

**MINUTES  
CLAY COUNTY PLANNING COMMISSION  
7:00 TUESDAY, MAY 18, 2021  
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

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

**Members Absent:** None

**Others Present:** Matthew Jacobson, Erika Franck, Caitlyn Hurlock, Rita Rueckert, Brady Bjornson, Derek Braseth, Kim Braseth, Eric Braseth, Kevin Hayer, Jean Fuchs, Shirley Peterson, Curtis Jalbert, Braeden Nelson

**ROLL CALL:** Roll call was taken, and the 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 APRIL 20, 2021 MEETING:**

**On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission approved the April 20, 2021 Minutes.**

**CITIZENS TO BE HEARD:**

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

**PUBLIC HEARINGS:**

**JACOB SIP – REQUEST FOR CONDITIONAL USE PERMIT**

The applicant is seeking approval of a conditional use permit for an agricultural service establishment on parcel: 04.005.4800, part of the E1/2 of the SE1/4, Section 5, Township 139N, Range 44W, Eglon Township.

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

Matt Jacobson, Planning Director, applicant is seeking an agricultural service establishment, specifically a shop for repairing ag equipment, vehicles and other equipment.

Policy Considerations include

**General Goal #1:** Maximize the potential of Clay County as a thriving center for agriculture, business

and recreation, while maintaining and enhancing its livability.

- Policy #1: Promote the development and implementation of a Comprehensive Plan that effectively plans for agricultural protection, land use, transportation, housing, economic development and environmental protection for Clay County.

**Land Use Goal #4:** Plan for the orderly, efficient growth of commercial and industrial development in the County through the application of appropriate zoning districts and regulation.

- Policy #2: Encourage commercial and industrial developments, which do not need public sewer and water, to locate within Planned Urban Growth Areas in locations with adequate road service.

**Land Use Goal #5:** Plan land uses and implement standards to minimize land use conflicts.

- Policy #6: Encourage the location of commercial and industrial development in areas that avoid adverse impacts on residential areas.

Property is zoned Ag General, as well as the surrounding land. This use is an allowed use in the Ag General Zoning Districts. Setbacks appear to be in line with establishment of an Agricultural Service Establishment.

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 service, veterinary services, boarding or training of horses and agricultural produce stands.

Director Jacobson stated this definition would extend to ancillary activities of basic agriculture.

The Land Development Code Standards are as follows:

**8-6-10: STANDARDS FOR ALL COMMERCIAL AND INDUSTRIAL USES;**

- A. Access Management/Access Plan: Proposed commercial and industrial uses where any portion of the boundary of the proposed parcel is adjacent to Highways 10, 336, 9, 32, 34 or Interstate 94 shall submit an access management plan with any conditional use, rezoning, platting or subdivision request. The access management plan shall conform to the access management submittal Clay County Development Code requirements, provisions and criteria as set forth in 8.3.6 of the County Development Code.
- B. Environmental Mitigation: Proposed commercial and industrial uses shall avoid environmentally sensitive areas and ensure mitigation measures are taken whenever there is a potential adverse impact.

**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. 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 agricultures or horticulture might result in creation or establishment of a nuisance or trespass.

The proposed use is on the northwest corner of Highway 10 and Highway 32. The proposed building is 80 x 200-foot shop building and the parcel also adjoins the County Park and Ride lot. It is going to be located approximately 400 feet from State Highway 32. The nearest residence is approximately 1000 feet to the northeast. This parcel is located within the City of Hawley Extraterritorial Jurisdiction area. The City of Hawley has reviewed this request. The owner has an easement to access Highway 32 from the small parcel in the

northeast corner which currently houses grain bins. There has been a split from this parcel which includes the grain bins in the northeast corner of the lot. Because this would be a commercial use of part of the property, any proposed changes would need to be cleared through Minnesota Department of Transportation (MNDOT). Director Jacobson states that the Planning Commission may want to include a condition that the applicant needs an updated access management plan from MNDOT.

Proposed Conditions for this Permit are:

- 1) Obtain all applicable local/State/Federal permits/reviews (i.e., Septic system (Co/State), Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) as necessary;
- 2) Obtain approved access management plans from the Minnesota Department of Transportation;
- 3) Facility shall meet all applicable setback requirements as per the County Development Code;
- 4) Facility signage shall meet County sign standards 8-3-13;
- 5) Provide a parking plan to the Planning Office for review and approval;
- 6) Other conditions as the Planning Commission deems necessary.

