

**MINUTES  
CLAY COUNTY PLANNING COMMISSION  
7:00 TUESDAY, MARCH 16, 2021  
THIRD FLOOR COURTHOUSE**

**Members Present:** Bill Davis, Ezra Baer, Curt Stubstad, Jenny Mongeau, Kurt Skjerven, Steve Lindaas, Steve Mortensen, Mark Klevgaard, Laura Johnson, Andrea Koczur, Joel Hildebrandt

**Members Absent:** None

**Others Present:** Caitlyn Hurlock, Matt Jacobson, Erika Franck, Rita Rueckert, Bill Borgen, Adam Altenburg,

**ROLL CALL:** Meeting was called to order at 7:00 PM by Chair Bill Davis.

**APPROVAL OF AGENDA:**

**On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission approved the Agenda as presented.**

**APPROVAL OF MINUTES FROM FEBRUARY 23, 2021 MEETING:**

**There was a correction to page 6, Standard #2, Employees should read as 10 full-time equivalents. On motion by Ezra Baer, seconded by Curt Stubstad, and unanimously carried, the Planning Commission approved the February 23, 2021 Minutes with this correction.**

**CITIZENS TO BE HEARD:**

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

**PUBLIC HEARINGS:**

**WILLIAM BORGEN – REQUEST FOR CONDITIONAL USE PERMIT**

The applicant is seeking approval of a conditional use permit for a major subdivision in an AG District that is not a cluster subdivision and is not located on wooded or marginal soils, on parcel 23.011.2000, Tract B of Registered Land Survey No. 3, part of the NW1/4, Township 140 North, Range 48 West, Section 11, Oakport Township.

**On motion by Jenny Mongeau, seconded by Steve Lindaas, and unanimously carried, the Planning Commission opened the public hearing.**

Matt Jacobson, Planning Director, advised that this request came before the Planning Commission last month and a request was approved for a request as a 3-lot platted subdivision. The Board of Commissioners approved the subdivision request at their March 16<sup>th</sup> meeting. Since this subdivision is on prime agriculture land and is not a cluster subdivision, a Conditional Use Permit is required since there is not wooded lands or marginal soils.

In talking with the Applicant, the Buffalo Red River Watershed District, and the Highway Department, the east half of this quarter has drain tile and it empties out going west. The landowner has made modifications to the platted land to drain that area to the middle of the quarter and then flow north and west. There was also drain tile put in on the land a few parcels to the south. Therefore, all drainage coming out of this parcel originates in this quarter as precipitation.

In a conversation with the Highway Department addressing concerns brought up at last months meeting, it appears that it is the grade on County Road 9 which creates standing water and the Highway Department has heard concerns on this in the past. The complaints they are hearing are not about flooding but more about standing water and insect control. Highway Department does not feel that adding these parcels would create any concern. Adding vegetation should help with the drainage concerns.

Oakport Township advised they would not like to see any additional development on out lot #3, which is the east side of this parcel. Their concerns are due to drainage and impacts to township road 80<sup>th</sup> Avenue.

Staff recommends approval of this request with the following conditions:

- 1) Lot 3 must not be developed for residential use;
- 2) Property owners must sign and record a Land Use Notification Form;
- 3) Property owners must sign and record a Drainage Notification;
- 4) Residential structures must be at the same grade as Co. Rd 9;
- 5) Any land disturbance greater than one acre requires a Construction Stormwater Permit and Stormwater Pollution Prevention Plan;
- 6) Any other conditions the Planning Commission deems necessary.

Ezra Baer addressed Condition #1 and advised that since the request is for a Conditional Use Permit which runs with the land, what would the situation be if the Applicant sold the property in the future and the new owner wished to develop this property at that time. Director Jacobson advised that the new owner could request an amended Conditional Use Permit and the situation would be reviewed at that time.

Applicant Borgen advised that he had a correction to the information provided. He states that the two quarters to the east of the property in question are drain-tiled; however, this particular property is not drain tiled.

**On motion by Ezra Baer, seconded by Joel Hildebrandt, and unanimously carried, the Planning Commission closed by public hearing.**

**The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions applied.**

There was additional discussion regarding the drainage situation and further review was made on the Conditions.

**On motion by Jenny Mongeau, seconded by Ezra Baer, and unanimously carried, the Planning Commission *GRANTED* the Condition Use Permit with the Conditions listed below:**

- 1) Lot 3 must not be developed for residential use;**
- 2) Property owners must sign and record a Land Use Notification Form;**
- 3) Property owners must sign and record a Drainage Notification;**
- 4) Residential structures must be at the same grade as County Road 9;**

- 5) **Any land disturbance greater than one (1) acre requires a Construction Stormwater Permit and a Stormwater Pollution Prevention Plan;**
- 6) **Any other conditions the Planning Commission deems necessary.**

#### **UNFINISHED BUSINESS:**

- **Matt Jacobson: 2021 Clay County Comprehensive and Transportation Plan Update**  
**Adam Altenburg presented an update on the Clay County Comprehensive Transportation Plan Update.** He advised that there was a second Study Review Group meeting about 2 weeks ago and addressed some of the statistical information. There will be a Public Engagement Meeting with two sessions on March 23<sup>rd</sup>. These sessions will include a platform called Mural for gathering and displaying information.

There have been responses received to the Public Input Survey. Average completion time is taking approximately 14 minutes. Additional information will be forthcoming on those surveys. There were also surveys sent out to the Townships and there have been 4 Townships at this time that have sent in their responses. There is a registration link for both Public Engagement groups on the MetroCOG website. The meeting will be streaming on Facebook, but they are pushing for attendance on the website as that will give them an interactive ability instead of just watching the sessions. There is a strong push by both the County staff as well as MetroCOG to get maximum involvement in these Public Input Forums.

