

MINUTES – SPECIAL PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

WEDNESDAY, JUNE 16, 2010, 1:30 P.M., BLUE CONFERENCE ROOM, 2nd FLOOR, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Thooft, Buesing, Vroman, Nelson, Ritter, Zimmer and Biren

MEMBERS ABSENT: Nassif and Ludeman

OTHERS PERSENT: Steve Johnson, Assistant Highway Engineer

PLEDGE OF ALLEGIANCE TO THE FLAG

AMEND/APPROVE AGENDA – Motion by Buesing seconded by Thooft to approve agenda. Motion carried.

BOARD OF ADJUSTMENT:

Public Hearing, Red Rock Rural Water System - Variance Request to install 2½” or less in diameter pipe for the purpose of supplying municipal water for individual homeowners and/or farms. Installation to be outside the right-of-way but less than the 90’ requirement from the road centerline. (Section 18.8 of the Lyon County Zoning Ordinance). Red Rock Rural Water System is obtaining private easements, other lines installed will be placed in the road right-of-way. The affected areas are as follows: Custer Township – NE1/4, Section 1; and NW1/4 & NE1/4, Section 36; Monroe Township – SE1/4, Section 7; NW1/4, Section 31; and SW1/4, Section 33; and Rock Lake Township – SW1/4, Section 15. Dominic Jones was present on behalf of Red Rock Rural Water. Biren – read Monroe Township’s comment. Attached to minutes is a copy of their comments. Other townships had no comments. Explained map, attached is a copy. If outside of right-of-way, ordinance requires line to be 90’ from center of road or in right-of-way. Significance, road authorities widen or improved road, utilities have to be moved cost borne by utilities. Outside of right-of-way, easement. This will be done just outside of right-of-way. Vroman – setback not met, variance. Biren - line is 2½” or smaller for homes and farm hookups. Buesing – along township roads? Biren – county and township. Jones – have county permit, 600’ in county right-of-way balance easement. Go 90’ or more in field hit every tile line in field (pattern tiling). Clean up much better if easement. Seeding requirements more cost if in ditch. 15’ off right-of-way line, as close as possible. Any cost of relocation borne by Red Rock Rural Water in future. Thooft – any road widening borne by them? Jones – odd any one place legal easement, we obtain not saying disagree. Appreciate intent. Best example work with road authorities for correct placement. Road project put line deeper don’t want to move it. Buesing – depth? Jones – 6’. Ritter – just below frost line. Jones – road 6’ depth, parallel under roads. Directional drilled, roads and streams. DOT letter, DOT permits obtained, signature page as noted in their correspondence is in place. Done in accordance to permit. SWCD spoke with office prior to letter being sent to them. Out of the 8 counties I work with, have not supplied information they are requesting. Environmental Review Process, local involvement. Direct drill streams, ditch crossings. Slope consideration, taken care of. Federal regulations. Application filled out, not necessary, will work out with them. Cottonwood County have over 1000 miles, never required. Have DNR permits, will go over with SWCD staff. Wetland, stream, river permitted by DNR, permit in place. Hard time understanding jurisdiction of entity. Deal with Corps and BWSR also. Will address with SWCD, application filled out, wetland

maps. Ritter – Laura cease and desist order, does she know process? Jones – I don't know. Biren – different section of DNR, conservation office authority to do. Nelson – DNR permit, wetland, ditches and streams. Biren – area hydrologist, no comments, e-mail attached. Wetland Conservation Act, deal with utilities, will qualify for exemptions. Buesing – townships received same letter last spring. Jones – process I need to go through, I will go through. Will meet with them after this. Biren – public utilities, more in line with road projects. Jones – standard application 15 pages, did short form 5 pages. Biren – utilities, substation/control house, buried lines square feet don't qualify. Jones - if one acre affected, storm water permit covered. 12% slope, seed, mulch protect runoff, overlapping things. Nelson – Lincoln Pipestone Rural Water same process? Biren – wetland issues, application this fall. Jones – will be on a larger scale. Vroman – further questions? Board – none. Board reviewed Findings of Fact. Attached is a copy. Oakland – comments from property owners? Biren – property owner comments received were inquiries on hooking up, no negative inquiries.

Buesing moved, seconded by Thooft to grant a variance to Red Rock Rural Water System to install 2½” or less in diameter pipe for the purpose of supplying municipal water for individual homeowners and/or farms. Installation to be outside the right-of-way but less than the 90’ requirement from the road centerline. (Section 18.8 of the Lyon County Zoning Ordinance). Red Rock Rural Water System is obtaining private easements, other lines installed will be placed in the road right-of-way. The affected areas are as follows:

Custer Township – NE1/4, Section 1; and NW1/4 & NE1/4, Section 36

Monroe Township – SE1/4, Section 7; NW1/4, Section 31; and SW1/4, Section 33

Rock Lake Township – SW1/4, Section 15

With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be moved, lowered or relocated by a road authority, the cost of such impact shall be borne by Red Rock Rural Water
2. Must obtain a land use permit prior to installing the water line.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Must follow Section 18.4 of the Lyon County Zoning Ordinance even though this is a minor essential service.
5. Must notify the Zoning Administrator upon completion of project for the purpose of conducting a final inspection to make sure conditions have been met.
6. Adopt Findings of Fact as part of Motion.
7. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the affected properties. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

Discussion – Biren - #2 part of infrastructure (values), no permit needed. Delete item. Motion amended to:

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VOTING FOR: Thooft, Vroman, Buesing

OPPOSED: None

ABSTAINED: None

ABSENT: Nassif, Ludeman

Motion carried.

Jones thanked board. If you receive any complaints, please let us know. General discussion - have a 30' easement, 15' to 17' each side with line placed in middle. \$540.00 an acre from crop damage and paid 40 cents lineal foot. Hook ups are \$12,000.00, paying for service. Federal money shortage, less money available, special assessment for 40 years, \$630.00/year. Buesing – where does water come from? Jones - Balaton and have an agreement with Lincoln Pipestone Rural Water. Distribution system, pump water from Jeffers. Nelson – Windom aquifer? Jones – Jeffers 4 years old, add on to because of demand. Cannot cross Missouri River. Jeffers there is red rock to the north, valley to the south, lake has sand and gravel; protecting area, 200 acres easements.

Meeting adjourned.

Respectfully submitted,

Richard Vroman, Vice-Chairperson
Board of Adjustments

Carol Oakland, Secretary
Board of Adjustments