

**CLAY COUNTY PLANNING COMMISSION MINUTES**  
**7:00 PM TUESDAY, JUNE 25th, 2024**  
**THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

**Members Present:** Ezra Baer, Joel Hildebrandt, Laura Johnson, Kurt Skjerven, Ashley Heng, Sebastian McDougall, Curt Stubstad, Brad Eldred

**Members Absent:** Brent Berg, Jenny Mongeau, Dave Steichen

**Others Present:** Matt Jacobson, Michael Leeser, Erika Franck, Rita Rueckert, Justin Sorum, Jeff Mortenson, Everett Nelson

**ROLL CALL:**

Attendance was recorded by Chair Ezra Baer and the meeting was called to order at 7:00 PM.

**APPROVAL OF AGENDA:**

**On motion by Joel Hildebrandt, seconded by Curt Stubstad, and unanimously carried, the Agenda was approved.**

**APPROVAL OF MINUTES OF MAY 21st, 2024:**

**On Motion by Sebastian McDougall, seconded by Ashley Heng, and unanimously carried, the May 21st, 2024 Minutes were approved.**

**CITIZENS TO BE HEARD:**

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

**PUBLIC HEARINGS:**

**CLAY COUNTY LAND DEVELOPMENT CODE UPDATE – REQUEST FOR PUBLIC INPUT**

Clay County is in the process of updating the Land Development Code. The Planning Commission will take public comment at their regularly scheduled meetings. Comments and questions can also be submitted by calling the Planning Office or by email at [planning@claycountymn.gov](mailto:planning@claycountymn.gov).

**On motion by Ashley Heng, seconded by Laura Johnson, and unanimously carried, the Planning Commission opened the public hearing.**

Matt Jacobson, Planning Director, advised there has not been any input since the last meeting. Director Jacobson advised that, although the hope was to have the Ordinance completed at this time but it is not yet completed, Planning & Zoning is currently at about 55% of the budget spent. Full chapter drafts are starting to begin arriving and he is looking at having another Study Review Committee meeting later this summer and hopefully have the Ordinance adopted by November.

**On motion by Sebastian McDougall, seconded by Ashley Heng, and unanimously carried, the Planning Commission closed the public hearing.**

## **JEFF MORTENSON – REQUEST FOR CONDITIONAL USE PERMIT**

The applicant is seeking a conditional use permit for a commercial storage business and outdoor storage yards for materials accessory to a commercial storage use on parcel 13.062.0010, Lot 1, Block 1 of Highway 10 Store All Subdivision, in part of the SW1/4 SW1/4, Section 5, Township 139, Range 45, Hawley Township.

**On motion by Brad Eldred, seconded by Ashley Heng, and unanimously carried, the Planning Commission opened the public hearing.**

Director Matt Jacobson stated the request is for a Conditional Use Permit for a commercial storage business. 2045 Clay County Comprehensive & Transportation Plan criteria reviewed:

- Commercial and Industrial
  1. Encourage commercial and industrial development that is in harmony with the agricultural and rural character of Clay County.
    - a. Promote value-added agricultural commercial and industrial development in Agricultural Service Center areas and along transportation corridors and hubs.
    - b. Avoid or mitigate against commercial and industrial development in and near environmentally sensitive areas.
    - c. Avoid or mitigate against commercial and industrial development that increases the potential for land use conflicts with rural residential or agricultural uses.

Criteria reviewed from the 2045 Clay County Comprehensive and Transportation Plan included:

- Natural Resources and the Environment – Prairies and Woodlands
  2. Grow and restore prairie and woodland areas in Clay County for the benefit and enjoyment of Clay County businesses, residents, and visitors.
    - a. Encourage agricultural, commercial, industrial, and residential development to establish prairie and/or woodland areas on properties to provide ecosystem services such as erosion and flood control, through assessment, **permitting**, tax, and zoning programs and incentives.

