



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Spring Lake Town Hall
20381 Fairlawn Ave
Prior Lake, Minnesota

Monday, January 10, 2022
Conference Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:30 PM with the following members present: Ed Hrabe, Lee Watson, Ray Huber, Donna Hentges, Barbara Johnson and Kent Robbins

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

Welcoming of new Commissioner Kent Robbins by Brad Davis.

II. APPROVAL OF DECEMBER 13, 2021 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Johnson; second by Commissioner Huber to approve the minutes of December 13, 2021 Planning Advisory meeting with one correction on page 3 of the minutes changing Chair Vonhof to Vice-Chair Johnson. The motion carried. Commissioner Vonhof and Commissioner Robbins abstained due to not being present at the prior meeting.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: 169 COMMERCIAL PARK FINAL PLAT (PL#2017-003)

- A. Request for Final Plat of Highway 169 Commercial Consisting of 3 Lots and 1 Outlot on 37 Acres.

Location: Section 21
Township: Louisville
Current Zoning: C-1

Criteria for Plat Approval: 169 Commercial Final Plat

1. *Adequate Drainage* – the proposed plat will meet all stormwater drainage requirements as identified in Chapter 6 of the zoning ordinance prior to County Board consideration.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing an individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the property will have access and frontage on a frontage road (Louisville Road) that has been constructed by the County. Driveway access to the lots will be off the frontage road.
4. *Adequate Waste Disposal Systems* – the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board consideration.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for development in the Commercial/Industrial Area.

6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*- the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.
8. *Consistency with Capital Improvement Plans* – the proposed plat takes advantage of the frontage roads constructed as part of the 169/41/78 intersection project and is consistent with the County's capital improvement plan.

3.2 PUBLIC HEARING 6:30 PM: ENGH REZONE (PL#2021-108)

- A. Request for Rezoning 53 Acres From RR-1, Rural Residential Reserve District to RR-2, Rural Residential Single-Family District

Location: Section 23
Township: Spring Lake
Current Zoning: RR-1

Criteria for Approval: Engh Rezoning

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.*
 The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for reasonable rural residential growth.
2. *The proposed use is or will be compatible with present and future land uses of the area.*
 The use is not changing and while the lot size is being reduced the overall density will remain below one unit per 2.5 acres.
3. *The proposed use conforms to all performance standards contained in this Ordinance.*
 The use of the property is not changing, the majority of the property will remain undisturbed or in agricultural production.
4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*
 The use is not changing and therefore will not adversely impact public service capacity for local service providers.
5. *Traffic generation by the proposed use is within capabilities of streets serving the property.*
 The existing residence has frontage on 200th Street East and the access point will not be altered.

Motion by Commissioner Watson; second by Commissioner Huber to approve the consent agenda. The motion carried unanimously.

IV. PUBLIC HEARING 6:35 RUDOLPH RIDING ARENA (PL#2021-110)

- A. Request for a Conditional Use Permit to Establish a Private Indoor Horse-riding Arena

Location: Section 34
Township: New Market
Current Zoning: UER

Nathan Hall 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: [January 10, 2022 Planning Advisory Commission Agenda Packet.](#)

(To view the staff report 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 specific project name. The report can also be found directly on the County Website, www.scottcountymn.gov, on the Planning & Zoning pages)

Commissioner Comment and Questions:

No questions or comments from the Commissioners.

Chair Vonhof opened the floor for public comment. No one came forward to comment.

Motion by Commissioner Johnson to close the public hearing; second by Commissioner Hrabe. The motion carried unanimously.

Motion by Commissioner Johnson; second by Commissioner Hentges, based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit for Michael Rudolph to construct a private indoor riding arena and noting New Market Township approval.

Commissioner Hrabe asked if the applicant had received a copy of the email from Renae Christensen and the city of Elko New Market regarding their position on the request. *Mr. Hall reported the applicant was provided a copy of the city's email response.*

Chair Vonhof called for a roll call vote on the motion to approve the request as follows:

Commissioner Robbins: Aye

Commissioner Hentges: Aye

Commissioner Hrabe: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Johnson: Aye

Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

Conditions of Approval: Rudolph CUP

1. The applicant is to file with the Scott County Planning Office in January of each year a statement indicating that they are in compliance with the conditions of the Conditional Use Permit (CUP).
2. The New Market Town Board may conduct an annual review of the CUP to ensure that the applicants are in compliance with the conditions of the CUP.
3. The applicants shall pay an annual CUP inspection fee, if and when the County adopts an inspection fee ordinance.
4. If ownership changes, the new owner shall contact the New Market Town Board and Scott County Zoning Administration to review the conditions of the CUP.
5. The Scott SWCD may conduct an annual review to verify that the pasture management and manure management are in compliance with the approved plan.
6. Any future improvements to the residential accessory structure used for the arena shall meet all requirements of the State Building Code and all applicable codes as required by the Scott County Building Official.
7. The riding arena shall be used only as a private horse-riding arena per the applicant's narrative provided with the application on 11/29/2021; no commercial boarding shall be allowed. Any other use of the structure is a violation of the CUP and the Scott County Zoning Ordinance.

Criteria for Approval (2-6-1): Rudolph CUP

1. *The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.*
The proposed use will not have any impact on public facilities that serving the property.
2. *The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.*
The location of the indoor riding arena meets the required property line setbacks. The arena is 30' from the nearest property to the north but is more than 600' from any residence outside of the subject parcel.
3. *Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*
The indoor riding arena is designed of materials that are not unsightly in appearance and are typical of a rural accessory building.
4. *The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.*
The proposed indoor riding arena is consistent with the intentions of Chapter 9 of the Zoning Ordinance and with uses allowed on 10-acre parcels in the UER zoning district.
5. *The use is not in conflict with the Scott County 2040 Comprehensive Plan.*
The proposal is in conformance with the 2040 Comprehensive Plan and the keeping and enjoyment of animals such as horses.
6. *Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.*
quate measures have been taken to provide ingress and egress, access to public roads and on-site parking.
Access will be via the existing residential driveway access to Beard Avenue. Adequate parking can be accommodated within the property.
7. *Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.*
Any water would be obtained via a private well; wells are permitted by the MN Department of Health. No restroom is proposed in the building.
8. *All building/structures meet the intent of the State Building Code and/or fire codes.*
A building permit was issued for the construction of the building.

