

**CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 PM TUESDAY, APRIL 15, 2025
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

Members Present: Joel Hildebrandt, Josh Schroeder, Brad Eldred, Dave Steichen, Kurt Skjerven, Sebastian McDougall, Curt Stubstad, Jenny Mongeau, Ashley Heng, Laura Johnson

Members Absent:

Others Present: Matt Jacobson, Brian Melton, Darren Brooke, Erika Franck, Rita Rueckert, Sheree Eilertson, Nicole Ramage, Chris Forrest, Shelley Steichen, Robert Edwards, Derek Syverson, Brian Dahl, Karen Lauer, Chuck Anderson

ROLL CALL:

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

APPROVAL OF AGENDA:

On motion by Laura Johnson, seconded by Kurt Skjerven, and unanimously carried, the Agenda was approved.

APPROVAL OF MINUTES OF MARCH 18TH, 2025:

On Motion by Sebastian McDougall, seconded by Brad Eldred, and unanimously carried, the March 18th, 2025 Minutes were approved.

CITIZENS TO BE HEARD:

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

PUBLIC HEARINGS:

HOLCIM – MWR, INC. – REQUEST FOR INTERIM USE – MINING PERMIT

The applicant is seeking an interim use permit to continue operation of a gravel mine on Parcel ID: 11.018.0260 in part of the Fractional W1/2 of the W1/2, Section 18, Township 141N, Range 44W, Goose Prairie Township.

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

Matt Jacobson, Planning Director, stated the Applicant is seeking an Interim Use Mining Permit to continue operations at parcel 11.018.0260 in Goose Prairie Township. This is located on the east side of CSAH 33 just before Felton Creek. Current uses on the property are cropland and gravel mining. They were granted a 30-acre Conditional Use Permit for mining in 2010. They are now seeking to expand from 30 acres to 39 acres.

They were granted a variance for mining within the north property line setback from the Board of Adjustment at their hearing this date. They also have Variances to the east property line setback as well as the road right-of-way setback.

On this parcel, the topographic relief is slow, with depth to water table ranges at approximately 42 feet. Property is prime farmland and will be returned to farmland when mining is complete. Gravel potential ranges from high to limited and there are no identified wetlands in the existing area.

The plan is to square off the existing footprint. Topsoil will be stripped and stockpiled. Material will be excavated and processed using conveyors, screeners and crushers. Primary haul route would be south on CSAH 33 to CSAH 26. Mine areas will be sloped to the interior to prevent runoff from exiting the property. Grades to the north and east will match adjacent mine grades. Mined areas will be returned to cropland. Estimated reclamation cost is \$2,500/acre.

The 30-acre portion of the mine has a Conditional Use Permit (CUP) and the Interim Use Permit (IUP) conditions should match the CUP conditions to the extent practical. The CUP is a land right; Clay County no longer issues CUPs for mining. The CUP will apply to the 30-acre portion and the IUP will apply to the 9-acre portion of the mining operation. The Operator will need to adhere to the Goose Prairie Township IUP conditions.

Goose Prairie advises they will work with the hauler regarding Saturday hauling. No other public comments have been received.

Recommended minimum conditions from staff include:

1. Permit shall expire on December 31, 2035.
2. Operate within provisions of the Clay County Land Development Ordinance.
3. Operator shall control dust and provide necessary maintenance on mine site and/or any haul roads.
4. 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 other regulating agencies prior to starting mining operations.
5. Operator shall contact Clay SWCD and have wetland evaluation completed before any mining commences. Must comply with all provisions of the Wetlands Conservation Act.
6. Proposed 39 acres approved for mining. If more acres are proposed to be opened in the future, a new or amended IUP would be required and, possibly, an Environmental Assessment Worksheet (EAW).
7. Applicant shall post a reclamation bond for the 39 acres to be mined.
8. Require applicant to reclaim mined out areas as mining activities progress. Require areas to be seeded to native prairie grasses or other FSA/NRCS specification upon reclamation.
9. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department.
10. Hours of operation for noise producing

Director Jacobson pointed out the following differences between the IUP and the CUP:

- #1 – The IUP would expire December 31, 2035.
- #6 – Applicant would need to post a bond for the entire 39 acres instead of the previous 30 acres.
- #7 – Adding \$2,500 per acre to the required bond for reclamation.
- #10 – Identifying what the noise producing operations are: crushing, screening and washing.

