

MINUTES
CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 TUESDAY, MARCH 15, 2022
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

Members Present: Ezra Baer, Steve Mortensen, Kurt Skjerven, Bill Davis, Joel Hildebrandt, Brad Eldred, Laura Johnson, Jenny Mongeau, Steve Lindaas

Members Absent: Curt Stubstad, Andrea Koczur

Others Present: Matt Jacobson, Erika Franck, Brian Melton, Rita Rueckert, Mark Klevgaard (Comprehensive Plan committee member), Justin Sorum, Brent Berg (by Teams Meeting), Kevin Campbell, Lois Jenson, Landy Sandahl, Shelley Hendricksen Steichen, Greg Mayo, David Steichen, Barry Amundsen, Scott Wirtjes, Jeff Mortensen, Alheen Mahmud, Matt Lower, Cornelius Wipf, Ross Eberle

ROLL CALL: Roll call was taken, and the meeting was called to order at 7:00 PM by Chair Ezra Baer.

APPROVAL OF AGENDA:

Matt Jacobson requested the Brent Berg application be moved to 7:30.

On motion by Steve Mortensen, seconded by Brad Eldred, and unanimously carried, the Agenda was approved with the modification.

APPROVAL OF MINUTES FROM FEBRUARY 15, 2022 MEETING:

Update to Minutes was made to have Steve Mortensen's name replaced with newly elected secretary Laura Johnson.

On motion by Bill Davis, seconded by Brad Eldred, and unanimously carried, the Planning Commission approved the February 15, 2022 Minutes with this correction.

CITIZENS TO BE HEARD:

There were no citizens wanting to speak on any items not on the Agenda.

PUBLIC HEARINGS:

CLAY COUNTY DRAFT 2045 COMPREHENSIVE AND TRANSPORTATION PLAN

The Planning Commission will discuss and make recommendations on the draft 2045 Clay County Comprehensive Plan. Members of the public and plan stakeholders are invited to participate in person or virtually. The plan contains a variety of information on demographics, land use and identifies a vision, goals and objectives to guide future development and land use in Clay County.

On motion by Jenny Mongeau, seconded by Bill Davis, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, advised there have been numerous meetings for gathering input on the Plan update. He addressed the following points:

- What is a Comprehensive Plan
- Community Engagement and Key Issues
- Draft Plan
- Next Steps
- Your Thoughts?

What is a Comprehensive Plan?

The current Comprehensive Plan was written and completed in 2001 and was adopted in 2002. The Comprehensive Plan is a tool for planning for growth and development in the unincorporated areas of the County and provides justification for zoning and other land development decisions. The Plan also provides justification for zoning and other land development decisions and can assist in applying for certain state grants.

Plan Contents include Introduction, Community Profile, Vision, Land Use, Transportation, Goals and Objectives, and Implementation.

Community Profile: This includes information about population. Current population of the entire County is approximately 65,000 residents. Projections are for 25,000 more residents over the next 25 years. A graph was shared showing where that population is projected for growth.

Housing: Types of housing and the ages of those present housing stock are included.

Agriculture: Farmland accounts for nearly 80.4% of the land area in the County. The number of farms has decreased since 2007 while average acreage has increased.

Land Use: The study review committee came up with some guiding principles for land use, including balance, collaboration, fostering types of uses/development/connections/relationships, economic resilience and connection. A graph was shown of current land use and what land is being assessed for within Clay County.

Future Growth Alternatives: There were three separate strategies considered and “Alternative 2 – Pursue a Balanced Growth/Land Use Pattern” was chosen as the ideal approach to guide development in the County.

Transportation: This includes roads and their classifications, bridge sufficiency, bicycle and pedestrian networks, and emerging technologies (such as autonomous vehicles, ride-hailing services, micro-transit, etc.)

Vision/Goals/Objectives: This chapter establishes a vision for growth and development in Clay County. This is reflected in the Vision Statement:

Clay County values its existing rural and agricultural character, while ensuring a thoughtful, balanced approach to growth and development in the years to come.