V. ELECTION OF 2022 PLANNING COMMISSION OFFICERS

Chair Vonhof opened the meeting for nominations for Chair of the Planning Commission.

Commissioner Johnson nominated Commissioner Tom Vonhof; second by Commissioner Hentges.

Chair Vonhof called for any further nominations 3 times.

Motion by Commissioner Hrabe; second by Commissioner Robbins to close the nominations. The motion carried unanimously.

Chair Vonhoff called for a vote on Chair nomination of Tom Vonhof. The vote carried unanimously for Tom Vonhof as noted below.

Chair Vonhof opened the meeting for nominations for Vice Chair of the Planning Commission.

Commissioner Watson nominated Commissioner Barbara Johnson; second by Commissioner Hentges.

Chair Vonhof called for any further nominations 3 times.

Motion by Commissioner Hrabe; second by Commissioner Huber to close the nominations. The motion carried unanimously.

Chair Vonhoff called for a vote on Vice Chair nomination of Barbara Johnson. The vote carried unanimously for Barbara Johnson as noted below.

Chair Vonhof opened the meeting for nominations for Secretary of the Planning Commission.

Commissioner Johnson nominated Commissioner Lee Watson; second by Commissioner Huber.

Chair Vonhof called for any further nominations 3 times.

Motion by Commissioner Hrabec; second by Commissioner Robbins to close the nominations. The motion carried unanimously.

Chair Vonhof called for a vote on the Secretary nomination of Lee Watson. The vote carried unanimously for Lee Watson as noted below.

Chair Vonhof called for a roll call vote on all 3 nominations with results as follows:

Commissioner Vonhof: Aye

Commissioner Hartmann: Aye

Commissioner Hentges: Aye

Commissioner Hrabec: Aye

Commissioner Huber: Aye

Commissioner Johnson: Aye

Commissioner Watson: Aye

The motion passed with 7 Ayes.

Chair Vonhof read the officer vote results on the record.

VI. PUBLIC HEARING 6:47 SCHIEFFER CUP AMENDMENT (PL#2021-112)

- A. Request to Amend the Conditional Use Permit to Remove Conditions 7-9 Related to Restricting the Heliport Use to the Applicant's Helicopter and Removing Limits on Take-offs, Landings, and Hours of Operation.

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

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: [January 10, 2022 Planning Advisory Commission Agenda Packet](#).

(To view the staff report 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 specific project name. The report can also be found directly on the County Website, www.scottcountymn.gov, on the Planning & Zoning pages)

Commissioner Comment and Questions:

Commissioner Johnson asked about the timing of the request for amendment and whether it was considered too soon after the approval of the original CUP request. *Mr. Schmitz responded there are no other heliports in the county to compare to, but it is relatively uncommon to have a request to amend a CUP this soon.*

Commissioner Hrabec commented only the applicant can determine what his needs are with regards to the timing of the request.

Commissioner Robbins inquired about the nature of the helicopter trips and Commissioner Watson requested the applicant come forward to speak on his request.

Applicant, Doug Schieffer, approached the podium and presented information in support of his request for amendment for CUP items 7-9, addressing each criterion separately. He made note of slide presentations that will be shown as needed. Rex Alexander, a heliport expert, was attending the meeting virtually and can also

answer questions. Mr. Schieffer also responded to alleged violations of some of the CUP conditions, providing supporting evidence that he has not violated those conditions. In addition, Mr. Schieffer fielded several questions from Commissioners throughout his presentation.

Commissioner Robbins requested information on what the uses are for the helicopter and how much of the use is business. *Mr. Schieffer provided an explanation of the purpose of the helicopter including business and travel. He stated that currently he has not been using helicopter for leisure.*

Mr. Schieffer reported he would like to rescind his request to amend Condition #7 and provided a brief explanation.

Commissioner Huber commented about removal of Condition #7 and noted he would expect applicant to return should he obtain a different helicopter for himself. *Applicant agreed with the comment.*

Commissioner Johnson commented on the 1-year review condition noting applicant has only been using the heliport for about 7 months. *Applicant responded he came back for a review per the condition that stated a review of the CUP would take place in one year, it did not specify one year of use.*

Commissioner Hrabe inquired about the number and times of flight resulting in any hardship. He also inquired about using the heliport lights. *Mr. Schieffer responded with explanation and examples of hardships and how the lights on his heliport work.*

Commissioner Watson requested applicant to describe take-off/landings after sunset and how the heliport is set up to handle the nighttime conditions. *Mr. Schieffer explained the process including lighting and knowing the obstacles that exists around his property.*

Commissioner Johnson commented on the flight log showing the applicant has not left in the morning before 9am. *Mr. Schieffer responded by explaining pre-flight process and length of time it takes.*

Mr. Schmitz presented information on 2 of the complaints received regarding a red/white helicopter and another helicopter pictured on the applicant's helipad. The red/white helicopter has been verified to be a medivac helicopter stationed in Faribault and the second was verified to be the applicant's helicopter on the pad. Mr. Schmitz explained county staff's position on the matter and is recommending the conditions not be amended as requested.

Chair Vonhof opened the floor for public comment.

