



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, September 14, 2020
County Board Room at 6:47 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:47 PM with the following members present: Gary Hartmann, Ray Huber, Barbara Johnson, Donna Hentges. Ed Hrabe and Lee Watson attended by phone through Skype teleconference.

County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Greg Wagner, Principal Planner; Nathan Hall, Associate Planner; Tom Wolf, County Board Commissioner; Barb Simonson, Deputy Clerk to the Board and Kiara Swanson, Video Technician.

II. APPROVAL OF AUGUST 10, 2020 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Hentges; second by Commissioner Huber to approve the minutes of August 10, 2020 Planning Advisory meeting.

Chair Vonhof called for a roll call vote with results as follows:

Commissioner Vonhof: Aye
Commissioner Hartmann: Aye
Commissioner Hentges: Aye
Commissioner Hrabe: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye

The motion passed with 7 Ayes.

III. CONSENT AGENDA

(All items listed were considered by the Planning Commission to be routine and were enacted by one motion. There was no separate discussion of these items unless a Planning Commission Board member or public member so requested, in which event the item would be removed from the Consent Agenda to be considered separately. No such request was received.)

3.1 PUBLIC HEARING 6:49 PM: MESENBRINK REZONE (PL#2020-047)

- A. Request to Rezone 95.32 Acres From Urban Expansion Reserve District, UER, to Urban Expansion Reserve Cluster District, UER-C.

Location: Section 10
Township: Credit River
Current Zoning: UER

Principal Planner Greg Wagner provided a brief description of the current request and noted there has been a change in the situation. Mr. Wagner presented a memo from the Credit River Town Board on the matter. The matter will be tabled to a future Board of Adjustment meeting as the applicant and township have agreed to modify the request. The applicant will bring a new request forward with the recommended changes. Mr. Wagner noted that Commission does not need to make a motion or action on this item since Staff, Township and Applicant are requesting the matter be tabled until the next meeting.

IV. PUBLIC HEARING 6:51 PM SCHIEFFER HELIPORT (PL#2020-048)

A. Request for Conditional Use Permit to Construct and Operate a Private Heliport in the RR-1 District.

Location: Section 26
Township: Cedar Lake
Current Zoning: RR-1

Zoning Administrator Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link: [September 14, 2020 Planning Advisory Commission Agenda Packet](#).

(To view the staff report and video on the county website using the link, click on the download arrow and click on Agenda, then Save and then Open. Next open the bookmark at the top of the page and click on the Schieffer project name.)

After the Staff report the applicant, Doug Schieffer, provided a presentation on his request including his personal reasons for the request, his pilot training, explanations and information about helicopters/heliports including detailed pictures and videos and his personal comments on the neighboring public's response to his request for the heliport. The applicant's presentation is included in the above cited meeting agenda link on the Scott County website.

Commissioner Johnson asked how many additional hours of training did the applicant's insurance company require. She also asked how the helicopter is moved once it's on the ground. She also noted a news report about a small plane crash that occurred earlier today. *Applicant reported his insurance company required him to have 100 hours of training with his own specific aircraft, with a pilot that had at least 3000 hours. Applicant described his transport mechanisms. He stated although accidents happen, that on a fair-weather day he believes helicopters are safer than driving in a car.*

Commissioner Huber asked about fueling on site, maintenance of the aircraft and how weather affects flying decisions. *Applicant reported he does fuel on site. For maintenance he utilizes a team from Canada for their expertise called Skyline Helicopter Technologies. He agreed that weather impacts his flying decisions just like other travel.*

Commissioner Vonhof asked for his total flight hours. *Applicant replied he has just under 200 hours and about 160 hours of that in his own helicopter.*

Rex Alexander, a professional aviator with 40 years of experience with helicopters, gave a PowerPoint presentation titled Helicopter Safety: Separating Fact from Fiction. It included the topic areas of regulations, codes, guidance and oversight from the FAA and the State, the definition, design and description of heliports, helicopter design, safety data and accident research, noise comparisons and MN noise guidance, helicopter rotor wash, emissions, fuel and maintenance, hazardous materials, and bird strikes. Mr. Alexander stated that the size and layout of the proposed helipad is designed for the specific helicopter owned by the applicant. Mr. Alexander's presentation is included in the above cited meeting agenda link on the Scott County website.

