

**MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 TUESDAY, JANUARY 26, 2021
THIRD FLOOR COURTHOUSE**

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

Members Absent: Curt Stubstad

Others Present: Matt Jacobson, Erika Franck, Rita Rueckert, Julie Kennedy, Mike Varriano, Chris Heyer, Steve Molstre, Peyton Mastera, Raymond Reading, Frank Gross, Caitlin Hurlock, Jeff Blom, Brayden Harwood, Adam Altenburg, John Pepple, Jesse Trebil, Scott Tangen, Becky Tigie

ROLL CALL:

Meeting was called to order at 7:03 PM. Roll call was taken by Chair William Davis. Director Matt Jacobson went over the rules and helpful tips for participation in this virtual meeting.

APPROVAL OF AGENDA:

Introduction of a new member was added to the Agenda, and there was a request by Director Jacobson to move the 2021 Comprehensive and Transportation Plan update to the beginning of the meeting.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission approved the Agenda with the requested changes.

APPROVAL OF MINUTES FROM NOVEMBER 17, 2020 MEETING:

On motion by Ezra Baer, seconded by Kurt Skjerven, and unanimously carried, the Planning Commission approved the November 17, 2020 Minutes as presented.

INTRODUCTION OF NEW PLANNING COMMISSION MEMBER:

New Planning Commission member Joel Hildebrandt has joined the Planning Commission as representative from the Soil & Water Conservation Board (SWCD). Joel Hildebrandt will replace Randy Schellack and Mr. Schellack will be an alternate. Mr. Hildebrandt states he has lived in Clay County since 2008. He and his wife own several small businesses – Hightail Ranch where they board and train horses, and also CJ Pet Center in Hawley. He has spent the last 8 years on the SWCD.

CITIZENS TO BE HEARD:

There were no citizens present to speak on any matters not on the agenda.

PUBLIC HEARINGS:

NUGGET INVESTMENTS, LLC – REQUEST FOR PLATTED (MAJOR) SUBDIVISION:

The applicant is seeking approval to plat a five-lot subdivision on parcel 13.016.2100, all of Government Lot 1 and Government Lot 2, part of the NW1/4 NW1/4, Township 139 North, Range 45 West, Section 16, Hawley Township.

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

Matt Jacobson, Planning and Zoning Director, advised that the item being brought before the Planning Commission is for a 5-lot platted subdivision in a Special Protection Shoreland Zoning District. Current use is rural vacant land. The land was farmed in the past and is currently in the land conservation program. The surrounding land is agricultural, residential and rural vacant. The following Comprehensive Plan Policy Considerations were reviewed:

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.
- 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 #5: Support agricultural operations against nuisance complaints when such operations are being conducted according to generally accepted farming practices through “right-to-farm” provisions, requiring setbacks for/from animal agriculture operations, and limiting non-farm residential development in agricultural areas of the County.
- Policy #6: Utilize soil survey information in planning for the best use of the land in rural areas.

Land Use Goal #3: Plan for the orderly and efficient growth of residential development in the County.

- Policy #3: Outside of the Planned Urban Growth Areas, encourage non-farm residential development to be clustered on small-lots in and around unincorporated rural communities and in areas that are considered marginal for agricultural use.

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

- Policy #1: Prepare and adopt a land use plan that designates land use areas to ensure desirable land use patterns and minimize conflicts.
- Policy #2: Require adequate transitions between different land uses through appropriate land use planning and zoning standards.

Natural Resources Goal #1: Identify, protect, and preserve the County’s high quality natural, scenic, cultural and open space areas.

- Policy #8: utilize soil suitability information in planning new development.
- Policy #9: Require all new development to comply with applicable storm water management plans and policies.
- Policy #13: Continue to enforce shoreland regulations on the County’s lakes, rivers and streams.

Development code considerations: Because this subdivision would create more than 2 lots, it is required to be platted as a major subdivision. The lots presented in the application meet the dimensional standards for the Special Protection – Shoreland Zoning District; spacing between driveways meets the standards for traffic control and access management.

