

**LAKE ELMO AIRPORT
JOINT AIRPORT ZONING BOARD**

Thursday, December 5, 2019
Baytown Community Center
4020 McDonald Drive North, Stillwater, MN 55082

MEETING MINUTES

Chair Weyrauch convened the Lake Elmo Airport Joint Airport Zoning Board meeting at 3:30 PM. The following were in attendance:

Members: Rick Weyrauch, Chair
John Hall, Baytown Township, Board Member
Ron Fredkove, Baytown Township, Alternate
Ken Roberts, City of Lake Elmo, Board Member
Mike Liljegren, City of Oak Park Heights, Board Member
Jim Kremer, City of Oak Park Heights, Alternate
Dave Schultz, West Lakeland Township, Board Member
Mary Vierling, West Lakeland Township, Board Member
Rick King, Metropolitan Airports Commission, Board Member
Rod Skoog, Metropolitan Airports Commission, Board Member

Others: Joe Harris, Neil Ralston, Evan Wilson, Kristin Berwald, Brad Juffer, Dana Nelson, MAC Staff; John Fleming, MnDOT; Kurt Howard, Washington County; Jake Jorgenson, SEH; Brian Krafthefer, West Lakeland Township, Alternate; David Scream

1. CHAIR OPENING/REMARKS

Chair Weyrauch opened the meeting and provided introductory remarks. He reiterated that the purpose for the JAZB is to develop an airport zoning ordinance for the surrounding communities of the Lake Elmo Airport. Chair Weyrauch stated that there would be a presentation from MAC and there would be a public comment period later in the meeting. Chair Weyrauch further clarified that there would be a public hearing in the future as part of the zoning process where members of the public would be able to provide further comments.

2. APPROVAL OF MINUTES FROM OCTOBER 17, 2019 MEETING

Chair Weyrauch requested a motion to approve the meeting minutes from the Lake Elmo Airport Joint Airport Zoning Board meeting held on October 17, 2019.

There was brief discussion of the meeting minutes.

IT WAS MOVED BY ROD SKOOG, SECONDED BY JOHN HALL, TO APPROVE THE MINUTES OF THE OCTOBER 17, 2019 LAKE ELMO AIRPORT JOINT AIRPORT ZONING BOARD MEETING, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

3. JAZB FORMATION ITEMS

Chair Weyrauch turned the meeting over to Evan Wilson, Metropolitan Airports Commission, to review JAZB formation items. Mr. Wilson stated that participation resolutions were received by each of the JAZB members' jurisdictions. Mr. Wilson recommended that there be a motion for ratification of prior decisions that the JAZB has made as reflected in the minutes of the meetings.

IT WAS MOVED BY KEN ROBERTS, SECONDED BY MIKE LILJEGREN, TO RATIFY THE ACTIONS OF THE JAZB AS REFLECTED IN THE MINUTES OF THE MEETINGS. THE MOTION PASSED UNANIMOUSLY.

4. PRESENTATION OF DRAFT AIRPORT ZONING ORDINANCE MATERIALS

Chair Weyrauch turned the meeting over to Neil Ralston, Metropolitan Airports Commission, who provided a presentation of the Draft Zoning Ordinance for the consideration of the JAZB.

Mr. Ralston noted that an electronic copy of the Draft Airport Zoning Ordinance had been distributed in advance so that the JAZB could review the materials prior to the meeting. Mr. Ralston also stated that there were table copies available for members of the public to review.

Mr. Ralston stated that the JAZB made a request for MAC staff to develop a formal Airport Zoning Ordinance proposal based on the Example Custom Land Use Zones presented at the October 17 meeting.

Mr. Ralston then provided a presentation of the resulting Draft Airport Zoning Ordinance, noting that it contained both height limitations and land use limitations. Mr. Ralston explained that the Draft Airport Zoning Ordinance establishes an Airspace Zone to limit the height of structures and vegetation in the vicinity of the airport. The Airspace Zone heights are based on Federal Aviation Administration (FAA) airspace protection criteria. If a proposed development seeks to penetrate the height limitations stipulated by the Airspace Zone, a variance will have to be granted by a Board of Adjustment. The ordinance also requires compliance with FAA's airspace review process for proposed development if certain criteria are met.

Mr. Ralston provided examples of grid maps that show the Airspace Zone heights in 10-foot intervals for areas surrounding the airport. Mr. Ralston also provided examples of grid maps that establish a height per parcel up to which an airport zoning permit is not needed. Mr. Ralston explained the circumstances where proposed development would require a permit or a variance.

Moving on to land use limitations, Mr. Ralston then provided a review of the proposed JAZB Safety Zones 1 and 2. Mr. Ralston explained that JAZB Safety Zone 1 is the most

restrictive zone and prohibits buildings and land uses that bring together assemblies of people. JAZB Safety Zone 2 is a less restrictive zone and contains general land use restrictions against interfering with flight activity at Lake Elmo Airport.

Ken Roberts, City of Lake Elmo, asked if ponding, trails, and streets are considered allowed uses, and if they are called out specifically in the ordinance. Mr. Ralston referred to the Draft Ordinance and stated that these items would be allowed.