Clay County is committed to the principles of equity, inclusion, and service by providing quality services and facilities for all citizens and future residents.

Clay County recognizes the importance of its agricultural and natural resources, while looking for new opportunities to support economic vitality.

Clay County will promote sound planning principles that foster economic, environmental and community resiliency to ensure that Clay County thrives into 2045 and beyond.

Goals and Objectives include broad categories like Community and Resilience, Housing, Land Use, Transportation, Agriculture, Natural Resources and the Environment, Economic Development, and Intergovernmental Coordination. The goals and objectives provide more specific articulations of the County vision, land use principles and development approach.

The Implementation Chapter provides information on programs, funding sources, and actions to implement the goals and objectives of the plan. The primary tool used to implement the land use goals and objectives of the plan would be an updated land development code.

Next steps for this Plan were reviewed and would include recommendation by the Planning Commission to the County Board of Commissioners for approval. County Board of Commissioner review is expected in late March or early April 2022. Once it is sent to the Board of Commissioners, they would have one or more public hearings and then vote for adoption of the Plan. After-adoption steps would include monitoring and updating and preferably an annual review to keep the document current and in-time.

Dave Steichen of Dilworth asked where the Heartland Trail would be entering Moorhead. He shared the plan Dilworth had for the Heartland Trail. Justin Sorum advised that the Trail is proposed to come in on Highway 10 and north. Mr. Steichen stated that Dilworth thought it was important to route the Trail through Dilworth and into the new development named The Rail District as they thought this was an important addition to getting some interest in that development.

Chair Ezra Baer thanked Matt Jacobson and staff, as well as Adam Altenburg of MetroCOG, for their diligent work over the past year on this project.

On motion by Joel Hildebrandt, seconded by Brad Eldred, and unanimously carried, the Planning Commission closed the public hearing.

On motion by Steve Lindaas, seconded by Steve Mortensen, and unanimously carried, the Planning Commission approved the recommendation of the Comprehensive and Transportation Plan to the Board of Commissioners.

ALEXANDRIA GRAVEL PRODUCTS, LLC – REQUEST FOR AN INTERIM USE PERMIT

The applicant is seeking approval of Interim Use Permit to open a gravel mining operation in the S1/2 SE1/4 of Township 141N, Range 44W, Section 7, Parcel 11.007.3700, Goose Prairie Township.

On motion by Steve Mortensen, seconded by Steve Lindaas, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, stated that this property was recently heard for a rezoning request and it is now before the Planning Commission for an Interim Use Permit for a gravel mine. Policy Considerations reviewed were:

- **Land Use Goal #2:** Support the long-term protection of agriculture in the county.
- Policy #1: Recognize and support the agricultural character of the County in all planning efforts.
- **Land Use Goal #5:** Plan land uses and implement standards to minimize land use conflicts.
- Policy #1: Prepare and adopt a land use plan that designates land use areas to ensure desirable land use

patterns and minimize conflicts.

- Policy #2: Require adequate transitions between different land uses through appropriate land use planning and zoning standards.
- Policy #3: Require adequate buffering and landscaping for new mining operations when adjacent to existing residential areas as well as when an existing operation expands or is substantially modified and would negatively impact existing land uses in the surrounding area.
- Policy #4: Require phased end-use reclamation plans as a condition for a gravel-mining permit so that areas are reclaimed as they are done being mined.
- **Natural Resources Goal #1:** Identify, protect, and preserve the County's high quality natural, scenic, cultural and open space areas.
- Policy #19: Balance the preservation of native prairie areas with mining of the county's gravel resources.

The property is located in Goose Prairie Township. It is on the east side of CSAH 33 and north of CSAH 26, between Ulen and Hitterdal and to the west of both of those communities. The subject property is zoned Agricultural General (AG), Resource Protection-Aggregate (RP-Agg), Resource Protection-Biological (RP-Bio) to the north and to the east and General Floodplain to the north. The proposed use of the land for extractive mining is an allowable use with an interim use permit in AG and RP-Agg districts. It is an allowable use with an Interim Use Permit and mandatory EAW in RP-Bio. Extractive mining is not allowed in the General Floodplain or Special Protection Rivers and Streams zoning districts. This property has had a history of grazing that goes back many years and has been heavily grazed. Portions of it have now been tilled and sprayed.

