Meeting Agenda

• Chair Opening/Remarks
• Approval of Minutes from January 07, 2019 JAZB Meeting
  • Motion to Accept the 2nd Public Hearing Report
• Review of Final FCM Zoning Ordinance Materials
  • Motion to Approve the Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order
  • Motion of Adopt the Final FCM Zoning Ordinance
• Adjourn
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FCM JAZB Public Hearing #2

- Held on Thursday, February 28, 2019 @ 6:30pm in the Eden Prairie City Center Council Chambers
- Before the Hearing, a Public Open House was held from 5:00-6:00pm, and a Public Presentation was given at 6:00pm
- Five (5) people signed in on the Public Hearing attendance sheet
- No public testimony was given
- Proceedings were transcribed by a qualified court reporter
FCM JAZB Public Hearing #2

- Public comment period closed at 5:00pm on Wednesday, March 13, 2019
- Four (4) written comments were received during the comment period
  - Questions about development possibilities in Safety Zone B
  - Concern about impacts to wildlife in the MN River Valley and vehicular traffic flows
  - Concern about complexity of airport zoning and availability of summary materials
- All written comments and responses will be published in the Public Hearing Report
FCM JAZB Public Hearing #2 Report

Public Hearing Report Contents

• Notice of Public Comment Period and Public Hearing
• Public Hearing Attendance Sheets
• Public Hearing Transcript
• Public Presentation Slides
• List of Exhibits Entered into the Public Hearing Record
• Written Public Comments and Responses
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Review Final Findings & Conclusions

**FLYING CLOUD AIRPORT
JOIN AIRPORT ZONING BOARD**

In the Matter of Adopting a
Flying Cloud Airport
Zoning Ordinance

**FINAL STATEMENT OF LEGAL
AUTHORITY, FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

The Flying Cloud Airport Joint Airport Zoning Board (the “FCM ZAB”) continued to consider adoption of a Flying Cloud Airport Zoning Ordinance (“FCM Zoning Ordinance”), which will regulate the use of property and the height of structures and objects of normal growth in the vicinity of the Flying Cloud Airport (“FCM” or “Airport”).

The FCM ZAB, having reviewed and considered the public records before it, intends to adopt the FCM Zoning Ordinance. In support of its action, the FCM ZAB hereby summarizes its legal authority in this Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order, and finds, concludes and orders as follows:

I. LEGAL AUTHORITY

A. State Law: Authority and Purpose of Zoning

1. The general authority to zone around the Airport is established in Minnesota Statutes §§ 367.01 - 367.04 (“Airport Zoning Statutes”).
2. The Minnesota Legislature (“Legislature”) found that airport hazards endanger lives and property of users of an airport and of occupants of land in its vicinity and may reduce the size of the area available for the landing, taking-off, and maneuvering of aircraft, thereby impeding the safety of an airport. See Minn. Stat. § 367.02.
3. The Legislature also found that the social and financial costs of disrupting existing land uses around airports in built-up urban areas often outweigh the safety benefits of a reduction in airport hazards. See Minn. Stat. § 367.03.
4. The Legislature then declared that the creation of airport hazards is a public menace and an injury to the community served by the airport, and that the creation of airport hazards should be prevented. See Minn. Stat. § 367.03.
5. The Legislature also declared that the elimination or reduction of existing land uses is a cost to the public interest and should be avoided whenever possible in accordance with reasonable standards of safety. See Minn. Stat. § 367.04.
6. Zoning authority within the Airport approach zone extends two miles from the Airport boundary for locations, nine and one-half miles for buildings and for population density. Zoning authority extends the Airport approach zone extends one and one-half miles for height restrictions and one mile for land use. See Minn. Stat. § 367.04, subd. 1(b).

II. ORDER

After reviewing and considering the entire public record, including all information received by the FCM ZAB, public testimony and written comments, and the Commission’s Order, the FCM ZAB concludes that the Final Flying Cloud Airport Zoning Ordinance should be adopted for the reasons stated in this Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order.

Approved on April 10, 2019.

I hereby certify that this is a complete, true, and correct copy of the Final Statement Of Legal Authority, Findings Of Fact, Conclusions Of Law, and Order as approved by the Flying Cloud Airport Joint Airport Zoning Board on April 10, 2019.

[Signatures]

Brenda E. Carl, Chair
FCM Joint Airport Zoning Board
Date: April 10, 2019

[Signature]

[Signature]
Review Final FCM Airport Zoning Ordinance

- Final FCM Airport Zoning Ordinance
  - No material changes have been made to the 2nd Public Hearing version of the Ordinance dated January 7, 2019
  - Added adoption date of April 10, 2019
  - Added effective date of May 1, 2019
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Thank you for your participation!