

# Draft Crystal Airport Zoning Ordinance Public Hearing Report Hearing Date: April 19<sup>th</sup>, 2023

A public hearing was conducted at 6:00 p.m. on April 19<sup>th</sup>, 2023, at the Crystal Community Center to receive verbal and written comments about the Draft Crystal Airport Zoning Ordinance. 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: Rick Weyrauch (Chair), Rod Skoog (Metropolitan Airports Commission), Dan Olson (City of Crystal), Joe Sears (City of Crystal), Jeff Sargent (City of New Hope), Jeff Alger (City of New Hope), Maria Tran (City of Brooklyn Park), Rick Pearson (City of Robbinsdale), Paul Mogush (City of Brooklyn Park), and Brad Ellis (City of Minneapolis).

Metropolitan Airports Commission staff present at the public hearing included Eric Gilles (Senior Airport Planner), Joe Harris (Director, Reliever Airports), Evan Wilson (Deputy, General Counsel), Andrew Hanson (Attorney II), Robert Dockry (Manager, Reliever Airports), Abby Kes (Event Coordinator), Fish Townsend (Administrative Assistant), Jack Egan (Assistant Manager, Community Relations). Evan Barrett (Consultant) was also in attendance representing the MAC.

A total of 43 people signed in on the attendance sheets (**Item B**). Of these, 25 were members of the public. The other 18 were MAC staff, public or agency officials, or JAZB members. The proceedings of the Public Hearing were transcribed by a qualified court reporter (**Item C**). Evan Barrett (Consultant) provided an overview presentation of the Draft Crystal Airport Zoning Ordinance (**Item D**).

Exhibits A through I were entered into the record by Evan Barrett (Consultant), during the public hearing. Exhibits A through I are listed as **Item E** and are available upon request to the JAZB Secretary. For further information about the public comment period, the open house, or the public hearing, please email [CrystalJAZB@mspmac.org](mailto:CrystalJAZB@mspmac.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. Verbal testimony was received from two members of the public. All verbal testimony was transcribed by the court reporter. No written comments were received at the hearing.

Two public comment periods were held between Tuesday, February 7, 2023, through Wednesday, March 8, 2023, and Tuesday, April 4, 2023, through Thursday, May 3, 2023. The first public comment period was associated with a Public Hearing scheduled for Thursday, February 23, 2023. This meeting was cancelled due to weather. The second public comment period was associated with a rescheduled Public Hearing on Wednesday, April 19, 2023. One verbal (voicemail) and three written (email) comments were received during the first public comment period. Seven written comments were received during the second public comment period and three verbal comments were received during the Public Hearing held on Wednesday, April 19, 2023. These comments, along with responses, are included as **Item F**.

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## **Item A**

Notice of Public Comment Period and Public Hearing for  
Draft Crystal Airport Zoning Ordinance

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## NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING FOR DRAFT CRYSTAL AIRPORT ZONING ORDINANCE

The Joint Airport Zoning Board (JAZB) for Crystal Airport is developing an *Airport Zoning Ordinance* for land uses in the vicinity of the Airport (*Draft Airport Zoning Ordinance*). The goal is to develop a zoning ordinance that achieves a reasonable level of safety while considering compatible community development. The zoning is being conducted as required by Minnesota Statutes 360.061 – 360.074.

The *Draft Airport Zoning Ordinance* would:

- Limit the height of structures and vegetation out to approximately 1.5 miles from the outer boundaries of the Airport. In most cases, however, the airport zoning height limitations would be less restrictive than maximum heights allowed in the applicable municipal zoning code.
- Regulate certain land uses as described below:
  - Prohibit in JAZB Land Use Zone 1 the development of buildings, other structural hazards, and land uses that create assemblies of people. JAZB Land Use Zone 1 is fully contained to airport-owned property and off-airport property guided to be non-occupant Public/Semi-Public open space. Off-airport property contained in JAZB Land Use Zone 1 is in the City of Brooklyn Park.
  - Prohibit in JAZB Land Use 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. Off-airport property contained in JAZB Land Use Zone 2 is in the cities of Crystal, Brooklyn Park, Brooklyn Center, and New Hope.

Maps in the *Draft Airport Zoning Ordinance* show the precise boundaries for application of the *Draft Airport Zoning Ordinance* and the associated proposed restrictions. A summary map showing the proposed JAZB Land Use Zones 1 and 2 is shown on the reverse side of this notice.

**THE PUBLIC COMMENT PERIOD ON THE DRAFT AIRPORT ZONING ORDINANCE WILL COMMENCE ON TUESDAY, APRIL 4, 2023, AND CLOSE ON WEDNESDAY, MAY 3, 2023.**

During this period, written comments will be accepted and must be addressed to:

Secretary to the Crystal Joint Airport Zoning Board c/o  
Metropolitan Airports Commission  
6040 28th Avenue South  
Minneapolis, MN 55450

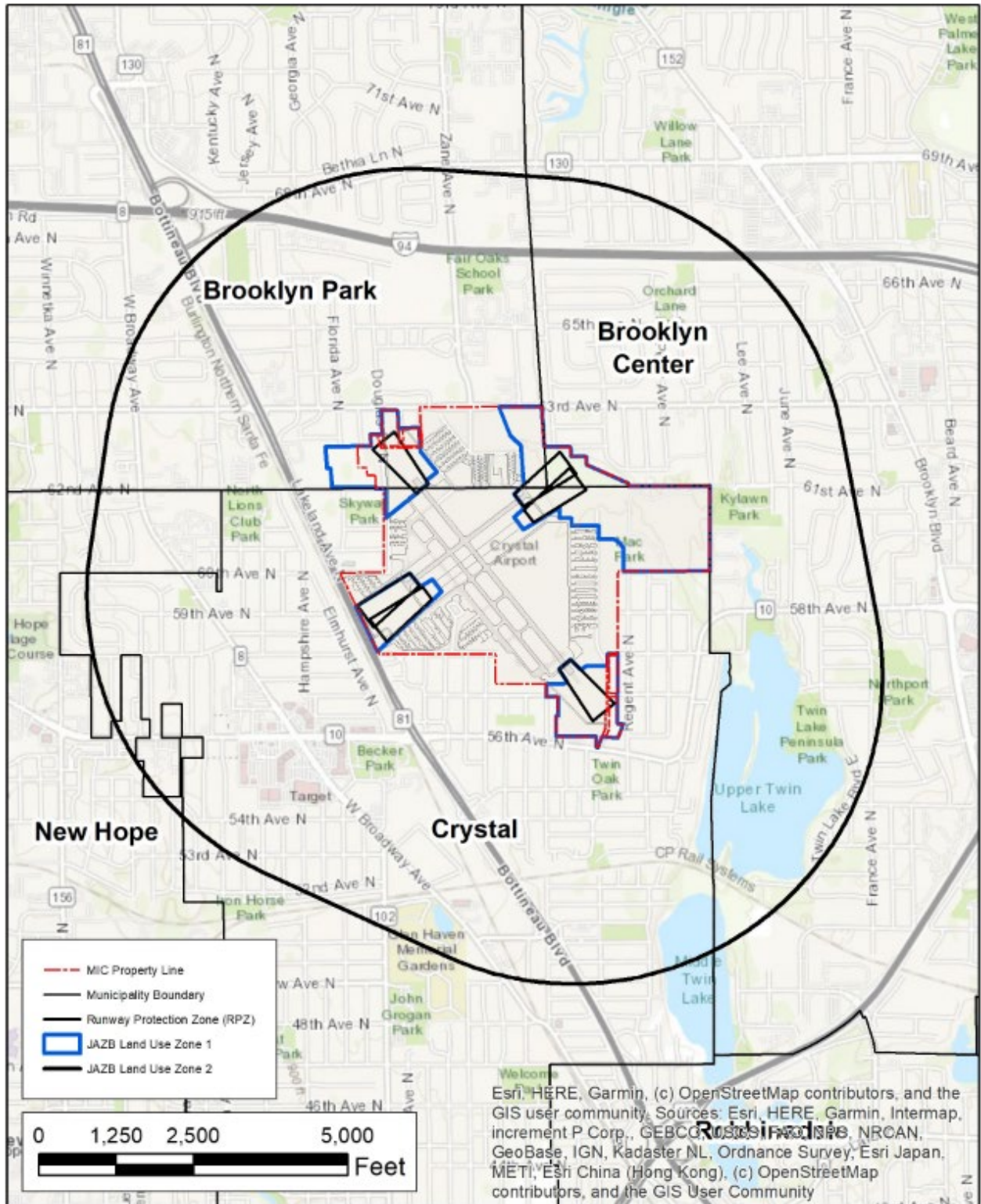
Comments can also be emailed to [CrystalJAZB@mspm.com](mailto:CrystalJAZB@mspm.com).

**A PUBLIC HEARING ON THE DRAFT AIRPORT ZONING ORDINANCE IS SCHEDULED FOR WEDNESDAY, APRIL 19, 2023, AT THE CRYSTAL ROOM AT THE CRYSTAL COMMUNITY CENTER, 4800 DOUGLAS DR. N. CRYSTAL. THE PUBLIC HEARING WILL BEGIN AT 6:00 P.M. AND LAST UNTIL ALL PERSONS WISHING TO ADDRESS THE BOARD HAVE BEEN HEARD. AN OPEN HOUSE WILL BE HELD PRIOR TO THE PUBLIC HEARING STARTING AT 4:30 P.M. FOLLOWED BY A PUBLIC PRESENTATION FROM 5:30 P.M. TO 6:00 P.M.**

Copies of the *Draft Airport Zoning Ordinance* will be available for review beginning on Tuesday, April 4, 2023, at the following locations: the Metropolitan Airports Commission's Main Office, 6040 28th Avenue South, Minneapolis; the City Halls of Crystal, Brooklyn Park, Brooklyn Center, New Hope, and Robbinsdale. Further information about the *Draft Airport Zoning Ordinance*, including a more detailed summary and map, along with an electronic copy of the draft document that can be downloaded for review, is available on the MAC website at: <https://metroairports.org/documents>.

For further information about the public comment period, the open house, or the public hearing, please email [CrystalJAZB@mspmac.org](mailto:CrystalJAZB@mspmac.org).

# DRAFT CRYSTAL AIRPORT ZONING ORDINANCE – JAZB LAND USE ZONES



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## **Item B**

Public Hearing Attendance Sheets

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# MEETING ATTENDANCE SHEET

BY FILLING THIS IN, YOU ACKNOWLEDGE THAT THIS IS PUBLIC INFORMATION AND MAY BE INCLUDED IN A PUBLIC DOCUMENT.

NAME	CITY	ADDRESS (OPTIONAL)	REPRESENTING
Jane Shallow	Crystal	5418 Twin Lake Ter N.	
RICK WEYBAUCH	N/A		JAZB CHAIR
RICK PEARSON	ROBBINSDALE	4100 LAKEVIEW AVE. N., ROBBINSDALE	
Jeff Sargent	New Hope	4401 Xylon Ave. N.	
Dan Olson	Crystal	city Hall	city
Jeff Alger	New Hope	4401 Xylon Ave N	city
Louis K. Cecconi	Crystal	5942 Jersey Ave N, Crystal	
JOE SEARS	CRYSTAL	3301 YATES AVE W.	City
Jack & Carolyn Syers	B.C.		SELF
Roger & Joanne Bergin	B.P	6425 Florida Ave N	SELF
MICHAEL SWANSON	B. Co	5213 62ND AVE N	SELF
William Leonard	Crystal	5926 Hampshire Ave N	SELF
MARY ANCHAMBAULT	CRYSTAL	5011-56th Place N	SELF
MARIA TRAN	BROOKLYN PARK	5700 85 <sup>th</sup> Ave N	City
Rod Skoog			MAC
Shirley Mathison	Crystal MN	5756 Nevada Ave N	Self.
TONY McCarvey	Brooklyn Park	2017 Dutton Ave	SELF



# MEETING ATTENDANCE SHEET

BY FILLING THIS IN, YOU ACKNOWLEDGE THAT THIS IS PUBLIC INFORMATION AND MAY BE INCLUDED IN A PUBLIC DOCUMENT.

NAME	CITY	ADDRESS (OPTIONAL)	REPRESENTING
Thomas Fitzenberger	Crystal	Edgewood Ave	self
Vickie Huber	Crystal	5108 Quail Ave	self
David Cummings	Crystal	5702 Zane Ave N	self
Verlyn Husman	Brooklyn Park	6281 Edgewood Ave. N	self
Jeanna Shea	BC	4906 65th Ave N	SELF
Pat Mourning	Crystal	5525 Maryland Ave. N.	Self
Nancy Bates	Crystal	5221 Scott Ave N	self
Smith Hoover	BC	5001-61st AVE. N.	
		7202 53rd	
Susan Otto	Crystal	5833 Hampshire Ave N	Susan Otto
Greg; Kathy Stark	Brooklyn Ctr.	5306 62nd Ave W.	Self
Joseph Duncan	Brooklyn PK		Self
Connie Kozlak	Metro Council		metro council
Brad Ellis	Minneapolis	505 5th Ave S	Minneapolis
Kathy Moran	Brooklyn PK		
Ale Outman	Crystal	Elmhurst Ave	

Thursday, February 23, 2023 Public Hearing  
 Crystal Airport JAZB Hearing  
 Crystal Recreation Center – 4800 Douglas Drive North



# MEETING ATTENDANCE SHEET

BY FILLING THIS IN, YOU ACKNOWLEDGE THAT THIS IS PUBLIC INFORMATION AND MAY BE INCLUDED IN A PUBLIC DOCUMENT.

NAME	CITY	ADDRESS (OPTIONAL)	REPRESENTING
James Ortman	Crystal	Elmhurst Ave	Self
Joe Widig	Met Council	N/A	Met Council
Dawn Norman	CRYSTAL		Self
Joey McGee	B.P.		
FOREST EIDBO	Crystal		Crystal
Andie Hanson	MAC		
John Budziszewski	Crystal	5308-47 <sup>th</sup> Ave N	Crystal
Mathew & Betty Ciappa		6442 LEE AVE N	Crystal
Brian Lee	Brooklyn CTR		Self
Paul Burggraf	Crystal		Self

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# **Item C**

Public Hearing Transcript

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CRYSTAL AIRPORT ZONING ORDINANCE

PUBLIC HEARING

DATE: April 19, 2023  
TIME: 5:30 p.m.  
PLACE: Crystal Community Center  
4800 Douglas Dr N  
Crystal, MN 55429  
JOB NO.: MW 5804436

REPORTED BY: Dawn Workman Bounds, CSR

A P P E A R A N C E S

1 Ginny McIntosh, Brooklyn Center, City Planner

2 Maria Tran, City of Brooklyn Park, Council Member

3 Paul Mogush, City of Brooklyn Park, Planning Director

4 Dan Olson, City of Crystal, City Planner

5 Joseph Sears, City of Crystal Planning Commission member

6 Brad Ellis, City of Minneapolis, Manager, Zoning  
7 Administration and Enforcement

8 Loren Olson, City of Minneapolis Government Relations  
9 Representative

10 Jeff Alger, City of New Hope Community Development  
11 Specialist

12 Jeff Sargent, City of New Hope Community Development  
13 Director

14 Rick Weyrauch, JAZB Chair, Baytown Supervisor

15 Rod Skoog, MAC - Commissioner Commissioner

16 Rick Pearson, Robbinsdale Community Development  
17 Coordinator

18 Fish Townsend, JAZB Secretary, Administrative Assistant,  
19 Planning & Development

20 Bridget Rief, MAC - Airport Planning, VP, Planning &  
21 Development

22 Evan Wilson, MAC - Legal, senior Attorney  
23 MAC - Relations

24 Jack Egan, MAC - Relations, Assistant Manager, Community  
25 Relations

Evan Barrett, Planning Consultant

I N D E X

1

2 No. A: Draft Crystal Airport Zoning Ordinance..... 21

3 No. B: Public Presentation by Evan Barrett  
 Planning Consultant for Mead & Hunt..... 21

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5 No. C: Notice of Comment Public Period and Public  
 Hearing for Draft Crystal Airport Zoning Ordinance. 21

6 No. D: Affidavits of Publication of the Public  
 Notice in the Finance and Commerce on  
 7 April 4th and 8th and 14th, 2023..... 22

8 No. E: Affidavit of Publication of Public Notice  
 in the Star Tribune on April 4th, 9th,  
 9 and 14th, 2023..... 22

10 No. F: Affidavit of Mailing of the Public Notice to  
 Interested Parties, dated April 7, 2023.... 22

11

12 No. G: Affidavit of WebPosting on MAC's website  
 dated April 4, 2023..... 22

13 No. H: Affidavit of mmmac@publicgovdelivery.com,  
 a public notice to gov delivery e-mail  
 14 distribution of the public notice, dated  
 March 31, 2023..... 22

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16 No. I: Affidavit of E-mailing  
 mmmac@publicgovdelivery.com of public notice  
 to Crystal Airport News Letter Group,  
 17 dated April 4, 2023..... 22

18

19 (Original exhibits attached to original transcript;  
 copies to counsel as requested. Previously marked  
 exhibits referenced not attached.)