Applicant is seeking an Interim Use Permit to allow for 39.5-acre gravel mining and possible crushing/screening operation on a property that was recently rezoned to remove the Resource Protection – Biological District Overlay. The property has wetlands to the north and pockets of dry hill prairie. There are 8 residences within a mile of this property. Two of those properties are owned by mining companies and will likely be vacated and removed in the near future. There are also 6 gravel pits within two miles of this property. Property terrain varies and is very hilly, with much of the minable material found in the hills above grade. Depth to groundwater ranges from 2-3 feet on the north end of the property to 50 feet on the south end and averages about 28 feet or more. Applicant did have a wetland delineation completed by Moore Engineering. Existing well logs in the area put the static water level at 50 feet. The Soil and Water Conservation District (SWCD) staff have also reviewed this wetland delineation and issued concurrence for the delineation.

There is roughly 250,000 cubic yards of material that could be extracted in a 5-year period, which is roughly 10,415 truck loads of material. Portable aggregate crushing equipment, screens, feeder and stacking conveyors would be used. Loader(s), dozer(s) and hydraulic excavator(s) will feed the processing equipment. Material will be hauled by trucks, trailers, etc. Mining will occur in 6 phases west to east. All mining will occur at a minimum of 10 feet above the groundwater table. No washing or dewatering will occur. The haul route will be north and south on CSAH 33. Haul signs should be placed on CSAH 33 when trucks are hauling. Four to six employees will work onsite. Requested operation period is April-November, Monday-Saturday, 6:00 AM to 8:00 PM.

Mitigation will include all slopes to be within the interior of the mining operation. All rain and snowmelt will drain vertically into the floor of the excavated areas. Berms will be placed around the exterior portion of the mining area. Berms will be placed along the north to mitigate erosion and runoff to wetlands and Felton Creek. A berm will also be placed along the mining area adjacent to CSAH 33 to prevent noise and provide visual

screening. Staff recommends seeding berms with a grass mix (preferably native) and spraying for noxious weeds. Applicant will provide dust control on internal haul roads and manage for fugitive dust. A written plan should be provided to the Planning Department.

Per 8-5C-6D of the Clay County Development Code, no dirt moving or vegetation removal can occur within 100 feet of biologically significant areas (Felton Creek and surround wetland complex as identified by the DNR as significant biological areas). Applicant/Operator will need to obtain and provide copies of NPDES and SDS; Nonmetallic Mining and Associated Activities permit from the Minnesota Pollution Control Agency. Because Felton Creek is a designated trout stream, additional best management practices will be required as part of the NPDES/SDS permits as required by the State of Minnesota.

A map was reviewed showing the 6 phases of the mining.

Reclamation will occur as mining progresses. Topsoil will be stored in berms over the years of operations and seeded to mitigate erosion. The site will be sloped at 4:1 and stored topsoil will be placed over the disturbed area. Site will be restored to prairie/pastureland. It would be preferred that the area be returned to prairie. Cost of reclamation is estimated to be \$1,500 to \$2,000 per acre. Ongoing maintenance for noxious weed control, mowing and grazing will be required and to make sure the restoration is established.

