

**CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 PM TUESDAY, SEPTEMBER 17TH, 2024
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

Members Present: Ezra Baer, Kurt Skjerven, Dave Steichen, Jenny Mongeau, Laura Johnson, Joel Hildebrandt, Brad Eldred, Ashley Heng

Members Absent: Brent Berg, Sebastian McDougall, Curt Stubstad

Others Present: Matt Jacobson, Brian Melton, Erika Franck, Rita Rueckert, Marc Pritchard, Angie Erickson, Lynn Erickson, Calie Lindseth, Aaron Stenerson, Amber Ferris

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 Laura Johnson, and unanimously carried, the Agenda was approved.

APPROVAL OF MINUTES OF AUGUST 20TH, 2024:

On Motion by Laura Johnson, seconded by Brad Eldred, and unanimously carried, the August 20th, 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.

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

Matt Jacobson, Planning Director, advised there was a meeting last week which was the 4th Steering Committee meeting. Items reviewed were non-conformities, general development standards, administration/enforcement, and residential development in the County. Completion is at approximately 90% and it will hopefully be completed by the end of the year.

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

LYNN AND ANGELA ERICKSON – REQUEST FOR CONDITIONAL USE PERMIT

The applicant is seeking an after-the-fact conditional use permit for an equine center at 27545 90th Ave S, Hawley, MN 56549, Parcel ID: 24.022.2502 in part of the N1/2 NE1/4, Section 22, Township 138N, Range 44W, Parke Township.

On motion by Kurt Skjerven, seconded by Ashley Heng, and unanimously carried, the Planning Commission opened the public hearing.

Director Matt Jacobson stated that the request is for a Conditional Use Permit for the Mighty Oaks Equine Center. The property is zoned Agricultural General (AG) with a portion having Shoreland: Special Protection-Low Development (SP-LD) and Shoreland: Residential District (RD). This use is allowed within the AG zoning district but is not allowed within the SP-LD or RD district. The use would be located within the AG zoning district. The property is 43.76 acres and is partially wooded with rolling topography and includes several small wetlands.

The current property use is residential and commercial purposes. There is a residence, indoor riding arena and other agricultural buildings on the property. A variance to construct the indoor riding arena no closer than 75 feet from the centerline of CSAH 10 (125' road centerline setback) was granted in May 2019.

The definition of Agricultural Service Establishment was reviewed. Standards reviewed from the 2045 Comprehensive and Transportation Plan include:

- **8-6-12: STANDARDS FOR AGRICULTURAL SERVICE ESTABLISHMENTS:**
 - A. **Setbacks:** All establishments shall be located to allow at least three hundred feet (300') between its driveway and any driveway affecting access to a dwelling or farm field, other than that of the owner. All structures and activities (outdoor storage, corrals, etc.) associated with the Agricultural Service Establishment shall be located at least five hundred feet (500') from any dwelling.
 - B. **Related to Agriculture:** All establishments shall be necessary to the conduct of agriculture within the district.
 - C. **Compatible with Agriculture:** The use shall not be one to which the noise, odor, dust or chemical residues of commercial agriculture or horticulture might result in creation or establishment of a nuisance of trespass.

The Mighty Oaks Equine Learning Center has been in operation since 2020 and provides individual and group riding lessons and camps to riders of all ages. The Center also hosts events catered to mental health and wellbeing as well as provides riding opportunities for youth and school groups. There are 21 horses onsite, all rescues. The Center consists of an indoor riding arena that is approximately 12,000 square feet, an outdoor riding arena and trails throughout the property.

There was a potential wetland issue on the property with the construction of the riding arena. The County Wetland Coordinator determined there was no impact to the wetland.

Other Comprehensive Plan goals reviewed include:

- **Community and Resilience**
 1. Promote personal and community health for all residents.

- *Mighty Oaks Equine Learning Center provides equine activities for low-income students, and every age group from youth to seniors. The Center offers individual lessons and camps. Horses are also used for mental wellbeing and therapeutic purposes. Land Use: Commercial and Industrial.*
1. Encourage commercial and industrial development that is in harmony with the agricultural and rural character of Clay County.
 - c. Avoid or mitigate against commercial and industrial development that increase the potential for land use conflicts with rural residential or agricultural uses.
- *Mighty Oaks Equine Learning Center has been in operation since 2020. Clay County Planning and Zoning has not received any complaints about the operation of the Center.*

Director Jacobson advised he has not heard anything from the Township.