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21 REPORTER'S NOTE: All quotations from exhibits are  
 reflected in the manner in which they were read into the  
 22 record and do not necessarily indicate an exact quote  
 from the document.

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P R O C E E D I N G S

CHAIR WEYRAUCH: Good evening, everybody.  
My name is Rick Weyrauch, and I'm the chair of Crystal  
Joint Airport Zoning Board, welcoming you tonight to  
hear -- to see a presentation and have a public hearing  
on the draft Crystal Airport Zoning Board Ordinance.

Before I introduce the other board  
members, I'd just like to introduce myself. I'm actually  
a resident of Washington County. I fulfilled this same  
role for the Lake Elmo Airport in my community and  
enjoyed it so much I'm up here helping you guys with your  
airport in your community.

At this time I'd like to have the board  
members please stand up, introduce themselves, and we'll  
start right here in the front.

MR. SKOOG: Rod Skoog representing the MAC  
as a commissioner here on the board. Thank you.

MR. OLSON: Dan Olson, City of Crystal.

MR. SEARS: Joe Sears, City of Crystal.

MR. SARGENT: Jeff Sargent, City of New  
Hope.

MR. ALGER: Jeff Alger, City of New Hope.

MS. TRAN: Maria Tran, City of Brooklyn  
Park.

MR. PEARSON: Rick Pearson, City of

1 Robbinsdale.

2 MR. MOGUSH: Paul Mogush, City of Brooklyn  
3 Park.

4 MR. ELLIS: Brad Ellis representing City  
5 of Minneapolis.

6 CHAIR WEYRAUCH: I believe that is it.  
7 And we may have others yet come for the actual public  
8 hearing.

9 The structure of the meeting tonight has a  
10 bit of a formal process around it. We're going to have a  
11 presentation from Evan Barrett, who is a consultant from  
12 Mead & Hunt who helps the MAC do all the technical  
13 analysis and puts all the boards together and all the  
14 report data that you've seen so far. And he will give us  
15 an overview of the Draft Airplane Zoning Ordinance.

16 Then at 6:00, we'll have the formal  
17 presentation of the exhibits entered into the record, and  
18 that's all available for your viewing and will be part of  
19 the actual public record that's being done tonight. Then  
20 we will take testimony from the public on the Crystal  
21 Airport Zoning Ordinance.

22 If you have prepared statements or a  
23 document that you would like to submit, you have an  
24 opportunity do that tonight, and we'll make that part of  
25 the official record so that it's part of everything that

1 gets brought into the official record tonight.

2 We ask that you limit your opinions and  
3 statements to five minutes. That's not a hard time.  
4 We're not going to run a timer. It's just a matter of  
5 courtesy to everybody in attendance so that everybody has  
6 an opportunity to get their statement in.

7 I would ask that you fill out a speaker  
8 card. If anybody would like to make a statement tonight  
9 and has not received a speaker card, go ahead and raise  
10 your hand now, and Ms. Rebecca Thompson here would be  
11 happy to bring you a card and make sure you get  
12 registered as an opportunity to speak.

13 Prior to this meeting, we just concluded a  
14 public information open house from 4:30 to 5:30, and that  
15 was an opportunity for people to come in and have casual  
16 conversation. Pardon me.

17 Then, this will not be a public hearing  
18 about aircraft noise or improvements at the Crystal  
19 Airport. I'm going to read this part because it's just a  
20 technicality. "Adoption of an airport zoning ordinance  
21 will not alter the number, frequency, or noise level of  
22 traffic at the airplane. An airplane zoning ordinance  
23 would affect the use of land surrounding the airport.  
24 MAC staff here tonight are available to answer and  
25 address other questions you have that may be outside the

1 scope of the zoning submission. A court reporter is here  
2 and will be taking down all proceedings this evening so  
3 that we have an official record."

4 At this time I'll ask Mr. Barrett to  
5 please proceed with the presentation.

6 MR. BARRETT: All right. Thank you, Chair  
7 Weyrauch. Good evening, ladies and gentlemen. For the  
8 record, my name is Evan Barrett, and I am a planner who  
9 works as a consultant for a consulting firm that  
10 represents the Metropolitan Airports Commission.

11 Myself, as well as the MAC, were  
12 instructed by the Joint Airport Zoning Board to draft an  
13 update to Crystal's Airport Zoning Ordinance, so I have a  
14 presentation here that I'll go over providing an overview  
15 of that ordinance and the process that we went through in  
16 order to develop it that should probably inform some of  
17 the questions or comments we get later on tonight.

18 So I'm going to go over the purpose and  
19 role of the Joint Airport Zoning Board. I'm going to  
20 give an overview of the Draft Airport Zoning Ordinance,  
21 and then I'll talk about the next steps after this public  
22 hearing.

23 So the Crystal Airport Joint Airport  
24 Zoning Board is made up of members who are appointed by  
25 the six constituent municipalities in which the zoning

1 ordinance will take effect. So those include the City of  
2 Brooklyn Center, City of Brooklyn Park, City of Crystal,  
3 City of New Hope, City of Minneapolis, and City of  
4 Robbinsdale. So there are two voting members from each  
5 of those municipalities as well as two voting members  
6 from the Metropolitan Airports Commission, and then there  
7 are alternates as needed when certain voting members  
8 cannot attend. So that -- the constituent makeup of that  
9 board is dictated by state statute, and so it was  
10 convened per the statute.

11 So there is really two main reasons that  
12 the zoning board is updating the Airport Zoning Ordinance  
13 that was passed back in 1983. The first is that the  
14 state legislature revised the zoning statute in 2019, and  
15 those revisions allow airports to take a more custom  
16 approach to zoning their airports. It also has more  
17 stringent enforcement mechanisms so that all airports  
18 throughout the state have to pass zoning in order to  
19 receive state funding for any airport improvements.

20 The second piece is that the MAC completed  
21 improvements in the airport the following, which included  
22 lengthening the main runway, closing the parallel runway  
23 and converting it to a parallel taxiway, and shortening  
24 the turf runway. So what all those things did is they  
25 moved certain runway ends. They removed other runway



1 ends. And so the locations of those runway ends dictate  
2 what the airspace restrictions are off the ends and the  
3 sides of the runway. So one of the purposes of this  
4 zoning ordinance update is to make sure that the height  
5 restrictions surrounding the airport reflect the current  
6 airport layout.

7 So I'm just going to read this. "The  
8 purpose and role of the Joint Airport Zoning Board: The  
9 purpose is through a collaborative process the JAZB seeks  
10 to develop an airport zoning ordinance that achieves a  
11 reasonable level of safety while considering compatible  
12 community development and the social economic costs of  
13 restricting land uses."

14 So really what that means is that the  
15 Joint Airport Zoning Board is tasked with balancing  
16 safety with economic and community development costs. So  
17 it's really, you know, assessing the risk and the safety  
18 risk against what are the impacts to the surrounding  
19 community. The role of the JAZB is to consider the  
20 requirements of the statutes in developing the airport  
21 zoning regulations and providing an opportunity for  
22 public input, submitting the proposed regulations to  
23 MNDOT for approval, adopting the final regulations, and  
24 transmitting the regulations to affected municipalities  
25 for incorporation into local zoning codes.

1                   So an overview of the Draft Zoning  
2 Ordinance, as I mentioned, the updates to the state  
3 statutes affecting airport zoning allowing for this new  
4 custom zoning approach. So in the past, airports had to  
5 adopt a standard zoning ordinance that was basically a  
6 cookie-cutter kind of map that had approach zones and  
7 other types of zones that were dictated by the statute.

8                   Now a Joint Airport Zoning Board, under  
9 the new statute, can elect to develop custom zones based  
10 on their assessment of the safety risk and the impact to  
11 the community. So these custom zoning factors are when a  
12 Joint Airport Zoning Board elects to have a custom zoning  
13 ordinance, they must, under the statute, consider these  
14 factors.

15                   So I'll just read these quickly here.  
16 "The first factor, location of the airport, surrounding  
17 land uses, character of neighborhoods in the vicinity of  
18 the airport. Number two, type of operations at the  
19 airport and how those operations affect safety  
20 surrounding the airport. Number three, accident rate at  
21 the airport compared to a statistically significant  
22 sample, including an analysis of accident distribution  
23 based on the rate with the higher accident incident.  
24 Number four, planned land uses within an airport hazard  
25 area, including any applicable planning, zoning,

1 comprehensive plan, or transportation plan. And then  
2 number five, any other information relevant to safety of  
3 the airport as deemed relevant by the Joint Airport  
4 Zoning Board." So these factors were carefully  
5 considered in the development of the zoning -- the draft  
6 zoning ordinance that we're considering tonight.

7 We met with the Joint Airport Zoning Board  
8 on several occasions. I believe we had seven meetings so  
9 far in this process. And at those meetings, we presented  
10 information on locations surrounding land uses, safety  
11 risk, and so forth, all of these factors, and taking  
12 those factors into account came up with the proposed  
13 zoning ordinance that's being considered tonight.

14 So the Draft Airport Zoning Ordinance has  
15 two elements. There's a height restriction element and  
16 there's a land use restriction. So the one on the left  
17 is a height restrict element. That is based on federal  
18 air space regulations, which I'll talk about in a minute.  
19 The land use limitations, that's the piece of the  
20 ordinance that is actually a custom approach that we've  
21 developed in consultation with the Joint Airport Zoning  
22 Board.

23 So I'll go into height restrictions first.  
24 So the height limitations are actually a standard set of  
25 height limitations. They're based on FAA airspace

1 criteria that are contained in federal statutes. And  
2 based on those criteria, the airspace zones limit the  
3 height of structures and vegetation under the airspace  
4 surfaces. And any penetrations to those airspace zones  
5 require a variance from the board of adjustment in the  
6 respective municipality.

7 So -- and in order for a developer to  
8 build a tall structure or any sort of structure within --  
9 within the airspace zones requires that the developer  
10 submit a 7460 airspace evaluation to the FAA in  
11 compliance with their criteria. There's some notice  
12 criteria that are separate from the airspace zones. But  
13 at any rate, the ordinance requires the developers comply  
14 with that regulation.

15 So the height limitations here, now these  
16 are sloping surfaces that come off the ends and the sides  
17 of the runway. There's a lot of technical detail that  
18 goes into the development of these. So in order for the  
19 general public to better be able to interpret those  
20 zoning regulations or those airspace zones, we've  
21 developed some grid maps that identify airspace surface  
22 heights in 10-foot intervals.

23 And you see in the next slide, we also  
24 have the grid maps with -- on specific properties in the  
25 affected area, what the maximum height for any structure

1 and tree might be. We actually have copies of that over  
2 at the table if anyone's interested to know what the  
3 height restrictions are on your specific property or any  
4 other specific property within the affected area.

5 So that specificity I'm talking about is  
6 in those maximum construction height. They've got permit  
7 maps. They look like this (indicating). So that  
8 establishes a height on each parcel in the affected area  
9 for which a zoning permit would be needed for any new  
10 construction.

11 So we used the most current information  
12 for ground contours and airspace contours that we  
13 possibly could, and then we applied a 10-foot buffer to  
14 the maximum height under the federal regulation. And the  
15 intent of that buffer is to flag certain things that  
16 might be getting really close to being a penetration of  
17 those airspace zones.

18 So just because, you know, that grid map  
19 might say, you know, the restriction on your property is  
20 70 feet, any tree or structure could actually be up to 80  
21 feet, but in order for you to build a structure that  
22 would exceed that 70 feet, you need a permit. So that  
23 10-foot buffer is really just to provide that margin of  
24 safety and allow a mechanism for managing structures  
25 without the airport environment.

1           So those heights on those grid maps are  
2     expressing gra -- in above-ground level. So if you have  
3     a tree that's 70 feet tall, that's 70 feet on there.  
4     That's 70 feet above ground level; whereas, on the  
5     airspace zone maps that I was showing previously, it's  
6     with respect to sea level. So it's just something to  
7     keep in mind. On some of the maps you'll see here above  
8     ground-level height. On other maps it's an  
9     above-sea-level height. So if you exceed any of those  
10    numbers that are on these maps, then you'd require either  
11    a zoning permit or a variance from the City in order to  
12    build or maintain your tree or structure. So that's the  
13    height restrict piece.

14           The land use piece basically is split into  
15    two separate zones. So land use Zone 1 is what is shown  
16    here in blue, and that zone is most restrictive land use  
17    zone. It prohibits development of any sort of structures  
18    or buildings and prohibits land uses that attract  
19    assemblies of people. That vast majority of that zone is  
20    on airport property because the safety risk study that we  
21    conducted as part of the process determined that  
22    two-thirds of the risk of an airport accident is on  
23    airport property, and so really intending to keep that  
24    clear area for those types of incidents clear.

25           The area that's shown with that black

1 ellipsoid line or kind of oval line is land use Zone 2.  
2 That's a much less restrictive zone and has just very  
3 general land use restrictions that are intended to  
4 prevent any sort of unsafe interference with aircraft or  
5 approaches and departures.

6 So those would be things like smokestacks  
7 that emit steam or smoke or solar panels that might have  
8 glare in the eyes of pilots, things of that nature. So  
9 if your -- there are no actual residences or commercial  
10 or industrial properties that are affected by Zone 1, but  
11 obviously there's a lot of private properties affected by  
12 Zone 2. So these are some of the prohibitions.

13 And we'll have the public hearing portion  
14 of this later, and I can answer any questions after the  
15 presentation.

16 UNIDENTIFIED SPEAKER: Okay.

17 MR. BARRETT: So this is the list of land  
18 uses that are prohibited in that land use Zone 2. And so  
19 those are actually -- we have some copies of the zoning  
20 ordinance. If you'd like to take a look at them, you  
21 know, I can show you what those specific uses are. I  
22 don't want to get into a whole lot of detail about that  
23 here. But this is the less restricted zone and really  
24 kind of a bare minimum of the safety requirements for  
25 aircraft operations running an airport.

1 Land use Zone 2, shown in blue, again,  
2 more restrictive landing zone, prohibits buildings,  
3 exposed transmission lines, and uses that create or bring  
4 together assembly of persons. It allows things like  
5 agriculture activities like outdoor recreation, vehicle  
6 parking, and approved aeronautical activities. But  
7 again, all of those are either on airport property, and  
8 there's just one small portion that's outside airport  
9 property in a city park.

10 So this is the Draft Airport Zoning  
11 Ordinance. I'm just going to go over some of the other  
12 sections of it. There's a zoning map, so some of the  
13 maps that are on the board in the back incorporated into  
14 the ordinance, so those maps actually reflect what the  
15 restrictions would be once this ordinance is adopted.

16 The ordinance identifies nonconforming  
17 uses and restrictions related to those. So the zoning  
18 ordinance allows nonconforming structures and uses in  
19 existence at the time the ordinance becomes effective to  
20 remain. So it's not going to require that any sort of  
21 existing structures be removed or anything of that  
22 nature.

23 So any permits that may be required or be  
24 granted by the zoning administrator under the airspace  
25 zoning. So that zoning administrator is each of the



1 constituent municipalities. And those zoning permits are  
2 only required for modifications to nonconforming  
3 structures or for existing new structures that exceed  
4 that maximum building height without a permit.

5           Variances: Variances can be granted by  
6 the Zoning Board of Adjustment, which is appointed by the  
7 MAC. And the reason that the Zoning Board of Adjustment  
8 is appointed by the MAC just as a matter of efficiency  
9 and a matter of identifying those folks that are most  
10 informed about the types of regulations involved.

