

**MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 TUESDAY, AUGUST 17, 2021
THIRD FLOOR COURTHOUSE**

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

Members Absent: Steve Mortensen

Others Present: Matt Jacobson, Erika Franck, Brian Melton, Rita Rueckert, Dan Disrud, Chris Heyer, Adam Altenburg, Travis Schmidt, Marc Pritchard, John Boulger, Rich Whitcomb, Kory Koester, Jon Kuehn, Jim Shelquist, Dave Steichen, Joel Paulsen, Leo Splonskowski, Frank Gross

APPROVAL OF AGENDA:

On motion by Jenny Mongeau, seconded by Ezra Baer, and unanimously carried, the Planning Commission approved the Agenda as presented.

APPROVAL OF MINUTES FROM JULY 20, 2021 MEETING:

There were corrections to pages 6 and 8, and the minutes should read the Motions were seconded by Steve Lindaas. On pages 2, 4, 6, 7, 10, 11, 12 and 13, the word “by” should be changed to “the” in the motions to close the public hearings. On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission approved the July 20, 2021 Minutes with these corrections.

CITIZENS TO BE HEARD:

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

PUBLIC HEARINGS:

LEO SPLONSKOWSKI – REQUEST FOR INTERIM USE HOME OCCUPATION PERMIT

The applicant is seeking approval of an interim use home occupation permit for a seasonal road maintenance business at 17252 280th St. N, Ulen, MN 56585 on parcel 29.024.0261, part of the NW1/4 of the SW1/4 and Part of the SW1/4 of the NW1/4, Section 24, Township 142N, Range 44W, Ulen Township.

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

Matt Jacobson, Planning Director advised that the request is for an Interim Use Home Occupation located in the northeast part of the County near Ulen. 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.

Land Use Goal #1: Establish a comprehensive growth management strategy for Clay County that promotes

orderly and efficient growth of residential, commercial and industrial development while preserving the County's rural character.

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 #3:** Allow for home occupations in agricultural areas and small, community-based retail in the County's unincorporated rural communities.

This request is on a 5-acre parcel. There is currently a residential structure and two (2) outbuildings located on the site. The proposed use meets or exceeds the setback requirements. It is zoned Agricultural General (AG) and also has Shoreland: Special Protection – Rivers & Streams on the northern area of the property. An Interim Use Home Occupation Permit is not allowed in the Shoreland: Special Protection-Rivers & Streams Zoning District; but it is allowed in the Agricultural General Zoning District; this is the area of the parcel where the business would be located.

The request is to operate the business L & M Road Service. There are one full time and 3 part time employees in addition to the owner. It is a seasonal business that operates during the construction season and is operating out of an existing accessory building on the property. There is parking for equipment and employees on site. The property is within the Drinking Water Supply Management Area (DWSMA) for the City of Ulen and is about 1.88 miles outside of the city limits. City of Ulen has been notified and there was no response from them regarding this request. The closest residence is about 975 feet to the east.

Recommended Minimum Conditions include:

1. Signage shall conform to Clay County Land Development Ordinance 8-3-9C-8, maximum 32 square feet allowed;
2. Permit ceases upon ownership change;
3. No business activities are permitted in the Special Protection – Shoreland Zoning District;
4. and, any other Conditions the Planning Commission deems necessary.

Applicant Leo Splonskowski advised he did not have any information to add to the narrative presented by Director Jacobson. He has lived at this residence for approximately 15 years and states there would be no customers coming to the property.

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

Ezra Baer asked if it is necessary to include Condition 3 – No business activities are permitted in the Special Protection-Shoreland Zoning District. Director Jacobson felt it should be included as a reminder.

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 Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission *GRANTED* the Interim Use Home Occupation Permit with the following conditions (1-3):

1. Signage shall conform to Clay County Land Development Ordinance 8-3-9C-8, maximum 32 square feet allowed;
2. Permit ceases upon ownership change;
3. No business activities are permitted in the Special Protection – Shoreland Zoning District.

RED RIVER VALLEY ELECTRIC COOPERATIVE – PETITION FOR REZONING

The applicant is petitioning to rezone an approximately eight-acre portion of a 63.7-acre parcel from Resource Protection – Wellhead Protection and Urban Expansion District Tier 1 to Limited Highway Commercial. The parcel identification number is 10.006.1800, part of the NE1/4 of the NE1/4, Section 6, Township 139N, Range 47W, Glyndon Township.

