

C Community Development Committee

Meeting date: June 6, 2011

ADVISORY INFORMATION

Date Prepared: June 1, 2011

Subject: City of Crystal – Proposed Comprehensive Plan Update
Modification: Public Hearing and Supplemental Staff Report
Metropolitan Council Review File No. 20598-1

District(s), Member(s): District 6, Council Member James Brimeyer

Policy/Legal Reference: Minnesota Statutes Section 473.175

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Division/Department: Community Development / Local Planning Assistance

Proposed Action

That the Metropolitan Council:

1. Accept the *Public Hearing Record* report (Attachment 1) on the proposed City of Crystal Plan Modification.
2. Adopt Resolution No. 2011-____ (Attachment 2), which: (a) finds that the City's 2030 Comprehensive Plan Update is more likely than not to contain a substantial departure from the Metropolitan Aviation System Plan contained in the 2030 Transportation Policy Plan adopted in 2004; and (b) requires the City of Crystal (City) to modify its 2030 Comprehensive Plan Update (CPU);
3. Acknowledge the City's right to prepare plans for its own jurisdiction, including visioning or contingency planning for airport property, except that any such plan for the Crystal Airport property including closure or redevelopment uses shall not be included in the City's comprehensive plan and will not be reviewed or allowed to be put into effect by the Metropolitan Council as part of the City's 2030 Comprehensive Plan Update.
4. Transmit to the City this business item, and all attachments, including Resolution No. 2011-____ and the required changes to the 2030 Crystal Comprehensive Plan Update;
5. Notify the City that it may not put its 2030 Comprehensive Plan Update into effect until the CPU is modified as described in this transmittal and the Metropolitan Council formally reviews the document.

Issue

Should the Metropolitan Council find that the City's 2030 Comprehensive Plan Update is more likely than not to contain a substantial departure from the regional aviation system plan?

Background

The Council is charged with creating and protecting the four metropolitan regional systems – parks, water resources, transportation and aviation. As caretaker of these systems, the Council is required by statute to ensure that plans of local communities conform to the metropolitan system plans. The Council is also required to review local comprehensive plans, assess their conformity with metropolitan system plans and “comment on the apparent consistency of the comprehensive plans with adopted plans of the council.” (Minnesota Statutes section 473.175, subdivision 1). Pursuant to Minnesota Statutes section 473.175, subdivision 1, the Council may require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes that the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans.

Under the Council's statutory responsibility to protect regional systems, the land area of systems facilities is considered to be part of the system in perpetuity—and protected. This may be regional park land owned by an implementing agency such as Three Rivers Parks District, property owned by Metropolitan Council Environmental Services for treatment plants, highways of the regional system under Minnesota Department of Transportation ownership, or airport land owned by the Metropolitan Airports Commission. This authority is housed in the Metropolitan Land Planning Act (Minnesota Statutes sections 473.851-473.871), amongst other federal and state laws. Removing land or facilities from any regional system requires formal amendment of the Council's adopted system plans. After a system plan is amended, the Council issues a “systems statement” to local governments notifying them of the system plan amendment; only then would a local unit of government amend its local comprehensive plan to address reuse of a former regional system facility/land.

The metropolitan aviation system is comprised of eleven airports, including Crystal airport. Airports are classified according to their system role as a Major, Intermediate, Minor or Special Purpose facility; Crystal airport is classified as a Minor facility. Seven of these facilities, including Crystal airport, are owned and operated by the Metropolitan Airports Commission (MAC). These eleven airports function as an inter-related and interdependent system, and changes to any one airport can impact the overall regional system.

Rationale Documenting Substantial Departure from 2030 Aviation System Plan

The CPU departs from the metropolitan aviation system plan in three main areas.

These issues and resulting required modifications are highlighted below and are addressed in *Attachment 3*.

1) References to future closure and redevelopment of the Crystal Airport

As submitted in March 2011, the CPU acknowledges the continued operation of the airport through 2030. However, the CPU still contains multiple references to potential closure and redevelopment of the Crystal airport. These references constitute a substantial departure from the metropolitan aviation system plan, contained in the *2030 Transportation Policy Plan* adopted by the Metropolitan Council in 2004 (2004 TPP). The *2030 Transportation Policy Plan* does not mention or suggest that the Crystal airport will or should be closed or redeveloped. In fact, the 2004 TTP specifically states

To conform to the metropolitan aviation system plan, the City must modify the CPU as described in *Attachment 3*. This includes removing all references to closure or redevelopment of the airport, and removing all references to Low Density residential (LDR) following the Airport designation.

2) References to City land use restrictions on Crystal Airport

As submitted in March 2011, the CPU continues to reference land use designations, maps, policies and official controls that are inconsistent with those portions of the 2004 TTP that designate Crystal airport as a regional aviation system facility. The CPU also asserts land use authority over the airport inappropriately within the context of a regional aviation system facility. Minnesota Statutes section 473.608, subdivision 16 authorizes the Metropolitan Airports Commission to “generally carry on the business of acquiring, establishing, developing, extending, maintaining, operating, and managing airport, with all powers incident thereto”

To conform to the metropolitan aviation system plan, the City must modify the CPU as described in *Attachment 3*. This includes removing all references to guiding and/or zoning the airport for Low Density Residential and references to City land use authority/approvals on the airport.

3) No acknowledgement of the City's responsibility to adopt Land Use Compatibility Guidelines for Airport Noise

The airport noise portion of the CPU does not conform with the Aviation System Plan, because the CPU does not acknowledge the City's responsibility to adopt Land Use Compatibility Guidelines for Aircraft Noise, which are required in the 2004 TPP as a mandatory element of the local comprehensive plan. To conform to the metropolitan aviation system plan, the City must acknowledge this obligation in its CPU.

Plan modification process and timetable

Pursuant to Minnesota Statutes section 473.175, subdivision 2, the Council has 120 days, or until July 13, 2011 to forward to the City the Council's review findings, including its comments and, by resolution, its decision, if any, to require

modifications to assure conformance with the metropolitan system plans. A proposed review timeline to meet this deadline is seen below.

Plan Modification Review Timeline

Date	Action/Event
May 11, 2011	Post public hearing notice
May 16, 2011	Hold public hearing at Community Development Committee at 4:30 PM
May 23, 2011	Close public hearing record at 4:30 PM
June 6, 2011	Review of hearing record by Community Development Committee with action forwarding recommendations to the Metropolitan Council
June 22, 2011	Formal action by the Metropolitan Council on the City's proposed Plan Update
July 13, 2011	120 day deadline for Council action on CPU

On May 16, 2011 at 4:30 PM, the Community Development Committee (CDC) held a public hearing on the City of Crystal 2030 Comprehensive Plan Update, Proposed Plan Modification. The Business Item report distributed at the CDC meeting is part of the public hearing record, which closed on May 23, 2011. The full text of comments received during the public comment period is found in *Appendix A of Attachment 1*.

Attachments

1. "Public Hearing Record: Comments Received and Responses to Comments"
2. Proposed Council resolution regarding plan modification
3. "Required Changes to the 2030 Crystal Comprehensive Plan Update"

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PUBLIC HEARING RECORD: COMMENTS RECEIVED AND RESPONSES TO COMMENTS

City of Crystal 2030 Comprehensive Plan Update Public Hearing on a Proposed Plan Modification May 16, 2011

Review File No. 20598-1, Council Business Item No. 2011-119

The following information is part of the Review Record for Council action requiring the City of Crystal (City) to modify its 2030 Comprehensive Plan Update (CPU).

The Community Development Committee (CDC) of the Metropolitan Council held a public hearing on a proposed plan modification for the *City of Crystal 2030 Comprehensive Plan Update* (Update), on May 16, 2011 at 4:30 PM in Council Chambers, 390 Robert Street North, St. Paul. The hearing included the Metropolitan Council's staff review, findings and proposed action. Speakers at the hearing included Michael Norton and John Sutter, representatives from the City of Crystal, and Bridget Rief, representative from the Metropolitan Airports Commission. The public hearing record was held open until 4:30 P.M. on May 23, 2011.

In addition to the oral testimony, the Council received the following written materials during the public comment period.

1. City of Crystal – Public Hearing Presentation Materials, received May 16, 2011.
2. Metropolitan Airports Commission – letter, received May 16, 2011.
3. City of Crystal – Proposed Metropolitan Council Resolution, received May 23, 2011.

COUNCIL RESPONSE TO COMMENTS

The following provides a summary of these comments and Council staff's responses to them. The comments are noted in plain text; Council staff's responses are noted in *italics*. Attachment 4 provides the full set of comments received.

City of Crystal Comments at May 16 Public Hearing

The City's May 16 submitted information was presented to the Council in two forms: 1) Cover letter and written materials dated May 16, 2011, and; 2) Oral presentation at the Public Hearing, which followed the submitted materials and included additional content. For purposes of this response, both sources of the City's comments will be addressed together.

The City commented on the three main issues raised by the Metropolitan Council: 1) The plan update refers to closure of the Crystal Airport; 2) The plan update proposes City land use requirements on the airport, and; 3) The plan update does

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not include Land Use Compatibility Guidelines or alternate noise regulations for airport noise. Following are the City's comments and staff's responses.

1) The plan update refers to closure of the Crystal Airport.

Comment: The Comprehensive Plan Update acknowledges that the Crystal Airport is assumed to continue operating through the planning period. It contains the necessary policies to accommodate continued operation of the facility. It contains no policies which prevent the Metropolitan Airports Commission from continuing to operate the facility. It does express the City's preference for closure of the airport, but that expression does not constitute a departure from the Aviation Systems Plan.

Response: *The CPU does acknowledge that the Crystal Airport is assumed to remain open through 2030; however, as was noted in the Council's original business item, most references in the CPU to the airport remaining open are accompanied by some qualification implying that the airport may close or redevelop.*

For instance, all of the CPU's land use maps show the property as "airport- LDR (low density development)" rather than just "airport". The base zoning of low density development is incompatible with airport operations. As part of the comprehensive plan review process, the Council has previously required several governmental units, including Blaine, Brooklyn Park, Baytown Township and Eden Prairie to clearly label an airport within their boundary as an "airport" in their land use maps and plan text, but no formal modifications were required to those other plans since those designations were changed as requested in their incomplete letters prior to final plan submittal to the Council.

Another example of "qualifying" language is that the City's CPU redevelopment chapter states "MAC has not indicated they intend to close the facility, but the type of aviation using this airport is in decline, regionally and nationally. At any point in the future, it is conceivable that MAC may determine that the continued operation of the Crystal Airport is no longer warranted."

The MAC has no plans to close the Crystal Airport and any decision to close the airport cannot be made unilaterally by MAC; it would require an amendment to the Council's metropolitan aviation system plan as well as FAA action. If the metropolitan aviation system plan is ever amended to reflect airport closure or changes to MAC's Long-Term Comprehensive Plan (LTCP), the Council will transmit a system statement to the City (and adjacent municipalities) indicating these changes; at such time the City can (and should) amend its comprehensive plan to reflect the modified regional aviation system plan, including any future plans for land no longer needed for the airport. Closure of an airport is not done quickly so the City will have adequate time to amend its comprehensive plan consistent with the

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circumstances then existing. The City can undertake studies and contingency plans for such an event even prior to formally reflecting any aviation system plan changes in its comprehensive plan.

The City's proposed CPU should be modified so it clearly indicates that the regional aviation plan shows continued operation of Crystal airport and does not include any "qualifying language" to CPU statements about the airport remaining open. As indicated in item 4 of the chart of required changes, the City may continue to express the City's preference for closure of the airport as long as the plan is clear that this preference does not conform to the metropolitan aviation system plans for the Crystal airport.

2) **The plan update proposes City land use requirements on the airport.**

Comment: The Comprehensive Plan Update proposes no land use requirements for the continued operation of the airport. It contains no limitations on the use of the property for aeronautical purposes, including both airside and landside facilities. Because MAC's Long Term Comprehensive Plan proposes development for non-aeronautical development, the Update describes a local land use planning process similar to what has occurred with MAC and the City of Eden Prairie. Land Use planning for non-aeronautical use contemplated by the airport operator does not constitute a departure from the Aviation Systems Plan.

Response: *While the CPU does not contain limitations on the use of the property for aeronautical purposes, Policy 1c does contain limitations on development of airport property for non-aeronautical uses. Airports typically contain many "non-aeronautical" landside uses such as hotels, gas stations, restaurants, warehouses or car rental facilities that are beneficial for airport users as well as the general public, and generate revenue for the airport operator. The metropolitan aviation system plan indicates that reliever airports such as Crystal are intended to attract general aviation users away from the region's major airport to minimize conflicts with commercial air traffic. Users can be attracted to use the reliever rather than MSP through the facilities provided, as well as by more affordable landing fees which can be subsidized by revenue generating uses at the airport. Limitations on non-aeronautical land uses by a local unit of government that hinder the airport operator from fulfilling this reliever function constitute a substantial departure from the metropolitan aviation systems plan.*

The City's testimony also states that "the Update describes a local land use planning process similar to what has occurred with MAC and the City of Eden Prairie." However, the update does not appear to describe such a process. Policy 1c in chapter 6 of the Update states "the city will consider such Comprehensive Plan amendments, Zoning Map revisions and Conditional Use Permits in accordance with the city's normal

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exercise of its land use authority for such uses." MAC and the City of Eden Prairie have entered into a collaborative non binding agreement on land use decisions with regard to Flying Cloud Airport, which is different than a "city's normal exercise of its land use authority"; MAC retains control if it so choose.

3) **The plan update does not include Land Use Compatibility Guidelines or alternate noise regulations for airport noise.**

Comment: Crystal's text is effectively similar to what Metropolitan Council has accepted from the City of South St. Paul. Council staff previously rejected Crystal's proposal for an alternate noise program similar to what has been accepted from the cities of Blaine, Eden Prairie and Inver Grove Heights. The Metropolitan Council has accepted MAC's long Term Comprehensive Plan for Crystal Airport which does not address the noise issue except to say that it will be evaluated as part of the environmental review for the closure of two of the four runways. The city's decision to not adopt the land Use Compatibility Guidelines for Aircraft Noise at this time is consistent with what Metropolitan Council has accepted from other cities, reflects the implementation status of the airport operator's long Term Comprehensive Plan, and does not constitute a departure from the Aviation Systems Plan.

Response: *The Crystal Airport is owned and operated by MAC, which updated the LTCP's for all MAC airports within the last 3 years. The South St. Paul Airport is owned and operated by the local municipality, not MAC. The South St. Paul Airport does not have an up-to-date LTCP, or any recent noise contour maps. According to the noise contours produced for the South St. Paul Airport in the 1990's, minimal noise occurred beyond airport property. In the latest South St. Paul Comprehensive Plan Update, the City states that the noise generated by South St. Paul's municipal airport off site is not to an extent which would require soundproofing or other corrective measures.*

Blaine, Inver Grove Heights and Eden Prairie were allowed to limit their noise programs to new development because there are no existing residential neighborhoods within their airport noise footprints. Crystal, as the City itself has pointed out, is completely surrounded by existing development so it would not be consistent treatment to allow the City to adopt a program similar to the three cities cited. The Crystal noise programs should be similar to other cities where airports are surrounded by existing residential development.

The City comments say "The LTCP does not address the noise issue except to say that it will be evaluated as part of the environmental review for the closure of two of the four runways." However, the LTCP does include a map showing new noise contours for the two remaining runways, and Crystal included this map in its CPU (Fig M-4), so the City

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has the necessary information to adopt noise guidelines if it chooses to do so.

Comments on May 16 CDC Business Item

The following City comments respond specifically to "Table 1: Required Changes to the 2030 Crystal Comprehensive Plan Update" from the May 16 CDC Business Item 2011-119, and are numbered to correspond to the reference numbers in this table (Attachment 3). The quoted text refers to language that the Council proposes for removal from the City's CPU.

Reference No. 1

"In the event that all or part of the airport is redeveloped for non-aviation uses, then the underlying guidance would be Low Density Residential until such time as a Comprehensive Plan Amendment is adopted which reclassifies all or part of the airport site for other uses."

Comment: The text targeted for elimination by Council staff is clearly conditional upon a future decision by MAC to develop some or all of its property for non-aeronautical use. The underlying R-I designation serves only as a holding zone until specific non-aeronautical development plans are brought forth by MAC. This text has no effect on MAC's ability and authority to continue using its property for aeronautical purposes. MAC's Long Term Comprehensive Plan for the Crystal Airport (pp. 36-37) contemplates possible conversion of some of its property to non-aeronautical use and recognizes that zoning changes may be required. An example of this process can be found in Eden Prairie, where the City and MAC worked together to determine appropriate non-aeronautical uses on airport property.

Response: *See previous response under Issue 2). The underlying LDR designation could apply to "non-aeronautical" uses as the City might define that term and therefore could affect MAC's ability to operate this regional airport facility.*

Reference No. 2

"All references to Low Density Residential (LDR) associated with the Airport land use guiding designation in Figures F-1 (a & b), F-2 (a & b) and F-3 (a & b) as well as in any other maps, tables and text."

Comment: The maps and text targeted for elimination by Council staff clearly indicates that the primary land use is Airport and that the LDR classification serves only as a holding zone in the event that all or part of the airport is developed for non-aeronautical purposes. These maps and text have no effect on MAC's ability and authority to continue using its property for aeronautical purposes.

Response: *The designation of the Airport as Low Density Residential (LDR) is misleading. To conform to the metropolitan aviation system*

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plan, the City of Crystal needs to call the airport an airport. As part of the comprehensive plan review process, the Council has previously required several governmental units, including Blaine, Brooklyn Park and Baytown Township, to change their plans to clearly label an airport within their boundary as an "airport" in their land use maps and plan text. In other cases, the Council has required cities to properly identify and designate regional trails in their plans consistent with the Council's adopted policy plan for the regional recreation open space system.