11           So those variances, if you want to exceed  
12 that maximum construction without a permit or any of the  
13 land use restrictions, you know, the property owner would  
14 need to go through that variance process. And if in  
15 violation of any provision of the ordinance, you know,  
16 the City may require you to obtain that variance or  
17 remove the structure or vegetation.

18           The zoning administrator, again, as I  
19 mentioned, is a municipality. And there's other  
20 sections. Hazard marking and lighting, in certain cases  
21 when your -- certain structures are being built, there  
22 might be requirements under the FAA rules that you have  
23 to put a construction light or some sort of marking on  
24 that building, and that is determined through that  
25 obstruction evaluation process that the FAA does and is

1 required under the ordinance.

2 Zoning administrator, I mentioned that  
3 already. That's repeated there. Board of adjustment, I  
4 believe I talked about that already. Appeals and  
5 judicial review penalties in relation to other  
6 regulations and rules, severability, all very, you know,  
7 detailed sort of legal aspects. So if you're interested  
8 in any of those, we can certainly talk about those after  
9 the meeting.

10 So next steps, we're currently in a public  
11 comment period that ends on May 3rd. And once that  
12 public comment period has concluded, the Joint Airport  
13 Zoning Board will reconvene. They'll review the comments  
14 submitted during the public comment period and determine  
15 what responses need to be filed or made public record.  
16 And then at that point, the Joint Airport Zoning Board  
17 will consider whether to submit the Draft Airport Zoning  
18 Ordinance as currently proposed to the Minnesota  
19 Department of Transportation for review.

20 And then the Minnesota Department of  
21 Transportation will review it, and their statutory  
22 authority is they either approve or deny. They can send  
23 the ordinance back to the board, or they can approve it  
24 as is. So that's really a discretionary authority that  
25 they have under this process.

1                   So with that, that's the -- my  
2 presentation.

3                   And, Chair Weyrauch, I'll turn it back to  
4 you.

5                   CHAIR WEYRAUCH: So we wanted to make sure  
6 we had enough time to do a decent presentation, and the  
7 public hearing doesn't officially start until 6:00. And  
8 due to public notice laws, we can't start the public  
9 meeting until exactly 6:00 or later.

10                  So at this time we'll have 10 minutes of  
11 time to fill. If you have questions, I would recommend  
12 you meet with whoever -- somebody from the back and make  
13 sure you get with the right person. Meet in the back and  
14 go ahead and feel free to continue that open house. Ask  
15 your question, see if you can get your answer, and then  
16 we'll start the public hearing at 6.

17                  (Recess.)

18                  CHAIR WEYRAUCH: Everybody have a seat.  
19 Settle down. Thank you. Appreciate it.

20                  At this time I will officially open our  
21 public hearing of today's meeting. We'll proceed with  
22 official entering of the exhibits for today's hearing  
23 into the record.

24                  Mr. Barrett, please proceed.

25                  MR. BARRETT: Okay. Thank you, Chair

1 Weyrauch.

2 Notice of this public hearing was  
3 published in Star Tribune April 4, 2023, published in the  
4 Finance and Commerce April 4, 2023. In addition, notices  
5 were mailed to the governing boards of the Joint Airport  
6 Zoning Board member municipalities, to property owners  
7 within proposed JAZB land use Zones 1 and 2, and  
8 distributed electronically to persons subscribing to the  
9 Metropolitan Airports Commission Gov delivery news  
10 service. The notices also posted on the Crystal Airport  
11 JAZB page of the MAC website.

12 The notice and draft Crystal Airport  
13 Zoning Ordinance are available for public inspection at  
14 the following locations: The Metropolitan Airport  
15 Commission's main offices, the City Halls of Crystal,  
16 Brooklyn Park, Brooklyn Center, New Hope, and  
17 Robbinsdale, the Crystal JAZB Project website, which is  
18 [metroairports.org/crystal-joint-airport-zoning-board](http://metroairports.org/crystal-joint-airport-zoning-board).

19 The following exhibits that are part of  
20 the public hearing process at this point in time will be  
21 entered into the formal record. They include Exhibit A,  
22 Draft Crystal Airport Zoning Ordinance; Exhibit B, Public  
23 Presentation by Evan Barrett, Planning Consultant for  
24 Mead & Hunt; Exhibit C, Notice of Comment Public Period  
25 and Public Hearing for Draft Crystal Airport Zoning

1 Ordinance; D, Affidavits of Publication of the Public  
2 Notice in the Finance and Commerce on April 4th and 8th  
3 and 14th, 2023; Exhibit E, Affidavit of Publication of  
4 Public Notice in the Star Tribune on April 4th, 9th, and  
5 14th, 2023; Exhibit F, Affidavit of Mailing of the Public  
6 Notice to Interested Parties, dated April 7, 2023;  
7 Exhibit G, Affidavit of WebPosting on MAC's website,  
8 dated April 4, 2023; Exhibit H, Affidavit of  
9 mmmac@publicgovdelivery.com, a public notice to gov  
10 delivery e-mail distribution of the public notice, dated  
11 March 31, 2023; Exhibit I, Affidavit of E-mailing  
12 mmmac@publicgovdelivery.com of public notice to Crystal  
13 Airport News Letter Group, dated April 4, 2023.

14 Chair Weyrauch, this concludes entry of  
15 exhibits into the formal record.

16 CHAIR WEYRAUCH: At this time we're going  
17 to transition to taking public testimony. I'd like to  
18 invite the board members to come up and sit at the front  
19 so we can hear that testimony and submissions.

20 At this time are there any members who are  
21 now present that didn't introduce themselves earlier?

22 MS. McINTOSH: Just me.

23 Hello, everyone. My name is Ginny  
24 McIntosh. I'm the city planner for Brooklyn Center.

25 CHAIR WEYRAUCH: I think everybody else

1 was here at the beginning.

2 Again, speaker cards are located at the  
3 table. If you have not filled out a card but would like  
4 to speak, feel free to raise your hand at any time here,  
5 and somebody will bring you a card. We'd be happy to get  
6 it filled out and get it submitted.

7 Again, we will not be answering public  
8 questions tonight, and we will not be taking any action  
9 or making any recommendations. All of the verbal and  
10 written comments will be taken into consideration before  
11 taking final action at our future meeting of the Joint  
12 Airport Zoning Board, and our meetings are public  
13 meetings.

14 What we will do is take the entirety of  
15 the public comment period, which includes written  
16 comments, and at our next meeting, we will get a report  
17 on all of those together, categorized by subject matter.  
18 And that's a public meeting you're all welcome to come  
19 and attend and hear how that information is processed by  
20 the board.

21 A reminder, then, to the JAZB members that  
22 today's hearing is for the public to provide its comments  
23 to us. Once the hearing is complete, all comments we  
24 receive as joint members, we'll have our chance to review  
25 those and deliberate before taking action on the draft

1 ordinance.

2 As Chair, I don't wish to discourage  
3 anybody from having conversations. If there's a topic  
4 that comes up that you have a desire to engage, we'll be  
5 pretty soft with the rules, same with the five minutes.  
6 We'll kind of play it by ear. It's just a general  
7 recommendation to keep things moving along.

8 If a member of the JAZB wishes to provide  
9 formal comments themselves, you also need to fill out a  
10 speaker card and get it in the queue and represent  
11 yourself as a resident at that time and make whatever  
12 public submission you would like to at that time.

13 I'll prioritize speakers by letting the  
14 public at large speak first, and then if any board member  
15 has an entry, we'll have them go last.

16 The hearing record will remain open  
17 through Wednesday, March 8th. You may mail or deliver  
18 materials you wish to make part of the record to the  
19 board secretary of the Metropolitan Airport Commission  
20 located at 6040 28th Avenue South, Minneapolis, Minnesota  
21 55450; or you may transmit by e-mail to  
22 rebecca.thompson@mspmack.org, and she'll be happy to make  
23 sure you get that e-mail correct if you didn't have an  
24 opportunity to write it down.

25 Finally, the board requests that the

1 public testimony focus on the Draft Crystal Airport  
2 Zoning Ordinance. And I'll note, again, this is not a  
3 public hearing about aircraft noise or the airport  
4 improvements that have taken place.

5 Testimony will be recorded by a court  
6 reporter. We'll please have you state your name,  
7 address, and who you represent, if not yourself, for the  
8 record. If you have a business card, you're welcome to  
9 present that at that time as well.

10 So far we have two speaker cards, and I  
11 will call on people in the order that I received those  
12 cards, and I'll give you an opportunity to come to the  
13 microphone and state your input.

14 We'll start with Joseph Duncan. So please  
15 step forward. Welcome to use the microphone. Let us  
16 know if it's working or not working. State your name and  
17 address and who you represent.

18 MR. DUNCAN: I'm Joseph Duncan. I  
19 represent myself. I'm also a certified arborist with  
20 ISA. I live at 6311 Vera Cruz North, Brooklyn Park, so  
21 just off the runway there on 63rd.

22 My comments this evening are about the  
23 trees, of course, and my concern with the removal of the  
24 trees. You already have a pretty large heatsink there  
25 with such a large area, understandably.



1           But I'm a little curious about that as far  
2 as that heat sink, then, just enlarging with the removal  
3 of trees, if that's indeed the plan. I don't -- I don't  
4 know exactly, to be honest with you.

5           The carbon sequestration of the trees is  
6 really important, and so I don't know if in the planning  
7 that was taken into -- into account. But my impression  
8 is that the -- there should be funds allocated to a  
9 carbon bank to pay that forward, or backward, whichever  
10 way you want to look at it, for the loss of the carbon  
11 sequestration that those trees provide.

12           So of course those larger trees are the  
13 ones that are holding tons of carbon, and so I feel that  
14 that's pretty important. I think we maybe take a look at  
15 that.

16           I'm almost done.

17           There is an arboretum over there off -- on  
18 Kylawn Park, and so I don't know if that comes into play.  
19 Most of the trees in there are rather large, probably 75  
20 feet, somewhere in there; and I know that they're just  
21 off the runway there.

22           Any work that is done, I feel that there  
23 should be obviously a certified arborist or an urban  
24 forester or someone of that nature on site when the work  
25 is done so that it can be done, you know, thoughtfully,

1 and appropriately as far as the cuts, et cetera, and  
2 making good selections.

3 So really that's all I have to say.

4 CHAIR WEYRAUCH: Thank you.

5 MR. DUNCAN: Thank you.

6 CHAIR WEYRAUCH: And our next card is from  
7 Roger McCow when -- McCown.

8 I should have apologized ahead of time if  
9 I brutalize your name.

10 Apologies in advance.

11 MR. McCOWN: I can't really speak in  
12 public. I just was hoping someone would say that a lot  
13 of homeowners are paying the price for a little bit of  
14 recreational use of airplanes flying over. And I thought  
15 I had some other thoughts, but they're not coming to me.

16 Yeah, I think you could move the operation  
17 to Anoka or Pulman or -- that's it. Thanks.

18 CHAIR WEYRAUCH: Those are the only two  
19 cards that we have.

20 I would like to make sure everybody has an  
21 opportunity to consider making a public comment. We're  
22 not in any hurry to close the hearing.

23 MR. EIDBO: Oh, wait. I'm just...

24 CHAIR WEYRAUCH: You're sneaking in.

25 MR. EIDBO: Thank you.

1 CHAIR WEYRAUCH: Forest, and help me with  
2 the last name.

3 MR. EIDBO: Eidbo.

4 CHAIR WEYRAUCH: Eidbo?

5 MR. EIDBO: Yep.

6 CHAIR WEYRAUCH: Eidbo.

7 MR. EIDBO: Eidbo, yes

8 CHAIR WEYRAUCH: Eidbo. Thank you.

9 Name and address, please.

10 MR. EIDBO: So my name's Forest Eidbo.

11 I'm a city counselor here at Crystal. I represent  
12 Section 2, which is the northern half of Crystal. I've  
13 received a number of questions and concerns from  
14 constituents about the zoning overlay that's been  
15 proposed. And one of the kind of questions and concerns  
16 that I have personally is related to that Zone 2 land  
17 use, specifically looking at some of the restrictions  
18 that are outlined in that general restrictions category.

19 For me, they feel overly broad and open to  
20 a lot of interpretation, which worries me, especially in  
21 that presentation where you mentioned that there might be  
22 a restriction on the installation of solar panels within  
23 that zone.

24 It's a very large zone. It includes  
25 some -- our main commercial district. As many of us

1 know, flat-topped commercial buildings are quite -- great  
2 places to install solar, as we have in many of our city  
3 flat-topped buildings as well.

4 I'm also concerned that these restrictions  
5 will put undue burden on our staff. I don't know if this  
6 is true or not. This is just a concern I have as  
7 enforcement would fall on our staff. And without clear,  
8 prescriptive language, open to interpretation, I do have  
9 concerns that we would see staff having to wade through,  
10 make determinations on a case-by-case basis. I mean,  
11 that just sounds not like a -- not like something that  
12 hopefully you intend in this.

13 Because it sounds very much like this is a  
14 safety issue, but a lot of Crystal residents live in here  
15 in this area, and if you restrict their use in kind of a  
16 almost arbitrary way without being prescriptive, I'm  
17 worried that we'd see a decrease in home values because  
18 of that.

19 You know, the way it's written, you know,  
20 can I put sconces on my -- on the wall of my house? I'd  
21 really like to see that kind of tightened up. I mean,  
22 many other zoning overlays, if you look at some of them  
23 along the Mississippi River that are enforced by the DNR,  
24 they're very prescriptive, very specific, well written.  
25 I don't see that here unfortunately. I'd like to -- I'd

1 like to have you go back and try and make that more  
2 prescriptive and clear. Thank you.

3 CHAIR WEYRAUCH: We'll make another last  
4 call, then, for anybody interested in offering their  
5 public comments.

6 Okay. Hearing no further public comments,  
7 we will officially close the public hearing.

8 I'd like to remind everyone that the  
9 hearing record will remain open through Wednesday, March  
10 8, 2023. You may mail or deliver your materials --

11 MS. McINTOSH: It's not March.

12 CHAIR WEYRAUCH: March. Thank you. Oh.

13 MR. BARRETT: May 3rd. May 3rd.

14 CHAIR WEYRAUCH: Yeah. Okay.

15 MR. BARRETT: Not March 8th. We had to  
16 cancel the first one.

17 CHAIR WEYRAUCH: That's right. This is  
18 from the original one. It's a typo.

19 What's the official date? May 3rd?

20 MR. BARRETT: May 3rd.

21 CHAIR WEYRAUCH: May 3rd, which I believe  
22 we got right the first time.

23 -- to the board secretary of Minneapolis  
24 Airports Commission located at 6040 28th Avenue South,  
25 Minneapolis, Minnesota 55450; or you may transmit them by

1 e-mail to rebecca.thompson@mspmac.org; and, again, she  
2 would be happy to get you that exact e-mail address.

3 Under state law, there are several  
4 additional steps that must take place before any adoption  
5 of this airport and zoning ordinance. At the close of  
6 the comment period, the JAZB will meet once again to  
7 review those public comments and decide whether or not we  
8 need to make any changes to the Draft Airport Zoning  
9 Ordinance. The ordinance would then be submitted to the  
10 commissioner of the Minnesota Department of  
11 Transportation for their review and approval.

12 I'd like to thank everyone for your  
13 attention and participation tonight. And the public  
14 hearing is now closed. Thank you.

15 (Proceedings adjourned 6:30 p.m.)  
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# **Item D**

Public Presentation Slides

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An aerial photograph of Crystal Airport. A small, white and blue airplane is flying over the runway in the upper center. The airport features a large green field with a paved runway and taxiway. To the left, there are several long, low buildings. In the foreground, there are residential houses and trees. The background shows a dense forest and a distant city skyline under a clear blue sky.

