

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, APRIL 15TH, 2025
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

Members Present: Joel Hildebrandt, Leo Splonskowski, Dennis Loock, Tim Brendemuhl

Members Absent: Travis Bouton

Others Present: Matt Jacobson, Brian Melton, Darren Brooke, Erika Franck, Rita Rueckert, Sheree Eilertson, Shelley Steichen, Chris Forrest, Nicole Ramage

The meeting was called to order at 5:30 PM by Chair Joel Hildebrandt.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES OF MARCH 18TH, 2025:

On motion by Tim Brendemuhl, seconded by Dennis Loock, and unanimously carried, the Board approved the Minutes from March 18th, 2025.

PUBLIC HEARING(S):

HOLCIM – MWR, INC. – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to operate a gravel mine within the north property line setback shared with Parcel ID: 11.007.3700, on Parcel ID: 11.018.0260 in part of the Fractional W1/2 of the W1/2, Section 18, Township 141N, Range 44W, Goose Prairie Township.

On motion by Leo Splonskowski, seconded by Tim Brendemuhl, and unanimously carried, the public hearing was opened.

Matt Jacobson, Planning & Zoning Director, stated the request is to allow for mining within the property line setback from Parcel 11.007.3700. That property also has a gravel mine and the owner of that parcel has provided written consent for the requested Variance. Applicant provided the Practical Difficulty as there would be loss of access to valuable aggregate product present within the required setback. This property is zoned Agricultural General and Resource Protection-Aggregate, as well as the surrounding properties.

The current 2012 Clay County Development Code, Section 8-6-16B-3I states:

Setbacks: Structures, storage of excavated materials, and the excavation edge shall be setback the following distances:

- (1) 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.

This property is considered to be prime farmland and once mining is complete it will be returned to agricultural use. The current mining Conditional Use Permit was granted in 2010 and there have been

other Variances granted in 2010, 2019 and 2022 to mine within the road right-of-way setback, stockpile within the 100-foot setback of the northern property line, and the residential setback and the 100-foot setback of the east property line. The residence has since been removed.

The 2045 Clay County Comprehensive Plan goals reviewed include:

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 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.

In the pending update to the County Development Ordinance, this type of Variance will not require a hearing and will be allowed with a letter from the neighboring property owner and providing that letter to the Planning & Zoning Office.

The Township had expressed concern with these 3 gravel pits in such close proximity. There is a desire to see reclamation to be somewhat coordinated to eliminate high walls between each pit and give the area a more seamless appearance.

Chair Hildebrandt asked if the permission letter runs in perpetuity; Director Jacobson responded that if a Variance is granted, it does run in perpetuity.

Sheree Eilertson, of Environment and Land Department of HOLCIM, thanked Director Jacobson for his report on this request and asked if there were any questions. Chair Hildebrandt inquired if there was consideration being given to mine at the bottom of the pit for noise reduction and Ms. Eilertson advised that they do intend to do that.

Shelly Steichen of the Goose Prairie Township Board advised that the Township is well in favor of this request. Ms. Steichen also advised that, of the 3 gravel operators they have within their Township, HOLCIM is highly regarded and very favorable to work with.

On motion by Leo Splonskowski, seconded by Dennis Loock, 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 Variance.

On motion by Leo Splonskowski, seconded by Tim Brendemuhl, and unanimously carried, the Board of Adjustment *GRANTED* the Variance to mine within the 100-foot setback of the property line shared with Parcel ID #11.007.3700.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

- Director Jacobson advised that it is believed that the Planning Commission will be making a recommendation to approve the Development Ordinance to forward to the Board of Commissioners.

ADJOURNMENT:

On motion by Tim Brendemuhl, seconded by Dennis Loock, and unanimously carried, the meeting was adjourned at 5:47 PM.

A handwritten signature in cursive script, reading "Joel E. Hildebrandt", is written over a horizontal line.

Joel Hildebrandt, Chair
Clay County Board of Adjustment