

**CLAY COUNTY PLANNING COMMISSION MINUTES  
7:00 PM TUESDAY, JUNE 24TH, 2025  
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

**Members Present:** Joel Hildebrandt, Josh Schroeder, Brad Eldred, David Steichen, Jenny Mongeau, Curst Stubstad, Sebastian McDougall, Laura Johnson, Kurt Skjerven

**Members Absent:** Ashley Heng

**Others Present:** Matt Jacobson, Brian Melton, Darren Brooke, Justin Sorum, Erika Franck, Rita Rueckert, Noreen Thomas, James C Nelson, Brad Hawkins, Audrey Hawkins, Jon Lowry, Ronald Knoll, Cameron Knoll, Steve Opatril, Mike Stott, Jesse Soper, Rob Roberts, Craig Nelson, Derek Wiseman (by telephone)

**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 Jenny Mongeau, seconded by Brad Eldred, and unanimously carried, the Agenda was approved.

**APPROVAL OF MINUTES OF MAY 20TH, 2025:**

On Motion by Kurt Skjerven, seconded by Sebastian McDougall, and unanimously carried, the May 20th, 2025 Minutes were approved.

**CITIZENS TO BE HEARD:**

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

**PUBLIC HEARINGS:**

**NOREEN THOMAS – REQUEST FOR INTERIM USE – TEMPORARY AGRICULTURAL TOURISM PERMIT**

The applicant is seeking a temporary interim use permit to offer agricultural tourism and education events and activities at 12506 20<sup>th</sup> St N, Moorhead, MN 56560, Parcel ID: 18.015.2001 in part of the SE1/4 of the NW1/4, Section 15, Township 141N, Range 48W, Kragnes Township.

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

Matt Jacobson, Planning Director, advised that the Applicant wants to conduct Agricultural Tourism and educational events at Parcel 18.015.2001 in Kragnes Township. The property is north of Moorhead east of

Highway 75. There is a residence, outbuildings and grain bins on the property. Base zoning is Agricultural General (AG), Floodway (FW) and Shoreland: Special Protection-Rivers & Streams (SP). Surrounding properties are similarly zoned.

The primary event topics would be regarding conservation practices but could include additional agricultural focuses. Events would be hosted May through November. No new buildings would be required to be built.

Portable restroom facilities are provided onsite during events. A licensed food vendor would be utilized for catering. Events are smaller in scale, typically 10 to 20 people, with larger events hosting 100 families with roughly average of 400 to 500 attendees. There is adequate parking on the property. Weather is monitored to ensure they will not be hosting activities during high rain events.

The request meets the temporary use definition as the land use is only in place for short periods of time not exceeding six (6) months and not intended for permanent use. Any tents over 1500 square feet erected for events will require a permit from the MN Department of Public Safety.

The area is expected to be positively affected following the completion of the Fargo-Moorhead Diversion and a significant portion of the property should be removed from the floodway. A revised mapping of the area was reviewed. If the property is removed from the floodway zoning district the use could be applied for as a more permanent permit type that would allow them to construct buildings or host events for a longer period of time. To minimize the number of times the Applicant would need to apply for a permit, Staff recommends placing a condition that the permit continues for 5-years (at a 6-month time frame each year) at which time the applicant could then potentially seek a more permanent permit if the Flood Hazard Zone has changed.

No comments have been received from the public or from the Township.

Goals and objectives reviewed from the 2045 Comprehensive and Transportation Plan include:

**Land Use – Residential Goal #3:** Recognize the diversity of living and working arrangements in the unincorporated areas of Clay County.

**Agriculture #1:** Support the long-term protection of the County's strong and diverse agricultural economy.

- a. Maintain an environment that supports agriculture at all scales throughout the County.
- b. Recognized and support the agricultural character of the County in all planning efforts.
- c. Ensure that all new development is compatible with the character and quality of the County's agricultural areas.

**Floodplains #1** Foster a community resilient to the impacts of flooding through targeted mitigation planning and implementation for the benefit of Clay County residents, agriculture, and industry.

- a. Discourage inappropriate development in flood hazard areas.

Noreen Thomas of Doubting Thomas Farms advised they have a lot of universities coming to the farm for studies. They also have requests to have farm-to-table meals to bring people out to the country. The Agritourism business is projected to be about a \$9 billion business nationally. She emphasized that the farm is a way to get people connected to and showcase the County and its assets.

