

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0024R

RESOLUTION GRANTING A SPECIAL USE PERMIT TO MINNESOTA POWER FOR AN ELECTRIC POWER SUBSTATION NEAR THE INTERSECTION OF SWAN LAKE ROAD AND KRUEGER JUNCTION ROAD.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council grants the request for a special use permit submitted by Minnesota Power for an electric power substation on property near Swan Lake Road and Krueger Junction Road and legally described as:

The E 1/2 of the NE 1/4 of the SW 1/4 of Section 7, Twp 50N, Rng 14W, except one acre for school and except that part north of the old Swan Lake Road and west of the Krueger Road; and

(b) Pursuant to Section 50-32 and Section 50-35(cc) of Article IV of the Duluth City Code, 1959, as amended, such request was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing; and

(c) The city planning commission, at their regular meeting on December 8, 2009, considered the petition's effect on the comprehensive plan and property values in the neighborhood (FN 09119); and

(d) At the meeting described in (c) above, the city planning commission considered a motion to approve the petitioned special use permit with conditions and such motion failed by a vote of 4-4 and, therefore, no recommendation is made by the body; and

(e) The city council finds that appropriate safeguards will exist to protect the comprehensive plan and to conserve and to protect property values in the neighborhood if conditions are observed.

FURTHER RESOLVED, that the city council of the city of Duluth approves a special use permit for an electric power substation subject to the following conditions:

(a) That the project be limited to, constructed, and maintained according

to the following documents drafted by Minnesota Power and shown on Public Document No. 10-0125-10;

(1) "Proposed Site Location for Airpark 115/34.5/14kV Substation - Exhibit A" dated 10/26/2009; and

(2) "Minnesota Power Airpark Substation Tree Screening Plan - Exhibit B";

(b) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the land use supervisor without further planning commission or city council action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50, Article IV; the land use supervisor must also consider the following:

(1) The only vegetation cleared on the 17+ acre parcel that Minnesota Power owns would be what is absolutely necessary for the construction of the substation, access road and electrical lines;

(2) The current plan includes the planting of two rows of evergreen trees along the west side of the property. Minnesota Power agrees that once the substation is constructed, they will determine if additional trees are needed near the substation or potentially along neighbor's property;

(3) Minnesota Power acknowledges that its substation construction plans are subject to the special use permit under consideration here tonight and they have no plans to develop any other part of the parcel for storage or any other use. They agree that any additional future use of the property beyond the needs of the substation and its power lines be considered and approved by the Duluth City Council;

(4) Minnesota Power will investigate the possibility of, and make reasonably efforts to, move the substation footprint further to the south and west;

(5) Minnesota Power agrees to install all low-noise transformers at the site.

Resolution 10-0024, as amended, was adopted upon the following vote:

Yeas: Councilors Boyle, Cuneo, Fedora, Fosle, Hartman, Stauber and President Anderson - 7

Nays: Councilors Gardner and Gauthier -- 2

Approved January 25, 2010

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DON NESS, Mayor

PLANNING/PC KD:jab 1/4/2010

STATEMENT OF PURPOSE: This resolution grants a special use permit to Minnesota Power for construction of an electric power station near the intersection of Swan Lake Road and Krueger Junction Road.

Minnesota Power (MP) has indicated a need to construct an electric power substation in the vicinity of its existing 115 kV transmission line, has considered alternative sites, and has determined this location to provide the best opportunity. MP will leave much of the natural vegetation in place screening the facility from views to the north, east, and south. They will plant a double row of spruce trees (5'-6' in height) along the west property line as well. Lighting on the site will be downcast and shielded so as to not produce glare.

Special use permit requirements are summarized on page 1 of the staff report. Staff finds that the proposed improvements to the site will not negatively impact surrounding properties due to locating the facility on the site away from existing homes and the use of appropriate vegetative screening.

Staff received comments/concerns from five neighbors and MP responded to each. Concerns included wetland and tree loss, screening, light and noise pollution, structure height, possible health effects of electro-magnetic radiation, traffic and condition of Swan Lake Road, property values, why this location was selected, benefits to neighborhood and city overall.

On December 8, 2009, the city planning commission held a public hearing on the proposal and a motion to recommend that the city council approve the communications facility as requested, with conditions, failed by a 4-4 vote and, therefore, no recommendation is made by the city planning commission.

Request filed: October 27, 2009  
Action deadline: February 24, 2010