This property is located on Maria Lake. The Ordinary High Water Level (OHWL) is a little over 1100 feet. The highest elevation on the property is to the northeast at about 1,138 feet. The property slopes down toward the lake. There are some wetlands on the property, most notably down toward the lake and in the center, as well as a couple up on the north side of the property. A map of drainage patterns was shown. Soils on the property are primarily loam and sandy loam. With exception of the wetlands, the soils are appropriate for building and septic tank absorption. There are some small, fragmented areas of highly productive soils but the overall soils would be considered poor and the topography would not be conducive to agriculture. The lake is 108 acres with a maximum depth of 8 feet. It was listed by the Minnesota Pollution Control Agency in 2011 as being impaired for excess nutrients. This essentially means that it has a phosphorus impairment so algae-blooms are an issue on the lake. The source of these issues are a very thin riparian buffer, and because of the size and shallow depth of the lake these impairments would also be naturally occurring. There is currently another residence on the lake, as well as a farmstead on the north side of the lake.

The acreages of the lots range from 5 acres to just over 8 acres. The plan is for 2 lots to share access and with 2 new accesses shared among 4 lots and then one current access. Photographs were shown of the views at this site. One of the shared accesses is between lot 1 and the neighbor to the north. Most of that access would be owned by Lot 1 and there would need to be some sort of an easement for this situation.

Director Jacobson's recommended conditions include:

1. Correct 12th Ave S to 14th Ave S;
2. Change the Clay County Board of Commissioners Chairperson signature from Frank Gross to Kevin Campbell;
3. Provide more complete depiction of existing conditions per the Development Code:
 - a. Existing conditions should include existing tracts in the proposed development as well as surrounding area to a distance of 300 feet;
 - b. Identify all wetlands;
 - c. The total approximate acreage of the entire tract;
4. Include lot size in square feet;
5. Work with the Clay Soil and Water Conservation District to avoid and mitigate impacts to wetlands;
6. Add language in declaration of restrictive covenants that requires landowners to contact Clay County Planning and Zoning before undertaking any building or land alteration project;
7. Access agreements/easements
8. Any other conditions that the Planning Commission deems necessary.

The proposed subdivision was heard and approved at the January 19, 2021 Hawley Township meeting. Hawley Township requested additional restrictions to the covenants that include:

- No twin home construction is allowed on any lot;
- No secondary home construction is allowed.

The nearest feedlot to this property has been measured at over 3000 feet from these lots.

Mark Klevgaard requested clarification on the shared access agreements proposed. Director Jacobson stated that he was unable to find anything that prohibited lots sharing access and felt that unless there is an issue about spacing or drainage/culverts, but if the 160 foot spacing is to have an access on each lot it should be fine. The shared access situation at Henry Subdivision was compared to this request. Director Jacobson stated that if it was felt that each lot needed their own access, he would recommend combining lots 1 and 2 and giving each access their own access. Ezra Baer clarified the property line of the parcel to the north. Further discussion about the access between the parcel to the north and Lot 1 determined that the approach was actually right on the section line.

Applicant Raymond Reading of Nugget Investments introduced Chris Heyer. Chris Heyer clarified that it was not necessary for any of the lots to have a shared access as they all have frontage on the adjacent public roadway. However, Hawley Township did not want that many access on their township road and asked for the shared accesses. The driveway for Lot 1 access would veer away from the property to the north. The next approach would be 500 feet to the south and this is for access to accommodate lots 2 and 3. Then further to the south on 14th Avenue (which erroneously is shown as 12th Avenue on the provided mapping) there is an existing driveway for lots 4 and 5. Detail was given to make sure all lots are good, buildable lots and that the wetlands run near lot lines. Chris Heyer reconfirmed that the shared approaches were at the request of Hawley Township.

Andrea Koczur asked about advising any future owners about the shared access situation. Raymond Reading responded that there are disclosures given to any buyers regarding the shared accesses. Maintenance would be laid out in the shared access information provided to the future landowners.

Scott Tangen stated he is opposed to the request. He is a neighbor to the south on the curve of 14th Avenue. He feels the road going north is largely unpassable for about 2 months in the spring due to the frost and is opposed to the additional traffic being brought to the area. He moved to the area because of its rural environment and is opposed to additional activity in the area. He does not feel that the land was "junk farm land". There is pastureland on the north end of it that currently has cattle. He feels the previous owner tended the land well by planting trees and wanting the land to return to a natural environment after it had been farmed. He feels that the Applicant already has a large housing development to the west in this same area to and questions how much rural vacant farmland they should be allowed to consume.

Ezra Baer asked if the east and south roads are both township roads; Director Matt Jacobson confirmed that both roads are township roads.