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

Matt Jacobson, Planning Director, states the Applicant is requesting a 6.82-acre portion of a 64-acre parcel, with the intent to construct a service center/office.

Current zoning is Urban Expansion District (UED) Tier 1, with Resource Protection-Wellhead Protection Overlay. The proposed use is not permitted in either of these zoning districts. With the proposed change to Limited Highway Commercial zoning district, the proposed use would be permitted as a Conditional Use.

There are two zoning districts on this parcel and Director Jacobson explained each of the following zoning districts:

- **ZONING: Urban Expansion District (UED) Tier 1**

The purpose of the UED Urban Expansion District is to implement the following goals and policies of the Clay County 2002 Comprehensive Plan:

A. **Land Use Goal #1:** Establish a comprehensive growth management strategy for Clay County that promotes orderly and efficient growth of residential, commercial and industrial development while preserving the County's rural character.

Policy #1. Work with cities and townships within Clay County to identify Planned Urban Growth areas that have the potential to be served with an appropriate range of public services in a cost-effective manner within which efficient and orderly growth can be facilitated over the next 20 years.

Policy 5. Discourage development from occurring at unsewered urban densities outside of cities until urban services can be provided in an orderly and efficient manner.

Policy Considerations for UED Tier 1 include:

- Proposed parcel is in the City of Dilworth's Planned Urban Growth Area and 2-mile extra-territorial area
- Dilworth has subdivision authority and approved the preliminary plat
- The Dilworth Future Land Use Map shows future zoning for this area to be commercial
- The property requires water and sewer and cannot be connected to municipal services at this time.
- The corridor along County 11 has been changed by Dilworth to include Commercial development. This proposed use seems to fit with the City of Dilworth's proposed growth.
- **ZONING: Resource Protection – Wellhead Protection Overlay District (RP-WHP)**

The purpose of the Resource Protection Overlay Districts is to implement the following goals and policies of the Clay County 2002 Comprehensive Plan, the Clay County Comprehensive Local Water Management Plan, and the Wellhead Protection Plan. RP-WHP Resource Protection District – Wellhead Protection: The Wellhead Protection Overlay District is intended to protect the city of Moorhead Wellhead Protection Area/Drinking Water Supply Management Area (DWSMA), including sensitive areas above the Buffalo Aquifer.

Goal: Protect and preserve groundwater quality in the County:

- a. **Objective B, Action 1:** Identify sensitive groundwater areas in the County and establish land use practices for those areas.
- b. **Objective B, Action 5:** Initiate a land use ordinance to protect recharge areas of the Buffalo Aquifer.

The Wellhead Protection Plan Implementation includes:

- **1. Quality Goal:** Preserve and protect the quality of groundwater resources to assure continued safe and useable water supply.
- **2. Measure A-1-2:** Require that new commercial businesses within the Wellhead Protection Area/Drinking Water Supply Management Area hook up to municipal sewage treatment and water supply.
- **3. Measure A-2-1:** Clay County adoption of sensitive areas map RHA-3 from the Department of Natural Resources Hydrologic Assessment completed in 2000.
- **4. Measure A-2-2:** Propose land use zoning regulations to prevent placement of new underground storage tanks or bulk storage of hazardous materials within designated sensitive areas.
- **5. Measure A-2-3:** Propose setback and land use regulations on existing gravel pits within the DWSMA.
- **6. Measure A-2-4:** Prohibit expansion of existing and new gravel and mining operations within sensitive areas of the Buffalo Aquifer.
- **7. Measure A-2-5:** Prohibit expansion of existing and new gravel and mining operations within sensitive areas of the Buffalo Aquifer.
- **8. Measure A-3-3:** Require construction of containment systems around dispensing areas and around above ground tanks larger than three hundred (300) gallons at new development sites within the Wellhead Protection Area/Drinking Water Supply Management Area.

- Groundwater Resource Protection Key Terms:
 1. Drinking Water Supply Management Area (DWSMA): Areas containing the wellhead protection area but outlined by clear boundaries, like roads or property lines. The DWSMA is managed in a wellhead protection plan, usually by a city.
 2. Drinking Water Supply Management Area Vulnerability: How likely it is that contamination in the DWSMA can reach the public water supply intake.
 3. Wellhead Protection Area (WHPA): Areas surrounding public water supply wells that contribute groundwater to the well. In these areas, contamination on the land surface or in water can affect the drinking water supply.
 4. Emergency Response Areas (ERAs): Areas surrounding public water supply wells where water has a one-year travel time to the well. ERAs are used to prioritize and manage potential contamination sources in the DWSMA.