- Last month there was a request regarding information on prime farmland within the County. Matt Jacobson shared a map prepared by Planning Technician Erika Franck which shows the areas of prime farmland within the county. There are 836 square miles of prime farmland. Clay County itself includes 1046 square miles of land, excluding water. Steve Lindaas asked if this map was available as a GIS overlay and Matt Jacobson advised it was available. The map was based on the USDA Soils Survey Map. Matt Jacobson will send this map to all Planning Commission members.
- Matt Jacobson gave an update on a Text Amendment request for adding a Service Business as an Interim Use to the Urban Expansion District Tier 1. The Board of Commissioners approved the request but made 2 changes to the submitted request. Commissioner Jenny Mongeau acknowledged that there was a recommendation up to 10 full-time equivalent employees and the Board of Commissioners did increase this to 15 full-time equivalent employees. They identified there were several businesses in the 15-20 employee classification that needed Cares Act funds and wanted to create greater flexibility for the business owners. Also, if the business grows there would need to be greater employees and they did not want to stifle businesses growth. Also, the stipulation for the use of existing building only was changed to include the municipality that would be affected by requesting an additional building or addition to existing building. The ultimate concern was for creating a better environment for building and growing businesses. Matt Jacobson advised that the State has laws on how non-conforming businesses uses are regulated. He feels that the standards recommended and approved will align better with the rights of the property owners, as well as the County and Municipalities that would be affected.

#### **NEW BUSINESS:**

- **Election of Officers:** Current officers are – Chair: Bill Davis; Vice-Chair Mark Klevgaard; Secretary Steve Mortensen. Mark Klevgaard will be terming out November 2021.  
**On Motion by Ezra Baer, seconded by Jenny Mongeau, Bill Davis was unanimously re-elected as Planning Commission Chair.**

**On Motion by Mark Klevgaard, seconded by Kurt Skjerven, Ezra Baer was unanimously elected as Planning Commission Vice-Chair.**

**On Motion by Jenny Mongeau, seconded by Andrea Koczur, Steve Mortensen was unanimously re-elected as Planning Commission Secretary.**

- **Matt Jacobson presented information on the new proposed city of Stirling, MN.** Stirling was proposed by the Spring Prairie Hutterian & Brethren Colony. Spring Prairie Township has given their approval of the request at this time. A map was shown of their proposed boundary. If the city was accepted as it is proposed, its population would be approximately 180 people, about 45 households and a little over 2880 acres and 4.5 square miles. This would make it the second largest city in geographic size with only Moorhead being larger. By population it would be sitting at 9<sup>th</sup> in the County with only Felton, Georgetown and Comstock having smaller population. The Township Board passed the requested resolution in February 2021. It will next be heard by an Administrative Law Judge, but they have not yet received this request. Once the Administrative Law Judge receives the request they will need to Notice all Townships that border the property, as well as a Notice to the County. This hearing would occur at Moorhead.

The following 13 factors would need to be considered by the Judge in granting City status to Stirling:

- 1) Present population and number of households, past population and projected population growth for the subject area;
- 2) Quantity of land within the subject area; the natural terrain including recognizable physical features, general topography, major watersheds, soil conditions and such natural features as rivers, lakes and major bluffs;
- 3) Present pattern of physical development, planning and intended land uses in the subject area including residential, industrial, commercial, agricultural and institutional land uses and the impact of the proposed action on those uses;
- 4) The present transportation network and potential transportation issues, including proposed highway development;
- 5) Land use controls and planning presently being utilized in the subject area, including comprehensive plans, policies of the Metropolitan Council; and whether there are inconsistencies between proposed development and existing land use controls;
- 6) Existing levels of governmental services being provided to the subject area, including water and sewer service, fire rating and protection, law enforcement, street improvements and maintenance, administrative services and recreational facilities and the impact of the proposed action on the delivery of the services;
- 7) Existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems;
- 8) Fiscal impact on the subject area and adjacent units of local government, including present bonded indebtedness; local tax rates of the county, school district, and other governmental units, including where applicable, the net tax capacity of platted and unplatted lands and the division of homestead and non-homestead property; and other tax and governmental aid issues;
- 9) Relationship and effect of the proposed action on affected and adjacent school districts and communities;
- 10) Whether delivery of services to the subject area can be adequately and economically delivered by the existing government;
- 11) Analysis of whether necessary governmental services can best be provided through the proposed action or another type of boundary adjustment;

- 12) Degree of contiguity of the boundaries of the subject area and adjacent units of local government; and
- 13) Analysis of the applicability of the State Building Code.

With this process they would be called a Statutory City instead of a Home-Charter City. The authority To incorporate a municipality by statute is given by the State Legislature.

Some of the Colony's issues include: housing needs, frequency of requests submitted to Planning Commission and Board of Adjustment for permitting and their unique situation of needing to operate as a city.

- **Planning & Zoning Office Move:** All County Land Records offices are moving to the new Clay County Government Center located at 3510 12<sup>th</sup> Ave South in Moorhead. The Planning Office will be moving incrementally with the move completed by March 26, 2021. All public hearings will continue to be located at the Commissioner Boardroom on the 3<sup>rd</sup> floor of the Courthouse .

### ADJOURNMENT;

**On motion by Jenny Mongeau, seconded by Ezra Baer, and unanimously approved, the meeting adjourned at 8:11 PM.**

*Steve Mortensen*

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Steve Mortensen, Planning Commission Secretary

WITH COURTHOUSE CHANGE