Mr. Jacobson gave the following Proposed Conditions:

1. Operate within provisions of the Clay County Land Development Ordinance, especially the specific wetlands required for extractive uses.
2. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.
3. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required to the Planning Office and shall be in compliance with any and all local/state/federal regulating agencies prior to commencing mining operations. This includes a conditional use permit from Goose Prairie Township.
4. Operator shall have the Clay Soil Water Conservation District conduct a wetland evaluation prior to opening of new areas to be mined.(this has already been completed)
5. Operator shall construct a berm along the northern most extent of the pit to prevent erosion and runoff into Felton Creek and associated wetlands to the north.
6. Operator must comply with all provisions of Wetland Conservation Act.
7. Operator must maintain a 10-foot vertical buffer above the groundwater table.
8. Operator is permitted to mine up to 39.5 acres. If additional acres are proposed to be opened in the future, a new or amended IUP would be required.
9. Operator must post a reclamation bond of \$2,000 per acre.
10. Operator shall reclaim mined out areas as mining activities progress. Areas are to be seeded to native prairie grasses upon reclamation.
11. Operator shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department.
12. Operator to present a detailed mining plan to Planning Office indicating exact area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities
13. Mining operations: April thru November, hours for mining, screening and hauling shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Saturday.
14. Permit shall expire in 5 years, on December 31, 2027.

Ezra Baer asked if Condition #10 should be changed to dry hill native prairie. Director Jacobson felt that the dry hill native prairie would be what probably would grow best and recommended "native prairie plant species common to the area". Steve Lindaas offered "local" might be a good recommendation. Bill Davis suggested that the exact seed for dry hill native prairie may be difficult to locate for purchase. Director Jacobson suggested "in consultation with the NRCS or SWCD". Steve Lindaas suggested that seed could be hand-harvested from other parts of the parcel or adjacent property to replace what was previously there.

There was a review of the hours of operation at the other local area pits. Some of these pits are in Keene Township while others are in Goose Prairie Township. Director Jacobson stated that Keene Township is making more of their pits uniform operation hours of 7AM to 7PM. There is a pit right to the south that is 6AM to 8PM, Monday through Saturday. He also recommended no noise-producing activity for Saturdays. Ezra Baer stated he sits on the Goose Prairie Township and that they are making more of the mining hours uniform at 7AM-7PM. Joel Hildebrandt and Bill Davis both spoke in agreement of having uniform mining hours for the entire County. Director Jacobson advised that it would not make sense to have restrictions on some of the pits that are not in areas with residential population. There was also discussion about load-out and that the noise-factor tends to be the consideration for establishing reasonable for hours of operation. Steve Lindaas recommended being clear with the hours, and if you want to restrict noise you state hours of 7AM-7PM, but they could load out earlier without making noise so operating hours could be 6AM-7PM.

Director Jacobson advised that the proposed condition #14 of permit expiration is because the lease is a 5-year lease.

Chair Baer asked for clarification on the condition for the signage. Director Jacobson advised signage should state "Trucks Hauling". Jenny Mongeau felt that the signs should only be up when the pits are actually hauling. Justin Sorum, Clay County Highway Department, advised that the County does not currently have any flip-down signs indicating gravel hauling but they could look into obtaining these. There was discussion about who would be responsible for changing the sign. Director Jacobson advised he would be checking into some of the other pits to see if they have requirements for signage.

Ezra Baer asked about the hours for crushing in the nearby pits. The Kost pit to the southwest has limits on noise producing operations, as do the Westlund and Aggregate pits. Last summer Kost provided notice to the Planning Office they would be doing crushing and gave the dates that it would be occurring and that they wouldn't be returning to crushing at that pit for 2 to 3 years.

Steve Lindaas asked about clarification on the 100-foot setback from the delineated wetland, wondering if it should be included in Condition 1 or Condition 5. Director Jacobson felt this should be stated within the conditions. There was also discussion about the reclamation berm. The application requested 3:1, but Director Jacobson feels that 4:1 would be more reasonable to protect Felton Creek. Steve Lindaas asked if an EAW should be included with Condition 8 if the mined acres would be increased; Director Jacobson agreed. Ezra Baer asked about condition 2 for dust control and asked if it should apply within the pit, as well as the haul road areas. Director Jacobson agreed that due to the sensitive areas of Felton Creek and the RP-Bio areas to the north and east, this would be a reasonable request, and that a fugitive dust management plan should be considered on all pit requests especially given the dry year we had last year.

