

**MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING**

**TUESDAY, AUGUST 13, 2013, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA**

**MEMBERS PRESENT:** Anderson, Steen, Thooft, Sturrock, Chalmers, Olson.  
Members Absent: Ludeman, Biren, Ritter  
Others Present: Stensrud

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**IDENTIFY ANY CONFLICT OF INTEREST.** None.

**AMEND/APPROVE AGENDA.** Chalmers motioned, seconded by Sturrock to amend the agenda to address the Hoekstra item first and the Ottertail Power variance in conjunction with the CUP. All voted in favor, motion carried.

**CORRECT/APPROVE MINUTES FROM THE JUNE 11, 2013 MEETING.**

Sturrock motioned, seconded by Steen to approve the minutes as presented. All voted in favor, motion carried.

**BOARD OF ADJUSTMENT:**

**VARIANCE:**

1. Request from Nicholas & Cassandra Hoekstra to construct a porch 46' from the right of way of State Highway 19. The required setback is 100' from the right of way. The request is a 54' variance on land zoned agriculture. Chalmers asked how far the concrete slab extended from the house. Nicholas Hoekstra thought it was about 20'. Thooft asked if there was any information received from the township. Olson said there were none. There were no public comments. Thooft moved to the findings of facts. Chalmers motioned, seconded by Steen to approve the variance for Nicholas and Cassandra Hoekstra. All voted in favor, motion carried.

## VARIANCE:

2. Request from Ottertail Power Company Road Right of Way to construct a 41.6 KV line. The variance request is for poles outside of the road right of way but closer than the 90-foot setback from centerline.

Myron Rader- Project Manager: The substation currently has 3 lines; the new one will be a 345 KV line. Olson: The variance only applies to new poles along the right of way. The rest is covered under the Essential Service Contract. Chalmers: For this line, will the poles need a guide wire? Myron: No it will be a single pole construction, very similar to what is being replaced. Chalmers: How will you handle access for maintenance? Myron: The easement will provide rights to enter for maintenance. Sturrock: Are there state laws for land damage? Myron: The easement allows us to go there and if we do damage we pay for it. Olson: Received a letter from Fairview Township Board and they do agree with the request. We did get a letter from the County Engineer: He commented that the Department does not have a problem as long as Ottertail Power Company obtains a utility permit prior to work being done.

Thooft: How high is your bottom line? Myron: it will be about 20'. We have elected to use laminated structures. Tim Petrich: Would like to comment that the line will have 3 parcels of land it will cut through. Mark Coudron speaking on behalf of my parents John and Agnes Coudron, we do not object to the variance but as a land owner we object to the route of the proposed new line. The proposed route will have a direct impact on our property and farming. We would like to present an alternative route. We would appreciate the consideration of the reroute and seek the Planning Commission to revise the wording of the variance to reflect the reroute. Don Kinker on behalf of John & Jean Shrader- going across their open field line. They will not support a power line going across an open field but would support a line going around boundary lines. They would endorse option B, as presented by Mr. Coudron. Mike Sanders, current operator of Shrader's and Westphal's, would support following boundaries.

Julie Newman: Kevin Newman is objecting to the new poles. Tim Petrich: What was your consideration for not going north? Myron: There were homes there and getting back to our 40 KV line, we have infrastructure problems. This is our cleanest route and less impacted route. We have no problem with either option A

or B. We can make option B safe it will just cost more to construct and maintain. We would need a variance along 300<sup>th</sup> Ave for one-quarter of a mile if they choose option B. Amy Lyon does not have a problem with either but would prefer option B. Tim Petrich: Just wanted to let the Board know that there are buried lines. Zimmer: I don't think you would need a new variance, you would need to make it specific of the location on the variance. Olson: All of the landowners within one-quarter mile were contacted for Option B. Gary Eggen with Ottetail Power: I think the spot that we want to come down one-quarter mile, there is an existing line that we will rebuild. Thooft moved to the findings of fact. Chalmers motioned, seconded by Steen to grant a variance for the sections of the quarters that run along 280<sup>th</sup> and 300<sup>th</sup> ave. All voted in favor, motion carried.

David Sturrock excused himself from the meeting at 7:40 p.m.

**PLANNING COMMISSION:**  
**ESSENTIAL SERVICE REQUEST - MAJOR**

Public Hearing, Otter Tail Power Company has applied for an essential service permit-major to construct a 41.6 KV Line. The corridor is starting at Otter Tail Power Company substation located in the SW1/4 of Section 28 Stanley Township west to County Road 9, then south to the half section line. The corridor will then proceed 1 mile west along the half section line of Section 32 of Stanley Township. Then the corridor will proceed 1320 feet south along 300th Avenue then west 3960 feet along the quarter section line. The corridor then proceeds 1320 feet north along the quarter quarter section property line and then proceeds west along the half section line through Section 31 of Stanley Township and Section 36 of Fairview Township. Then the corridor will go north along 280th Avenue to a point of connection. All located in Lyon County, Minnesota. Thooft moved to the findings of fact. Chalmers motioned, seconded by Steen to approve the Conditional Use Permit. All voted in favor, motion carried.

Chalmers motioned, seconded by Steen to adjourn at 8:15 p.m. All voted in favor, motion carried.

Respectfully submitted,