Resident Steve Hanson, of Wyldewood Dr, commented on:

- Neighborhood strife, being a pilot himself, flying at sunset, close neighbor, support for the heliport, neighbors making room for one another, wants peace to prevail
- Mr. Schieffer has a quiet helicopter, not like the medivac

Resident, Loren Bahls, of Wyldewood Dr, commented on concerns:

- Requested public notice be sent to area residents when there is a review of the CUP
- Requested any changes to the CUP be denied for safety and community
- Showed a presentation of slides in support of his comments regarding safety, emissions, noise, north approach path usage

Resident, Bruce Facile, of Wyldewood Dr, commented on:

- Lives very close to the helipad
- Noted he works from home and has no issues with noise or emissions

Resident, Kyle Murphy, of Wyldewood Dr, commented on:

- Works from home, lives north of the heliport, has 3 small children
- Noted he and his family have not experienced any disturbances from the helicopter

Resident, Austin Millard, Wyldewood Dr, commented on:

- Noted his neighbors 3 hours of lawn moving is much more noticeable than the helicopter
- Has not heard the helicopter from inside of his home, noted no disruptions for his family
- Has not noticed the heliport lights at night or any emissions

Resident, Elizabeth Brandt, of 260th St, commented on:

- Concerned with usage of the north flight path over her property
- Does not support the requested changes to the CUP conditions

Staff Marty Schmitz presented flight tracking information from MAC on the applicant's flights along with a map showing all the flights noting MAC reported the same 37 flights that the applicant had self-reported as well. Also showed the flight path map for the medivac helicopter from Dec 29th.

Resident, Chelsea Millard, of Wyldewood Dr, commented on:

- Has noticed the heliport lights only one time
- Works from home and is outside during the summertime, has hardly heard the helicopter, noting it makes very little noise
- Father was a pilot and enjoyed flying with him while growing up

Resident, Kelli Schieffer, of Wyldewood Dr, applicants' spouse, commented on:

- Reported there are many other types of aviation flights that fly over the area
- Reported on her experiences throughout the heliport dispute

Chair Vonhof commented on the distress such a situation can cause in a neighborhood and how the Commission works to find a way to make the situation work for everyone in the area.

Resident, Jennifer Heim, of Wyldewood Dr, commented on:

- Reported they have never heard the helicopter, seen the lights, or noticed any smells, emissions
- Lives 600ft from the heliport

Resident, Bob Hidalgo, of Wyldewood Dr, commented on:

- Noted his support for the applicant and his heliport
- Has heard various aircraft flying over the area throughout the years

Resident, David Turnberg, of Wyldewood Dr, commented on:

- Longest neighborhood resident, lived there since 2001
- It is a fun neighborhood, described neighborhood events
- Commented on his thoughts on the CUP review and requested approval of the requested modifications

Resident, Shannon Young, of Wyldewood Dr, commented on:

- Newer member of the neighborhood
- Have only heard the helicopter one time while outside, no louder than a lawn mower
- Husband has app that follows various flights over the area, has not seen applicant's helicopter

Resident, Carrie Spangler, of Wyldewood Dr, commented on:

- Newer member of the neighborhood
- Have noticed the helicopter with her kids outside a few times
- Not louder than her husband's Harley

Resident, Luke Lubke, of Panama Ave, commented on:

- Lives 300 yds from heliport
- Harleys, other airplanes, cars up and down Panama, shot guns at crack of dawn make more noise
- Supports applicant's request

Motion by Commissioner Hrabe to close the public hearing; second by Commissioner Robbins. The motion carried unanimously.

Commissioner Hentges commented on the situation and requested applicant approach podium for some questions. The original CUP was developed with input and compromise. Impressed with how the applicant is working to follow the CUP conditions. Would like to not be addressing the matter every 6 months. Recommended a 9:00pm end time instead of the requested 10:00pm.

Applicant, Doug Schieffer, came forward. Responded to Commissioner Hentges comments on 9:00pm. Described the unique situation of the takeoff from the original heliport.

Commissioner Watson suggested to motion on each of the 3 items separately.

Motion by Commissioner Watson; second by Commissioner Henges, to leave Conditions #7 as is. The motion passed unanimously with 7 ayes.

Commissioners had a discussion on Condition #8 regarding number of trips changing to 75.

Motion by Commissioner Watson; second by Commissioner Hrabe, to increase the number of flights from 50 to 75 in Condition #8. The motion passed unanimously with 7 ayes.

Commissioners had a discussion on Conditions #9 regarding the hours of operations changing to 7am-10pm or 7am-9pm.

Staff Marty Schmitz suggested on allowing 2 exceptions for applicant to fly until 10:00pm for unusual situations.

Motion by Commissioner Johnson; second by Commissioner Robbins, to modify hours of operations from 7am-9pm with 2 exceptions to 10pm for 6 months of the year in Condition #9. Commissioner Hrabe and Hentges offered a friendly amendment to allow it for all year not just 6 months. The amendment was accepted.

Chair Vonhof called for a roll call vote on the motion to approve the request as follows:

Commissioner Robbins: Aye

Commissioner Hentges: Aye

Commissioner Hrabe: Nay

Commissioner Huber: Nay

Commissioner Vonhof: Aye

Commissioner Johnson: Aye

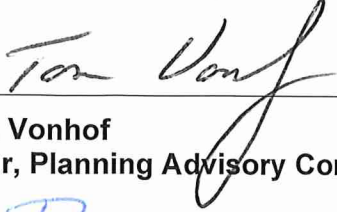
Commissioner Watson: Aye

The motion passed on 5 Ayes and 2 Nays.

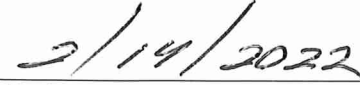
VII. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

VIII. GENERAL & ADJOURN

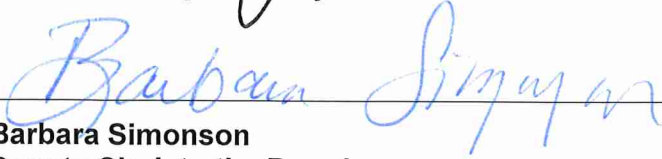
Motion by Commissioner Watson ; second by Commissioner Hrabe to adjourn the meeting at 9:07 PM. The motion carried unanimously.