Reference No. 3

(Potential Redevelopment) Area #2 - Crystal Airport. "The Crystal Airport is one of six reliever airports owned & operated by the Metropolitan Airports Commission (MAC"). Closure and redevelopment of the Crystal Airport site are preferred by the City under the current Comprehensive Plan, mainly due to safety concerns (hundreds of housing units in the safety zones) and little local benefit from the facility. MAC has adopted a Long Term Comprehensive Plan ("LTCP") for the facility which would eliminate two of the four runways (one primary and one crosswind) and attempt to redevelop a small share of the site for as-yet-undetermined non-aviation purposes. MAC has not indicated that they intend to close the facility, but the type of aviation using this airport is in decline, regionally and nationally. At any point in the future, it is conceivable that MAC may determine that the continued operation of the Crystal Airport is no longer warranted. The 436 acre airport site (336 in Crystal) offers the greatest opportunity in the northwest suburbs and along the Bottineau transit corridor for significant infill development including new employment centers and housing. For this reason the entire airport site remains a potential redevelopment area, though any such redevelopment would depend on future decisions by MAC regarding the continued operation of the Crystal Airport and conversion of all or part of the property to non-aviation use. For the purposes of this plan it is assumed that the Crystal Airport will still be in operation in 2030 and no non-aeronautical development will have occurred on the site."

Comment: The City has a responsibility to anticipate changes within the community. The text targeted for elimination by Council staff explains the basis for and limitations on the city's designation of the airport as a potential redevelopment area, clearly states that the MAC has the authority to decide whether redevelopment will occur, and affirms that for the purposes of this plan the city assumes that the site will remain in use for aeronautical purposes.

Response: *This text comes from Chapter H, Redevelopment, of the City's CPU. The chapter overview says "This chapter identifies 23 areas of the City in which there is significant potential for redevelopment to occur within the timeframe of this plan (by 2030)." Since the metropolitan aviation system plan shows continued operation of Crystal airport through 2030, the airport should not be included as a potential redevelopment area in the chapter on redevelopment.*

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As cited above in response to the City comment #1, the decision to close the airport cannot be made unilaterally by MAC; it would require an amendment to the Council's metropolitan aviation system plan as well as FAA action. If the metropolitan aviation system plan is ever amended to reflect airport closure or LTCP changes, the Council will transmit a system statement to the City indicating these changes; at such time the City can (and should) amend its comprehensive plan to reflect the modified regional aviation system plan, including any future plans for land no longer needed for the airport.

Closure of an airport is not done quickly so the City will have adequate time to amend its comprehensive plan. Consistent with the City's comment that "The city has a responsibility to anticipate changes within the community," the city could undertake studies and contingency planning for airport closure prior to formally reflecting any aviation system plan changes in its comprehensive plan.

Reference No. 4

"This chapter addresses the role of the Crystal Airport in the regional aviation system, describes the city's policies for accommodating the continued operation of the facility by the Metropolitan Airports Commission, and reaffirms the city's position favoring closure of the airport and redevelopment of the site."

Comment: The city clearly accommodates the continued operation of the Crystal Airport and recognizes MAC's authority over same. The city has the right to also state its preference for closure and redevelopment.

Response: *Table 1 also suggested that if the City wishes to state its preference for closure of the airport, it may include a clarifying sentence in the CPU instead of removing this text, such as follows: "The city recognizes that its position on closure of the airport does not conform to the adopted metropolitan aviation system plan adopted by the Metropolitan Council as part of its 2030 Transportation Policy Plan, nor is it consistent with MAC's Long Term Comprehensive Plan (LTCP) for the airport".*

Reference No. 5

"However, the city does not intend to adopt ordinance revisions implementing the Land Use Compatibility Guidelines for Aircraft Noise as recommended in the 2030 Transportation Plan."

Comment:

1. Crystal's 2000 Comprehensive Plan Update stated among its policies that the city did not intend to implement a noise attenuation ordinance. This plan update was accepted by Metropolitan Council.

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2. The Noise Guidelines that Council staff now wishes to impose around the Crystal Airport would turn hundreds of existing homes and apartment units into conditional uses, requiring a CUP for any building addition and imposing a more stringent building code in existing neighborhoods.
3. The regional planning documents cited by Council staff in support of their position also require the airport operator (MAC, in this case) to work with the city to prepare a noise mitigation program.
4. MAC's 2008 Long Term Comprehensive Plan for the Crystal Airport, approved by Metropolitan Council in October 2008, indicates that MAC will address noise impacts as part of its environmental review process for runway closure (pp. 62-63). The LTCP neither discusses nor proposes any technical assistance or funding mechanism to implement the Noise Guidelines or any other noise mitigation program.
5. In its submittal dated August 10, 2010, the city proposed a compromise to adopt the Noise Guidelines for new development while exempting existing neighborhoods. This proposal was rejected by Council staff.
6. Both the city's election to not adopt the Noise Guidelines and its compromise proposal to only adopt them for new development is similar to the way other cities have addressed the issue. Specifically:
 - For South St. Paul, the Comprehensive Plan (p. 99) says "The noise generated by South St. Paul's municipal airport is not to an extent which would require soundproofing or other corrective measures." It does not include what Council staff claims to be a mandatory component of a city's Comprehensive Plan, and does not propose any alternate noise program.
 - For Inver Grove Heights, the Comprehensive Plan (p. 5-40) states that the city will apply the Noise Guidelines for new development, and that it will consider noise mitigation for new residential construction.
 - Blaine's Comprehensive Plan (p. 7-44) states that the city applies noise performance standards only to new houses. Existing houses are not affected.
 - Eden Prairie's Comprehensive Plan (pp. 5/17, 5/19-20 and 5/24-25) repeatedly discusses the Noise Guidelines in the context of new development, not existing neighborhoods. EP's plan only discusses existing neighborhoods in anticipation of a MAC-initiated methodology to determine noise impacts and, if warranted, MAC-provided sound insulation for the affected homeowners (p. 5/24).

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Summary:

- The city's decision to not adopt the Noise Guidelines is consistent with the city's 2000 Comprehensive Plan previously approved by Metropolitan Council.
- In other cities affected by reliever airports, the Noise Guidelines are not being imposed on existing neighborhoods.
- In August 2010 the city proposed an alternate noise program applying the Noise Guidelines only to new development so as to not burden existing neighborhoods with additional building code requirements. This was rejected by Council staff.
- MAC has yet to complete an environmental review for the proposed runway closures in Crystal or propose any noise mitigation program to the city. It would be premature for the city to adopt a noise mitigation program until that process is complete.
- The city's decision to not adopt the Land Use Compatibility Guidelines for Aircraft Noise reflects the implementation status of the airport operator's Long Term Comprehensive Plan and does not constitute a departure from the Aviation Systems Plan.

Response:

Regarding comment 5.1, in 2000, the City stated its unwillingness to adopt noise attenuation guidelines. The Council allowed the City to place its 2020 CPU in effect without these guidelines, but qualified this approval by recognizing that the Long Term Comprehensive Plan for Crystal Airport (LTCP) was soon to be updated which would answer undecided questions regarding the Crystal Airport, among them the possibility of closure or airport modifications that may change the noise contours. This LTCP has now been completed and includes noise contours for the reconfigured airport so the City now has the information it needs to acknowledge in its CPU the adoption of noise guidelines.

Responses to the other points listed above can be found under the response to Issue 3).

Reference No. 6

"In Crystal, the airport is zoned R-1 Low Density Residential for future planning purposes with an Airport Overlay district recognizing the continued operation of the Crystal Airport."

Comment: The present Airport Overlay zoning accommodates the continued operation of the Crystal Airport. The underlying R-1 zoning would come into play only if MAC decides to convert all or part of its

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property to non-aeronautical use. The underlying R-1 designation serves as a holding zone until specific non-aeronautical development plans are brought forth by MAC.

Response: *The appropriate guiding for the Crystal Airport must be "Airport". As long as this facility is an element of the regional aviation system, no land use designation other than "Aviation" is appropriate. Also see previous discussion in response to Issue 1).*

Reference No. 7

"Such use would require City Council approval in the form of an amendment to the city's Comprehensive Plan, revisions to the Zoning Map and possibly a Conditional Use Permit depending on the specific use proposed."

And;

Reference No. 8

"If MAC proposes non-aeronautical uses on part of the airport site, the city will consider such Comprehensive Plan amendments, Zoning Map revisions and Conditional Use Permits in accordance with the city's normal exercise of its land use authority for such uses."

Comments (7-8): MAC's Long Term Comprehensive Plan for the Crystal Airport (pp. 36-37), approved by Metropolitan Council in October 2008, contemplates possible conversion of some of its property to non-aeronautical use and recognizes that zoning changes may be required. An example of this process can be found in Eden Prairie, where the city and MAC worked together to determine appropriate non-aeronautical uses on airport property. Crystal's expectation is that a similar process would be used here.

Response (7-8): *See previous response to Issue 2).*

Metropolitan Airports Commission Comments

Comments: See letter in Appendix A.

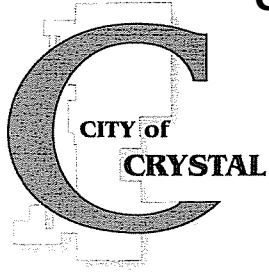
Response: *The letter supports the proposed Council action.*

City of Crystal Proposed Metropolitan Council Resolution

Comments: See resolution in Appendix A.

Response: *Points raised by the City in this resolution have been covered in the previous responses.*

**Appendix to Attachment 1:
Comments Received During Public Comment Period**




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MEMORANDUM

To: Chair Cunningham and Community Development Committee members

From: John Sutter, City Planner/Assistant Community Development Director 

Date: May 16, 2011

Subject: Presentation Materials for Public Hearing
regarding the Crystal Comprehensive Plan Update

Honorable Chair and Committee members:

Enclosed please find the City of Crystal's presentation materials for the May 16, 2011 public hearing regarding Metropolitan Council staff's proposed Plan Modification for the Crystal Comprehensive Plan Update.

Thank you for your consideration.



City of Crystal Comprehensive Plan Update

OVERVIEW

Metropolitan Council staff identified 3 items in the City's Comprehensive Plan Update that they believe constitute a "substantial departure from the Regional Aviation Plan."

- ***The plan update refers to closure of the Crystal Airport.***
- ***The plan update proposes city land use requirements on the airport.***
- ***The plan update does not include Land Use Compatibility Guidelines or alternate noise regulations for airport noise.***



City of Crystal Comprehensive Plan Update

“Update refers to closure of the airport”

The Comprehensive Plan Update:

- Acknowledges that the Crystal Airport is assumed to continue operating through the planning period.
 - Contains necessary policies to accommodate continued operation of the facility.
 - Contains no policies that prevent the Metropolitan Airports Commission (MAC) from continuing to operate the facility.
 - Expresses the city’s preference and desire for closure of the airport, but that expression does not constitute a departure from the Aviation Systems Plan.
-



City of Crystal Comprehensive Plan Update

“Update proposes City land use requirements on the airport”

The Comprehensive Plan Update:

- **Proposes no land use requirements for the continued operation of the airport.**
 - **Contains no limitations on the use of the property for aeronautical purposes, including both airside and landside facilities.**
 - **Describes a local land use planning process for non-aeronautical development, similar to what has occurred with MAC and the City of Eden Prairie, which does not constitute a departure from the Aviation Systems Plan.**
-



City of Crystal Comprehensive Plan Update

“Update does not include Land Use Compatibility Guidelines or alternate noise regulations for airport noise.”

The Comprehensive Plan Update:

- Contains text similar to what the Metropolitan Council accepted from the City of South St. Paul.
- Would have included alternate noise regulations similar to what the Metropolitan Council accepted from Blaine, Eden Prairie and Inver Grove Heights, but this was rejected by Council staff.
- Is consistent with MAC having not yet completed a noise study as part of its environmental review for the Crystal Airport. The Metropolitan Council accepted MAC’s decision to not address the noise issue in its plan for the airport, which evidently is not a departure from the Aviation Systems Plan.



City of Crystal Comprehensive Plan Update

AIRPORT CLOSURE

Metropolitan Council staff is seeking removal of the following text from the city's Comprehensive Plan Update:

“This chapter addresses the role of the Crystal Airport in the regional aviation system, describes the city’s policies for accommodating the continued operation of the facility by the Metropolitan Airports Commission, and reaffirms the city’s position favoring closure of the airport and redevelopment of the site.”



City of Crystal Comprehensive Plan Update

AIRPORT LAND USE REQUIREMENTS

Metropolitan Council staff is seeking removal of the following text from the city's Comprehensive Plan Update:

“In the event that all or part of the airport is redeveloped for non-aviation uses, then the underlying guidance would be Low Density Residential until such time as a Comprehensive Plan Amendment is adopted which reclassifies all or part of the airport site for other uses.”

and

“If MAC proposes non-aeronautical uses on part of the airport site, the city will consider such Comprehensive Plan amendments, Zoning Map revisions and Conditional Use Permits in accordance with the city's normal exercise of its land use authority for such uses.”

City response to the three main issues raised by Metropolitan Council staff:

1. *“Update refers to closure of the airport.”*

The Comprehensive Plan Update acknowledges that the Crystal Airport is assumed to continue operating through the planning period. It contains the necessary policies to accommodate continued operation of the facility. It contains no policies which prevent the Metropolitan Airports Commission from continuing to operate the facility. It does express the city’s preference for closure of the airport, but that expression does not constitute a departure from the Aviation Systems Plan.

2. *“Update proposes City land use requirements on the airport.”*

The Comprehensive Plan Update proposes no land use requirements for the continued operation of the airport. It contains no limitations on the use of the property for aeronautical purposes, including both airside and landside facilities. Because MAC’s Long Term Comprehensive Plan proposes development for non-aeronautical development, the Update describes a local land use planning process similar to what has occurred with MAC and the City of Eden Prairie. Land use planning for non-aeronautical use contemplated by the airport operator does not constitute a departure from the Aviation Systems Plan.

3. *“Update does not include Land Use Compatibility Guidelines or alternate noise regulations for airport noise.”*

Crystal’s text is effectively similar to what Metropolitan Council has accepted from the City of South St. Paul. Council staff previously rejected Crystal’s proposal for an alternate noise program similar to what has been accepted from the cities of Blaine, Eden Prairie and Inver Grove Heights. The Metropolitan Council has accepted MAC’s Long Term Comprehensive Plan for Crystal Airport which does not address the noise issue except to say that it will be evaluated as part of the environmental review for the closure of two of the four runways. The city’s decision to not adopt the Land Use Compatibility Guidelines for Aircraft Noise at this time is consistent with what Metropolitan Council has accepted from other cities, reflects the implementation status of the airport operator’s Long Term Comprehensive Plan, and does not constitute a departure from the Aviation Systems Plan.

City response to Table 1 (changes required by Metropolitan Council staff)

Reference Number: 5

Land Use Compatibility Guidelines for Aircraft Noise (“Noise Guidelines”)

Text proposed for removal by Metropolitan Council staff:

However, the City does not intend to adopt ordinance revisions implementing the Land Use Compatibility Guidelines for Aircraft Noise.”

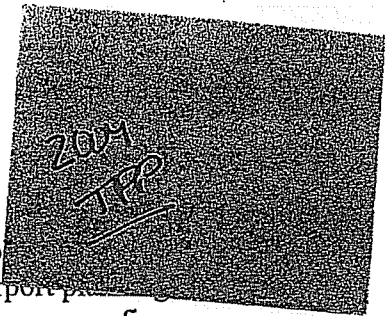
City response:

1. Crystal’s 2000 Comprehensive Plan Update stated among its policies that the city did not intend to implement a noise attenuation ordinance. This plan update was accepted by Metropolitan Council.
2. The Noise Guidelines that Council staff now wishes to impose around the Crystal Airport would turn hundreds of existing homes and apartment units into conditional uses, requiring a CUP for any building addition and imposing a more stringent building code in existing neighborhoods.
3. The regional planning documents cited by Council staff in support of their position also require the airport operator (MAC, in this case) to work with the city to prepare a noise mitigation program.
4. MAC’s 2008 Long Term Comprehensive Plan for the Crystal Airport, approved by Metropolitan Council in October 2008, indicates that MAC will address noise impacts as part of its environmental review process for runway closure (pp. 62-63). The LTCP neither discusses nor proposes any technical assistance or funding mechanism to implement the Noise Guidelines or any other noise mitigation program.
5. In its submittal dated August 10, 2010, the city proposed a compromise to adopt the Noise Guidelines for new development while exempting existing neighborhoods. This proposal was rejected by Council staff.
6. Both the city’s election to not adopt the Noise Guidelines and its compromise proposal to only adopt them for new development is similar to the way other cities have addressed the issue. Specifically:

- For South St. Paul, the Comprehensive Plan (p. 99) says “The noise generated by South St. Paul’s municipal airport is not to an extent which would require soundproofing or other corrective measures.” It does not include what Council staff claims to be a mandatory component of a city’s Comprehensive Plan, and does not propose any alternate noise program.
- For Inver Grove Heights, the Comprehensive Plan (p. 5-40) states that the city will apply the Noise Guidelines for new development, and that it will consider noise mitigation for new residential construction.
- Blaine’s Comprehensive Plan (p. 7-44) states that the city applies noise performance standards only to new houses. Existing houses are not affected.
- Eden Prairie’s Comprehensive Plan (pp. 5/17, 5/19-20 and 5/24-25) repeatedly discusses the Noise Guidelines in the context of new development, not existing neighborhoods. EP’s plan only discusses existing neighborhoods in anticipation of a MAC-initiated methodology to determine noise impacts and, if warranted, MAC-provided sound insulation for the affected homeowners (p. 5/24).