Mr. Ralston cited that based on discussion at the October 17, 2019 meeting, the off-airport agricultural preserve property adjacent to the northeast side of the airport was removed from JAZB Safety Zone 1. Based on the safety/risk analysis, removing this property did not adversely affect the level of safety being provided.

Mr. Ralston then provided brief descriptions of several sections of the Draft Airport Ordinance that cover non-conforming uses, permits, and the variance process.

Dave Schultz, West Lakeland Township, asked if the power poles on Manning Avenue near the railroad tracks would be allowed to stay, and noted concern over a possible obstruction from the powerline between the poles. Mr. Ralston explained that these poles would be considered a non-conforming use that would be allowed to remain in place; however, plans to relocate the primary runway would render the power poles and line a non-issue from an obstruction perspective.

Mr. Ralston then stated that the next step for the JAZB is to consider the Draft Airport Zoning Ordinance, and, if acceptable, consider advancing it into the public review and comment process. This would entail initiating a formal public comment period and holding a public hearing within that timeframe. Mr. Ralston then described the steps required to prepare for the Public Hearing, including the publishing of advertisements in local newspapers and notices being mailed to residents.

5. PUBLIC COMMENT PERIOD

Dave Schultz, West Lakeland Township, provided comments on a variety of topics, including the timeliness of materials being distributed for review in advance of the JAZB meeting, the location of a previous aircraft accident, and the number of aircraft based at Lake Elmo Airport.

Public comments were received from (1) one individual, inquiring if the Draft Airport Ordinance would be available electronically and if Lake Elmo is going to be reimbursed for land in the northwest corner of proposed JAZB Safety Zone 1 (Runway 14 end).

Mr. Ralston stated that the Draft Airport Zoning Ordinance will be posted to the JAZB website so that it can be downloaded during the public comment period. Allowable uses on the land in proposed JAZB Safety Zone 1 in Lake Elmo will not change as it is already guided to be a non-occupant Public/Semi-Public space in the City's Comprehensive Plan. Mr. Roberts acknowledged that this was a correct understanding of the Plan.

6. BOARD DISCUSSION ON DRAFT AIRPORT ZONING ORDINANCE MATERIALS

Chair Weyrauch asked if there were any requested changes about the Draft Airport Zoning Ordinance.

Mr. Schultz stated that he would like to see proposed JAZB Safety Zone 1 expanded. Mr. Ralston provided a review of the accident location data that was evaluated during the Custom Airport Zoning development process and presented at the October 17 meeting. Mr. Schultz referred to the accident distribution scatter plots and containment ellipses. Mr. Ralston pulled up the slide from the October 17 JAZB presentation showing this information onto the screen. Mr. Schultz said he thought that the Safety Zones should be derived from the 20% accident containment ellipse.

Mr. Roberts summarized the consensus of the Board from the October 17 meeting, stating that the proposed Safety Zones provided for a reasonable level of safety.

The Board continued to discuss the elements that constitute a reasonable level of safety. Chair Weyrauch stated that the risk factor does not drop off linearly the further one gets from the Airport. Mr. Schultz stated that he didn't think the proposed zones provided enough safety. Jim Kremer, City of Oak Park Heights, asked Mr. Schultz what he considered to be safe. Mr. Schultz responded that he would like to use the Commissioner's Airport Zoning Standard. Chair Weyrauch asked if it was acceptable to extend the safety zones at the two southern ends that extend into West Lakeland Township. Mr. Schultz stated that he couldn't make that decision and that it was a Township Board level decision. Mr. Roberts asked if West Lakeland Township has an option to adopt local zoning more restrictive than the JAZB Safety Zones should it choose to do so. Chair Weyrauch confirmed that has been determined as an option.

Mr. Roberts provided several comments of a technical nature about the mechanics of the Draft Airport Zoning Ordinance. Evan Wilson, Metropolitan Airports Commission, explained that much of the language in the ordinance is taken directly from the State Statute. Rod Skoog, Metropolitan Airports Commission, asked if that factor would be important for people to understand prior to the Public Hearing. Chair Weyrauch requested that MAC prepare an annotated copy of the Draft Airport Zoning Ordinance to highlight what sections use language verbatim from the State Statute. Mr. Kremer stated that it would also be helpful for the public to have access to the highlighted copy. Mr. Wilson stated that he would put together an annotated copy.

IT WAS MOVED BY JIM KREMER AND SECONDED BY JOHN HALL TO ADVANCE THE DRAFT AIRPORT ZONING ORDINANCE TO A PUBLIC COMMENT PERIOD. THE MOTION PASSED WITH 8 VOTES IN FAVOR AND 2 OPPOSED.

Reasons for voting in opposition: Mr. Schultz stated that he didn't think the proposal provided enough safety. Ms. Vierling stated she thinks there needs to be a larger safety zone.

7. ESTABLISH NEXT MEETING DATE

Chair Weyrauch set Thursday, January 23, 2020 at 5:00 pm as the date for the Public Hearing.

8. ADJOURN

WITH NO FURTHER BUSINESS TO DISCUSS, CHAIR WEYRAUCH REQUESTED A MOTION TO ADJOURN THE MEETING. IT WAS MOVED BY JIM KREMER AND SECONDED BY KEN ROBERTS TO ADJOURN THE MEETING. THE MOTION CARRIED BY UNANIMOUS VOTE.

The meeting was adjourned at 4:57 PM.