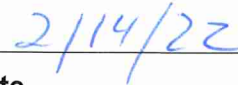
Tom Vonhof
Chair, Planning Advisory Commission



Date



Barbara Simonson
Deputy Clerk to the Board



Date

Additional Written Comments
for Schieffer

Schmitz, Martin

From: Liz Hanson <[REDACTED]@gmail.com>
Sent: Friday, January 7, 2022 1:54 PM
To: Schmitz, Martin
Subject: [External]Heliport Conditional Use Permit Amendment

Hello Marty,

Thank you for the phone conversation yesterday to discuss Doug Schieffer's application to amend the conditional use permit to remove the heliport restrictions 7-9. As we discussed, the current restrictions provide a balance between the desire of many nearby residents to minimize the frequency of the noise and disruption from the flights with Mr. Schieffer's desire to use his helicopter to commute from his home for business purposes.

Removing these restrictions and allowing other helicopters to use the heliport would remove that balance and allow the flights to evolve from the original request of limited business use to expanded use including recreational and visitor convenience which could greatly increase the noise, disruption, nuisance, and possible danger for the community. Please do not remove the restrictions wisely put in place less than one year ago.

I also hope the frequency of such applications can be reduced. I realize that the county cannot restrict someone's ability to make applications for such amendments but hope a message can be sent that the judgment and balance now in place will not be eroded based on frequently repeated requests.

Best Regards,

Liz Hanson

Schmitz, Martin

From: Doug Schieffer <DSchieffer@northlandcm.com>
Sent: Friday, January 7, 2022 9:54 AM
To: Schmitz, Martin
Cc: Doug Schieffer; David Turnberg
Subject: [External]FW: Support of changes for Heliport Permit

Marty,

Please see below for additional support. 75% of this neighborhood is in support, that is extremely significant!!

Doug Schieffer
President
Northland Concrete & Masonry Company, LLC
Direct Dial: 952-345-4573
Cell: 612-363-1933
Fax: 952-890-1699



From: Curt Rees <[redacted]@northlandcm.com>
Sent: Friday, January 7, 2022 9:42 AM
To: Doug Schieffer <DSchieffer@northlandcm.com>
Subject: Support of changes for Heliport Permit

Doug,

It is with great pleasure to write this letter expressing our unequivocal support of your proposed changes to your heliport permit. As a fellow neighbor and resident of Wyldewood Ponds. We have witnessed the use of your heliport and find it extremely fascinating, at times hearing the engines and running to the front porch to get a front row view.

We have encountered numerous take off's/landings of your helicopter flying directly over our home and do not find it offensive at all. (No more offensive than Emergency Vehicle Sirens traveling down County Road 2 or other low flying aircraft passing by). We do not feel that allowing additional use of your Heliport and extending the current hours of use will change our opinion.

You have shown extreme diligence in pursuing your passion for Aviation by obtaining your current permit by conquering obstacles and resistance along the way. You have reached to us and others to share any concerns and bring them to your attention. Congratulations on reaching the milestone that you have achieved to date.

We are hopeful that you can follow your aviation passion by receiving an amendment to your current permit. We trust that through your diligence and perseverance that you will achieve your vision by utilizing your Heliport for the intended use you visualized when you began this journey.

Best Regards & Good Luck

Curt & Nicole Rees
26175 Wyldewood Drive



Schmitz, Martin

From: Loren Bahls · >
Sent: Thursday, January 6, 2022 7:37 PM
To: Schmitz, Martin
Subject: [External]Staff Report Mistake

Marty:

On page 4. of background, Condition 8 states that 67% of the residents on Wyldewood Drive supporting.....

If you read the neighbor's letters, Hanson's, Murphy's (2), Heim's (2), Youngs and Hidalgo's. They DO NOT MENTION CHANGING NUMBER OF FLIGHTS. OR HOURS OF OPERATION.

OTHERS SAY EASE RESTRICTIONS WITHOUT SAYING ELIMINATE ALL RESTRICTIONS.

Plus, all these letters were sent in September before the Amendment was filed.

They should all be thrown out.

Please advice PAC and staff of this error and change in % of residents.

LOREN

Schmitz, Martin

From: Anderson, Kathy < > m>
Sent: Tuesday, January 4, 2022 1:07 PM
To: Schmitz, Martin
Cc: Karan, David
Subject: [External]No Changes to Conditional Use Permit for Heliport

From Kathy Anderson on behalf of David Karan:

Marty,

Douglas Schieffer has requested an amendment to his Conditional Use Permit ("CUP") to operate a private heliport on his property. More particularly, he is requesting to amend the CUP by removing conditions which restrict: the heliport use to only his helicopter; limit the number of takeoffs and landings per year and per day; and set the hours of operation of the heliport. I am adamantly opposed to any amendment to the CUP.

In his application, Mr. Schieffer states that the use of the heliport "clearly does not affect anyone" and "we have proven this heliport to be a non-factor to any neighbor". Mr. Schieffer is mistaken. The use of the heliport is a nuisance to my family and me which I would eliminate if I could but which certainly needs to be restricted if not eliminated. I believe the letters from neighbors supporting Mr. Schieffer's application are the result of an invitation to comment from Mr. Schieffer to a very select group. I can assure you that my family and I hear Mr. Schieffer's helicopter when it takes a southerly route and it is an annoying nuisance.

Perhaps Mr. Schieffer's request for elimination of these restrictions is simply a stratagem to get as many concessions from the County as possible. I will for these purposes, however, assume that Mr. Schieffer seriously seeks elimination of the restrictions. If his request was granted, any number of helicopters could land at the heliport at any time of the day or night as often as Mr. Schieffer chose. I cannot envision the County (or any other responsible governmental entity) permitting such use in a residential area. At some point in his application, Mr. Schieffer argues that there is sufficient regulation of the heliport through the FAA and MnDOT. The fact that the heliport is regulated by other governmental entities for different purposes than regulation of land use does not permit the County to abdicate its responsibility to homeowners in the area of the heliport.

Mr. Schieffer has requested an elimination of the restrictions discussed above and that is what I have addressed in this email. If the Planning Advisory Commission considers options other than elimination, such as loosening the restrictions, I believe neighboring landowners should receive advance notice of such possibility and a separate Commission hearing on that question should be held. For now, I have simply received notification of elimination of the restrictions and that is all the hearing on January 10, 2022 should consider.

