

MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 P.M., TUESDAY, JUNE 19, 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, Randy Schellack, Mark Klevgaard, Joel Paulsen

Members Absent:

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Eric Hove, Dave Overbo, Frank Gross, Patty Bestler, Lee Alm, Bailee Carlson, Steven Waura, Justin Flack, Zeb Lamp, Melissa Lamp, Darlene Sandal

APPROVAL OF AGENDA

On motion by Randy Schellack, seconded by Tom Jensen, and unanimously carried, the Planning Commission approved the Agenda as amended.

APPROVAL OF MINUTES

On motion by Curt Stubstad, seconded by Bill Davis, and unanimously carried, the Planning Commission approved the May 15, 2018 minutes as presented.

There were no citizens to be heard.

AGGREGATE INDUSTRIES – INTERIM USE REQUEST FOR AGGREGATE MINING

The applicant is seeking approval of a new Interim Use Permit to allow for the continuation of a mining operation, an additional 20 acres of development. The affected property is in the E Half and the SW Quarter, Section 23, T140N, R46W (Spring Prairie Twp.) and is in the Agricultural General (AG) and Resource Protection-Aggregate overlay (RP-Agg) zoning districts.

On motion by Tim Klevgaard, seconded by Randy Schellack, and unanimously carried, the Planning Commission opened the public hearing.

Tim Magnusson, Planning Director accentuated the documents received from the Minnesota DNR. The proposed mining site was previously mined through a permit which expired in December 2017. He indicated the reclamation areas. In the past, the site has been mined by Northern Improvement and Aggregate Industries since the early 1990's.

Residences within 500 feet of the site were sent a Notice of Public Hearing. Magnusson received letters from Zeb and Melissa Lamp regarding their daughter's asthma and restricted breathing condition. Correspondence from the daughter's doctor was also provided, advising her to distance herself from dust. Magnusson explained that if the applicant utilized Highway 86, the trucks would go directly in front of the Lamp residence along with 2-3 other residences.

The Minnesota DNR packet consisted of information on regulatory obligations, resources and recommendations. The DNR's concerns are: rare features (endangered or threatened plants/animals); Groundwater (exposure of aquifer); and danger to wildlife. Additionally, they narrated recommendations for wildlife, a request for an operations plan and reclamation plan, and a list of useful publications.

Spring Prairie Township issued an Interim Use Permit to the applicant on June 12, 2018. They request the Planning Commission conditions mirror the Township conditions.

Patty Bestler, representative for the Aggregate Industries, was present for questions. Bestler stated this pit has been mined since it's purchase in the 1990's. There has not been a lot of activity at this site in a few years. This has acted as a supplemental site and the applicant would like to have an active permit lest the market changes. Chloride will be distributed on the east side of the property and the south site. Aggregate will continue plans to work with the neighbors and Spring Prairie Township, as well as the DNR and SWCD. An Air Emissions Permit is in place, as well as a Stormwater Management Plan. A transportation manager, who has completed extensive safety training, will monitor the equipment and trucks for PC and EPA standards. Chloride will be distributed at least once a year.

Lee Alm, the plant manager, said minimal area will need to be reclaimed. All resources will be of use and applicant will attempt to clean up the entire site.

Bestler confirmed the geologist determination that the mining will not move into the neighbor's aquifer due to the presence of clay.

There was considerable discussion with the applicant concerning the amount of acreage being requested. Ultimately, the Commission permitted no more than 39 acres, as was indicated in red on the map provided by Aggregate.

Discussion commenced regarding re-routing the access road and the applicant was agreeable.

Magnusson recapped the conditions listed in the previously expired Interim Use Permit.

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

Melissa Lamp and husband live across the road from the proposed site. They have concerns about truck and road safety. The Lamp's have young children and the school bus picks them up on that same road. They referred to the letter from their daughter's doctor addressing her asthma, restricted breathing and need for an inhaler. Lamp's other concern is the dust. She stated at present there are cattle at the site and the access road has not been used by trucks in years and she feels it would need to be expanded.

Bestler proposed that when moving into the red area (newly permitted area), the applicant would revitalize the access road. The road could be moved to the east of the Lamp's driveway. Therefore, the gravel truck route would not go directly past their house.

On motion by Curt Stubstad, seconded by Tom Jensen, 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 interim 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.

4. 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.

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.

Discussion took place regarding the access road location, restructuring the access road and the requirement to apply for an Access Permit through the Highway Department for new access onto 43rd Avenue (Co. Road 86).

The Commission reviewed the conditions and made changes to the times of operation and the termination date.

