

**MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 TUESDAY, JULY 21, 2020
MEETING ROOM B - THIRD FLOOR COURTHOUSE**

Members Present: Ezra Baer, Mark Klevgaard, Laura Johnson, Jenny Mongeau, Randy Schellack, Curt Stubstad, Bill Davis

Members Absent: Andrea Koczur, Tim Brendemuhl, Steve Lindaas, Steve Mortensen

Others Present: Justin Halvorson, Alex Fankhanel, Kari Haugtvedt, David Swafford, Diane Karsten

ROLL CALL:

Roll call was taken by Chair William Davis and has been recorded. The meeting was called to order at 7:06 PM. Director Matt Jacobson went over the rules and helpful tips for participation in this virtual meeting.

APPROVAL OF AGENDA:

On motion by Laura Johnson, seconded by Ezra Baer, and unanimously carried, the Planning Commission approved the Agenda.

APPROVAL OF MINUTES FROM JUNE 23, 2020 MEETING:

On motion by Ezra Baer, seconded by Laura Johnson, and unanimously carried, the Planning Commission approved the July 23, 2020 Minutes as presented.

CITIZENS TO BE HEARD: There were no citizens present to speak on any matters not on the agenda.

PUBLIC HEARINGS:

JUSTIN HALVORSON – REQUEST FOR AMENDMENT TO CONDITIONAL USE

The applicant is seeking an amendment of a conditional use permit to allow for additional seasonal campsites in part of the S1/2 of the SE1/4, Section 9, Township 139N, Range 44W, parcel 04.009.4700 in Eglon Township.

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

Matt Jacobson, Planning and Zoning Director, states an original Permit was granted for the campground in 1979 to allow for 102 campsites (20 with full hook-ups), showers, camp store, laundry, office, swimming/wading pool and nature trail. When considering the request and looking at the Comprehensive Plan, the goals that are linked to this request would be Natural Resources Goal #1: Identify, protect and preserve the County's high quality natural, scenic, cultural and open space areas:

Policy #13: Continue to enforce shoreland regulations on the County's lakes, rivers and streams.

This property is zoned Agricultural General with a special protection shoreland overlay and this use as a campground is allowed under a Conditional Use Permit. This campground consists of approximately 60 acres along the northeast shoreline of this lake. Lee Lake is a Natural Environment lake. There are a total of 97 sites and the original permit allowed up to 102 sites. Of those 102 sites 34 are sewerred, 58 have power and water and 5 are just daily sites. The site has been inspected annually and is licensed through the Clay County Environmental Health Department. The Applicant is looking to add an additional 25 recreation vehicle sites to include water and sewer the Lee Lake Campground. Each site would be allowed a 300 sq. ft deck and an 8x10 storage shed. The area would be an average of 600 to 800 feet from the Ordinary High-Water Level (OHWL) of Lee Lake. There would be outdoor storage added for trailers and boats. This storage area would be outside of the proposed new area on previously tilled agricultural land and would not require additional construction or development.

A Planned Unit Development (PUD) would need to be approved by the Department of Natural Resources (DNR). The DNR and Planning Staff made the decision that this campground does not fall within the criteria of a PUD as the people using the seasonal camp sites do not own the individual camp sites, and the density standards are well below the standards of a PUD. Staff recommendation is to approve this request with the following conditions:

- Individual sites must be a minimum of 2500 square feet;
- Applicant must obtain any local or state permits;
- Boat and trailer storage must be screened from nearby residences.

Director Jacobson states that one item the Staff Report is does not mention is road maintenance and one of the requirements to consider as a condition is to work with the Township for road maintenance and possibly also dust control. An aerial was provided showing the current campground and the proposed layout.

Director Jacobson received one call from a Lee Lake resident asking if there were going to be additional docks or docks with slips as the resident was concerned about increased lake traffic. He has not received additional comments.

Ezra Baer asked about the screening requirement from area residents for the storage area. Matt Jacobson feels the area is well screened naturally just by the topography and distance.

Applicant Justin Halvorson states he has about 15 acres of vacant land and gets multiple phone calls for seasonal camper usage so he decided to consider expansion. The boat and trailer storage is approximately a quarter mile away. The available space will allow 2500 sq. ft. spaces and he feels this will work out well.

