

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, AUGUST 19TH, 2025
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

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

Members Absent: Travis Bouton

Others Present: Matt Jacobson, Brian Melton, Erika Franck, Rita Rueckert, Jeff Reinholz, Leon Schlafmann, Darren Brooke (by computer), Corey Simonson (by computer), Jeff Busby

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

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES OF JULY 15TH, 2025:

On motion by Leo Splonskowski, seconded by Dennis Loock, and unanimously carried, the Board approved the Minutes from July 15th, 2025.

PUBLIC HEARING(S):

NORTHERN IMPROVEMENT CO. – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to reduce the mining road right-of-way setback on Parcel ID: 27.002.0100 in part of Fr. N1/2 of the NE1/4, Section 2, Township 140N, Range 46W, Spring Prairie Township.

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

Matt Jacobson, Planning & Zoning Director, advised the Applicant is seeking a variance for setback from the road right of way. The Development Code Section 8-8-4(D)-1(a) states:

Setbacks. Structures, storage of excavated materials, and the excavation edge shall be set back the following minimum distances:

(ii) 200 feet from the right-of-way of existing roads and highways.

When the Development Code was updated this past year, input was sought from the Townships who have aggregate mining and they were all in favor of keeping the road right-of-way setback at 200 feet.

Parcel zoning is Agricultural General (AG) District with Resource Protection-Aggregate (RP-Agg), Resource Protection-Biological (RP-Bio) and Shoreland: Special Protection Rivers & Streams Zoning Districts. All immediately adjacent parcels are similarly zoned. This parcel is primarily used for agriculture and aggregate mining. The owner/applicant was granted a Conditional Use Permit (CUP) for gravel mining in 1989.

Applicant requests a Variance to allow for mining to be located 100 feet off the south edge of CSAH 26.

Applicant provided practical difficulty as:

There is good material within the setback that would be used in local infrastructure projects.
The creek to the south limits them as it is an environmentally sensitive area.

Applicant is also working to obtain an Affidavit to allow mining within the 100' east property line setback.

The following standards were reviewed from the 2045 Clay County Comprehensive Plan:

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.

Director Jacobson did point out that there are several other gravel pits in the area and similar requests have been made and granted.

It was pointed out that the right-of-way (ROW) on CSAH 26 in this area is 138 feet wide. Staff have converted the request to better align with standards variance wording. Instead of 100 feet from the edge of the roadway, staff measured from the centerline and from the edge of ROW. The request would be to mine up to 112' from centerline of CSAH 26 or 43 feet off ROW. The Applicant has agreed that these measurements line up with their request. This would make the request a 78.5% reduction to the ROW mining setbacks. There are two rows of electrical poles on the property and the Applicant believes their request will allow mining 20 feet south of the southerly utility poles. The County pit is located on the north side of CSAH 26 and there was a Variance permitted in 2015 to allow mining as close as 31 feet from the road ROW of CSAH 26 (aka 90th Avenue North). No stockpiling of materials was to take place closer than 200 feet from the ROW of CSAH 26.

No comments have previously been received from the Township. The County Engineer recommends no stockpiling of material or berming within the requested variance area within 200 feet of the ROW due to snow concerns. No comments have been received from the Township; however, a Township officer is present at the meeting.

Applicant Jeff Reinholz stated that Director Jacobson did well in giving an overview of their present request. He advised they are starting reclamation on the back area of the parcel to get it back into production. He advised the pit is very shallow and that most of the mining is 8 to 9 feet deep.

Leon Schlafmann of Spring Prairie Township Board stated that the township is concerned as to how this will affect their area residents. They have previously gone on record as not being in favor of mining less than 200 feet from the road setback. He has concerns about the many mining operations within their township and the slow reclamation of closed pits. He described the area as a "lunar landscape" as property is not getting reclaimed in a timely manner. He acknowledged that the road in question is a County road and the township only has control over Township roads.

On motion by Tim Brendemuhl, 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.

Minimum staff recommended conditions:

1. Mining can occur as close as 43' (feet) from the road right-of-way of County Road 26 (aka 90th Avenue North).
2. No stockpiling of material or topsoil berms shall take place closer than 200 feet from the road right-of-way of County Road 26 (90th Ave N).

On motion by Leo Splonskowski, seconded by Tim Brendemuhl, and unanimously carried, the Board of Adjustment *GRANTED* the Variance request with the following conditions:

1. Mining can occur as close as 43' (feet) from the road right-of-way of County Road 26 (aka 90th Avenue North).
2. No stockpiling of material or topsoil berms shall take place closer than 200 feet from the road right-of-way of County Road 26 (90th Ave N).

ALEXANDRIA GRAVEL PRODUCTS – REQUEST FOR VARIANCE

The applicant is seeking approval of an after-the-fact variance to reduce the mining road right-of-way setback for a scale house on Parcel ID: 11.007.3700 in the S1/2 SE1/4 of Township 141N, Range 44W, Section 7, Goose Prairie Township.

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

Matt Jacobson, Planning & Zoning Director, advised this is an after-the-fact Variance request to reduce the mining road right-of-way setback for a scale house. The parcel is zoned AG, RP-Agg, RP-Bio, General Floodplain, and Shoreland: Special Protection Rivers & Streams. The parcel is primarily used for agriculture and aggregate mining.

This after-the-fact request is to allow for a portable scale to be located 175 feet off the centerline of CSAH 33.

