process. You've been outstanding as a chair from
20 our position at MAC. Thank you for your service.

21 CHAIR AHO: Oh, you're welcome. It's been
22 a -- it's been a good process, and I think -- you know,
23 I think we've had an opportunity to have the City be
24 involved, and Julie Klima has been a good
25 representative of the City in making sure that the

1 City's perspectives are seen as well as -- you know, as
2 the council's perspective.

3 And I think, you know, we're really looking
4 forward to this coming to conclusion, because it really
5 does open up some nice development for -- opportunities
6 for businesses and developers in the city of Eden
7 Prairie, which will be -- I always view development in
8 the city as a positive thing.

9 So thank you.

10 All right. Let's see. We've got 1 minute
11 left. Anyone want to dance?

12 BOARD MEMBER: I'm all danced out.

13 CHAIR AHO: Okay.

14 MR. KING: I'll give you one more
15 30-second --

16 CHAIR AHO: All right. Go ahead,
17 Mr. King.

18 MR. KING: I just -- you know, there are
19 -- there are people among the Board and the staff that
20 have been here from the first one through the day today
21 and through the last, so I just want to express my
22 thanks to those that are here tonight, but also some of
23 the members that aren't here tonight but were here
24 religiously starting when this began. It's been a long
25 process.

1 CHAIR AHO: It's been over, what, ten
2 years now? Eleven years?

3 MR. KING: Well, there was a little hiatus
4 in there.

5 CHAIR AHO: Yeah.

6 MR. KING: But very thankful we got to the
7 point where we are and that we can meet up and hear
8 public input and see if we can pull everything
9 together.

10 CHAIR AHO: Thank you, Commissioner King.

11 And that's very well said. I do want to thank
12 everyone for their participation. And it's been -- I
13 think it's been a great process, so it's really good to
14 see it get to fruition. You know, there was times when
15 you kind of wondered if we were ever going to get to
16 fruition in working with all the different agencies
17 that have pulled people together, so it was good to see
18 it come.

19 All right. I believe it is 6:30, so at this
20 time we will begin the public hearing portion of
21 today's meeting and proceed with entering the exhibits
22 for today's hearing into the record.

23 So, Mr. Ralston, will you please proceed.

24 MR. RALSTON: Chair Aho, thank you again.

25 Notice of this public hearing was published in

1 several places: first, in the Star Tribune newspaper on
2 February 15th and February 22nd, 2019, in the Eden
3 Prairie News on February 21st, and in the State
4 Register on February 19th.

5 In addition, notices were mailed to the
6 governing boards of the JAZB members' cities, Hennepin
7 County and Scott County; to property owners within
8 approximately 1 mile of the Flying Cloud Airport
9 boundary as determined by the City of Eden Prairie; and
10 distributed electronically to persons subscribing to
11 the Metropolitan Airports Commission GovDelivery news
12 service. Notice was also posted on the Flying Cloud
13 Airport JAZB page on the MAC website.

14 Notice of proposed -- the notice and proposed
15 airport zoning ordinance were made available for public
16 inspection at the following locations: the Metropolitan
17 Airports Commission main office; the city halls of Eden
18 Prairie, Shakopee, and Chanhassen.

19 The following exhibits are a part of the public
20 hearing process at this point in time and will be
21 entered into the formal record.

22 First is Exhibit A, the first public hearing
23 report that is dated February 27th, 2018.

24 Exhibit B is the first submittal to MnDOT,
25 dated April 13th, 2018.

1 Exhibit C is MnDOT's response, dated June 11th,
2 2018.

3 Exhibit D is the second submittal to MnDOT,
4 dated September 21st, 2018.

5 Exhibit E is MnDOT'S response, dated November
6 14th, 2018.

7 Exhibit G is a response -- I'm sorry.

8 Exhibit E is MnDOT's response, dated November
9 14th. That's a repeat. My paperclips got stuck
10 together. I'm sorry.

11 Exhibit F is MnDOT's interim order, dated
12 January 3rd, 2019.

13 Exhibit G is the response to the interim
14 commissioner's order, dated January 7th, 2019.

15 Exhibit H is the Proposed Flying Cloud Airport
16 Zoning Ordinance, dated January 7th, 2019.

17 Exhibit I is the final commissioner's order in
18 the matter of approval of zoning regulations for Flying
19 Cloud Airport, dated January 17th, 2019.