Scott Wirtjes of Alexandria Gravel asked for clarification on the hours of operation. He states that they would just have to work with the hours that would be decided. He asked about the work they would be able to do on Saturdays, specifically hauling on Saturdays but not doing crushing. Chair Baer asked where the water would come from for dust control within the pit and he states he would do whatever would be required. There was discussion about drilling a well and how that may be a problem with the DNR given the proximity to Felton Creek. Director Jacobson felt that drilling a well for water may be considered a dewatering process and would trigger permitting through the Department of Natural Resources (DNR). Mr. Wirtjes advised they would haul in water for dust control.

Chair Baer asked Director Jacobson if there were wells drilled on this property. Director Jacobson was unable to find any wells located on this property. Brad Eldred states there were 3 wells across the road.

Shelley Steichen, Goose Prairie Township Supervisor, asked about dust between this pit and the Hough pit. Ms. Steichen states that once Alexandra Gravel came into the pit there was considerable dust and noise from these pits. Chair Baer stated that conditions needed to be in place to enforce keeping the dust on their own property. Ms. Steichen advised that the noise from the required back up beepers going in all of these pits at once are quite noisy.

On motion by Bill Davis, seconded by Brad Eldred, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions.

On motion by Steve Lindaas, seconded by Bill Davis, and carried by a vote of 8 in favor and 1 opposing vote by Joel Hildebrandt, the Planning Commission *GRANTED* the Interim Use Permit with the following conditions:

- 1. Operate within provisions of the Clay County Land Development Ordinance, especially the specific setbacks required for extractive uses.**
- 2. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.**
- 3. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall be in compliance with any and all local/state/federal regulating agencies prior to commencing mining operations. This includes a Conditional Use Permit from Goose Prairie Township.**
- 4. Operator shall maintain all mining operations at a 100' setback from the south edge of delineated wetland.**
- 5. Operator shall construct a berm along the northern most extent of the pit to prevent erosion and runoff into Felton Creek and associated wetlands to the north.**
- 6. Operations must comply with all provisions of Wetland Conservation Act.**
- 7. Operator must maintain a 10-foot vertical buffer above the groundwater table.**
- 8. Operator permitted to mine up to 39.5 acres. If additional acres are proposed to be opened in the future a new or amended IUP, and possibly an EAW would be required.**
- 9. Operator must post a reclamation bond of \$2000 per acre.**
- 10. Operator shall reclaim mined out areas as mining activities progress. Areas are to be seeded to local native prairie grasses upon reclamation. Final reclamation should be to a minimum 4:1 slope in**

mine interior.

11. Operator shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department.

12. Operator to present a detailed mining plan to Planning Office indicating exact area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities and stormwater management plan prior to commencing any operations at the site.

13. Mining operations: April thru November; hours for mining and screening and hauling shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday and hauling from 7:00 a.m. to 2:00 p.m. on Saturday.

14. Permit shall expire in 5 years, on December 31, 2027.

15. Operator shall provide a fugitive dust management plan to the Planning Office.

INTERSTATE ENGINEERING & SPRING PRAIRIE HUTTERIAN BRETHREN, INC. – PETITION FOR TEXT AMENDMENT TO THE CLAY COUNTY DEVELOPMENT CODE

The applicant is petitioning to amend the text of the Clay County Development Code to add a new use, intentional living community, as a conditional use in the Clay County Development Code.

On motion by Joel Hildebrandt, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, explained that this request for the text amendment was presented by one applicant but the implications are for the entire County-wide Agricultural General Zoning District.

Spring Prairie Colony is the originator of the Application, through Interstate Engineering. The Spring Prairie Colony was established in the late 1970s. Their population has grown to 294 per the 2020 Census estimates. The Colony has transitioned from a primarily agricultural to industrial economy with their precast concrete manufacturing. The Colony has school, dining facilities, church, dairy operation, electric/machine shop, multiple multi-family residences, among many other uses. The Spring Prairie Colony brought this issue forward due to their housing shortage. There are approximately 10 multi-family dwellings onsite, 8 of them are non-permitted. The total number of residence structures is not exactly known. There are 9 mobile homes onsite. Of note, manufactured mobile home parks are not permitted in the unincorporated area of the County (2 or more mobile homes on a property would be considered a mobile home park).