In conclusion, I urge the Planning Advisory Commission to deny the application. I would also request that I receive notice of any future hearings to renew the CUP so that I might present arguments for non-renewal.

Thank you.

David Karan

Kaplan, Strangis and Kaplan, P.A.
730 Second Avenue South, Suite 1450
Minneapolis, MN 55402-2475
(

To: Planning Advisory Commission

January 4, 2022

Mr. Tom Vonhof, Chairman and Members (PLEASE FORWARD TO ALL OF PAC)

c/o Scott County Zoning Administration

GWC 200 Fourth Avenue West

Shakopee, MN 55379-1220

Attention: Mr. Marty Schmitz

Re: Conditional Use Permit Amendment #PL2021-112

To All:

I am Loren Bahls and I live at 26340 Wyldewood Drive, Cedar Lake Township.

Jan Pedersen and I are vehemently opposed to any changes to CUP and in particular Conditions 7-9. I have represented over 150 residents that live within 1 mile of Schieffer heliport. Please refer to our Petition and Signees as previously submitted in October of 2020.

Also in 2020, I distributed a 19 page PowerPoint Presentation to the PAC covering our neighborhood's strong opposition of heliport. The following subjects represent many of the important issues then and now!

OUR SCENIC, NATURAL AND RESIDENTIAL AREA OF CEDAR LAKE TOWNSHIP

I'd like to share the demographics of our special area of Cedar Lake Township. We have:

- In close proximity, 16 Ponds...full of ducks, geese, egrets, blue heron, sandhill cranes and pelicans. The air is constantly full of these local and migratory birds which present a constant collision danger to low-flying aircraft operations and safety of residents.
- Three (3) US Fish and Wildlife Preserves, known as Sticha FMha Easement. One is just north of heliport, one east of heliport and one northeast of heliport. These lands cannot be disturbed or modified in any way. A fourth US Fish and Wildlife Preserve is at Panama Ave at County 86 on the Daniel Wixon property.
- DNR wetlands area exists just northwest of heliport. Also Northwest on adjacent land is 48.5 acre restored wildlife habitat established and managed by Brian Lubinski (4051 Hunters Lane) and Robert Erkel.
- Bald eagles nest just south of proposed heliport. They are Federally protected. Aircraft cannot fly within 1000 feet of nest. This will prohibit South flight paths to avoid nesting area.
- Bald eagles have also been spotted regularly at the 4300 Block of County Road 2. This is directly under the North flight path provided by applicant.
- Porter Creek also flows through the immediate area.
- This is "God's Country" pure and simple.

You see, the heliport is land-locked from any use as it will disturb and endanger the domestic and migratory birds and the many indigenous animals that inhabit our precious neighborhoods. There exists a vast number of horse stables, horse hobby farms in the immediate area. Additional details:

- A large Daycare on County Road 2 does not want helicopters in the area for obvious reasons.
- Children and adolescents are involved in recreation and sports in our community. 23% of residents of Cedar Lake Township are age 17 or younger and play outside regularly.
- The Proposed Approach and Departure Paths show the helicopter being only 250 feet above ground when at a distance of 2000 feet from helipad. This is dangerously low given the height of power lines. It also impacts all residents with its excessive noise, above MPCA's 65 dBA limits for residential areas.
- July 19, 2021, another helicopter became entangled in power lines near Elgin, MN and the pilot was **killed**. See on line article via google search.

EXCESSIVE NOISE POLLUTION TO COMMUNITY

Helicopters produce three (3) separate and distinct sounds:

Jet engine, Main rotor, tail rotor. These together produce an unusual "machine gun" type sound. Noise that is very loud and irritating to humans and animals alike.

Federal Aviation Administration (FAA), Report to Congress, dated December 2004, Titled "Nonmilitary Helicopter Urban Noise Study" it states:

"Helicopters rank especially high in causing undesirable noise. Eight different studies have found that the annoyance created by a helicopter does not correlate with the decibels it registers. The helicopter's unique sound, created by blade vortex interaction, causes people to rate its sound level as much as 10 dB's higher than it actually registers, doubling the noise impact. This would place perceived helicopter noise at around 97 dB, or a whopping 30 dB's over the generally accepted noise level of residential areas."

Nationally, there have been hundreds of studies published due to extreme noise created by helicopters. Many communities have enacted laws to ban private and corporate helicopters in their communities.

Schieffer states that his helicopter is no louder than a garbage truck or lawn mower. **NOT TRUE.** The following represents various sound sources measured at 100 feet from source:

Toro 5.5 HP 140 cc Push Lawn Mower:	59 dBA
Simplicity 32 HP Zero Turn Lawn Mower:	65 dBA
Dick's Sanitation (LSI) Refuse Truck:	59 dBA traveling, 64 dBA loading (2 sec.)
Hennes Septic Pumping Truck	64 dBA
Applicant's Bell 206L-4 Helicopter, produces:	* 98 dBA at 100', 92 dBA at 200', 86 dBA at 400', 80 dBA at 800'

* Revised after receiving data from Bell Note: **ALL ABOVE 65 dBA ALLOWED**

Helicopter is 8 times louder, at your ear, than other sources compared above.

Applicant has been continually misstated sound levels. Bell Helicopter sound chart shown within CUP Application does not relate to dB measurement scale. MPCA uses dBA Scale to determine code compliance. 65 dBA is maximum allowed at location of use (not neighbor's home).

In late September 2020, actual sound level data from Bell Helicopter were forwarded to Scott County for review and comment.

71 dBA was recorded in October, 2019 inside our home. This is consistent with Bell Helicopter sound data as received from Bell the manufacturer. This level of sound nuisance is totally unacceptable.

TEST FLIGHTS – OCTOBER 27, 2020

The events were flawed from the start. There was no coordination of events and participants were misled. Schieffer was to demonstrate Approach and Departure for North, West and South Flight paths.

Northern Route

Pilot came in on Approach dramatically far east of Flight Path previously filed. Although the noise level was greater than 70 dBA on Hunters Lane, the sound impact was shifted to North end of Wyldewood Drive and residents along County Road 2 including daycare and residents on Zachary Avenue.