Ezra Baer noted that construction has already begun on this permit; Matt Jacobson acknowledged that there was a Building Permit issued for personal use, but it was then discovered the Applicant had intentions to use the building for commercial use and that is the reason for this permit.

Andrea Koczur asked about the feedback from the State Highway Department and if there were concerns about access with the hill on that road; Matt Jacobson states the State Highway Department has not said anything about traffic on the hill being a concern. Ezra Baer asked if there was any information received from the Township and Director Jacobson advised that the only thing he has heard is the City of Hawley wants the Applicant to get in touch with MNDOT to make sure that their access would comply with commercial use. County Highway Department has advised Director Jacobson that this access situation would fall on to the State Highway Department.

The Applicant was not in attendance at this hearing.

**On motion by Ezra Baer, seconded by Andrea Koczur, 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.

**On motion by Ezra Baer, seconded by Mark Klevgaard, and unanimously carried, the Planning Commission *GRANTED* the Conditional Use Permit with the following conditions:**

- 1) Obtain all applicable local/State/Federal permits/reviews (i.e., Septic System (County/State), Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) as necessary;
- 2) Obtain approved access management plan from the Minnesota Department of Transportation;
- 3) Facility shall meet all applicable setback requirements as per the County Development Code;
- 4) Facility signage shall meet County sign standards 8-3-13;
- 5) Provide a parking plan to the Planning Office for review and approval.

**DEREK BRASETH – REQUEST FOR CONDITIONAL USE PERMIT**

The applicant is seeking approval of a conditional use permit to place a feedlot on parcel 24.013.4700, part of the SE1/4 of Section 13, Township 138N, Range 44W, Parke Township. **On motion by Jenny**

**Mongeau, seconded by Ezra Baer, and unanimously carried, the Planning Commission opened the public hearing.**

Matt Jacobson, Planning Director, noted a change on the Staff Report from 102 animal units to 108 animal units.

Policy Considerations include:

**General Goal #1:** Maximize the potential of Clay County as a thriving center for agriculture, business and recreation, while maintaining and enhancing its livability.

- Policy #1: Promote the development and implementation of a Comprehensive Plan that effectively plans for agricultural protection, land use, transportation, housing, economic development and environmental protection for Clay County.

**Land Use Goal #2:** support the long-term protection of agriculture in the county.

- Policy #1: Recognize and support the agricultural character of the County in all planning efforts.

**Land Use Goal #5:** Plan land uses and implement standards to minimize land use conflicts.

- Policy #8: Strengthen the county's land use ordinances related to feedlots in a manner that allows these uses in the agricultural areas, while protecting groundwater and surface water resources and mitigating potential adverse effects on surrounding properties.

The property is zoned Agricultural General (AG); Resource Protection-Aggregate (RP-Agg), Resource Protection-Biological (RP-Bio). All immediately adjacent properties are zoned AG, RP-Agg and RP-Bio. A feedlot may be allowed as a Conditional Use in the AG, RP-Agg and RP-Bio districts if it meets specific requirements related to setbacks from other uses. Currently the property is used for cultivated agriculture, pastureland and gravel extraction. There are no structures on the parcel; however, the applicant's residence is on the adjacent parcel.

Because there is greater than 50 animal units a Conditional Use Permit is allowed in all these zoning districts.

**Development Code 8-6-3: STANDARDS FOR ANIMAL FEEDLOTS:**

Animal feedlots in any district shall meet the following standards:

- A. **Compliance with State and Federal Regulations:** All feedlots shall comply with state and federal feedlot or confined animal feeding operation regulations.
- B. **Registration:** Feedlot owners shall provide proof that they are registered in accordance with Minnesota Pollution Control agency rules 7020.0100 to 7020.1900.
- C. **Notification of County Planning Department:** Owners of newly established or expanding feedlots shall provide a copy of the registration required in B. above, to the Clay County Planning Department within five (5) days of registration.
- D. **Manure Storage:** Animal waste produced by an animal feedlot or stable facility shall not be stored within three hundred feet (300") of edge of a drainage ditch, wetland or public water.
- E. **Manure Spreading:** Application of manure shall be setback the following distances from dwellings, churches, campgrounds and any incorporated municipality:
  - a. **One hundred fifty feet (150')** if incorporated within forty-eight (48) hours.
  - b. **Three hundred feet (300')** if not incorporated.
- F. **Standards for Feedlots within Shoreland Districts:**
  1. **New Feedlots:** New feedlots must not be located in the shoreland or watercourses or in bluff impact zones and must meet a minimum setback of three hundred feet (300') from the ordinary high-water level (OHWL) of all public water basins; and
  2. **Modifications, Expansions:** Modifications or expansions to existing feedlots that are located within three hundred feet (300') of the ordinary high-water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water

level setback or encroach on bluff impact zones.