The work to identify the DWSMA and Wellhead Protection Area was done approximately 10 years. The information is modified and updated approximately every 10 years or as new data becomes available.

- Pollution Sensitivity – Near Surface Materials:

Models the vertical transmission of the time it takes water to reach the water table (assumed 10-foot water table). Ultra-Low risk is estimated time of travel at greater than 1 year. The model suggests that risks from surface spills of pollutants is low if the condition is addressed quickly.

- POLLUTION SENSITIVITY – Sand & Gravel Aquifer and Bedrock:

A map of the Pollution Sensitivity over the aquifer was reviewed and provided the following information:

 - Model is based on the estimated travel time for water to reach buried sand aquifers and bedrock surfaces.
 - Ranges from very high (hours to months) to High (weeks to years) to Medium (years to decades).
 - Average depth to the aquifer in this area ranges from 17.1-22.3 feet.
 - Suggests that contamination risk to aquifer is high, especially if surface materials are disturbed

or wells drilled, etc.

It appears that over half of the proposed parcel would be contained within the Very High category.

MOORHEAD PUBLIC SERVICE CONSIDERATIONS:

- Though outside the DWSMA and WHPA, aquifer water is being pumped from under and around the subject property into its public water supply system. The property is directly above the Buffalo Aquifer.
- The current DWSMA and WHPA boundaries were delineated in 2011. These boundaries will be updated in the near future as new data and analyses become available. It is possible that the property could lie entirely within the new boundaries.
- The proposed property location sits directly above the Buffalo Aquifer, which furnishes drinking water for approximately 70,000 people.

The Cone of Influence was discussed and illustrated. Groundwater flows naturally in a north-westerly direction in Clay County. When well pumps are activated for the public water supply, the water-table is drawn down under the well, creating a cone-shaped depression in the water table. Groundwater from outlying areas around the pump is then "pulled in" to fill the void left by the pumped water.

Additional considerations for Moorhead Public Service (MPS) include:

- Concern that the approval of the rezone petition cannot meet the finding that the development authorized by the rezoning will not create an excessive burden on public facilities or utilities that serve or are proposed to serve the area.
- MPS treats drinking water from wells approximately 8,000 feet from the proposed parcel. Removing contaminants can be expensive (millions of dollars) and contamination could create a burden on public water supply for Dilworth and Moorhead.
- The Buffalo Aquifer has provided approximately 40% of the cities of Dilworth and Moorhead water supply this year.
- There have already been long-term and expensive mitigation efforts implemented by MPS due to contaminated portions of the Buffalo Aquifer already and to prevent future contamination from pollutants leaching into the water supply.
- The Buffalo Aquifer contains high levels of arsenic.
- Wells in the area consistently test above the maximum contaminant limit (MCL) for arsenic of 10 parts per billion (ppb) standard.
- MPS treats water for arsenic and required to by law.

CONSIDERATIONS FOR RED RIVER VALLEY CO-OP POWER (PRELIMINARY PLAT AND SITE PLAN):

- Proposed site is an auxiliary service center with room for 3-4 trucks and a small office space for 4-5 line workers. Primary service center will continue to be in Halstad, MN.
- Facility will be designed in coordination with engineers and architects to avoid/mitigate potential groundwater impacts.
- The site will use little water – they will require a well.
- Proposed septic is a mound system. All other businesses to the south on or near the aquifer are only allowed to have holding tanks and there are no allowed drainfields.
- All faulty/leaky transformers will not be stored onsite.
- Transformers that do not meet EPA requirements will not be stored onsite.
- No hazardous materials will be stored in bulk onsite.
- Vehicles will be serviced offsite.

The minimum access distance from an intersection is 500 feet and can be less if approved by the County Engineer. The proposed parcel width is 523.86 feet. Access would have to be placed at the southeastern corner of parcel to meet 500 foot minimum. Average daily traffic for County 11 is approximately 1800 cars per day. The County Engineer does not feel this would be a problem for that area since the proposed use would only generate traffic of 10-12 cars per day.

