

September 30, 2020

Commissioner Margaret Anderson Kelliher
Commissioner of Transportation
Minnesota Department of Transportation
395 John Ireland Boulevard
Mailstop 100
St. Paul, MN 55155-1899

RE: SUBMITTAL OF PROPOSED LAKE ELMO AIRPORT ZONING ORDINANCE

Dear Commissioner Anderson Kelliher:

Pursuant to Minn. Stat. §360.063, subd. 3 the Metropolitan Airports Commission (MAC) requested formation of the Lake Elmo Joint Airport Zoning Board (JAZB) in 2018. The JAZB conducted its first meeting on June 25, 2019, at which time I was appointed as Chairman. The JAZB consists of two members each from Baytown Township, the City of Lake Elmo, the City of Oak Park Heights, and West Lakeland Township, as well as two members from the MAC.

At its August 29, 2019, meeting, the JAZB decided to establish custom airport zoning regulations under Minn. Stat. §360.0656, and provided notice to you via letter dated September 30, 2019.

In compliance with Minn. Stat. §360.0656, the Lake Elmo JAZB is submitting its Proposed Airport Zoning Ordinance for your review. This submittal includes the following documents:

1. **JAZB Meeting Record**: Includes all agendas and meeting minutes for JAZB meetings occurring between June 2019 and September 2020. This documentation provides background and rationale that resulted in the recommendations of the JAZB contained in the Proposed Airport Zoning Ordinance.
2. **Public Hearing Report**: Includes all public comments received during the public comment period and the public hearing conducted by the JAZB, a transcript of the public hearing, a list of exhibits entered into the public record at the hearing, and a matrix detailing all of the JAZB's responses to the comments.

The public comment period for the Draft Lake Elmo Airport Zoning Ordinance began on January 9, 2020 and closed on February 7, 2020. The process included a public hearing on January 23, 2020 at the Oak-Land Middle School in Lake Elmo. An open house was held before the public hearing from 5:15 pm - 6:15 pm, an informational presentation was provided at 6:15 pm, and the public hearing began at 6:30 pm.

A total of 37 members of the public attended the hearing, and verbal testimony was received from 11 speakers. A total of 12 written comments were received during the comment period.

3. **Custom Zoning Factors Analysis**: The JAZB followed the statutory requirements in determining the Proposed Airport Zoning Ordinance by evaluating all custom zoning factors set forth in Minn. Stat. §360.0656: (1) the location of the airport, the surrounding land uses, and the character of neighborhoods in the vicinity of the airport, which included a geospatial data evaluation of ten specific land use factors necessary to consider when determining a reasonable level of safety; (2) the airport's type of operations and how the operations affect safety surrounding the airport; (3) the accident rate at the airport compared to a statistically significant sample, including an analysis of accident distribution based on the rate with a

higher accident incidence; (4) the planned land uses within an airport hazard area, including any applicable platting, zoning, comprehensive plan, or transportation plan; and (5) any other information relevant to safety or the airport.

A complete record containing the JAZB's evaluation of these factors is attached.

4. **Proposed Lake Elmo Airport Zoning Ordinance**: Provides a complete copy of the Proposed Lake Elmo Airport Zoning Ordinance recommended by the JAZB. This Proposed Ordinance is a product of the documentation provided in items 1 - 3 listed above.

Proposed Lake Elmo Airport Zoning Ordinance

Based on the information reviewed and analyzed as part of the JAZB's proceedings, the JAZB recommends submittal of the Proposed Lake Elmo Airport Zoning Ordinance with the following key features:

- Limit the height of structures and vegetation out to approximately 1.5 miles from the outer boundaries of the Airport.
- Regulate certain land uses as described below:

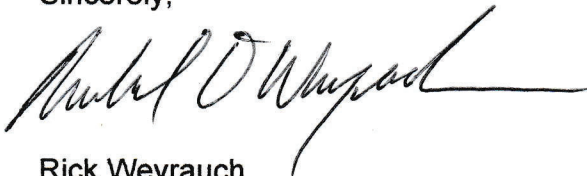
Prohibit in JAZB Safety Zone 1 the development of buildings, other structural hazards, and land uses that create assemblies of people.

Prohibit in JAZB Safety Zone 2 land uses that (i) create or cause interference with the operations of radio or electronic facilities on the Airport or with radio or electronic communications between the Airport and aircraft, (ii) make it difficult for pilots to distinguish between Airport lights and other lights, (iii) result in glare in the eyes of pilots using the Airport, (iv) impair visibility in the vicinity of the Airport, (v) are deemed a "hazard" to air navigation by the Federal Aviation Administration or Minnesota Department of Transportation, or (vi) otherwise endanger the landing, taking off, or maneuvering of aircraft.

The record demonstrates that the Proposed Lake Elmo Airport Zoning Ordinance provides a reasonable level of safety and that the JAZB has complied with all procedural and statutory requirements in determining the Proposed Lake Elmo Airport Zoning Ordinance.

At its September 23, 2020 meeting, the JAZB took formal action to both accept the public hearing report and to make this submittal to you for your review. The JAZB respectfully requests approval of the Proposed Lake Elmo Airport Zoning Ordinance.

Sincerely,



Rick Weyrauch
Chairman
Lake Elmo Joint Airport Zoning Board