

MINUTES
CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 TUESDAY, OCTOBER 19, 2021
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

Members Present: Bill Davis, Ezra Baer, Mark Klevgaard, Joel Hildebrandt, Laura Johnson, Steve Lindaas, Curt Stubstad, Steve Mortensen, Kevin Campbell (representing Board of Commissioners for Jenny Mongeau)

Members Absent: Kurt Skjerven, Andrea Koczur

Others Present: Matt Jacobson, Brian Melton, Erika Franck, Rita Rueckert, Jenny Mongeau (virtually), Adam Altenburg (virtually), Shane Carlberg (virtually)

ROLL CALL: Roll call was taken, and the meeting was called to order at 7:00 PM by Chair Bill Davis.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES FROM SEPTEMBER 21, 2021 MEETING:

On motion by Joel Hildebrandt, seconded by Ezra Baer, and unanimously carried, the Planning Commission approved the September 21, 2021 Minutes.

CITIZENS TO BE HEARD:

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

PUBLIC HEARINGS:

CENTRAL SPECIALTIES INC. – REQUEST FOR INTERIM USE PERMIT

The applicant is seeking approval of an interim use permit to allow for a 38-acre gravel mining and crushing operation in the N1/2 of the SE1/4, Parcel ID 24.025.4100 & 24.025.3400, Section 25, Township 138N, Range 44W in Parke Township.

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

Matt Jacobson, Planning Director, went over the following Policy Considerations from the Comprehensive Plan:

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.

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

- Policy #19: Balance the preservation of native prairie areas with mining of the County's gravel resources.

The subject property is zoned Agricultural General (AG), Resource Protection-Aggregate (RP Agg) and Biological (RP-Bio). The proposed use of the land for extractive mining is an allowable use with an interim use permit within an AG and RP-Agg district. It is an allowable use with an interim use permit and mandatory Environmental Assessment Worksheet (EAW) within the RP-Bio.

Proposal Review – the subject areas are a 121-acre parcel and two approximately 40-acre parcels currently being used for ag and mining purposes. There are several mining operations in the vicinity of the subject area.

Applicant is seeking an Interim use Permit for a 38-acre gravel mining and crushing operation. There was a previous Permit was issued in 1995 to Glacier Resources and Mr. Aakre, the previous owner. Because Central Specialties is actually a subsidiary of the current owner of this parcel, Minnerath Investments, they will need an Interim Use Permit as the condition of the conditional Use Permit requiring a lease with a detailed reclamation plan cannot be met. The mine spans three separate parcels. There are no Variances recorded for any of these 3 parcels to allow mining in the 100-foot property line setbacks. Recommendation is to combine all three (3) of these parcels into one parcel. This project is not near the RP-Bio area. The size of this mining operation has expanded and contracted numerous times over the years.

An EAW is not required for this project if the footprint of the mine remains under 40 acres and the mean depth of the mine is no greater than 10 feet.

The plan is to mine for rock and gravel products for a hot-mix asphalt plant to be heard in the next hearing this evening. The mining will occur in 2 phases, first to mine in an area north of the existing pit, and then reclaim as needed. Gravel washing may occur onsite sometime in the future but is not planned at this time. If washing does occur, they will be using a closed loop wash system with no dewatering. Applicant holds a general NPDES permit for all pits; a DNR water appropriations permit is required for washing. Water table depth is 0-40 feet, per the DNR estimate. The Applicant wishes to mine into the water table to about 15 feet. There are no wetlands in the proposed project site.

Haul route will go straight north to County 10 and then go west. Applicant is requesting mining hours and duration January through December, 7 days per week, 24 hours per day; and for processing February to November, 7 days a week, 4 AM to 9 PM. Schedule is a temporary basis based on the projects they receive. Date and time conditions for permits on nearby pits are April to November, 6AM-9PM, with 24/7 option for

limited durations with Planning Department advanced approval. Applicant is requesting a 25-year permit. For mitigation, the site will be sloped 3-to-1 and all slopes would be toward the interior of the mining operation. Noxious weeds to be controlled by herbicide. There are a number of wind turbines in the area and there are underground transmission lines in the area. Applicant is working with the operators of those turbines. There is a service road for those wind turbines.