**On motion by Curt Stubstad, 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.

Staff recommends the following minimum conditions:

1. The facility must receive all Federal, State, and local licenses required for operation including food and beverage licenses as necessary, including appropriate licensure from the Clay County Environmental Health Division.
2. The Applicant must provide a detailed parking plan providing parking spaces for a minimum of 100 vehicles to the Planning Office for review and approval. Each space must be at least 10 feet wide and 20 feet in depth and 300 square feet in area (including access drive).
3. No permanent structures can be constructed or converted for temporary agricultural tourism use.
4. Temporary structures, such as tents over 1500 square feet require a permit from the Minnesota Department of Public Safety.
5. Events can be hosted May 1<sup>st</sup> through November 1<sup>st</sup> each year.
6. Permit shall expire December 31<sup>st</sup>, 2030.
7. Additional conditions as the Planning Commission sees fit.

Commission Mongeau inquired about signage and Director Jacobson advised that there could be a condition added that signage is allowed but must be consistent with current Clay County sign regulations.

**On motion by Jenny Mongeau, seconded by Brad Eldred, and unanimously carried, the Planning Commission *GRANTED* the Interim Use Permit with the following conditions:**

1. The facility must receive all Federal, State and local licenses required for operation including food and beverage licenses as necessary, including appropriate licensure from the Clay County Environmental Health Division.
2. Signage must be consistent with Clay County sign regulations.
3. The Applicant must provide a detailed parking plan providing parking spaces for a minimum of 100 vehicles to the Planning Office for review and approval. Each space must be at least 10 feet wide and 20 feet in depth and 300 square feet in area (including access drive).
4. No permanent structures can be constructed or converted for temporary agricultural tourism use.
5. Temporary structures, such as tents, over 1500 sf require a permit from the Minnesota Department of Public Safety.
6. Events can be hosted May 1<sup>st</sup> through November 1<sup>st</sup> each year.
7. Permit shall expire December 31<sup>st</sup>, 2030.

#### **BIG IRON PROPERTIES LLC – PETITION FOR REZONING**

The applicant is petitioning to rezone Parcel ID: 19.052.0010, Lot 001 Block 001 of Karlstrom Farms Subdivision, Section 17, Township 138N, Range 48W, Kurtz Township from Agricultural General to Highway Commercial.

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

Matt Jacobson, Planning Director, stated the Applicant is looking to rezone this parcel from Agricultural General (AG) to Highway Commercial (HC). This property is approximately 40 acres, located on the east side of Highway 75 south of Moorhead. Current zoning is Agricultural General with a small amount of Floodplain Fringe on the extreme northeastern end of the property, and the parcel is currently approximately 40 acres. There are no structures on the property. Cropland equivalency productivity index is 67 to 72, which is the "good" category. There are no wetlands on the property.

History on the property includes:

- 2017 – Variance request for asphalt batch plant and property line and residential setbacks denied.
- 2018 – 1 lot 1 block plat for commercial use.
- 2018 – Two Interim Use Permits granted for aggregate material stockpiling and concrete recycling.

The permits will need to be reapplied for as the ownership name has changed, thus voiding the previously issued Permits.

The proposal is for 1 block with 13 lots for commercial and industrial use subdivision. Potential uses include contractor shop, contractor storage yards, material stockpiling (existing use), warehouse storage (examples given by the Applicant). Access areas were discussed.

The site supports adequate drainage for stormwater. Wastewater treatment would be mound or at-grade system, with space for two drainfields. Nearby well depth logs indicate water depths up to 225 feet and a pump rate of 6 to 15 gallons per minute. The Flood Fringe area would need to be avoided.

Dimensional standards for Highway Commercial were reviewed, including setbacks and lot coverage. Minimum lot size would be 1 acre.

Director Jacobson compiled a list of all uses allowed within a Highway Commercial zoning district and reviewed the levels of permitting for each use. Many of the uses would not qualify within the requested parcels as the new parcels would not be large enough to support the use.

Public comments have been received. Concerns included increased runoff, water usage and well impacts, increased traffic, increased noise and light pollution. There are 7 residences within the half mile area.

Applicant does have an open access permit with MnDOT. MnDOT has stated that the applicant meets the spacing requirements. The County Engineer commented that the amount of traffic potential associated with commercial uses could exceed the regular road maintenance schedule and snow removal would be low priority.

Kurtz Township passed a subdivision road agreement resolution but it still needs to be recorded.

Reviewed goals and objects from the 2045 Comprehensive and Transportation Plan:

Land Use: Agricultural

1. Recognize and Protect the agricultural character of Clay County.
- b. Protect prime agricultural soils from commercial, industrial and residential development.

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

Director Jacobson reviewed the new Review Standards from the recently updated Development Code.

