

**MINUTES**  
**CLAY COUNTY PLANNING COMMISSION**  
**7:00 P.M., TUESDAY, MAY 15, 2018**  
**MEETING ROOM B - THIRD FLOOR COURTHOUSE**

**Members Present:** Amos Baer, Bill Davis, Andrea Koczur, Tom Jensen, Tim Brendemuhl, Dan Langseth, Jenny Mongeau, Curt Stubstad

**Members Absent:** Joel Paulsen, Randy Schellack, Mark Klevgaard

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

**APPROVAL OF AGENDA**

**On motion by Jenny Mongeau, seconded by Curt Stubstad, and unanimously carried, the Planning Commission approved the Agenda as amended.**

**APPROVAL OF MINUTES**

**On motion by Dan Langseth, seconded by Tim Brendemuhl, and unanimously carried, the Planning Commission approved the April 17, 2018 minutes as presented.**

**There were no citizens to be heard.**

**RJ ZAVORAL & SONS – INTERIM USE REQUEST FOR TEMPORARY ASPHALT PLANT**

The applicant is seeking approval of an Interim Use Permit to allow the placement of a temporary asphalt hot mix plant. Said plant would be in an existing gravel mining operation on an 80-acre parcel in the S Half, SE Quarter, Section 21, T142, R45 (Hagen Twp.). The property is in the Agricultural General (AG) and Resource Protection-Aggregate overlay (RP-Agg) zoning districts.

**On motion by Tom Jensen, seconded by Andrea Koczur, and unanimously carried, the Planning Commission opened the public hearing.**

Tim Magnusson, Planning Director, showed photos of the location and indicated the actual site. Showed what it looks like now. Magnusson pointed out the approach and access road. There are residences down the road to the north, and across the access road. The intent is that material would be hauled out south on 200<sup>th</sup> Street. As do most temporary plants, the proposed plant would operate 2-3 weeks and then be finished. Magnusson's recommendation is to set the permit expiration date of December 31, 2018. The conditions were reviewed. The proposed days of operation would be May 15 thru October 31, from the hours of 6 am to 8 pm, Monday thru Saturday. The proposed pit is located ½ mile from nearest residence.

The applicant, Mike Zavoral, approached the Commission. He said the operation would commence after Memorial Day and continue for approximately 3-weeks. Zavoral has asked for a permit merely for the season as the company is project based. He estimates about 23-29 trucks and 180

loads per day. The landowner has sprayed for dust. The proposal was approved at the Hagen Township meeting.

The Chair asked if anyone wanted to speak for or against the proposal.

Mark Ciernia, Hagen Township Chair, approached the Commission. Ciernia stated that the Township had granted the permit. The Township put an interim time limit of 1 year on the permit and ordered that dust control (chloride or water) stretch for 1 ½ miles of the road. Ciernia requested the Planning Commission's conditions parallel those of the Township's.

The applicant concurred with the 1 ½ miles of dust control and added that the gravel will be maintained as well. It was suggested that dust control be executed the full length of the haul road.

The speed limit was discussed and the process of reducing the speed limit was explained.

**On motion by Curt Stubstad, seconded by Dan Langseth, and unanimously carried, the Planning Commission closed the public hearing.**

**The Findings of Fact for Interim Use Permit were discussed and the Planning Commission found the following items to be applicable with this proposal:**

- 2. Use and Enjoyment of Other Property: The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, and not substantially diminish or impair property values within the immediate vicinity.**
- 5. Nuisance Conditions: Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, water pollution and soil erosion, so that none of these will constitute a nuisance, and to control lighted signs or other lights in such manner that no disturbance to neighboring properties will result.**
- 6. Burden on Public Services: The use will not create an excessive burden on parks, schools, streets, water supply, sanitary sewers and storm sewers and other public facilities or utilities which serve or are proposed to serve the area.**
- 12. Traffic Hazards, Congestion in Flood Plain Areas: The use will not cause traffic hazards or congestion and in flood plain areas has access during flooding for ordinary and emergency vehicles.**

**On motion by Bill Davis, seconded by Tim Brendemuhl, and unanimously carried, the Planning Commission approved RJ Zavoral & Sons' application for an Interim Use Permit to allow the placement of a temporary asphalt hot mix plan on an 80-acre parcel in the S Half, SE Quarter, Section 21, T142, R45 (Hagen Twp.), with the following conditions at minimum:**

- 1. Operate within provisions of the Clay County Land Development Ordinance;**
- 2. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads. Water or chloride must be applied during plant operation to control dust the full length of the haul road;**

3. **Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office;**
4. **Operator shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations;**
5. **Batch plant operations: May 15 thru October 31; hours shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Saturday. If the operator needs to operate 24/7 or beyond stated days/hours they shall first notify the Planning office with a reason and the length of time requested so the extended hours can be reviewed and approved and any affected property owners notified.**
6. **Permit shall expire on December 31, 2018, or upon completion of all scheduled 2018 work, whichever comes first.**
7. **Work with the Clay County Highway Department for placement of appropriate traffic warning signs on applicable road(s).**

### **ALLEN OTTERSON – PETITION FOR REZONING**

The applicant is seeking approval of a request to rezone a 3.12-acre parcel located in the SW Quarter, SE Quarter, Section 29, T139, R48W (Moorhead Twp.). The parcel is currently zoned Highway Commercial (HC) with an Urban Expansion Tier 1 (UED T1) overlay zone. The request is to remove the Urban Expansion Tier 1 overlay zone from the property.