There are no plans to do any work within the Resource Protection – Biological area in the southwest corner of the parcels. There may be some water on the eastern edge of the proposed mining area. All other areas are expected to be returned to farmland. Applicant has estimated \$500/acre for restoration.

Aerial photos were reviewed of the progression of this mining area over the past 40 years, as well as currently open-water areas.

There are no neighbors within 2000 feet from the pit. This parcel is located at the Clay County/Becker County line and there are many gravel mines within this area. There are several stockpiles currently on the parcel.

Steve Lindaas asked about the specifications as to what mean depths would require an EAW and Director Jacobson clarified that it would be an average of 10 feet from the original grade.

Shane Colberg attended virtually. He advised part of the pit has been reclaimed. They have worked with the wind turbine company and have determined that the best reclamation progression would be to start south and work north. Ezra Baer asked how many years this company has been operating out of this pit. Mr. Colberg advises he has been with this company for 2 years and he is the one following up on all of the permits, but his best guess would be 2019.

Bill Davis inquired of Mr. Colberg about understanding the combining of parcels. Mr. Colberg stated he understood but wondered if that was the easiest way to proceed. Matt Jacobson asked if there were surveys for each of the 3 parcels but that was unknown. There were discussions about the pros and cons of combining these 3 parcels. Since all 3 parcels have the same owner, it would appear that combining parcels would be easy and would then not require variances for mining closer to the interior property line setbacks.

Joel Hildebrandt asked if combining the parcels would be easier to keep track of how many acres are being mined. Director Jacobson advised that the 38-acres would be by project and not by parcel.

Kevin Campbell asked if the Applicant had any experience with under-water mining. Mr. Colberg stated they do have an older dredge near Hoffman but they will not be moving that. The reason they are asking for 15 feet is that is all the deeper they are able to get with their equipment so that is only as deep as they will go.

On motion by Kevin Campbell, seconded by Ezra Baer, 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.

On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission *GRANTED* the Interim Use Permit with the following conditions applied:

1. Operate within provisions of the Clay County Land Development Ordinance, especially the specific setbacks required for mining operations and batch plants.
2. No part of the mining operation shall be placed or take place in the Resource Protection Biological (RP-Bio) overlay zone or within 100 feet of this zone.
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. Operator permitted to mine up to 38 acres. If additional acres are proposed to be opened in the future, a new or amended IUP would be required.
7. Operator must post a reclamation bond of \$1000 per acre.
8. Operator shall reclaim mined out areas as mining activities progress. Areas are to be seeded to native prairie grasses upon reclamation.
9. Operator shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department.
10. Operator to present a detailed mining 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.
11. Operator shall obtain DNR Appropriation of Public Waters permit and forward copy of permit to Planning Office if washing is to occur onsite.
12. Mining operations: January through December, hours for mining, crushing, screening, washing and hauling shall be limited to 6:00 AM to 9:00 PM, Monday through Saturday. If the operator needs to operate 24/7 or beyond stated days/hours, they shall first notify the Planning Office with a reason and the length of time requested so the extended hours can be approved and any affected property owners will be notified.
13. Permit shall expire in 15 years, on December 31, 2036.

CENTRAL SPECIALTIES INC. – REQUEST FOR INTERIM USE PERMIT

The applicant is seeking approval of an interim use permit to allow for placement of an asphalt batch plant in the SE1/4 of the SE1/4, Parcel ID 24.025.4400, Section 25, Township 138N, Range 44W in Parke Township.

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

Matt Jacobson, Planning Director, advised this request is for a placement of a temporary hot mix asphalt plant. This is an allowed use within these zoning district. The parcel is 40 acres and is currently used for gravel mining and wind energy production. The materials used for this hot mix plant would be from onsite and no materials would be brought to the site.

The following Policy Considerations were reviewed from the Comprehensive Plan:

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.

The standards for setbacks within the Clay County Development Code state all batch plant operations must maintain a 300-foot setback from an adjoining property line, 500 feet setback from the right of way of a road or highway, and 1000 feet from an adjoining property line or a parcel where there is a residence, school, church or public/commercial establishment. This request appears to meet all setback requirements except the adjoining property line setback. The parcel would need to be combined with parcels 24.025.3400 and 24.025.4100 or the Applicant would need to seek a Variance to the property line setback standards.