An Intentional Community is defined as: A voluntary residential community designed from the start to have a high degree of social cohesion and teamwork. The members of an intentional community typically hold a common social, political, religious, or spiritual vision, often follow an alternative lifestyle and typically share responsibilities and property. Examples of an intentional community would be: Hutterites, Mennonites, Amish, communes. There are other intentional communities within Minnesota (in Fillmore and Todd Counties) that Director Jacobson described. Mower County recently went through a Planned Unit Development process with their Hutterite Colony to create a plan with how growth and development will occur.

Proposed Intentional Community Standards include:

- **Conditional Use:** Intentional Communities shall be permitted as a Conditional Use, meeting the requirements of this section in addition to the general requirements for a Conditional Use Permit. A site plan shall be submitted with the conditional use permit application showing the location of all existing structures.
 - **General Restrictions:** This use supports multi-family residential development and non-commercial uses incidental to operations of the development so long as all activity is self-managed by an incorporated development organization consisting of a majority of the intended number of residents of the development. At a minimum, an Intentional Community must consist of at least one (1) residential structure and two (2) residential dwelling units and a common structure.
- A. **Definition:** Intentional Community Use provides standards for voluntary residential communities that are designed from the start to have a high degree of social cohesion and teamwork. A person or family may choose to reside in an Intentional Living Community for social, political, religious, or spiritual reasons, amongst others. A common example in Minnesota is a Hutterite colony.

Proposed Intentional Community Density and Dimensional Standards include:

- **Minimum lot size:** The minimum lot size required for an Intentional Community shall be 40 acres.
- **Density Maximum:** No more than 7 dwelling units per acre.
- **Requirements for Residential Structures:** All residential structures must not include more than 40 dwelling units per structure.
- **Requirement for a Common Structure:** All Intentional Living Communities must include a centrally located common structure – such as a meeting house, community hall, etc. – that is detached from all residential structures.
- **Minimum Open Space Requirements:** Any parcel featuring an Intentional Community use shall have at minimum 50% of land dedicated as open space. This requirement is inclusive of all additional uses occurring in combination with the Intentional Community Use.

Note, these numbers were not arbitrarily chosen, but were intentional to be under the triggers for an Environmental Review.

Additional Standards would include:

- **Non-Residential Uses:** All non-residential uses on parcels that occur in combination with an Intentional Living Community are subject to the requirements of this ordinance.
- **Management Plan:** The development organization responsible for the Intentional Living Community, as defined by Part C of this section, shall submit a management plan along with the required site plan for the conditional use permit application that includes the following:
 - a) A description of all non-commercial uses incidental to the operation of the community.
 - b) A description of any commercial uses to occur in combination with the Intentional Community.
 - c) Guidelines for the maintenance and operations of any transportation infrastructure that might be utilized by the general public, and any private utilities including drinking water, stormwater and stormwater management.
 - d) A statement acknowledging an understanding that changes to the management plan or site plan may trigger an environment review under Minnesota Rules 4410.

In the case of the Spring Prairie Colony, they have been working with the State for permits with their public water, wastewater, and a regional stormwater management because of their size.

Policy Considerations from the Comprehensive Plan:

Land Use Goal #2: Support the long-term protection of agriculture in the County.

- **Policy #1:** Recognize and support the agricultural character of the county in all planning efforts.
- **Policy #2:** Establish clear and distinct zoning districts outside Planned Urban Growth Areas that provide for long-term agricultural and limit residential density in the agricultural areas of the County.

Land Use Goal #3: Plan for the orderly and efficient growth of residential development in the County.

- **Policy #3:** Outside of the Planned Urban Growth Areas, encourage non-farm residential development to be clustered on small lots in and around unincorporated rural communities and in areas that are considered marginal for agricultural use.
- **Policy #4:** Encourage the use of community wastewater treatment systems or “package plants” for residential clusters.

