

**CLAY COUNTY PLANNING COMMISSION MINUTES**  
**7:00 PM TUESDAY, MAY 20TH, 2025**  
**THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

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**Members Present:** Joel Hildebrandt, David Steichen, Brad Eldred, Josh Schroeder, Sebastian McDougall, Kurt Skjerven, Paul Krabbenhoft

**Members Absent:** Ashley Heng, Laura Johnson, Curt Stubstad

**Others Present:** Matt Jacobson, Erika Franck, Rita Rueckert, Jake Edwards

**ROLL CALL:**

Attendance was recorded by Chair Joel Hildebrandt and the meeting was called to order at 7:00 PM.

**APPROVAL OF AGENDA:**

**On motion by Sebastian McDougall, seconded by Brad Eldred, and unanimously carried, the Agenda was approved.**

**APPROVAL OF MINUTES OF April 15, 2025:**

Director Jacobson requested that there be an amendment to the minutes regarding the HOLCIM IUP request. Information presented states that any increase to the mining area or hours would need to request an amended Conditional Use Permit (CUP). That information was in error, as the request would need to be made through an application for an Interim Use Permit (IUP).

**On Motion by Josh Schroeder, seconded by Kurt Skjerven, and unanimously carried, the April 15, 2025 Minutes were approved with the requested amendment.**

**CITIZENS TO BE HEARD:**

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

**PUBLIC HEARINGS:**

**MARSHA JORGENSON – REQUEST FOR INTERIM USE – HOME OCCUPATION PERMIT**

The applicant is seeking an after-the-fact interim use – home occupation permit to continue offering equestrian related lessons and activities at 14619 15<sup>th</sup> Ave N, Glyndon, MN 56547, Parcel ID: 25.004.1500 in part of the NW1/4 of the NE1/4, Section 04, Township 139N, Range 46W, Riverton Township.

This permit request has been withdrawn at this time and there was no hearing for it at this meeting.

### **JACOB EDWARDS – REQUEST FOR INTERIM USE – HOME OCCUPATION PERMIT**

The applicant is seeking an after-the-fact interim use – home occupation permit to continue operating a tree service business at 8309 230<sup>th</sup> St S, Hawley, MN 56549, Parcel ID: 26.014.4100 in part of the SE1/4 of the NE1/4, Section 14, Township 138N, Range 45W, Skree Township.

**On motion by Brad Eldred, seconded by Sebastian McDougall, and unanimously carried, the Planning Commission opened the public hearing.**

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Matt Jacobson, Planning Director, advised the request is for a tree service business. This is an allowed use within the Ag General (AG) zoning district with an Interim Use Permit. Most of the activity would take place in the northwest corner of the property.

There are two outbuildings (4,360 square feet) for storage and operation of the business, mainly for equipment parking.

All standards for an Interim Use Permit can be met. The nearest residence is about 1000 feet from the property and the area is buffered. The following goals and objectives were reviewed from the 2045 Comprehensive and Transportation Plan:

General Goal #1: Maximize the potential of Clay County as a thriving center for agriculture, business, and recreation, while maintaining and enhancing its livability.

Land Use Goal #1: Establish a comprehensive growth management strategy for Clay County that promotes orderly and efficient growth of residential, commercial and industrial development while preserving the County's rural character.

Land Use Goal #5: Plan land uses and implement standards to minimize land use conflicts.

Jacob Edwards stated that he feels his application was presented well by Director Jacobson.

Staff recommend the following minimum conditions:

1. Home Occupation shall comply with the Clay County Development Code Home Occupation Standards.
2. Permit ceases upon ownership change.
3. Employees shall be limited to members of the house and ten (10) additional non-family employees unless a plan for additional employee parking and mitigation of potential impacts are provided to the Planning Office.
4. Additional conditions as the Planning Commission sees fit.

**On motion by Brad Eldred, seconded by Sebastian McDougall, 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 Temporary Interim Use Permit. Any issues or concerns may be addressed with conditions.

Commission Krabbenhoft asked Mr. Edwards if the limit of 10 employees would create a hardship; Mr. Edwards did not feel his business would ever reach 10 employees. Dave Steichen asked the Applicant if he is in favor of the stated conditions and Mr. Edwards advised he was in agreement.

**On motion by Dave Steichen, seconded by Kurt Skjerven, and unanimously carried, the Planning Commission *GRANTED* the Interim Use Permit with the following Conditions:**

1. Home Occupation shall comply with the Clay County Development Code Home Occupation Standards.
2. Permit ceases upon ownership change.
3. Employees shall be limited to members of the house and ten (10) additional non-family employees unless a plan for additional employee parking and mitigation of potential impacts are provided to the Planning Office.

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#### **ENVIRONMENTAL IMPACT STATEMENT NEEDS DECISION – ASPLIN EKRE PIT EXPANSION:**

Director Jacobson introduced the document and advised that the purpose is to determine if there is a need for an Environmental Impact Statement (EIS) needed or if the Environmental Assessment Worksheet (EAW) will provide all needed information.