Agricultural Considerations from the Comprehensive Plan include:

- **Land Use Goal #2:** Support the long-term protection of agriculture in the County.
 - **Policy #1:** Recognize and support the agriculture character of the County in all planning efforts.
 - **Policy #2:** Establish clear and distinct zoning districts outside Planned Urban Growth Areas that provide for long-term agriculture and limit residential density in the agricultural areas of the County.
 - **Policy #6:** Utilize soil survey information in planning for the best use of the land in rural areas.
 - **Policy #7:** Identify prime agricultural areas and develop effective strategies to ensure their preservation and viability.

This entire farmland parcel is considered prime farmland due to soils and drainage characteristics of the parcel. There is no necessity to drain this parcel. The parcel is also in the Planned Urban Growth Area for the City of Dilworth.

Additional considerations were identified as:

- Existing 595 acres of property zoned Limited Highway Commercial and Urban Expansion District Tier 2 on west side of MN Highway 336 south of US Highway 10. There are approximately 285 acres abutting MN Highway 336 zoned commercial in the City of Dilworth's Future Land Use Plan.

The Clay County Development Code 8-4-6D: Criteria and General Review Standards were addressed:

- **1. Effect of Proposed Use:** In granting a zoning district amendment, the Planning Commission shall consider the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions on adjacent streets and land, and the effect on agricultural usage in the surrounding area.
- **2. Additional Findings:** In addition, the Planning Commission shall make the following findings, among others, where applicable:
 - **a. Burden on Public Utilities:** The development authorized by the rezoning will not create an excessive burden on any public facilities or utilities which serve or are proposed to serve the area.
 - **b. Related to Overall Needs:** The rezoning is reasonably related to the overall needs of the County and to the existing land use.
 - **c. Consistency with Ordinance:** The rezoning is consistent with the purposes of this Ordinance and the purposes of the zoning district in which the application seeks classification.
 - **d. Conflict with Comprehensive Plan:** The rezoning is not in conflict with the comprehensive plans of any township or city of the County or the County Land Use Plan.
 - **e. Prematurely Stimulate Public Investment in Utilities:** The rezoning will not either individually or cumulatively stimulate prematurely, public investment in the facilities and utilities described in subsection D.2.a. of this Section.

Director Jacobson emphasized that rezoning should not be taken lightly and reminded that all zoning districts have been established for specific reasons.

Ezra Baer asked about the process of applying an overlay to a property and how the property owner is notified of an overlay being applied. Director Jacobson indicated that there would be public hearings involved in applying these overlays and then ultimately adopted by the County Board. Ezra Baer asked about the size of

the entirety of the Wellhead Protection overlay and Matt Jacobson showed that it runs north about 6 miles from this site and then runs south almost down to the Wilkin County line and roughly follows the Buffalo Aquifer. Director Jacobson also reminded that if the request was approved by the Board of Commissioners, any development would still need to come back before the Planning Commission for a Conditional Use Permit and conditions to a permit would be considered at that time. There was clarification that the site plans include a garage floor drain that would include a separator or holding tank.

Curt Stubstad asked about clarification for the required sewage system, which would be a holding tank. Ezra Baer clarified that tonight's hearing is only for recommendation to the Board of Commissioners; Director Jacobson stated that is correct.

Dilworth has approved the preliminary plat at this time, which would indicate that they are in agreement with the request.

Applicant Rich Whitcomb of Red River Co-Op Power stated they are a not-for-profit rural electric cooperative owned by their members. He outlined the area they serve and noted that they have been around for 83 years. He feels this location will allow them to provide a high level of service, allow them to grow and also allow the linemen to respond quickly to needs of customers. They have been in contact with City of Moorhead, City of Dilworth and the surrounding parcel owners. There would be no servicing of vehicles on site. They will not be storing any EPA-sensitive items on this site. Moore Engineering has been assisting with the site design and would ensure that it is code compliant. Mr. Whitcomb believes they may be adding an additional truck in the future. He stressed they want to be good citizens. The floor drain in the shop will have a separator so it can be pumped. They currently have 4 linemen and hope to add an additional employee in the future. They do not intend to build for 3-5 years at this point and wish to connect to Dilworth municipal utilities once they are available to the area.