# Crystal Airport Joint Airport Zoning Board (JAZB)

April 19, 2023

Public Hearing – Draft Airport Zoning Ordinance Overview

# Briefing Agenda

- Joint Airport Zoning Board (JAZB) Purpose & Role
- Overview of the Draft Airport Zoning Ordinance
- Next Steps



# Crystal Airport Joint Airport Zoning Board (JAZB)

City of Brooklyn Center		
Ginny McIntosh	City Planner	Voting
Mike Elliott	Mayor	Voting
Marquita Butler	City Council member	Alternate
Olivia Boerschinger	Associate Planner	Alternate
City of Brooklyn Park		
Paul Mogush	Planning Director	Voting
Wynfred Russel	City Council member	Voting
Susan Pha	City Council member	Alternate
Todd Larson	Senior Planner	Alternate
City of Crystal		
Dan Olson	City Planner	Voting
Joseph Sears	Planning Commission member	Voting
Harley Heigel	Planning Commission member	Alternate
John Sutter	Community Development Director	Alternate
City of New Hope		
Jeff Sargent	Community Development Director	Voting
Jeff Alger	Community Development Specialist	Voting
Brandon Bell	Community Development Assistant	Alternate
Kirk McDonald	City Manager	Alternate
City of Minneapolis		
Abdi Salah	Senior Policy Aide to the Mayor	Voting
Loren Olson	Government Relations Representative	Voting
Brad Ellis	Manager, Zoning Administration and Enforcement	Alternate
City of Robbinsdale		
George Selman	City Council Member	Voting
Rick Pearson	Community Development Coordinator	Voting
Stephan Menya		Alternate
Thomas Helseth		Alternate

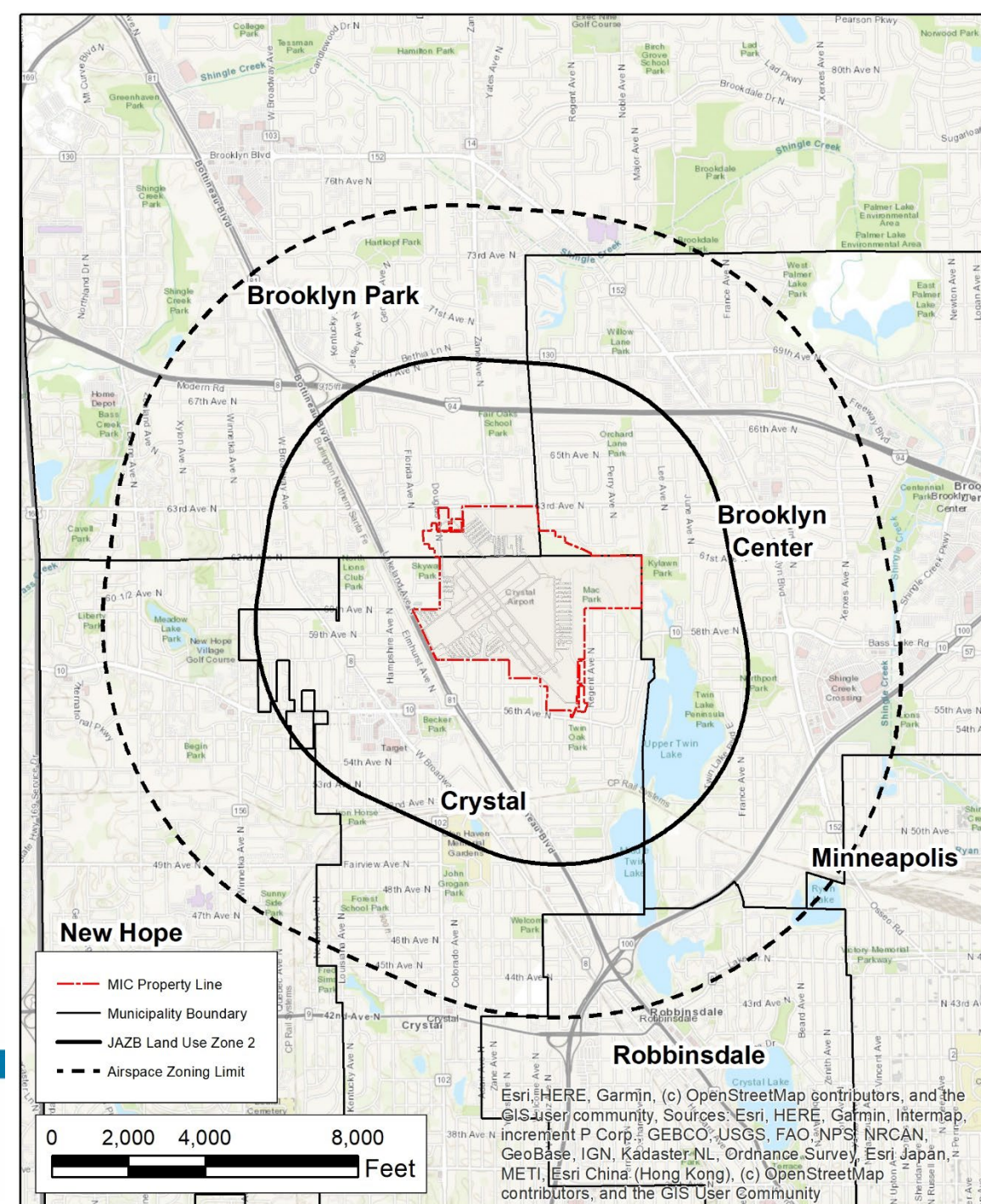
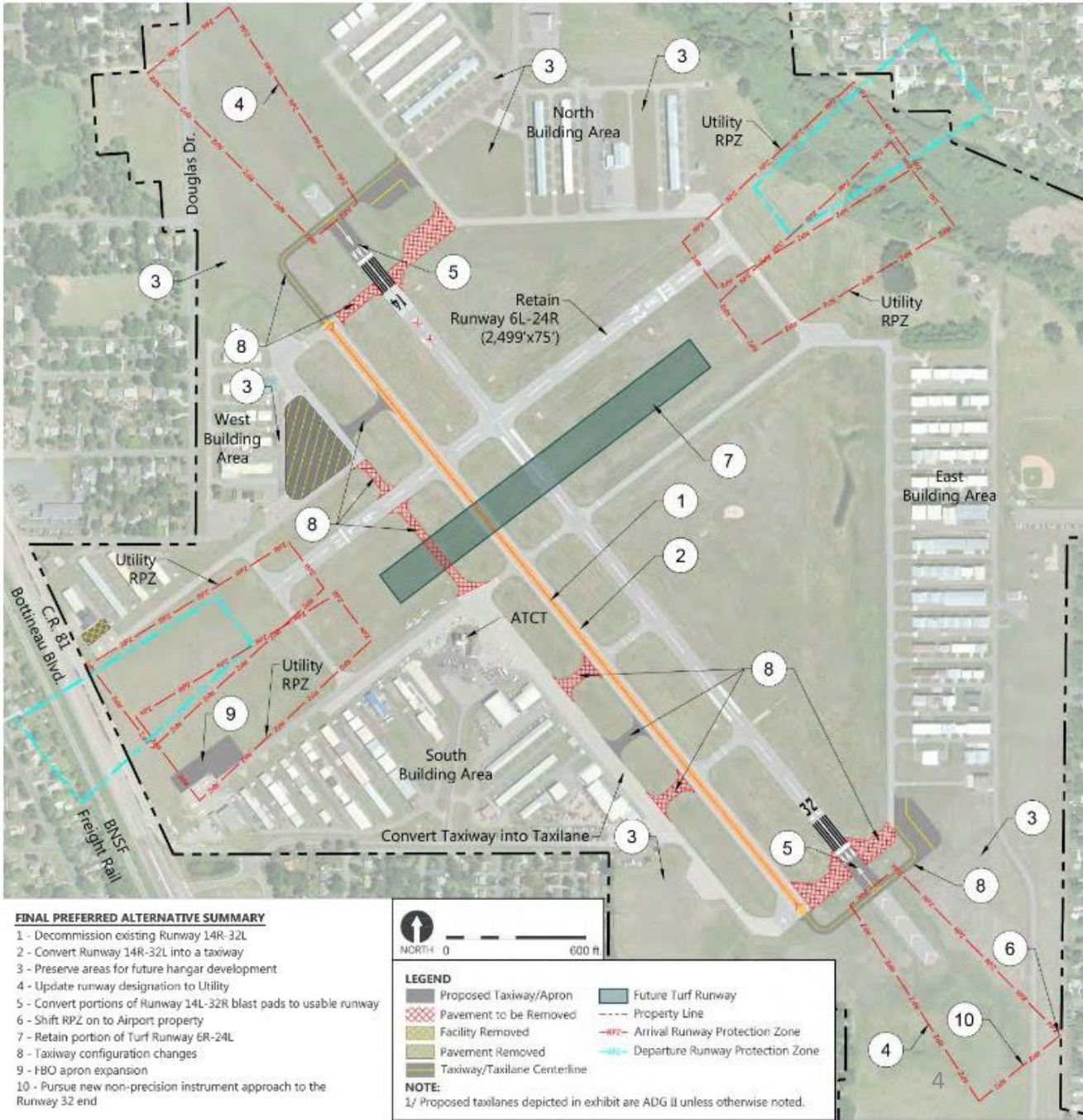


Figure ES-4: 2035 LTCP Final Preferred Alternative

# JAZB Purpose & Role

- The Minnesota State Legislature revised its zoning statute in 2019.
- The MAC completed improvements at the airport in 2020, which:
  - Lengthened the main runway
  - Converted the parallel runway to a parallel taxiway
  - Shortened the turf runway



# JAZB Purpose & Role

- **Purpose:** Through a collaborative process, the JAZB seeks to develop an airport zoning ordinance that achieves a reasonable level of safety while considering compatible community development and the social and economic costs of restricting land uses.
- **Role:** The JAZB considers the requirements of Minnesota Statutes in developing airport zoning regulations, provides opportunity for public input, submits the proposed regulations to MnDOT for approval, adopts the final regulations, and transmits the regulations to affected municipalities for incorporation into local zoning codes.



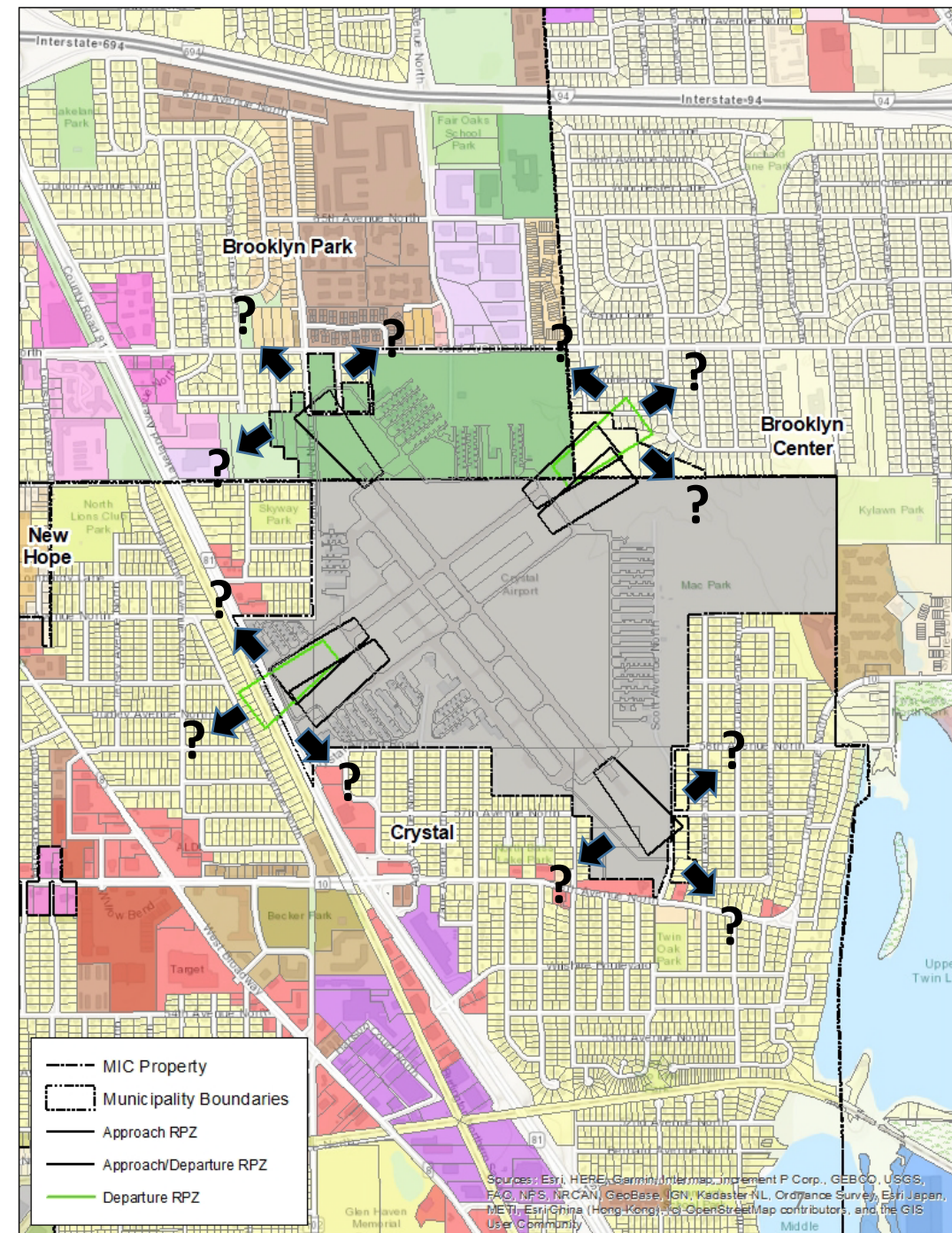
# Briefing Agenda

- Joint Airport Zoning Board (JAZB) Purpose & Role
- **Overview of the Draft Airport Zoning Ordinance**
- Next Steps

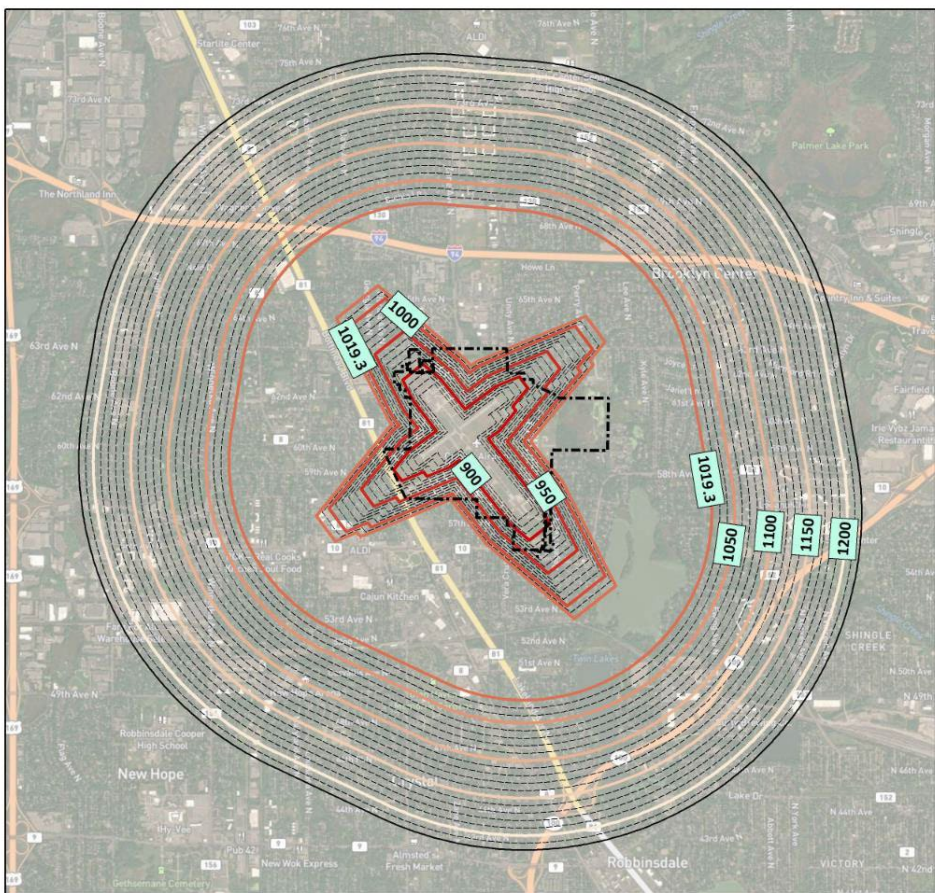


# Custom Zoning Factors

1. The location of the airport, the surrounding land uses, and the character of neighborhoods in the vicinity of the airport.
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.
5. Any other information relevant to safety or the airport.