The haul road would be the same as the previous mining request. Applicant would have 0-15 trucks per day, depending on projects. Average daily traffic counts for this area would be approximately 2,100 units per day, with most of this traffic being trucks, per information provided by the State of Minnesota.

Ezra questioned if the Becker County residents would be noticed about the hearing. Director Jacobson advised that the Becker County property owners within the 2,640-foot area were noticed about this hearing.

Steve Lindaas asked if the Applicant would need a spill plan in place. Matt Jacobson advised that a spill plan would be required and a spill plan would be included in Condition #7 as they are set out.

Shane Carlberg advised that he did not include a request for recycling asphalt, which is a benefit to their company, the public and the environment. He stated that they do plan to recycle asphalt onsite.

Steve Lindaas confirmed with Applicant that there would be some spill mitigation plan in place onsite. Mr. Carlberg advised they would have plans in place and it is not very often that they have equipment sitting without being attended. There may be time when a crusher sits unattended for a couple days.

Kevin Campbell inquired about the duration requests and that the conditions set out did not match in years. Mr. Carlberg advised that he had spoken with Director Jacobson about this. There was a recommendation to perhaps match the hot mix plant request to the same years as the Interim Use Permit for mining, which is for 15 years.

On motion by Curt Stubstad, 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. All items can be addressed with conditions applied.

On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission *GRANTED* the Interim Use Permit with the following conditions:

- 1. Permit shall terminate on December 31, 2036.**
- 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 regulation agencies prior to commencing mining operations.**
- 5. Operations must comply with all provisions of Wetland 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 the 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.**
- 8. Hours of operation: February to November; hours shall be limited to 4:00 AM to 9:00 PM, Monday through Sunday. If the operator needs to operate 24/7 or beyond stated days/hours, they shall first notify the Planning Office with a reason and the length of time requested so the extended hours can be approved, and any affected property owners notified.**

OLD BUSINESS:

Adam Altenburg of MetroCog gave an update of the Clay County Comprehensive Transportation and Land Use Sections. There are drafts of the Transportation and Land Use Sections of the Plan. They are looking to make some minor revisions before releasing for review.

Existing conditions for freight and traffic counts have been conducted within the County using their information as well as information obtained from MNDOT. Roadway surface was analyzed and reviewed. Safety needs and location/crash severity were reviewed for roads within the County. Bridge sufficiency and their ratings were reviewed, including box culverts. A new scope they are including is Corridor Management Strategies to determine best practices for future reconstruction projects. Areas of freight traffic were also identified. Bike and pedestrian paths were shown, including the future Heartland Trail.

Future Trends looked at future transportation system needs for the County based on growth.

Emerging Technologies included connected and autonomous vehicles, as well as vehicle fleet electrification and what impact these items would have on land use.

Next Steps include finalizing the Land Use and Transportation Sections; another Study Review Committee meeting in November to go over goals and objectives, planning strategies and implementation; revisit with Focus Groups and then do a Public Input Meeting on the draft plan during the week of December 6, 2021.

Planning Commission member Mark Klevgaard has been part of the Study Review Committee and his term expires this month. He has been asked to finish out his work on the Study Review Committee and the Planning Commission agreed with this.

NEW BUSINESS:

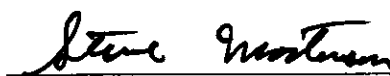
- **Planning Commission member Mark Klevgaard:** Mark Klevgaard has fulfilled his 3rd term. He will be continuing on the Study Review Committee for the Comprehensive Plan update. Mr. Klevgaard was presented with a plaque of recognition for his years served on this Planning Commission.

All non-represented incorporated Cities have been sent a letter requesting nominations for this open seat.

- **Laura Johnson:** Laura Johnson was nominated as an alternate on the Study Review Committee and she has been asked to begin attending to have enough representation on the committee until its conclusion.

ADJOURNMENT:

On motion by Mark Klevgaard, seconded by Curt Stubstad, and unanimously approved, the meeting adjourned at 8:23 PM.



Steve Mortensen, Planning Commission Secretary