Director Jacobson advises there have not been any complaints received regarding this pit.

Sheree Eilertson, Environment and Land Manager from the Moorhead office of HOLCIM, advised she is here with Chris Forrest, Operations Manager, and also Nicole Rammage in the Rental Department. She welcomed any questions that the Planning Commission may have and thanked Director Jacobson for his presentation.

Shelley Steichen of Goose Prairie Township advises she has met with HOLCIM and are expecting no problems. Ms. Steichen stated that Goose Prairie Township has a good working relationship with HOLCIM and are in favor of this request.

On motion by Josh Schroeder, seconded by Kurt Skjerven, 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 Temporary Interim Use Permit. Any issues or concerns may be addressed with conditions.

Applicant was asked if they are in agreement with the proposed Conditions 1-13 and Applicant advised they are in favor of the outlined conditions.

On motion by Curt Stubstad, seconded by Ashley Heng, and unanimously carried, the Planning Commission *GRANTED* the Interim Use Permit with the following Conditions:

1. Permit shall expire on December 31st, 2035.
2. Operate within provisions of the Clay County Land Development Ordinance.
3. Operator shall control dust and provide necessary maintenance on mine site and/or any haul site and/or any haul roads.
4. 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 other regulating agencies prior to starting mining operations.
5. Operator shall contact Clay County Soil and Water Conservation District (SWCD) and have wetland evaluation completed before any mining commences. Must comply with all provisions of the Wetlands Conservation Act.
6. Proposed 39 acres approved for mining. If more acres are proposed to be opened in the future, a new or amended IUP would be required and, possibly, an Environment Assessment Worksheet (EAW).
7. Applicant shall post a reclamation bond of \$2,500/acre for the 39 acres to be mined.
8. Require applicant to reclaim mined out areas as mining activities progress. Require areas to be seeded to native prairie grasses or other FSA/NRCS specification upon reclamation.
9. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and the County Health Department.
10. Hours of operation for noise producing operations like crushing/screening/washing shall be limited to 6:00 AM to 7:00 PM, with NO noise producing operations (crushing/screening/washing) to be allowed on weekends.
11. The driveway on the north end of the property shall not be used for mining activity.
12. The temporary berm along Highway 33 shall be at a maximum height of 20-feet with 3-to-1 slopes and erosion control seeding.
13. Appropriate signage on Highway 33 for truck traffic, as approved by the County Highway Engineer and County Sheriff.

SARAH AND ROBERT EDWARDS – REQUEST FOR CONDITIONAL USE PERMIT

The applicant is seeking an after-the-fact conditional use permit to continue operation of an equestrian center at 5062 120th Ave, Felton, MN 56336 on Parcel ID: 22.018.3001 in part of the SW1/4 of the SW1/4, Section 18, Township 141N, Range 47W, Morken Township.

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

Matt Jacobson, Planning Director, stated that this is an after-the-fact request to continue operations for an equestrian center. The Red River Equestrian Center has been in operation since 2017. They provide individual and group riding lessons, camps, birthday parties, and equine assisted psychotherapy to riders of all ages. The Center also provides indoor and outdoor boarding services. The indoor boarding facility has 12 stalls. It is unknown how many horses are boarded at any given time. It appears the use has been in place since before the Applicants purchased the property.

No comment has been received from Morken Township.

Goals reviewed from the 2045 Comprehensive and Transportation Plan include:

Community Resilience

1. Promote personal and community health for all residents.

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 increases the potential for land use conflicts with rural residential or agricultural uses.

The Clay County Development Code definition of AGRICULTURAL SERVICE ESTABLISHMENT:

Any service establishment primarily engaged in performing animal husbandry or horticultural services, including businesses performing agricultural milling and processing, harvesting or agricultural land preparation, farm equipment sales and services, veterinary services, boarding or training of horses and agricultural produce stands.

