

MINUTES
CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 TUESDAY, MAY 17, 2022
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

Members Present: Jenny Mongeau (by phone), Ezra Baer, Laura Johnson, Brent Berg, Joel Hildebrandt, Kurt Skjerven, Brad Eldred, Steve Lindaas

Members Absent: Andrea Koczur, Curt Stubstad, Bill Davis

Others Present: Matt Jacobson, Brian Melton, Ericka Franck, Rita Rueckert, Jason Ennen, Joe Hohenstein, Erik Anthonisen, Shelley Hedtke, Dave Steichen

ROLL CALL:

Attendance was recorded by Chair Ezra Baer and meeting called to order at 7:00 PM.

APPROVAL OF AGENDA:

On motion by Joel Hildebrandt, seconded by Brad Eldred, and unanimously carried, the Agenda was approved.

APPROVAL OF MINUTES FROM APRIL 19, 2022 MEETING:

On motion by Brad Eldred, seconded by Laura Johnson, and unanimously carried, the Planning Commission approved the April 19, 2022 Minutes.

CITIZENS TO BE HEARD:

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

PUBLIC HEARINGS:

SCOT MANTHE – REQUEST FOR CONDITIONAL USE PERMIT AMENDMENT

The applicant is seeking an amendment to conditional use permit for a commercial storage business on parcel 04.050.0240, the NW1/4 of the NW1/4 of Section 7, Township 139N, Range 44W, Egdon Township

On motion by Joel Hildebrandt, seconded by Kurt Skjerven, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, advised that this is a request to amend a Conditional Use Permit (CUP) for commercial storage buildings.

Policy Considerations reviewed included:

General Goal #1: Maximize the potential of Clay County as a thriving center for agriculture, business, and recreation, while maintaining and enhancing its livability.

Policy #1: Promote the development and implementation of a Comprehensive Plan that effectively plans for agricultural protection, land use, transportation, housing, economic development and environment protection for Clay County.

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 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 #6: Encourage the location of commercial and industrial development in areas that avoid adverse impacts on residential areas.

This request is for a 72-acre parcel located at the east edge of the city of Hawley and its current uses include agricultural, commercial storage and residential. The property is zoned Agricultural General (AG) and this use is permitted within that zoning district.

In 2017 the Planning Commission approved a Conditional Use Permit (CUP) to allow one 14-unit commercial storage facility. In 2021 the Planning Commission approved an amendment request to allow an additional 10-unit commercial storage building. Of note, the CUP amendment does not explicitly state approval of the 10-unit building; rather, it grants an amendment to the 2017 CUP. It is customary practice for a site plan with all anticipated future development to be included as part of the CUP application and for the Planning Commission to define the number of buildings, total square footage or number of units as a permit condition. The Applicant's current request is an amendment to establish five (5) additional storage buildings over the next 20 years, with the first being a 30'x120' 10-unit storage building to be constructed summer of 2022. With a full site plan, this will eliminate the need for the Applicant to come back for a CUP request for each storage building. An overall site plan was reviewed.

Conditions were placed on the Conditional Use Permit in both 2017 and 2021. The 2017 CUP included these seven (7) conditions:

- 1) Applicant shall obtain all applicable local/State/Federal permits/reviews (i.e. septic system, Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies of them to the Planning Office;
- 2) Facility signage shall meet HC or LHC sign standards (maximum of 128 sq ft per sign face with max of 2 faces, or 5% of the wall area on which sign is located) and any other applicable County sign standards;
- 3) Facility shall meet all applicable setback requirements as per the County Development Code;
- 4) No outdoor storage shall be allowed;
- 5) Days and hours of operation shall be year-round, open 24 hours, seven days a week;
- 6) Access off 240th Street South shall obtain a permit from the Buffalo/Red River Watershed District;
- 7) The new private road shall not connect to the public roadway on the east end.

