

CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 TUESDAY, OCTOBER 18, 2022
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

Members Present: Ezra Baer, Brad Eldred, Bill Davis, Steve Lindaas, Jenny Mongeau, Curt Stubstad, Kurt Skjerven, Joel Hildebrandt, Laura Johnson

Members Absent: Andrea Koczur, Brent Berg

Others Present: Matt Jacobson, Michael Leeser, Erika Franck, Justin Sorum, Rita Rueckert, Matt Sandbeck, Ryan Keller, Ashley Heng

ROLL CALL:

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

APPROVAL OF AGENDA:

On motion by Steve Lindaas, seconded by Curt Stubstad, and unanimously carried, the Agenda was approved.

APPROVAL OF MINUTES FROM SEPTEMBER 20, 2022 MEETING:

On motion by Joel Hildebrandt, seconded by Brad Eldred, and unanimously carried, the Planning Commission approved the September 20, 2022 Minutes.

CITIZENS TO BE HEARD:

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

PUBLIC HEARINGS:

MATT SANDBECK – REQUEST FOR CONDITIONAL USE PERMIT AMENDMENT

The applicant is seeking approval of an amendment to a conditional use permit to change the required access from 40th Avenue S. to County State Aid Highway 11 at 4143 70th St. S Glyndon, MN 56547, on parcel 10.030.1101, part of the NE1/4 of the NE1/4 of Section 30, Township 139N, Range 47W, Glyndon Township.

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

Matt Jacobson, Planning Director, stated this request is to amend two previous identical Conditional Use Permits to change Conditions for the access from 40th Avenue South for the storage business as well as the automobile repair business, and to change access to the County State Aid Highway 11.

Policy Considerations reviewed include:

2045 Comprehensive Plan

Transportation – System

1. Maintain and Operate an accessible, safe and efficient transportation system for the movement of people and goods through Clay County.
 - a. Continue to monitor quality and safety of Clay County transportation infrastructure and coordinate with applicable local, state, and federal agencies to improve the transportation system across Clay County.

Zoning - The subject property is zoned Limited Highway Commercial (LHC). This type of use may be allowed by a Conditional Use Permit (CUP).

The Applicant is requesting amendments to two Conditional Use Permits to change the ingress/egress from 40th Ave South to County State Aid Highway (CSAH) 11. The request is to amend condition #8 on two separate permits: One for commercial storage and the second is for an auto repair business at that location. The two Conditional Use Permits were granted in April 2018 by the Clay County Planning Commission. Applicant’s initial request was for access from 40th Ave South (aka County Road 76). Site planning has since changed on the parcel and the Applicant would now like access to be from CSAH 11. No issues regarding access were raised during the 2018 public hearings. The requests were heard and granted on 2-27-2018 and recorded under Document 778746 and Document 778747 for the auto repair business and the commercial storage units, respectively.

The Clay County Access Management Standards pertaining to the request are:

- Minimum access spacing from intersection is 500 feet
- Minimum access spacing between driveways is 330 feet
- This spacing can deviate up to 10% at the discretion of the Clay County Engineer

The Applicant proposed access spacing of 525 feet from the intersection of 40th Ave S and CSAH 11. This would be 285 feet from the next nearest access. Recommended Access Spacing is 500 feet from the intersection of 40th Avenue South and CSAH 11, and 310 feet from the nearest access. This is approximately a 9% (or 20 foot) deviation.

From 2012 Clay County Development Code:

G. Standards for Access Connection: The following sub-section defines the key principles and provisions that shall be used to guide decisions relative to Access Connection permitting.

1. Access. As contemplated in MN State 160.08 and established under Minnesota case law, [Hendrickson v. State, 267 Minn. 436, 446, 127 N.W.2d 165, 173 (1964)] property owners have a right of “reasonably convenient and suitable access” to a public street or highway that abuts their property. Property(ies) are not entitled by right to approval of an Access Connection onto a County roadway or highway as consideration shall be given to access via connections to local streets or via joint or shared access with a parcel that has conforming access.