Commissioner Huber inquired about the proposed flight patterns and which direction would be better. *Mr. Alexander said the three proposed flight paths are about equal. He noted when designing flight paths, they do review historical data on wind direction as it does affect the approach.*

Commissioner Johnson asked about security, fire plans and air space rights. *Mr. Alexander noted security is not as much of an issue for this helipad proposal due to the private location of the subject heliport and it is not in a public place like a hospital. The FAA does not require security fencing or measures, only recommends it. The applicant could choose to install motion detectors. With regards to fire safety, Mr. Alexander said he has used an emergency action plan in some cases and then worked with the local fire marshal on that plan. Mr. Alexander said the applicant would not be able to prevent the construction of a radio tower in the future in the proposed flight paths, for example, but would have to adjust the approach/departure path. He said has worked with zoning administrations in other communities in the past to develop guidelines for limiting heights of towers and buildings in airport overlay zones.*

Commissioner Johnson asked about the plan for night flights, if any. She also recalled a situation when a person shot at the planes near a private airstrip in another township in the county because he didn't like the airplanes. She asked about someone using not a gun but directed a laser on a pilot. *Mr. Alexandria explained what types of lighting would be needed if night flights were to occur based on FAA guidelines. He described his experience with lasers in the military and what can be done to protect pilots, including special safety glasses.*

Marty Schmitz presented the 15 staff-recommended conditions of approval including the modified conditions of #12 & #15 based on information obtained since the staff report was published. He reported there are other modifications to the conditions the applicant would like to see, however, staff recommended those not be discussed at the time.

Commissioner Hentges commented the conditions and any modifications should be discussed at this time and cited a couple of examples. Under draft condition #2, the CUP would be annually reviewed by the Township, however she thinks this should be done by the County as the Town Board has chosen not to provide a formal recommendation on this request. Commissioner Hentges said this permit needs oversight by the county, not the town board. She said she would like to see the reference to the Township stricken from the condition. Under draft condition #5, Commissioner Hentges said she thinks the CUP should be terminated upon sale of the property; it should not be grandfathered in for the new owner since the current owner has done all the work for the CUP.

Marty Schmitz responded to the commissioner's feedback on Condition #2. Condition #2 is a common condition in all CUPs giving town boards the ability to review conditions on an annual basis. Mr. Schmitz said if the Planning Commission thinks additional review needs to be done by the County Planning Commission or Staff, that language can be added to the condition. Mr. Schmitz noted there have been a few CUP's approved in the past with a one-year review condition by the Planning Commission.

Commissioner Johnson commented that since Town Boards are elected and change from time to time and the PAC board is not elected, the matter of review should stay with the Township as the next member(s) of the Town Board may want the oversight.

Commissioner Hentges commented the matter is critical, important and contentious. The Town Board in place today has not made a recommendation.

Commissioner Hartman asked if any Cedar Lake Town Board members were present for comment regarding their position on oversight of the conditions. He commented that although they have not made a recommendation on the zoning issue, they maintain a responsibility to the Township residents. No Township representative was present at the time.

Commissioner Hentges stated she would then like to see more teeth in the conditions and make oversight language more specific.

Chair Vonhof recommended Mr. Schmitz's suggestion of adding language to the condition for an annual review by the Planning Commission.

Commissioner Hentges continued addressing condition #15 and the aircraft flying over the area. She reported she visited the site and surrounding residential and farm properties. She made note of about 150 horses and other livestock throughout the area. She explained her expertise with horses and her experience with how they react to helicopters. She said she would like to take a longer look at condition #15.

Rex Alexander came forward to make comment on the animal concerns. He made note that his previous presentation did address some data provided by the military on impact to animals. Mr. Alexander said the subject helicopter will be 500 feet above and in most case 1000 feet above properties with animals. He recommended looking at what aircraft have been flying over the area today. He can also obtain additional information from the FAA on what aircraft have flown over the subject area and at what altitude over the last 3 months and if there have been any instances of livestock problems. He cited his experience both with animal behavior living on a farm and as a pilot who has landed in and around animals.

Applicant Doug Schieffer commented on his experience with flying into his ranch in Nebraska and landing near his own animals and his care for animals as an animal lover himself. He would be respectful of the animals in the area. He spoke about other air traffic he has witnessed over his property including the EMS helicopter from New Prague and another 100 +aircraft that have also flown over his property in recent months.

Kyle Hart, attorney for the applicant, approached the podium. He presented information and his evidence to the contrary of noted concerns regarding noise, safety, rotor wash, and eagle endangerment. He noted the decision to approve the CUP is to be based on objective facts and evidence and should not include arguments based on speculation, inaccurate information. He said fear should not enter the decision. He cited a Scott County court case that set a precedent and the many uses allowed in the RR-1 District zoning ordinance.

Chair Vonhof opened the floor for public comment:

Matthew Loven, attorney for group of residents, made the following statements:

- *Although an allowed use, it is first time someone has applied for a CUP for a private heliport application and conditions. He encouraged careful consideration of the conditions as they will set precedent for future heliports in Scott County on residential lots.

- *Noted 4 areas of concern: MPCA sound standards, split/duel zoning, 2040 Comp Plan aviation recommendations, the conditions warrant further discussion.