Ezra Baer asked the Applicant if there were plans to bring more docks and boat lifts to the lake. Justin Halvorson states that it is his desire to get rid of all personal docks and create a marina. He has spoken with the DNR. He currently has 50 but desires to expand to 60; however, his future plans would reduce shoreline usage but increase boat slip availability, clean up the shoreline area and add uniformity.

Matt Jacobson advised that a marina is not a current use in the Development Code and the Applicant would need require a Text Amendment to add this use to the Code. Director Jacobson feels that a marina approach would be a significant improvement for the shoreline and significantly clean up the area.

Kari Haugtvedt advised that she lives in the area and states that the road she lives on is not part of the Permit Use and they have needed to go to Eglon Township regarding the traffic and road maintenance. They requested reduced speed limits in the area, but she does not feel traffic is adhering to the reduced speeds. She states that the County has tried to assist with the maintenance, but she does not feel that the roadway is able to support the traffic already on the lake or traveling to the campground. She feels that the additional space requests are more than the lake can handle. She states the road in question is 5th Avenue South and there are problems with the entire 5th Avenue roadway.

David Swafford states he is a neighbor to Kari Haugtvedt and that he would like to second everything that she had just mentioned. He states that he has small children that play near the road and is concerned about traffic. He also feels that the road is in bad shape.

Jan Karsten states that her property is in the area and they get campers driving down their road looking for the campsite. She also feels that the area road is in poor condition. Her concern is for the safety of her children and to preserve the integrity of the lake.

Kari Haugtvedt advised that a marina was previously proposed near the public access by the developer and that request had been denied.

Ezra Baer asked Matt Jacobson if there had been any word from the Township regarding this request. The Township has not made any comments. It was confirmed that 5th Avenue is a Township roadway.

Justin Halvorson states that the majority of the traffic comes straight to the campground; however, there is traffic that does get lost when they are in search of the public boat launch. He does not believe that the lost drivers are his seasonal campground visitors as they have a boat launch right on his property for their use.

Kari Haugtvedt advised that about 10 years ago they had a spot at Lee Lake Campground. She feels that the people they see driving by their property multiple times each weekend are from the Campground and states that she knows these people by name.

Justin Halvorson feels that it would be inconvenient for his campers to go to Highway 10 for their route to the campground. He feels that the most direct route would be Highway 10 to 270th Street. He feels that the new housing construction on 5th Avenue is adding to the additional traffic in the area.

Diane Karsten advised that people that are using Mapquest for their destination are automatically directed to 5th Avenue. Justin Halvorson stated again that he feels these are people looking for the public access. Matt Jacobson used Google Maps for directions and the route it provided from Moorhead to the campground was Highway 10 to 270th Street. Fifth Avenue was not even given as an option.

Kari Haugtvedt advised that she goes west on 5th Ave, north on 32 and then east on Highway 10 to go to Detroit Lakes because the road is better access instead of going east on 5th Avenue, north on 32 and then east again on Highway 10. She feels that this is a straighter route.

On motion by Ezra Baer, 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. There was additional discussion regarding some items and issues could be addressed with conditions.

On motion by Ezra Baer, seconded by Randy Schellack, the Planning Commission *GRANTED* the Conditional Use Permit request to allow an additional 25 recreational vehicle sites with an additional area for boat trailer parking with the following Conditions:

- 1 Individual sites must be a minimum of 2500 square feet;**
- 2 Applicant must obtain any required local and state permits;**
- 3 Applicant must work with ~~Tansem~~ ^{Egdon} Township to maintain the roadways and administer dust control.**

Screening for the boat trailer storage was not included as it is felt this area is already naturally screened by topography and distance.

MARK SAND AND GRAVEL – REQUEST FOR INTERIM USE

The applicant is seeking approval of an interim use permit to continue a 20-acre gravel mining operation in part of the S1/2 of the NE1/4, Section 21, Township 137N, Range 44W, parcel 28.021.1500 in Tansem Township.

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

Matt Jacobson, Planning and Zoning Director, addressed the following Land Use Goals of the Comprehensive Plan outlined in Section 8-4-7C found in Title 8 of the Clay County Code:

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 #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 #3: Require adequate buffering and landscaping for new mining operations when adjacent to existing residential areas as well as when an existing operation expands or is substantially modified and would negatively impact existing land uses in the surrounding area.
- Policy #4: Require phased end-use reclamation plans as a condition for a gravel-mining permit so that areas are reclaimed as they are done being mined.

