

FLYING CLOUD AIRPORT JOINT AIRPORT ZONING BOARD

Thursday, January 18, 2018
Eden Prairie City Center – Heritage Rooms 1 & 2
8080 Mitchell Road, Eden Prairie, MN

MEETING MINUTES

Brad Aho, Chair, convened the Flying Cloud Airport Joint Airport Zoning Board meeting at 4:05 p.m. The following were in attendance:

Members: Brad Aho, Chair
Kate Aanenson, City of Chanhassen, Board Member
Jerry McDonald, City of Chanhassen, Board Member
Bob Barker, City of Eden Prairie, Alternate (voting)
Julie Klima, City of Eden Prairie, Board Member
Michael Beard, City of Shakopee, Board Member
Eric Weiss, City of Shakopee, Board Member
Rick King, Metropolitan Airports Commission, Board Member
Katie Clark Sieben, Metropolitan Airports Commission, Board Member

Others: Rick Getschow, George Esbensen, City of Eden Prairie; Rylan Juran, MnDOT;
Roy Fuhrmann, Bridget Rief, Pam Rasmussen, Neil Raiston, Brad Juffer, Gary
Schmidt, Chad Leqve, Mike Wilson and Shelly Cambridge, MAC Staff

1. CHAIR OPENING REMARKS

Chair Aho called the meeting to order and thanked Board Members and interested parties for attending. He stated the goal for today's meeting was to compare elements of the original 2010 Draft Zoning Ordinance to the current version of the ordinance, highlighting the results of the updated Safety/Risk study and ensuring that the JAZB is on track with the proposed ordinance reflecting current data. Chair Aho indicated the changes appear minimal and mainly reflect changes in the size and/or distribution of safety zones, along with their associated economic impacts.

2. APPROVAL OF 10-26-17 FCM JAZB MEETING MINUTES

Chair Aho requested a motion to approve the meeting minutes from the Flying Cloud Airport Joint Airport Zoning Board meeting held on 10-26-17.

IT WAS MOVED BY KLIMA, SECONDED BY MCDONALD TO APPROVE THE MINUTES OF THE OCTOBER 26, 2017 FLYING CLOUD AIRPORT JOINT AIRPORT ZONING BOARD MEETING, AS PRESENTED. THE MOTION CARRIED BY UNANIMOUS VOTE.

3. RESULTS OF UPDATES TO 2010 DRAFT FCM AIRPORT ZONING ORDINANCE

Mr. Neil Ralston, MAC Staff, introduced himself and briefly reviewed the purpose and goals for the Joint Airport Zoning Board. Mr. Ralston reminded the Board that the goal of the FCM Airport Draft Zoning Ordinance has not changed; that being to achieve a reasonable balance between public safety and compatible community development. Minnesota State Statutes provide guidance while considering the social and economic costs of restricting land uses as compared to the safety benefits derived from a strict application of the State's Model Zoning Ordinance. In today's presentation, assessments will be reviewed looking at both sides of this balancing equation – safety and community economic impact.

Mr. Ralston continued by reviewing the results of the updated Safety/Risk study. Back in 2009, an airport-specific Safety Risk Study was prepared by the original JAZB to study the probability of aircraft accidents occurring adjacent to the airport. The assessment used the same risk criteria used in other MAC zoning processes which is one accident per ten million flight operations. Before presenting the updated data in summary form, Mr. Ralston recognized Brad Juffer, MAC Staff, for his extensive work in gathering data and creating graphics for the study presentation.

Mr. Ralston's updated Safety/Risk study data illustrated airfield configuration changes, indicating that some conditions on the airfield have changed or will be changing, so the JAZB needs to be sure the updated ordinance accounts for those changes. The crosswind runway 18-36 was assessed at its current length and the north parallel Runway 10L-28R was assessed as a utility runway. As the purpose of the study is to evaluate accident probability in the State Safety Zones, five geographic areas were chosen for analysis including aircraft accidents 1) on airport property but not in an Runway Protection Zone (RPZ) or Safety Zone, 2) in RPZs, 3) in Model State Safety Zone A beyond the RPZ, 4) in Model State Safety Zone B and 4) Off Airport beyond the Model State Safety Zone areas. Mr. Ralston again defined what constitutes a RPZ and Model State Safety Zones A & B.