No departure demonstration was performed.

Western Route

This test flight was not conducted. The Approach would have generated the highest noise levels on South end of Wyldewood Drive. Participants were not given the opportunity to witness this.

Southern Route

Flight test was supposed to go to Southeast. This was decided upon at PAC Hearing. This was to avoid the Eagle Nest just south of helipad. However, the pilot ignored the eagles and flew south. Again, participants were not given the opportunity to see and hear the prescribed Southeast flight route.

On December 23, 2021, the helicopter flew out (South) from the original first illegal helipad. Myself, my girlfriend and many neighbors were extremely surprised and distressed by this event. This illegal helipad was not to be used under any conditions! I've asked several County Officials to send out a letter explaining this colossal mistake. There was very limited response from County!

AIR POLLUTION FROM BELL 206 L4 HELICOPTER with Rolls-Royce (Allison) 250-C30 Jet Engine

Massive exhaust emissions from the 650 horsepower turbine jet engine spew numerous hazardous pollutants. Pollutants are spread over a wide area and are heavily concentrated in the take-off and landing area. This produces health risks and cancer-linked elements from the burning of fossil fuels.

- **Carbon Monoxide, CO** - Health effects include nausea, dizziness, headaches, convulsions, death
 - At idle, helicopter emits 17.6 lb/engine-hour at a concentration of 2,660 parts per million (PPM)
 - Your home CO Detector sounds at 150 PPM. Helicopter is 17 times higher.
- **Nitrous Oxides, Nox** - Heavy formulation of ozone at ground level
 - At idle, 45.4 grams per engine hour are emitted.
 - A typical Certified Clean Idle Semi Over the Road (OTR) truck is limited to 0.30 grams per hour
 - In our neighborhood, One (1) helicopter equates to 151 newer OTR trucks idling on Wyldewood Drive
- **Hydrocarbons, HC** - Contributes to haze and smog at ground level, harmful if inhaled.
 - At idle, helicopter emits 14.4 lb/engine-hour at a concentration of 3,800 parts per million (PPM)
 - This level is 100's of times higher than an on-road truck, ag tractor or other fossil-fueled equipment.
- **Massive amounts of unburned fuel**
 - At idle, this Bell helicopter burns 12.67 gallons-hour of Jet Fuel. A typical large truck burns 0.8 gallons per hour of diesel fuel.
- **Noxious Odors** - This is "termed" a nuisance!
 - Smell of kerosene/Jet A fuel permeates our neighborhoods. Not acceptable. Even our US Mail letter carrier has commented on the pungent smell of helicopter exhaust as she drives through our neighborhood.
- **CO2 – Greenhouse gas emissions.** As with all jet engines, CO2 is generated at very high levels to atmosphere creating greenhouse gases that will be present for decades to follow.

HISTORY WITH APPLICANT (BAD ACTOR), DOUGLAS SCHIEFFER

This is the third time we've needed to actively stop the Applicants inappropriate helicopter use in our precious neighborhoods.

Due to Doug Schieffer's previous helicopter flights flown in September-October, 2019 through our neighborhoods, a great many of us have a unique perspective on this CUP action.

In 2019 the Applicant Doug Schieffer built an illegal heliport at 26456 Wyldewood Drive. This covert "under the radar" construction was without any Conversation (text, phone call, letter email – nothing) with Scott County Planning and Zoning. He made No Application, Received no Approvals, did not apply for Permits. No Inspections were performed. Scott County received no compensation for required Escrow funds or Permit fees.

As only a student pilot, Doug Schieffer began flying in and out of his home on September 27, 2019.

Our entire area of Section 26 is zoned RR-1C and strictly prohibits airports and heliports. Doug Schieffer obviously had no intention of complying with any part of Scott Zoning Ordinance No. 3.

A Letter was sent by Dan Ekholm, Scott County Code Compliance Officer, to Doug Schieffer on October 3, 2019 explaining his violations.

However, Doug Schieffer continued to fly in and out of his new unpermitted heliport through October 14, 2019.

He scheduled a meeting with Planning and Zoning to get "Interim Use" permission to continue to fly. How bold is that??

Naturally, Planning and Zoning and County Attorney Ron Hovevar denied his request.

It should be noted that Douglas Schieffer repeatedly stated that he had MnDOT Aviation approval of his heliport. **He did not!** Approval required that Scott County sign off on Application for Heliport. Scott County was not made aware of MnDOT Permit Application until November of 2019.

Later in October of 2019, the helicopter was moved to Faribault airport.

Subsequent flights out of Faribault proved distressing for residents of our area. Immediately upon departing the Faribault airport, Schieffer flew direct to our neighborhood and circled repeatedly. We feel this was Schieffer's retribution to neighbors for losing use of his illegal heliport/helipad. This is not in concert with "Fly Neighborly" programs for helicopter owners.

Next, he applied for a Zoning Change and CUP. However, being in a RR-1C area which does not allow heliports, Planning and Zoning staff issued the Agenda for December 09, 2019 PAC Hearing with a recommendation of denial. He withdrew the Application a few days before the Hearing.

Also, Douglas Schieffer has repeatedly denied the danger of birdstrikes. We don't need a pilot, with such a cavalier attitude toward safety, flying in and out of our neighborhood.

Another issue is Dust and debris scattered over a wide area. The rotor downwash can be in the range of 60 -80 MPH winds, directed downward from rotor blades. This is equivalent to Hurricane Category 1 winds. The blades of the helicopters main rotors are 37 feet in diameter....longer than two cars end to end.

In September and October of 2019, during illegal flights,

- People called Sheriff's Office with noise complaints. They also called the County Courthouse.
 - Some thought a helicopter had crashed....it created havoc in area.
 - Some thought it had landed in their yard.

This represents additional safety issues on the heavily-traveled roads in the area.

We trust that the PAC will be environmentally conscience and safety conscience of our area and not approve the CUP Amendments to Conditions 7-9.

Thank you for the consideration.