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

Mark Klevgaard again questioned if the cattle at the north end of the requested property is a feedlot. Matt Jacobson confirmed that he did not find any registered feedlots within 3000 feet of these proposed lots.

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 Andrea Koczur, seconded by Ezra Baer, and unanimously carried, the Planning Commission approved to recommend the request to the Board of Commissioners for the platted subdivision with the following conditions and to include waiving review of the final plat:

1. **Change 12th Ave S to 14th Ave S;**
2. **Change the Clay County Board of Commissioners Chairperson signature line from Frank Gross to Kevin Campbell;**
3. **Provide more complete depiction of existing conditions per the Development Code;**
 - a) **Existing conditions should include existing tracts in the proposed development as well as surrounding area to a distance of 300 feet**
 - b) **Identify all wetlands**
 - c) **The total approximate acreage of the entire tract;**
4. **Include lot size in square feet;**

5. **Work with the Clay Soil and Water Conservation District to avoid and mitigate impacts to wetlands;**
6. **Add language in declaration of restrictive covenants that requires landowners to contact Clay County Planning and Zoning before undertaking any building or land alteration project;**
7. **Access agreements/easements.**

TREBIL PROPERTIES LLC – PETITION FOR TEXT AMENDMENT TO THE CLAY COUNTY DEVELOPMENT CODE

The applicant is petitioning for a Text Amendment to the Clay County Development Code to add Service Business and Wholesale Business, Warehousing and Storage Units as a Conditional Use in Chapter 5, Table 5-1 in the Urban Expansion Tier 1 Zoning District.

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

Matt Jacobson, Planning and Zoning Director, states that the Applicant is petitioning for a text amendment to the Clay County Development Code to add Service Business and Wholesale Business, Warehousing and Storage Units as a condition use in Chapter 5, Table 5-1 in the Urban Expansion Tier 1 Zoning District. There are several policy considerations including:

- **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 through this planning process around cities 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 #2** Maintain dialogue with affected local governments so that timely modifications to urban growth areas is accomplished.
 - **Policy #3** Work with Cities and their adjacent Townships to facilitate orderly growth of the Planned Urban Growth Areas through the use of orderly annexation agreements.
 - **Policy #4** Through this planning process, work with affected local governments to jointly identify proposed land uses in urban growth areas, and update as boundaries are modified.
 - **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 #6** Work with Cities to extend urban services to the Planned Urban Growth Areas in a timely fashion when economically feasible.
- **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 #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 #1:** Encourage new commercial and industrial developments that require public sewer and water to locate within the County’s cities in accordance with their Comprehensive Plans.
 - **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 #1:** Prepare and adopt a land use plan that designates land use areas to ensure desirable land use patterns and minimize conflicts.
 - **Policy #2:** Require adequate transitions between different land uses through appropriate land use planning and zoning standards.
 - **Policy #6:** Encourage the location of commercial and industrial development in areas that avoid adverse impacts on residential areas.
 - **Policy #7:** Locate and design industrial and commercial developments to avoid truck traffic through residential or other potentially adversely affected areas.

History of Tier 1 and Tier 2 Urban Expansion Districts: These were originally only one zoning district, adopted in 2002. The Urban Expansion District's purpose was to promote orderly and efficient development around incorporated communities and provide communities with some degree of protection as expansion occurs. Back in 2015 there was a petition to rezone a property near the city of Moorhead from urban expansion district to agricultural general to allow for the establishment of a storage business. At this time Moorhead, Dilworth and Clay County were prompted to re-evaluate their Urban Expansion District. The result after that 2-year process was the establishment of the multi-tiered Urban Expansion District and in 2018 it was split into Two Tiers:

- **Tier 1:** Closer to Dilworth and Moorhead and has greater restrictions, can freeze activity on properties that have a potential to become annexed.
- **Tier 2:** Areas not likely to be annexed in the next 20 years, less restrictive, allow greater flexibility in commercial and industrial development.

A map showing Comprehensive Plan and Future Land Use for Moorhead and Dilworth was displayed. Dilworth has identified the area where the subject property is located for low-density residential development once it is annexed in by the city of Dilworth. Currently there are approximately 16 parcels in the Urban Expansion District that have some sort of commercial or business classification. If these businesses were established prior to 2012 before the Land Development Code was adopted, they would be considered a legal non-conforming use and would be eligible to obtain a Conditional Use Permit from the Planning Commission.