Steve Lindaas asked Mr. Whitcomb why this location has been chosen when there are other sites, even along Main Street in Dilworth, that are available. Mr. Whitcomb feels that it is the right spot to be, it has adjacent fiber lines and electrical, it has good road access as they can be to Glyndon within 10 minutes, to Dilworth within two minutes, and within 15 minutes they can be to all of the rural areas they serve. They also feel it is better for Dilworth to grow into their location than for them to be in Dilworth. Mr. Whitcomb emphasized the proximity of the location to the customers that they serve and the time in reaching those customers. He also advised that the bucket trucks are fairly large and navigating them through a municipal area such as inside Dilworth city limits would be difficult. The Cooperative serves Polk County, Norman County and Clay County. Fifty-five percent of their infrastructure is in Norman and Polk County; however, 55% of their services calls are in Clay County.

Marc Pritchard, Water Plant Supervisor of Moorhead Public Service, spoke of their numerous concerns. Moorhead Public Service is the Public Water Supplier for Moorhead and Dilworth. The utility sources drinking water from the Red River of the North and the Buffalo Aquifer. He feels strongly that there are numerous wellhead protection overlay stipulations that do not allow for this type of rezoning. He feels the current zoning should remain in place. Mr. Pritchard emphasized the Pollution Sensitivity of the parcel location in question. He feels there are better suited locations for this business other than the Wellhead Protection area. He referred to a Pollution Sensitivity map that shows most of this parcel as having a very high vulnerability to groundwater pollution. Mr. Pritchard emphasized that the Cone of Influence gets larger so the pump capacity can be sustained from the water table; he mentioned that with this in mind, it may be possible that this entire parcel could become enveloped by a future update to the Drinking Water Supply Management Area (DWSMA) boundary. He referred to Clay County Development Code Chapter 5C-5, subsection D for commercial use which states: Any commercial entity or commercial endeavor must be connected to city water supply systems and city sewage treatment; no underground tanks, drainfields or wells are allowed due to pollution sensitivity of

the aquifer. After an extensive review of this request and the parcel, Moorhead Public Service strongly recommends that this petition be denied.

Jenny Mongeau asked if the City of Moorhead airport is connected to city utilities. Matt Jacobson advised that the airport is within the municipal boundaries so it does not fall under County zoning authority. Mr. Pritchard advised that the Moorhead airport is not directly over the aquifer.

Bill Davis asked Mr. Pritchard if he was expressly opposed to any development along the Buffalo Aquifer; Mr. Pritchard denied that and felt there are low-sensitivity commercial business that could exist. Bill Davis stressed that this request is low sensitivity with 3 or 4 employees and cannot be compared to a truck stop. Ezra Baer asked what type of commercial businesses Mr. Pritchard feels should be allowed; Mr. Pritchard advised it would depend on what Dilworth feels they should have within their growth area; Ezra Baer advised that Dilworth already approved this proposed request. Mr. Pritchard stated that he feels that the risks are unnecessary, even though they appear small.

Jenny Mongeau stated she sees the conflict of one public utility serving water to area residents going against another public utility that serves electricity to area residents and that both entities are vital to the area residents. She pointed out that the current landowner of the parcel in question was Farm Family of the Year last year and are model citizens for proper stewardship of the land and its resources.

Steve Lindaas feels that the burden of changing zoning lies on the Applicant but is concerned about the pollution sensitivity area. Mr. Lindaas asked about the current size of the Cone of Influence. Most recent data is 2-3 years old but with current conditions it is possible that it is thousands of meters in diameter. Mr. Pritchard stated he has been working with Dan Disrud at Minnesota Department Health (MDH), and that MDH and Moorhead Public Service (MPS) have agreed to wait until later this fall to determine where the water is flowing, at what speed and at what depth. Mr. Pritchard feels that the dry conditions have changed the sensitivity and that there will be more clear information on that in about 2 years. MPS did an extensive model update in 2015 and there are 4 specific areas being studied and looked at for more expansion to be certain the demands of the cities of Moorhead and Dilworth can be met. Mr. Pritchard was unclear what the impact would be on the cone of influence from the local wells located on nearby farms.

Matt Jacobson discussed that the Applicant may want to consider moving their proposed site to the west side of the parcel so it isn't right over the highest sensitive area.

Dan Disrud of Minnesota Department of Health (MDH) joined by telephone. He discussed Potential Contaminant Sources Inventory (PCSI). He addressed that there may be a change in the DWSMA; however, the one thing that will not change is the sensitivity and vulnerability of the soils around the aquifer beneath the ground.

