

**CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 PM TUESDAY, SEPTEMBER 16th, 2025
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

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

Members Absent: Kurt Skjerven

Others Present: Matt Jacobson, Brian Melton, Darren Brooke, Rita Rueckert, Kent Syverson (by telephone), Roy Gilbertson, Jeff Busby, Dale Schlotfeldt, Nic Sauer, Paul Bannerman

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 Ashley Heng, and unanimously carried, the Agenda was approved.

APPROVAL OF MINUTES OF AUGUST 19TH, 2025:

On Motion by Sebastian McDougall, seconded by Josh Schroeder, and unanimously carried, the August 19th, 2025 Minutes were approved.

CITIZENS TO BE HEARD:

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

PUBLIC HEARINGS:

ROY AND TERESA GILBERTSON – REQUEST FOR CONDITIONAL USE PERMIT

The applicant is seeking a conditional use permit for an event center at 158 80th St. S, Glyndon, MN 56547, Parcel IDs: 10.008.0155 and 10.009.2001, part of the NE1/4 of the NE1/4 Section 8 and part of the NW1/4 of NW1/4 Section 9, Township 139N, Range 47W, Glyndon Township.

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

Matt Jacobson, Planning Director, advised that the request is for a retreat/event center. The use on this parcel is currently residential and event center. In 2010 a Conditional Use Permit (CUP) was issued for a haunted farm and in 2013 an Interim Use Permit (IUP) for Home Occupation was issued for an event center. The property is zoned Agricultural General (AG), Shoreland-Special Protection: Floodway; Floodplain Fringe (FF), Resource Protection-Wellhead Protection (RP-WH).

Applicant is requesting to convert their IUP Home Occupation Permit to a CUP. They recently acquired property to the north which they intend to use for overflow parking. With that acquisition, they will be able to meet the CUP lot size standards for a retreat/event center. The Permit would need updating since the Center would now be using the recently acquired additional parcel space. Use and structures are not permitted in the Floodway or Resource Protection-Wellhead zoning districts, except for parking. Property is right on the edge of the Resource Protection-Wellhead zoning. The property is on the edge of the Buffalo Aquifer.

The Applicant has been business for over 10 years and there have been no complaints or issues.

The 2045 Comprehensive and Transportation Plan goals were 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 or agricultural uses.

While the location is near the Buffalo Aquifer and the Buffalo River, the business of the event center focuses and relies on these natural settings. There would not be any expected impact from the uses to these sensitive areas. No farmland would be taken out of production with this request. The closest residence to this use is about 750 feet away and across US Highway 10 to the north.

Roy Gilbertson advised that they were able to acquire this piece of property from their neighbor and will incorporate it into their event/retreat uses. They may put a movable wedding backdrop in the new area. They also have a person interested in offering horse and buggy rides for weddings that would be used within that area.

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

Staff recommends the following minimum Conditions, which have been (for the most part) taken from the existing Permit:

1. Operate within the provisions of the Clay County Development Ordinance.
2. The applicant must provide a detailed parking plan. No parking shall be allowed on the access road.
3. Facility may operate on Fridays, Saturdays, Sundays, and on federal and state holidays from April 15th through February 28th, and 8 additional random days per year. All events shall end by midnight on the day of the event; and no amplified sound shall be allowed outdoors after 10:00 pm.
4. Food and alcoholic beverages must be supplied by a licensed caterer and/or licensed liquor establishment.
5. Sanitary facilities shall be permitted and constructed to meet all Clay County and Minnesota State standards.
6. Additional buildings must be permitted through the Planning Office.

Applicant has indicated they are in agreement with these conditions.

On motion by Curt Stubstad, seconded by Brad Eldred, and unanimously carried, the Planning Commission *GRANTED* the Conditional Use Permit with the following conditions:

- 1. Operate within the provisions of the Clay County Development Ordinance.**
- 2. The Applicant must provide a detailed parking plan. No parking shall be allowed on the access road.**
- 3. Facility may operate on Fridays, Saturdays, Sundays, and on federal and state holidays from April 15th through February 28th; and 8 additional random days per year. All events shall end by midnight on the day of the event; and no amplified sound shall be allowed outdoors after 10:00 p.m.**
- 4. Food and alcoholic beverages must be supplied by a licensed caterer and/or licensed liquor establishment.**
- 5. Sanitary facilities shall be permitted and constructed to meet all Clay County and State of Minnesota standards.**
- 6. Additional buildings must be permitted through the Planning Office.**

WESTLUND MATERIALS LLC – REQUEST FOR INTERIM USE - MINING PERMIT AMENDMENT

The applicant is seeking an Interim Use - Mining Permit amendment to change a condition on Parcel ID: 17.012.4000 in the SE1/4 of the SE1/4 of Section 12, Township 141N, Range 45W, Keene Township.