Development Code Considerations are currently written that total-confinement feedlot setbacks are 1000 feet from residence; 1320 feet from all other structures; and 1320-foot residential setback from all other animal feedlots and 2000-foot setback for all other structures.

Additional setbacks for new feedlots include:

- a. Two (2) miles from any incorporated community or one-half (1/2) mile from any platted subdivision.
- b. One-hundred feet (100') from property lines, right of way and ditches (to include a 2-rod grass buffer strip adjacent to ditch).

This is a small operation that have 90 cow/calf pairs, there are 2 pen feedlots structures and a pole barn. Confinement would occur generally between October and April and would pasture the remainder of time.

This property is on the east side of the County at the Becker County line. An aerial photo displayed the property in question showing the Applicant property and the closest residence is to the southwest. Sandy soils on this parcel and the area in general could potentially pose a risk to groundwater; however, confinement will occur when the ground is frozen, so this minimizes the risk and the impact.

There are three other feedlots in the area. This feedlot is within the residential setback of the Applicant's dwelling, but the next nearest residence is approximately 2400 feet away to the southwest.

Staff proposed conditions are as follows:

- 1) Compliance with all appropriate setback & buffer strip requirements as per the Clay County Land Development Ordinance;
- 2) Receipt and maintenance of appropriate State feedlot registration and, if applicable, stormwater management permit from MPCA. Copies of these documents to be filed with the Planning Office;
- 3) Manure application must be by means of land spreading and incorporation within 48 hours to reduce potential odor issues;
- 4) Limit grazing in RP – Bio Zoning District; and
- 5) Additional conditions as the Planning Commission sees fit.

Mark Klevgaard clarified the requirements of when the manure would need to be spread; Ezra Baer explained that once the manure is spread, it must be incorporated into the soils within 48 hours. It may remain stockpiled, but the time limit is on the incorporation after spreading. Joel Hildebrandt inquired as to where stormwater runoff would go, and Matt Jacobson advised that the proposed area is the lowest elevation on the property and would present no runoff areas. Ezra Baer inspected the property last week and feels that the proposed location of the feedlot would be the best area on the property for placement. Steve Lindaas inquired if residential locations on the Becker County side of the county line have been considered and Director Jacobson advised there were no impacted residents in that area. Andrea Koczur asked if there were any Turtle Lake residents that have shared any concerns; no comments have been received. Steve Lindaas asked if there were any affected residences over the Becker County line and Director Jacobson advised that there were no affected neighbors on the Becker County side.

Applicant Derek Braseth states he is the 4<sup>th</sup> generation to have cattle in the area and wants to comply with all rules. Ezra Baer asked Applicant if he agreed with the conditions as they were set out; Applicant Braseth advised he was in favor of the stated conditions.

Neighbor Jean Fuchs states she was 70 feet short of the 1320 feet from the feedlot and had to push the location of building their residence back further. She is concerned that she will have a 3<sup>rd</sup> feedlot surrounding her property. She feels her request for a Variance was not given proper consideration and placing a 3<sup>rd</sup> feedlot

in her area would increase the problems they are experiencing with flies on their property.

Neighbor Shirley Peterson stated that she does not want the feedlot next to her property.

Joel Hildebrandt asked if there was a Variance request submitted. He was advised that the Variance was just granted at a hearing earlier this evening with the Board of Adjustment. The request for the 1320 setback was from the Applicant's own residence and not to another neighboring residence. Matt Jacobson addressed the concerns about the pasturing and it was shown on the map where the pasturing area in question is proposed. Setbacks are from the confined area and pens only and does not include pasture. Minnesota State address feedlot areas and pasturing areas differently; the rules have more regulations for feedlot areas and very few regulations for pasturing (mainly water quality regulations).

Ezra Baer pointed out that if the Applicant were not requesting a feedlot, the entire parcel could be used for pasturing many animal units, not even for their own animals.