This property in question is approximately 14 acres. It has an almost 10,000 square foot building with a septic system; neighboring properties are serviced by Dilworth city water. It has been assessed as a commercial building since 2013. Prior to 2013 it was operating as Performance Auto. In 2018 it was purchased and was operating as Adelman Concrete & Excavating. The property was purchased by Trebil Properties LLC (SafeBasements) in 2020. Trebil Properties/SafeBasements is a service-based company and, according to the Development Code a Service Company is defined as a business where the primary activities occur off the property. This property has a number of various buildings and previously has had a lot of vehicles. There has been significant clean-up made on this property; there are several buildings buried on the property. This property is an old farmstead that has been subdivided several times. Most of the property is in the flood plain fringe/100 year flood plain. There is an existing business just to the west of this property that has been operating at this location since at least the 1990s. All other properties in the area are residences. One parcel only has a Quonset on it and is owned by one of the other area property owners.

The building onsite was permitted in 1973 and has undergone significant upgrades. Some policy considerations from the Comprehensive Plan to take a closer look at for this request would be:

- **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 through this planning process around cities 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.
- **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 regulations.
 - Policy #1: Encourage new commercial and industrial developments that require public sewer and water to locate within the County's cities in accordance with their Comprehensive Plans.
 - 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.

The Applicant had previously sought a petition to rezone this parcel to Limited Highway Commercial, which was withdrawn. A service business is an allowable land use within the Highway Commercial and Limited Highway Commercial zoning districts. There were some concerns about the narrow access to the property as it is essentially the driveway and is about 20 feet. The Applicant then submitted this Petition for Text Amendment Application to allow him to continue to operate his business at the location as well as allow the neighboring Mud Pumpers business to conform to the Development Code.

Comments in favor and in opposition of the request have been received from neighbors. Input has been received from cities of Dilworth and Moorhead. Clay County Board of Commissioners will have final approval. Staff recommends denial of adding wholesale business, warehousing and storage units as a Conditional Use, as this type of use does not mesh well with the Urban Expansion District Tier 1. Staff recommends engaging in a collaborative planning process with the cities of Dilworth and Moorhead to develop standards for service businesses in the UED Tier 1 that would satisfy these communities' future growth plans and protect their Comprehensive Plans.

Ezra Baer asked about the situation with the property being taxed as commercial in the past when it was not zoned for commercial. Director Jacobson advised that how a property is assessed can be different than how it is zoned. While the majority of properties in the County have been zoned how they are assessed, there are some instances that some properties, for example, have been assessed agricultural for some time and it does not match with the standards of whatever zoning district they are in. Ezra Baer then asked if the property could be reclassified for tax purposes if this request is not approved. Director Jacobson advised that the Applicant would need to pursue such request through the Assessor's office if there was no commercial activity occurring on the property. Ezra Baer then asked Director Jacobson to clarify what he was referring to as "wholesale business" and it was stated that wholesale business would be any sort of business that buys product in bulk.

Jesse Trebil advised that he did not ask for any wholesale business and just wants to run his service business out of his property. He advised that he is considering seasonal storage because they have the space to allow that. He is aware there is one neighbor that is opposed. Mr. Trebil advised that their realtor sold it to them as commercial and there were commercial businesses operating on that property in the past. They want to offer good jobs for area residents and provide a good service to the community.

Matt Jacobson clarified that wholesale and storage are included as one use and are not listed separately. Director Jacobson reminded the Planning Commission that this request is for Text Amendment to the Code and is not strictly for this parcel but for all properties in the Urban Expansion District Tier 1. He also stressed to work with the cities of Dilworth and Moorhead to develop some standards that would allow the Applicant to continue his business and, potentially, any other commercial properties in the Urban Expansion District (UED) zoning district while at the same time satisfying the Comprehensive Plans for these two cities.

Matt Jacobson indicates that there are 2 neighbors that have written a letter opposing this application and 2 neighbors have written a letter in support of this application. Copies of these letters have been provided to the Planning Commission members.

Ezra Baer asked for clarification about the 16 businesses within the Urban Expansion Tier 1 District that this would affect. Matt Jacobson stated that there are 16 businesses within the UED Tier 1 zoning that are currently assessed as a commercial or service business that could potentially be affected by this request.