Brad Eldred asked about restrictions for encroaching residential development as Moorhead grows in the future. Director Jacobson advised this area is south of the Extra-Territorial Jurisdiction of the City of Moorhead and

their growth plans do not extend this far south so any requests for that type of growth would need to go through Kurtz Township and the Clay County Planning Commission.

Jon Lowry of Lowry Engineering spoke on behalf of the Big Iron request. He stated that MnDOT asked for the access to be further to the south so there was a cul-de-sac installed. He addressed issues of lighting and noise. Mr. Lowry indicated that Mr. Opatril of Big Iron has reached out to the neighbors regarding these issues. Existing use to the north is Highway Commercial. The owners of Big Iron feel there is an opportunity in this area for contractor shops and to bring some of those businesses into Clay County. There is no plan for the current site other than the current stockpiling they have. They do intend to sell most of these new parcels. The Township has advised they are in support of this request.

Curt Stubstad asked if there would be any covenants on these parcels. Steve Opatril advised that there have been a set of covenants drafted. Director Jacobson advised those covenants are included in the packet for the next hearing regarding the Plat.

Ronald Knoll of 1519 31<sup>st</sup> Ave S, Fargo. He questioned if the intent is to create a commercial district or an industrial zone as he doesn't feel the information is clear on that. John Lowry advised that any of the permitted uses Director Jacobson went through in the Use Chart would be considered viable. Director Jacobson advised that the Highway Commercial District includes both commercial and industrial uses. The County also has a Limited Highway Commercial district, for more on the commercial side of use. Items such as asphalt batch plant or concrete plant is allowed by an Interim Use Permit in our Agricultural General (AG), Resource Protection-Aggregate (RP-Agg), and Highway Commercial (HC) zoning districts, so those items are permitted in most of the County. They are frequently permitted in the areas of the County near gravel mining areas. The size of the proposed lots would restrict many of the uses, due to needing to meet setbacks.

Rob Roberts stated he was not noticed for this request and asked who was sent notices. Records show that he was sent a notice of the meeting and was provided a copy showing that notice was sent. Mr. Roberts questioned what the purpose of this hearing was this evening. Commissioner Mongeau advised that this was the first step of the process for rezoning the parcel in question. Mr. Roberts asked about a copy of the Covenants and was advised they will be presented. Mr. Roberts inquired about the Highway Department placing a sign in the area asking for no jake brake noise; Mr. Roberts was referred to MNDOT for his request.

**On motion by Curt Stubstad, seconded by Sebastian McDougall, 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.**

There were several concerns presented regarding the Covenants and many of those items were discussed.

Director Jacobson created two example Motions – one for approval and one for denial. There was also discussion of how each of these items would progress.

**On motion by Brad Eldred, seconded by Curt Stubstad, with Kurt Skjerven voting No, and Commissioner Mongeau abstaining from the vote, there was a roll call vote by the Planning Commission, with the following Motion made: Move to recommend approval of rezoning the subject property from Agricultural General to Highway Commercial based on the Findings of Fact to the Clay County Board of Commissioners. Roll Call Vote:**

|                     |           |
|---------------------|-----------|
| Josh Schroeder      | Yes       |
| Kurt Skjerven       | No        |
| Brad Eldred         | Yes       |
| Dave Steichen       | Yes       |
| Laura Johnson       | Yes       |
| Jenny Mongeau       | Abstained |
| Sebastian McDougall | Yes       |
| Curt Stubstad       | Yes       |
| Joel Hildebrandt    | Yes       |

### **BIG IRON PROPERTIES LLC – REQUEST FOR PLATTED (MAJOR) SUBDIVISION**

The applicant is seeking to replat a one lot, one block subdivision to a thirteen lot, one block commercial and industrial subdivision on Parcel ID: 19.052.0010, Lot 001 Block 001 of Karlstrom Farms Subdivision, Section 17, Township 138N, Range 48W, Kurtz Township.

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

Matt Jacobson, Planning Director, stated the Applicant is requesting to replat a one-block, one lot parcel to a one block, 13 lot parcel in Kurtz Township. This is the same property as the previous hearing which was for a rezoning request.

The map identifying the parcel was reviewed. The plat would be named Big Iron Subdivision. The parcel is 40 acres, currently agricultural/industrial, and contains good agricultural land.

Potential uses include contractor shops, contractor storage yards, material stockpiling (existing use), warehousing, storage. There will be 2 new 70' public rights-of-way designed to be paved in the future. Site suitability is the same as the previous hearing for the rezoning request.