The aerial photo was observed to identify the location of the 2 neighbor residences who have spoken in opposition to this request. One neighbor is over 2000 feet away; the other neighbor is over 1 mile away from the proposed feedlot area. Ezra Baer stated that his observation of visiting the site shows that the area is naturally buffered by the topography on the property.

**On motion by Ezra Baer, seconded by Curt Stubstad, 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.

Jenny Mongeau pointed out that the one neighbor's concern is with the fence placement for the pastureland; Steve Lindaas stated that the hearing issue is for the feedlot and that requested feedlot is significantly away from the neighbor residences. Mr. Lindaas did question the acreage of pastureland for the number of animals. Ezra Baer shared the specifics of grazing standards regarding the number of cows per acre, as well as the number of months grazed vs. the number of months requiring a feedlot; he also pointed out that this 80-acres is not the only pastureland that the applicant and their family own.

Bill Davis asked if Director Jacobson had the made the RP-Bio zoning district area clear to the Applicant; Director Jacobson advised he did.

**On motion by Ezra Baer, seconded by Curt Stubstad, and unanimously carried, the Planning Commission *GRANTED* the Conditional Use Permit to include the following conditions:**

- 1) Compliance with all appropriate setback & buffer strip requirements as per the Clay County Land Development Ordinance;**
- 2) Receipt and maintenance of appropriate State feedlot registration and, if applicable, stormwater management permit from Minnesota Pollution Control Agency (MPCA). Copies of these documents to be filed with the Planning Office;**
- 3) Manure application must be by means of land spreading and incorporation within 48 hours to reduce potential odor issues;**
- 4) Limit grazing in Resource Protection – Biological (RP-Bio) Zoning District.**

## **BRADY BJORNSON – REQUEST FOR CONDITIONAL USE PERMIT**

The applicant is seeking approval of a conditional use permit for a commercial storage business on parcel 26.001.2203, part of the NW1/4 of the NW1/4, Section 1, Township 138N, Range 45W, Skree Township.

**On motion by Ezra Baer, seconded by Steve Mortensen, and unanimously carried, the Planning Commission opened the public hearing.**

Matt Jacobson, Planning Director, this is a request for a commercial 6-unit self-storage facility in Skree Township. The policy considerations from the Comprehensive Plan include:

**General Goal #1:** Maximize the potential of Clay County as a thriving center for agriculture, business and recreation while maintaining and enhancing its livability.

- Policy #1: Promote the development and implementation of a Comprehensive Plan that effectively plans for agricultural protection, land use, transportation, housing, economic development and environmental protection for Clay county.

**Land Use Goal #4:** Plan for the orderly, efficient growth of commercial and industrial development in the County through the application of appropriate zoning districts and regulation.

- Policy #2: Encourage commercial and industrial developments, which do not need public sewer and water, to locate within Planned Urban Growth Areas in locations with adequate road service.

**Land Use Goal #5:** Plan land uses and implement standards to minimize land use conflicts.

- Policy #6: Encourage the location of commercial and industrial development in areas that avoid adverse impacts on residential areas.

This property is zoned Agricultural General and this is an approved use within that zoning district with a granted Conditional Use Permit. The 5.5-acre parcel is just south of Hawley and is currently used as farmland. It contains no structures on the parcel and appears all setbacks can be adequately met.

Applicant will use of the units for seed storage; the remainder of the units will be used as rentals for storage of RVs, pull-behind campers/trailers, snowmobiles/ATVs, ice houses, vehicles and general storage. The remainder of the parcel will be used for agricultural test plots. The building will be in the northeast corner. The residence to the south would be approximately 260 feet from the storage unit. They will need to build a new access off 260<sup>th</sup> Avenue, which is a township road, and they will need Township approval.

Mitigation efforts include: Motion sensing lights, locating the buildings as far away from the neighboring residences, and there is a line of trees along the north side of the residence which would help provide further screening and noise reduction.

Staff recommends approval of this CUP with the following minimum 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. Facility shall meet all applicable setback requirements as per the County Development Code;
3. No outdoor storage shall be allowed;
4. Days and hours of operation shall be year-round, open 24 hours, seven days a week;
5. Obtain an approved access plan from Skree Township/Clay County Highway Department for access off 60<sup>th</sup> Avenue South;
6. Facility signage shall meet County sign standards 8-3-13;
7. No day-to-day business operations shall be conducted at the site, only storage of business

materials allowed; if in the future a business would like to operate at the site an amended CUP would be required; and

8. Any other conditions the Planning Commission deems necessary.

Joel Hildebrandt asked where the nearest residence is; it is just south of the south property line. There have been no neighborhood comments received. It was pointed out that this parcel previously received a Variance for density to build a residence, but that landowner later sold without building.