Angie Erickson, Applicant, stated there are approximately 10 to 30 vehicles coming and going within a week. Applicant Erickson advised that of all the horses onsite, one belongs to her mom and one belongs to Ms. Amber Ferris; the rest are owned by the Applicant. Director Jacobson clarified that boarding would be allowed under the ordinance and permit.

On motion by Ashley Heng, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission closed the public hearing.

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.

Minimum staff recommended 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. Center must meet all requirements as per the County Development Code.
3. Days and hours of operation shall be Monday through Sunday 6:00 AM to 10:00 PM.
4. Obtain an approved access plan from the Clay County Highway Department for access to CSAH 10.
5. Facility signage shall meet County sign standards 8-3-13.
6. Any other conditions the Planning Commission deems necessary.

Director Jacobson advised that he has had discussions with County Engineer Justin Sorum and he is in agreement with the access plan so condition #4 may be removed. Applicant is in agreement with the hours of operation.

On motion by Jenny Mongeau, seconded by Brad Eldred, and unanimously carried, the Planning Commission *GRANTED* with the following conditions (1, 2,3 and 5):

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. Center must meet all requirements as per the County Development Code.
3. Days and hours of operation shall be Monday through Sunday, 6:00 AM to 10:00 PM.
4. Facility signage shall meet County sign standards 8-3-13.

CADIE CRADDOCK – REQUEST FOR INTERIM USE PERMIT

The applicant is seeking an after-the-fact interim use – home occupation permit for a tack business at 17203 43rd Ave N, Glyndon, MN 56547, Parcel ID: 27.025.2210, in the NE1/4NW1/4 of the NW1/4, Section 25, Township 140N, Range 46W, Spring Prairie Township.

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

Director Matt Jacobson advised the property is located north of Highway 10 near the Hutterite Colony. The property is zoned Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg). The surrounding properties are zoned the same. An Interim Use Permit Home Occupation may be allowed in these zoning districts if it meets minimum requirements and receives an Interim Use Permit. There is a vein of high gravel potential that runs through the property.

The Applicant has been operating Brassy Bit Tack Shop at this property since 2019. Staff was made aware of the business due to the presence of a sign and informed the applicant that either an administrative or interim home occupation permit would be required per the Clay County Development Code.

The business is an equipment re-seller and also provide repair work and fitting services. These services are offered by appointment only. All of the resale is conducted through online transactions. The business utilizes approximately 2500 square feet of an existing garage. There are three regular employees, including the property owner. A concrete pad in front of the detached garage is available as a parking area. No comments have been received from the public nor the Township.

Calie Lindseth appeared on behalf of the Applicant Cadie Craddock. Calie is a sister of Applicant and also co-owner of the business. Cadie Craddock owns the parcel where the business is located. Brad Eldred asked if there is a vision to grow the business. Ms. Lindseth indicated they have seen considerable growth because this business is run in addition to them both having primary jobs. Any potential growth would be at a slow and managed pace.

Director Jacobson described the difference of the administrative IUP Home Occupation Permit and also the IUP Home Occupation and advised that the business could operate out of a space up to 10,000 square feet. Jenny Mongeau advised that this business works a lot with local high school students and have clinics for 4H and FFA members and employee count would be transitory. Ms. Lindseth advised that they do have one current employee that is a student intern through NDSU but she does not foresee ever having any full-time employees

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

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.

Minimum staff recommended Conditions:

1. Operate within provisions of the Clay County Land Development Ordinance.
2. This permit will terminate if the applicants close the business for a period of 12 or more consecutive months or when the property is transferred to a new owner.
3. Hours of operation are 24/7, 365 days a year.
4. Additional conditions as the Planning Commission sees fit.

Dave Steichen asked if the sign presents any issues. Director Jacobson advised that the sign would need a

sign permit and that could be added as a condition.

On motion by Ashley Heng, seconded by Brad Eldred, and unanimously carried, the Planning Commission *GRANTED* the IUP with the following conditions:

- 1. Operate within provisions of the Clay County Land Development Ordinance.**
- 2. This permit will terminate if the applicants close the business for a period of 12 or more consecutive months or when the property is transferred to a new owner.**
- 3. Hours of operation are 24/7, 365 days a year.**
- 4. Signage shall comply with the Clay County Sign Standards.**

ALAYNA AND AARON STENERSON – REQUEST FOR PLATTED SUBDIVISION

The applicant is seeking to plat a one-lot commercial subdivision on Parcel ID: 06.005.3600, in part of the SE1/4SW1/4 of the SW1/4 of Section 5, Township 138N, Range 47W, Elmwood Township.