Agricultural service establishments must also be permitted as a Conditional Use and meet the following standards:

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 residue of commercial agriculture or horticulture might result in creation or establishment of a nuisance or trespass.

Subject property is zoned Agricultural General (AG) and the use would be located within the AG zoning district. The Applicant appears to meet all standards.

The subject property is approximately the SW 10 acres of the SW ¼ on the northeast corner of 50th Street North and 120th Avenue North. Uses on the north and east extend past the property lines and appear to have been doing so since at least 1981, which is long before the current owners purchased the property in 2017. The tract is approximately 15 acres. Director Jacobson advised that the County does not settle property line disputes and encouraged the Applicant Edwards to address this situation. Director Jacobson also emphasized that the Use Permit, if granted, only applies to the property legally described and identified by Parcel 22.018.3001.

Robert Edwards stated he runs the equestrian center with his wife. Mr. Edwards states that this equestrian center is not a registered non-profit. Ordinarily there are 20 to 36 horses onsite and most of the time they are all outdoors. Manure management is piled until spring and then is moved to a concrete pad behind the Quonset into 2 separate piles and rotated for distribution and/or field spreading.

Chair Hildebrandt inquired if the parcel size is adequate for the number of horses; Director Jacobson confirmed the size of the parcel does adequately accommodate the quantity of horses.

On motion by Ashley Heng, seconded by Laura Johnson, 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 Temporary Interim Use Permit. Any issues or concerns may be addressed with conditions.

Minimum staff-recommended 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.) 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.
5. Any other conditions the Planning Commission deems necessary.

Mr. Steichen inquired if there had been any complaints or comments received and Director Jacobson advised there had not been any received.

Director Jacobson asked Chair Hildebrandt if they wished to address the manure management within conditions applied to the requested Conditional Use Permit. Chair Hildebrandt advised he would like to see the manure management addressed as Condition #5.

On motion by Sebastian McDougall, seconded by Brad Eldred, and unanimously carried, 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.) 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.
5. The Applicant shall provide a manure management plan to the Clay County Planning Department for review and approval.

DEREK SYVERSON – PETITION FOR REZONING

The applicant is petitioning to rezone the property at 14566 130th St. S, Barnesville, MN 56514, Parcel ID: 02.017.0301 in part of the NW1/4 of the SW1/4, Section 17, Township 137N, Range 46W, Barnesville Township from Agricultural General to Highway Commercial.

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

Matt Jacobson, Planning Director, states that the Applicant wishes to rezone the property from Agricultural General to Highway Commercial. The property is located at 14566 130th Str S, Barnesville, Parcel 02.017.0301.

The current land use is industrial/residential, which is the tax classification. There is one residence and there are no wetlands on the property. There are 19,932 square feet of industrial buildings and one residence. The property line setbacks would meet all regulations for Highway Commercial standards, which would be yard requirements of a minimum lot width of not less than one hundred feet (100') abutting a public right of way. The business was started as Home Occupation as a cabinet shop and has had substantial growth. The primary use of the property is now a business with over 30 employees and there is one residence on the property that will be moved off the parcel. There are plans for an additional 8,000 square foot building. There have not been any comments received from Barnesville Township regarding this request. Comment has been received from Barnesville Economic Development Authority Executive Director Karen Lauer, and she is in support of this rezoning request.

Policy considerations from the 2045 Comprehensive & Transportation Plan:

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.
 - c. Avoid or mitigate against commercial and industrial development that increases the potential for land use conflicts with rural residential or agricultural uses.

Dave Steichen asked Director Jacobson if changing the zoning on this parcel would be considered spot-zoning. Director Jacobson did not feel this would be considered spot-zoning and pointed out that this request is compatible with the Comprehensive and Transportation Plan.