Jim Britton of 26515 Wylewood Dr, has concerns about:

- *Sounds studies using DBA which is sound heard by the human ear

- *Reported he lost a sale on his home after disclosing the potential heliport

Tracy Hilfer of 4090 Hunters Ln, has concerns about:

- *The response of her dog to the sound of the helicopter

- *Works from home and effect of noise on her business

Michael Bassert of 2071 Wild Wings Pass, commented about:

- *Expressed support of the applicant

- *Shared experience of a float helicopter landing at a ranch with animals causing no problems

David Karan of 26633 Panama Ave, has concerns and commented about:

- *Petition in opposition of heliport

- *Not understanding all the conditions

- *Believes the request needs more study before any decision

Amy Domier of 4215 Hunters Ln, has concerns about:

- *Also speaking on behalf of husband and 2 neighbors

- *Look at the North flight plan which is directly over their neighborhood

- *Reducing the number of operations allowed

- *Purchased the land and built home for peace and quiet

Loren Bahls of 26340 Wyldewood Dr, has concerns and commented about:

- *Noted he canvassed the area with the petition
- *Presented slides outlining ordinance requirements and areas of concern

Commissioner Hartman asked Mr. Bahls how he proceeded to obtain signatures and noted that different people could have offered different information to the potential signees which does raise a red flag on how petitions signatures are obtained in any situation. Commissioner Hartman referenced letters from the two residents that changed their mind and now support the heliport.

Elizabeth Brandt, no address provided, has concerns about:

- *Quality of living life in the country and the peace and quiet
- *Effect on home values
- *The number of trips

Glen Neuberg of Cedar Lake Township, has concerns and commented about:

- *Use of private helicopter in residential areas
- *Safety and quality of life
- *Recommended to set up a time to observe take off and landings
- *Suggestions for modified conditions

Shawn Peterson of 26251 Wyldewood Dr, commented on:

- *Lives in close proximity to applicant
- *Fully supports the approval of heliport

Bruce Facile of 26490 Wyldewood Dr, commented on:

- *Lives close to the heliport
- *Provided some history on the property and noted it was ghost-platted for 10 homes and feels the heliport is a better option than 10 additional homes

Joe Gross of 26705 Meadow Ridge Ct, commented on:

- *Licensed pilot for 25 years and cited his credentials
- *Knows a lot about airline safety and regulations
- *Vouching for applicant's safety standards and has witnessed his safe use of helicopter

Sean Murphy of 26545 Wyldewood Dr, commented on:

- *Resident of neighborhood and supports approval of the heliport
- *Has witnessed the eagle spending a lot of time flying over the slough and believes it would not be in danger
- *Noted there is extensive amounts of noise in the area from wide variety of sources and deals with lawn mower noise often when entertaining in backyard with his pool

Dominic Magne of 6 Hadley Ln, Edwardsville, IA, commented on:

- *Experienced helicopter pilot, worked in MN as a pilot for several years
- *Trained applicant to fly his helicopter and supports the heliport
- *Applicant scored 98% on written test
- *Has flown out of the subject property several times. The size of property and the power of helicopter will allow for pilot to reach 500 ft quickly

Commissioner Johnson asked Mr. Magne about his reference that the applicant has enough hours to obtain a commercial license. She wondered if the applicant obtained a commercial license, would it mean more traffic coming and going from the heliport. Mr. Magne explained why he referenced the eligibility to meet commercial license standards.

Kelly Schieffer, spouse of applicant, commented on:

- *Has known applicant for 27 years
- *Knows he would not put himself or his family in jeopardy
- *As a health care professional, is deeply concerned about safety and knows the applicant has done everything possible to ensure safety
- *Noted noise around their property from low flying aircraft, jake brakes, motorcycles, snowmobiles occurring on a regular basis and does not understand the noise comparison to a 90 second landing

David Turnberg of 26210 Wyldewood Dr, commented on:

- *Strongly in support of the heliport,
- *Feels there is significant noise in the neighbor from variety of everyday sources, citing jake brakes, low flying aircraft, classic cars with loud mufflers
- *Read comments from local equestrian barn stating they have had no problems with their horses and helicopters such as at horse shows when evacuating injured riders
- *Discussed the petition processes

Todd Hutchinson of 26355 Wyldewood Dr, has concerns about:

- *Not in support of the heliport
- *Has lived in the neighborhood for 18 yrs.
- *Most concerned about effect on home values

Trent Schieffer of 1407 4th St NW, New Prague, commented on:

- *Relative of applicant
- *Does not think the heliport will influence home values

Jennifer Heim of 26475 Wyldewood Dr, commented on:

- *In support of heliport
- *Noted there is a lot of everyday noise in their neighborhood
- *Her direct experience with the helicopter noise

Laurie Facile of 26490 Wyldewood Dr, commented on:

- *Next door neighbor to applicant
- *In support of the heliport

Bob Hidalgo of 26180 Wyldewood Dr, commented on:

- *Neighbor to applicant and has known him for several years
- *In support of the heliport
- *Works outside doing sprinkler system and found the noise less than he expected

Ben Portillo of 24346 E. Cedar Lake Dr New Prague, commented on:

- *Longtime friend of applicant, lives few miles down the road
- *Deals with float planes and jet skis on Cedar Lake
- *In support of what applicant is doing

Planning Manager Brad Davis reported no other comments were received from the live email.