Current concerns and considerations are:

- Site plan shows the buildings are to be staged along the east property line, which is adjacent to a residential development.
- Neighborhood concerns about impacts of existing buildings to views, property values and increased traffic from renters of the storage units.
- The proposed future buildings, if constructed to scale on the submitted site plan, would block virtually

100% of the view to the west at 101 243rd Str S, Hawley, MN 56549.

- Applicant's rationale for site placement is due to topography. It is the flattest area on the lot. Continuing to build along US Hwy 10 would not be feasible due to the topographic relief.
- Proposed use is in line with Cit of Hawley future land use plan.

Director Jacobson has not heard from either the City of Hawley or Eglon Township at this time.

Joel Hildebrandt asked about the access to the buildings and Director Jacobson clarified that the access would remain as it was conditioned in earlier Permitting. Access to the east building would be facing west so the building itself would be a screen. Sidewall heights were discussed and the future buildings would be constructed with sidewalls consistent with the shorter storage buildings already onsite. Steve Lindaas asked about County requirements for lighting and if the lighting would exceed property lines. He also discussed terracing and using the area closer to Highway 10 instead of building south of the current structures. Director Jacobson indicated the Planning Commission may apply conditions regarding lighting, and having lighting pointing downward and shielded. There have been no conversations with the Township or the City of Hawley. There were comments presented from the city of Hawley at the last hearing. Drainage on this parcel is toward the west and center of the property.

Scot Manthe indicated that Director Jacobson explained the situation. Mr. Manthe stated that he feels it is redundant to keep coming for permits for each time he wants to construct a building when the use is the same for each building. The intention is for the east building and the west building to have one-sided access, and the two buildings in the middle to have two-sided access. He stated that he is looking at 9-foot sidewalls. Applicant Manthe discussed the drainage on the property. Steve Lindaas asked Mr. Manthe if he has had any discussions with any of his neighbors Mr. Manthe felt they would get a notice and show up at this hearing if they had anything to say. Chair Baer confirmed that the east and west units would be 30'x 300' one-sided, and the two interior units would be 60'x300 double-sided. There was discussion about setbacks and fencing.

Staff recommend the following conditions be applied if Permit request is granted:

1. Applicant shall obtain all applicable local/state/federal permits/reviews (i.e. septic system, storm water pollution protection plan (MPCA), WCA review, etc.) before any construction and shall provide copies to Planning Office;
2. No outdoor storage shall be allowed;
3. Days and hours of operation shall be year-round, open 24 hours, seven days a week;
4. Units shall be used for storage only. No business or commercial enterprise shall be conducted out of a storage unit;
5. Buildings shall have appropriate lighting for security;
6. No more than 5 storage buildings to be permitted;
7. Any other conditions the Planning Commission deems necessary.

On motion by Steve Lindaas, seconded by Brad Eldred, 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. All items can be addressed with conditions.

Steve Lindaas expressed concern that the neighbors may have issues as multiple, large buildings get constructed, not knowing the full extent of development, as the proposed units are larger than the current ones. Director Jacobson indicated that the current request of the buildings as outlined by Applicant would be a total of 1.3 acres of floor space. Mr. Lindaas acknowledged that addressing a full overall plan once is advantageous to pieces over the years; but he also feels that approving the one proposed building now and addressing the others as they are facing construction gives the neighborhood residents more information and voice.