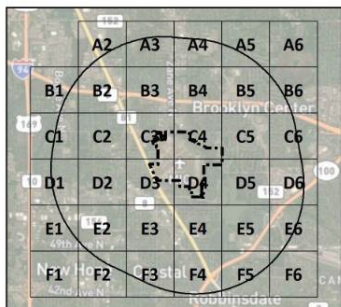
# Draft Airport Zoning Ordinance



**MIC Airspace Zones**  
A - Index Sheet

- MIC Property Line
- Airport Hazard Area
- Part 77 Contours

0 2,200 4,400 Feet

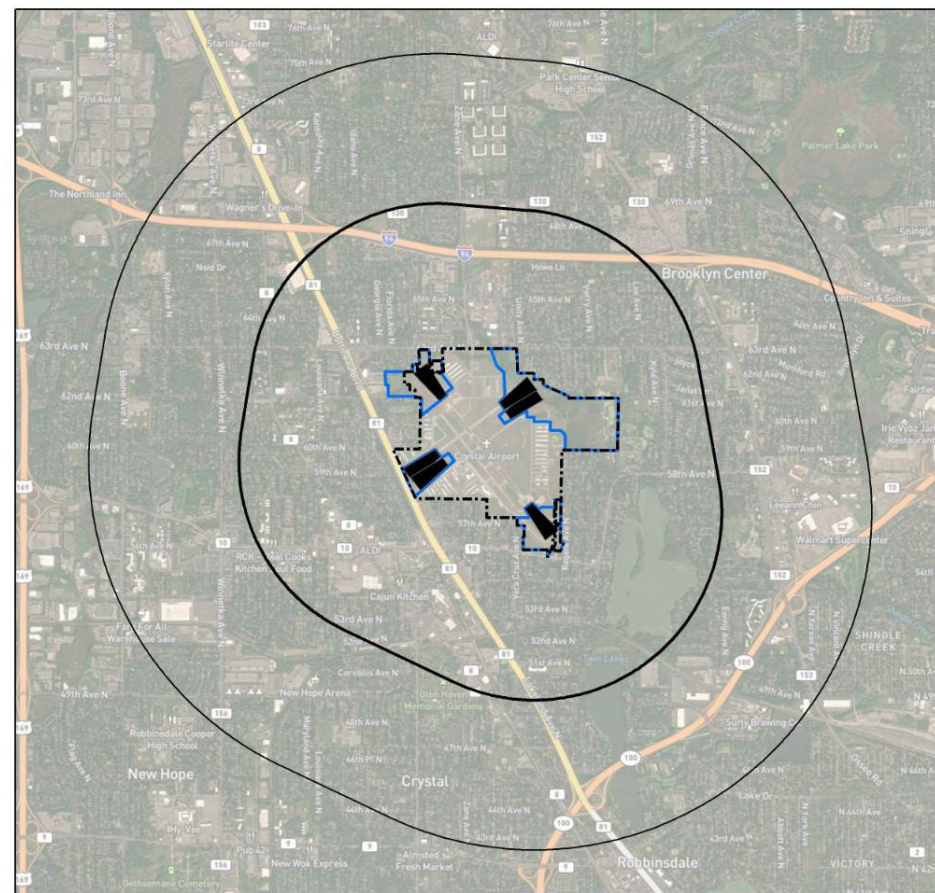


Two primary components

Height Limitations  
(Section IV)



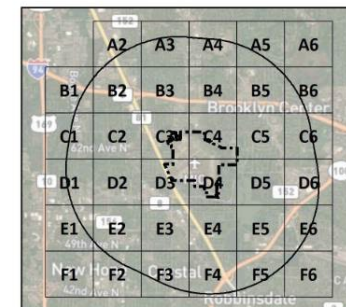
Land Use Limitations  
(Section V)



**MIC Safety Zones**  
SZ - Index Sheet

- MIC Property Line
- Airport Hazard Area
- MIC RPZ
- JAZB Zone 1
- JAZB Zone 2

0 2,250 4,500 Feet



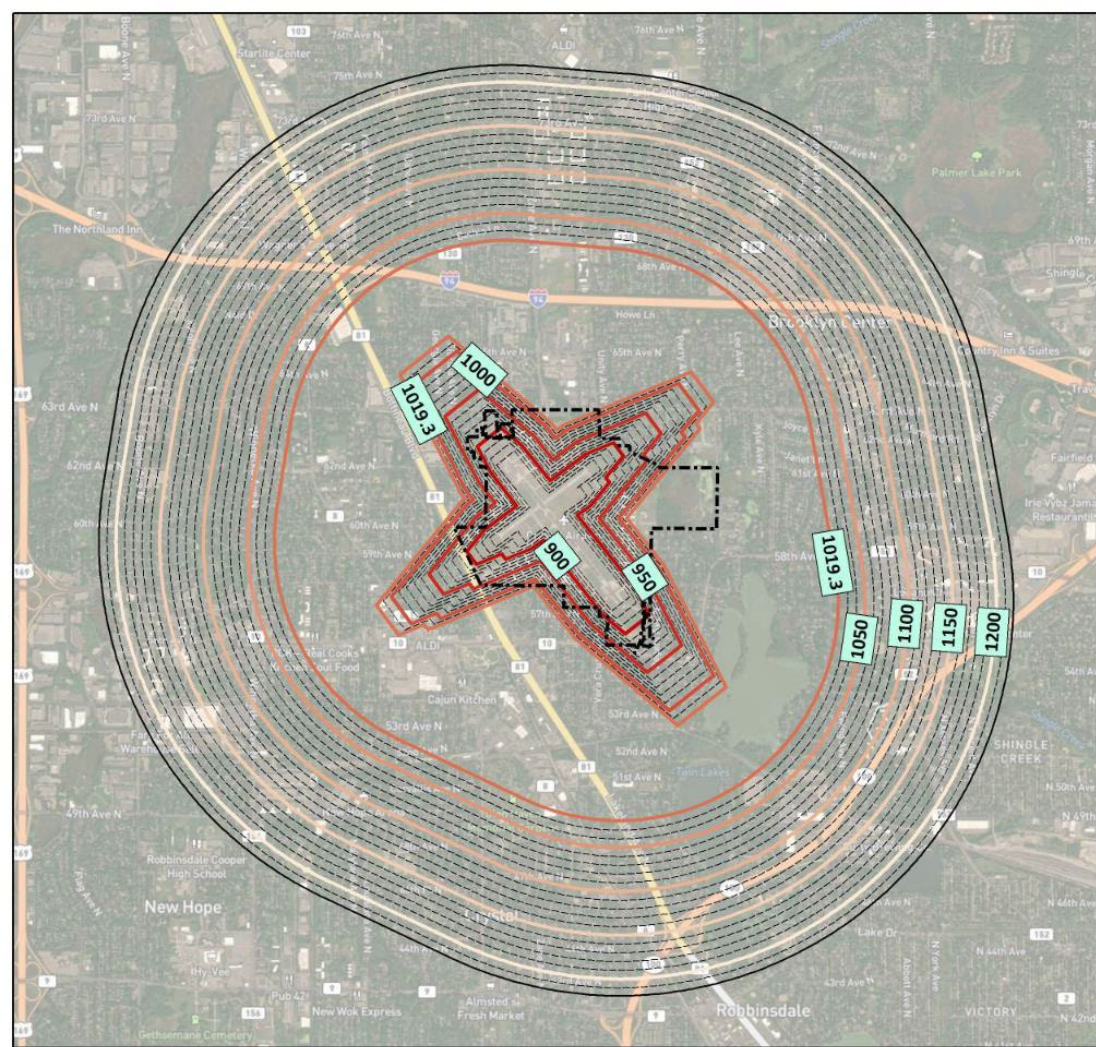


# Airspace Zone (Height)

## Height limitations imposed by Zoning Ordinance

Based on FAA Airspace criteria

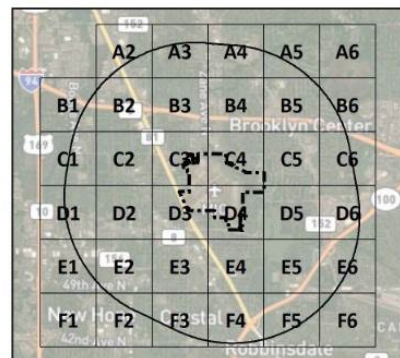
- Limit the height of structures and vegetation (trees) under airspace surfaces
- Penetrations to the Airspace Zones will require a variance issued by a Board of Adjustment
- Requires compliance with FAA Obstruction Evaluation process



### MIC Airspace Zones A - Index Sheet

- MIC Property Line
- Airport Hazard Area
- Part 77 Contours

0 2,200 4,400 Feet



# Airspace Zone (Height)

## Height limitations imposed by Zoning Ordinance

Based on FAA Airspace criteria

- Grid maps in the Draft Ordinance show airspace surface heights in 10-foot intervals
- Heights are expressed as mean sea level, not above ground level
- More specificity provided on Maximum Construction Height Without Permit maps

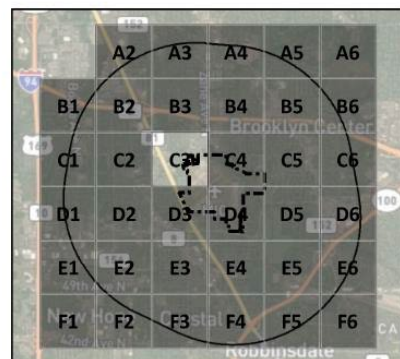


## MIC Airspace Zones

A - C3

- MIC Property Line
- Airport Hazard Area
- Part 77 Contours

0 450 900 Feet

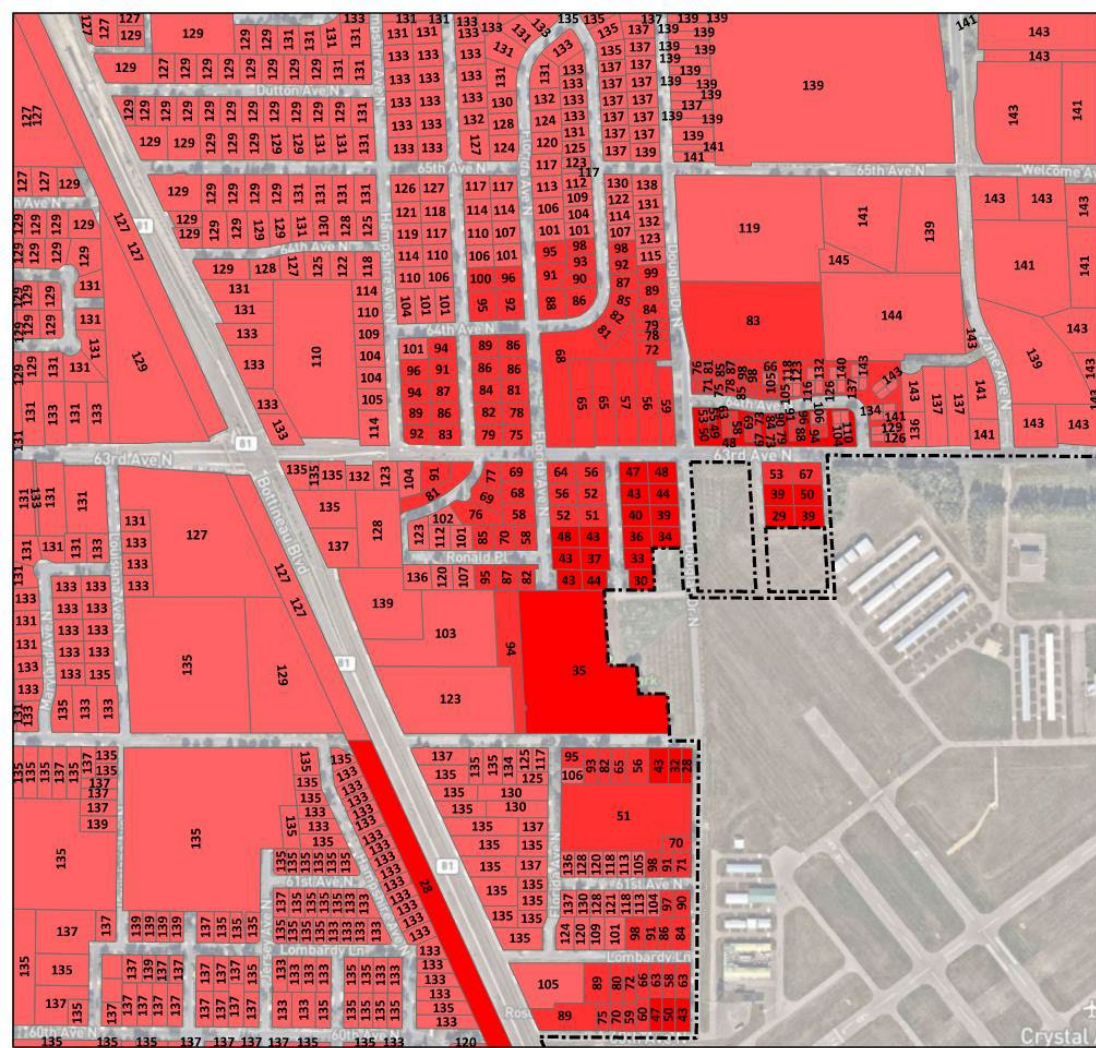


# Airspace Zone (Height)

## Maximum Construction Height Without Permit

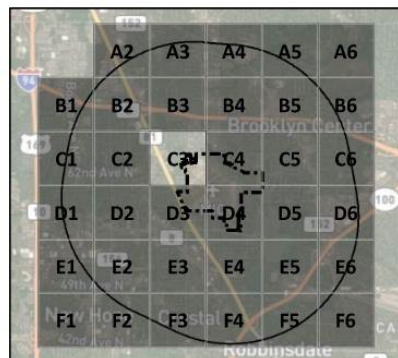
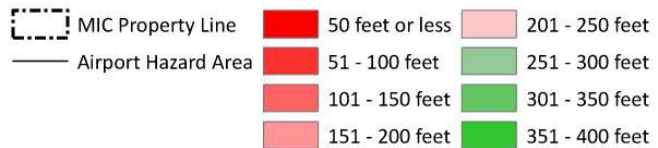
Establishes a height per parcel up to which an Airport Zoning Permit is not needed for new construction

- Used updated 1-foot airspace contours and more precise ground elevation
- Provides 10-foot buffer to Airspace Zones
- Heights are expressed above ground level
- Exceeding the Maximum Construction Height Without Permit will require an Airport Zoning Permit from the City Zoning Administrator