Lots would range from 1.71 to 4.078 acres with the average being 2.79. Average lot maximum buildable area is 36,459.72 square feet. Average lot maximum for outdoor storage area is 10,000 square feet or 10% of the area, whichever is greater. Improvement plans include two stormwater ponds with vegetation. Potable and non-potable water provided by private wells. Sewer would be provided by private septic systems. Restrictive covenants have been drafted, with the developer providing the road maintenance and snow removal until enough lots would be sold, which then would have an owner's association providing those services.

Public comments received include:

- Increased runoff
- Water usage/well impacts
- Increased traffic
- Increased noise
- Light pollution
- 

These issues were addressed at the previous hearing for the Rezoning request.

There is an open access permit with MnDOT, which states that the Applicant meets spacing requirements. The County Engineer commented that the amount of traffic potential associated with commercial uses could exceed the regular road maintenance schedule and snow removal would be low priority.

Kurtz Township has passed a Road Resolution formally adopting any future internal roadways.

Goals and objectives from the 2045 Comprehensive and Transportation Plan were reviewed:

Land Use: Agricultural

2. Recognize and Protect the agricultural character of Clay County.
- c. Protect prime agricultural soils from commercial, industrial and residential development.

Land Use: Commercial and Industrial

2. 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.

There is an ability for the Planning Commission to enter into a Development Agreement with the developer addressing how concerns and issues can be mitigated.

Director Jacobson advised that the Planning Commission has 3 options for this request:

1. Authorize preparation of the final plat. Once completed, the Planning Commission can review before recommending approval to the County Board.
2. Authorize preparation of the final plat, waive the right to review, and recommend to the County Board.
3. Recommend denial of the plat to the County Board.

Director Jacobson advised that the County Recorder has reviewed this plat and only sees some minor changes needed, such as changes to signature lines, etc.

Jon Lowry advised three of the owners are present if there are any questions for them. He did confirm that the developer has acknowledged they will take over maintenance of the road, which includes the lighting, snow removal, etc. The Township will provide the gravel for the road.

Ronald Knoll and he requests to see the draft of the restrictive covenants. He indicated he only got a notice of the meeting but not any specific records or information. Director Jacobson clarified that the packets do not get mailed out as only the Public Hearing Notice is required to be sent; however, the packets are available online on the County website.

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

**On motion by Brad Eldred, seconded by Curt Stubstad, Commissioner Mongeau abstaining vote, and nay vote by Kurt Skjerven, the Planning Commission to forward the recommendation to the County Board of Commissioners -**

**Roll Call Vote:**

|                |     |
|----------------|-----|
| Josh Schroeder | Yes |
| Kurt Skjerven  | No  |
| Brad Eldred    | Yes |
| Dave Steichen  | Yes |

|                     |           |
|---------------------|-----------|
| Laura Johnson       | Yes       |
| Jenny Mongeau       | Abstained |
| Sebastian McDougall | Yes       |
| Curt Stubstad       | Yes       |
| Joel Hildebrandt    | Yes       |

### **UPDATE ON OUTSTANDING VIOLATIONS:**

There are currently 17 violations on mining: one has an ownership change and will be heard in July 2025.

There is one property with a home occupation violation and two commercial storage properties with violations for operating businesses out of their units.

### **UNFINISHED BUSINESS:**

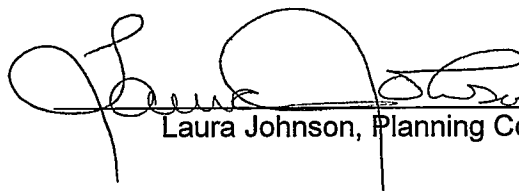
None.

### **NEW BUSINESS:**

Director Jacobson gave an update on the Buffalo River Floodplain LOMR (flood insurance study), which has been running since 2016. The area greatest impacted is just east of the Buffalo River speedway and following the river downstream north of Glyndon. The study has revised the floodplain in the area and will be beneficial for virtually every resident within that area, either removing them from the floodplain or putting them in a lower risk flood zone. It is anticipated that this will come in effect in September or October of this year, due to the required noticing and wait times. Director Jacobson will bring a presentation to the Planning Commission as well as the Board of Commissioners once the new LOMR is enacted. The 100-year floodplain will be significantly reduced. Sebastian McDougall asked how the Diversion will affect these changes. Director Jacobson advised that the Diversion shouldn't have impact due to how far east this LOMR area is.

### **ADJOURNMENT:**

**On motion by Brad Eldred, seconded by Curt Stubstad, and unanimously approved, the meeting adjourned at 8:47 PM.**



Laura Johnson, Planning Commission Secretary