On motion by Joel Hildebrandt, seconded by Brad Eldred, the Planning Commission GRANTED the request, with all members voting in favor except Steve Lindaas who opposed. The Amendment to the Conditional Use Permit is granted with the following conditions:

- 1. Applicant shall obtain all applicable local/State/Federal permits/reviews (i.e. septic system, Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies to the Planning Office;**
- 2. No outdoor storage shall be allowed;**
- 3. Days and hours of operation shall be year-round, open 24 hours, seven days a week;**
- 4. Units shall be used for storage only. No business or commercial enterprise shall be conducted out of a storage unit;**
- 5. Buildings shall have appropriate lighting for security and be shielded from adjacent residential properties;**
- 6. Construction shall not exceed 57,600 square feet, with no greater than 7 buildings in total;**
- 7. Side walls are to be no greater than 9 feet in height;**
- 8. No structure shall be constructed closer than 25 feet from the property line.**

SOUTH MOORHEAD STORAGE - REQUEST FOR CONDITIONAL USE PERMIT AMENDMENT

The applicants are seeking an amendment to a Conditional Use Permit for a commercial storage business on parcel 21.032.4250 in part of the NW Quarter, SE Quarter, Section 32, T139N, R48W, Moorhead Township.

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

Matt Jacobson, Planning Director, reviewed the Policy Considerations:

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.

Director Jacobson advised this is a 4.79-acre parcel in Moorhead Township currently used for commercial storage and is zoned Agricultural General (AG) and Urban Expansion Tier 2 (UED2) and this is an allowed use in this zoning district. The Planning Commission approved a Conditional Use in 2017. That 2017 Conditional Use Permit (CUP) had 8 conditions, and those conditions include: Condition 4) Outdoor storage shall not be

allowed anywhere on the property. This is the condition the Applicant is looking to amend at this hearing. When an Applicant comes to amend a Conditional Use Permit, we only look at amending that item and do not need to focus on any other items. At this time, the only item to be considered is Condition #4 concerning prohibiting the outdoor storage.

Aerial imagery of March 2021 show outdoor storage of trailers and RVs occurring on-site on the west end of the property and a 7,800 concrete pad in the center of the property. The CUP was reviewed by staff when a citizen inquired about new construction occurring over the past year. As of aerial imagery dated March 2021, outdoor storage of trailers and RVs were already occurring onsite on the west end of the property and on a 7,800 square foot concrete pad in the center of the property.

The Planning Commission can require adequate screening between the nearby land uses and this use. Standards were reviewed for requirements of a similar use “storage of equipment, machinery or materials accessory to a commercial use”:

- A. Accessory Only: Outside storage of equipment, machinery or materials shall not be a principal use and shall be accessory only to allowed commercial uses.
- B. Maximum Area: Outside storage of equipment, machinery or materials shall occupy no more than ten percent (10%) of the lot area or ten-thousand (10,000) square feet, whichever is greater.
- C. Not in Setback: Outside storage of equipment, machinery or materials within any structure setback area shall be prohibited.
- D. Screening: Outside storage of equipment, machinery or materials shall be screened so as not to be visible from any residence on adjacent properties.

There are other commercial storage businesses in the area and most do not allow outdoor storage.

- The conditions of the permit for the storage facility to the east was issued June 2021 and stated no outdoor shall be allowed and fencing is required for the site.
- The conditions of the non-conforming CUP issued in 1999 to the south property restrict the outdoor storage to the existing concrete slab centrally located between the buildings and no long-term storage on the outside slab is allowed. A condition of the permit was also to establish a vegetative screen along the north edge of the property to block view from Highway 75 and adjacent residential structures. This permit was amended in 2002 and allowed for outdoor storage, provided that the outdoor storage was limited to areas directly east of existing buildings or screened by an 8-foot sight-obscuring fence.
- The conditions of the commercial storage to the north does not allow outdoor storage anywhere on the property and buildings are to be located within a perimeter fence and have vegetative screening along the west, south and east boundary of developed area.

The City of Moorhead has this area slated as high-density residential in the future; however, their comments to Director Jacobson indicated that they did not have problems with this request. There have been comments received from neighbors opposing the permitting of outdoor storage that is visible from the road and neighboring properties. Commissioner Jenny Mongeau asked about outdoor storage at Moorhead Marine and Director Jacobson advised that their permit does pre-date the current ordinance, but they are required to be screened.