Summary:

- The city’s decision to not adopt the Noise Guidelines is consistent with the city’s 2000 Comprehensive Plan previously approved by Metropolitan Council.
- In other cities affected by reliever airports, the Noise Guidelines are not being imposed on existing neighborhoods.
- In August 2010 the city proposed an alternate noise program applying the Noise Guidelines only to new development so as to not burden existing neighborhoods with additional building code requirements. This was rejected by Council staff.
- MAC has yet to complete an environmental review for the proposed runway closures in Crystal or propose any noise mitigation program to the city. It would be premature for the city to adopt a noise mitigation program until that process is complete.
- The city’s decision to not adopt the Land Use Compatibility Guidelines for Aircraft Noise reflects the implementation status of the airport operator’s Long Term Comprehensive Plan and does not constitute a departure from the Aviation Systems Plan.



Aviation System Plan

The regional aviation system plan reflects the legislatively defined role of MnDOT, the Metropolitan Airports Commission and the Council in airport development. Review and update of this aviation system plan usually occurs every five years. The latest update took place in 1996 to reflect the changes and recommendations of the Council and Commission as required under the *Metropolitan Airport Planning Act*. That legislation mandated a major airport “dual-track” planning process and resulted in directives that are key to the systems current status:

- **Prepare and implement a MSP 2010 Development and Mitigation Plan:**

The 2010 Plan for Minneapolis-St. Paul International Airport is nearing completion. Improvements include the airfield and terminal projects, improved ground access/parking and LRT service, surface water control, a program to address deicing impacts, adoption of an airport safety zoning ordinance, and accomplishing last steps in residential sound insulation for noise impacts out to the year 2007. New runway 17/35 is scheduled to become operational by late 2005 and help provide adequate airside capacity to 2020. The need for interim terminal/gate capacity and hangar area redevelopment in the near-term is being discussed.

- **Develop a plan to divert the maximum feasible number of general aviation aircraft operations from MSP to the reliever airports:**

To achieve this diversion, it is necessary to enhance the reliever airports by providing services and facilities essential to general aviation business, especially jet aircraft users. The plans for Anoka County-Blaine and Flying Cloud Airports have been approved for 5,000-foot runways, precision landing aids and new hangar building areas. These projects are in the final stages of environmental review/mitigation. Enhancement of these two airports will provide improved long-term system capabilities; funding should be established for project implementation within the next three years.

- **Plan and maintain a viable, state-of-the-art airport system:**

Update of the regional airport system plan was initiated in 2000, but it was put on hold in 2002 because of the unparalleled effects of 9-11 on air-travel and the need to allow for completion of several studies. These included the state’s Air Service study, Air-Cargo regional distribution center initiative, MSP Part 150 Update (to 2007), adoption of the *Regional Development Framework* and FAA approval of new sport pilot/light sport aircraft rule. Subsequent to that decision, the SARS outbreak and poor economy put additional pressure on airline revenues, affecting local project funding and implementation. The MAC annual capital improvement program is being adjusted and a review of rates and fees at reliever airports is underway. This may result in an adjustment in the role of different reliever airports in the region. System-wide runway and hangar capacity appears adequate, assuming timely implementation of approved airport development plans. New forecasts and system capacity assessment is planned for 2007. At this point, it will be appropriate to examine the long-term airport needs of the region.

Until these and other issues are further resolved, the full integration of the aviation policy plan into the TPP will not occur. The 1996 Aviation Policy Plan will remain in effect with the exception of the *Land Use Compatibility Guidelines*. These guidelines have been revised to reflect the MSP Part 150 Update for 2007 and are included in Appendix H.

(2004)
TPP
Appx.

Appendix H. Land Use Compatibility Guidelines For Airport And Heliport Noise

A significant, on-going, environmental issue of public concern in the Twin Cities region is the noise generated by airplanes and helicopters operating in-and-out of the regional system of airports and heliports. There are three methods in which aircraft noise control is focused:

- Reduction of noise at the source,
- Abatement, through alteration of operational procedures, and
- Mitigation - preventive and corrective, making land uses more compatible.

The regional, *Land Use Compatibility Guidelines for Aircraft Noise* have been prepared to assist communities in preventive and corrective mitigation efforts that focus on compatible land use. The compatibility guidelines are one of several aviation system elements to be addressed in the comprehensive plans and plan amendments of communities affected by aircraft and facility operational impacts. The Metropolitan Land Planning Act (MLPA), requires all local governmental units to prepare a comprehensive plan for submittal to the Metropolitan Council for review. The MLPA requires periodic update of community comprehensive plans; the next update is scheduled for 2008. The following overall process and schedule applies:

- In 2003 the Council adopted the *Development Framework* chapter of the Metropolitan Development Guide (MDG),
- In 2004 the Transportation Policy/System Plan (TPP) chapter of the MDG is updated and includes the revised *land use compatibility guidelines for aircraft noise*,
- In 2005, after adoption of the new TPP, the Council transmits new *Systems Statements* to each metro community,
- Within nine months after receipt of the *Systems Statements* each community reviews its comprehensive plan and determines if a plan amendment is needed to ensure consistency with the MDG. If an amendment is needed the community prepares a plan amendment and submits it to the Council for review,

• Each community affected by aircraft noise and airport owner jointly prepare a noise program to reduce, prevent or mitigate aircraft noise impacts on land uses that are incompatible with the guidelines; both operational and land use measures should be evaluated. Communities should assess their noise impact areas and include noise program in their 2008 comprehensive plan update. Owners/Operators of system airports should include their part of the noise program in preparation or update of each airports long-term comprehensive plan (LTCP). See Table 1 for listing of noise affected airports and communities.

- Council reviews community plan submittal and approves, or requires a plan modification.

• Airport owner submits long-term comprehensive airport plan or plan update, including noise mitigation program, for Council review and approval. A schedule for updates of LTCP's is included in the TPP.

EXCERPT – CRYSTAL AIRPORT LONG-TERM COMPREHENSIVE PLAN

The Runway 24L RPZ encompasses 8.0 total acres on airport property. State Zone A contains 10.3 total acres; 9.4 acres are airport property and 0.9 acres are single family residential. There are 6 single family residential structures located in State Zone A. State Zone B contains 8.3 total acres, all of which are single family residential. There are 35 single family residential structures located in State Zone B.

The Runway 32R RPZ encompasses 13.8 total acres; 13.5 acres are on airport property, and 0.3 acres are single family residential. The RPZ includes 3 single family homes. State Zone A contains 23.2 total acres; 10.4 acres are airport property, 0.5 acres are commercial/industrial uses, 0.9 acres are multi-family residential, and 11.4 acres are single family residential. There are 49 single family homes and 17 multi-family units located in State Zone A. State Zone B contains 19.7 total acres; 18.7 acres are single family residential and 1.0 acres are water. There are 62 single family residential structures located in State Zone B.

The Runway 32L RPZ encompasses 13.8 total acres; 12.9 acres are on airport property, 0.2 acres are commercial/industrial use, and 0.7 acres are single family residential. The RPZ includes 5 single family homes. State Zone A contains 23.2 total acres; 10.2 acres are airport property, 1.5 acres are commercial/industrial use, 2.0 acres are multi-family residential, 1.4 acres are park/open space, and 8.1 acres are single family residential. There are 35 single family residential structures and 26 multi-family residential structures located in State Zone A. State Zone B contains 19.7 total acres, all of which are single family residential use. There are 72 single family residential structures located in State Zone B.

The Runway 06R RPZ encompasses 8.0 total acres; 7.6 acres are on airport property and 0.4 acres are single family residential. State Zone A contains 10.3 total acres; 8.7 acres are airport property and 1.6 acres are single family residential. There are 6 single family residential structures located in State Zone A. State Zone B contains 8.3 total acres, all of which are single family residential use. There are 32 single family residential structures located in State Zone B.

The Runway 06L RPZ encompasses 13.8 total acres; 10.3 acres are airport property and 3.5 acres are single family residential use. The RPZ includes 10 single family homes. State Zone A contains 10.3 total acres; 8.1 acres are airport property and 2.2 acres are single family residential. There are 7 single family homes located in State Zone A. State Zone B contains 8.3 total acres, all of which are single family residential use. There are 33 single family homes located in State Zone B.

6.2.2 Preferred Alternative Land Use Compatibility

The preferred development alternative at Crystal Airport includes the closure of the south parallel Runway 14R/32L and the grass parallel crosswind Runway 6R/24L. These developments along with a growth in operation numbers results in changes to the noise contour, RPZs and state safety zone considerations.

6.2.2.1 Forecast Land Use Compatibility and Airport Noise Considerations

As detailed in Chapter 5, Section 5.1, the 2025 preferred alternative forecast 60 and greater DNL noise contours around Crystal Airport contains 647 single family homes and 539 multi-family units. The count of residential structures within the 65 DNL contour is 71 single family homes and 16 multi-family units. The 2025 preferred alternative forecast 75 and 70 DNL contours are contained on airport property.

Figure 6-4 provides the 2025 preferred alternative forecast 60 and greater DNL noise contours around Crystal Airport with 2005 land use data provided by the Metropolitan Council. Additional analysis was conducted relative to the planned 2020 land uses around Crystal Airport as provided by the Metropolitan Council. The only substantive proposed change in land uses within the 2025 noise contours are in the City of Brooklyn Park, northwest of the airport, where open space is planned to be converted to park land, an area of multi-family is planned to be converted to single family, an area of single family use adjacent to airport property is planned to be converted to commercial/industrial use and in the City of Crystal a small area of existing single family use southeast of the airport is planned for conversion to multi family land use.

The preferred development alternative includes residential structures in recognized airport noise areas, as outlined in both the FAA land use guidelines in Table 6-1 and the Metropolitan Council land use guidelines in Table 6-2, around Crystal Airport. The MAC intends to address this issue as part of the required environmental documentation process that will be conducted to implement the preferred development alternative outlined in this plan. It is anticipated that the properties located in the 60 and 65 DNL contours around the Crystal Airport would be evaluated in a manner consistent with the noise monitoring study that will be conducted in the 60 DNL contour around the Flying Cloud Airport (FCM) as outlined in the Final Environmental Impact Statement (FEIS) for the runway extension at FCM. To the degree possible, the FCM monitoring data will be used to establish preexisting home noise attenuation levels around the Crystal Airport within the 60 and 65 DNL contours.

6.2.2.2 Land Use Compatibility and Preferred Alternative Runway Protection/Safety Zones

The preferred alternative RPZs and state safety zones A and B for Runways 14/32 and 24/6 at Crystal Airport are depicted in Figure 6-5 with existing land uses around the airport.

The Runway 14 RPZ encompasses 13.8 total acres on airport property. State Zone A contains 23.2 total acres; 11.5 acres are airport property, 0.2 acres are multi-family residential, 8.8 acres are single family residential, and 2.7 acres are undeveloped land. There are 25 single family homes and 16 multi-family units located in State Zone A. State Zone B contains 19.7 total acres; 17.8 acres are single family residential and 1.9 acres are undeveloped land. There are 51 single family homes and 120 multi-family units located in State Zone B. One multi-family parcel is touched by Zone B, however, there is no appreciable multi-family land use acreage included in the zone.

The Runway 32 RPZ encompasses 13.8 total acres; 13.5 acres are on airport property, and 0.3 acres are single family residential. The RPZ includes 3 single family homes. State Zone A contains 23.2 total acres; 10.4 acres are airport property, 0.5 acres are commercial/industrial uses, 0.9 acres are multi-family residential and 11.4 acres are single family residential. There are 49 single family homes and 17 multi-family units located in State Zone A. State Zone B contains 19.7 total acres; 18.7 acres are single family residential and 1.0 acres are water. There are 62 single family residential structures located in State Zone B.

The Runway 24 RPZ encompasses 13.8 total acres; 10.7 acres are airport property and 3.1 acres are single family residential. The RPZ includes 16 single family homes. State Zone A contains 10.3 total acres; 8.4 acres are airport property and 1.9 acres are single family residential. There are 10 single family residential structures located in State Zone A. State Zone B contains 8.3 total acres, all of which is single family residential use. There are 37 single family residential structures located in State Zone B.

The Runway 06 RPZ encompasses 13.8 total acres; 10.3 acres are airport property and 3.5 acres are single family residential use. The RPZ includes 10 single family homes. State Zone A contains 10.3 total acres; 8.1 acres are airport property and 2.2 acres are single family residential. There are 7 single family homes located in State Zone A. State Zone B contains 8.3 total acres, all of which are single family residential use. There are 33 single family homes located in State Zone B.

The total residential units in the RPZs and State A and B Zones with the preferred alternative are 29, 124 and 303, respectively. This represents a reduction of 7 total residential units in the RPZs, 41 total residential units in the State A Zone and a reduction of 66 in the State B Zone from the existing airport layout.

Additional analysis was conducted relative to the planned 2020 land uses around Crystal Airport as provided by the Metropolitan Council. The only substantive proposed change in land uses are within the Runway 14 State Zones A and B where existing undeveloped land is planned for conversion to park/open space and a small area in the Runway 32 RPZ where existing single family uses are planned for conversion to multi-family land uses.

TRANSPORTATION

property owners when acquisition of property is necessary and to acquire the properties when the owners are ready to sell. The Federal Aviation Administration (FAA) has stated that since Fleming Field is in a built-up urban zone and therefore allows the City great leeway since many of the buildings have been in the clear zones for around 50 years

In addition the airport may need to acquire aviation easements over properties at the north (and south) ends of the safety/clear zones and remove substantial trees which currently encroach into the runway clear zones. The City is working with the FAA to arrange tree removal, which would likely begin within the next year and continue for several years.

FAA Notification

The City will work with the FAA and provide notice as required of changes to the airport, and particularly regarding runway clear zones.

Noise

The noise generated by South St. Paul's municipal airport is not to an extent which would require soundproofing or other corrective measures. One way the City has attempted to control noise is by having the set approach areas for airplanes and helicopters. This minimizes noise impacts to the residential properties around the airport.

Noise Abatement

Blaine's zoning code includes performance standards for noise abatement in the airport area. Homes constructed SE and NE of the Anoka County airport, and within 500 feet of any minor and principal arterial roadways as defined by the City of Blaine Transportation Plan must meet specific performance standards regarding construction materials, Sound Transmission Class (STC) values, and specific acoustical design features to minimize noise impacts. These standards are found in Chapter 33 of the zoning code.

The most recent noise contour map for the airport was prepared as part of the EA/EIS document for the proposed expansion of the runway to 5,000 feet (Figure 7-12). The MAC is in the process of updating its noise contour map for the airport, however, this update will not be completed until after the approval of the Comprehensive Plan.

Planned and Proposed Improvements

Annual aircraft operations are expected to grow to approximately 272,000 by the year 2015. Hanger space is currently at capacity and additional hangers are being constructed. The MAC is currently constructing a new hanger area in the northwest section of the airport grounds. Plans anticipate construction of 60 to 100 additional hangers in this area. A new airport access location on Radisson Road will be added to serve this hanger area. The MAC is also considering the possibility of additional hanger space on the east side of the airport. This location would require the re-routing or abandonment of a portion of Xylite Street.

The MAC has extended the east-west runway to 5,000 feet and added an Instrument Landing System (ILS). Both of these improvements should increase the capacity at the Airport. The five-year comprehensive plan for the airport also includes the possible addition of parallel runways adjacent to the two existing runways. At this time, however, the MAC feels that there is no need for the parallel runways.

There are currently no plans to reclassify and upgrade the status of the Anoka-County Blaine Airport to the Intermediate level. To do so would require action by the Minnesota Legislature. The National Youth Golf Center has been developed on the northwestern part of the airport property.

In 1978, the MAC adopted a weight restriction for the airport known as Ordinance 51. It prohibited all turbojet aircraft operations except those with a 20,000 pound maximum takeoff weight (MTOW) or less that met noise emission levels of Federal Aviation Regulation Part 36. In 2001, the Federal Aviation Administration advised MAC that Ordinance 51 violated MAC's contractual obligation to provide public access to the airport on reasonable terms and without unjust discrimination.

This section discusses the City's land use and noise policies relating to the airport, including the currently proposed airport expansion. The City has entered into an agreement with MAC, described herein; that it believes will help mitigate the potential adverse environmental consequences of the expansion and promote land use compatibility.

AVIATION GOALS AND POLICIES

In addition to the transportation goals and policies outlined in section 5.2 of this chapter, the City has established the following aviation goals and strategies.

Aviation Goal One
 Promote land use compatibility between Flying Cloud Airport and surrounding land uses.

Policies:

- Review proposed development on land proximate to the airport, and notify the Metropolitan Airports Commission of any proposals, to determine consistency between proposed development and the airport with respect to safety and noise.

- Support and monitor the implementation of the Final Agreement Concerning Flying Cloud Airport and MAC Ordinance No. 51 between the City of Eden Prairie and the Metropolitan Airports Commission entered into on December 17, 2002.
- Support maintaining the Flying Cloud Airport as a "minor use" airport not improved beyond the design criteria of this functional classification.

Aviation Goal Two
 Minimize the impact of aircraft noise upon noise-sensitive land uses.

Policies:

- Support the Metropolitan Council's Land Use Compatibility Guidelines for Aircraft Noise for new development within the noise exposure zones and one-mile buffer zone around the airport.
- Support and monitor the implementation of the Final Agreement Concerning Flying Cloud Airport and MAC Ordinance No. 51 between the City of Eden Prairie and the Metropolitan Airports Commission entered into on December 17, 2002.
- Through its Flying Cloud Airport Advisory Commission continue to work with the Metropolitan Airports Commission to develop and implement any additional noise abatement programs for the airport to minimize the impact of aircraft noise upon noise-sensitive land uses.