## MIC Maximum Construction Heights Without Permit

MCH - C3



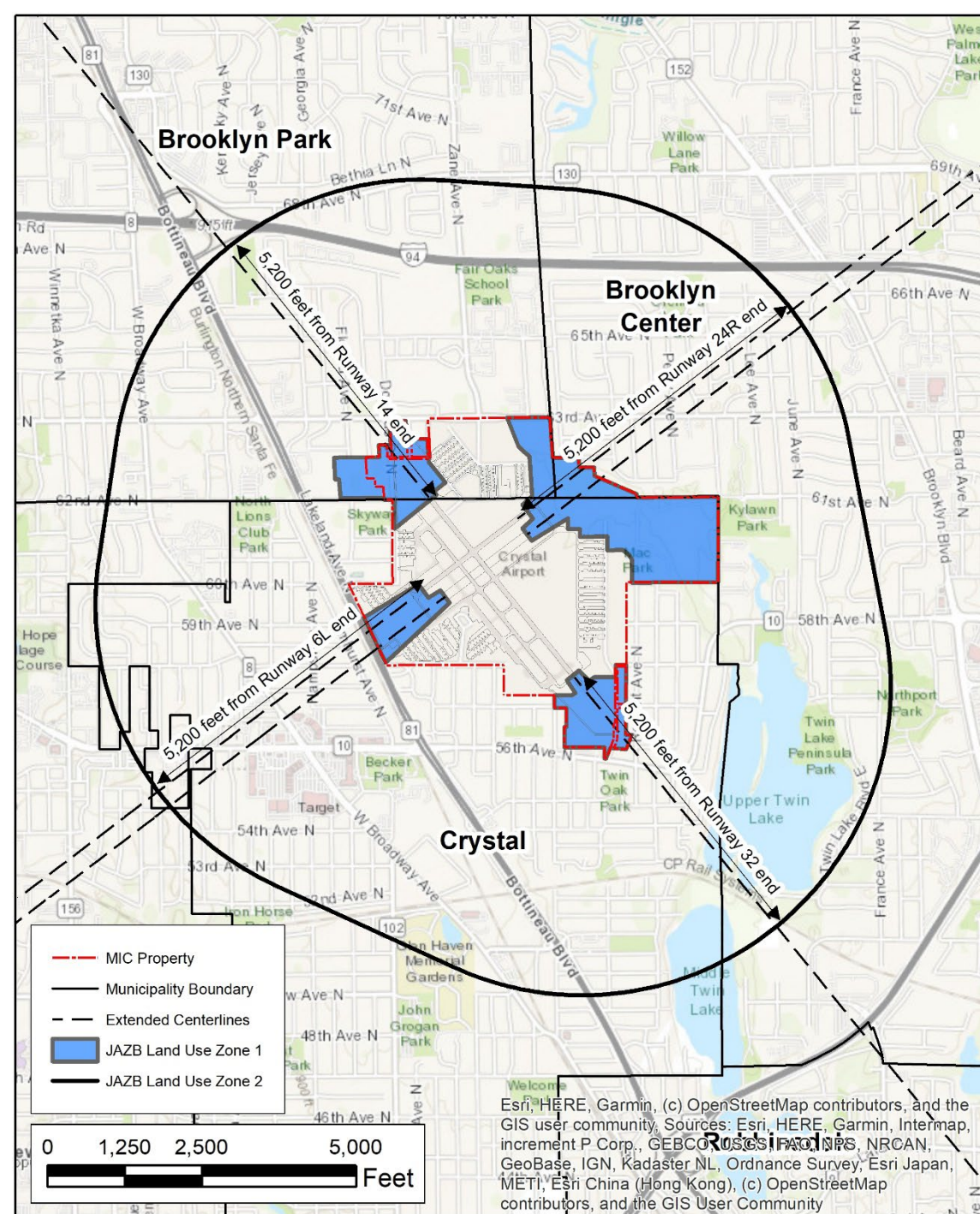
# JAZB Land Use Zone Overview

## JAZB Land Use Zone 1

- More restrictive land use zone
- Prohibits the development of buildings
- Prohibits land uses that attract assemblies of people

## JAZB Land Use Zone 2

- Less restrictive zone
- General land use restrictions against flight interference

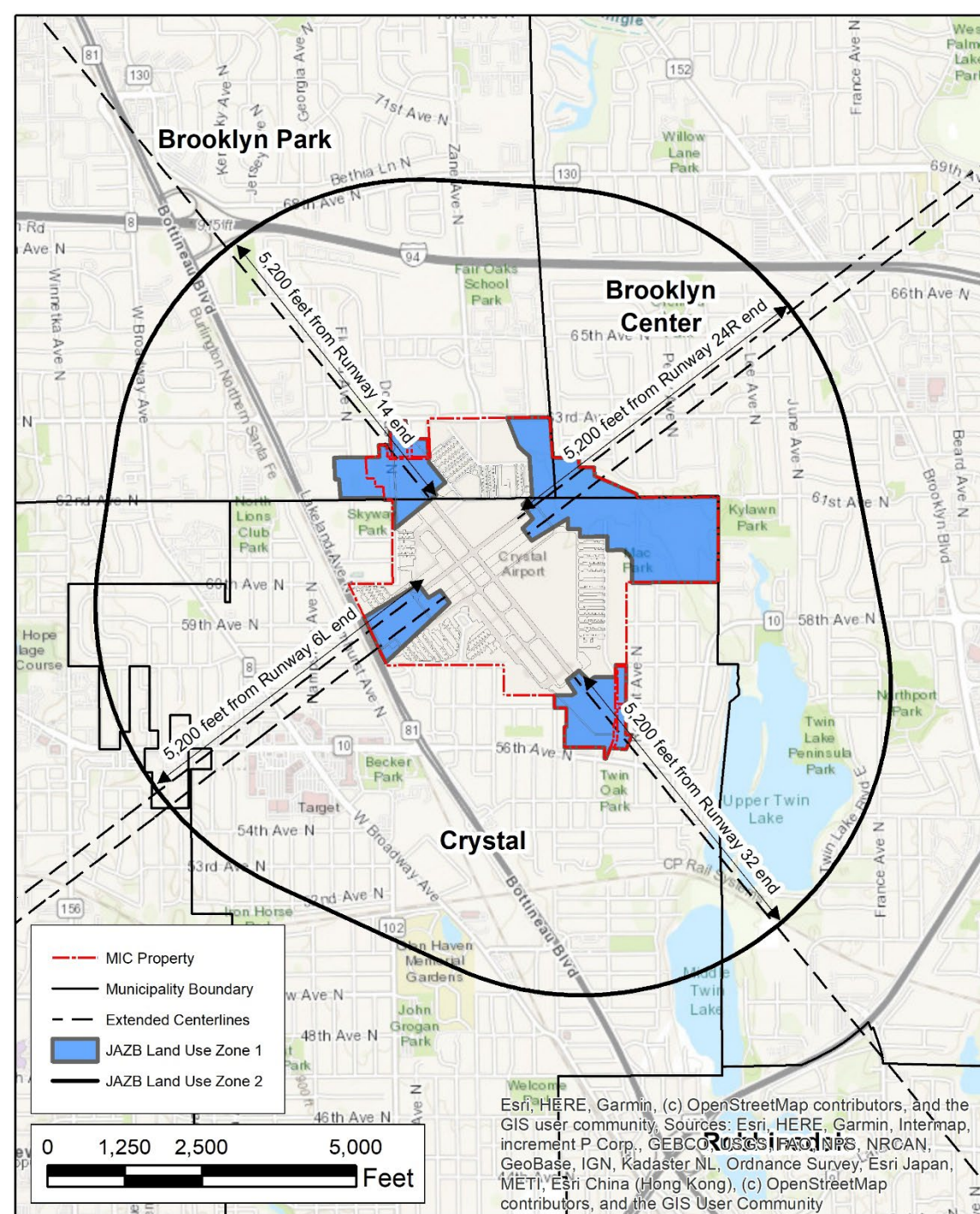


# JAZB Land Use Zone Overview

## JAZB Land Use Zone 2

Black ellipsoid line

- General prohibitions against land uses that:
  - Create or causes interference with the operations of radio or electronic facilities
  - Create or causes interference with radio and electronic communications between the airport and aircraft
  - Make it difficult for pilots to distinguish between Airport lights and other lights
  - Result in glare in the eyes of pilots using the airport
  - Impair visibility in the vicinity of the airport
  - Is deemed a hazard to air navigation by FAA or MnDOT
  - Otherwise endanger the landing, taking off, or maneuvering of aircraft in the runway approach area
- These apply to JAZB Land Use Zone 1 as well

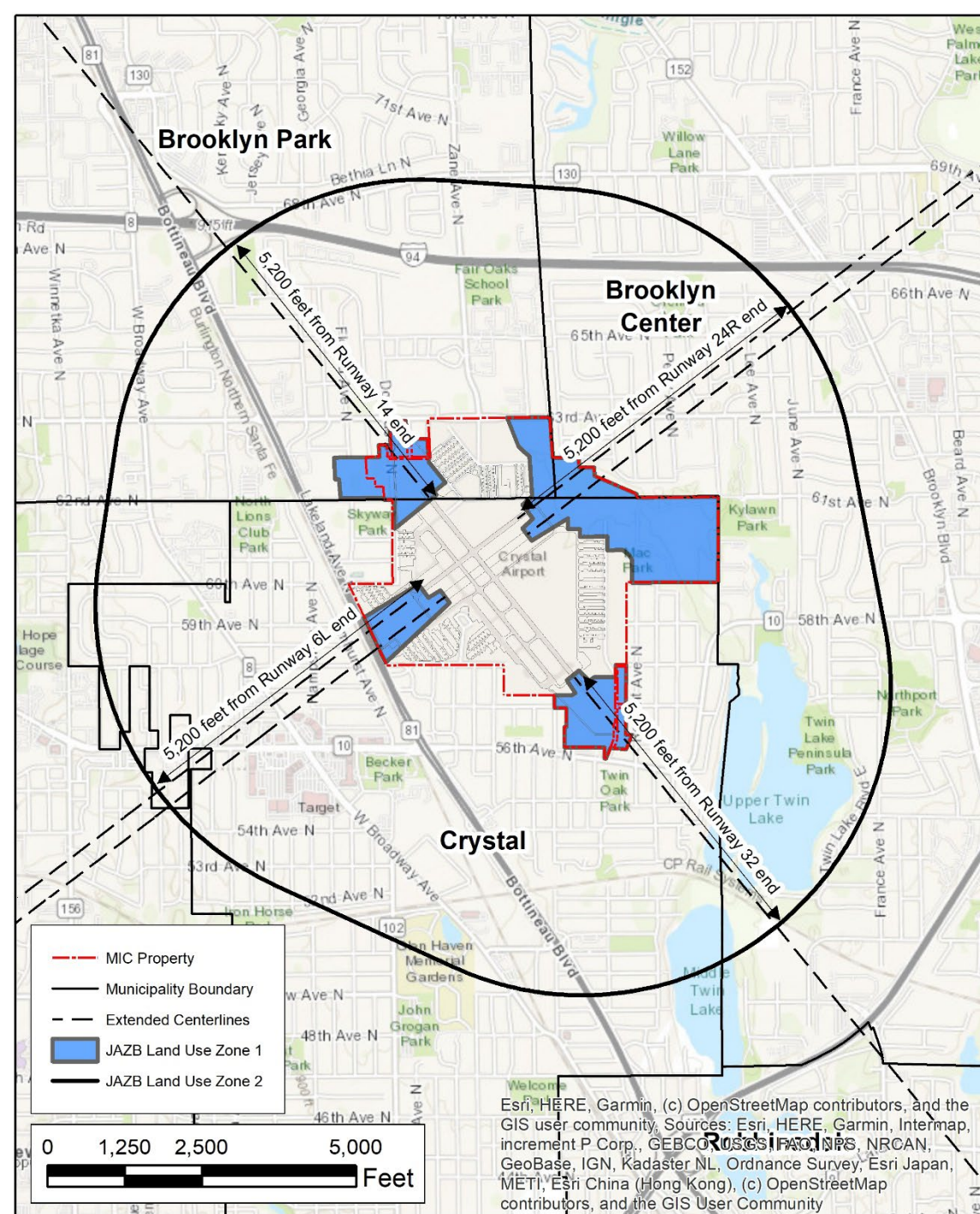


# JAZB Land Use Zone Overview

## JAZB Land Use Zone 1

### Blue shading

- More restrictive land use zone
  - Comprised of airport-owned property and off-airport property not guided for occupant use
- Prohibits the following:
  - Buildings
  - Exposed transmission lines and similar land use structural hazards
  - Uses that create, attract, or bring together an assembly of persons
- Allows:
  - Agricultural activities
  - Light outdoor recreation (non-spectator)
  - Vehicle parking
  - Approved aeronautical activities



# Draft Airport Zoning Ordinance

**DRAFT**

## **Crystal Airport Zoning Ordinance**

Adopted xx, xx, 20xx

Adopted by the  
Crystal Airport Joint Airport Zoning Board

Contact Person:  
Crystal Joint Airport Zoning Board  
c/o JAZB Secretary  
Metropolitan Airports Commission  
6040 28<sup>th</sup> Avenue South  
Minneapolis, Minnesota 55450

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# Draft Airport Zoning Ordinance

- Zoning Map (Section VI)
  - Exhibits and Plates collectively make up the Airport Zoning Map
- Nonconforming Uses (Section VII)
  - Allows both nonconforming structures and nonconforming uses that are in existence at the time the ordinance becomes effective
- Airport Zoning Permits (Section VIII)
  - Permits granted by municipal Zoning Administrator
  - Applicable within Airspace and Land Use Zones
  - Only required for modifications to nonconforming structures, and for existing and new structures that exceed the Maximum Construction Height Without Permit elevation

**DRAFT**

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# Draft Airport Zoning Ordinance

- Variances (Section IX)
  - Variances granted by a Board of Adjustment, appointed by MAC
  - Required for use of property in violation of any provision of the Ordinance
- Zoning Administrator (Section XI)
  - Designated as the official responsible for municipal zoning in each jurisdiction
  - Duty to administer and enforce the provisions of the Ordinance
- Other Sections
  - Hazard Marking and Lighting (Section X)
  - Zoning Administrator (Section XI)
  - Board of Adjustment (Section XII)
  - Appeals and Judicial Review (Sections XIII and XIV)
  - Penalties and Other Remedies (Section XV)
  - Relation to Other Laws, Regulations, and Rules (Section XVI)
  - Severability (Section XVII)

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# Briefing Agenda

- Joint Airport Zoning Board (JAZB) Purpose & Role
- Overview of the Draft Airport Zoning Ordinance
- **Next Steps**



# Next Steps

- Public comment period ends on March 8, 2023
- JAZB reviews comments submitted during public comment period
- JAZB schedules next meeting to:
  - Review public comments and proposed responses
  - Consider submittal of Draft Airport Zoning Ordinance to MnDOT for review
- Submit Draft Airport Zoning Ordinance to MnDOT





# Crystal Airport Joint Airport Zoning Board (JAZB)

Thank you for attending tonight!

## **Item E**

List of Exhibits Entered Into the Public Hearing Record

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## **List of Exhibits entered into the record during the Public Hearing:**

- Exhibit A – Draft Crystal Airport Zoning Ordinance
- Exhibit B – Public Presentation by Evan Barrett, Planning Consultant for Mead & Hunt
- Exhibit C – Notice of Public Comment Period and Public Hearing for Draft Crystal Airport Zoning Ordinance
- Exhibit D – Affidavits of Publication of the Public Notice in the Finance & Commerce on April 4, 8, and 14, 2023.
- Exhibit E – Affidavit of Publication of Public Notice in the Star Tribune on April 4, 9, and 14, 2023.
- Exhibit F – Affidavit of Mailing of the Public Notice to interested parties dated April 7, 2023.
- Exhibit G – Affidavit of Webposting on MAC’s website of the Public Notice dated April 4, 2023.
- Exhibit H - Affidavit of Emailing from MNMAC@publicgovdelivery.com to GovDelivery email distribution of the Public Notice dated March 31, 2023.
- Exhibit I - Affidavit of Emailing from MNMAC@publicgovdelivery.com to Crystal Airport Newsletter group of the Public Notice dated April 4, 2023

These exhibits are available upon request to the JAZB secretary. For further information about the public comment period, the open house, or the public hearing, please email [CrystalJAZB@mspmac.org](mailto:CrystalJAZB@mspmac.org).

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## **Item F**

Public Comment Period and Responses

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**CRYSTAL AIRPORT  
DRAFT CRYSTAL AIRPORT ZONING ORDINANCE  
PUBLIC COMMENTS AND RESPONSES**

**RESPONSES TO PUBLIC COMMENTS**

This section contains responses to public comments received about the draft Zoning Ordinance proposed by the Crystal Airport JAZB (“Draft Crystal Airport Zoning Ordinance”) that was presented at the public hearing held on April 19, 2023. The purpose of the public hearing was to take testimony from the public on the Draft Crystal Airport Zoning Ordinance, which will contain height and land use regulations in the vicinity of Crystal Airport, and will replace the existing 1983 Crystal Airport Zoning Ordinance (“1983 Ordinance”).

This section also covers responses made during the public comment period of the Draft Crystal Airport Zoning Ordinance. Two public comment periods were held: February 7, 2023, through March 8, 2023, and April 4, 2023, through May 3, 2023. The first public comment period was related to the original public hearing date of February 23, 2023. This public hearing was postponed due to poor weather and was rescheduled for April 19, 2023. A second public comment period was held in relation to the rescheduled April 19, 2023, public hearing. Both comment periods are captured in the responses below. Some public comments developed similar themes. As a result, a “General Responses” section was developed to address the similar comments made. If a specific comment warranted a tailored response, that response is included in the “Comments and Specific Responses” section.