This is a 235 acre parcel north of Highway 34 along the west side of Highway 32 in Tansem Township. The site has a long history in the County with Interim Use Permit (IUP) hearings in 2011, 2014 and 2017. The history of IUP term lengths follows the 3-year leases associated to the land. The pit will be used intermittently and only for local projects. When needed, the pit will be used April-November, Monday-Saturday, 6AM to 8PM. There are a couple local residences to the north of the pit. The current land uses are mining, Ag land and also a pocket of prairie. The Applicant advised the depth of ground water is greater than 30 feet; DNR groundwater data states depth is closer to 10 feet but additional data shows it is probably closer to the Applicant's information. The operation will continue to occur in a depression that is mostly screened from site of Highway 32. Erosion will be directed in toward the bottom of the pit at the site. Top soil will be stripped and held for later use during the reclamation process. Reclamation will be initiated as the mining progresses. There will be a screen plant and crusher onsite. There will not be any gravel washing or dewatering activity. Applicant does have a stormwater management plan in place. A water truck will be onsite to address dust

control; there will also be 2 employees onsite for oversight. Haul roads are mostly paved so there should be minimal dust issues once the trucks have left the site.

Erosion control is for safety. Once the life of the mine is depleted the site will be replanted to native prairie. Inspection appears that the Applicant is in compliance with previously issued permits. Photos were shared of the site. There is some high quality prairie in the extreme southeast corner which has incurred some invasive species. Applicant has stated there will be weed control, and ongoing removal and maintenance of weeds needs to be part of the process.

Director Jacobson's recommendation is to approve the IUP with the same conditions as previously applied with a few additional included. Reclamation costs would be a total of \$16,000 for the total 20 acres, and this would be a recommendation to consider required, as well as reclamation of interior haul roads at the end of the season.

Jeff Hatlewick of Mark Sand & Gravel spoke. He states he has been present for each of the previous permit hearings. The last time this pit was used was in 2018. There has been no crushing since the past permit and there has been no hot mix plant onsite either. Use of the pit is contingent on area road work projects. They currently have no plans for work the remainder of this year but are unsure of road projects for the future 3 years so they want to be prepared with their permitting. They do have stockpiles available to sell to customers or government agencies.

Ezra Baer inquired as to why they do not have a long-term Permit for this pit. Jeff Hatlewick states that the previous Planning Director went with the 3-year permit. Matt Jacobson's speculation is that a 3-year permit may be tied to the land lease agreement so the permit was issued for the length of the lease agreement.

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

The Findings of Fact and Order were again addressed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed through Conditions.

On motion by Jenny Mongeau, seconded by Curt Stubstad, and unanimously approved, the Planning Commission *GRANTED* an Interim Use Permit to allow for a 20-acre gravel mining with conditions 1-12 and reclamation bond as follows:

- 1. Permit shall terminate on June 20, 2023.**
- 2. Applicant shall operate within provisions of the Clay County Land Development Ordinance.**
- 3. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.**
- 4. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required by the Planning Office and shall follow all local/state/federal regulations prior to commencing mining operations.**
- 5. Operations must comply with all provisions of Wetland Conservation Act (WCA).**
- 6. A maximum of 20 acres is approved for mining operations. Any additional acreage proposed in the future shall require a new or amended IUP.**
- 7. May operate April through November, Monday through Saturday, 5AM to 9PM.**
- 8. Require Applicant to reclaim mined out areas as mining activities progress. Require areas to be seeded to native prairie grasses or landowner's specification upon reclamation.**

9. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and the County Environmental Services Division.
10. Require operator to present a detailed mine plan to Planning Office indicating the 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.
11. Applicant to post a \$16,000 reclamation bond.
12. Operator is to manage invasive and noxious weed species along haul road from the mining site to County Highway 32.

MARK SAND AND GRAVEL – REQUEST FOR INTERIM USE

The applicant is seeking approval of an interim use permit for a portable bituminous hot mix plant in part of the S1/2 of the NE1/4, Section 21, Township 137N, Range 44W, parcel 28.021.1500 in Tansem Township.

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

Matt Jacobson, Planning and Zoning Director, advised this request is on the same site as the mining IUP just approved. Applicant had received an Interim Use Permit to operate a hot-mix plant in 2014 and 2017. There are standards in the Clay County Development Code stating the following setbacks:

- 300 foot setback from adjoining property lines;
- 500 foot setback from the Right of Way (ROW) of a road or highway;
- 1000 feet from an adjoining property line of a parcel where there is a residence, school, church or public/commercial establishment.