Land Use Goal #5: Plan land uses and implement standards to minimize land use conflicts.

- **Policy #1:** Prepare and adopt a land use plan that designates land use areas to ensure desirable land use patterns and minimize conflicts.
- **Policy #2:** Require adequate transitions between different land uses through appropriate land use planning and zoning standards.

Natural Resources Goal #1: Identify, protect, and preserve the County’s high quality natural, scenic, cultural and open space areas.

- **Policy #8:** Utilize soil suitability information in planning new development.
- **Policy #9:** Require all new development to comply with applicable storm water management plans and policies.

Agricultural General is the base zoning district for most of the unincorporated areas of Clay County. This zoning is intended to preserve agricultural land use and rural character through compatible land use regulation but it does permit some development flexibility for non-agricultural uses.

Considerations would include:

- Spring Prairie Hutterites essentially operate as an intentional community. They have built housing with and without permits in the past.
- They have received permits in 1998 and 2009 for multifamily housing not permitted by the Development Code.
- A Text amendment is for the entire County zoned Agricultural General, not restricted to the Hutterite Colony.
- There is a need to mitigation against abuse of use through strong standards and enforcement.
- There has been no public comment received.

Commissioner Mongeau pointed out that the Hutterite Colony has gone to numerous lengths to rectify their growth issues, including requesting the State of Minnesota to grant them status of a City. Ms. Mongeau also stressed that the issue at hand is truly a housing crisis, and also cautioned about over-regulation.

Steve Mortensen asked if any Intentional Community would have to come to the Planning Commission to request a Permit. Director Jacobson confirmed that any Intentional Community would need a Permit.

Steve Lindaas asked about the difference of an Interim Use Permit instead of a Conditional Use Permit as an Intentional Community. Director Jacobson stated that with the Interim Use Permit there are some triggers that can cause the permit to expire, whereas a Conditional Use Permit would run with the land. Director Jacobson felt that an Interim Use Permit would be something pertaining to a more transient community. There was discussion of the advantages and disadvantages of Conditional Use Permit vs. Conditional Use Permit. Mr. Jacobson stated that an Interim Use Permit may be more appropriate for this type of use as it provides a mechanism for termination if land ownership were to change or the use were to cease for a period of time.

Matt Lower, Planning Director of Interstate Engineering, asked if there were any questions he could address. He advised that the Colony has all the components that an Intentional Living Community would have and they have existed since the 1970's. He feels that there are 3 reasons why a Text Amendment is the best way to proceed at this time:

1. A Text Amendment creates a predictable and transparent pathway for the colony to entitle and construct housing and other structures in a manner that is consistent in their way of life.
2. Provides framework to address future issues up front by creating county-wide standards.
3. Provides two layers of regulatory review, both a Use Permit and a separate requirement within the specific design standards, so it can be clearly and directly enforced.

Mr. Lower thanked Director Jacobson for the work he has done in assisting in the drafting of this request.

Steve Lindaas asked if there was an issue with an Interim Use Permit instead of a Conditional Use Permit. Mr. Lower stated that he did not feel there would be a difference and it would just be a matter of how to regulate this. Director Jacobson asked about the current housing deficit. Cornelius Wipf of the Colony advised that they have approximately 8 families with children living doubled-up. He stated that they only found out about 2 years ago that their homes on the property were not legal, and at that time they were in the process of securing mobile homes for several of the families. He recently learned those mobile homes are illegal and stressed that he needs assistance to secure legal housing for his Colony families. He states that most of their housing does pre-date the current Clay County Development Code.

Brad Eldred inquired about future growth for the Colony. Mr. Lower advised that they have looked at several other Intentional Communities in other locations to come up with the proposed standards. Mr. Jacobson provided examples of intentional communities and noted that though other counties with these types of communities do not specifically identify intentional communities or a similar type of use, there are examples of permitting multiple dwellings on a single parcel as a conditional use.