The Safety Risk Study also identifies Occupant Areas, defined as land uses that currently, or may likely in the future, support concentrations of people. For non MAC-owned off-airport properties, Occupant Area uses are guided by the City of Eden Prairie's planning documents. For MAC-owned on-airport parcels, Occupant Areas include currently undeveloped sites MAC has identified as candidates for non-aeronautical development. The essence of the Safety/Risk Study is focused on the probability of an aircraft accident occurring in Occupant Areas. In the 2010 study, it was concluded that the probability of an aircraft accident occurring in an Occupant Area was below the targeted risk standard of one accident per 10 million aircraft operations.

Before presenting the updated numbers, Mr. Ralston explained some of the work involved in arriving at the results. Using the west side of Flying Cloud as an example, a variety of shapes and colors were used to designate accident locations within a specific analysis area; location data was superimposed on Runway 10L and 10R. This detail facilitated counting accident locations within each analysis zone. Mr. Ralston pointed out that the illustration was a compilation of national aircraft accident location data occurring over a long period of time, not actual accidents which occurred at Flying Cloud Airport. Chair Aho pointed out that this is standard methodology in a study of this type, and Mr. Ralston

concurred this is the methodology which was established by the previous JAZB to do this type of assessment for MSP International Airport, Flying Cloud and St. Paul Downtown Airports.

Board Member Beard asked about the source and range of the compilation data; was it segregated by states, airport classifications or other qualifying factors? Mr. Ralston advised the data was pulled from a study completed for the California Department of Transportation which looked at general aviation aircraft accidents over a long period of time based on different runway lengths. That data set is being used because it is the most complete set of data available for this type of analysis.

The next step in the analysis involved counting accident locations. Following through with the example above of Runways 10L and 10R's combined accident location data, Mr. Ralston's illustration showed two accident locations within State Zone A beyond the RPZ and in designated Occupant Areas, and eight accident locations within State Zone B in designated Occupant Areas. These accident location counts then flowed over into the risk probability calculations. Again using the same examples of the combined Runways 10L and 10R ends, the ten total Occupant Area accidents then translate into 0.7 accidents per ten million aircraft operations which is below the targeted risk standard of one accident per ten million aircraft operations on each end. This level of risk also translates into an accident occurrence rate of once every 333 or so years for the combined Runway 10L and 10R ends.

The results indicate that the accident risk probability off all runway ends at FCM is below the targeted risk standard of one accident per ten million aircraft operations. This validates the findings of the previous Safety/Risk Study that the probability of an aircraft accident within an Occupant Area at Flying Cloud is below the aforementioned targeted risk standard.

Mr. Ralston explained the Board is proposing to carry over the findings from the previous JAZB recommendations that Safety Zone A be co-located with the FAA Runway Protection Zone. The recommendation continues to include a provision that continuous open space be provided in Zone B to allow a pilot to set down a disabled aircraft in an unoccupied area. It also removes the site acre and structure limitations in Zone B that would be included in the state ordinance and identifies permitted residential areas that will be treated as conforming land uses. Board Member Beard asked for clarification on the Board's stance on Safety Zone A. Mr. Ralston noted the draft zoning ordinance continues to pass the "reasonable level of safety" test.

Mr. Ralston moved on to the update of the Economic Impact study, the other side of the safety vs. economic impact equation. Board Member Beard interjected, asking for clarification on the authority of the Joint Airport Zoning Board to determine what level of land use restrictions to apply in each safety zone. He questioned whether or not MnDOT Aeronautics may be resistant as the proposed ordinance deviates from MnDOT's model. Mr. Ralston responded that the JAZB will submit to MnDOT what it feels provides a reasonable level of safety but there are no guarantees that MnDOT will accept it. When a similarly proposed draft ordinance for St. Paul Downtown airport was submitted, the JAZB received a rejection letter from MnDOT saying the draft didn't meet the state model standard but it was allowed to make revisions and resubmit the document. It is within the

JAZB's authority to submit what it feels balances safety with economic impact and MnDOT will either approve or disapprove the ordinance. The accuracy of Mr. Ralston's summation was confirmed as accurate by MnDOT attendee Rylan Juran. Chair Aho and Board Member Beard stated the JAZB submits our best effort; if it needs revision, the JAZB works through that, resolves any conflicts and moves on from there. Chair Aho stated that MnDOT has a policy that indicates if the zoning ordinance as submitted doesn't meet state standards, it has to be rejected at first but if the group reconvenes and re-presents with changes, they would likely react favorably to the compromise solution.

Mr. Ralston pointed out if the JAZB continues with the work that was done by the previous Board, it will be submitting an ordinance that does not fully comply with the MnDOT model state standard. MnDOT eventually signed off on a zoning ordinance that deviated from the state standard for MSP. Board Member King noted that the process doesn't allow MnDOT to lay down those rules for airports; the process has to be adhered to, which is their process so it seems that a local variation is being encouraged by this process. Chair Aho noted if the City of Eden Prairie and the Board is okay with this, and our process for data analysis is reasonable and the Board can prove its case, then the Board has a good basis by which to move forward.