Land use to the west is generally Low Density Residential, Church, and Public Open Space to accommodate runway approach zones. To the southwest, land use is Office, Medium Density Residential, Low Density Residential, and Public Open Space. The Office use serves as an important land use buffer between the airport and the residential uses.

The MAC has acquired land to the east, south and west of the existing airport to accommodate a proposed runway expansion plan and to further land use compatibility.

The City has revised the Land Use Guide Plan for 2010-2030 to show the main airport property, consisting of the runways, taxiways, hangars, fixed-base operations, and other ancillary structures, guided as Airport.

In addition to the aviation functions and facilities at Flying Cloud Airport, seaplane activities are occurring on Lake Riley and Bryant Lake. To the City’s knowledge, all seaplane operations are in conformance with the Minnesota Department of Transportation Rules and Regulations.

- NEZ 1 contains the land within the DNL 75+ dBA noise contour. This zone does not apply to Flying Cloud Airport.
- NEZ 2 contains the land within the DNL 70-74 dBA noise contour. This zone is contained within airport property.
- NEZ 3 contains the land within the DNL 65-69 dBA noise contour. The noise in this zone can be categorized as significant.
- NEZ 4 contains the land within the DNL 60-64 dBA noise contour. The City finds that noise in this zone also can be considered significant.

Figure 5.9 shows the current noise zones for the Flying Cloud airport and how they overlay land uses.

Upon approval by the FAA of the Final EIS for the expansion of the Flying Cloud Airport the City will use the noise zones established for the expanded airport as depicted in the EIS and how they overlay land uses (see Figure 5.10).

Approximately 11 acres of property guided Low Density Residential land use located east of the airport is underlying NEZ 4. This land use is considered incompatible within this noise exposure zone. To adequately address this issue the City should change the land use to office/industrial at the time of development of the properties to be compatible with the airport and this noise exposure zone.

Eden Prairie has adopted by reference the Metropolitan Council’s Land Use Compatibility Guidelines for Aircraft Noise for new development. In addition, the City will notify MAC of any public hearing at which the City will consider amending the Edén Prairie Comprehensive Plan to permit development of residences on any property

AIRCRAFT NOISE ZONES

The Metropolitan Council’s *Land Use Compatibility Guidelines for Aircraft Noise* indicates that a Day-Night Sound Level (DNL) of 65 dBA represents the threshold of significant impact for noise-sensitive land uses. The Metropolitan Council also considers noise-sensitive land uses in the DNL 60-64 dBA contour as potentially incompatible with aircraft noise.

Four aircraft noise exposure zones (NEZ) are defined based on MAC’s Long-Term Comprehensive Plan approved by the Metropolitan Council in 1996:

that is shown in the then-current Comprehensive Plan as being exposed to Airport noise in excess of DNL 60 dBA.

AIRSPACE AND LAND USE SAFETY ZONES

Formal safety zones for the airport to reflect State standards can be created only by creation of a zoning authority by MAC or a joint, zoning authority of MAC and Eden Prairie. The MAC has not created the zoning authority permitted by state law to control development in these areas. Eden Prairie and MAC have been unable to reach an agreement on a joint zoning authority due to unresolved liability issues.

The MAC and Eden Prairie nevertheless use the safety zones for planning purposes. Figure 5.11 shows the boundaries of the safety zones for the existing airport.

- Safety zone A is a “no build” zone. It is two-thirds the length of the runway and is to be maintained free of structures.
- Safety zone B is a “limited development” zone. It is one-third the length of the runway and the minimum lot size is to be three acres.
- Safety zone C is a “height limitation” zone. It is based on the primary, horizontal, approach, transition, and conical zones.

The MAC and Eden Prairie have taken several steps to ensure the safe operation of the Airport consistent with these state standards. MAC has completed the majority of the acquisition of property potentially impacted by safety zones A and B to maintain clear approach corridors to the airport. The City works with FAA and Minnesota Department of Transportation guidelines to protect safety zone C, including all primary, horizontal, conical approach, transitional, and general airspace

from vertical intrusions by reviewing development proposals for consistency with FAA and Mn/DOT Office of Aeronautics airspace criteria. The City’s zoning ordinance contains height limits ranging between 30 and 45 feet, depending on the zoning district. Towers and antennas may be higher. All development proposals are reviewed based on the airport zoning height map, as shown in Figure 5.12. Any height request that may potentially impact the airport height restrictions is submitted to the FAA, Mn/DOT Office of Aeronautics and MAC for their review.

PROPOSED EXPANSION OF FLYING CLOUD AIRPORT

The MAC is proposing to expand Flying Cloud Airport by extending the two parallel runways and constructing additional hangar space. The Environmental Impact Statement (EIS) for the proposed expansion shows Runway 10L/28R extending from 3,600 feet to 3,900 feet, and Runway 10R/28L extending from 3,900 feet to 5,000 feet. MAC proposes to acquire a total of 280 acres to protect the expanded runway approach safety zone area and to accommodate the additional hangar space. The MAC has already acquired much of this property. The EIS indicates that 302,982 aircraft operations would occur in 2010 if the proposed improvements were in place by 2000. The EIS is being reviewed by the Federal Aviation Administration for its Record of Decision. Figure 5.13 shows the proposed expanded airport.

City policy supports only those changes in the airport that would retain the airport’s fundamental character. Without mitigation, extending the runways, building new hangars, and abandoning the weight limit for turbojet aircraft would be a fundamental change in the character of the airport.

Access Management: The City will continue to implement access management strategies in order to provide a safe and efficient roadway network.

TRANSIT AND ALTERNATIVE TRANSPORTATION IMPROVEMENTS

The City will continue to pursue a multi-modal transportation system that provides the residents and businesses in Eden Prairie with a variety of transportation alternatives including:

Southwest Metro Transit: The City will continue to promote the use of transit throughout the area. The City will work with Southwest Metro Transit to ensure the needs of all residents are met, providing commuters, senior citizens, and handicapped persons with links from neighborhood sectors to the Major Center, commuter routes and park and ride facilities.

Regional Transit Initiatives: The City will support the development, and ultimately encourage the use of regional transit initiatives such as High Speed Busways, Light Rail Transit and Commuter Rail.

Pedestrian Trails and Bikeways: The City will pursue the continued development of pedestrian trails and bikeways that meet the recreational needs of its citizens, and provide an alternative means of transportation.

Travel Demand Management (TDM): The City views TDM as an important aspect of an efficient transportation system and will continue to encourage local businesses to implement effective TDM plans.

High Occupancy Vehicle (HOV) Infrastructure: The City supports providing

incentives to provide time-savings for HOV. This includes providing ramp meter bypasses at all metered locations, HOV lanes, and bus shoulder lanes.

AIRPORT AND AIRCRAFT

Land Use Compatibility: The City will promote land use compatibility for lands surrounding Flying Cloud Airport by reviewing all proposed development in areas surrounding the airport for consistency with the airport and by periodically reviewing its land use plans and policies. Eden Prairie shall notify MAC of any public hearing at which Eden Prairie will consider amending the Eden Prairie Comprehensive Plan to permit development of residences on any property that is shown in the then-current Comprehensive Plan as being exposed to Airport noise in excess of DNL 60 dBA.

The City encourages MAC to complete all of its proposed land acquisition as identified in the EIS within the safety zone areas.

Aircraft Noise: The City supports the Metropolitan Council's Land Use Compatibility Guidelines for Aircraft Noise for new development. The City will work toward minimizing the impact of aircraft noise upon noise-sensitive land uses by encouraging and supporting noise abatement programs for the airport. As part of the Final Agreement, MAC will develop a methodology agreed upon by MAC and the City, to determine existing exterior to interior noise reduction level. In the event a residence has an exterior to interior noise attenuation of less than 20dBA, MAC shall provide sound insulation to achieve a noise reduction of at least 20dBA. No residence for which building permits were issued on or after December 4, 2001 shall be eligible to receive testing or sound insulation.

The City has also established a one-mile buffer zone around the Flying Cloud Airport measured from the ends of all runways based on an expanded Flying Cloud Airport (Figure 5.14). Within this buffer zone, new home construction in all new residential subdivisions will be required to incorporate noise attenuation into the design to meet the structural performance standards for residential interior sound levels of the Metropolitan Council's *Land Use Compatibility Guidelines for Aircraft Noise*.

Safety Issues: The City will work within existing FAA and MAC guidelines to protect all primary, horizontal, conical approach, transitional, and general airspace from vertical intrusions by reviewing development proposals based on meeting FAA and Mn/DOT Office of Aeronautics airspace criteria. The City will notify the FAA, Mn/DOT Office of Aeronautics and MAC of any development proposals that may involve review of FAA and Mn/DOT Office of Aeronautics airspace criteria. Any sponsor who proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site, or any construction or alteration of greater height than an imaginary surface extending upward and outward at a slope of 100:1 from the nearest point of the nearest runway of a public airport shall notify the Commissioner of Mn/DOT Office of Aeronautics.

Municipal Sanitary Sewer and Water Service: It is anticipated that municipal sanitary sewer and water will be extended to the airport in 2008. The City strongly encourages MAC to implement sanitary sewer and water to the remaining portions of the airport to serve existing businesses and other users of such facilities regardless of the timing of the airport expansion.

Heliports: No heliports exist in the City. It is anticipated that if any heliport planning or construction occurs in the City, it will take place at Flying Cloud Airport.

Design Issues: The City will seek to work with the MAC to establish and implement an Airport Zoning District for Flying Cloud Airport. The zoning district will address standards for all new development as well as the expansion or modification of existing buildings at the Airport. The zoning district will include, among other things, permitted uses, parking, architectural standards, signs, lighting, and screening of trash areas. The City will encourage landscaping improvements on airport property to help mitigate noise and visual impacts to neighboring properties. The City will encourage the MAC to eliminate or replace deteriorating first generation hangar buildings.

SOURCES OF FUNDING

Several funding sources for transportation improvements are available to the City. Each of these sources is anticipated to play a role in financing future transportation improvements.

Municipal State Aid (MSA): MSA funding is a constitutionally protected allocation of a portion of the Highway User Tax Distribution Fund comprised of gasoline taxes and vehicle registration fees based on a formula that takes into account the population of a city and the financial construction needs of its MSA Street system.

Tax Increment Financing (TIF): The City possesses several TIF districts. Portions of tax increments from the TIF districts are allocated for transportation projects.

City response to Table 1 (changes required by Metropolitan Council staff)

Reference Number: 1

Land Use chapter (Categories)

Text proposed for removal by Metropolitan Council Staff:

In the event that all or part of the airport is redeveloped for non-aviation uses, then the underlying guidance would be Low Density Residential until such time as a Comprehensive Plan Amendment is adopted which reclassifies all or part of the airport site for other uses.

City Response:

The text targeted for elimination by Council staff is clearly conditional upon a future decision by MAC to develop some or all of its property for non-aeronautical use. The underlying R-1 designation serves only as a **holding zone** until specific non-aeronautical development plans are brought forth by MAC. **This text has no effect on MAC's ability and authority to continue using its property for aeronautical purposes.** MAC's Long Term Comprehensive Plan for the Crystal Airport (pp. 36-37) contemplates possible conversion of some of its property to non-aeronautical use and recognizes that zoning changes may be required. An example of this process can be found in Eden Prairie, where the city and MAC worked together to determine appropriate non-aeronautical uses on airport property.

- Other Undeveloped (Industrial). These are currently undeveloped sites which, if developed, would be guided for Industrial use.
- Railroad. Property owned by Canadian Pacific or Burlington Northern Santa Fe for their respective railroad tracks and related facilities.
- Roadway Right-of-Way. This category includes not only right-of-way dedicated by plat or easement, but also parcels used for right-of-way purposes.

- Airport (LDR). Property owned by Metropolitan Airports Commission for the operation of the Crystal Airport. In the event that all or part of the airport is redeveloped for non-aviation uses, then the underlying guidance would be Low Density Residential until such time as a Comprehensive Plan Amendment is adopted which reclassifies all or part of the airport site for other uses.

SUMMARY OF FINDINGS AND SIGNIFICANT CHANGES FROM PREVIOUS PLAN

- A. For most property in the city, the proposed new 2030 Planned Land Use map would not differ dramatically from the one currently in effect. It is also generally consistent with the existing zoning map. Density guidelines for each residential land use classification would continue as follows:
1. Low Density Residential shall not exceed 5 dwelling units per gross acre.
 2. Medium Density Residential shall not exceed 12 dwelling units per gross acre.
 3. High Density Residential shall not exceed 22 dwelling units per gross acre.
 4. These density guidelines may be exceeded by 10% as part of the Planned Development rezoning process if the City Council finds that the development would provide extraordinary benefit to the community or the site has extraordinary characteristics that make development difficult.
 5. For the purposes of this plan, the terms “gross acre” and “net acre” may be used interchangeably because the city is fully developed and likely redevelopment sites are already served by streets and other public facilities necessary for redevelopment to occur.
- B. However properties are guided on the 2030 Planned Land Use Map, existing lawful uses may continue indefinitely (“grandfathered in”).
- C. Some existing fully developed sites may be redeveloped by 2030 for new, more intensive uses, depending on market conditions and owners’ willingness to sell. In some cases, such redevelopment may be for a different land use than shown on the 2030 Planned Land Use Map. One hypothetical example would be a failing shopping center being demolished and the site redeveloped for senior housing. However, since the state’s eminent domain laws were changed in 2006, cities no longer have the authority to force this type of redevelopment to occur. It is therefore impossible to know where or when such redevelopment will occur. For this reason, the 2030 Planned Land Use Map does not try to anticipate specific new uses upon redevelopment of existing fully developed sites. Instead, more specific master planning for each redevelopment area would occur if an actual project emerges, and if necessary, amendments to the 2030 Planned Land Use Map would be considered at that time.
- D. Areas used for institutional, park or other similar uses will be shown as a hybrid of their existing use and the appropriate future use in case they are ever redeveloped. This will assist the city in determining the appropriate zoning classification for these properties.

City response to Table 1 (changes required by Metropolitan Council staff)

Reference Number: 2

Land Use chapter (Maps, Tables and Text)

Text proposed for removal by Metropolitan Council Staff:

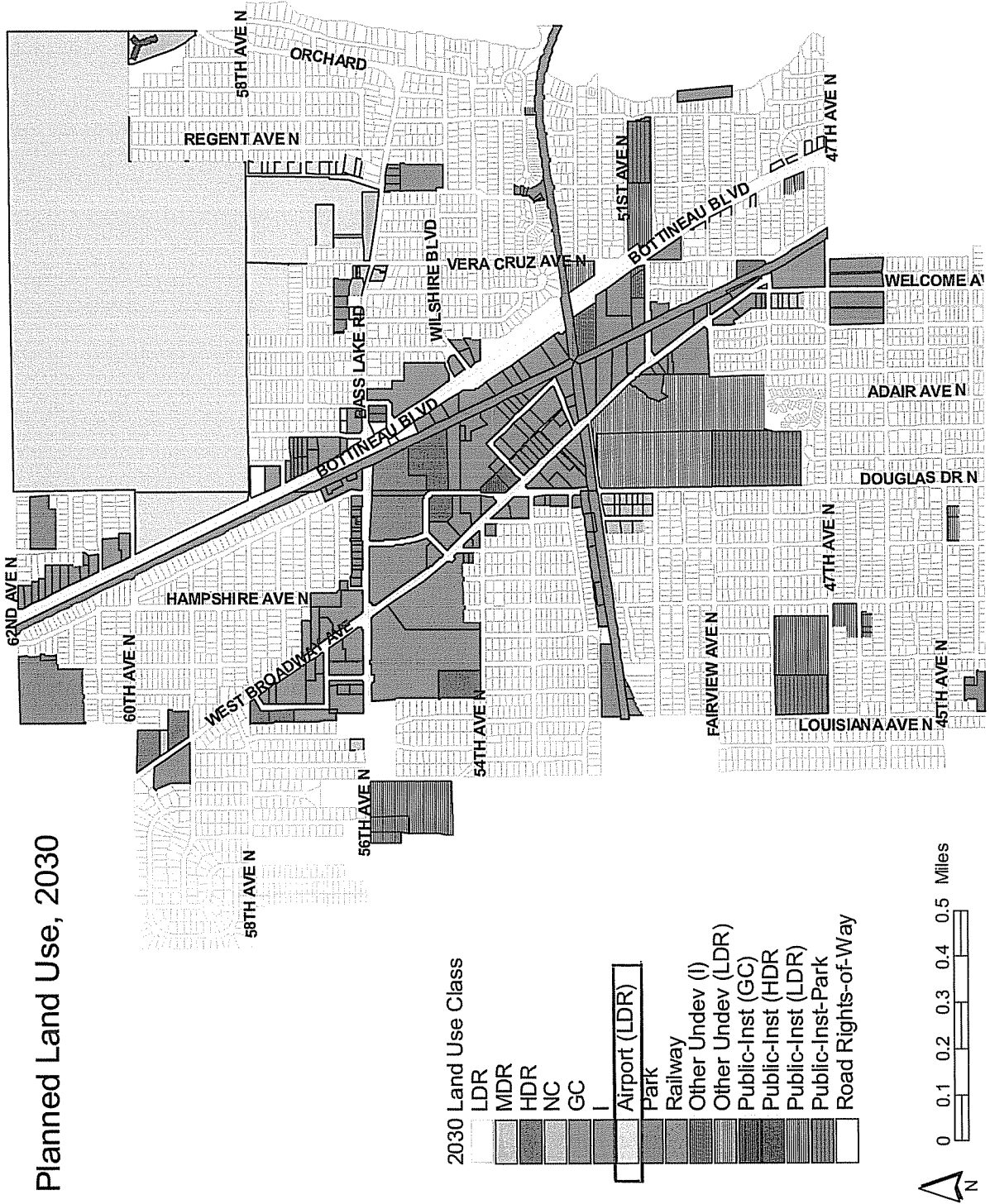
All references to Low Density Residential (LDR) associated with the Airport land use guiding designation in Figures F-1 (a&b), F-2 (a&B) and F-3 (a&b) as well as in any other maps, tables and text.