Steve Lindaas asked about the process when the Urban Expansion District was split in the Tier 1 and Tier 2. He is concerned that this could potentially be a "can of worms" without knowing the future ramifications of what could happen. Mr. Lindaas stated his concern that this may not be the correct tool to consider for correcting this particular situation.

Matt Jacobson responded that he has given a lot of thought to this situation and does feel that a rezoning request would not work for this particular property. He understands that a Text Amendment may have some implications beyond this property in the way that Moorhead, Dilworth and the County can take a look at developing some stringent use standards that protect properties like this that have limited use based on what's currently on the property and how it has been used in the past, but at the same time preserving or promoting the Comprehensive Plans of the communities of Dilworth and Moorhead. Bill Davis asked if this is the correct Text Amendment request that should be resolved tonight or if will take more time and conversation between the cities of Dilworth, Moorhead and Clay County; he also expressed concern that the realtor may have misrepresented the property during the sale.

Brayden Harwood spoke as a legal representative of Jesse Trebil. He stated that there are a bunch of buildings buried beneath the dirt which would impact the ability to use it for many other purposes. He feels that this property is most beneficial being used as Mr. Trebil is intending to use it.

Peyton Mastera, City Administrator of Dilworth, MN made several comments. He states that it is important to realize that this request has a broad impact across the communities and doesn't just affect the individual property. He stressed it is not wise to change zones just to promote business as that is not how a Comprehensive Plan or Zoning Ordinance works. He added that the zoning district and UED Tier 1 is in place so there is conformity with existing cities and their comprehensive plans. Dilworth sees the future of this property as a low-density residential area. He stressed that not knowing exactly when future annexation would happen is not a reason to randomly allow anything requested within Tier 1. He did stress the importance to work with the property owner to give them assistance in this matter.

On motion by Steve Lindaas, seconded by Steve Mortensen, 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 requested permit. There was extensive discussion on several points.

Ezra Baer asked if the text amendment was approved, would the affected 16 properties still need to come in front of the Planning Commission to get a Conditional Use Permit if they were started after 2012. Matt Jacobson advised that the affected properties/businesses would still need to apply to the Planning Commission for a Conditional Use Permit. Matt Jacobson confirmed that if this Text Amendment request is approved, the approval would be a recommendation to be approved by the County Board of Commissioners and the County Board of Commissioners would be the ones who do the final approval.

Steve Lindaas stated he was concerned about approving this Text Amendment due to the many unknowns/conflicts and additional effects of this change. He stated he was sympathetic and supportive to the landowner but was concerned about further implications of the requested change; he also stated he did not think this was the correct method for correction of the situation. Matt Jacobson confirmed that a Conditional Use Permit would still need to be requested by any affected property/business and that rezoning this particular property does not seem to be an option. Steve Lindaas reiterated his concern about the impacts to Tier 1 and Tier 2 and how changes to those two UED Zoning Districts impacts the cities of Dilworth and Moorhead and there are potentially a high number of unknown ramifications.

Ezra Baer asked if it would be possible for Planning Director Matt Jacobson and the cities of Dilworth and Moorhead to sit down and address these 16 impacted properties to have a better understanding what would be affected if this Text Amendment request would be approved. Matt Jacobson states that he was using those 16 properties for illustrative purposes. He feels he would need to engage in a collaborative effort with Dilworth and Moorhead to develop stringent standards to allow these as a use within this zoning district. Some standards could include, for example:

The property needs to have an adequate building to meet the needs of the business; a possible limit on square footage; a limit on the number of employees.

These standards are in another type of use that is allowed in the UED Tier 1 which is the Conditional Home Occupation. For example, if there were a house on this property, Mr. Trebil could apply for a Home Occupation Permit and operate that potential business with a maximum of 5 employees. These were some of the thoughts of trying to work out a way where the Applicant could continue to use the property and not be injurious to the surrounding landowners and be compliant with the cities of Moorhead and Dilworth. He added that perhaps a Text Amendment would not be the resolution on this matter. Steve Lindaas appreciated Matt Jacobson's willingness to work with this business and landowners to find a fair resolution to this situation.