There are numerous uses currently on this property. There is agricultural and mining on this parcel, as well as a residence.

The proposed project is to expand the pit by 48.1 acres, which would increase it from 56.1 acres to 104.2 acres, to continue mining, storage, distribution of sand, rock and gravel products to market. The proposed project duration is 10 to 20 construction seasons. This location is directly across from the County Landfill.

The following Policy Considerations were reviewed from the 2045 Comprehensive and Transportation Plan:  
Natural Resources and the Environment – Aggregate Resources:

1. Recognize the importance of aggregate resources to Clay County and the region.
  - a. Continue to protect quality aggregate resources from the encroachment of incompatible residential, commercial, and industrial development.
  - b. 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. 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.
  - b. Avoid or mitigate against impacts to groundwater, surface water, native prairie, woodlands, and wetlands for new or expanding mining operations.
  - c. Require phased-end reclamation plans and bonds to ensure mines are reclaimed as mining progresses.
  - d. Consider the cumulative impacts of existing nearby mining operations for new or expanding operations on the environment, agricultural lands, residential areas, and transportation infrastructure.

Permit History: 1991 a CUP was issued to Kost Brothers Inc for 20 acre mine.

2003 the mine was taken over by Asplin Inc.

2023 there was an after-the-fact Variance issued to the 500-foot residential setback.

SRF completed the EAW. By State Code, Clay County would be the Regulatory Governmental Unit (RGU). Director Jacobson advised that the County Wetlands Conservation Act Coordinator should conduct a consultation and review, which is a typical permit condition. Ground water levels were discussed. There is no anticipated discharged water. All mining operations are being conducted above the water table.

There are some protected and environmentally sensitive areas in the vicinity. Buffalo River State Park is 2 miles east; Bluestem Prairie Scientific and Natural area is to the south of Buffalo River State Park. There is one site of Moderate Biodiversity Significance within one mile of the project area. Within this site there are Native Plant Communities present: Mesic Prairie, Wet Prairie, Wet Seepage Prairie and Seepage Meadow/Carr. A comment was received from the Minnesota DNR addressing the Loggerhead Shrike nesting season. The Loggerhead Shrikes are likely not within this project area as the shrubs they require are not present. The DNR also addressed water appropriations and other impacts such as dust, vertical walls and reclamation. All of this project lies within cultivated cropland and there are no rare or environmental features impacted.

Director Jacobson pointed out that, although the request is to expand the mining site, the expansion would not increase the amount of vehicles as they would be using the same equipment they currently use.

There are no plans to use a batch plant on this site.

Asplin operates 26 trucks per day, with a maximum of 4 to 5 trips daily. No increase in traffic volume is anticipated or expected. There are 2 other mining pits in the area, as well as the Clay County landfill. There are no additional impacts anticipated.

Based on the EAW, the staff recommendation would be to issue a negative declaration of need for an EIS based on the following findings:

**On motion by Josh Schroeder, seconded by Dave Steichen, and unanimously approved, the Planning Commission approved Planning Commission Resolution 2025-1 which supports the approval of the Findings of Fact and Conclusions and negative declaration on the need for an Environmental Impact Statement for the Asplin-Ekre pit expansion project in Hawley Township.**

Director Jacobson advised that the next steps include informing the project proposer of the results and that they will need to submit an Interim Use Application. This decision will need to be submitted for publication to the Minnesota State Environmental Quality Board.

#### **UPDATE ON OUTSTANDING VIOLATIONS:**

Two of the IUP Home Occupation violations have been resolved. There are three new gravel pit violations, bringing the total pending to 14 mining pit violations between 6 different operators.

#### **UNFINISHED BUSINESS:**

None.

#### **NEW BUSINESS:**

- Director Jacobson advised that the 2025 Development and Subdivision Ordinance Code was returned to the Consultant for some formatting issues and changes within the chapters. The County Ordinance was recently re-codified and that required some changes to be made within the recent document. The 2025 Development and Subdivision Ordinance Code will be brought to the Board of

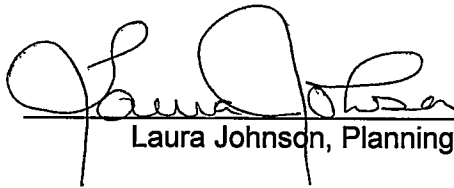
Commissioners at their meeting on Tuesday, June 3<sup>rd</sup>, 2025.

- Chair Hildebrandt pointed out that the June meeting will be held on the 4<sup>th</sup> Tuesday, due to the Board of Equalization meeting on the 3<sup>rd</sup> Tuesday.

**ADJOURNMENT:**

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**On motion by Brad Eldred, seconded by Kurt Skjerven, and unanimously approved, the meeting adjourned at 7:51 PM.**

A handwritten signature in black ink, appearing to read "Laura Johnson", is written over a horizontal line.

Laura Johnson, Planning Commission Secretary