The property is zoned Agricultural General (AG) and this requested use is allowed by a Conditional Use Permit (CUP). It is approximately 4.36 acres along US Highway 10 between Glyndon and Hawley. This commercial plat was completed in May 2024. The site is currently used as pasture and there are no structures located presently on the site. It appears all required setbacks could be met. The access will need to be a minimum of 450 feet north from the centerline of US Highway 10 on County Road 113 (also known as 190<sup>th</sup> Street North).

The current site plan includes four storage buildings totaling 40,000 square feet. Two buildings will have individual units and two will store recreational units (RVs and boats). There will be approximately 20 feet between each building. The individual unit buildings will each house 40 units with concrete flooring. Recreational storage buildings will be open with large overhead doors on each end and will have gravel flooring. The storage area will be gated and fenced. Construction will occur in two phases with the outermost building completed first with outdoor storage in between these buildings with a maximum of 19,000 square feet. Sixteen (16) feet of access road will be along both sides of the structures and a gravel pad will be between the structures.

The Development Code Standards of Additional Use Standards: 8-6-36: Standards for Storage Units:

- A. Storage units must have direct access to a fully maintained road.
- B. Site Plan – Applications for storage units must include a detailed site plan
- C. The storage structure and surrounding ground shall be maintained in a clean, orderly and safe manner.
  - a. Hazardous materials must not be stored.

- D. Outdoor storage must meet the standards of Section 8-6-29: Standards for Storage Yards for Equipment, Machinery or Materials Accessory to Commercial Uses.
- E. Additional Performance Standards for Storage Units in the Agricultural General Zoning District.
  - a. Storage Units must be designed and constructed to resemble agricultural or farm buildings similar in the vicinity.

**8-6-29: STANDARDS FOR STORAGE YARDS FOR EQUIPMENT, MACHINERY, OR MATERIALS ACCESSORY TO COMMERCIAL USES:**

- A. Accessory Only: Outside storage of equipment, machinery or materials shall not be a principal use and shall be accessory only to allowed commercial uses.
- B. Maximum Area: Outside storage of equipment, machinery materials shall occupy no more than ten percent (10%) of the lot area or ten thousand (10,000) square feet, whichever is greater.
- C. Not in setback: Outside storage of equipment, machinery or materials within any structure setback shall be prohibited.
- D. Screening: Outside storage of equipment, machinery or materials shall be screened so as not to be visible from any residence on adjacent properties.

**Development Considerations to be included:**

- A construction stormwater permit and stormwater pollution prevention plan from the State of Minnesota is required (State Requirement)
- Access must be a minimum of 450 feet from the centerline of US Highway 10 (Clay County Access Management Policy)
- Conditional Use Permit (CUP) from Hawley Township with a condition maintaining a 50-foot buffer from drainage along east side of property must be followed (Hawley Township Requirement)
- Outdoor storage needs to be screened from adjacent residences
- Lighting should be oriented towards the ground and shielded to minimize light pollution
- Natural character of property should be retained within structure setbacks

The required construction stormwater permit and stormwater pollution prevention plan from the State of Minnesota is required for any soil disturbances greater than one (1) acre.

Photographs of the area and access points were reviewed.

Chair Baer asked if there are any residences in the area that would need to be screened from. Director Jacobson advised that there are residences across (south) on Highway 10 and Applicant's desire is to screen using the buildings. There is a residence to the west.

Jeff Mortenson advised that they have changed their plans and will do two 40' x 200' buildings along the highway going east and west, to use the buildings as screening. Director Jacobson advised that there would need to be an updated site plan submitted. Mr. Mortenson advised he will start with one 40'x200' building along the south edge of the property and a 60'x200' north of that.

Chair Baer asked where the previously discussed drainage ditch is in relation to the site plan. The drainage ditch is east of the east property line on the now-adjacent parcel.

Everett Nelson, Supervisor of the Hawley Township, as well as a neighbor directly to the west, states that there is a large pasture between his home and the proposed commercial business. The other closest neighbor would be to the south and they would have trees screening their view from this business. Mr. Mortenson has received a Conditional Use Permit from the Hawley Township.