Motion by Commissioner Hartman to close the public hearing; second by Commission Johnson. The motion carried with a roll call vote. Chair Vonhof called for a roll call vote to close the public hearing with results as follows:

**Commissioner Vonhof: Aye
Commissioner Hartmann: Aye
Commissioner Hentges: Aye
Commissioner Hrabe: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye**

The motion passed with 7 Ayes

Commissioner's Discussion and Comments:

Commission Johnson commented on the lack of credibility of the petitions learning that they can be signed online from all over the country. She does own trucks that have jake brakes. She noted the cost of this situation may be the division of a neighborhood and described her own experience with such a situation. She said there's some additional research that should be done.

Commissioner Hartman commented on the precedent that will be set for this private helipad CUP. He said there was significant information provided by the applicant and other experts. He said he supports the modifications to the conditions. He said the annual review responsibility will need to be worked out with the Township but overall, he is in favor of approving the request.

Commissioner Hrabe said he applauds everyone who came forward to speak on their position. He said he is impressed with aviation expert's, Rex Alexander, knowledge and presentation. He said the applicant has done his homework.

Commissioner Watson said he has some concerns. Since this is the first CUP Heliport in Scott County, he said he wants to make sure it is done right. He would like more understanding of conditions such as security of a heliport and flying weather before deciding.

Commissioner Huber stated he is in support of the CUP noting the helipad is at least 800 ft from nearest home, trips are limited between 50-80 times per year, noise is kept below MPCA requirements, and draft conditions limit flying to daylight hours. He said he has no issues with float planes at his home and cabin and at 500ft elevation believes animals won't be affected. He is in favor of approving the CUP with the modified conditions.

Commissioner Hentges said she has some concerns and would like to table the matter to gather additional information before deciding. Since this is the first CUP for a private heliport, she would like to ensure it is done right as it will affect future potential heliports. She said she is not in support of the current conditions as written.

Commissioner Vonhof concurred with Commission Hentges and said he supports the request being tabled until next meeting to gather more information before making a recommendation. He noted his experience with helicopters in working in law enforcement. He commended the audience for the valuable input from all parties. He said since this is the first time the Planning Commission is considering a private heliport; it needs to be done right.

Marty Schmitz requested the Board articulate what specific topics need more information.

Commissioner Johnson said more details on specific hours of operation, sound/noise, and an Elko New Market fire plan.

Commissioner Hartman said more details on annual inspection by Cedar Lake Town Board and Planning Commission.

Commissioner Watson wanted to know more about the connectivity between FAA standards and Scott County ordinances and more clarification on how proposal meets MPCA standards.

Commissioner Hrabe wanted to make sure the Board is not be redundant in its request to seek new information. He said a lot of information has already been provided. He felt like the FAA standards, noise, and hours of operation were addressed. He said he does not want to come back next month to read and hear the same information.

Commissioner Hentges agrees with Commissioner Hrabe but is interested in seeing the conditions have more "teeth" in them should they be violated.

Motion by Commissioner Hentges; second by Commission Johnson, to table the matter of the Schieffer application for a heliport until next month for the purpose of obtaining further research on the areas noted as concerns recognizing that should it be passed, this CUP will be setting a precedent for future heliports in Scott County. Chair Vonhof called for a roll call vote to approve the motion with results as follows:

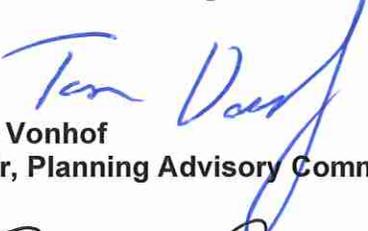
Commissioner Vonhof: Aye
Commissioner Hartmann: Aye
Commissioner Hentges: Aye
Commissioner Hrabe: Nay
Commissioner Huber: Nay
Commissioner Johnson: Aye
Commissioner Watson: Aye

The motion passed with 5 Ayes and 2 Nays.

V. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

VI. GENERAL & ADJOURN

Motion by Commissioner Huber; second by Commission Hartmann to adjourn the meeting at 11:03 PM. The motion carried unanimously.


Tom Vonhof
Chair, Planning Advisory Commission

10-12-2020
Date


Barbara Simonson
Deputy Clerk to the Board

10/12/2020
Date