**General Responses**

1. **Purpose and Composition of the JAZB** – The purpose of the JAZB is to collaboratively develop an airport zoning ordinance that achieves a reasonable level of safety while considering compatible community development and the social and economic costs of restricting land uses. The airport zoning ordinance must be approved by both the Minnesota Department of Transportation Office of Aeronautics (MnDOT) and the JAZB; it is not separately subject to MAC approval.

To fulfill this purpose, the JAZB decided to develop a custom airport zoning ordinance and provided the required notice to MnDOT. The JAZB evaluated the following five custom standard zoning factors consistent with Minnesota Statutes, section 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.

Once approved by both MnDOT and the JAZB, the Draft Crystal Airport Zoning Ordinance will be transmitted to the affected municipalities to be incorporated and administered with their respective zoning codes. The JAZB will be re-convened in the event that the Draft Crystal Airport Zoning Ordinance needs to be updated.

Composition of the JAZB is governed by state statute. Per statute, it is made up of representatives from the jurisdictions that will be affected by airport zoning – City of Crystal, City of New Hope, City of Brooklyn Park, City of Robbinsdale, City of Minneapolis—along with the Metropolitan Airports Commission (MAC). Each participating jurisdiction is entitled to choose and appoint two primary voting members on the JAZB, along with two alternate members who can vote in the absence of a primary member. The JAZB Chair is selected by the participating jurisdictions and is also a voting member. MAC support staff are not voting members. MAC is responsible for requesting the creation of a JAZB, but MAC only has two voting members on the JAZB.

JAZB meetings are open to the public and stakeholders interested in the process may attend and provide input.

- 2. Differences Between Draft Crystal Airport Zoning Ordinance and the 1983 Ordinance –**  
The area around Crystal Airport is already zoned for airport safety by the 1983 Ordinance. Since the passage of that ordinance, MAC has lengthened the main runway; closed the second parallel runway, converting it to a parallel taxiway; and shortened the turf runway. Given these changes, the 1983 Ordinance protected an airport configuration that has changed significantly.

Thus, one of the goals of the JAZB process is to create an ordinance that removes some restrictions that are currently in-place with the existing 1983 Ordinance, protecting airfield elements that have changed, or no longer exist. For example, the 1983 Ordinance shows two northwest/southeast runways. MAC recently closed one of those runways

(Runway 14R-32L). Therefore, the Draft Crystal Airport Zoning Ordinance removes restrictions associated with the former runway. .

Additionally, the JAZB chose to create a custom zoning ordinance, using a process that was not available when the 1983 Ordinance was passed. As of August 1, 2019, an amended statute governing airport zoning went into effect in Minnesota. MnDOT Aeronautics carried a bill through the Minnesota Legislature that was passed by the Legislature, capping the six-year process to update the state airport zoning law.

The recent changes to the state airport zoning statute include better integration of airport zoning with local land use planning, flexibility to enact custom airport zoning, and alignment with municipal and county process requirements. MnDOT Aeronautics hosted a Zoning Advisory Committee to identify and address airport zoning related issues and conducted a series of ten community outreach meetings in 2015 to discuss proposed changes.

The amended statute allows a JAZB to propose airport zoning regulations based on MnDOT's legacy zoning standards and model safety zones, or to propose airport zoning regulations based on custom airport zoning standards and factors. The JAZB voted to develop a custom airport zoning regulation. As a result, the JAZB is not required to consider or incorporate the legacy MnDOT Model Safety Zone or incorporate its traditional Safety Zone "A", "B", or "C" criteria.

As a result, the Draft Crystal Airport Zoning Ordinance reduces some land use restrictions currently in place in the 1983 Ordinance. The 1983 Ordinance contains restrictive land use zones, which were created using MnDOT's legacy zoning standards and model safety zones (see Minn. R. Ch. 8800.2400). Zones A and B cover a trapezoidal area extending outward from each runway, with the size of the trapezoid determined by the length of the runway away from which they project. The Draft Crystal Airport Zoning Ordinance uses a different approach to creating land use zones. Using a custom zoning approach, the proposed draft ordinance creates zones with shapes based upon an analysis of accident probability data sets, rather than a set size and shape dictated by the length of the runway. This custom zoning approach will reduce the footprint of land use restrictions and will ensure that the proposed restrictions are supported by a documented safety/risk assessment.

3. **Public Comment Availability** – A public hearing on the Draft Crystal Airport Zoning Ordinance was scheduled for February 23, 2023. This public hearing was postponed due to inclement weather. For a period from February 7, 2023 through March 8, 2023, the

JAZB solicited and received public comments on the Draft Crystal Airport Zoning Ordinance. Comments from this period were catalogued and are included in the attached list below. The JAZB solicited and received public comments on the Draft Crystal Airport Zoning Ordinance a second time from April 4, 2023, through May 3, 2023, in conjunction with a public hearing that was rescheduled for April 19, 2023. Comments received during this period are also catalogued in the attached table below.

4. **JAZB Meetings** – As of May 15, 2023, there have been 7 JAZB meetings, each of which was conducted in a public-forum. In addition, information regarding the process to craft the Draft Crystal Airport Zoning Ordinance is available on the Crystal JAZB project website, where previous and future meeting information (meeting minutes, agendas) can be found. After the Draft Crystal Airport Zoning Ordinance progresses through MnDOT's review process, the JAZB will need to meet again to review the results of MnDOT's review. A link is provided here for further information: <https://metroairports.org/crystal-joint-airport-zoning-board>. Future meeting information will continue to be posted at this link, and meetings will continue to be open to public participation.
  
5. **Tree Trimming and Removal** – The regulation of trees that become airspace obstructions is addressed in Section IV.(B)(2) of the Draft Crystal Airport Zoning Ordinance. As addressed in subsection (2)(a), the removal or trimming of a tree comes about when “the whole or any part of any Tree [is] determined to be an Airport Hazard by the FAA.” This determination by the FAA occurs within the context of an FAA review of airspace obstructions. These reviews occur when an airport project requires them, or when planning documents associated with the airport are developed for approval by the FAA. These determinations, required by federal regulations, have been made in the past and would still have occurred even if the JAZB had not proposed a Draft Crystal Airport Zoning Ordinance.

If the FAA determines that a tree (or a part of the tree) has become an Airport Hazard, then the city in which the tree is located, as administrator of the Draft Crystal Airport Zoning Ordinance, will notify the owner of the need to trim or remove the tree. Cities may work proactively with owners to perform the necessary removal and trimming. Cities are not required to compensate owners for removed or trimmed trees by the Draft Crystal Airport Zoning Ordinance, but they are not prohibited from doing so. Additionally, cities are not prohibited by the Draft Crystal Airport Zoning Ordinance from performing the trimming or removal at the city's expense.

However, if the city finds it necessary to issue a formal notice, directing owners to trim or remove a tree, the Draft Crystal Airport Zoning Ordinance creates a procedure for doing so. Owners can appeal this formal notice, as provided in the Draft Crystal Airport Zoning Ordinance. Owners who comply with the notice can perform the necessary removal or trimming on their own, at their own expense. For those who do not comply, the city will enter the property and remove or trim as needed and assess the associated expense to the owner.

6. **Aircraft Noise** – Aircraft noise is not within the purview of the JAZB. Adoption of the Draft Crystal Airport Zoning Ordinance will not alter the number or frequency of flights at the airport, nor the noise level of traffic. Each quarter, the MAC reports noise complaints, complaint locations, complaint descriptors, number of flight operations, aircraft types generating complaints, and other metrics for Crystal Airport. These reports are available at: <https://customers.macnoms.com/reports/relievers.html>.

Additionally, aircraft operations can be viewed through FlightTracker, an interactive mapping application, available at: <https://macnoms.com/>.

7. **Future Airport Projects** – The Draft Crystal Airport Zoning Ordinance does not address future airport projects, nor is the JAZB process the forum for proposing future airport projects. Future airport projects are initially proposed and addressed through the established Long Term Comprehensive Plan (LTCP) process. The LTCP process occurs with its own program of stakeholder review and engagement.
8. **Solar Panels and Lighting** – Solar panel and lighting installations would be restricted by the Draft Crystal Airport Zoning Ordinance only insofar as they are determined to “make[] it difficult for pilots to distinguish between Airport lights and other lights,” or they “result[] in glare in the eyes of pilots using the Airport,” or “impair[] visibility in the vicinity of the Airport,” or they are “deemed a ‘hazard’ to air navigation by FAA or MNDOT as part of an FAA 7460 Obstruction Evaluation, or [if they] otherwise endanger[] the landing, taking off, or maneuvering of aircraft.” Section V.(B)(1).

The city in which the light or solar panel is located, as administrator of the Draft Crystal Airport Zoning Ordinance, will be tasked with determining whether lights or solar panels meet the aforementioned standard. One of the key components of the standard is to highlight the FAA’s role in determining Airport Hazards as a part of the FAA 7460 obstruction evaluation process. Given this fact, your local city permitting office may request an airspace submittal as a part of their permit process, in which the FAA will

review and determine if the proposed project has elements deemed hazardous to air navigation. As has been mentioned previously, FAA obstruction evaluation processes are required by federal regulations and would still have occurred even if the JAZB had not proposed a Draft Crystal Airport Zoning Ordinance.

The typical lighting features associated with residential properties (e.g., house lights, sconces, back yard flood lights, and holiday lighting) are not likely to meet the standard described in the ordinance as constituting an impermissible use. Hazardous lighting situations of the type contemplated by the ordinance usually occur with large, non-residential, lighting installations. Similarly, typical, residential solar installations are not likely to be impermissible uses. In either case, however, the JAZB cannot guarantee that the particular conditions associated with a residential project will not give rise to a determination that the project would create an impermissible use.

9. **Clarity of Ordinance Text** – The JAZB acknowledges that the text of the ordinance is involved and can be difficult for residents to interpret. The Draft Crystal Airport Zoning Ordinance was designed by the JAZB to guide the cities, as administrators of the ordinance, in their application of its provisions. As such, the audience for the text is the professional staff employed by cities to administer zoning programs. In addition, the Draft Crystal Airport Zoning Ordinance was drafted by the JAZB in a manner allowing reasonable flexibility on the part of these administrators, while staying consistent with the intent of airport zoning to ensure a reasonable level of safety. If any commenter has a question about the application of any specific provision, the JAZB would recommend that the commenter reach out to his or her city’s zoning administrator.



**Comments and Specific Responses**

Comments received during the initial comment period (February 7, 2023 through March 8, 2023) of Public Hearing #1, which was scheduled for February 23, 2023 but ultimately postponed to April 19, 2023 due to weather.				
Commenter	Date Received	ID	Subject	Response
Luis Orozco (Email)	2/15/2023	1	We're located at 6119 Scott Ave N. Would the airport expansion lead to a buyout of our home due to the expansion? Hope all is well and thank you for your time!	See General Response No. 7.  Because the Draft Crystal Airport Zoning Ordinance does not cause any expansion of the airport or any other airport project, the Draft Crystal Airport Zoning Ordinance will not lead to the buyout of any properties.
Joanne Bergren (Voicemail)	2/16/2023	2	Hey, Rebecca, this is Joanne Bergren. I [have lived by] the Chrysler Park for about 30 some years now. We're on 6425 Florida. [...]. I think that we got the mailing today about a possible zoning ordinance. I think it should be written more in layman['s] terms. I also went on the metroairports.org documents and I'm a college graduate—I actually work in like legal and contracts—and it's very confusing. And I just want to clarify, are you guys going to be taking down trees in our yard that are above a certain height? How will that affect us? And if they are, does the homeowner have to pay for that? [...]. Thank you.	See General Response No. 9.  With respect to trees, see General Response No. 5.
Amy H (Email)	2/19/2023	3	I was able to view the document, and my house is labelled as maximum 101-150 feet without a permit. Google says two-story houses are about 35 feet. The maximum height of any tree species I plant is about 50 feet, so I can't imagine any scenario where I'd be anywhere close to needing a permit or be in conflict with the airport. And if sometime in the distant future, the value of these properties is only to tear down and build a two-story home, there won't be any issue. I love having the airport there, because I enjoy seeing the planes come over. They come almost directly over me, and I've gotten to see some really cool planes over the years. Since it's a smaller airport, jets don't land here, so the amount of noise is reasonable most of the time. I'd never want to live where I was getting noise from planes landing at MSP, but being near Crystal is fun.	Comment acknowledged.
Nhi Vuong (Email)	2/24/2023	4	I'm Nhi Nguyen, a constituent of Minnesota's 5th congressional district. I live on Bass Lake Rd, also known as 56th Ave N, in Crystal which is right behind the Crystal Airport. I would like to raise a concern about the violation of my land use rights on my property. As the Crystal Airport proposed the draft to limit the height of constructions and vegetation and prohibit land uses that interfere with their operations without specifying what uses. I hope elected officials will email rebecca.townsend@mspmac.org on my behalf to protect Crystal's residents' rights. I attached the letter that Crystal Joint Airport Zoning Board sent out on Wednesday, Feb 22nd, which was one day before their hearing.	Based upon public records, it appears that the commenter's property would be subject to a height restriction of 114' under the Draft Crystal Airport Zoning Ordinance, well above the maximum construction heights currently permitted under existing, city ordinances.  The land use restrictions proposed in the Draft Crystal Airport Zoning Ordinance can be found in Section V.(B) of the Draft Crystal Airport Zoning Ordinance  See General Response Nos. 1 and 4. Elected officials in each of the jurisdictions affected by the Draft Crystal Airport Zoning Ordinance were given the opportunity to participate in the formation of the JAZB, participate in the JAZB's deliberative work, and attend meetings of the JAZB.  See General Response No. 3. Notices for the scheduled, but cancelled, February 23, 2023, Public Hearing were mailed on February 9, 2023, in accord with Minnesota Statutes, section 360.065.

Comments received during the rescheduled public comment period (April 4, 2023, through May 3, 2023) for Public Hearing #1 completed on April 19, 2023.				
Commenter	Date Received	ID	Subject	Response
Jerry (Email)	4/14/2023	5	Can you provide any assurance to me, a Crystal resident, that I will not be forced to cut my trees at my own expense on your behalf? I suspect that the proposed ordinance is a way of skirting the easement norm in this country where funds are provided for the cutting of trees with recompense for the wood's value. This drafted ordinance has "foul" written all over it, and further, I believe our AG would agree. And so would any civil court in this lovely, equitable state of OURS. Any feedback would be appreciated. Signed, a proud citizen who values property rights as sacred and pertineer [ <i>sic</i> ] inalienable.	See General Response No. 5.
Amber Ballweg (Email)	4/14/2023	6	Hello, Secretary to the Crystal Joint Airport Zoning Board -I had not intended to make a comment on the change to the zoning of the airport. I understand there are safety reasons for it, and the airport is an important part of our community. However, I would like to make certain to make it known I am not in favor if the change in the zoning means the recently increased low flights (buzzing) over my neighborhood (directly south) will continue or become worse. This previously only happened once every few months, where I would write it off to a new student at the flight school. It has been happening at least once per day for the past week, in the afternoons, including at 2:52 PM today. Many days I do not hear any air traffic, and then typically, only helicopters returning from North Memorial catch my attention, because they fly pretty directly over my property. I have considered myself blessed to live so close to the airport with fairly little disturbance, but this new routine is shaking the windows and items in my home and disrupting my work. Again, I do not want to stand in the way of improved safety for the pilots, airport crew, or public, but I would like to make sure to register a concern about the possibility of increased noise and disturbance to the surrounding community, as I've been very recently reminded might be an issue with this change.Thank you for taking my concern into consideration.	See General Response No. 6.
David Cummings (Public Hearing, Written)	4/19/2023	7	Letter sent to residents was vague, and confusing on what exactly was being zoned and how that would affect residents. Email that was provided to residents in letter bounced back emails. A link or QR code explaining changes would have been beneficial. This would be easier than going to the link provided and finding the ordinance. Actual ordinance is vague and unspecific, what is too high for a tree? what lights are not allowed where?	See General Response No. 9. The JAZB apologizes for the error, which resulted in the bounced back email. Please note that this error was corrected as soon as it was discovered. Comment acknowledged. See General Response Nos. 9 and 5.
John Budziszewski (Public Hearing, Written)	4/19/2023	8	Concerned that the JAZB Commission will try to nullify our Planned Town Center Ordinances and stifle our overall growth. I recommend that the commission meet with our Crystal City Council to discuss pros and cons of the proposed JAZB ordinance.	The Draft Crystal Airport Zoning Ordinance is intended to achieve a reasonable level of safety while considering compatible community development. Additionally, the Draft Crystal Zoning Ordinance is intended to work in tandem with the pre-existing zoning, only superseding an existing zoning restriction when the Draft Crystal Zoning Ordinance contains a stricter restriction applicable to the same use. See General Response Nos. 1 and 4. Elected officials from Crystal participated in the formation of the JAZB, delegated their representatives to participate in the JAZB's deliberative work, and are permitted to attend meetings of the JAZB.