Loren Bahls

Loren Bahls

26340 Wyldewood Drive

Cedar Lake Township

Mr. Marty Schmitz

January 4, 2022

Scott County Zoning Administration

Government Center 8200 Fourth Ave West

Shakopee, MN 55379

Dear Mr. Schmitz,

I am writing to you in regards to Mr. Doug Schieffer's request to amend the conditional use permit for his helipad and helicopter and remove conditions 7, 8, and 9 from the CUP. Thank you in advance for consideration of our comments. We were not aware of his request until receiving the notice from Scott County Zoning Administration. Also, Scott County did not notify us of the November 8th CUP review. So we were not expecting his request, since his helipad has only been in operation since May of 2021 and has not yet completed a full year for review.

We have opposed the development of his heliport from the beginning. **AND TODAY, WE ARE STRONGLY OPPOSED TO THE REMOVAL OR MODIFICATION OF THE CUP.** We would actually prefer the heliport not be in operation period.

Why should the CUP be removed or amended? From the beginning Mr. Schieffer has clearly shown a pattern of not following the rules. He built the original Heliport without permits or approval from Scott County on land that was not zoned for this use. When he was advised in August of 2019 he could not fly by MN dot, he continued to fly his helicopter in defiance of order from 8/ 27/2019 through 10/14/2019. After the CUP was approved by Scott County he continued the pattern by not adhering to CUP requirements. On December 23, 2021 I witnessed Mr. Schieffer take off in his helicopter from the original helipad, which is not allowed per the CUP. Also, a red helicopter used his helipad recently, which is not allowed per his CUP. I do not know who was flying the red helicopter. Since May of 2021 he flew the Northern route when weather was good, also not allowed per CUP. We believe that Mr. Schieffer will continue the pattern and test any amendments to the CUP.

We request condition #7 to remain as is and continue to only allow use of the Bell 206 L4. We also request condition #8 limiting the number of operations to 50 per year since this was the number Mr. Schieffer initially stated that he required. Condition #9 stating hours of operation are from 7:00am to 7:00pm should not be removed. Since we go to bed early due to work hours we do not want to be kept awake from later flights. The noise from the helicopter is extremely disruptive to our daily life.

We enjoy living here because of the peace and quiet, the abundance of nature, and to enjoy our land without the noise and disruption of helicopters flying overhead. Thank you for your consideration.

Sincerely,

Sue Beebe-Viere and Steve Viere

4205 Hunters Ln.

Webster, Mn 55088

Schmitz, Martin

From: Todd Thomas DDS <[REDACTED]@ttds.com>
Sent: Monday, January 3, 2022 2:51 PM
To: Schmitz, Martin
Subject: [External]Helipad

Mr. Schmitz,

I am emailing you to oppose any changes to the CUP Amendments for the Scheiffer Helipad. My wife and I purchased our lot and built our dream home at 26595 Wyldewood Drive in 2002 because of the tranquil location.

I grew up in the Highland Park neighborhood of St Paul which was in the flight path of MSP airport. I wanted to get away from that-now I have a helipad adjacent to my home. We can hear the helicopter and smell the exhaust fumes during operation.

A portion of our lot (and many of the other lots in the Wyldewood Ponds Neighborhood) consists of a U.S. Fish and Wildlife Easement. On our lot we are working with the U.S. Fish and Wildlife to restore the prairie (the original intent of the easement).

The helicopter just doesn't fit into the pristine surroundings of our neighborhood. We are very disappointed that it even got this far.

Todd M. Thomas D.D.S.

Schmitz, Martin

From: Sandy Wendt <[REDACTED]@gmail.com>
Sent: Monday, January 3, 2022 6:25 PM
To: Schmitz, Martin
Subject: [External]Conditional Use Permit Amendment of Doug Schieffer Hearing 1/10/22.

Dear Mr. Schmitz,

I write to you today regarding Mr. Doug Schieffer's request for Conditional Use Permit Amendment.

I can not attend the January 10, 2022 Hearing, but wanted to express my concerns here.

I have opposed the development of this heliport since Day 1.

Today, I'm definitely opposed to any CUP modifications thereof.

I moved to this neighborhood to enjoy the peace, quiet and safety of the area.

Thank you for your attention to this letter, and for considering my perspective on this issue.

Sincerely,

Sandy Wendt
4115 Hunters Lane
Webster, MN 55088

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Schmitz, Martin

From: LB < >
Sent: Sunday, January 2, 2022 11:06 AM
To: Schmitz, Martin
Cc: Dale Messer
Subject: [External]FW: Helipad

Mr. Schmitz:

Please find attached an email from Dale Messer.

Dale will not be able to attend the Hearing of January 10th.

Dale has given me written permission to send this to you.

Dale Messer lives at 26180 Panama Avenue and under the West Flight Path.

Please register Dale's comments as opposition to the CUP Amendments.

Please confirm back to me, Loren Bahls, that you have received and forwarded this to PAC members and for use at Hearing.

Loren Bahls

Sent from Mail for Windows

From: Dale Messer
Sent: Sunday, January 2, 2022 9:49 AM
To: |
Subject: Helipad

I am against Doug expanding his helicopter use. There are too many residents who this will affect. This is just an example of give him an inch and he wants a mile.

Dale Messer

Sent from my iPhone

Schmitz, Martin

From: Jon Olson <[REDACTED]@gmail.com>
Sent: Saturday, January 1, 2022 11:15 AM
To: Schmitz, Martin
Subject: [External]CUP #PL2021-112

Dear Mr. Schmitz,

I write to you today in opposition to any changes to the current Conditional Use Permit provided to Mr. Doug Schieffer for use of his private helicopter.

I was opposed to granting this CUP in the first place, purely on the grounds of safety for the neighborhood, and on the additional burden of noise his routine flight operations would have to the quality of life for our neighborhood. It should be noted that five of the owners in our 16-home association sold their homes and moved away after the CUP was granted. Maybe that should tell you something.

I am a retired commander in the US Navy, and I was closely associated with military aviation assets throughout my career. I specifically chose to purchase my current home because there were no airfields anywhere nearby, and the flight paths from existing airfields caused little general disturbance.