This proposal from the Applicant does appear to meet those requirements.

The haul route would be similar to the gravel haul route – to State Highway 32 and then north or south. There should likely be signs posted on the highway to notify drivers of truck traffic. Hours of Operation would be April through November, Monday through Saturday, 6 AM to 9 PM, with an additional hour prior and after for maintenance activities. Director Jacobson recommends approval with the same conditions as those applied in to the IUP from 2017:

1. Permit shall terminate on June 20, 2023 (same date as lease expires for gravel mining)
2. Operate within provisions of the Clay County Land Development Ordinance.
3. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.
4. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall be in compliance with any and all local/state/federal regulating agencies prior to commencing mining operations.
5. Operations must comply with all provisions of Wetlands Conservation Act.
6. 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.
7. Require operator to present a detailed operations plan for asphalt plant operations to Planning Office indicating equipment locations and locations of hazardous material storage and safety measures to be taken to prevent spillage prior to commencing any operations at the site.

Jeff Hatlewick advised this would be used intermittently, only when there is a road project in that area. Last time this hot mix plant was used was for roadway paving from Barnesville to Dunvilla. It would be a temporary placement so that they can move it in the future to the next needed location.

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

The Findings of Fact and Order were again addressed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed through Conditions.

On motion by Randy Schellack, seconded by Jenny Mongeau, and unanimously approved, the Planning Commission *GRANTED* the Interim Use Permit with the following conditions:

1. Permit shall terminate on June 20, 2023 (same date as lease expires for gravel mining)
2. Operate within provisions of the Clay County Land Development Ordinance.
3. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.
4. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall be in compliance with any and all local/state/federal regulating agencies prior to commencing mining operations.
5. Operations must comply with all provisions of Wetlands Conservation Act.
6. 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.
7. Require operator to present a detailed operations plan for asphalt plant operations to Planning Office indicating equipment locations and locations of hazardous material storage and safety measures to be taken to prevent spillage prior to commencing any operations at the site.

UNFINISHED BUSINESS:

Bill Davis asked if anyone has addressed anything regarding the drift track issue that was discussed at last month's meeting. He visited the site and observed the noise and tire smoke issues. Matt Jacobson has not heard anything else from anyone but expects to address this subject later this fall. He does believe their events have been impacted by Covid-19 pandemic.

NEW BUSINESS:

- Matt Jacobson advised Planning Technician Emma Notermann has taken a new position in the Twin Cities and she is no longer with Clay County. Her last day was July 9th, 2020.
- Matt Jacobson shared that the Comprehensive Plan is showing its age and needs updating. Jenny Mongeau and Matt Jacobson have been working with MetroCog and were approached by the Metropolitan Planning Organization (MPO) regarding updating/revamping the Comprehensive Plan in 2021. Director Jacobson has shopped around regarding the cost of Comprehensive Plans and they range in price from \$130,000 to \$250,000. There is not a lot of opportunity for outside funding for these Comprehensive Plans. MetroCog is able to do quite a bit of this work in-house and this would significantly reduce the expense. MetroCog has experience with several area cities' Comprehensive Plans, as well as Cass County, and it is felt their staff is well-qualified to do this work. The Planning Commission would need to make a

recommendation to the Board of Commissioners to update the Plan and use the MetroCog services. This is a unique opportunity to do a quality Comprehensive Plan in a way that is significantly cost-effective.

Jenny Mongeau stated that this is a great opportunity to get a quality product at a greatly reduced cost and shared that the Commissioners are pleased this opportunity is available.

This Comprehensive Plan would be exclusive to Clay County and the County's needs and specifications. The funding for this Plan would come from federal funding. There are some topics that are not eligible for federal funding such as energy or economic development and those topics would require County funds if the County desired to include those. Topics such as land use, future land use, transportation or housing are topics that would fall under the scope of the MPO.

The timing of January 2021 is fast approaching and Director Jacobson feels that public input is required and needed and, with the Coronavirus impact and the fast-approaching timeline, he is hopeful to get public input on the front side of the project, as well as continued public input throughout the project. He feels that a kick off meeting or an open house for public input would be desired.

ADJOURNMENT;

On motion by Ezra Baer, seconded by Curt Stubstad, and unanimously approved, the meeting adjourned at 8:40 PM.



Steve Mortensen, Planning Commission Secretary