Chris Heyer of Moore Engineering joined by telephone. He pointed out that the natural drainage on the plat goes from east to west. The proposed development would take that into consideration and they intend to create retention ponds with clay liners. They have been working with the County for access on County 11. He confirmed that the Applicant wishes to connect to Dilworth water and sewer as soon as those services would be available.

Travis Schmidt, General Manager of Moorhead Public Service, joined by telephone. He emphasized the need to be good stewards of the water resources to ensure availability for the long term and to do all possible to protect it.

John Boulger, an attorney representing Moorhead Public Service, reviewed highpoints of the County Development Code regarding Resource Protection – Wellhead Protection Overlay District. He questioned why this site would be chosen as a location when there are numerous other available sites. He feels that this highly sensitive area should be protected and asked that the request be denied

Joel Paulson, Moorhead Public Service Commissioner, stressed that if the Buffalo Aquifer is contaminated, Dilworth and Moorhead lose their ability to provide clean drinking water to residents. He shared the many times that the Red River has gone to no-flow and that it is not a long-term resilient source of drinking water. He feels that the Wellhead Protection overlay and the Urban Expansion Districts should both be considered; however, he feels that the request is counter-intuitive and labeled the current request as “leap-frog development”. Curt Stubstad shared that he understands what is being said but that this request is very low-risk and asked if what they (MPS) ultimately want is no development in the designated zoning district. Mr. Paulson said that isn't accurate and weighed manageable risks vs. unmanageable risks. Ezra Baer confirmed with Mr. Paulson statements made regarding this location being outside of the Moorhead Well Protection Area and if it is outside of the Drinking Water Supply Management Area and that, although it is currently outside of both these areas, how long to wait to see where the future areas will be identified. Bill Davis feels the perception of risk is being blown up and asked what Mr. Paulson feels the actual risk of this request is. Mr. Paulson stated that this is their only time they can state their concerns and that if the rezoning request is approved, they then have no say or control over the future activity that could occur at that site. Mr. Paulson deferred to Marc Pritchard to outline specifics of their perceived risks. Joel Hildebrandt asked how this requested activity would be of greater risk than the many farm trucks that will soon be passing through that area daily during harvesting.

Marc Pritchard stated a concern with petroleum-based contaminants leaching through the soils and reaching the aquifer system. He stated the aquifer water table is only about 22 feet below the surface. Private wells drilled in the area are a direct contaminant potential for getting into the aquifer, which can cause bacterial contaminants to plug the public wellhead and make them unusable. He discussed Aquifer Storage and Recovery (ASR) which involves contaminants to be able to get in and also the process of contaminant removal. There was discussion regarding low risk to no risk, and how many wells currently exist for area residents and businesses. Matt Jacobson provided a map showing all the verified and unverified wells in the area.

Jenny Mongeau asked Rich Whitcomb about the concerns stated by Moorhead Public Service. Mr. Whitcomb advised that the bucket trucks and pickups would be parked on non-permeable concrete. No petroleum would be stored and they do not service their own vehicles. Jenny Mongeau asked if they would be hiring a certified reputable well-driller; Mr. Whitcomb confirmed that they would. Mark Klevgaard asked what the need is for a water retention pond. Chris Heyer advised that the water retention pond is for stormwater retention from snow and rain run-off and is not for the septic system or the floor drain, which would use a separator and holding tank.

Matt Jacobson reminded the Planning Commission members that the request is for rezoning and once the zoning is changed, it is changed and that other uses permitted in the limited highway commercial zoning district could be allowed on that property in the future. However, for now, the focus should remain on the request for rezoning.

Joel Paulson asked Matt Jacobson if the rezoning is approved, would any use within the Limited Highway Commercial be allowed? Director Jacobson indicated that future occupants would still need a Conditional Use Permit and their use would need to fit within the Limited Highway Commercial Zoning District.

Steve Lindaas asked Matt Jacobson if there were any public comments or letters received, as Mr. Lindaas had

received a couple phone calls from citizens and advised those individuals to send letters to Mr. Jacobson. Mr. Jacobson advised the only letter received was the one from Moorhead Public Service.

On motion by Steve Lindaas, seconded by Jenny Mongeau, 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 request. All items can be addressed with conditions applied.