City Response:

The maps and text targeted for elimination by Council staff clearly indicates that the primary land use is Airport and that the LDR classification serves only as a **holding zone** in the event that all or part of the airport is developed for non-aeronautical purposes. **These maps and text have no effect on MAC's ability and authority to continue using its property for aeronautical purposes.**

FIGURE F-3(a)

2030 PLANNED LAND USE (NORTH HALF)



City response to Table 1 (changes required by Metropolitan Council staff)
Reference Number: 3
Redevelopment chapter (Potential Redevelopment Areas)

Text proposed for removal by Metropolitan Council Staff:

(Potential Redevelopment) Area #2 - Crystal Airport. The Crystal Airport is one of six reliever airports owned & operated by the Metropolitan Airports Commission ("MAC"). Closure and redevelopment of the Crystal Airport site are preferred by the city under the current Comprehensive Plan, mainly due to safety concerns (hundreds of housing units in the safety zones) and little local benefit from the facility. MAC has adopted a Long Term Comprehensive Plan ("LTCP") for the facility which would eliminate two of the four runways (one primary and one crosswind) and attempt to redevelop a small share of the site for as-yet-undetermined non-aviation purposes. MAC has not indicated that they intend to close the facility, but the type of aviation using this airport is in decline, regionally and nationally. At any point in the future, it is conceivable that MAC may determine that the continued operation of the Crystal Airport is no longer warranted. The 436 acre airport site (336 in Crystal) offers the greatest opportunity in the northwest suburbs and along the Bottineau transit corridor for significant infill development including new employment centers and housing. For this reason the entire airport site remains a potential redevelopment area, though any such redevelopment would depend on future decisions by MAC regarding the continued operation of the Crystal Airport and conversion of all or part of the property to non-aviation use. For the purposes of this plan, it is assumed that the Crystal Airport will still be in operation in 2030 and no non-aeronautical development will have occurred on the site.

City Response:

The city has a responsibility to anticipate changes within the community. The text targeted for elimination by Council staff explains the basis for and limitations on the city's designation of the airport as a **potential** redevelopment area, clearly states that the **MAC has the authority to decide whether redevelopment will occur**, and affirms that for the purposes of this plan **the city assumes that the site will remain in use for aeronautical purposes.**

compare and contrast various redevelopment opportunities within the city, and select the best project sites from among the 23 areas described in this chapter.

5. Redevelopment projects may trigger, or be triggered by, adjacent public improvements such as roadway reconstruction, water and sewer upgrades, streetscaping, etc. In cases where near-term public improvements are being considered in a potential redevelopment area, but no redevelopment project is imminent, due consideration will be given to the impact of said improvements on the future redevelopment potential of the area.

DESCRIPTIONS OF SPECIFIC POTENTIAL REDEVELOPMENT AREAS

Area #1 - Lakeland Avenue from 60th to 62nd. This area is identified as a potential redevelopment area in the current Comprehensive Plan. Existing uses include auto-oriented commercial and single family residential. The residential parcels along Lakeland Avenue are relatively deep and the houses are generally in fair to poor condition. The right-in and right-out accesses at 60th and 62nd Avenues will be eliminated upon reconstruction of Bottineau Boulevard. The best post-redevelopment uses would be light industrial, destination office/showroom, office/warehouse, but not residential uses or general retail/service uses. The site design of any redevelopment would need to be sensitive to the residential area directly to the east.

Area #2 - Crystal Airport. The Crystal Airport is one of six “reliever” airports owned & operated by the Metropolitan Airports Commission (“MAC”). Closure and redevelopment of the Crystal Airport site are preferred by the city under the current Comprehensive Plan, mainly due to safety concerns (hundreds of housing units in the safety zones) and little local benefit from the facility. ~~MAC is currently considering~~ has adopted a Long Term Comprehensive Plan (“LTCP”) for the facility by which it would eliminate two of the four runways (one primary and one crosswind) and attempt to redevelop a small share of the site for as-yet-undetermined non-aviation purposes. MAC has not indicated that they intend to close the facility, but the type of aviation using this airport is in decline, regionally and nationally. At any point in the future, it is conceivable that MAC ~~would~~ may determine that the continued operation of the Crystal Airport is no longer warranted. The 436 acre airport site (336 in Crystal) offers the greatest opportunity in the northwest suburbs and along the Bottineau transit corridor for significant infill development including new employment centers and housing. For this reason the entire airport site remains a potential redevelopment area, though any such redevelopment would depend on future decisions by MAC regarding the continued operation of the Crystal Airport and conversion of all or part of the property to non-aviation use. For the purposes of this plan, it is assumed that the Crystal Airport will still be in operation in 2030 and no non-aeronautical development will have occurred on the site.

Area #3 - Lakeland Avenue from 56th to 58th. This area is identified as a potential redevelopment area in the current Comprehensive Plan. Existing uses are mostly commercial including the former Crystal-Pierz Marine. There will be impacts from the Bottineau Boulevard reconstruction project due to elimination of the existing frontage road and construction of a new “backage” road which will form the approximate border between non-residential uses along Bottineau Boulevard and the residential uses to the east. The right-in and right-out access to Bottineau Boulevard at 58th Avenue / Airport Road will remain but it will be reconfigured to improve safety and traffic flow. This area would not be quite as isolated as Area #1, and therefore it might also be able to accommodate some destination retail or office uses.

City response to Table 1 (changes required by Metropolitan Council staff)

Reference Number: 4

Aviation chapter (Overview)

Text proposed for removal by Metropolitan Council Staff:

This chapter addresses the role of the Crystal Airport in the regional aviation system, describes the city's policies for accommodating the continued operation of the facility by the Metropolitan Airports Commission, and reaffirms the city's position favoring closure of the airport and redevelopment of the site.

City Response:

The city clearly accommodates the continued operation of Crystal Airport and recognizes MAC's authority over same. The city has the right to also state its **preference** for closure and redevelopment.

CHAPTER M AVIATION (CRYSTAL AIRPORT)

CHAPTER OVERVIEW

This chapter addresses the role of the Crystal Airport in the regional aviation system, describes the city's policies for accommodating the continued operation of the facility by the Metropolitan Airports Commission, and reaffirms the city's position favoring closure of the airport and redevelopment of the site.

BACKGROUND

Crystal Airport (airport identifier "MIC") is owned and operated by the Metropolitan Airports Commission (MAC), a state agency. The airport also operates five other reliever airports and Minneapolis-St. Paul International Airport. MAC's other five reliever airports are:

- St. Paul Downtown in the city of St. Paul (airport identifier "STP")
- Flying Cloud in the city of Eden Prairie (airport identifier "FCM")
- Anoka County in the city of Blaine (airport identifier "ANE")
- Airlake in the city of Lakeville (airport identifier "LVN")
- Lake Elmo in central Washington County (airport identifier "21D")

MAC classifies Crystal, Airlake and Lake Elmo as Minor Relievers which mainly serve personal aviation. MAC classifies its other three reliever airports, St. Paul Downtown, Flying Cloud and Anoka County, as Primary Relievers which mainly serve corporate and business aviation.

Crystal Airport was established in the 1940s, immediately prior to development of the surrounding residential areas. The airport was subsequently expanded with longer runways, additional runways and larger taxiways and hangar areas. These expansions occurred after the surrounding neighborhoods had been developed.

The state subsequently adopted regulations defining safety zones and limiting or even precluding certain land uses in each zone. These regulations were adopted by the city in its 1983 Airport Zoning Ordinance. In Safety Zone A, nearly all development, including not only houses but also roads, is prohibited. At this time, within the city of Crystal there are 114 single family houses and 14 multi-family dwelling units in Safety Zone A, in addition to many local streets and two minor arterial roads (CSAH 81 and 10). In Safety Zone B, houses are only permitted in an ultra-low-density, rural residential setting. At this time, within the city of Crystal there are 144 single family houses and 2 multi-family dwelling units in Safety Zone B. Because these areas were fully developed prior to the state's creation of airport safety zones, they are allowed to remain as previously developed neighborhoods and new structures may be built to replace existing structures. A map showing forecast 2025 noise contours is included as Exhibit M-4; however, the city does not intend to adopt ordinance revisions implementing the Land Use Compatibility Guidelines for Aircraft Noise as recommended in the 2030 Transportation Policy Plan.

Crystal Airport takes up approximately 436 acres, of which 336 are within the city of Crystal, 80 within the city of Brooklyn Park and 20 within the city of Brooklyn Center. In Crystal, the airport is zoned R-1 Low Density Residential for future planning purposes with an Airport Overlay district recognizing the

City response to Table 1 (changes required by Metropolitan Council staff)

Reference Number: 5

Aviation chapter (Background)

Text proposed for removal by Metropolitan Council Staff:

However, the city does not intend to adopt ordinance revisions implementing the Land Use Compatibility Guidelines for Aircraft Noise as recommended in the 2030 Transportation Policy Plan.

City Response:

Please see separate document regarding this item.

City response to Table 1 (changes required by Metropolitan Council staff)

Reference Number: 6

Aviation chapter (Background)

Text proposed for removal by Metropolitan Council Staff:

In Crystal, the airport is zoned R-1 Low Density Residential for future planning purposes with an Airport Overlay district recognizing the continued operation of the Crystal Airport.

City Response:

The present Airport Overlay zoning accommodates the continued operation of the Crystal Airport. The underlying R-1 zoning would come into play **only** if MAC decides to convert all or part of its property to non-aeronautical use. The underlying R-1 designation serves as a **holding zone** until specific non-aeronautical development plans are brought forth by MAC.

CHAPTER M AVIATION (CRYSTAL AIRPORT)

CHAPTER OVERVIEW

This chapter addresses the role of the Crystal Airport in the regional aviation system, describes the city's policies for accommodating the continued operation of the facility by the Metropolitan Airports Commission, and reaffirms the city's position favoring closure of the airport and redevelopment of the site.

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Crystal Airport was established in the 1940s, immediately prior to development of the surrounding residential areas. The airport was subsequently expanded with longer runways, additional runways and larger taxiways and hangar areas. These expansions occurred after the surrounding neighborhoods had been developed.

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Crystal Airport takes up approximately 436 acres, of which 336 are within the city of Crystal, 80 within the city of Brooklyn Park and 20 within the city of Brooklyn Center. In Crystal, the airport is zoned R-1 Low Density Residential for future planning purposes with an Airport Overlay district recognizing the

~~continued operation of the Crystal Airport. Crystal's zoning ordinance has an Airport Overlay that allows the airport to continue operating as a non-conforming use. Expansion of airside facilities such as runways is prohibited. Expansion of hangar areas or related landside facilities would require a Conditional Use Permit.~~

Aviation-related use of the Crystal Airport has been generally stable or declining for many years, with a pronounced decline since the Crystal Comprehensive Plan was last updated in 2000. This decline has manifested itself in many ways, including:

- A decline in the number of operations (each takeoff or landing = one operation).
- A decline in the number of airworthy aircraft (meaning, aircraft that can actually fly).
- Closure of multiple airport-based businesses.

Declining activity is also occurring to varying degrees at MAC's five other reliever airports, and at small airports nationwide, especially those that mainly serve personal aviation such as recreational pilots and hobbyists. MAC has identified those users as the primary users of the Crystal Airport.

~~In December 2007, the Metropolitan Airports Commission directed its staff to prepare~~ MAC has adopted a Long-Term Comprehensive Plan (LTCP) for the Crystal Airport with a Preferred Alternative that would continue operation of the facility but close two of its four runways (paved primary 14R-32L and turf crosswind 6R-24L). ~~The 30-day public comment period has been completed and the LTCP is now at Metropolitan Council for review prior to MAC considering formal adoption of the LTCP. If the two runways are closed, the number of dwelling units within Crystal in Safety Zone A would decrease from 128 to 115 and the number in Safety Zone B would decrease from 146 to 110.~~

~~One of the goals of MAC's Preferred Alternative for the LTCP is to allow some small parts of the airport to be used for non-aeronautical, revenue-generating business property. Unless Such new use would be low density residential, it would require City Council approval in the form of an amendment to the city's Comprehensive Plan, revisions to the Zoning Map and possibly a Conditional Use Permit depending on the specific use proposed.~~

POLICIES

1. The city's current (2000) Comprehensive Plan states that, despite the presence of hundreds of residences within the safety zones, in which by modern standards such development would be prohibited, the Crystal Airport is likely to remain in operation as long as it is necessary for the regional aviation system. However, closure of the airport and redevelopment of the site was stated as the city's long-term policy goal. This was essentially the same policy position taken by the city in the preceding (1993) Comprehensive Plan as well. Since the 2000 Comprehensive Plan was adopted, a dramatic decline in operations has occurred not only at the Crystal Airport but also throughout most of MAC's reliever system and at personal aviation -oriented airports nationally.

However, the city recognizes that it does not have the authority to close the Crystal Airport. For this reason, the city's aviation policies are as follows:

- a) Notify the FAA in accordance with CFR - Part 77, using the FAA Form 7460-1 "Notice of Proposed Construction or Alteration". City Code Section 515.13 (Zoning – General Performance Standards) will be amended to add this provision.

City response to Table 1 (changes required by Metropolitan Council staff)

Reference Number: 7

Aviation chapter (Background)

Text proposed for removal by Metropolitan Council Staff:

Such use would require City Council approval in the form of an amendment to the city's Comprehensive Plan, revisions to the Zoning Map and possibly a Conditional Use Permit depending on the specific use proposed.

and

Reference Number: 8

Aviation chapter (Policies)

Text proposed for removal by Metropolitan Council Staff:

c) If MAC proposes non-aeronautical uses on part of the airport site, the city will consider such Comprehensive Plan amendments, Zoning Map revisions and Conditional Use Permits in accordance with the city's normal exercise of its land use authority for such uses.

City Response to both:

MAC's Long Term Comprehensive Plan for the Crystal Airport (pp. 36-37), approved by Metropolitan Council in October 2008, contemplates possible conversion of some of its property to non-aeronautical use and recognizes that zoning changes may be required. An example of this process can be found in Eden Prairie, where the city and MAC worked together to determine appropriate non-aeronautical uses on airport property. Crystal's expectation is that a similar process would be used here.

~~continued operation of the Crystal Airport. Crystal's zoning ordinance has an Airport Overlay that allows the airport to continue operating as a non-conforming use. Expansion of airside facilities such as runways is prohibited. Expansion of hangar areas or related landside facilities would require a Conditional Use Permit.~~

Aviation-related use of the Crystal Airport has been generally stable or declining for many years, with a pronounced decline since the Crystal Comprehensive Plan was last updated in 2000. This decline has manifested itself in many ways, including:

- A decline in the number of operations (each takeoff or landing = one operation).
- A decline in the number of airworthy aircraft (meaning, aircraft that can actually fly).
- Closure of multiple airport-based businesses.

Declining activity is also occurring to varying degrees at MAC's five other reliever airports, and at small airports nationwide, especially those that mainly serve personal aviation such as recreational pilots and hobbyists. MAC has identified those users as the primary users of the Crystal Airport.

~~In December 2007, the Metropolitan Airports Commission directed its staff to prepare~~ MAC has adopted a Long-Term Comprehensive Plan (LTCP) for the Crystal Airport ~~with a Preferred Alternative that would continue operation of the facility but close two of its four runways (paved primary 14R-32L and turf crosswind 6R-24L). The 30-day public comment period has been completed and the LTCP is now at Metropolitan Council for review prior to MAC considering formal adoption of the LTCP.~~ If the two runways are closed, the number of dwelling units within Crystal in Safety Zone A would decrease from 128 to 115 and the number in Safety Zone B would decrease from 146 to 110.

~~One of the goals of MAC's Preferred Alternative for the LTCP is to allow some small parts of the airport to be used for non-aeronautical, revenue-generating business property. Unless Such new use would be low density residential, it would require City Council approval in the form of an amendment to the city's Comprehensive Plan, revisions to the Zoning Map and possibly a Conditional Use Permit depending on the specific use proposed.~~

POLICIES

1. The city's current (2000) Comprehensive Plan states that, despite the presence of hundreds of residences within the safety zones, in which by modern standards such development would be prohibited, the Crystal Airport is likely to remain in operation as long as it is necessary for the regional aviation system. However, closure of the airport and redevelopment of the site was stated as the city's long-term policy goal. This was essentially the same policy position taken by the city in the preceding (1993) Comprehensive Plan as well. Since the 2000 Comprehensive Plan was adopted, a dramatic decline in operations has occurred not only at the Crystal Airport but also throughout most of MAC's reliever system and at personal aviation -oriented airports nationally.

However, the city recognizes that it does not have the authority to close the Crystal Airport. For this reason, the city's aviation policies are as follows:

- a) Notify the FAA in accordance with CFR - Part 77, using the FAA Form 7460-1 "Notice of Proposed Construction or Alteration". City Code Section 515.13 (Zoning – General Performance Standards) will be amended to add this provision.

b) Continue to protect airspace in accordance with the 1983 Joint Airport Zoning Ordinance, as amended. Upon the MAC's implementation of runway closures as proposed in the Long-Term Comprehensive Plan for the Crystal Airport, the city will adopt an amended Airport Zoning Map to reflect these changes.

~~e) Allow lawfully non-conforming airport, buildings and uses to continue.~~

~~d) Allow additional airport buildings and land uses by Conditional Use Permit in accordance with the Airport Overlay zoning district.~~

~~e) Because the Crystal Airport is embedded in a predominantly residential area and there are hundreds of residences within the safety zones, there shall be no expansion of runways or other changes that would further increase the safety hazard.~~

c) If MAC proposes non-aeronautical uses on part of the airport site, the city will consider such Comprehensive Plan amendments, Zoning Map revisions and Conditional Use Permits in accordance with the city's normal exercise of its land use authority for such uses.