Joe Hohenstein and Jason Ennen reviewed the future plans of the parcel and identified where they wish to put future buildings. Their concern is that there are other area businesses who are not following the rules as outlined.

Steve Lindaas asked about what is fair and equitable for screening any allowed outdoor storage. There were discussions about fencing or trees/shrubs. Applicants state that the current setback from storage to property line is 10 feet.

On motion by Brad Berg, seconded by Steve Lindaas, and unanimously carried, the Planning Commission closed the public hearing.

Staff recommendations include the following minimum amended conditions:

1. Applicant shall obtain all applicable local/state/federal permits /reviews (i.e. septic system, Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies to Planning Office;
2. Facility signage shall meet HC or LHC sign standards (maximum of 128 sq ft per sign face (max of 2 faces), or 5% of the wall area on which sign is located) and any other applicable County sign standards;

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.

On motion by Brad Eldred, seconded by Joel Hildebrandt, and unanimously carried, the Planning Commission GRANTED the amended Conditional Use Permit, to include the following conditions:

- 1) Applicant shall obtain all applicable local/State/Federal permits/reviews (i.e. septic system, Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies to the Planning Office;
- 2) Facility signage shall meet HC or LHC sign standards (maximum of 128 sq ft per sign face – maximum of 2 faces - or 5% of the wall area on which sign is located) and any other applicable County sign standards;
- 3) The facility shall meet all applicable setback requirements as per the County Development Code;
- 4) Outdoor storage shall be allowed on the property, but is not to be located within any structure setback area;
- 5) Days and hours of operation shall be 24 hours a day, seven days a week;
- 6) Building shall be located within a perimeter fence with appropriate lighting for security;
- 7) Access shall be off US Highway 75 in accordance with MNDOT standards and requirements;
- 8) Units shall be used for storage only. No business or commercial enterprise shall be conducted out of a storage unit;
- 9) All outside storage shall be screened so as not to be visible from any residence on adjacent properties.

UNFINISHED BUSINESS:

There is a current vacancy on the Board of Adjustment. Planning Commission members were urged to reach out to any interested individuals.

NEW BUSINESS:

- Discussion to identify areas where Resource Protection – Aggregate Zoning District could be removed

Director Jacobson advised that there are many areas within the County that are zoned RP-Agg that have been fully mined out, or are under a residential subdivision, or within. It appears that this overlay should be removed in these affected areas. Director Jacobson recommends that the Planning Commission form an RP-Aggregate Overlay District Subcommittee to review these areas. The by-laws state that the second Tuesday of each month is reserved for these types of subcommittee meetings.

The following individuals were identified as potential subcommittee members: Ezra Baer, Steve Lindaas, Jenny Mongeau, Brad Eldred. Joel Hildebrandt was identified as an alternate.

On motion by Kurt Skjerven, seconded by Laura Johnson and unanimously carried, the Planning Commission APPROVED the formation of a Resource Protection – Aggregate Overlay subcommittee.

- Director Jacobson advised that the Board of Commissioners approved the Clay County Comprehensive and Transportation Plan this morning. There is a link online available for review. The Planning Commission members will be given a bound copy of the Plan. Director Jacobson thanked the Planning staff, the Plan Review Committee, and the Planning Commission, as well as the staff at MetroCOG, for their hours of work on this project. Director Jacobson also stressed that the Plan needs to stay relevant and a frequent review by Planning Commission members will help allow that.
- Director Jacobson advised that he has met with the Spring Prairie consultants for their Intentional Living Community plan. Their focus is for a long-term comprehensive plan. They are also looking toward making changes for their batch plant operations, with emphasis toward environmental issues. Their consultants are asking if they would be able to meet with the Planning Commission to review their plans and intentions.

ADJOURNMENT;

On motion by Steve Lindaas, seconded by Joel Hildebrandt , and unanimously approved, the meeting adjourned at 8:42 pm.



Laura Johnson, Planning Commission Secretary