That all changed when the Scott County commissioners chose to ignore the many dozens of people, all of whom live near Mr. Schieffer's heliport, who signed a petition against granting this CUP, and instead provided great freedom of use to a single person for an aircraft that should be flown from an airfield.

Can Mr. Schieffer fly a helicopter from his home? Certainly. Should he? Yes, perhaps, if his home wasn't adjacent to dozens of other homes.

One of his CUP requirements is that he approaches and departs to the south from his helicopter pad. I can state with absolute certainty, having witnessed his flights on a number of occasions, that he has ignored that approach and departure rule, and on at least two occasions I've seen him fly in from the north, directly over the CAPX2020 high voltage power lines.

Now, does he have the avionic equipment in his helicopter to warn him of that hazard? Yes. But what he fails to consider, clearly, when he flies at low level over those high voltage power lines is what could happen if he were to have an in-flight emergency. Crashing into those power lines would greatly expand the overall damage his aviation mishap might cause, and further inconvenience even more people as they work to recover from his actions.

One of the items the Scott County commissioners may not have taken into account is that even with helicopters, aviation rules state you need to take off and land heading into the wind. Thus, because his helipad is so closely located to the neighboring homes, Mr. Schieffer has approached from the north based on winds coming from the south. I suspect the CUP was issued without understanding these wind requirements on helicopter flight operations.

The bottom line is that the CUP shouldn't have been issued initially, but if the Scott County commissioners feel compelled to continue to ignore the wishes of a sizeable number of voters, then the current CUP is enough and should remain in place.

Let's give it at least another year to see if Mr. Schieffer follows the rules as they've been granted to him. Then, perhaps, this issue could be revisited, and the CUP either rescinded, or modified in ways that afford Mr. Schieffer more freedom to use his helicopter from his property, but lessen the hazards to all of us who live nearby, and reduce the noise factor as well.

Thank you for considering my point of view.

Sincerely,

Jon

Jon R. Olson, MA, MPA
Commander, U.S. Navy (Retired)
26301 Wyldewood Drive
Webster, Minnesota 55088

JonOlson1967@gmail.com

Find my co-authored novels at www.twonavyguys.com.

Join me Wednesdays at 9AM Central time for **National Security This Week** on KYMN Radio / 95.1 FM / 1080 AM, or on the web on [KYMN Radio](http://KYMN.Radio).



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Schmitz, Martin

From:
Sent: Friday, December 31, 2021 3:57 PM
To: Schmitz, Martin
Subject: [External]no changes. jim britten

Sent from the all new AOL app for Android. please do not allow any changes until the red/white chopper is reviewed.
we do not want this opened up to all choppers as we were told one year ago this was foe his use only.

Schmitz, Martin

From: Doug Schieffer <[REDACTED]@northlandcm.com>
Sent: Sunday, January 9, 2022 2:17 PM
To: Schmitz, Martin
Cc: Doug Schieffer; David Turnberg
Subject: [External]Fwd: Heliport

Please see below - Mr Forbord property is close to west app/dep path - closer than Messer.

Thanks

Sent from my iPhone

Begin forwarded message:

From: Bill Forbord <bforbord@schmittandysons.com>
Date: January 9, 2022 at 2:11:27 PM CST
To: Doug Schieffer <DSchieffer@northlandcm.com>
Subject: Heliport

Doug,

We understand you are returning to the Scott County planning commission this week to discuss the encumbrance on use. As neighboring property owners, we wanted to pass on that we have found no nuisance with you using your heliport. Overhead aircraft, farm equipment, and the loud motorcycles create much more noise than you coming and going. We have no issue with allowing increased use and extending the hours. Best to you and your family in the pursuit of this reasonable request.

Sincerely,

Bill and Shelly Forbord
26270 Panama Ave.
Webster, MN

Bill Forbord, Chief Operating Officer

Schmitt & Sons | 22750 Pillsbury Avenue | Lakeville, MN 55044-8345
Direct: 952-985-7507 | Cell: 612-282-4329 | Main: 952-985-7514
www.schmittandysons.com | www.grayline-mn.com
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Schmitz, Martin

From: Doug Schieffer <DSchieffer@northlandcm.com>
Sent: Monday, January 3, 2022 11:19 AM
To: Schmitz, Martin
Cc: Doug Schieffer; David Turnberg
Subject: [External]FW: Helicopter

Marty,

Another letter of support from the neighborhood to the North of me on Hunters Lane. Thanks

Doug Schieffer
President
Northland Concrete & Masonry Company, LLC Direct Dial: 952-345-4573
Cell: 612-363-1933
Fax: 952-890-1699

-----Original Message-----

From: Jen Ophus <JenOphus@northlandcm.com>
Sent: Monday, January 3, 2022 8:20 AM
To: Doug Schieffer <DSchieffer@northlandcm.com>
Subject: Helicopter

To whom it may concern,

This is Jen Weaver-Ophus and I live in the neighborhood next to the Schieffers. I am writing to say that I have no issues with the fact that Doug operates his helicopter from his property. I have never once been disturbed or felt as though this was a safety concern for my household. We spend a lot of time outdoors and have only seen it maybe twice. That being said it was not loud or disturbing at all. I believe that he has taken all the proper steps and safety precautions to be able to own and operate this from his property as he wants. If you have any further concerns or questions please feel free to contact me at: weaverophus211@gmail.com.

Tim & Jen Ophus
4060 Hunters Lane
Webster

Sent from my iPhone

Schmitz, Martin

From: Garrett Miller <garrett.miller@northlandcm.com>
Sent: Sunday, January 2, 2022 2:53 PM
To: Doug Schieffer <DSchieffer@northlandcm.com>
Subject:

Good Afternoon Doug,

My Name is Garrett Miller, we live at (4090 Hunters Ln, Webster, Mn 55088). My wife and I do not have any issues with you flying your helicopter. The noise levels are very minimal at our property, and don't last more than a minute. To be honest the 4 way intersection (Panama ave & County Rd 2) noise levels are louder than your helicopter with traffic stopping and going.

Thanks
Garrett