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

Matt Jacobson, Planning Director, advised that there was a hearing on this same parcel last month to change dates and hours of operation. Applicant originally received an Interim Use Permit (IUP) for a 38-acre gravel mine in 2021. There was a Variance approved in 2022 for setbacks. Zoning on the property includes Agricultural General (AG), with overlay zoning of Resource Protection-Aggregate (RP-Agg), Resource Protection-Biological (RP-Bio), Shoreland: Special Protection and General Floodplain. Mining is permitted to only occur in the AG and RP-Agg zoning districts.

The Applicant is requesting to amend the IUP to allow them to mine into the groundwater table, which would require a modification of their current condition #11 which states that all mining activities must occur at a minimum of 10 feet above the groundwater table. Condition #5 states that a maximum of 38 acres is approved for mining operations, and Applicant is requesting to increase maximum acreage to 39.5.

Director Jacobson explained that the intent of the 10-foot vertical buffer between the mine floor and the ground water table was based on DNR guidance and research. In large mining operations below the water table where dredging is involved, the evaporation transfer rate is higher than an actual lake or pond. They have also noticed down gradient effects on wetlands, rivers and lakes. However, most of this research is based on very large pits and not really applicable to smaller areas. The Applicant's request is for approximately 8 acres so it is limited in extent of size and depth is 10 to 20 feet. The 1.5 acre mine expansion is negligible.

An aerial photo of the property was reviewed. The open water area will be on the south side. The photo shows residences on the parcel; however, they have now been removed. The current open water would be retained. There were no comments received from the Minnesota Department of Natural Resources. The reclamation plan for the open area would be filled in as able and the remaining area to be left open as a pond.

Jeff Broby of Westlund Excavating advised they have used a lot of the resources that were above the water line. He does not know if the mining will actually go as far west as the photos are showing. Mr. Broby advises that they will be using an excavator to retrieve the product from below the water line. He was involved with the extraction pertaining to the open water on that parcel.

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

Staff recommends the following minimum Conditions:

- Conditions to remain the same as the previously issued Permit, with the exception of condition #5 to be amended to: a maximum of 39.5 acres is approved for mining operations (excavation, screening, crushing, stockpiling, berming, etc.). If additional acres are proposed to be opened in the future, a new or amended IUP would be required. And condition #11 removed regarding extraction below groundwater level.

Applicant advises they are in agreement with the conditions as set out.

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

1. Operate within provisions of the Clay County Land Development Ordinance.
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 follow all local/state/federal regulations prior to commencing mining operations.
4. Operator shall contact Clay Soil & Water Conservation District to identify any potential wetlands.
5. A maximum of 39.5 acres is approved for mining operations excavation, screening, crushing, stockpiling, berming, etc.). If additional acres are proposed to be opened in the future, a new or amended IUP would be required.
6. Require Applicant to post a reclamation bond of \$1,000 per acre.
7. Require Applicant to reclaim mined out areas. Require areas reclaimed to be reseeded to a non-invasive species.
8. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Environmental Health Department.
9. Mining operations, excluding excavation or expansion, shall be permitted year-round, between 7:00 AM and 7:00 PM, Monday through Saturday, with no noise-producing operations on Saturdays. Excavation and expansion shall be permitted April 1st through December 31st, between 7:00 AM and 7:00 PM. Hauling during the period of posted seasonal load restrictions shall only occur on paved roads or other routes approved in writing by the Clay County Highway Department and any applicable Township Road authority. If the operator needs to operate beyond stated days/hours, they shall first notify the Planning Office of the reason and length of time requested, so the extended hours can be approved and affected property owners may be notified.
10. Maintain a 100-foot buffer from the Resource Protection-Biological Overlay District. No extractive use is allowed in the General Floodplain District.
11. Conform to the current Clay County access management specifications by removing the south

access and use the existing access to the north.
12. Permit shall expire June 22, 2031.

NICHOLAS AND HEATHER SAUER – REQUEST FOR CONDITIONAL USE PERMIT

The applicant is seeking a conditional use to convert an accessory use to a principal use on Parcel ID: 13.026.3003 in part of the NW1/4 of the NW1/4, Section 26, Township 139N, Range 45W, Hawley Township.

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

Matt Jacobson, Planning Director, advised the request is to convert an accessory use to a principal use, which in this case is for a garage. The property is currently farmland and current zoning is Agricultural General (AG), General Floodplain, and Shoreland-Special Protection. Applicant plans to construct a 1,020 sq ft 40x60 garage for intended to be used for personal use and storage, that will have connections to electricity, septic and well, and will include a bathroom and a fridge. The original building permit application was for a garage that included a bathroom, kitchen and 2 bedrooms. The Applicant can build a residence or seasonal recreation building on the property, which would be permitted. Since then, in talking with the Applicant, the building will be a garage with a bathroom and refrigerator. The catch here is that if they would want to build a house in the future on this property, they would need to split the parcel as they are not allowed to have 2 residences on the property. They would need to meet the density and shoreland regulations.

Typically a dwelling has a bathroom, bedroom and a kitchen. The proposed garage can have only two of those three items allowed.