2. Due to declining demand for this type of aviation facility, both in the Twin Cities metropolitan region and nationally, it is conceivable that at some future time MAC will determine that the Crystal Airport is no longer needed as part of the regional aviation system. For this reason, the city's policies towards the Crystal Airport also include the following:

a) Support redevelopment of the site for a mixture of job-creating commercial and industrial development as well as new residential development consistent with the city's housing goals.

b) If closure and redevelopment are to occur, the city will engage a master planning process including extensive community involvement and participation by other units of government to determine a more specific vision for the site.

EXCERPT – CRYSTAL AIRPORT LONG-TERM COMPREHENSIVE PLAN

brand new replacement facilities would cost if the tenants were simply relocated. Tenants in both areas G and I (or alternatively, areas Alt G and Alt I) could be relocated to hangar area D. The estimated cost to construct an equal amount of hangar space is \$6,000,000. Table 4-3 shows the number of years it would take to recover such a cost using the ensuing non-aeronautical revenue. Note that the calculation does not include interest, but doing so would not change the order of alternatives. It would add approximately 3 years to each of the payback time frames.

Table 4-2
Potential Income of Alternatives

Alternative		Estimated Income
1	Keep All 4 Runways	\$ 990,909
2	Maintain 2 Parallel Runways	\$ 1,783,451
3	Maintain One Runway Only	\$ 1,979,902
4	Maintain One Primary and One Crosswind Runway	\$ 1,340,909
5	Maintain 3 Runways and Close Turf Runway	\$ 1,144,458

Table 4-3
Years to Recover Costs

Alternative		Years to Recover
3	Maintain One Runway Only	4
2	Maintain 2 Parallel Runways	4
4	Maintain One Primary and One Crosswind Runway	5
5	Maintain 3 Runways and Close Turf Runway	6
1	Keep All 4 Runways	7

Note that at the time of writing this report, neither MAC's 7-year Capital Improvement Program nor the Reliever Airports funding model include any costs for hangar buy-out or new hangar areas at the Crystal Airport.

4.3 Preferred Alternative

Each of the different alternatives offers certain benefits and concerns to consider. The number of operations at the airport no longer justifies a need for four runways. Nor do they justify the need for parallel runways. Operationally, it is most beneficial to keep at least one of the crosswind runways. The overall usefulness and advantage it provides for all airport users should not be lost. Economically, reducing the airfield down to only one runway provides the most opportunity for MAC to generate income; however, the selection of a preferred alternative should not be based on economics alone.

Maintaining a primary runway and a crosswind runway (Alternative No. 4) operationally provides the best environment for airport users. It provides for the maximum wind coverage, meaning the airport will not be closed to certain airport users during crosswind conditions. It also maintains a more balanced noise contour. If the crosswind runways were both closed, all of the airport operations would occur in the northwest/southeast direction on Runway 14-32. The concentration pushes out the 65 and 60 DNL contours far into the surrounding neighborhoods.

Specifically, Runway 14L-32R and Runway 6L-24R would remain open as part of the preferred alternative. Runway 14L-32R is paved and lighted, as is the crosswind runway 6L-24R. In addition, Runway 14L-32R has paved stopways at each end which enhance the overall safety for operations on that runway. Runway 14R-32L is not lighted and, therefore, closed for all nighttime operations. Runway 6R-24L is the turf runway, which is only open seasonally.

The runway pavements on both 14L-32R and 14R-32L are in dire need of reconstruction. Projects to complete this work have been included in the approved 2008 Capital Improvement Program and costs are included in the Reliever Airports funding model. It is recommended that these projects remain in the CIP. In fact, MAC is already proceeding with reconstruction of Runway 14L-32R as provided for in the 2008 budget. No environmental review is required for pavement reconstruction. Under this preferred alternative, the pavement on Runway 14R-32L will be reconstructed as a 40-foot wide full length taxiway.

A two runway configuration with a primary and crosswind layout satisfies the needs of the airport users now and into the future. It offers opportunity for nearly \$1.0 million in annual non-aeronautical revenue, and would allow for future hangar expansion should it become necessary. It should be noted that while reduced O&M costs are shown in the alternatives discussions above, the value is minimal. For example, if the parallel primary runway is closed, it will be reconstructed as a taxiway. The difference between maintaining a 75-foot wide runway and a 40-foot taxiway is minute in the overall scheme of airport operations. Similarly, if the turf runway is closed, it will remain an open turf area that still requires mowing and maintenance. Therefore, a reduction in O&M costs does not play a strong role in selection of a preferred alternative.

Additional items that should be discussed as part of this report include the County Road 81 project, the FAA air traffic control tower, and zoning for the proposed non-aeronautical development parcels.

As noted in the benefits for the alternatives above, the County Road 81 project to be completed by Hennepin County is not impacted by any of the concepts. The County has indicated to MAC that the roadway expansion requires very little MAC property for right-of-way. In fact, the only property the County may request of MAC lies outside of the existing security fence separating the roadway corridor from the airfield. Under this scenario, MAC would be able to work with the County, with the appropriate FAA approvals, to provide the needed right-of-way at fair market value or in exchange for roadway design considerations, regardless of the alternative chosen for the airport.

With regard to the air traffic control tower, it is not known whether the FAA will keep the tower open, propose that it become a MAC-funded contract tower, or propose that it be closed altogether. It is believed that the tower was originally constructed at the time the parallel runways were built at the airport. It is possible that the FAA may no longer operate a tower at Crystal if two of the runways are closed. This is a decision that the FAA will have to review when analyzing MAC's LTCP update and our request to close two runways.

All airport property is currently zoned according to the adjacent cities as "Airport" land with no other noted land use. If MAC pursues non-aeronautical development, the first step will include meeting with the cities to discuss the potential uses and how the cities feel the parcels could best be utilized. If a modification is required for zoning, MAC will work with the cities to make changes as appropriate. The development of non-aeronautical uses will not only benefit MAC, but it will also generate a tax base for the County and the city in which the parcel lies, as well as address some of the aesthetic issues with some hangars at the airport.

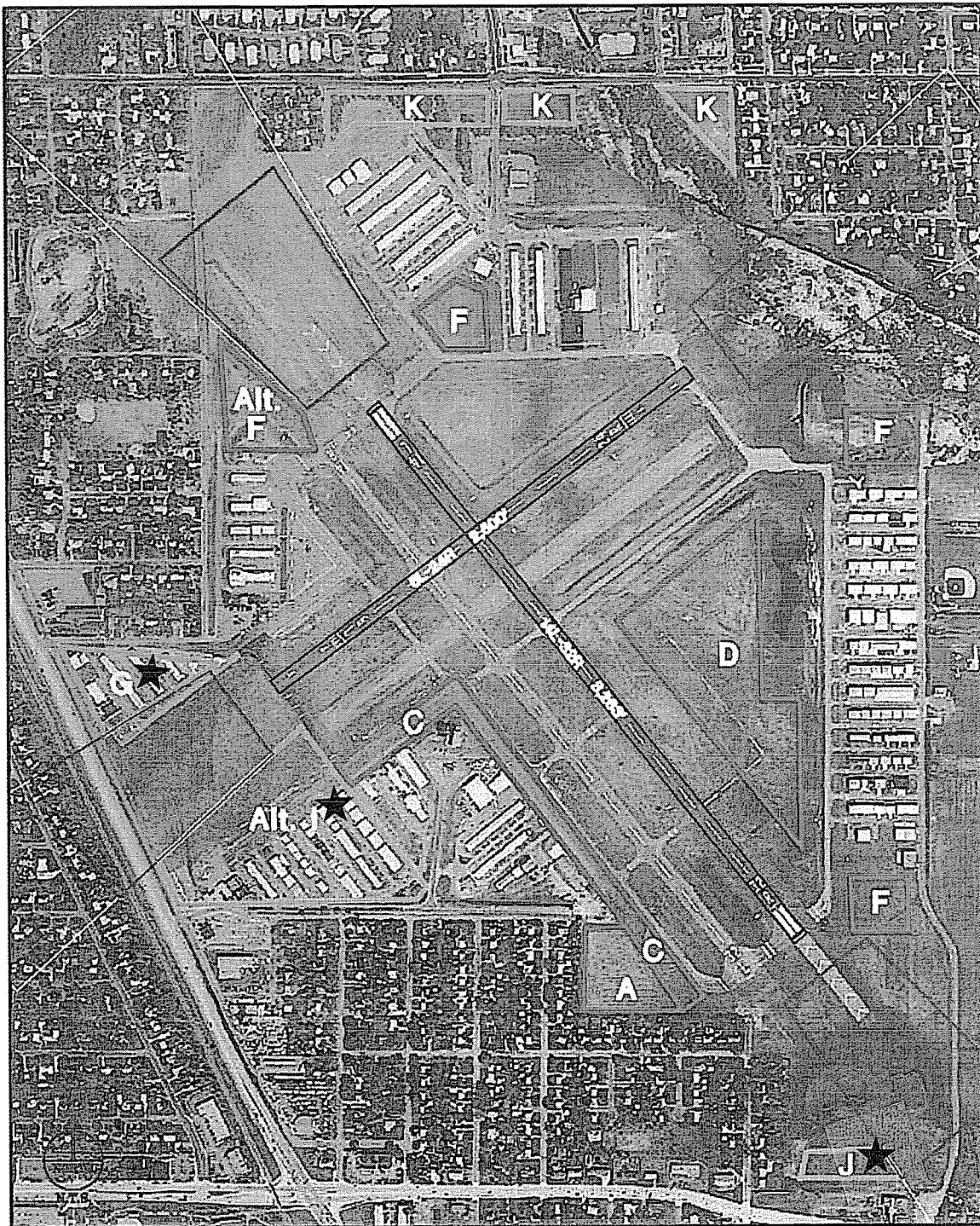
In summary, the Preferred Alternative includes the following elements for the 20-year planning period:

- Reconstruction of Runway 14L-32R;
- Reconstruction of the Runway 14R-32L pavement into a taxiway ;
- Removal of runway signs for the turf crosswind runway;
- Consider the option to redevelop areas on the airport into non-aeronautical uses.

The preferred alternative does include additional hangar space, unless redevelopment of existing area is pursued. No other airport expansion or provision of new facilities is recommended.

Preferred Alternative

Figure
ES-1



★ INDICATES POTENTIAL NON-AERONAUTICAL DEVELOPMENT AREAS



Crystal Airport (MIC)

Maintain One Primary and One Crosswind Runway

METROPOLITAN AIRPORTS COMMISSION

Minneapolis-Saint Paul International Airport

6040 - 28th Avenue South • Minneapolis, MN 55450-2799

Phone (612) 726-8100



May 16, 2011

Mr. Gary Cunningham, Chair
Community Development Committee
Metropolitan Council
390 Robert Street North
St. Paul MN 55101-1805

Re: City of Crystal 2030 Comprehensive Plan Update
Public Hearing Comment Letter

Mr. Chairman and Committee Members:

The Metropolitan Airports Commission (MAC) submits the following comments into the public hearing record for the City of Crystal 2030 Comprehensive Plan. As you know, MAC owns and operates the Crystal Airport, which lies within portions of the city boundaries for Crystal, Brooklyn Park and Brooklyn Center.

- MAC completed an update to the Crystal Airport Long Term Comprehensive Plan (LTCP) in 2008. The plan was reviewed and deemed consistent with the Metropolitan Council's development guide in October 2008;
- MAC analyzed the possibility of airport closure as one of the alternatives within the LTCP document and determined that the airport should remain in operation into the future;
- The airport LTCP gave no indication that MAC has any intention of closing the airport at some point in the future;
- The adopted Crystal Airport LTCP was incorporated by the Metropolitan Council into the Transportation Policy Plan (TPP);
- MAC supports the Metropolitan Council's TPP;
- MAC supports the Metropolitan Council staff determination that the City of Crystal's Comprehensive Plan should indicate all MAC-owned airport property as "Airport", with no other zoning designation or conditions listed.

We appreciate the opportunity to submit comments as a part of the public hearing process. If there are any questions, please contact Ms. Bridget Rief, Assistant Director – Airside Development at 612.725.8371 or via e-mail at bridget.rief@mspmac.org.

Sincerely,

Bridget M. Rief, P.E.
Assistant Director – Airside Development



4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.ci.crystal.mn.us

MAY 23 2011

May 20, 2011

Community Development Committee
Metropolitan Council
390 Robert Street North
Saint Paul MN 55101

Subject: May 16, 2011 public hearing and additional submittal
regarding the Crystal Comprehensive Plan Update

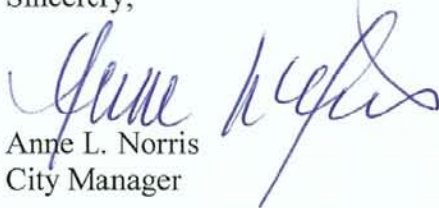
Honorable Chair and Committee members:

Thank you for the opportunity earlier this week for city staff to present our case to you. The city earnestly believes that the Comprehensive Plan Update, as written, accommodates regional systems and is not a departure from metropolitan system plans.

I have enclosed a proposed resolution for Metropolitan Council consideration and request that it be incorporated into the public hearing record.

Thank you again for your consideration of this matter.

Sincerely,


Anne L. Norris
City Manager

F
METROPOLITAN COUNCIL
REVIEW
FILE NO. 20598-1

MAY 23 2011

METROPOLITAN COUNCIL
390 Robert Street North, Saint Paul, Minnesota 55101

RESOLUTION NO. 2011-___

**RESOLUTION FINDING THE CRYSTAL COMPREHENSIVE PLAN UPDATE
IS IN COMPLIANCE WITH METROPOLITAN SYSTEM PLANS**

WHEREAS, Minnesota Statutes section 473.175 requires the Metropolitan Council (“Council”) to review comprehensive plans of local governmental units to determine their compatibility with each other and conformity with metropolitan system plans; and

WHEREAS, Minnesota Statutes section 473.175 authorizes the Council to require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans; and

WHEREAS, the City of Crystal (“City”) submitted to the Council for review a proposed Comprehensive Plan Update identified as Metropolitan Council Review File No. 20598-1; and

WHEREAS, at the May 16, 2011 meeting of the Council’s Community Development Committee, the Council held a public hearing on the City’s Comprehensive Plan Update, at which meeting City representatives and others presented information on the City’s proposed Comprehensive Plan Update and responded to the Council staff report on the City’s proposed Comprehensive Plan Update; and

WHEREAS, based on its review and consideration of the City’s proposed Comprehensive Plan Update and other planning documents, file documents, metropolitan system plans and policy plans, Council staff recommendations, public hearing comments and submissions by the City and other information in the record pertinent to the comprehensive plan amendment submitted by the City, the Council makes the following findings and conclusions:

FINDINGS

Statutory Background

1. Minnesota Statutes section 473.851 reflects the Legislature’s recognition that local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the metropolitan area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that development in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space.
2. Minnesota Statutes section 473.145 requires the Council to adopt a comprehensive development guide for the seven-county metropolitan area that must include policy

statements, goals, standards, programs, and maps prescribing guides for the orderly and economical development, public and private, of the metropolitan area.

3. Minnesota Statutes sections 473.146, 473.1465 and 473.147 require the Council to adopt long-range comprehensive policy plans for transportation (aviation), wastewater treatment and regional recreation open space. In 1996 the Council adopted its Regional Blueprint and its Aviation Policy Plan, and subsequently adopted its 2030 Regional Development Framework (January 2004) and 2030 Transportation Policy Plan (May 2005) which, together with other policy and system plans, were part of the Council's comprehensive development guide for the metropolitan area.
4. Minnesota Statutes section 473.852 defines the policy plans and capital budgets for metropolitan wastewater service, transportation (aviation), and regional recreation open space as "metropolitan system plans."
5. Minnesota Statutes sections 473.858 to 473.865 requires local units of government within the metropolitan area to prepare comprehensive plans and updates every 10 years and to submit those comprehensive plan updates to the Council for review.
6. Minnesota Statutes section 473.856 requires that those comprehensive plans conform with metropolitan system plans.
7. Minnesota Statutes section 473.858, subdivision 1 requires metropolitan-area cities to prepare and adopt local comprehensive plans in accordance with the Metropolitan Land Planning Act. The Act prohibits cities from adopting any fiscal device or official control which conflicts with their local comprehensive plans or which permits activity in conflict with metropolitan system plans.
8. Minnesota Statutes section 473.852, subdivision 9 defines "official controls" or "controls" as "ordinances and rules which control the physical development of a city" that "implement the general objectives of the comprehensive plan," including "ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps."
9. Minnesota Statutes section 473.854 requires the Council to "prepare and adopt guidelines and procedures relating to the requirements and provisions of sections 462.355, 473.175, and 473.851 to 473.871 which will provide assistance to local governmental units in accomplishing the provisions of sections 462.355, 473.175, and 473.851 to 473.871 and [the Metropolitan Land Planning Act]." In 1997 and 2005, the Council prepared and adopted a Local Planning Handbook that provides guidance to metropolitan-area cities on their planning obligations under the Metropolitan Land Planning Act.
10. Minnesota Statutes sections 462.351-.365 comprise the Municipal Planning Act ("MPA"), a grant of local zoning and planning authority independent of the City's obligations under Minnesota Statutes sections 473.858 to 473.865. Among other obligations, the MPA requires the City to prepare and amend the City's comprehensive plan (Minnesota Statutes sections 462.353-.356) and to conduct comprehensive zoning activities, including development of zoning use classification maps and text (Minnesota

Statutes sections 462.357-.365.