It was pointed out that this text amendment remains independent of any other permitting that is currently required and would need to be done, such as drinking water, manufacturing, etc., or any other activities that currently require permits.

Greg Mayo stated he is neighbors to the Hutterite Colony and was very supportive of the Hutterite Colony and their request. Mr. Mayo also complimented the work done on this request by Interstate Engineering.

Director Jacobson indicated he has not received any comments from the public. Director Jacobson also stated that he feels it is important to emphasize this is a Text Amendment that affects the entire County and would be adding an additional land use to the Agricultural General Zoning District.

On motion by Bill Davis, seconded by Brad Eldred, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commission as they pertain to the requested permit.

Jenny Mongeau pointed out that Section 1 of the Findings of Fact and Order emphasizes “the Planning Commission shall consider the effect of the proposed use upon the health, safety, morals and general welfare of occupants of the surrounding lands...” and that this proposed text amendment would directly benefit the health, safety, morals and general welfare of the occupants of the proposed lands. Joel Hildebrandt pointed out that with the pandemic of the past 2 years, the overcrowding is a huge concern. Bill Davis acknowledged the testimony of Mr. Wipf which was up-front regarding the permit issues of their current housing. Director Jacobson also stated that much of the housing on the Spring Prairie Hutterite Colony property predates the County Ordinance.

Steve Lindaas stressed that he feels an Interim Use Permit would be preferential over a Conditional Use Permit, so there is better control over the acquisition and use of the land. A Conditional Use Permit is attached to the property; whereas the Interim Use Permit is issued to the Applicant/Resident of the property. Director Jacobson stated that the standards for revoking a Conditional Use Permit are very high and difficult to do; and also explained that an Interim Use Permit could function just as a Conditional Use Permit but could be triggered with an expiration of when the property is vacated.

Mr. Lindaas brought up housing rules that are frequently seen regarding the number of unrelated individuals who could live together in a single residence. He suggested that possibly having a broader discussion on this topic would be appropriate in the future if the Text Amendment is approved.

On motion by Steve Lindaas, seconded by Joel Hildebrandt, and unanimously carried, the Planning Commission approved recommendation to the Board of Commissioners to approve the Text Amendment to permit Intentional Community as an Interim Use with the recommended draft standards.

UNFINISHED BUSINESS:

- **Recognition of Service – Steve Mortensen.** Ezra Baer presented Steve Mortensen with a plaque of recognition for his years served on the Planning Commission. Mr. Mortensen resigned as he is moving out of the County.

NEW BUSINESS:

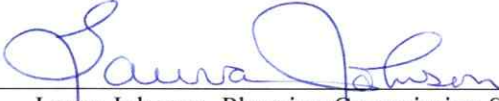
- **Review Interest Form for Planning Commission – Brent Berg** Brent Berg joined by Teams Meeting. Mr. Berg states that he is 5th generation Barnesville resident. He has previous building experience and has spent the last 20 years in the insurance world. He has been on the Barnesville Planning & Zoning for the past 12 years and recently been Chair of that committee. He indicated he rarely misses meetings and the times missed are usually because of family vacations or commitments. Steve Mortensen indicated he was vice-chair for many year and that he rarely has had to chair a meeting due to Mr. Berg’s absence.

On motion by Steve Lindaas, seconded by Kurt Skjerven, and unanimously carried, the Planning Commission made a recommendation to submit the application of Brent Berg to the Board of Commissioners for appointment to the Planning Commission.

- Bill Davis took the opportunity to give recognition to the work of the County employees, expressing appreciation and thanks for their work in keeping the business of the County moving during the past 2 years of pandemic. Specifically, he thanked the Staff, the Commissioners, IT department, Law Enforcement, and all other employees who have continued to serve the internal and external customers of the County.

ADJOURNMENT:

On motion by Steve Mortensen, seconded by Bill Davis, and unanimously approved, the meeting adjourned at 9:47 pm by Chair Ezra Baer.



Laura Johnson, Planning Commission Secretary