**On motion by Tim Brendemuhl, seconded by Curt Stubstad, and unanimously carried, the Planning Commission opened the public hearing.**

Tim Magnusson, Planning Director stated the proposed area is zoned Highway commercial. He presented photos of the parcel location, comprised of a Quonset with an office. Magnusson pointed out surrounding bus barns, houses and commercial buildings. The future storage building would be set back 125-feet from the road and 30-feet from the property line. If the UED T1 overlay was removed, the property would be zoned Agricultural General, wherein the storage building use is permitted. The site plan is for one storage building encompassing 12 units.

Magnusson received feedback from one party, and has not heard from the City of Moorhead. He reminded the Commission the decision for this application is whether to recommend the proposal to the County Board.

The applicant, Allan Otterson, was present for questions. Otterson stated he currently houses his antique car, boats and tractor in the Quonset. He receives no income from the land and considers it dead property.

The Chair asked if anyone wanted to speak for or against the proposal.

Michael Shannon approached the Commission. He asked the applicant if he would be destroying the current building. Shannon's only comment was that there was a lot of time and money put into the enactment of Tier 1 and 2, subsequently lifting the overlay. He does not object to the proposal, he merely wanted clarification and to voice his concern.

**On motion by Bill Davis, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission closed the public hearing.**

**The Criteria and General Review Standards for Granting Zoning District Amendments were discussed and the Planning Commission found the following item to be applicable with this proposal:**

**D. 2.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.**

**On motion by Curt Stubstad, seconded by Bill Davis, and unanimously carried, the Planning Commission recommended the Petition for Rezoning to the Clay County Board for final approval.**

**STRATA CORPORATION – INTERIM USE REQUEST FOR TRUCK SCALE**

The applicant is seeking approval of an Interim Use Permit to allow for the placement of a truck scale to weigh gravel trucks. The facility would be located on approximately 4 acres of a 239.5-acre site located in the S Half, NE Quarter and SE Quarter, Section 34, T141N, R46W (Flowing Twp.) This site is in the Agricultural General (AG) zoning district.

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

Tim Magnusson, Planning Director, indicated that there were not a lot of scales in Clay County. He signified the proposed location. It is a small piece of land that Strata is leasing from the Hutterite colony. Strata has gravel mines to the east. Magnusson reviewed the vehicle counts and reported, on County Road 26, there is approximately 1,450 per day and on Clay County 10 east of Downer, it is approximately 2,800 per day. His biggest concerns are the busy traffic on Highway 26, and the speed entering and exiting the scale. Additionally, the Highway Department may conduct a traffic study to determine where there is an increase. The facility will consist of a small scale and a building to house the operators. The building is portable, however, will be set on concrete to better certify the weight. There are no residential structures within one-half a mile of the proposed site.

The applicant, David Sogn, approached the Commission. Sogn stated the proposal was straight forward, and that it would not increase traffic, merely divert it. He has been in contact with the Highway Department and a traffic study and hauling signs were discussed. There is an existing approach and Sogn added that safety concerns were measured when choosing the site. Traffic would come from the east.

The Chair asked if anyone wanted to speak for or against the proposal.

**On motion by Tom Jensen, seconded by Andrea Koczur, and unanimously carried, the Planning Commission closed the public hearing.**

**The Findings of Fact for Interim Use Permit were discussed and the Planning Commission found the following items to be applicable with this proposal:**

3. **Utilities, Access Roads, Drainage, Off-Street Parking and Loading Spaces:** Adequate measures have been or will be taken to provide utilities, access roads, drainage and off-street parking and loading spaces.
  
12. **Traffic Hazards, Congestion in Flood Plain Areas:** The use will not cause traffic hazards or congestion and in flood plain areas has access during flooding for ordinary and emergency vehicles.

**On motion by Tom Jensen to approve the application, and seconded by Dan Langseth, and upon further discussion Tom Jensen and Dan Langseth pulled the motion. On motion by Bill Davis, seconded by Andrea Koczur, and unanimously carried, the Planning Commission approved Strata Corporation's application for Interim Use Permit to allow for the placement of a truck scale to weigh gravel trucks on property located in the S Half, NE Quarter and SE Quarter, Section 34, T141N, R46W (Flowing 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. **Operations must comply with all provisions of Wetlands Conservation Act;**
4. **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;**
5. **Must work with Clay County Highway Department for placement of appropriate truck traffic warning signs on 90<sup>th</sup> Ave N., and all other safety issues related to ingress and egress.**

**OTHER BUSINESS:**

None.

**Adjourn:**

**On motion by Tim Brendemuhl, and seconded by Bill Davis, and unanimously carried, the meeting adjourned at 8:35 p.m.**

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Mark Klevgaard, Planning Commission Secretary