

## **MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING**

**TUESDAY FEBRUARY 9, 2016– 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, (LAW ENFORCEMENT CENTER) MARSHALL, MN.**

**MEMBERS PRESENT:** Chalmers, DeCock, Steen, Williams, Ludeman

**OTHERS PRESENT:** Anderson, Ritter, Biren, Maes, Springstead, Olson

Ludeman opened the meeting at 7:00 p.m.

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

**ELECTION OF OFFICERS:** Ludeman nominates Chalmers as Chair. Ludeman moved, seconded by Steen. All in favor, motion carried. Chalmers nominates DeCock as Vice-Chair.

Ludeman moved, seconded by Williams. All in favor, motion carried.

**IDENTIFY ANY CONFLICT OF INTEREST:** Williams and Ludeman will abstain from the East River Electric Power Cooperative Conditional Use Permit – Major Essential Service Request.

**AMEND/APPROVE AGENDA:** Ludeman moved, seconded by DeCock to approve agenda as presented. All in favor, motion carried.

**CORRECT/APPROVE MINUTES:** Williams moved, seconded by Steen to approve minutes as presented. All in favor, motion carried.

### **BOARD OF ADJUSTMENT: None**

### **PLANNING COMMISSION:**

A Conditional Use Permit has been received by the Lyon County Planning and Zoning Administrator by BT Pork Farms, to construct a 600 head finishing room on an existing 600 head nursery barn. The existing 1800 head finishing and nursery barns were permitted in May of 2015. The land is zoned Agricultural and is described as: Northeast Quarter (NE 1/4) of Section One (1), Shelburne Township, Lyon County, MN.

Greg Taveirne and Shannon Buchert were present and represented BT Pork Farms. Biren explained the nearest dwelling is approximately 1,650 feet away and the odor OFFSET setback is 96% at a quarter mile.

Public comment – none was received

Township – no comments received from Shelburne Township.

Chalmers moved to Finding of Facts. No concerns. Ludeman moved, seconded by Steen to recommend the County Board grant the Conditional Use Permit for BT Pork Farms.

VOTING FOR: Chalmers, DeCock, Steen, Williams, Ludeman

OPPOSED:

ABSTAINED:

ABSENT:

A Conditional Use Permit-Major Essential Service Request has been received by the Lyon County Planning and Zoning Administrator by East River Electric Power Cooperative, to install a 69 kV transmission line (t-line) in the road right-of-way. The area affected is zoned Agricultural and the line will run from Section 30 of Coon Creek Township to Section 26 of Sodus Township, mostly parallel to the road right-of-way of County Road 2 and MN State Highway 23.

Ron Golden, Mark Hoffman, and Kurt Donelan were present and represented East River Electric Power Cooperative. Tim O'Leary was present and represented Lyon-Lincoln Electric.

Biren explained that the project is under the State permitting threshold. This is a single pole structure, 300 feet apart with four strung wires. 108 letters were sent and numerous phone calls were received, a majority of which were regarding field tile locations.

Golden explained that five substations exist along the line. The Amiret to Russell reach was installed in 1967 and the Russell to Tyler reach was installed in 1968. The line currently runs on the half-section line south of the proposed line. Golden explained that East River's priority is to install new lines along public roads to provide higher reliability in locating outages and access safety for linemen. Poles will be installed two to five feet off of the right-of-way to prevent insulator overhang and due to amount of existing utilities within the road ditch.

Biren read comments received from Lyon County Highway Engineer. Biren also read comments from MNDOT State Aid Specialist. Both letters support power line as long as standards and permitting are pursued.

Township – Coon Creek Township: no issues, Lyons Township: no comments, agreed with proposal, Sodus Township: no comments received but Biren spoke with several Township Board members who were in support.

DeCock questioned pole positioning if drain tile is impacted. Golden said that poles can be moved 20 feet either way with the current design. If poles will impact tile, East River will cover the cost to repair/replace.

Chalmers opened the discussion to public comment.

Williams questioned how safety is improved for linemen by going along roadway. Golden indicated that the hard work surface and known conditions along the roadway improve safety.

Wayne Livingston asked if the easements on the existing line will be maintained. Golden said the existing easements will be released and filed with the Records office. Richard Williams questioned why poles are being moved rather than just replacing existing line. Tim O'Leary explained that by moving poles to the road right-of-way, inspections and repairs will be more efficient. Golden explained that 22 outages have occurred on this line in the past five years. Within the past ten years, 16.5 days of outages.

Diane Gravely asked if all lines need to be replaced and what the proposed cost was. Kurt Donelan explained that the estimated replacement cost is \$160,000 per mile. If replaced in current location, \$10,000 per mile could be expected. Gravely pointed out property value impacts and request for fewer poles in right-of-way, away from homes. Walter Gravely pointed out multiple utilities that run in Co Rd 2 right-of-way.

Chris and Kari Kidman expressed interest in lower property values and loss of trees on their property. Golden ensured that East River will work with them. Golden explained that trees overhang within the right-of-way can be maintained with no easement. Easements with East River do not always result in clear cutting, rather trimming is often result. With easement, liability from trees is on East River.

Marian Livingston explained potential tragedies and impact on family/community. Safety of pole placement along right-of-way was discussed. Jason Janssen questioned feasibility of burying the line. Golden explained line must be buried six feet, encased in concrete with a distribution box every 700 feet at joints. Underground lines make locating faults difficult and are typically ten times more expensive than overhead. Ludeman recommended that public focus on the increase of quality of service rather than potential for tragedy.

Diane Gravely asked where line will cross the Redwood River. Golden stated that line is proposed to cross Redwood River on the south side of Highway 23 following the road corridor. East River must follow clearance standards over navigable water. Poles will be setback so bank erosion will not be a factor.

Richard Williams asked why all landowners were not notified. Biren explains that 108 letters were sent out to the taxpayers of each property impacted. Chalmers reads a petition signed by 16 landowners opposing the project. Anderson pointed out that Co Rd 2 has a significant number of building sites that will be impacted and asked about avoiding building sites by relocating line. Golden explained that East River avoids jumping to opposite roadway sides because of existing utility conflicts.

Diane Gravely questioned who attorneys were representing. Maes indicated Lyon County.

Chalmers moved to Finding of Facts. All concerns addressed. Steen moved, seconded by DeCock to recommend the County Board grant the Conditional Use Permit-Major Essential Service Permit to East River Electric Power Cooperative.

VOTING FOR: Chalmers, DeCock, Steen

OPPOSED:

ABSTAINED: Williams, Ludeman

ABSENT:

**Adjourn:** Ludeman moved, second by DeCock to adjourn meeting, motion passed unanimously.

Respectfully submitted,

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Planning and Zoning/  
Board of Adjustments

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Luke Olson, Lyon County Planning &  
Zoning