**On motion by Curt Stubstad, seconded by Brad Eldred, and unanimously carried, the Planning Commission closed the public hearing.**

Minimum staff-proposed conditions include:

1. Applicant shall obtain all applicable local/State/Federal permits/reviews (i.e. septic system, Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies of them to the Planning Office;
2. Facility shall meet all applicable setback requirements as per the County Development Code;
3. No more than forty thousand (40,000) square feet is to be permitted for indoor storage;
4. Days and hours of operation shall be year-round, open 24 hours, seven days a week;
5. Obtain an approved access plan and permit from the Clay County Highway Department for access off County Road 113 that is a minimum 450 feet from the centerline of the westbound lanes of US Highway 10;
6. Buildings shall have appropriate lighting for security that is shielded from adjacent residential properties;
7. Facility signage shall meet County sign standards 8-3-13;
8. Units shall be used for private storage only. No business or commercial enterprise shall be conducted out of storage unit or units;
9. Outdoor storage shall be limited to 10% of the lot area (18,992 square feet);
10. All outdoor storage shall be screened so as to not be visible from any residences on the adjacent properties;
11. Natural character of property must be maintained within building setbacks; and
12. Any other conditions the Planning Commission deems necessary.

**The Findings of Fact and Order were addressed by the Planning Commission as they pertain to the requested Permit. Any items of concern may be addressed through Conditions.**

**On motion by Curt Stubstad, seconded by Ashley Heng, and lone dissent by Joel Hildebrandt, the Planning Commission *GRANTED* the Conditional Use Permit with the following conditions:**

1. Applicant shall obtain all applicable local/State/Federal permits/reviews (i.e. septic system, Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies of them to the Planning Office.
2. Facility shall meet all applicable setback requirements as per the County Development Code;
3. No more than forty thousand (40,000) square feet is to be permitted for indoor storage;
4. Days and hours of operation shall be year-round, open 24 hours, seven days a week;
5. Obtain an approved access plan and permit from the Clay County Highway Department for access off County Road 113 that is a minimum 450 feet from the centerline of the westbound lanes of US Highway 10;
6. Buildings shall have appropriate lighting for security that is shielded from adjacent residential properties;
7. Facility signage shall meet County Sign Standards 8-3-13;
8. Units shall be used for private storage only. No business or commercial enterprise shall be conducted out of a storage unit or units;
9. Outdoor storage shall be limited to 10% of the lot area (18,992 square feet);
10. All outdoor storage shall be screened so as to not be visible from any residences on the adjacent properties;
11. Natural character of property must be maintained within building setbacks; and
12. Applicant must provide an updated site plan to the Planning Office.

### **UNFINISHED BUSINESS:**

None.

### **NEW BUSINESS:**

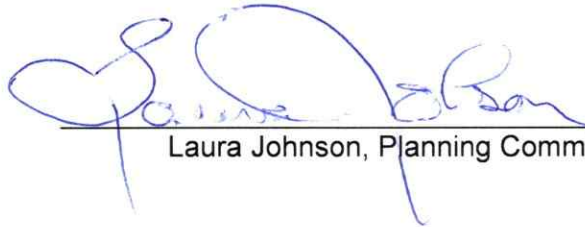
- Training Session: *Discussion on the Findings of Fact: Making A Good Record*  
Director Jacobson went over the criteria and ramifications for documentation and determination of the Planning Commission decisions and recording of same by using the Findings of Fact and Order.

Training involved viewing other counties' meetings to show best-practices in discussion of Findings of Fact, documenting the criteria and how interpretation is applied. Other items reviewed included leveraging Conditions, the pertinence of a good Findings of Fact document in potential court procedures, and the importance of discussion on each Findings of Fact point.

Proposed future changes will be made as part of the Development Code update.

### **ADJOURNMENT:**

**On motion by Curt Stubstad, seconded by Sebastian McDougall, and unanimously approved, the meeting adjourned at 7:58 PM.**



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Laura Johnson, Planning Commission Secretary