20 Exhibit J is JAZB meeting minutes for April
21 5th, September 13th of 2018, and January 7th of 2019.

22 Exhibit K is the public presentation that I
23 gave tonight a few minutes ago.

24 Exhibit L is the notice of public comment
25 period and public hearing for the Proposed Final Flying

1 Cloud Airport Zoning Ordinance.

2 Exhibit M is affidavits of publication of the
3 public notice in the Star Tribune, Eden Prairie News,
4 and State Register.

5 Exhibit N is the affidavit of mailing of public
6 notice, dated February 27th, 2019.

7 Exhibit O is the affidavit of public -- I'm
8 sorry, affidavit of web posting of the public notice,
9 dated February 27th, 2019.

10 And last but not least, Exhibit P is the
11 affidavit of GovDelivery distribution of the public
12 notice, dated February 27th, 2019.

13 That concludes the reading of exhibits into the
14 record, Mr. Chair.

15 CHAIR AHO: Thank you, Mr. Ralston.

16 So now is the time for public comment, so we
17 will now take public testimony. Again, there are
18 speaker cards that are located at the entrance to this
19 room. If you have not filled out a card but would like
20 to speak, please raise your hand and a card will be
21 brought to you.

22 We will not be answering public questions
23 tonight and will not be taking any action or making any
24 recommendation. All of the verbal and written comments
25 will be taken into consideration before taking final

1 action at a future meeting of the Joint Airport Zoning
2 Board.

3 A reminder to the JAZB members, today's hearing
4 is primarily for the public to provide comments. Once
5 the hearing is complete and all comments are received,
6 we, the JAZB members, will have our chance to review
7 the public record and deliberate before voting. While
8 the chair does not wish to discourage JAZB members'
9 questions or discussion today, it might be better to
10 hold them for our later meeting when we have the
11 benefit of the full public record.

12 Because, as we know, the public record will
13 remain open until 5 p.m. on Wednesday, March 13th,
14 2019, so you can mail or deliver materials that wish to
15 be part of the record to the Board secretary at the
16 Metropolitan Airports Commission, located at 6040 28th
17 Avenue South, Minneapolis, Minnesota 55450, or you may
18 transmit them by e-mail to fcz.zoning@mspamc.org [sic].

19 And so, finally, the Board requests that the
20 public testimony focus on the proposed Flying Cloud
21 Airport Zoning Ordinance. Let me again note that this
22 is not a public hearing on airport noise.

23 So do we have any public speaking cards that
24 anyone has submitted?

25 MS. FELGER: (Shaking head negatively.)

1 CHAIR AHO: Does anyone wish to -- wish to
2 speak? Anyone have any questions or comments that they
3 would like to propose?

4 (No response.)

5 CHAIR AHO: All right. I'm not seeing
6 anyone.

7 So if there's no one here to speak, then we
8 will close the public hearing.

9 And I would like to remind everyone that the
10 hearing record will remain open until 5 p.m. on
11 Wednesday, March 13th, 2019, and again, you may mail or
12 deliver materials that you wish to make part of the
13 record to the Board secretary at the Metropolitan
14 Airports Commission in Minneapolis or you may transmit
15 them via e-mail to fczoning@mspmac.org.

16 And I think I read it incorrectly before. I
17 said "amc," but that was a typo in the -- in the agenda
18 here. So it's -- the e-mail address, again, is
19 fczoning@mspmac.org.

20 So under state law, there are additional steps
21 that must take place prior to the final adoption of an
22 airport zoning ordinance.

23 After the close of the comment period, this
24 JAZB board will meet again to review the public
25 comments and have responses to them. The JAZB will

1 vote to either formally adopt the proposed final
2 airport zoning ordinance or make further revisions to
3 it. If the ordinance is formally adopted, the final
4 airport zoning ordinance will be submitted to MnDOT and
5 it will be turned over to the participating
6 municipalities for adoption and implementation. At
7 that time, the JAZB's work will be concluded.

8 And so I'd just like to thank everyone for your
9 attention and participation. The public hearing is now
10 closed, and the meeting of the Joint Airport Zoning
11 Board is adjourned.

12 (Proceedings concluded at 6:37 p.m.)
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REPORTER'S CERTIFICATE

I, Caitlin J. Albrecht, Notary Public of and
for the State of Minnesota, do hereby certify that the
foregoing pages of typewritten material constitutes an
accurate verbatim stenographic record taken by me of
the proceedings aforementioned on the 28th day of
February, 2019, at the times and place specified.

DATED: March 11, 2019.



Caitlin J. Albrecht

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