

CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 PM TUESDAY, MAY 19, 2026
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

Members Present: Joel Hildebrandt, Dave Steichen, Laura Johnson, Jenny Mongeau, Josh Schroeder, Sebastian McDougall, Brad Eldred, Jeff Winter, Ashley Heng

Members Absent: Kurt Skjerven

Others Present: Matt Jacobson, Erika Franck, Rita Rueckert, Kent Severson (by computer), Jeff Busby

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 Jenny Mongeau, and unanimously carried, the agenda was approved.

APPROVAL OF MINUTES OF APRIL 21, 2026:

On motion by Laura Johnson, seconded by Josh Schroeder, and unanimously carried, the April 21, 2026, minutes were approved after a correction for a typo on page 3.

CITIZENS TO BE HEARD:

There were no citizens wishing to speak about any items not on the agenda.

PUBLIC HEARINGS:

WESTLUND EXCAVATING – REQUEST FOR INTERIM USE PERMIT

The applicant is requesting an interim use permit for a 39.5-acre gravel mine on Parcel ID: 17.031.0100, the N1/2 of Fractional Section 31 and the NE1/41/4 and SE1/4NE1/4, Section 31, Township 141N, Range 45W, Keene Township.

On motion by Ashley Heng, seconded by Brad Eldred, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, advised that this is a 137-acre parcel located 0.5 miles north of County State Aid Highway 26. The base zoning is Agricultural General, with overlay zoning of Resource Protection - Aggregate (RP-Agg) and Special Protection - Rivers and Streams in the southeast corner.

In 2023, an interim use permit for a 33-acre gravel pit was approved but never used. In 2024, an interim use permit was approved for a 39-acre gravel pit on the north end of the property and the parcel to the north. In 2025, a variance was approved for the road right-of-way setback.

The applicant is requesting a 39.5-acre aggregate mining operation with associated processing. Access and hauling are proposed via 170th Street North south to CSAH 26 and then west on County Road 26. The requested times of operation are January through December, Monday through Saturday, from 6:00 AM to 8:00 PM. Temporary sanitation facilities are proposed. No washing operations are proposed. The applicant states that all water will be contained on site and that no dewatering process will be used. Fuel will be stored in a fuel trailer. Extraction of rock and sand materials will be done using screening equipment, a dozer, a payloader, and haul trucks. Mining will proceed from the east side of the mapped project area toward the west, maintain 4H:1V slopes, stockpile topsoil on site, and return the site to agricultural use after reclamation.

There will be no mining on prime farmland, although the area is rated for high gravel potential.

This will be the fourth mine in the vicinity. The Township does not have an agreement with the County to maintain this road, and it is currently maintained by the local gravel operators. Coordination will be needed between the haulers and pit operators on this road to make sure it is kept in good condition. The landowner stated that the haulers are currently going off the road in a very rough area, and this will need to be addressed. Photos were shared showing this problem.

The following goals were reviewed from the 2045 Comprehensive and Transportation Plan:

Natural Resources and the Environment – Aggregate Resources

2. Foster a balanced approach to aggregate resource extraction that is compatible with the natural resources and the rural character of Clay County.
 - b. Avoid or mitigate against impacts to groundwater, surface water, native prairie, woodlands and wetlands for new and expanding mining operations.
 - c. Require phased 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.

The applicant is estimating about \$1,000 per acre for reclamation, so a \$40,000 reclamation bond will be required to ensure the work is completed.

Chair Hildebrandt inquired why Keene Township is not maintaining the road, and Director Jacobson stated it is probably because there are no residences on that road. Mr. McDougall asked how many companies are working in the other three mines, and he was advised that each pit has a different operator. There would be four companies/operators using that roadway, with the applicant using the shortest portion of it.

Jeff Busby of Westlund Excavating advised that they are looking to move closer to the hauling for the project they are working on in North Dakota.

On motion by Jenny Mongeau, seconded by Ashley Heng, 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 interim use permit amendment. Any issues or concerns may be addressed with conditions.

Staff recommends that the Findings of Fact and Order be worked through to finalize the determination.

Minimum staff-recommended conditions (based on the 2023 IUP conditions) include:

1. Permit shall terminate on December 31, 2036.
2. Operate within the provisions of the Clay County Land Development Ordinance, especially the specific setbacks required for mining operations.
3. Operator shall control dust and provide necessary maintenance on any and all gravel haul roads. Chloride and water must be used for dust control within 1,000 feet of any residence along the haul road.
4. Operator shall provide proof of NPDES/SDS, stormwater management, and air quality permits, as required, to the Planning Office and shall comply with all local, state, and federal regulating agencies prior to commencing mining operations.
5. Operator must comply with State of Minnesota Noise Pollution Rules.
6. Operations must comply with all provisions of the Wetland Conservation Act (WCA). Operator must conduct a wetland review with the Clay Soil and Water Conservation District.
7. Operator is permitted a maximum of 39.5 acres for mining operations (excavation, screening, crushing, stockpiling, etc.). If additional acres are proposed to be opened in the future, a new or amended IUP would be required.
8. Facility may operate April through December, Monday through Friday, 7:00 AM to 7:00 PM, with hauling only on Saturdays from 7:00 AM to 2:00 PM. If the need arises to operate beyond the stated hours or 24 hours a day, the operator must contact the Planning Director in advance with the details of the anticipated time frame for the extended mining hours to obtain approval.
9. Operator shall present a mine plan to the Planning Office indicating the exact area to be mined, current topography, final topography, phases of the mining operation, equipment locations, locations of all hazardous material storage and sanitary facilities, and a stormwater management plan prior to commencing any operations at the site.
10. 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.
11. Operator shall control all County- and State-listed noxious weeds in the mining areas.
12. No part of the mining operation shall be placed or take place in the Resource Protection Biological (RP-Bio) overlay zone or within one hundred (100) feet of this zone.
13. Operator shall post a reclamation bond of \$40,000 (\$1,000 per acre) and reclaim mined-out areas as mining activities progress. Final reclamation should be to a maximum 4H:1V slope in the mine interior. Reclamation must be made to landowner specifications.

