

CITY OF EAST GULL LAKE
AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, July 28, 2020 – 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions or Deletions to the Agenda /Adoption of Agenda
5. Approval of Minutes
 - a) June 30, 2020 Regular Meeting
6. Public Hearing
 - a) Helipad Usage within the City of East Gul Lake
7. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

Prepared by East Gull Lake Administrative Assistant
Kathy Schack

**City of East Gull Lake
Planning and Zoning
Regular Meeting**

Tuesday, June 30, 2020 – 6:30 PM

I. Call to order

Chairman Bruce Buxton called to order the regular meeting of the City of East Gull Lake Planning and Zoning Commission at 6:30 PM on Tuesday, June 30, 2020 at City Hall.

II. Pledge of Allegiance

III. Roll Call

Present: Bruce Buxton (Chair), Commission: Marty Halvorson, Paul Tollefson, Nate Tuomi, Eunice Wiebolt, Rocky Waldin
Staff Present: City Administrator Mason, Administrative Assistant Schack
Council Liaison: Carol Demgen
Audience: John Sable, Lisa Gudajtes, Emily Bauernfeind, Erik Roberts of Larch Design, Wayne & Brenda VanOsdol

IV. Adoption of Agenda/Additions or Deletions to the Agenda

Administrator Mason stated he would like to move the VanOsdol violation moved to immediately after Open Forum. He also stated that he would like to discuss the issue of residents using trailers and RVs as guest houses, which is against the City Ordinance.

Motion by Commissioner Halvorson and seconded by Commissioner Tuomi to approve the agenda as amended. All present voted in favor thereof. Motion carried.

V. Approval of Minutes

Motion by Commissioner Wiebolt, second by Commissioner Halvorson to approve the minutes of the Tuesday, April 28, 2020 meeting. All present voted in favor thereof. Motion carried.

VI. Public Hearings

None

VII. Open Forum

None

VIII. Old Business

A. VanOsdol Violation Discussion

Administrator Mason reviewed the project noting the DNR stated the need to remove the rock/gravel and sand in the water at the shoreline and to allow it grow back up naturally. The submitted plan from Larch Design was reviewed. It was noted that the previous contractor had formed a pathway on the neighbor's property (Mr. Sable) to deliver the rocks to the VanOsdol's. Mr. Sable agreed that the pathway is now gone and his property has been restored to its natural state. Erik Roberts, VanOsdol's landscape architect from Larch Design, addressed the Planning Commission regarding the plan to restore the property to a more natural landscape. He noted the boulders would be removed with the exception of a sliver below the top part of the trail and along the switchback to hold the pathway in place. He also noted that the asphalt crumbles would be removed replacing it with a grass paver. He proposed to replace the riprap rock with approximately 180 plants of various shapes and sizes that are good for the slopes in Minnesota. He stated the area will be mulched and apply product to hold the hillside in place until the plants grow into maturity. Discussion ensued regarding stormwater runoff and how the path should be slanted to control the water from running onto the neighboring property. Mr. Roberts noted that it is going to be difficult to complete this project this year due to the late start and the availability of plant materials. Chair Buxton stated he was pleased that there was a Construction Administration Responsibility in the contract between Erik Roberts and the VanOsdols.

Motion by Commissioner Tuomi, second by Commissioner Wiebolt, to approve the plan submitted by Larch Design for restoration of the property subject to the path that comes down to the curve is sloped toward the lake to ensure all water coming down the path is retained on the Vanosdol property, remove the boulders off the end of the curve by Sable's property restoring to a natural vegetation and implementing the DNR requirements to remove rock and sand restoring the shoreline allowing it to grow back naturally. And with the additional amended requirement for Larch Design/Erik Roberts to administer construction of the project until completion. All present voted in favor thereof. Motion carried.

Chair Buxton made a motion, seconded by Commissioner Halvorson, to amend the conditions to require Larch Design/Erik Roberts to administer construction of the project until completion. All present voted in favor thereof. Motion carried

IX. Planning and Zoning Administrator's Report

A. Statistics

New Permits:	13
New Variances:	0
New Conditional Use:	0
Potential Permits:	2
Inspections	33
Completion Letters:	0
New Violations:	0
New Residences 2020 to date:	6
Total 2020 Permits to date:	31

B. 2013 – 2019 Existing Permits Update

- One remaining open 2014 permit: Thomas Deans shed
- One remaining open 2016 permit: Wavereck garage and rec area
- 7 open out of 76 total 2018 permits
- 28 open out of 75 total 2019 permits

Administrator Mason reviewed the inspections that took place during the last month.

X. New Business

A. Trailers and RVs becoming guest houses

It was noted that residents have the right to store their personal RVs on their property but it is becoming a guest house issue. The discussion ensued regarding what steps the City can take to prevent this from becoming a problem. It was noted that none of the trailers or RVs should be able to connect to the City Wastewater system. It was noted that this will be discussed at another meeting.

IX. Adjournment

Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to adjourn. All present voted in favor thereof. Motion carried.

Transcribed by East Gull Lake Administrative Assistant
Kathy Schack

These minutes are paraphrased and are not written word for word.

