

**MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, SEPTEMBER 19, 2023
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

Members Present: Ezra Baer, Dennis Loock, Travis Bouton

Members Absent: Leo Splonskowski, Tim Brendemuhl

Others Present: Matt Jacobson, Erika Franck, Rita Rueckert, Sheree Eilertson, Jarrett Robertsdahl, Justin Flack, Michael Leaser

The meeting was called to order at 5:30 PM by Chair Ezra Baer

APPROVAL OF AGENDA:

On motion by Dennis Loock, seconded by Travis Bouton, and unanimously carried, the Board approved the meeting Agenda.

APPROVAL OF MINUTES OF AUGUST 15, 2023:

There was a Board of Adjustment member inadvertently left off of the Members Absent. On motion by Travis Bouton, seconded by Dennis Loock, and unanimously carried, the Board approved the Minutes from August 15, 2023 with the correction.

PUBLIC HEARING(S):

HOLCIM – MWR, INC. – REQUEST FOR VARIANCE

The applicant is seeking approval of variance to mine within the 100-foot setback of the south property line of Parcel ID: 27.036.3000, the W1/2 E1/2 & NE1/4 NE1/4 & SW1/4, Section 36, Township 140N, Range 46W, Spring Prairie Township.

On motion by Dennis Loock, seconded by Travis Bouton, and unanimously carried, the public hearing was opened.

Matt Jacobson, Planning & Zoning Director, advised the request is to allow aggregate mining activities within the 100-foot property line setback of the south property line shared with HOLCIM-MWR on this 360-acre parcel. The applicant leases the parcel they are requesting the Variance on and they own the property directly to the south.

The property is zoned Ag General, Resource Protection-Aggregate, and Resource Protection-Biological, as are all immediately adjacent parcels. The mining on this parcel has been operational since the 1950's.

Policy Considerations reviewed include:

Land Use: Agricultural

- #1 Recognize and Protect the agricultural character
 - b. Protect prime agricultural soils from commercial, industrial and residential development.

Natural Resources and the Environment: Aggregate Resources

- #1 Recognize the importance of aggregate resources to Clay County and the region.
 - a. Implement policies and standards to ensure sound stewardship of aggregate resources and natural biotic resources.
- #2 Foster a balanced approach to aggregate resource extraction that is compatible with the natural resources and the rural character of Clay County.
 - a. Consider the cumulative impacts of existing nearby mining operations for new or expanding Operations on the environment, agricultural lands, residential areas and transportation infrastructure.

Clay County Code Section 8-6-16B-3I-1: All mining activities should be one hundred feet (100') from the boundary of adjoining property lines, unless written consent from the adjoining property owner is secured and a Variance is granted from the Board of Adjustment.

The applicant is requesting permission to mine from the HOLCIM Pit 21 on Parcel 25.001.200 north through the property line shared with the Kennelly Partnership on Parcel 27.036.3000, which is a parcel the Applicant currently operates a mining pit. This would be a 100% property line setback reduction. An EAW (Environmental Assessment Worksheet) has been completed on the Resource Protection-Biological portion of the parcel.

The Applicant has identified the Practical Difficulty as: Strict interpretation of the existing setback requirement at the project area would result in a considerable amount of quality aggregate not accessible to be mined.

Sheree Eilertson, Environment and Land Manager of HOLCIM advised she was present with Jarrett Robertsdahl, the Operations Manager of HOLCIM and also Justin Flack, the General Manager of HOLCIM-MWR. Ms. Eilertson advised that Director Jacobson did a good job of presenting the information that is available for this request and asked if there were any questions she could address.

On motion by Dennis Loock, seconded by Travis Bouton, and unanimously carried, the public hearing was closed.

The Findings of Fact and Order were addressed by the Board of Adjustment as they pertain to the requested permit. Any items of concern may be addressed through Conditions.

Director Jacobson pointed out that the gravel pit to the north would still be held to the terms of the Conditions applied to them under their current Permit. Director Jacobson has discussed this with the Applicant and they are aware and understand.

Staff recommendations were to work through the Findings of Fact and Order with the following minimum conditions included: Mining activities resulting from this Variance should not encroach further into the Resource Protection-Biological Zoning District.

On motion by Travis Bouton, seconded by Dennis Loock, and unanimously carried, the Board of Adjustment *GRANTED* the Variance with the following condition(s):

No conditions

UNFINISHED BUSINESS:

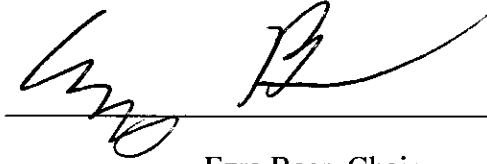
Director Jacobson would like to do a Variance Training project with the Board of Adjustment. Since there are two members missing at this evening's meeting, this will be done at a future meeting to reach a greater majority of members.

NEW BUSINESS:

None

ADJOURNMENT:

On motion by Dennis Loock, seconded by Travis Bouton, and unanimously carried, the meeting was adjourned at 5:45 PM.

A handwritten signature in black ink, appearing to read 'Ezra Baer', is written over a horizontal line.

Ezra Baer, Chair
Clay County Board of Adjustment