On motion by Curt Stubstad, seconded by Mark Klevgaard, and unanimously carried, the Planning Commission approved Aggregate Industries' request for a new Interim Use Permit to allow for a mining operation with no more than 39 acres located in the E Half and the SW Quarter, Section 23, T140N, R46W (Spring Prairie Twp.), with the following conditions at minimum:

- 1. Applicant shall 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.**
- 3. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall follow any and all local/state/federal regulations prior to commencing mining operations.**
- 4. Operator shall contact Clay SWCD and have wetland evaluation. Operations must comply with all provisions of WCA.**
- 5. A maximum of 39 acres be approved for mining.**
- 6. Require applicant to post a reclamation bond of \$2,500 per acre.**
- 7. Require applicant to reclaim mined out areas as mining activities progress. Require areas to be seeded.**
- 8. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning**

Department and County Environmental Services Division.

- 9. Require operator to present a detailed mine plan to Planning Office indicating exact area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities and stormwater management plan prior to commencing any operations at the site.**
- 10. Mining operations: April 1 thru November 30, 6:00 A.M. to 6:00 P.M., Monday thru Friday. If the operator needs to operate 24/7 or beyond stated days/hours they shall first notify the Planning Office with the reason and the length of time requested so the extended hours can be approved and affected property owners notified.**
- 11. Permits shall expire December 31, 2024.**
- 12. Applicant shall apply for an Access Permit through the Highway Department for new access onto 43rd Avenue (Co. Road 86). Said access shall be located midway between the approach located on parcel # 27.026.1004 and the approach located on parcel #27.026.1001.**

MARK AND KEVIN KASIN – CONDITIONAL USE REQUEST FOR RETREAT CENTER

The applicant is seeking approval of a Conditional Use Permit to allow the establishment of a Retreat Center on their Silver Lake property. Said Center would be located on the S Half, NE Quarter, Section 26, T139N, R45W (Hawley Twp.). The property is in the Shoreland Special Protection zoning district

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

Tim Magnusson, Planning Director presented photos of the Silver Lake location, the old Kasin dairy farm and the houses on the north side of Silver Lake, which are the closest to the proposed site. Magnusson stated no feedback had been received and that there have not been any complaints as a result of previous events. The old unoccupied farmhouse is updating the septic system, and will be used for bridal or party suites.

Magnusson showed photos of parking areas and assured that parking would not be an issue. He also shared photos of the outside and inside of the barn.

As of July 2017, the Department of Labor requires State inspection of new facilities to public assembly spaces designed for 200 or more people in areas where there is no local enforcement of the State Building Code.

Magnusson explained the difference between an event center and a retreat center and the reason a Conditional Permit was applied for, as opposed to an Interim Use.

Bailee Carlson, the applicant's step daughter, approached on behalf of the applicants. Carlson stated that she has helped with events in the past and decided to turn it into a business. She said they plan to hold some events and benefits free of charge. She indicated there is more parking space in addition to the locations on the photo, so space is more than adequate. There is no access to Silver Lake on the premises. Bathrooms are located in both residences. The smaller of the two homes belongs to Carlson.

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

On motion by Tom Jensen, seconded by Curt Stubstad, and unanimously carried, the Planning Commission closed the public hearing.

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

On motion by Mark Klevgaard, seconded by Joel Paulsen, and unanimously carried, the Planning Commission approved Mark and Kevin Kasin's request for a Conditional Use Permit to allow the establishment of a Retreat Center on their Silver Lake property located on the S Half, NE Quarter, Section 26, T139N, R45W (Hawley Twp.) with the following conditions at minimum:

- 1) **The CUP is for a Retreat Center as defined in the Clay County Land Development Ordinance.**
- 2) **The applicant must provide a detailed parking plan providing parking spaces for a minimum of 150 vehicles to the Planning Office for review and approval. Each space must be at least 10 feet wide and 20 feet in depth and 300 square feet in area (including access drive).**
- 3) **The applicant must work with the Department of Labor and Industry to insure the retreat center meets all applicable code regulations.**
- 4) **Liquor sold on site must be provided by a licensed liquor vendor as necessary.**
- 5) **The owner or manager of the retreat center must coordinate scheduled functions at the site with the Clay County Sheriff's Department to insure adequate security is provided.**
- 6) **No outdoor sound amplification will be allowed on site after 11:00 p.m. daily.**
- 7) **The facility shall receive appropriate licensure from the Clay County Environmental Health Division.**
- 8) **The facility will be used for temporary events only.**

OTHER BUSINESS:

Planning Department Update.

Tim Magnusson informed the Commission that he is retiring and his last day at Clay County will be June 29th. He also reported that the County Board is moving forward with contracting a firm to temporarily fill the position.

ADJURN:

On motion by Tom Jensen, and seconded by Dan Langseth, and unanimously carried, the meeting adjourned at 8:50 p.m.

Mark Klevgaard, Planning Commission Secretary