Continuing the discussion of the Economic Impact Study, again the Board is assessing the economic impact of strictly implementing the Model State Model Zoning Ordinance versus the proposed JAZB Zoning Ordinance. Mr. Ralston acknowledged the efforts of Board Member Klima and her team, most specifically Beth Novak-Krebs for getting the numbers together. The analysis evaluated two development scenarios: comparing the value of development under the land use criteria established by the MnDOT State Model Zoning Ordinance as opposed to the value of development under the land use criteria established in the proposed JAZB Airport Zoning Ordinance. Specific land uses were identified for each of the parcels within the safety zones so future economic activity could be assessed. The land use for each parcel remains a constant but the level of future development differs rather dramatically based on the smaller size of Safety Zone A and relaxed development restrictions for the balance of Zone B in the JAZB scenario as compared to the State scenario. Chair Aho noted the importance of looking at the total size of the safety zones, as they have not been altered in any way. It is the makeup of Zone A vs. Zone B that is changing.

The Economic Impact Study evaluates three categories for each scenario: 1) Value of building development, 2) Value of city real estate taxes and 3) Number of potential jobs. There were two separate land use cases developed for each scenario, as there is a MAC-owned parcel on the west side of the airfield labeled "undefined" land use that is zoned residential by the City but commercial by the County. So this study considered the impacts of each zoning scenario as it relates to this parcel. Additionally, City staff studied the impacts of a range of possible building sizes used in commercial development, these details being available in their associated reports.

To summarize, the results show that strictly implementing the State scenario instead of the JAZB scenario would result in a loss in combined residential and commercial building development of approximately \$53 to \$64 million, along with a reduction in combined real estate taxes of approximately \$139K to \$257K annually. Note the loss in building development value would be a one-time loss but the reduction in real estate tax revenue

is ongoing. The estimated long-term loss of economic value over a twenty year period amounts to approximately \$56 to \$69 million. Chair Aho noted those figures are related only to the economic development differential; other areas impacted would be potential job opportunities bringing people into the City or the attraction for people to spend money in the City, for example. There are other economic impacts to consider as well, so the estimated figures above are probably very conservative estimates.

Mr. Ralston introduced some graphic illustrations for review, showing the 20-year economic impact results for both scenarios discussed above assuming development occurs on that MAC-owned “undefined” land use parcel, comparing residential development potential with commercial development potential. In either case, these illustrations confirm that strict implementation of the State scenario would have an adverse long-term economic impact on the surrounding community.

Mr. Ralston explained possible future employment generation was also analyzed based on the development of property in the safety zones, comparing the two scenarios. Again, strictly implementing the State scenario could result in a reduction of employment generation by 600 to 1,000 jobs on those parcels, mainly driven by potential office uses in those areas.

Mr. Ralston pointed out that the draft ordinance that the JAZB Board is proposing delivers a better balance between safety and economic impact for the area than that which would result from strict implementation of the State scenario.

Mr. Ralston advised that the next step was to review the 2010 draft zoning ordinance language and see if any updates were needed. A few text updates were made and that was mainly to update zone descriptions and dimensions due to airfield configuration modifications but there were no substantive changes; still the same guiding principles with the same results. There were a few additional minor edits and clarifications made to the document but nothing of any substance. The document is set up in Appendix 7 of the technical report distributed to JAZB members to display tracked changes to facilitate review.

The presentation continued with Mr. Ralston’s explanation of the next few slides including the locations of Permitted Residential Areas in the ordinance and three sets of grid maps showing impacted areas around the airport in more detail. Mr. Ralston again thanked Brad Juffer, MAC staff, for his extensive work in putting these maps together for illustration.

4. BOARD MEMBER INPUT/QUESTIONS REGARDING UPDATED ITEMS

Chair Aho addressed the Board by asking for questions or discussion items. No additional concerns were raised by Board members.

5. TIMELINE FOR PUBLIC REVIEW AND PUBLIC HEARING

Chair Aho continued by reiterating that the Board is required to go through a formal process to get the draft ordinance approved, and that Neil has laid out recommendations for the Board to navigate this process expeditiously, making sure the Board meets all

necessary steps and deadlines laid out for the public hearing. Mr. Ralston showed a slide which illustrated a sample timeline for said process.