Applicant Derek Syverson owns and operates Country Classic Cabinets. He states that it is beginning to be difficult to live where 31 people come to work each day. He is working with a house mover to come move the house off the property. This company has been in business since 1987; the business has been located at this site since 1990 and he purchased it in 2014 when it had 2 full-time and 2 part-time employees. He anticipates considerable future growth of the business.

Karen Lauer, Executive Director of Barnesville Economic Development Authority, works to promote development within the Barnesville School District area, where this business is located. She worked with the original owner of the company and there has been extensive development of this business over the years. This business is one of the largest employers within the Barnesville School District, and brings in economic growth, as well as growth with additional families. She gives her full support of Mr. Syverson's request.

Chuck Anderson, supervisor of Barnesville Township, spoke on behalf of the Township and advised they are in support of this request.

On motion by Ashley Heng, seconded by Kurt Skjerven, 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 Rezoning. Any issues or concerns may be addressed with conditions.

Josh Schroeder stated that he was able to tour this business last year and shared that they have an intentional building expansion plan. Mr. Schroeder believes the facility is in keeping with the character of the area. Director Jacobson pointed out that there is a residence on the property and that the rezoning shouldn't be enacted until the residence is removed from the property. Director Jacobson has the following recommended wording for the motion:

- Move to recommend approval of the rezoning subject property from Agricultural General to Highway Commercial upon removal of the residence to the Clay County Board of Commissioners.

On motion by Curt Stubstad, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission moved to recommend approval to the Clay County Board of Commissioners of rezoning the subject property from Agricultural General to Highway Commercial upon removal of the residence.

CLAY COUNTY LAND DEVELOPMENT AND SUBDIVISION ORDINANCE

Clay County is in the process of updating the Land Development and Subdivision Ordinance. The Ordinance regulates land use in the unincorporated areas of Clay County in accordance with the 2045 Clay County Comprehensive and Transportation Plan. The Planning Commission will consider recommending Ordinance adoption to the Clay County Board of Commissioners. The draft Ordinance is available for review online at <https://claycountymn.gov/1805/Land-Development-Code-Update>. Comments and questions can also be submitted by calling the Planning Office or by email at planning@claycountymn.gov.

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

Matt Jacobson, Planning Director, shared that he is hoping this will be the last Planning Commission review of the Ordinance update. There are 3 substantial updates:

- DNR – Conditional Approval for Shoreland Section of Ordinance – this was received last Friday.
- Chapter 6: Subdivision Regulations and Chapter 7: Administration and Procedures revised.
- State Cannabis Rules published Monday April 14th. These have not changed much since the draft rules were originally proposed back in January.

Director Jacobson thanked the Study Review Committee and Staff of their work on this update. This has been a 2-year process and he feels it will serve the County well going forward.

No public comments have been received.

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

On motion by Ashley Heng, seconded by Dave Steichen, and unanimously carried, a recommendation was made to enact the Clay County Land Development and Subdivision Ordinance to the Clay County Board of Commissioners.

UPDATE ON OUTSTANDING VIOLATIONS:

Director Jacobson advised there are currently 11 outstanding extractive use violations that are being worked on that involve setbacks and State permits. There are also 2 Home Occupation Use violations outstanding that he is hopeful of having resolved soon.

Director Jacobson has reached out to surrounding Counties, as well as other Counties similar in size to Clay County, to determine their outstanding violation situation. The general consensus is that there has been an increase of violations across the board over the past 3 years.

UNFINISHED BUSINESS:

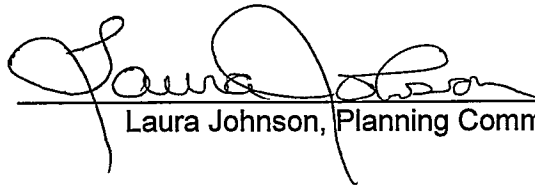
None.

NEW BUSINESS:

Chair Joel Hildebrandt welcomed newly appointed Josh Schroeder to the Planning Commission board.

ADJOURNMENT:

On motion by Dave Steichen, seconded by Kurt Skjerven, and unanimously approved, the meeting adjourned at 8:03 PM.



Laura Johnson, Planning Commission Secretary