

**MINUTES  
CLAY COUNTY PLANNING COMMISSION  
7:00 P.M., TUESDAY, MARCH 27, 2018  
MEETING ROOM B - THIRD FLOOR COURTHOUSE**

**Members Present:** Mark Klevgaard, Jenny Mongeau, Bill Davis, Randy Schellack, Andrea Koczur, Curt Stubstad, Joel Paulsen, Amos Baer,

**Members Absent:** Tom Jensen, Tim Bredemuhl, Dan Langseth

**Others Present:** Tim Magnusson, Lynne Spaeth, Steve Westlund, James Jennen

**APPROVAL OF AGENDA**

**On motion by Joel Paulsen, seconded by Randy Schellack, and unanimously carried, the Planning Commission approved the Agenda.**

**APPROVAL OF MINUTES**

**On motion by Bill Davis, seconded by Curt Stubstad, and unanimously carried, the Planning Commission approved the February 27, 2018 minutes as presented.**

**There were no citizens to be heard.**

**WESTLUND EXCAVATING – REQUEST FOR AGGREGATE MINING**

The applicant is seeking approval of an Interim Use Permit to allow for the development of a new 16-acre aggregate mining operation. The affected property is in the E Half of the NE Quarter, Section 24, Township 138N, Range 44W (Parke Twp.) and is in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts.

**On motion by Jenny Mongeau, seconded by Andrea Koczur, and unanimously carried, the Planning Commission opened the public hearing.**

Tim Magnusson, Planning Director, presented photos evidencing other mines around the area. He indicated where the proposed mining would be located. There are several residential sites within ¾ mile. The closest is located approximately 600 feet from the proposed mine area. No residences are located along the haul road but the home on the site will have to share the haul road with mining traffic. An Environmental Impact Statement was performed on the pit to the south and a variance decreasing the setback from the center of a road from 125 feet to 85 feet. Magnusson pointed out that the proposed 16-acre pit would need to be located 500 feet from the only residence in the area.

The haul road would be on 300 Street south, to County Road 10, and then west. Magnusson recommends talking to the Highway Department about signage. There is a safety concern in that the trees create a blind intersection.

The applicant is proposing days and hours of operating from March through December, Monday thru Saturday from 7:00 AM to 7:00 PM.

Lynn Foss sent correspondence regarding his concern for the potential wetland on the north side. Magnusson had been in contact with Foss and is researching the setback from said wetland.

The applicant, Steve Westlund, was present. Westlund asked about obtaining a Variance allowing them to mine within 200 feet of the centerline of a road. Magnusson explained that he would need to complete an application for a Variance and attend another public hearing.

James Jennen was present. He is the owner of the home on the site and would share the haul road with mining traffic. He had no concerns and approved of the proposal.

**On motion by Randy Schellack, seconded by Bill Davis, and unanimously carried, the Planning Commission closed the public hearing.**

The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions and none of them warranted further discussion.

**On motion by Bill Davis, seconded by Andrea Koczur, and unanimously carried, the Planning Commission approved Westlund Excavating's request for an Interim Use Permit to allow for the development of a new 16-acre aggregate mining operation on property located in the E Half of the NE Quarter, Section 24, Township 138N, Range 44W (Parke Twp.) with the following conditions at minimum:**

- 1. Permit shall terminate on December 31, 2028;**
- 2. Facility shall operate within all provisions of the Clay County Land Development Ordinance;**
- 3. Operator shall control dust and provide necessary maintenance on all gravel haul roads;**
- 4. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall comply with all local/state/federal regulating agencies prior to commencing mining operations;**
- 5. Operations must comply with all provisions of Wetlands Conservation Act;**
- 6. Propose a maximum of 16 acres be approved for mining operations (excavation, screening, crushing, stockpiling, etc.);**
- 7. Applicant shall post a reclamation bond of \$1,000 per acre;**
- 8. Applicant shall reclaim mined out areas as mining activities progress. Areas shall be seeded;**
- 9. Facility may operate March thru December, Monday thru Saturday, starting at 7:00 AM until 7:00 PM. If the need arises to operate 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. Said approval will be reviewed at the next Planning Commission meeting;**
- 10. Applicant 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 present a mine plan to Planning Office indicating exact area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities and stormwater management plan prior to commencing any operations at the site;**
  - 12. Must work with Clay County Highway Department for placement of appropriate warning signs on 90<sup>th</sup> Ave S.**

**OTHER BUSINESS:**

Tim Magnusson informed the Commission that the ordinance amendment to the Use Table came before the County Board and had been approved.

**Adjourn:**

**On motion by Randy Schellack, and seconded by Joel Paulsen, the meeting adjourned at 7:25 p.m.**

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Mark Klevgaard, Planning Commission Secretary