11. Minnesota Statutes section 473.175 states that the Council shall review plans of local governmental units and comment on the apparent consistency of the comprehensive plans with adopted plans of the Council. The Council may require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the council concludes that the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans.
12. Minnesota Statutes section 473.192 states that a municipality in the metropolitan area that, in part or in whole, is within the aircraft noise zones designated in the transportation policy plan “may adopt and enforce ordinances and controls to regulate building construction methods for the purpose of attenuating aircraft noise in habitable buildings in and around the noise zone.” “An ordinance adopted by the municipality must be adequate to implement the Metropolitan Council’s guidelines for land use compatibility with aircraft noise.”

Applicable City Comprehensive Planning and Metropolitan Council Staff Directives

1. On May 29, 2009, the City submitted its 2030 Comprehensive Plan Update to the Council for review.
2. On June 16, 2009, the Council staff sent an “incomplete” letter to the City regarding the City’s 2030 Comprehensive Plan Update. It states:

The Update is incomplete for aviation. The City needs to clarify whether notification to protect the region’s general airspace resource is included in a local ordinance. While the Update (chapter M, item 1a) recognizes this need, it is not clear that the ordinance supports this. The Update needs to include a figure and associated text concerning the aircraft noise contours and application of the Land Use Compatibility Guidelines for Aircraft Noise as defined in the Transportation Policy Plan (TPP).

3. The June 16, 2009 staff letter also included advisory comments regarding aviation:

The Council staff finds that the Update is not in conformance with the TPP’s Aviation system plan. The Update’s policies reference the airport as being a non-conforming use, prohibit certain airside development, require conditional use permits for landside development, and require city council approvals for on-airport lands. The Update also indicates that the airport has a base zoning as low-density residential and identifies the airport as a redevelopment area. The Council may determine that the Update is, more likely than not, a substantial departure from the Aviation System Plan. The City needs to revise its policies to be in conformance with the aviation system plan.

4. On August 13, 2010, the Council staff received supplemental information regarding the City's 2030 Comprehensive Plan Update. A second incomplete letter by Council staff was sent to the City on September 3, 2010. With this letter, the Council staff found the Update complete for aviation, among other areas. However, the Update was still incomplete for housing, implementation, land use and regional parks.
5. The September 3, 2010 staff letter again included advisory comments related to aviation. It stated:

Council staff finds that the Update is not in conformance with the 2030 Transportation Policy Plan for the Aviation System... The Update needs revisions to conform to the TPP for the Aviation system. If the required revisions are not submitted, Council staff will recommend that the Metropolitan Council: 1) find that the Update is more likely than not to have a substantial impact on or contain a substantial departure from the TPP; and 2) require the City to modify the Update to:

- *Recognize that the MAC, designated in state law as an Airport Authority, has jurisdiction over its airport property and system operation that precludes City controls. For example:*

— In Chapter F: Land use, the land use categories for the 2030 planned land use map includes a definition of "Airport LDR" as "Property owned by the MAC for the operation of the Crystal Airport. In the event that all or part of the airport is redeveloped for non-aviation uses, then the underlying guidance would be low density residential until such time as a Comprehensive Plan Amendment is adopted which reclassifies all or part of the airport site for other uses."

The Update correctly identifies boundaries of the airport property owned by the MAC and correctly guides it as "Airport". However, the base zoning of the airport by the City is not within its purview, the MAC, within its own legal parameters and federal and state requirements, determines appropriate on-site development.

- *Remove references indicating that the airport is a potential redevelopment site. Chapter H: Redevelopment describes potential redevelopment areas. Area #2 is described as "Crystal Airport". A LTCP has been approved for this airport and for the next twenty years or longer the facility is not planned to be closed. The results of the LTCP are included in the current TPP.*
- *Revise/remove the Aviation Policies city code section 515.69 and remove the "Established Residential Neighborhoods" safety criteria as a method of addressing aircraft noise."*

Please see Attachment A for additional information regarding the aviation concerns discussed above.

6. On March 15, 2011 the Council received the City's revised 2030 Comprehensive Plan Update.

7. In a letter to the City from the Council dated April 4, 2011, the Council staff found the City's 2030 Comprehensive Plan Update complete for review. In that letter to the City, the Council staff again included advisory comments related to aviation. This letter stated:

The City's Update substantially departs from the Council's adopted metropolitan system plans for Aviation and, if implemented, will have a substantial impact on the regional Aviation system. Council staff, therefore, will recommend that the Metropolitan Council: 1) find that the City's 2030 Comprehensive Plan Update is more likely than not to contain a substantial departure from the Aviation System Plan contained in the 2030 Transportation Policy Plan adopted in 2004 (which incorporates the 1996 Aviation Policy Plan) and 2) require the City to modify its 2030 Comprehensive Plan Update.

The letter also stated:

Council staff finds that the Update is not in conformance with the regional 2030 Aviation System Plan, which shows Crystal airport to be a part of the regional aviation system through 2030. The Update identifies the airport land use as an overlay district with an underlying residential use. The Update also identifies the airport property as a future redevelopment site. To be in conformance with the regional Aviation System Plan, the airport must be guided in the City's Update as an airport without any qualifications. In addition, the aircraft noise portion of the Update is not in conformance with the regional Aviation System Plan. The Update states: "the city does not intend to adopt ordinance revisions implementing the Land Use Compatibility Guidelines for Aircraft Noise"; and the City's submittal information states: "The city elects not to adopt or implement the Land Use Compatibility Guidelines for Aircraft Noise; neither the Transportation Policy Plan nor the enabling statute require the city to do so." However, Appendix H of the 2004 Transportation Policy Plan does require that "Communities should assess their noise impact areas and include a noise program in their 2008 comprehensive plan," and no other noise program has been included in lieu of the Land Use Compatibility Guidelines for Aircraft Noise.

Metropolitan System Plan Impacts

1. According to the Council's 2030 Transportation Policy Plan (p.6), "each city and township in the seven-county metropolitan area is required, at least every 10 years, to review, and if necessary, amend its local comprehensive plan to ensure that the local plan and local fiscal devices and official controls are consistent with the Council's metropolitan system plans."
2. Pursuant to Minnesota Statute 473.864 these local plans are reviewed by the Council for conformance with metropolitan system plans, consistency with Council policies and compatibility with adjacent and affected governmental units.
3. According to the Council's 2030 Transportation Policy Plan, "a local comprehensive plan generally will conform with the metropolitan system plans if the local plan... accurately

incorporates and integrates the components of the metropolitan system plans as required by Minnesota Statutes 473.851 to 473.871 ... for airports, aviation facilities, noise and safety zones and appropriate land uses surrounding these features.”

4. The City of Crystal has submitted 2030 plan amendments and comprehensive plan updates to the Council. Council staff informed the City it has been placed on notice that its actions or inactions, if not remedied, were bases for a plan modification.
5. The City has attempted to address the concerns of Council staff by modifying the Comprehensive Plan Update to explicitly state that the airport is assumed to be in operation through the planning period, by including policies to accommodate continued operation of the facility by the MAC, and proposing an alternate noise program similar to what Metropolitan Council has accepted from other communities.
6. The City’s expression of its preference for closure of the Crystal Airport is clearly conditional upon a future decision by MAC to develop some (or in the event of closure, all) of its property for non-aeronautical use. This text has no effect on MAC’s ability and authority to continue using its property for aeronautical purposes. The City’s references to and discussion of the City’s preference for eventual closure and redevelopment do not constitute a departure from the aviation system plan. The City clearly and unequivocally states that it has no authority to close the airport, that MAC will decide whether to develop all or part of the facility for non-aeronautical purposes, and that the City’s land use authority would only extend to such non-aeronautical development.
7. MAC’s Long Term Comprehensive Plan for the Crystal Airport, approved by the Council in October 2008, contemplates possible conversion of some of its property to non-aeronautical use and recognizes that zoning changes may be required. The Comprehensive Plan Update describes the process for these changes should MAC determine that development of airport property for non-aeronautical use is warranted.
8. The MPA authorizes and requires the City to plan for long term changes. Under the MPA, the City has a responsibility to anticipate changes within the community. The text targeted for elimination by Council staff explains the basis for and limitations on the City’s designation of the airport as a potential redevelopment area, clearly states that the MAC has the authority to decide whether redevelopment will occur, and affirms that for the purposes of the Comprehensive Plan Update the City assumes that the site will remain in use for aeronautical purposes.
9. Consistent with its land use authority under the MPA, the City Council would consider non-aeronautical development by MAC. The present Airport Overlay zoning classification unequivocally accommodates the continued operation of the Crystal Airport. The City has removed from the Update any proposed restrictions on aeronautical uses, both airside and landside. In its August 10, 2010 submittal to Council staff, the City confirmed that any corresponding restrictions in the Airport Overlay section of its Zoning Ordinance would be removed as part of the Zoning Ordinance amendment process which occurs after completion of the Comprehensive Plan Update. The underlying zoning classification would come into play only if MAC decides to

convert part of its property to non-aeronautical use. The City's position is consistent with MAC's Long Term Comprehensive Plan for the Crystal Airport accepted by the Council and MAC's actual practice with the City of Eden Prairie regarding non-aeronautical development at Flying Cloud Airport.

10. The City's Comprehensive Plan Update language relating to the potential for the closure of the Crystal Airport at the sole discretion of MAC, and its statements concerning long term planning for non-aeronautical uses are in conformance with the City's obligations under the MPA, and are not in conflict with the City's obligations under Minnesota Statutes sections 473.858 to 473.865, relating to the City's regional planning obligations.
11. Crystal's 2000 Comprehensive Plan Update stated among its policies that the City did not intend to implement a noise attenuation ordinance. This plan update was accepted by Metropolitan Council.
12. Council staff in 2010 categorized the failure to adopt a noise attenuation ordinance as a substantial departure from the Council's 2030 Transportation Policy Plan (TPP) for Aviation. In its submittal dated August 10, 2010, the City proposed a compromise to adopt the Land Use Compatibility Guidelines for Aircraft Noise ("Noise Guidelines") for new development while exempting existing neighborhoods. This proposal was rejected by Council staff.
13. According to the 2004 Transportation Policy Plan, the 1996 Aviation Policy Plan's Noise Guidelines have been superseded by the Noise Guidelines contained within Appendix H to the TPP. The Appendix states that cities "should" include a noise program in their 2008 Comprehensive Plan Update but does not contain mandatory language. Furthermore, the Appendix also says that the airport operator is to work with the city to prepare a noise mitigation program.
14. Minnesota Statutes section 473.192 states that a municipality in the metropolitan area that, in part or in whole, is within the aircraft noise zones designated in the transportation policy plan "may adopt and enforce ordinances and controls to regulate building construction methods for the purpose of attenuating aircraft noise in habitable buildings in and around the noise zone."
15. MAC's 2008 Long Term Comprehensive Plan for the Crystal Airport proposes closing two of the four runways. The LTCP indicates that MAC will address noise impacts as part of its environmental review process for runway closure. The LTCP neither discusses nor proposes any technical assistance or funding mechanism to implement the Noise Guidelines or any alternate noise program.
16. The City has no independent technical expertise or financial ability to implement a noise attenuation ordinance unless MAC develops the noise program as part of the runway closure environmental review process described in MAC's Long Term Comprehensive Plan for the Crystal Airport.
17. The City's election to hold off adopting the Noise Guidelines in order to use MAC's superior expertise and its compromise proposal to only adopt noise guidelines for new

development are similar to the way other cities have addressed the issue without Council objection.

18. In its Comprehensive Plan, as accepted by the Council, South St. Paul concluded that “The noise generated by South St. Paul’s municipal airport is not to an extent which would require soundproofing or other corrective measures.” South St. Paul does not propose any further action regarding the Noise Guidelines or any alternate noise program.
19. In its Comprehensive Plan, as accepted by the Council, Inver Grove Heights applies the Noise Guidelines only to new development.
20. In its Comprehensive Plan, as accepted by the Council, Blaine applies noise performance standards only to new houses.
21. In its Comprehensive Plan, as accepted by the Council, Eden Prairie applies the Noise Guidelines only to new development. Its Comprehensive Plan only discusses existing neighborhoods indirectly and by implication, in anticipation of a MAC-initiated methodology to determine noise impacts and, if warranted, MAC-provided sound insulation for the affected homeowners.
22. The proposed requirement that Crystal develop a noise program is premature. The City’s decision to not adopt the Land Use Compatibility Guidelines for Aircraft Noise at this time is reasonable, is consistent with what Metropolitan Council has accepted in Comprehensive Plan Updates from other cities, and reflects the implementation status of the airport operator’s Long Term Comprehensive Plan.

CONCLUSIONS

1. The Crystal Comprehensive Plan Update acknowledges that the Crystal Airport is assumed to continue operating through the planning period, contains the necessary policies to accommodate continued operation of the facility, and contains no policies which prevent the Metropolitan Airports Commission from continuing to operate the facility.
2. The Crystal Comprehensive Plan Update proposes no land use requirements for continued operation of the airport, contains no limitations on the use of the property for aeronautical purposes, including both airside and landside facilities, and describes a land use planning process to accommodate non-aeronautical development if such development is initiated by the Metropolitan Airports Commission as contemplated in its 2008 Long Term Comprehensive Plan for the Crystal Airport.
3. The Crystal Comprehensive Plan Update is not required to include a noise program in advance of the airport operator fulfilling its responsibility under the Transportation Policy Plan to work with the City to develop and implement the Land Use Compatibility Guidelines for Aircraft Noise or an alternate noise program in

accordance with the Preferred Alternative in the adopted 2008 Long Term Comprehensive Plan for the Crystal Airport.

4. The City's Comprehensive Plan Update as submitted does not have a substantial impact on or constitute a substantial departure from the Council's 2030 Transportation Policy Plan (TPP) for Aviation.

NOW THEREFORE, BE IT RESOLVED that the Metropolitan Council:

1. Adopts the foregoing Findings and Conclusions.
2. Finds that the City's proposed Comprehensive Plan Update does not have a substantial impact on or contain a substantial departure from the Council's metropolitan system plan for metropolitan transportation (aviation).
3. Determines that the City of Crystal is not required to modify its comprehensive plan.

Adopted this ____ day of _____, 2011.

Susan Haigh, Chair

Dawn Hoffner, Recording Secretary

METROPOLITAN COUNCIL
390 Robert Street North, Saint Paul, Minnesota 55101

RESOLUTION NO. 2011-__

**RESOLUTION FINDING THE CRYSTAL COMPREHENSIVE PLAN UPDATE (CPU)
CONTAINS A SUBSTANTIAL DEPARTURE FROM METROPOLITAN SYSTEM
PLANS AND REQUIRING PLAN MODIFICATIONS TO ENSURE CONFORMITY WITH
METROPOLITAN SYSTEM PLANS**

WHEREAS, Minnesota Statutes section 473.175 requires the Metropolitan Council (“Council”) to review comprehensive plans of local governmental units to determine their compatibility with each other and conformity with metropolitan system plans; and

WHEREAS, Minnesota Statutes section 473.175 authorizes the Council to require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans; and

WHEREAS, the City of Crystal (“City”) submitted to the Council for review a proposed comprehensive plan update identified as Metropolitan Council Review File No. 20598-1; and

WHEREAS, at the May 16, 2011 meeting of the Council’s Community Development Committee, the Council held a public hearing on the City’s comprehensive plan update, at which meeting City representatives and others presented information on the City’s proposed comprehensive plan update and responded to the Council staff report on the City’s proposed comprehensive plan update; and

WHEREAS, based on its review and consideration of the City’s proposed comprehensive plan update and other planning documents, file documents, metropolitan system plans and policy plans, Council staff recommendations, public hearing comments and submissions, and other information in the record pertinent to the comprehensive plan amendment submitted by the City, the Council makes the following findings and conclusions:

FINDINGS

Statutory Background

1. Minnesota Statutes section 473.851 reflects the Legislature’s recognition that local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the metropolitan area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that development in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space.
2. Minnesota Statutes section 473.145 requires the Council to adopt a comprehensive development guide for the seven-county metropolitan area that must include policy

statements, goals, standards, programs, and maps prescribing guides for the orderly and economical development, public and private, of the metropolitan area.

3. Minnesota Statutes sections 473.145, 473.146 and 473.147 require the Council to adopt long-range comprehensive policy plans for transportation (aviation), wastewater treatment and regional recreation open space. Minnesota Statutes section 473.146, subdivision 3 requires the Council to develop the nontransit element of its transportation policy plan in consultation with the Transportation Advisory Board, the Metropolitan Airports Commission (“MAC”) and affected cities, and to “take into consideration the airport development and operations plans and activities of the [Metropolitan Airports Commission].” In 1996 the Council adopted its *Regional Blueprint* and its *Aviation Policy Plan*, and subsequently adopted its *2030 Regional Development Framework* (January 2004) and *2030 Transportation Policy Plan* (May 2005) which, together with other policy and system plans, were part of the Council’s comprehensive development guide for the metropolitan area.
4. Minnesota Statutes section 473.852 defines the policy plans and capital budgets for metropolitan wastewater service, transportation (aviation), and regional recreation open space as “metropolitan system plans.”
5. Minnesota Statutes sections 473.858 to 473.865 require local units of government within the metropolitan area to prepare comprehensive plans and updates at least once every 10 years and to submit those comprehensive plan updates to the Council for review.
6. Minnesota Statutes section 473.856 requires that those comprehensive plans conform with metropolitan system plans.
7. Minnesota Statutes section 473.858, subdivision 1 requires metropolitan-area cities to prepare and adopt local comprehensive plans in accordance with the Metropolitan Land Planning Act.
8. Minnesota Statutes section 473.854 requires the Council to “prepare and adopt guidelines and procedures relating to the requirements and provisions of sections 462.355, 473.175, and 473.851 to 473.871 which will provide assistance to local governmental units in accomplishing the provisions of sections 462.355, 473.175, and [the Metropolitan Land Planning Act].” In 1997 and 2005, the Council prepared and adopted a *Local Planning Handbook* that provides guidance to metropolitan-area cities on their planning obligations under the Metropolitan Land Planning Act.
9. Minnesota Statutes section 473.175 states that the Council shall review plans of local governmental units “to determine their compatibility with each other and conformity with metropolitan system plans” and to review and comment on the apparent consistency of the comprehensive plans with adopted plans of the Council. The Council may require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes the local comprehensive plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans.
10. Minnesota Statutes section 473.192 states that a municipality in the metropolitan area that, in part or in whole, is within the aircraft noise zones designated in the transportation

policy plan “may adopt and enforce ordinances and controls to regulate building construction methods for the purpose of attenuating aircraft noise in habitable buildings in and around the noise zone.” “An ordinance adopted by the municipality must be adequate to implement the Metropolitan Council’s guidelines for land use compatibility with aircraft noise.”