Steve Mortensen stated he felt there would not be a precedence set by approving this request since any affected party would need to bring their Conditional Use Permits to the Planning Commission for approval, and wondered if perhaps the request should be tabled for a month. Bill Davis reminded the Commission that the Conditional Use Permits are permanently attached to the property. Steve Lindaas felt that the request should be denied at this time. Mark Klevgaard asked about clarifying if the Applicant currently can legally operate his business at this property but without the Text Amendment he is unable to expand his business. Matt Jacobson clarified that the Applicant's business is currently a non-legal, non-conforming use which prohibits him from operating his business at this location; also, that a Text Amendment would not necessarily permit him to expand his business. Bill Davis feels that the cities of Dilworth and Moorhead should work with this property owner to assist him to operate his business from this property. Matt Jacobson shared that he communicated to the realtor Neal Beitelspacher prior to the sale that this property is not zoned to allow commercial business and the realtor was aware of that restriction prior to the sale. Ezra Baer asked Matt Jacobson if tabling this for a month would give the matter the time to be able to find a solution between all entities. Matt Jacobson indicated the willingness and possibility to find another avenue outside of a Text Amendment; however, regardless, any solution would need to go to the County Board of Commissioners for approval of a final decision.

Steve Lindaas asked Matt Jacobson what other ways he felt this matter could be addressed with the property owner. Matt Jacobson stated he has put a lot of thought and consideration into this situation and hasn't really come up with anything that would work; but he felt that if the text amendment were approved there would be conditions that could be put into place that would assist in equity and fairness to the landowners, the Cities and

their Comprehensive Plans as well. Ezra Baer asked if those standards would be set before the County Board of Commissioners would vote on this Text Amendment. Matt Jacobson felt that there should be more time committed to drafting these standards correctly, as well as exploring any other potential avenues. Ezra Baer confirmed what the future processes would be regarding this request. Matt Jacobson did feel that the County should operate within the current confines of the Comprehensive Plan.

Steve Lindaas feels that the approach is backward and that the conditions should be put into place before the text amendment would be approved and not something to be addressed afterwards.

Steve Lindaas made a Motion to deny the Text Amendment request, seconded by Andrea Koczur. Vote was a tie vote of 4 agree to Deny (Kurt Skjerven, Andrea Koczur, Laura Johnson, Steve Lindaas) and 4 opposed to Deny (Ezra Baer, Mark Klevgaard, Steve Mortensen, Joel Hildebrandt). Jenny Mongeau was unavailable during the vote process due to technical difficulties. Tie votes result in the Chairperson to vote; Bill Davis voted to oppose the Denial. With a vote of 4 to 5, Motion to Deny the Text Amendment failed.

Additional discussion involved Bill Davis stating there needs to be assistance given to allow the Applicant to legally operate his business. Ezra Baer felt that if the request was denied, he sincerely hoped that Moorhead, Dilworth, and the County could come to the table together to find ways for businesses like this to be able to operate. Bill Davis feels that the request should be tabled for a month to allow greater

On motion by Steve Mortensen, seconded by Joel Hildebrandt, and unanimously passed, the Motion was tabled to be reviewed again at the February hearing.

The Text Amendment request will need to be taken off the table at the February 2021 meeting or it will expire.

UNFINISHED BUSINESS:

- **Matt Jacobson: 2021 Clay County Comprehensive and Transportation Plan Update:** Matt Jacobson introduced Adam Altenburg. Mr. Altenburg is from MetroCOG and will be serving as the plan writer for the 2021 Clay County Comprehensive and Transportation Plan.

Mr. Altenburg states he has been working on the Plan update for approximately 3 weeks and is in the data-gathering stage. There is a project website: <http://fmmetrocog.org/projects-rfps/clay-county-comprehensive-transportation-plan>

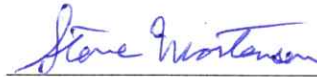
There will be a community input survey for the public to fill out to present their priorities and this survey will be open early February through mid-March. It will be available online, and hard copies will be distributed to sites throughout the County (such as libraries, city halls). The first Study Review Committee meeting is scheduled for February 1st and about a month after that there will be the first (virtual) public engagement meeting which will focus on emerging issues and additional comments/concerns/viewpoints.

NEW BUSINESS:

- 2021 Planning Commission Schedule – new 2021 meeting schedules were distributed.

ADJOURNMENT:

On motion by Steve Lindaas, seconded by Kurt Skjerven, and unanimously approved, the meeting adjourned at 9:26 PM.



Steve Mortensen, Planning Commission Secretary