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

Director Matt Jacobson advised this request is for a one-lot commercial subdivision which would divide a 5.44-acre tract from the existing 101.7-acre parcel. The Plat name is Bloomfield Subdivision. Applicant previously presented for a text amendment hearing, as well as a Conditional Use Permit for the operation of a commercial storage business at this location. Current zoning on the property is Agricultural General (AG) and Resource Protection – Wellhead Protection (RP-WH). The current land use is agricultural and there are no current structures on the property at this time.

Applicant had originally intended on leasing the 5.44-acre tract but will now be buying it. A plat is required whenever there is a subdivision involving one or more non-residential lots. The plat would not require any internal roads. Access would be from County Road 69 and the County Engineer has no issues with the plat.

The following Preliminary Plat Comments are required:

1. Marital status is needed in the owners certificate per M.S. 505.21, Subd.3
2. Chair for the Clay County Board of Commissioners needs to be updated
3. The Town Board approval block states it is for Tansem Township, but the heading and legal state the property is located in is Elmwood Township
4. On the drawing, the lot is labeled Bloomfield Addition, but the heading of the plat states it is Bloomfield Subdivision
5. Update SW corner document number from 599993 to 728704
6. Title opinion is required

The plat was updated due to a 20-foot discrepancy. This makes the total area 5.44 acres, down from 5.69 acres. This does not impact any of the requirements of the Conditional Use Permit, such as total allowable footprint of the buildings, setbacks or impervious surfaces.

Comprehensive Plan Goals and Objectives:

- **COMMERCIAL AND INDUSTRIAL**
 1. Encourage commercial and industrial development that is in harmony with the agricultural and rural character of Clay County.

This Use was previously approved by the Planning Commission and found to be compatible with the goals and objectives of the 2045 Comprehensive and Transportation Plan.

Staff Recommendations include the following scenarios:

1. Planning Commission Review:

- 1.The Planning Commission has the authority to review and comment on a final plat.
- 2.They can either recommend approval or waive this right.
- 3.If they choose to review, it may take up to 40 days from the date of the public hearing to issue a decision on the preliminary plat.

OR

2. Staff Recommendation:

1. The staff recommends waiving the right to Planning Commission final plat review.
2. If waived, the Planning Commission conditions will be communicated to the applicant as an Acceptance of Conditions form.

OR

3. Conditional Approval:

1. Conditional approval allows the Applicant to proceed with preparing the final plat.
2. The final plat must be submitted to the Planning Office within six months of the date of the preliminary plat approval.

Staff recommends that the Planning Commission approve the preliminary plat provided the following conditions and plat revision be met:

Conditions:

- 1 Final Plat must contain revisions to address items listed in the staff report above.
- 2 A Title Opinion is required.
- 3 County Surveyor review of plat is required.

Aaron Stenerson was present for the hearing but had no further comments.

Director Jacobson brought up that the prior-issued Conditional Use Permit is recorded for the full parcel and once the plat is completed and the 5.44 acres are split out, there will be a new parcel number assigned. Mr. Jacobson feels that there will need to be an administrative public hearing held to change the parcel number and legal description of that previously issued Conditional Use Permit.

Ashley Heng pointed out that on the Application for Platted Subdivision, the township is listed as Hawley Township and it should be identified as Elmwood Township.

On motion by Jenny Mongeau, seconded by Kurt Skjerven, and unanimously carried, the Planning Commission closed the public hearing.

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 Ashley Heng, seconded by Brad Eldred, and unanimously carried, the Planning Commission moved to authorized preparation and submission of the Bloomfield Subdivision Final Plat with conditions to the Clay County Board of Commissioners for approval.

UNFINISHED BUSINESS:

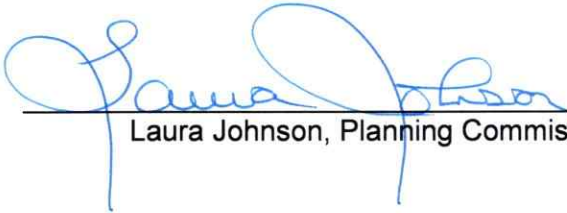
None.

NEW BUSINESS:

- Director Matt Jacobson and Chair Ezra Baer attended land use training in Waite Park, MN. Chair Ezra Baer felt it was a helpful and worthwhile training. Director Jacobson advised he has materials he is willing to share with anyone interested in reviewing them.
- Director Jacobson presented at AMC Fall Policy Conference last week regarding the Clay County Cannabis Zoning Ordinance.

ADJOURNMENT:

On motion by Ashley Heng, seconded by Jenny Mongeau, and unanimously approved, the meeting adjourned at 7:44 PM.



Laura Johnson, Planning Commission Secretary