City Comprehensive Planning and Council Directives

1. On June 1, 1992 the City submitted a Comprehensive Plan Amendment (CPA) to the Council that amended several elements of the City’s plan including the Crystal airport area. The Council took action on the CPA at its January 14, 1993 meeting and required the City to modify the CPA. Part of the required plan modifications addressing the Crystal airport were as follows:

That the Metropolitan Council:

1. *Adopt the staff report and findings as described in the staff report as part of these recommendations.*
 2. *Inform the city of Crystal that pursuant to the Metropolitan Land Planning Act (Minnesota Statutes sec. 473.175 Subd. 1), the city may not place its plan amendment into effect until it has been modified in the following manner:*
 - a. *Incorporate as part of its comprehensive plan the aviation system development priorities as found in the Council’s Aviation Development Guide...*
 - b. *Remove all references opposing long-term and land use compatibility planning activities associated with the Crystal Airport;*
 - c. *Remove all references to rezoning the Crystal Airport site and all references to designating the site a legal nonconforming use*
2. In a letter to the Council dated February 23, 1993 the City indicated that Crystal agreed with all of the requested modifications except those specifically regarding the Crystal airport. The City’s concern centered on the MAC’s being responsible for preparing the long-term comprehensive plan for the airport and as such, would only look at two alternatives—maintenance or expansion of the airport and that consideration of closure of the airport would not be given appropriate consideration.
3. On October 12, 1993, the City submitted a modified plan to the Council. As stated in the submittal letter, “All modifications, with the exception of those relating to the Crystal airport, were completed as requested by the Metropolitan Council.”
4. On January 6, 1994, the Metropolitan Council acted on the Crystal Comprehensive Plan Amendment. This amendment and review were to determine if the required modifications to the Crystal plan had been made. Excerpts from the report including findings and recommendations follow:

Analysis

Of the eight required modifications, five have been met: The City has satisfactorily modified its aviation policies related to structural height restrictions; aircraft flight paths; regulation of seaplane surface water activities; has removed references to rezoning the airport site and designating it a legal nonconforming use, and has removed references to light rail transit....

In addition to the modifications, the Council also made a recommendation regarding preparation of a long-term comprehensive plan for the airport. The City and the MAC have agreed to prepare a long-term plan for the airport as a means to address safety and land use compatibility issues.

Recommendations:

That the Council adopts the attached staff report with the following recommendations:

- 1. Inform the City of Crystal that it may not adopt the amended community comprehensive plan until all the plan modifications, as previously recommended by the Council are made.*
- 2. Recommend the City continue to work with the Metropolitan Airports Commission and Metropolitan Council on a long-term comprehensive plan for the Crystal airport.*

The City did not submit an amendment to its CPU that responded to the 1994 Council action.

5. In 1996 the Council adopted the 1996 *Regional Blueprint* and sent out system statements in January 1997.
6. The City submitted its Comprehensive Plan Update to the Council for review on November 19, 1999.
7. On July 26, 2000, the Council took action on the City's Comprehensive Plan Update. That review included the following:

Findings and Conclusions

The potential impacts and mitigation measures concerning issues related to relocating the Crystal Airport cannot be established until a long-term comprehensive airport plan is prepared/submitted by the MAC and approved by the Council. The Council will prepare an issues paper addressing the airport plan and community issues as part of the year 2000 Aviation Policy/System Plan Update.

Recommendations

That the Metropolitan Council adopts the Executive Summary and Review Record with the following recommendations:

1. *That the City of Crystal may place its 2020 Comprehensive Plan into effect with no plan modifications.*
 2. *That the plan meets all of the Metropolitan Land Planning Act requirements for 1998 plan updates.*
8. On May 29, 2009, the City submitted its 2030 Comprehensive Plan Update to the Council for review.
 9. On June 16, 2009, the Council sent an “incomplete” letter to the City regarding the City’s 2030 Comprehensive Plan Update. The letter states:

The Update is incomplete for aviation. The City needs to clarify whether notification to protect the region’s general airspace resource is included in a local ordinance. While the Update (chapter M, item 1a) recognizes this need, it is not clear that the ordinance supports this. The Update needs to include a figure and associated text concerning the aircraft noise contours and application of the Land Use Compatibility Guidelines for Aircraft Noise as defined in the Transportation Policy Plan (TPP).

10. The June 16, 2009 letter also included advisory comments regarding aviation:

The Council staff finds that the Update is not in conformance with the TPP’s Aviation system plan. The Update’s policies reference the airport as being a non-conforming use, prohibit certain airside development, require conditional use permits for landside development, and require city council approvals for on-airport lands. The Update also indicates that the airport has a base zoning as low-density residential and identifies the airport as a redevelopment area. The Council may determine that the Update is, more likely than not, a substantial departure from the Aviation System Plan. The City needs to revise its policies to be in conformance with the aviation system plan.

11. On August 13, 2010, the Council received supplemental information regarding the City’s 2030 Comprehensive Plan Update. A second incomplete letter was sent to the City on September 3, 2010. With this letter, Council staff found the Update complete for aviation, among other areas. However, the Update was still incomplete for housing, implementation, land use and regional parks.

12. The September 3, 2010 letter again included advisory comments related to aviation. It stated:

Council staff finds that the Update is not in conformance with the 2030 Transportation Policy Plan for the Aviation System....The Update needs revisions to conform to the TPP for the Aviation system. If the required revisions are not submitted, Council staff will recommend that the Metropolitan Council: 1) find that the Update is more likely than not to have a substantial impact on or contain a substantial departure from the TPP; and 2) require the City to modify the Update to:

- *Recognize that the MAC, designated in state law as an Airport Authority, has jurisdiction over its airport property and system operation that precludes City controls. For example:*

- *In Chapter F: Land use, the land use categories for the 2030 planned land use map includes a definition of “Airport LDR” as “Property owned by the MAC for the operation of the Crystal Airport. In the event that all or part of the airport is redeveloped for non-aviation uses, then the underlying guidance would be low density residential until such time as a Comprehensive Plan Amendment is adopted which reclassifies all or part of the airport site for other uses.”*

The Update correctly identifies boundaries of the airport property owned by the MAC and correctly guides it as “Airport”. However, the base zoning of the airport by the City is not within its purview, the MAC, within its own legal parameters and federal and state requirements, determines appropriate on-site development.

- *Remove references indicating that the airport is a potential redevelopment site. Chapter H: Redevelopment describes potential redevelopment areas. Area #2 is described as “Crystal Airport”. A LTCP has been approved for this airport and for the next twenty years or longer the facility is not planned to be closed. The results of the LTCP are included in the current TPP.*
- *Revise/remove the Aviation Policies city code section 515.69 and remove the “Established Residential Neighborhoods” safety criteria as a method of addressing aircraft noise.”*

Please see Attachment A for additional information regarding the aviation concerns discussed above.

13. On March 15, 2011 the Council received the City’s revised 2030 Comprehensive Plan Update.
14. In a letter to the City from the Council dated April 4, 2011, Council staff found the City’s 2030 Comprehensive Plan Update complete for review. In that letter to the City, the Council again included advisory comments related to aviation. This letter stated:

The City’s Update substantially departs from the Council’s adopted metropolitan system plans for Aviation and, if implemented, will have a substantial impact on the regional Aviation system. Council staff, therefore, will recommend that the Metropolitan Council: 1) find that the City’s 2030 Comprehensive Plan Update is more likely than not to contain a substantial departure from the Aviation System Plan contained in the 2030 Transportation Policy Plan adopted in 2004 (which incorporates the 1996 Aviation Policy Plan) and 2) require the City to modify its 2030 Comprehensive Plan Update.

The letter also stated:

Council staff finds that the Update is not in conformance with the regional 2030 Aviation System Plan, which shows Crystal airport to be a part of the regional aviation system through 2030. The Update identifies the airport land

use as an overlay district with an underlying residential use. The Update also identifies the airport property as a future redevelopment site. To be in conformance with the regional Aviation System Plan, the airport must be guided in the City's Update as an airport without any qualifications. In addition, the aircraft noise portion of the Update is not in conformance with the regional Aviation System Plan. The Update states: "the city does not intend to adopt ordinance revisions implementing the Land Use Compatibility Guidelines for Aircraft Noise"; and the City's submittal information states: 'The city elects not to adopt or implement the Land Use Compatibility Guidelines for Aircraft Noise; neither the Transportation Policy Plan nor the enabling statute require the city to do so.' However, Appendix H of the 2004 Transportation Policy Plan does require that "Communities should assess their noise impact areas and include a noise program in their 2008 comprehensive plan," and no other noise program has been included in lieu of the Land Use Compatibility Guidelines for Aircraft Noise.

Metropolitan System Plan Impacts and Departures

1. According to the Council's 2030 Transportation Policy Plan (p.6), "each city and township in the seven-county metropolitan area is required, at least every 10 years, to review, and if necessary, amend its local comprehensive plan to ensure that the local plan—and local fiscal devices and official controls—are consistent with the Council's metropolitan system plans."
2. Pursuant to Minnesota Statutes section 473.864 these local plans are reviewed by the Council for conformance with metropolitan system plans, consistency with Council policies and compatibility with adjacent and affected governmental units.
3. According to the Council's 2030 Transportation Policy Plan, " a local comprehensive plan generally will conform with the metropolitan system plans if the local plan...accurately incorporates and integrates the components of the metropolitan system plans as required by Minnesota Statutes 473.851 to 473.871...for airports, aviation facilities, noise and safety zones and appropriate land uses surrounding these features."
4. The City of Crystal has submitted plan amendments and comprehensive plan updates to the Council. Since 1993, the City has been placed on notice that its actions or inactions, if not remedied, were bases for a plan modification.
5. The City has consistently failed to address these concerns by including references to closure of the Crystal airport, by maintaining references to low-density residential guiding and zoning for the Crystal airport, and by failing to acknowledge in its CPU the City's responsibility to adopt land use compatibility guidelines for aircraft noise.

CONCLUSION

In order to protect the regional aviation system, especially the Crystal airport, the Council finds that the City's actions and non-actions with regard to language addressing closure of the Crystal airport, references to low-density residential land use, guiding and zoning for the Crystal airport and failure to acknowledge in its CPU the City's responsibility to adopt land

use compatibility guidelines for aircraft noise constitute a substantial departure from the Council's *2030 Transportation Policy Plan (TPP)* for Aviation.

NOW THEREFORE, BE IT RESOLVED that the Metropolitan Council:

1. Adopts the Metropolitan Council staff reports dated May 2, 2011, May 16, 2011, and June 6, 2011(Business Item 2011-119).
2. Finds that the City's proposed comprehensive plan update is more likely than not to have a substantial impact on or contain a substantial departure from the Council's metropolitan system plan for transportation (aviation).
3. Requires the City of Crystal to modify its comprehensive plan to ensure conformity with metropolitan system plans. To ensure the City's plan conforms with the 1996 and 2005 metropolitan policy plans for transportation (aviation), the City must:
 - (a) Modify its comprehensive plan update by modifying the language in Chapters H and M of its plan as shown in Attachment 3 of the staff report dated June 6, 2011. All references to closure or redevelopment of the airport in the CPU must be removed.
 - (b) Change the key on the 2030 Planned Land Use Map by removing reference to low density residential (LDR) following Airport designation. Remove the LDR designation as it relates to the Crystal Airport on any other maps and text in the CPU.
 - (c) Amend its zoning ordinance to be consistent with its CPU (which will designate Crystal airport as "airport" only), which is in conformance with the Council's *2030 Transportation Policy Plan (TPP)* and the Council's 2004 Aviation Systems Statement.
 - (d) Acknowledge in its CPU the City's responsibility to adopt land use compatibility guidelines for aircraft noise:
 - Map depicting aircraft noise zones of any adjacent airport(s) impacting the community
 - Identification of incompatible land use activities, recommended plan and strategy to remove incompatibility
 - Description of overlay zoning ordinance to be adopted for attenuation of aircraft noise
 - Description of local building codes as part of a strategy to implement noise attenuation of aircraft noise
 - (e) Address issues and changes included in Table 1: Required Changes to the 2030 Crystal Comprehensive Plan Update.
4. Directs Council staff to work cooperatively with the City and its staff and provide assistance to the City so the City can amend its comprehensive plan update with the required plan modifications consistent with the nine-month requirement specified in Minnesota Statutes sections 473.175, subdivision 3 and 473.864, subdivision 1.

Adopted this ___ day of ___, 2011.

Susan Haigh, Chair

Dawn Hoffner, Recording Secretary

05/11/2011

Attachment 3

Required Changes to the 2030 Crystal Comprehensive Plan Update

Reference No.	Text to be Modified	Chapter/Section
	Text to be modified is in indicted in <i>Italics</i>. All text references are to the March 8, 2011 2030 Crystal Comprehensive Plan Update 'marked changes' version, received by the Metropolitan Council on March 15, 2011.	
1.	Remove: <i>In the event that all or part of the airport is redeveloped for non-aviation uses, then the underlying guidance would be Low Density Residential until such time as a Comprehensive Plan Amendment is adopted which reclassifies all or part of the airport site for other uses.</i>	Land Use/ Land Use Categories
2.	Remove: All references to Low Density Residential (LDR) associated with the Airport land use guiding designation in <i>Figures F-1(a & b), F-2(a & b), and F-3(a & b)</i> as well as in any other maps, tables and text.	Land Use/ Land Use Categories; other sections & chapters as needed
3.	Remove (under Descriptions of Specific Potential Redevelopment Areas): <i>Area # 2. The Crystal Airport is one of six 'reliever airports' owned and operated by the Metropolitan Airports Commission ("MAC"). Closure and redevelopment of the Crystal Airport site are preferred by the city under the current Comprehensive Plan, mainly due to safety concerns (hundreds of housing units in the safety zones) and little local benefit from the facility. MAC has adopted a Long Term Comprehensive Plan (LTCP) for the facility which would eliminate two of the four runways (one primary and one crosswind) and attempt to redevelop a small share of the site for as-yet-undetermined non-aviation purposes. MAC has not indicated they intend to close the facility, but the type of aviation using this airport is in decline, regionally and nationally. At any point in the future, it is conceivable that MAC may determine that the continued operation of the Crystal Airport is no longer warranted. The 436 acre airport site (336 in Crystal) offers the greatest opportunity in the northwest suburbs and along the Bottineau transit corridor for significant infill development including new employment centers and housing. For this reason the entire airport site remains a potential redevelopment area, though any such redevelopment would depend on future decisions by MAC regarding the continued operation of the Crystal airport and conversion of all or part of the property to non-aviation use. For the purposes of this plan, it is assumed that the Crystal Airport will still be in operation in 2030 and no non-aeronautical development will have occurred on the site.</i>	Redevelopment/ Descriptions of Potential Redevelopment Areas
4.	Remove: <i>This chapter addresses the role of the Crystal Airport in the regional aviation system, describes the city's policies for accommodating the continued operation of the facility by the Metropolitan Airports Commission, and reaffirms the city's position favoring closure of the airport and redevelopment of the site.</i> OR Leave text in document and add qualifying sentence to the statement: <i>"The City recognizes that its position on closure of the airport does not conform to the adopted metropolitan aviation system plan adopted by the Metropolitan Council as part of its 2030 Transportation Policy Plan, nor is it consistent with MAC's Long Term Comprehensive Plan (LTCP) for the airport.</i>	Aviation/ Overview
5.	Remove: <i>However, the City does not intend to adopt ordinance revisions implementing the Land Use Compatibility Guidelines for Airport Noise.</i> Add text adopting noise standards based upon the following requirement: Appendix H of the 2004 Transportation Policy Plan requires that "Communities should assess their noise impact areas and include a noise program in their 2008 comprehensive plan." (No other noise program has been included in lieu of the Land Use Compatibility Guidelines for Aircraft Noise.)	Aviation/ Background
6.	Remove: <i>In Crystal, the airport is zoned R-1 Low Density Residential for future planning purposes with an Airport Overlay district recognizing the continued operation of the Crystal Airport.</i>	Aviation/ Background
7.	Remove: <i>One of the goals of MAC's LTCP is to allow some small parts of the airport to be used for non-aeronautical, revenue generating business property. Such use would require City Council approval in the form of an amendment to the city's Comprehensive Plan, revisions to the Zoning Map and possibly a Conditional Use Permit depending on the specific use proposed.</i>	Aviation/ Background
8.	Remove: <i>However, the city recognizes that it does not have the authority to close the Crystal Airport. For this reason, the city's aviation policies are as follows: c) If MAC proposes non-aeronautical uses on part of the airport site, the city will consider such Comprehensive Plan amendments, Zoning Map revisions and Conditional Use Permits in accordance with the city's normal exercise of its land use authority for such uses.</i>	Aviation/ Policies