Applicant Brady Bjornson advised that he is the owner of Red River AgriService. He wants to personally rent one of the units for his seed storage. They also have various other agriculture businesses. His current needs are for a commercial unit that he can get a semi-truck into/out of as well as a place to generate rental income. They are currently operating out of the family farmstead approximately a mile east and they need to load/unload semis up on the road. He wishes to be a good neighbor with the residents in the home to the south and want to keep their activity and traffic as far away from them as possible.

He has a purchase agreement with Braeden Nelson, contingent on CUP approval.

Owner Braeden Nelson states that he is has owned the property since the fall of 2019. His plans for building have changed and he has been cash renting the land to Brady Bjornson's brother Brock for farming purposes. He reached out to Brock to advise of his plans and Brock told Brady. He supports Brady's intended business use on the property as it is the same industry his own father was in.

**On motion by Joel Hildebrandt, seconded by Steve Lindaas, 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.

Bill Davis inquired about water and sewer and Applicant stated they will not have water and sewer onsite.

**On motion by Jenny Mongeau, seconded by Steve Lindaas, 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.) before any construction and shall provide copies of them to the Planning Office;
2. Facility shall meet all applicable setback requirements as per the County Development Code;
3. No outdoor storage shall be allowed;
4. Days and hours of operation shall be year-round, open 24 hours, seven days a week;
5. Obtain an approved access plan from Skree Township/Clay County Highway Department for access off 60<sup>th</sup> Avenue South;
6. Facility signage shall meet County sign standards 8-3-13;
7. No day-to-day business operation shall be conducted at the site, only storage of business materials allowed; if in the future a business would like to operate at the site an amended CUP would be required.



**CLAY COUNTY – TEXT AMENDMENT TO THE DEVELOPMENT CODE**

Clay County will consider an amendment to the text of the Development Code allowing Service Business as an interim use in the Urban Expansion District Tier 1 Zoning District.

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

Matt Jacobson, Planning Director, advises that the Board of Commissioners voted unanimously to approve to allow service businesses as an approved Interim Use within Tier 1 Urban Expansion District.

Their intent was to allow greater flexibility and to include the cities of Moorhead and Dilworth in situations when considering specific requests that may not conflict with the comprehensive plans of the cities, County or townships.

After this was passed, there were discussions with the cities of Moorhead and Dilworth and their attorney and the Clay County Attorney. The original text of Section 2.2 read:

**2. Limited to Existing Structures:** Service business must be operated out of existing structures on the property.

At the March 16, 2021 meeting, the Clay County Board of Commissioners voted unanimously to amend that text of Section 2.2 to read:

**2. Limited to Existing Structures:** Service business must be operated out of existing structures on the property *unless expansions or additional buildings receive approval from the City of Dilworth or the City of Moorhead*

After discussions with staff from the City of Dilworth and the City of Moorhead, and subsequent discussions with the city of Dilworth and Clay County Attorneys, it was determined that obtaining approval from the cities of Dilworth or Moorhead to construct additions or additional buildings for a service business in the Urban Expansion Tier Zoning District has a few unintended implications.

- 1: Due Process – If the City of Dilworth or City of Moorhead were to deny the request for an addition or new structure, there is not a legal process in place for the applicant to appeal the decision.
- 2: Jurisdiction – Cities do not have jurisdiction to make development decisions, with the exception of subdivisions, beyond their corporate boundaries unless an agreement is in place, e.g., joint powers agreement.
- 3: Potential for Confusion – The vagueness of the approval, or lack of defined process, may cause confusion for potential applicants for an Interim Use Permit.

Jenny Mongeau stated that the Board of Commissioners was unanimous in their approval of the text amendment and she felt that she would have trouble supporting a change. She feels that the wording was created to make sure that the Cities would have a say in the process. Chair Bill Davis feels that the cities would deny these requests. Director Jacobson stated that one of the concerns presented by the County Attorney's office would be when a City denies a request, what the recourse would be for an Applicant.