The applicant inquired about the change from the requested January through December operating hours to the proposed condition of April through December operations. Director Jacobson advised that if they need extended months, they would need to contact him. The applicant understood and agreed.

On motion by Ashley Heng, seconded by Brad Eldred, 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 the provisions of the Clay County Land Development Ordinance, especially the specific setbacks required for mining operations.
3. **Operator shall control dust and provide necessary maintenance on any and all gravel haul roads. Chloride and water must be used for dust control within 1,000 feet of any residence along the haul road.**
4. Operator shall provide proof of NPDES/SDS, stormwater management, and air quality permits, as required, to the Planning Office and shall comply with all local, state, and federal regulating agencies prior to commencing mining operations.
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11. **Operator shall control all County- and State-listed noxious weeds in the mining areas.**
12. No part of the mining operation shall be placed or take place in the Resource Protection Biological (RP-Bio) overlay zoning district or within one hundred (100) feet of this zone.
13. Operator shall post a reclamation bond of \$40,000 (\$1,000 per acre) and reclaim mined-out areas as mining activities progress. Final reclamation should be to a maximum 4H:1V slope in the mine interior. Reclamation must be made to landowner specifications.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

- **PRESENTATION:** Introduction to Data Centers
Director Jacobson gave a presentation on the history of data centers and their impact on counties and land-use planning. The progression has gone from computer rooms in the 1940s through 1960s to server rooms in the 1980s and 1990s, followed by internet and cloud storage in the 2000s and 2010s. Now, in the 2020s,

artificial intelligence (AI) and high-density computing are prevailing. The basic idea is that critical computing equipment needs a controlled, secure room.

There are four main types of data centers:

Enterprise - one company or institution running its own operations, such as campuses

Hyperscale - very large campuses run by cloud or technology companies

Colocation - customers renting space, power, cooling, and network access

Edge/Modular - similar facilities closer to users, towers, factories, or critical services; more locations with smaller footprints.

Four support systems keep data centers running:

Server halls - computers store and process information

Power - grid/substation, batteries, backup generators

Network - fiber lines, routers, switches, connection to users

Cooling - fans, chillers, cooling towers, liquid cooling

Safety and security - fire protection, restricted access, monitoring

County review should translate each system into conditions: utility capacity, water use, noise limits, backup power, fire access, screening, and setbacks. Centers can be anywhere from a small enterprise facility to a hyperscale campus, but both may be called "data centers." Smaller facilities are 1 to 10 megawatts (MW); colocation or regional facilities are 10 to 100 MW; and hyperscale/AI campuses are 100+ MW. Demand is growing very fast. In 2014, approximately 1.8% of all U.S. electricity was consumed by data centers. By 2028, it is projected that 6.7% to 12% of all U.S. electricity will be consumed by data centers. A map was reviewed showing the areas of fast-growing demand for data centers.

Siting data centers requires available and affordable electricity, access to water, proximity to fiber networks, and zoning and incentives. In addition to demand for electricity, natural gas, and water, another concern can be the continuous hum, which is often a 24/7 low-frequency sound and not a single loud event. A 250 MW center that depends heavily on water-cooling technology could consume the same amount of electricity each year as approximately 203,000 homes and use up to 482 million gallons of water per year.

Potential benefits can include the following:

New tax base from buildings and equipment

Large construction spending over several years

Utility, road, and broadband improvements

Low demand for schools and parks compared with housing

Possible local agreements for roads, monitoring, grants, and workforce support

The potential for permanent job creation is not high.

Case studies were reviewed for various locales containing high data center activity, and the pros and cons were presented for these areas. Director Jacobson provided key elements that Clay County should consider as pertinent standards for any future permitted data centers.

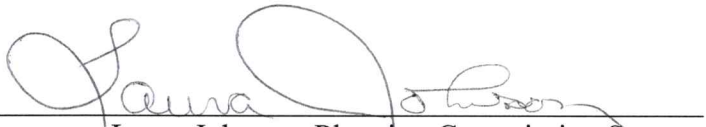
- Ashley Heng stated that she has been approached by several people regarding solar infrastructure over 50 MW and asked whether a presentation could address this. Director Jacobson advised that 50 MW solar projects are regulated by the State Public Utilities Commission (PUC), and any regulations at the County

level are minimal, limited, and largely unenforceable. Director Jacobson offered to put together guidelines for any potential requests that may be received by the PUC.

- Chair Hildebrandt reminded the Planning Commission members that the June meeting will be held on the fourth Tuesday, which is June 23, 2026.

ADJOURNMENT:

On motion by Brad Eldred, seconded by Ashley Heng, and unanimously approved, the meeting adjourned at 8:15 PM.



Laura Johnson, Planning Commission Secretary