<p>Joseph Duncan (Public Hearing, Verbal)</p>	<p>4/19/2023</p>	<p>9</p>	<p>I'm Joseph Duncan. I represent myself. I'm also a certified arborist with ISA. I live at 6311 Vera Cruz North, Brooklyn Park, so just off the runway there on 63rd. My comments this evening are about the trees, of course, and my concern with the removal of the trees. You already have a pretty large heatsink there with such a large area, understandably.</p> <p>But I'm a little curious about that as far as that heat sink, then, just enlarging with the removal of trees, if that's indeed the plan. I don't -- I don't know exactly, to be honest with you.</p> <p>The carbon sequestration of the trees is really important, and so I don't know if in the planning that was taken into -- into account. But my impression is that the -- there should be funds allocated to a carbon bank to pay that forward, or backward, whichever way you want to look at it, for the loss of the carbon sequestration that those trees provide.</p> <p>So of course those larger trees are the ones that are holding tons of carbon, and so I feel that that's pretty important. I think we maybe take a look at that.</p> <p>I'm almost done. There is an arboretum over there off -- on Kylawn Park, and so I don't know if that comes into play. Most of the trees in there are rather large, probably 75 feet, somewhere in there; and I know that they're just off the runway there.</p> <p>Any work that is done, I feel that there should be obviously a certified arborist or an urban forester or someone of that nature on site when the work is done so that it can be done, you know, thoughtfully, and appropriately as far as the cuts, et cetera, and making good selections.</p> <p>So really that's all I have to say.</p>	<p>The Draft Crystal Airport Zoning Ordinance only requires the trimming or removal of trees in circumstances when trimming or removal was already required under federal regulations. Other efforts to reduce the carbon footprint are outside the purview of the JAZB. However, the Draft Crystal Airport Zoning Ordinance would not prohibit the jurisdictions, or the homeowner, from planting replacement trees, or otherwise offsetting the carbon impacts of removal or trimming.</p> <p>As shown on the Maximum Construction Height Without a Permit maps appended to the Draft Crystal Airport Zoning Ordinance, the maximum tree heights within Kylawn Park would range from 145 to 149 feet. This height well exceeds the typical mature tree heights for the Airport vicinity.</p> <p>See General Response No. 5.</p>
<p>Roger McCown (Public Hearing, Verbal)</p>	<p>4/19/2023</p>	<p>10</p>	<p>I can't really speak in public. I just was hoping someone would say that a lot of homeowners are paying the price for a little bit of recreational use of airplanes flying over. And I thought I had some other thoughts, but they're not coming to me.</p> <p>Yeah, I think you could move the operation to Anoka or Holman or -- that's it. Thanks.</p>	<p>See General Responses Nos. 1 and 2.</p>
<p>Forest Eidbo (Public Hearing, Verbal)</p>	<p>4/19/2023</p>	<p>11</p>	<p>So my name's Forest Eidbo. I'm a city councilor here at Crystal. I represent Section 2, which is the northern half of Crystal.</p> <p>I've received a number of questions and concerns from constituents about the zoning overlay that's been proposed. And one of the kind of questions and concerns that I have personally is related to that Zone 2 land use, specifically looking at some of the restrictions that are outlined in that general restrictions category.</p> <p>For me, they feel overly broad and open to a lot of interpretation, which worries me, especially in that presentation where you mentioned that there might be a</p>	<p>See General Comment No. 9</p>

			<p>restriction on the installation of solar panels within that zone. It's a very large zone. It includes some -- our main commercial district. As many of us know, flat-topped commercial buildings are quite -- great places to install solar, as we have in many of our city flat-topped buildings as well.</p> <p>I'm also concerned that these restrictions will put undue burden on our staff. I don't know if this is true or not. This is just a concern I have as enforcement would fall on our staff. And without clear, prescriptive language, open to interpretation, I do have concerns that we would see staff having to wade through, make determinations on a case-by-case basis. I mean, that just sounds not like a -- not like something that hopefully you intend in this.</p> <p>Because it sounds very much like this is a safety issue, but a lot of Crystal residents live in here in this area, and if you restrict their use in kind of an almost arbitrary way without being prescriptive, I'm worried that we'd see a decrease in home values because of that.</p> <p>You know, the way it's written, you know, can I put sconces on my -- on the wall of my house? I'd really like to see that kind of tightened up.</p> <p>I mean, many other zoning overlays, if you look at some of them along the Mississippi River that are enforced by the DNR, they're very prescriptive, very specific, well written. I don't see that here unfortunately. I'd like to -- I'd like to have you go back and try and make that more prescriptive and clear. Thank you.</p>	<p>See General Comment No. 8</p> <p>See General Comment No. 9</p> <p>See General Comment No. 9</p> <p>See General Comment No. 8</p> <p>See General Comment No. 9</p>
<p>Gale Ortmann (Email)</p>	<p>4/20/2023</p>	<p>12</p>	<p>We live directly in the path of the planes taking off and landing, We are concerned about the height limitations on trees, are our current trees grandfathered in? Do we have a choice between trimming the trees or removing them. And who is responsible for the costs to trim or remove trees?</p> <p>[R]emoving trees affects the carbon footprint. Since MN is trying to be carbon neutral, how do you plan to reduce the carbon footprint if trees are removed. Since Minnesota is trying to get to Carbon neutral, Solar panels should not be restricted. Nothing was said about lights. What kind of lights are not allowed? And if we currently have them, are they grandfathered in? And who is responsible for removing them and replacing with acceptable lights. We agree with Forest, our city council member who said the rules were not clear on anything. It was wide open for interpretation. Please make this more clear and give specifics on the report[.] Thank you, Gale and Jim Ortmann</p>	<p>See General Response No. 5.</p> <p>For a tree to be grandfathered as a non-conforming structure, it must be “not conforming to the provisions of this Crystal Airport Zoning Ordinance on the Effective Date” of the Draft Crystal Airport Zoning Ordinance. See Section II.(A)(15). As discussed in the General Response No. 5, a tree becomes “not conforming” once it has been determined to be an Airport Hazard by the FAA. At present, the JAZB is not aware of any such determinations by the FAA. Thus, it is unlikely that any tree could qualify as a non-conforming structure.</p> <p>The Draft Crystal Airport Zoning Ordinance only requires the trimming or removal of trees in circumstances when trimming or removal was already required under federal regulations. Other efforts to reduce the carbon footprint are outside the purview of the JAZB. However, the Draft Crystal Airport Zoning Ordinance would not prohibit the jurisdictions, or the homeowner, from planting replacement trees, or otherwise offsetting the carbon impacts of removal or trimming.</p> <p>See General Response No. 8.</p> <p>See General Response No. 8. An existing light could qualify as a non-conforming structure, if it meets the requirements listed in the Draft Crystal Airport Zoning Ordinance.</p>

				See General Response No. 9.
Forest Eidbo (Email)  (1 of 5)	4/27/2023	13	<p>Dear Crystal Joint Airport Zoning Board, Crystal Airport (MIC) is a large portion of the section I represent and while not used by many of the residents of northern Crystal it impacts most of them. The current MIC comprehensive plan is based on pre-pandemic 2015 aviation forecasts that predict a rate of decline in based aircraft of 0.2% annually to 171 based aircraft by 2035. 2022 MIC data shows that the number of based aircraft is currently 156, a 15.7% decrease since 2015. The most recent FAA Aerospace Forecast hints at continued decline for MIC's fleet of mostly fixed-wing piston aircraft with an annualized 0.8% rate of decline from 2021 through 2042. Extrapolating this national forecast to MIC would mean MIC would see a fleet of less than 130 aircraft at an airport that once boasted 327 in 1995. I bring up this decline in MIC based aircraft because of something a resident said in the public comment meeting on 4/19/23 that stuck with me— This proposal adds a lot of burden for the thousands of residents who live every day next to an airport with so few aircraft (paraphrasing).</p> <p>Beyond the airport's declining based aircraft, there are also specific issues with the draft language in the zoning ordinance. Primarily relating to Section V restrictions in the Land Use Zone 2 (Section V. A. 1.; Section V. B. 1.; Exhibit c):</p> <p>1. The land enclosed in Land Use Zone 2 is excessively broad and includes homes, businesses, and public lands that were previously not subject to the broad restrictions outlined in Section V. B. 1. and a reasonable land owner near Crystal downtown would not assume their land would be subject to such airport related restrictions. The lands in Exhibit C should be reduced to only include the most likely to cause a hazard to aviation operations with the restrictions outlined in Section V. B. 1.. If there is little to no likelihood of a hazard being caused, it should not be included in the map.</p>	<p>Comment acknowledged.</p> <p>See General Response Nos. 1 and 2.</p>
Forest Eidbo (Email)  (2 of 5)	4/27/2023	14	<p>2. The general restrictions for Land Use Zone 2 listed in Section V. B. 1. are overly broad and not relevant to the evaluation instrument listed, FAA 7460. FAA 7460 does not outline any need for evaluation for the restrictions listed in Section V. B. 1., "...creates or causes interference with the operations of radio or electronic facilities at the Airport or with radio or electronic communications between Airport and aircraft, makes it difficult for pilots to distinguish between Airport lights and other lights, results in glare in the eyes of pilots using the Airport, impairs visibility in the vicinity of the Airport..." This reference to an irrelevant evaluation form creates confusion and burden for both landowners and staff; if FAA 7460 isn't for determining glare or lighting issues then what is? Is it city staff who determines as part of the building permit process, and if so under what guidance? Is it the onus of the landowner to ensure there is no violation to Section V. B. 1. and bring it to the board of adjustment? This section should specifically outline what activities are restricted and how the process of determining whether a restriction is occurring or not will be overseen. The text as currently written is overly general—so general that in the 4/19/23 presentation MAC staff said solar panels may be restricted under this section, something that many residents (myself included) vehemently oppose. Having unspecific restrictions does not make the rule easy for staff to implement or for residents to</p>	<p>See General Response Nos. 8 and 9.</p> <p>Section V.(B)(1) refers to general restrictions associated with the FAA's airspace review process, whereby they review proposed construction projects that may interfere with aircraft operations. This review process by the FAA is conducted by multiple lines-of-business within that agency and takes into consideration a review of each of the criteria listed in Section V.(B)(1).</p> <p>Some projects may not require this review, depending on the FAA's siting criteria found here: <a href="https://www.ecfr.gov/current/title-14/chapter-I/subchapter-E/part-77?toc=1">https://www.ecfr.gov/current/title-14/chapter-I/subchapter-E/part-77?toc=1</a>. These criteria will need to be considered by each local city permitting office to determine whether to require a project to file for a 7460 review. Additional information about the FAA's airspace review process can be found here: <a href="https://oeaaa.faa.gov/oeaaa/oe3a/main/#/home">https://oeaaa.faa.gov/oeaaa/oe3a/main/#/home</a></p> <p>It is important to note that the 7460-airspace review process is established by federal regulations and is a pre-existing requirement that is independent of the Draft Crystal Airport Zoning Ordinance. The Draft Crystal Airport Zoning Ordinance merely</p>

			comply with—it only creates confusion and may lead to a stricter interpretation in the future.	incorporates this requirement into the text to bring awareness to the process that is already a requirement.
Forest Eidbo (Email)  (3 of 5)	4/27/2023	15	3. With so many questions to be answered in regards to Section V. A. 1.; Section V. B. 1.; and Exhibit C MAC should allow another round of public engagement after edits or responses to concerns are made.	See General Response No. 4.
Forest Eidbo (Email)  (4 of 5)	4/27/2023	16	I have also heard concerns from residents related to tree restrictions in the proposed ordinance. These concerns include:1. Nonconforming trees should be separated from section VIII. E. trees do not function in the same way as structures and should not be regulated the same. For example, the idea of an abandoned tree is a non sequitur. Tree removal should be based on tree health determined by the local tree inspector, rather than standards more applicable to structures.2. In the event of tree removal, MAC should offer the resident a free replacement tree (or voucher equal to the value of) that has a maximum height within the restrictions for their parcel. The cost would be minimal and it would both improve relationships with residents who share the neighborhood with MIC and the environment.	See General Response No. 5.
Forest Eidbo (Email)  (5 of 5)	4/27/2023	17	My final comment is not towards the language in the proposed ordinance but rather how MAC engaged the public. The public engagement process was conducted with little honest public input solicited. The formula is stereotypical, 20th-century engagement – mail a letter to a radius around the affected action, allow written comments for a period, and hold a single in-person comment meeting. Most public engagement models have moved toward actual engagement where people can engage in active dialogue – i.e., going to community events, holding multiple public meetings, having round tables, driveway talks, and using an iterative planning process with more than one place to provide comment. With such a large impact I hope all future MIC planning efforts use a more intentional and open public engagement process that follows current best practices in community engagement. Thank you for the opportunity to comment on the proposed zoning ordinance and for taking the time to review my comments. If you have any questions regarding my concerns do not hesitate to contact me.	See General Response Nos. 3 and 4.
Len (Email)  (1 of 2)	5/3/2023	18	This draft zoning proposal is being sold as a collaborative effort between the airport and the community to balance their interests and enhance safety, but is written with only the interests of the airport in mind.In conjunction with the 2035 LTCP, the airport clear-cut nearly the entire block from County Road 10 to 57 and Regent. As a result of the elimination of most of the shade, it is impossible to maintain a lawn anymore without an excessive use of water resources that kick you into high-priced water usage tiers. Much of the grass on the entire block has been replaced with weeds. The quality of ou[r] treeless and weedy neighborhood has taken a big hit and damaged the environment.The one thing we do have now is lots and lot of sun, which would make solar panel usage extra efficient. But not so fast. Adding insult to injury, it is now being proposed that we should be disallowed from installing solar panels.Now it has been proposed to tighten height and building restrictions even further and extend the impact to a five square mile radius.	See General Response Nos. 1, 2, and 8.

<p>Len (Email)  (2 of 2)</p>	<p>5/3/2023</p>	<p>19</p>	<p>What has never been explained to community stakeholders is that the airport is seeking to tighten restrictions in order to accommodate riskier landings in bad weather with poor visibility. The 2035 LTCP listed this as an optional goodie on their wish list: Pursue the establishment of a new non-precision instrument approach to the Runway 32 end, if feasible (call out #10 on Figure 5-7).</p> <p>That sound like a good thing with no downside. It was never explained to community stakeholders that after the installation of this new equipment they would be allowing landing in adverse weather conditions previously prohibited. Now the airport is seeking custom zoning authorization to ameliorate some of the increased dangers of landing when you can't see where you are going and trying to put all the burden on 5 square miles full of residents and businesses. How is this in the interest of the community to make all these sacrifices so a few planes can be allowed to land in bad weather? It would be a lot easier, and much less impactful to the community, to just roll-back landing restrictions to what they were prior to the installation of the new non-precision instrument approach equipment.</p>	<p>The Draft Crystal Airport Zoning Ordinance does not propose changes to the existing aircraft operations, nor does it modify instrument approach procedures of aircraft during poor weather conditions. The existing non-precision approach procedures to both ends of Runway 14/32 were established prior to the JAZB process.</p> <p>See General Responses Nos. 1 and 2.</p> <p>In reference to the comment about the "burden of the 5 square miles," this comment appears to refer to the restrictions associated with the Airspace Surfaces and Airspace Zones established under Section IV of the Draft Crystal Airport Zoning Ordinance. These restrictions are an airspace protective measure, which remains largely the same as what exists in the existing 1983 Ordinance. However, the proposed Airspace Surfaces and Airspace Zones get less restrictive in some places, because they remove the associated approach surface areas which were protective of the now-closed Runway 14R-32L.</p>
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