Chair Aho then explained the current options available to the Board. Option 1 would entail Board members taking the technical report, reviewing the report individually and then reconvening the Board at a future date to discuss and likely approve the current version of the ordinance, moving it forward in the process. Option 2 would be for Board members to agree today that they are comfortable with the ordinance in its current form, knowing that they will have opportunity to make changes if items of concern were uncovered at a later date after navigating through the public hearing process, etc. But if all are in agreement and wish to streamline the process, the opportunity exists today to say the ordinance is approved as is for the purpose of proceeding into the public review and comment phase. At this time, the Board was asked to provide their thoughts or concerns with moving the document along in the process today.

Board member Aanenson voiced her recommendation for acceptance of the document and advocated for moving forward in the process today. Board member McDonald agreed with his colleague, Ms. Aanenson. Board member Beard concurred with the recommendation of Board members Aanenson and McDonald, indicating he also recommends moving forward through the process. Board member King noted there are actually very few changes from the draft ordinance approved in 2010 and he advocates moving forward as well. Board member Clark Sieben concurred with Mr. King. Chair Aho pointed out that the JAZB Board went through the process in 2010, assembled a good document that had to be tabled for a few years; due diligence has been done with re-validating the data and what now exists is an updated form of the 2010 ordinance. Therefore Chair Aho acquiesced that he sees no reason to hold it up and would like to see the Board approve the document today.

Chair Aho stated if all Board members are in agreement, he would look for a motion to approve this document and move it forward in the process.

IT WAS MOVED BY BOARD MEMBER MCDONALD AND SECONDED BY BEARD TO APPROVE THE DOCUMENT AND MOVE IT FORWARD IN THE PROCESS ON THE TIMELINE.

Chair Aho asked if there was any further discussion on the motion and Board Member King asked if any special language must be included for this motion. Bridget Rief, MAC Staff, advised that she did not specifically have the motions from 2010 with her but she recommended adding language about approving the scheduling of a public hearing associated with this document. Chair Aho asked if that would be taken as an amenable amendment, and indicated he would add that to Board member McDonald's motion. Chair Aho opened up the floor for further discussion. Board member Beard then stated that it seems right now that the JAZB is establishing the public hearing which triggers the process' timeline, and Chair Aho confirmed his statement. Board member Beard indicated the first thing the Board was required to do was approve the updates and Chair Aho stated the Board was doing that now, which triggers the public hearing. Mr. Ralston clarified the timeline presented was merely a projected timeline he had put together in the event the Board didn't approve the document today. Chair Aho asked for additional input and there was none.

THE AFOREMENTIONED MOTION BY BOARD MEMBER MCDONALD, SECONDED BY BEARD, WAS CARRIED BY UNANIMOUS VOTE.

6. ESTABLISH NEXT MEETING DATE

Chair Aho requested Mr. Ralston please clarify the timeline based on today's actions by the Board. Knowing that as a body the Flying Cloud JAZB has approved the updated draft zoning ordinance for the purpose of proceeding into the public review and comment phase, he indicated the original projected timeline will compress considerably. The public comment period will open sooner than February 26th, and that will most likely happen in mid-February. A more detailed timeline will be disseminated to Board members. Neil asked if Board members could please verify that Tuesday, February 27th was a viable date for the public hearing. As the public hearing is a JAZB meeting, a quorum must be present, so Mr. Ralston asked Board members to kindly check their calendars to determine if the prospective date is workable for most members from 5 to 8 p.m. at Eden Prairie City Hall in the council chambers. Chair Aho requested Board members bring to light any conflicts they might have with the proposed meeting date. Board member McDonald asked how many members of the board need be present at the meeting. Chair Aho indicated he believed a quorum would be sufficient, as MAC Staff would be present to respond to questions by the public. Chair Aho conceded the timeline as discussed sounded viable, that February 27th would then serve as the next JAZB meeting and called for further discussion points. Members tentatively affirmed the next meeting date. **The next meeting date is tentatively scheduled for Tuesday, February 27th at 5:00 p.m. at Eden Prairie City Hall in council chambers.**

As a final note, Board member Aanenson mentioned she is part of a Community Development Group who recently had the opportunity to go down to the Minneapolis-St. Paul International Airport and participate in a tour led by Brian Ryks, the Executive Director. She spoke very highly of the experience and wanted to express her gratitude to the Metropolitan Airports Commission for taking time to host the event.

WITH NO FURTHER BUSINESS TO DISCUSS, IT WAS MOVED BY BOARD MEMBER KING AND SECONDED BY BEARD TO ADJOURN. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

The meeting was adjourned at 4:51 p.m.