Individual input was solicited:

- Curt Stubstad shared his impression that MPS feels that there is no reason to place any risk at this location; however, he feels this request is low risk and wishes the future information for the DWSMA was available now.
- Kurt Skjerven shared his well uses this aquifer and this electric Cooperative provides his electricity. He doesn't see where running a clean shop at this location would be a problem.
- Joel Hildebrandt advised he has already shared his feelings.
- Steve Lindaas was concerned about removing the Wellhead Protection and that the information potentially available in 2 years would clarify or mitigate the questions. He stressed that there are other locations that would equally well qualify for the Applicant's use.
- Ezra Baer stressed that this request falls outside of the Moorhead Wellhead Protection area and Drinking Water Management Area. He feels we should deal with the current facts and not what could be in the future.
- Andrea Koczur stressed this is an office complex with 5 or less employees that would be there less than 50% of the time and involves only 6.82 acres that they may build on within the next 3-5 years. She acknowledged there are no hazardous materials. She feels there will be continual growth in the land around that area and that there needs to be hard decisions based on the risk management. She has concerns about continual growth in the area that is being talked about and the answer needs to be consistent with each request. She does not feel this request is a high-risk business. She also pointed out that the aquifer extends 6 miles north of this site and proceeds all the way to the Wilkin County border, which is a large area of the county; and, if following the Moorhead Public Service recommendation, this would be a significantly large area of no allowed development.
- Mark Klevgaard feels commercial businesses are expected along MN Highway 10 and County Highway 11 and this is a low/minimal risk for the area.
- Laura Johnson feels that this is a minimal risk business, and that the area highway traffic poses a much larger risk. However, she does not feel that rezoning this area during a drought is a good time for considering rezoning.
- Jenny Mongeau stated she thought it was interesting that the City of Dilworth, who also receives a significant amount of their city water from this aquifer, has passed this request unanimously. She also noted that they did not appear at this hearing.
- Bill Davis feels that what the City of Dilworth wants seems to be in direct conflict with what the City of Moorhead wants. He brought up previous times of drought where rivers and wells went dry.

On motion by Steve Lindaas, seconded by Laura Johnson, the Planning Commission voted against forwarding the rezoning request recommendation to the County Board of Commissioners. A roll call vote yielded the following votes (2-7):

Kurt Skjerven	No
Joel Hildebrandt	No
Curt Stubstad	No
Steve Lindaas	Yes
Ezra Baer	No
Andrea Koczur	No
Mark Klevgaard	No
Laura Johnson	Yes
Jenny Mongeau	No

On motion by Ezra Baer, seconded by Andrea Koczur, the Planning Commission approved to forward the rezoning request recommendation to the County Board of Commissioners. A roll call vote yielded the following votes (7-2):

Kurt Skjerven	Yes
Joel Hildebrandt	Yes
Curt Stubstad	Yes
Steve Lindaas	No
Ezra Baer	Yes
Andrea Koczur	Yes
Mark Klevgaard	Yes
Laura Johnson	No
Jenny Mongeau	Yes

UNFINISHED BUSINESS:

- **Matt Jacobson / Adam Altenburg: 2021 Clay County Comprehensive and Transportation Plan Update**

Adam Altenburg talked about the Community Engagement Activities in July 2021, the community profile and upcoming Focus Groups and Targeted Outreach. There was a pop-up event at the Clay County Fair on July 15th. They were able to meet with approximately 40-50 people within the 4 hours they were there. Some concerns they heard were expanded grocery store services, childcare in the rural communities, and affordable housing. There were 2 in-person events: One in Hitterdal on July 26th and one in Barnesville on July 27th.

A draft was presented to the Study Review Committee (SRC) in July. Some information has been received from the U.S. Census Bureau in the last week and they are looking at including that information.

There is a meeting scheduled August 26th in Glyndon with the Agricultural Stakeholder Group. They are looking to schedule a meeting with Economic Development Stakeholders and will circle back to meet again with some of the previous groups.

Additional work will focus on drafting Transportation and Land Use Sections, Additional Planning Strategies and Goals/Objectives/Implement. They hope to draft the plan in November and have public input meetings on the draft plan in mid-November/early December.

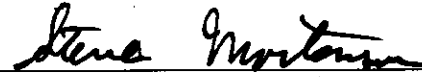
Director Jacobson stressed that this is truly a limited opportunity for the citizens to have input on designing and shaping their community for the future.

NEW BUSINESS:

No new business

ADJOURNMENT:

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously approved, the meeting adjourned at 9:38 PM.



Steve Mortensen, Planning Commission Secretary