Steve Lindaas asked what the process would be for the cities to deny a request. Matt Jacobson felt that would be on the cities and that there should be a procedures in place for due process. Under the County's current process, if Director Jacobson denies a Building Permit, that decision can be appealed to the Board of Adjustment.

The original text of Section 2.2 read:

**2. Limited to Existing Structures:** Service business must be operated out of existing structures on the property.

At the March 16, 2021 meeting, the Clay County Board of Commissioners voted unanimously to amend that text of Section 2.2 to read:

**2. Limited to Existing Structures:** Service business must be operated out of existing structures on the property *unless expansions or additional buildings receive approval from the City of Dilworth or the City of Moorhead.*

Discussions between the cities and county staff and attorneys yielded a potential revision to Section 2.2 of Ordinance 2021-1 to read:

**2. Structures:** Service businesses must be operated out of existing structures on the property unless it can be demonstrated through the public hearing process that any expansion would be in conformance with the City of Dilworth's City of Moorhead's, Township of Moorhead's, Township of Oakport's, or County of Clay's comprehensive plans.

It was pointed out that the original text proposal states "OR" and should instead say "AND".

Steve Lindaas and Ezra Baer both were of the opinion to include language that brings the entities to the table to have the necessary discussions; however, Ezra Baer also felt that if the cities failed to want to act on these matters, he would not be opposed to having everything come through the Planning Commission. Andrea Koczur also felt that these Cities should be held accountable and should be making the decisions that are within their responsibility to make sure that the County and the Cities join together to satisfy the members of the community at large.

**On motion by Steve Lindaas, seconded by Ezra Baer, 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.

Matt Jacobson pointed out that under a Home Occupation Interim Use an applicant could build up to a 10,000 sq ft building to operate on their property within Tier 1 Zoning District if they meet all setbacks. However, if there is no residence on the property, this use would not be allowed. Director Jacobson feels there is a conflict with allowing a Home Occupation Interim Use permit for the same use that an Interim Use Service Business would not be allowed.

Mark Klevgaard asked if the proposed text changes would make it easier or more difficult for situations like the hearing recently held for a Tier 1 property with a service business. Director Jacobson agreed with Commissioner Mongeau's earlier comment about putting weight on the stakeholders to include them in the decision-making. Mark Klevgaard inquired as to the number of properties that would be caught in a situation like this. Director Jacobson indicated there were very few.

Jenny Mongeau referred to item #3 of the unintended implications and brought up a previous Tier 1 hearing involving the City of Moorhead where it was thought that there was agreement between the City and the County, but it was later discovered there were problems.

Steve Lindaas feels that there needs to be legal ramifications/processes addressed and worked out.

**On motion by Steve Lindaas, seconded by Jenny Mongeau, the Planning Commission recommended no changes to the current language but recommend that Staff continue to work with the Cities to address the outstanding issues. A roll call vote was requested by Ezra Baer. Those in favor of the Motion: Kurt Skjerven, Andrea Koczur, Laura Johnson, Jenny Mongeau, Steve Lindaas, Joel Hildebrandt, Steve**

**Mortensen, Curt Stubstad. The motion was opposed by Mark Klevgaard, and Ezra Baer.**

**UNFINISHED BUSINESS:**

- **Matt Jacobson – Clay County Comprehensive Plan Update:** Adam Altenburg was unable to attend this meeting. Work is ongoing on the Plan update. There was a public input survey which closed in approximately mid-April which received about 380 responses. There were 2 public input meetings in late March. Feedback has also been received from some of the Townships and Cities, as well as State Agencies. There have been focus group meetings with local natural resources groups and gravel/aggregate operators. Focus groups work is split between currently identifying issues and later identifying goals and policies. There is hope for meeting with agricultural groups around early August. It is hoped to have this update completed by the end of 2021, and then proceed to updating parts of the Development Code. The Study Review Committee is planning to meet again in June.

**NEW BUSINESS:**

Jenny Mongeau advised that the County Board of Commissioners voted this morning to follow the newly released CDC Covid-19 guidelines.

She asked that the request to have people make reservations for attending meetings in person be removed as she feels requiring reservations is a hinderance.

**ADJOURNMENT:**

**On motion by Steve Lindaas, seconded by Steve Mortensen, and unanimously approved, the meeting adjourned at 9:04 PM.**



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Steve Mortensen, Planning Commission Secretary