This parcel received an Interim Use Permit for mining in 2022. Practical difficulty is identified as the following:

- The power supply is located at the present scale location and would otherwise need to be extended and the scale would need to be moved and re-calibrated, which would be costly. Applicant states the scale use will be discontinued and the scale removed from the site in 2026.

Applicant is working to obtain an after-the-fact affidavit for mining into the 100-foot property line setback. If unable to obtain this, the area will need to be reclaimed this fall.

The Development Code Section 8-8-4(D)-1(a) states:

Setbacks. Structures, storage of excavated materials, and the excavation edge shall be set back the following minimum distances:

- (ii) 200 feet from the right-of-way of existing roads and highways.

The following standards were reviewed from the 2045 Clay County Comprehensive Plan:

Natural Resources and the Environment: Aggregate Resources

3. 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.
4. Foster a balanced approach to aggregate resource extraction that is compatible with the natural resources and the rural character of Clay County.
 - b. Consider the cumulative impacts of existing nearby mining operations for new or expanding operations on the environment, agricultural lands, residential areas and transportation infrastructure.

The Township and the County Engineer have both reviewed the request and neither have any concerns or comments on this request.

Chair Hildebrandt asked if the power was just run short or if the power was placed intentionally at that location. Director Jacobson referred this question to the Applicant. Dennis Loock asked how long the scale has been in operation at this location and Director Jacobson advised since at least 2022. There was a scale located in the property to the south which was destroyed in an arson fire and the Applicant then moved a new scale to the present location.

Corey Simonson of Alexandria Gravel Products attended by computer. He advised the scale was probably set at its location in error due to where the power was trenched in. They will be taking the scale out of this location/operation in 2026 as the lease is up in May 2026 for that property.

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.

Director Jacobson reminded the Board of Adjustment members that Variances are a land right and run with the land. Any variance granted would be perpetual for any scale to be placed at that location in the future.

Minimum staff recommended conditions:

- Only the scale house can be located 175' off of the centerline of CSAH 33. No other mining activities shall be located within the 200' right of way setback.

On motion by Tim Brendemuhl, seconded by Dennis Loock, and unanimously carried, the Board of Adjustment *GRANTED* the Variance with the following condition:

- Only the scale house can be located 175' off of the centerline of CSAH 33. No other mining activities shall be located within the 200' right of way setback.

WESTLUND EXCAVATING – REQUEST FOR VARIANCE

The applicant is seeking approval of an after-the-fact variance to reduce the mining road right-of-way setback on Parcel ID: 17.030.000 in part of Fr. Section 30 and Parcel ID: 17.031.0100, part of Fr. Section 31 of Township 141N, Range 45W, Section 30 and 31, Keene Township.

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

Matt Jacobson, Planning & Zoning Director, advised this is an after-the-fact variance request to reduce the road right-of-way setback for mining. Clay County Development Code applicable to this request:

Clay County Code Section 8-8-4(D)-1(a):

Setbacks. Structures, storage of excavated materials, and the excavation edge shall be set back the following minimum distances:

- (ii) 200 feet from the right-of-way of existing roads and highways.

Zoning is AG with RP-Agg and Shoreland: Special Protection Rivers and Streams. The parcel is primarily used for agriculture and aggregate mining. An Interim Use Permit was granted for gravel mining in 2024.

Applicant is looking for mining operations variance, including a portable scale, to be located up to 50' off centerline of 170th Str N or 17 feet off the right-of-way line instead of the required 200' setback. This would constitute a 91.5% reduction in the right-of-way setback.

Applicant provided practical difficulty as being the current location of the scale provides the best access to the roadway and that the good material is located within the required setbacks. Applicant is working to obtain an Affidavit from the property owner for mining through the 100-foot property line setbacks.

The following standards were reviewed from the 2045 Clay County Comprehensive Plan:

Natural Resources and the Environment: Aggregate Resources

1. Recognize the importance of aggregate resources to Clay County and the region.
 - c. 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.
 - 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.

No comments have been received from the Township. This is a very seldom-traveled road, and the pit operators are the main traffic on the local roads.

Jeff Busby of Westlund Excavating advised they sublease this pit to Alexandria Gravel. Westlund Excavating was not aware that Alexandria Gravel had stripped the land up to the point where it is. He advised that this pit won't be very deep as they have holes dug where they have hit clay at 8 to 10 feet.

On motion by Leo Splonskowski, seconded by Tim Brendemuhl, 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.

Minimum staff recommended conditions:

1. Mining can take place as close as 17' off the right-of-way.
2. The scale house can be located as close as 107' from the right-of-way.
3. No stockpiling or topsoil berms shall be placed within the 200' right-of-way setback.

On motion by Dennis Loock, seconded by Tim Brendemuhl, and unanimously carried, the Board of Adjustment *GRANTED* the Variance with the following conditions:

1. Mining can take place as close as 17' off the right-of-way.
2. The scale house can be located as close as 107' from the right-of-way.
3. No stockpiling or topsoil berms shall be placed within the 200' right-of-way setback.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Director Jacobson reviewed the Land Use Training that was held in Waite Park, MN on August 7th. He will advise of any future training opportunities that become available.

ADJOURNMENT:

On motion by Tim Brendemuhl, seconded by Dennis Loock, and unanimously carried, the meeting was adjourned at 6:21 PM.



Joel Hildebrandt, Chair
Clay County Board of Adjustment