

**MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 P.M., TUESDAY, APRIL 17, 2018
MEETING ROOM B - THIRD FLOOR COURTHOUSE**

Members Present: Mark Klevgaard, Bill Davis, Randy Schellack, Andrea Koczur, Joel Paulsen, Amos Baer, Tom Jensen, Tim Bredemuhl, Dan Langseth.

Members Absent: Jenny Mongeau, Curt Stubstad.

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja.

APPROVAL OF AGENDA

On motion by Tim Bredemuhl, seconded by Randy Schellack, and unanimously carried, the Planning Commission approved the Agenda.

APPROVAL OF MINUTES

On motion by Andrea Koczur, seconded by Bill Davis, and unanimously carried, the Planning Commission approved the March 27, 2018 minutes as presented.

There were no citizens to be heard.

BIG IRON PROPERTIES LLC – INTERIM USE REQUEST FOR STORAGE & STOCKPILING OF EXCAVATED MATERIALS

The applicant is seeking approval of an Interim Use Permit to allow for the storage and stockpiling of excavated materials including, but not limited to, sand, gravel, clay and black dirt. The site would be on Lot 1, Block 1, Karlstrom’s Subdivision, located in the East Half, Section 17, T138N R48W (Kurtz Twp). The site is in the Agricultural General (AG) zoning district.

BIG IRON PROPERTIES LLC – INTERIM USE REQUEST FOR CONCRETE RECYCLING FACILITY

The applicant is seeking approval of an Interim Use Permit to allow for the storage/stockpiling and recycling (crushing) of concrete debris. The site would be on Lot 1, Block 1, Karlstrom’s Subdivision, located in the East Half, Section 17, T138N R48W (Kurtz Twp). The site is in the Agricultural General (AG) zoning district.

On motion by Randy Schellack, seconded by Joel Paulsen, and unanimously carried, the Planning Commission opened both public hearings.

Tim Magnusson, Planning Director, presented information on both proposals. He pointed out the area for the intended uses. A letter was received from MnDOT for moving. The surrounding residences were addressed. The closest resident is the Bannerman home, located in the middle of the Subdivision. To the north the zoning is Highway Commercial. This parcel is zoned Agricultural General (AG). There was an Amendment to the Clay County Development Code to

allow the storage/stockpiling of excavated materials in the Agricultural General zoning district by Interim Use Permit. Magnusson said that MnDOT had approved the proposed access to the site. The business would be in the northeast corner and trees will be planted to screen the site from the highway. Setbacks would be met. Magnusson recommended approval of a 10-year permit allowing stockpiling on 12 acres. Additionally, days and hours of operation would be Monday thru Friday, 8:00 a.m. to 5:00 p.m. and no more than 10-days per year.

Steve Opatril, the applicant, approached the Commission. He explained the crushing would be performed once a year for construction businesses. The numerous construction businesses need a location nearby to store and/or crush. Opatril added that front end loaders would be used and he assured that there is no intent of removing asphalt. Furthermore, truck traffic would be sporadic depending upon the work load, weather and schedule. The applicant is satisfied with the conditions as presented.

The Chair asked if anyone wanted to speak in favor of the proposal and no one approached.

The Chair asked if anyone wanted to speak against the proposals.

Dan Moore approached the Commission. He explained he is not necessarily against the proposal but he had a couple of questions. Moore asked for Magnusson to clarify the “not limited to” statement. Magnusson explained that the County Board adopted an “extractive use” definition and orated it for Mr. Moore.

Laura Knoll approached with concern about the asphalt. Magnusson explained that the applicant would have to apply for a new permit due to the change of use. The applicant explained that only old used asphalt would be ground out and there would be no exposure concerns. Crushing would not involve contamination.

On motion by Tim Brendemuhl, seconded by Andrea Koczur, and unanimously carried, the Planning Commission closed both public hearing.

The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit for storage and stockpiling of excavated materials. All of the items can be addressed with conditions and none of them warranted further discussion.

On motion by Mark Klevgaard, seconded by Andrea Koczur, and unanimously carried, the Planning Commission approved Big Iron LLC’s request for an Interim Use Permit to allow for the storage and stockpiling of excavated materials including, but not limited to, sand, gravel, clay and black dirt on a site located on Lot 1, Block 1, Karlstrom’s Subdivision, located in the East Half, Section 17, T138N R48W (Kurtz Twp), with the following conditions at minimum:

- 1. Permit shall terminate on December 31, 2028;**
- 2. Facility shall operate within all provisions of the Clay County Land Development Ordinance;**
- 3. Operator shall provide dust control on gravel driveway/haul road;**

4. Operator shall provide proof of NPDES/SDS, Storm Water Management, Air Quality Permits, and MNDOT as required, to the Planning Office and shall comply with all local/state/federal regulating agencies prior to commencing any operations;
5. A maximum of 12 acres is approved for storage/stockpiling operations;
6. Storage/stockpiling shall maintain a 50-foot setback from adjoining property lines and any part of the operation shall maintain at least a 500-foot setback from any residence;
7. Facility may operate March thru December, Monday thru Saturday, starting at 6:00 AM until 6:00 PM;
8. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department; and
9. Maintain and mow a BERM on the east side of the property to act as a buffer.

The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit to allow for the and recycling and crushing of concrete debris. All of the items can be addressed with conditions and none of them warranted further discussion.

On motion by Mark Klevgaard, seconded by Randy Schellack, and unanimously carried, the Planning Commission approved Big Iron LLC's request for an Interim Use Permit to allow for the storage/stockpiling and recycling (crushing) of concrete debris on a site located be on Lot 1, Block 1, Karlstrom's Subdivision, located in the East Half, Section 17, T138N R48W (Kurtz Twp), with the following conditions at minimum:

1. Permit shall terminate on December 31, 2028;
2. Facility shall operate within all provisions of the Clay County Land Development Ordinance;
3. Operator shall provide dust control on gravel driveway/haul road;
4. Operator shall provide proof of NPDES/SDS, Storm Water Management, Air Quality Permits, and MNDOT as required, to the Planning Office and shall comply with all local/state/federal regulating agencies prior to commencing any operations;
5. A maximum of 12 acres is approved for storage/stockpiling operations;
6. Storage/stockpiling shall maintain a 50-foot setback from adjoining property lines and any part of the operation shall maintain at least a 500-foot setback from any residence;
7. Concrete crushing may take place no more than ten (10) days per year, Monday thru Friday, between the hours of 8:00 AM and 5:00 PM;
8. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department; and
9. Maintain and mow a BERM on the east side of the property as a buffer.

OTHER BUSINESS:

Tim Magnusson informed the Commission that Pam Harper, a member of the Board of Adjustment, had passed away. If anyone knows someone of interest for the vacancy on the Board, Magnusson

asked that they contact the Planning Office.

Adjourn:

On motion by Tim Brendemuhl, and seconded by Randy Schellack, the meeting adjourned at 7:45 p.m.

Mark Klevgaard, Planning Commission Secretary