Goals reviewed from the 2045 Comprehensive and Transportation Plan include:

1. Support the long-term protection of the county's strong and diverse agricultural economy.
 - c. Ensure that all new development is compatible with the character and quality of the County's agricultural areas.
1. Protect and enhance the health and vitality of Clay County surface waters including lakes, rivers and streams for the benefit and enjoyment of Clay County residents and visitors.
 - a. Reduce development pressure on natural environment lakes in Clay County.

This request would take a limited amount of prime farmland, if drained, out of production. The development, as proposed would meet any and all Shoreland recommendations.

Applicant Nic Sauer advised that the drawing is actually for a future plan. If there is a house built in the future, they would place the house in front of the building and attach this garage to the house. Mr. Sauer stated that the septic would be built for the future use and not for present plans. He additionally advised that they will be using a plastic septic tank so it can be dug and reinstalled if the future location plans would change.

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

Director Jacobson advised that Kent Severson is online for this meeting and he has given confirmation that the Applicant's plan for septic would be acceptable.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested Interim Use Permit. Any issues or concerns may be addressed with conditions.

Staff recommends the following minimum Conditions:

1. Operate within the provisions of the Clay County Development Ordinance.
2. The use is strictly personal. No commercial activity is to occur on the property.
3. The structure must only contain two of three amenities: bathroom, bedroom, kitchen.

Director Jacobson offered that, based on Applicant's comments, regarding condition #3, the Planning Commission may want to consider adding "unless the structure is converted into the principal dwelling" so Applicant would not be required to return to another hearing.

Dave Steichen inquired if the construction of this structure would meet construction requirements for a residence. Applicant Sauer advised they plan to place footings well below the frost line.

On motion by Curt Stubstad, seconded by Brad Eldred, and unanimously carried, the Planning Commission *GRANTED* the Conditional Use Permit with the following conditions:

1. Operate within the provisions of the Clay County Development Ordinance.
2. The use is strictly personal. No commercial activity is to occur on the property.
3. The structure must only contain two of three amenities: bathroom, bedroom, kitchen – unless the structure is converted into the principal dwelling.

COREY SIMONSON – CONCRETE HOLDINGS, LLC – REQUEST FOR PLATTED SUBDIVISION

The applicant is seeking to plat a one lot, one block industrial subdivision on Parcel ID: 19.017.4200, Part of the NW1/4 of the SE1/4 and the SW1/4 of the SE1/4, Section 17, Township 138N, Range 48W, Kurtz Township.

THIS HEARING HAS BEEN WITHDRAWN AS IT WAS NOT APPROVED BY THE TOWNSHIP

COREY SIMONSON – CONCRETE HOLDINGS, LLC – PETITION FOR REZONING

The applicant is petitioning to rezone a portion of Parcel ID: 19.017.4200, Part of the NW1/4 of the SE1/4 and the SW1/4 of the SE1/4, Section 17, Township 138N, Range 48W, Kurtz Township from Agricultural General to Highway Commercial.

THIS HEARING HAS BEEN WITHDRAWN AS IT WAS NOT APPROVED BY THE TOWNSHIP

COREY SIMONSON – CONCRETE HOLDINGS, LLC – REQUEST FOR INTERM USE PERMIT

The applicant is seeking an Interim Use Permit for a concrete plant on Parcel ID: 19.017.4200, Part of the NW1/4 of the SE1/4 and the SW1/4 of the SE1/4, Section 17, Township 138N, Range 48W, Kurtz Township from Agricultural General to Highway Commercial.

THIS HEARING HAS BEEN WITHDRAWN

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- Moorhead Wellhead Protection Team Appointees: Moorhead Public Service is looking to put together a team for the Wellhead Protection area and are asking for people from the County to

participate. On Motion by Jenny Mongeau, seconded by Curt Stubstad, and unanimously carried, the Planning Commission recommended to the Clay County Board of Commissioners to appoint Joel Hildebrandt to serve on this Wellhead Protection Plan Update Team.

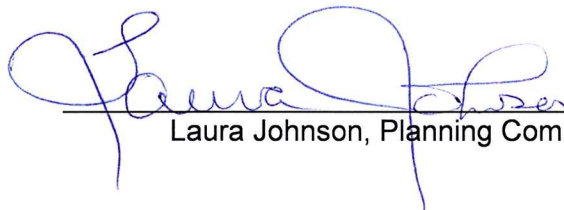
- Recognition of Curt Stubstad – a plaque was presented to Curt Stubstad in appreciation of his 9 years serving on the Planning Commission. Many comments were offered by various Planning Commission members

Director Jacobson added that there are now 2 openings available on the Planning Commission and encouraged the Commissioners to assist in locating applicants for these openings, as well as advising the public/county residents to consider applying.

- Director Jacobson congratulated Planning and Zoning Technician Erika Franck on the birth of her new son earlier this month.

ADJOURNMENT:

On motion by Curt Stubstad, seconded by Sebastian McDougall and Laura Johnson, and unanimously approved, the meeting adjourned at 7:50 PM.



Laura Johnson, Planning Commission Secretary