Report to Planning Commission on Considering a Change in the Use Chart for Helipads

I was first contacted in regard to helicopter usage in East Gull Lake on September 13, 2018. The first inquiry was related to what type of permit it would take to land a helicopter on a property that had a hill nearby which was devastated by the storm in 2015 and was pretty much void of tall trees.

I checked the City Code and the only mention of any aircraft was airports, both public and private, as an allowed use by a CUP (Conditional Use Permit). There was nothing specifically mentioned about helicopters anywhere in the city code.

On June 19, 2019, I called Rick Braunig the MnDOT Aeronautics Safety and Enforcement Section Manager to determine what was allowed and legal. Rick agreed to come do a site inspection with me on June 25, 2019 and also attend a Planning Commission meeting to discuss helicopters at that night's meeting.

After much discussion over the next few months, it was determined by our City Attorney that a Conditional Use Permit could not be applied for unless helipad usage was specifically mentioned in our City Code Use Chart. **Under East Gull Lake Section V: Zoning Districts and District Regulations, per section 8.5-1 Item #7: "All uses are considered prohibited unless specifically allowed in this code, even if they are not listed specifically under excluded uses".**

A discussion occurred about a public hearing to amend the city code regarding helipads on October 29, 2019. At that time seven different conditions were proposed defining requirements for helipads:

1. Property to be considered must be a minimum of 5 acres
2. If on Lakeshore you must have a minimum of 200 feet of frontage
3. Property owner must acquire a MnDOT Aeronautics permit
4. Property owner is limited to commuting and storage of two take offs and landings per day
5. All recreational flights will be conducted from the East Gull Lake Airport
6. Flight times are dawn to dusk with no lighting allowed on property
7. Adequate Proof of insurance to be filed with the City

Letters were read from the 11 residents that had responded as of October 29, 2019, where nine were in favor and two opposed. A motion was made and seconded at this meeting to move forward with a public hearing to amend the ordinance. All Planning Commission members voted in favor to entertain the revision of the zoning ordinance by public hearing.

On November 7, 2019 the City Council met and heard the recommendation from the Planning and Zoning commission to approve the CUP for Doug Schieffer's home that was in excess of 6,000 square feet. Condition #5 of the 2019-58 CUP stated "With the building plans to be approved showing the potential for "Chopper Storage" the approval of this CUP does not indicate any pre-approval of this use"

The next item discussed by City Council on November 7, 2019 was to entertain a revision of the zoning ordinance to address the use of a helipad within city limits. All councilors present voted in favor of organizing a public hearing to discuss the conditional use of a helipad within city limits.

Since October 29, 2019 there have been no discussions at any Planning Commission meetings because the previously scheduled public hearing for helipads on February 25, 2020 was canceled due to COVID19. There were changes suggested by MnDOT Aeronautics to revise proposed helipad requirements to add to the following conditions which were also published in the Brainerd Dispatch on February 14, 2020:

1. Property must contain a minimum of five acres.
2. Property owner must acquire a MnDOT Aeronautics Permit due to the proximity of the East Gull Airport being within six miles of any applicant residence in the City.
3. Property owner is limited to commuting and storage of the helicopter on site. Two takes offs and landings per day maximum allowed.

4. All recreational flights will be done from the East Gull Lake Airport.
5. Flight times will be limited to the later of 7:00 a.m. or dawn to dusk.
6. Adequate proof of insurance to be filed with the City.
7. No take off in any instance in winds exceeding 20 knots.
8. Flight Conditions for operations to/from the helipad:
 - a. Visibility: Visibility must be at least three miles.
 - b. Ceiling: Cloud heights must be at least 1,000 feet above the ground.
 - c. Weather Reporting: The weather as reported from the Brainerd Automatic Weather Observation Station (AWOS) will be utilized unless the weather at the helipad is lower and then the lower conditions will apply.

As of January 21, 2020, a group of residents created a Facebook Page "Help us keep helipads out of East Gull Lake." They also generated a form mailing to all East Gull Lake residents with a City-addressed, stamped envelope and a form to sign opposing the Helipad ordinance revision. As of June 30, 2020, we have received approximately 300 forms.

On January 30, 2020 I received a letter from the Cass County Sheriff, Tom Burch, who I had asked to address the helicopter issue in preparation for the public hearing. His response was as follows:

"In reference to helipads within Cass County, I am unaware of how many private helipads are located within the County. I do not know of any statute or County Ordinance requiring property owners to notify our office of an existing helipad. As far as the City of East Gull Lake creating a helipad ordinance. The Sheriff's office would not have the authority to enforce the helipad ordinance or any other City or Township Ordinance."

I have spoken to Sheriff Burch and he or his representative will be at the July 28, 2020 meeting at Cragun's Legacy Clubhouse at 6:30 PM.

The above suggested conditions are just recommendations from myself and Rick Braunig of MnDOT Aeronautics to amend the current City Ordinance Use Chart of East Gull Lake. If additional conditions were to be suggested by the Planning Commission, they can be discussed. If the suggested conditions along with amendments are not passed by a majority of the Planning Commission and a 4/5 vote of the City Council, then the use will remain as excluded and no MnDOT license would be issued.