2. Minimum Spacing (Roadways, Driveways, and Intersections) and Access Connection Requirements: The following tables defines minimum spacing requirements for full and limited Access Connections. A full Access Connection is considered as an access that allows all through and turning movements whereas a limited Access Connection does not allow all movements. Generally, although not all inclusive, limited Access will include right-in/right-out configurations and/or the elimination of some or all left turn movements. In addition, the table outlines minimum spacing requirements for driveways (see Driveway definition per §8.8.2). Minimum spacing between an intersection and any Access Connection shall be 500 feet; however, the county Engineer may issue a permit, at his/her discretion, which allows spacing less than the 500 feet if requested and supported by the City and deemed appropriate based on existing and anticipated future conditions.

Matt Keller advised he is a business partner with Matt Sandbeck. He states he has no problem with a 310-foot distancing rather than the proposed 285 feet.

Bill Davis asked why they couldn't simplify the access by creating one driveway that goes down the property lines to allow access to both parcels. Mr. Keller stated that because the race strip would use that same driveway, there is an entrance fee collected for those events and it works better to have separated access. He states that the driveway will eventually be paved but will start with crushed class 5 gravel.

Joel Hildebrandt asked if the County Engineer has had discussions about this; Justin Sorum advised that he has been in discussions with the Applicant and discussed culverts and other necessary items regarding changing this access.

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

Staff recommended Condition for the Conditional Use Permit Amendment:

- For both permits, Condition #8 Ingress/Egress shall be off 40th Avenue South and in accordance with the Clay County Access Management Plan should change to Condition #8 Ingress/Egress shall be off County State Aid Highway (CSAH) 11 and in accordance with the Clay County Access Management Plan.

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 Joel Hildebrandt, seconded by Jenny Mongeau, and unanimously approved, the Planning Commission *GRANTED* the amendment to the Conditional Use Permit with the following conditions:

- **Condition 8 – Ingress/Egress shall be off County State Aid Highway (CSAH) 11 and in accordance with the Clay County Access Management Plan.**

UNFINISHED BUSINESS:

- **Resource Protection – Aggregate Overlay:** Matt Jacobson advised that sending out the notices were delayed due to envelope supply chain issues. The envelopes have now been received and the notices are being worked at this time. Anticipated number of notices to be sent is approximately 2,800, having eliminated duplicate notices. Effort is being made to make the process as simple and straightforward and to also provide necessary information to advise that there are less restrictions being implemented instead of greater restrictions.

Proposed changes to the Use Table include permitting Section A: Commercial agricultural including the accessory raising of less than fifty (50) animal units (au) of livestock, golf courses, campgrounds, picnic grounds; Farm buildings not used as dwellings; parks. Also considered for change are areas that are already previously mined out and/or reclaimed. The intent of the Resource Protection – Aggregate (RP-Agg) overlay district is to protect the resources and not allow development such as large subdivisions or similar activity.

Director Jacobson felt that notices being sent out may also generate further discussion for other areas that may be targeted for the RP-Agg overlay removal.

Jenny Mongeau recommended that there be an option for citizens to submit questions online during the public hearing so everyone's concerns may be heard.

NEW BUSINESS:

Director Matt Jacobson advised that he had a discussion today with Andrea Koczur today. Ms. Koczur's term will expire in 2023. She has been absent for the past several months due to out of state travel appointments for her employer. She has now submitted her resignation effective immediately. Director Jacobson thanked Ms. Koczur for her service to the Planning Commission and to the citizens of Clay County. Mr. Jacobson extolled Ms. Koczur's leadership, knowledge and perspective, all which have been very valuable through the past 8 years.

On motion by Steve Lindaas, seconded by Curt Stubstad, and unanimously carried, Ms. Koczur's resignation was accepted.

Ashley Heng lives south of Hawley with her family and has completed an Interest Form for the Planning Commission. Ms. Heng was present and introduced herself.

On motion by Joel Hildebrandt, seconded by Steve Lindaas, and unanimously carried, the Planning Commission recommended approval to the Board of Commissioners for the appointment of Ashley Heng.

ADJOURNMENT:

On motion by Bill Davis, seconded by Curt Stubstad, and unanimously approved, the meeting adjourned at 7:31 pm.



Laura Johnson, Planning Commission Secretary