

**STAFF REPORT**  
**December 9, 2025**

**GENERAL INFORMATION:**

**PETITIONER** Otter Tail Power

**REQUEST** **Application for Conditional Use to install a new substation**

**LEGAL DESCRIPTION** Plat of Lot 1 of Otter Tail Power Addition in the Southeast Quarter (SE1/4) of Section 21, T125N, R55W of the 5th P.M., Marshall County, South Dakota.

**CURRENT ZONING (SURROUNDING)** Agricultural (AG)

**REPORTED BY** Erin Collins-Miles

**COMMENTS/HISTORY:**

1. The property in which the substation will be constructed on was recently acquired by the applicant.
  - a. A plat was recorded to establish the new Lot on November 20, 2025 in Book 6, Page 162, according to the Register of Deeds.
2. According to the applicant, the request to build a new substation is intended to be completed in order to service the town of Eden.
3. The road lying to the East of the property, 439<sup>th</sup> Ave., is a township road.
  - a. A new approach will need to be established for the newly platted lot.
    - i. Per preliminary plans provided by Otter Tail, the planned approach is a span of 20'.
    - ii. Approaches on a Township Road shall be under the jurisdiction of the local township boards.
4. Per the preliminary plan, the inside substation fence will include structures of similar height as existing transmission/distribution structures currently running along 439<sup>th</sup> Ave.
  - a. Surrounding substation fence is proposed to be 70'x90'
  - b. Substation pad on which it will be constructed is proposed to be 80'x180'
5. Marshall County Ordinance requires that all structures shall be set back not less than sixty (60) feet from all public right-of-ways measured from the road right-of-way. There shall be a frontage of not less than two hundred (200) feet across the front yard. There shall be a setback from all adjacent property lines of not less than seven (7) feet as measured from the overhang of the property line in question. No new facilities are closer than one thousand feet (1,000') from any occupied dwelling unless written permission is granted by owner or owners of such dwelling.

6. Per the Marshall County Zoning Ordinance, substations can be permitted under the Conditional Use Section located in TITLE 8, Chapter 8.3; noting that this language is listed under number 15.
7. No written comments or objections were received prior to the writing of this staff report.

**STAFF RECOMMENDATION/REVIEW:**

Granting of this conditional use would bring the proposed substation into compliance with the rules and regulations set forth by Marshall County. Staff recommendation would be to grant the conditional use application as it has been requested.

**NOTICE OF HEARING - APPLICATION FOR CONDITIONAL USE FOR A UTILITY SUBSTATION**

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on December 9, 2025 at 9:00 a.m. at the North Marshall Firehall meeting room, concerning the following application for a Conditional Use from the Marshall County Zoning Ordinance.

Otter Tail Power Company has requested a Conditional Use from the Marshall County Zoning Ordinance to install a new substation which will service the town of Eden on the property described as Plat of Lot 1 of Otter Tail Power Addition in the Southeast Quarter (SE1/4) of Section 21, T125N, R55W of the 5<sup>th</sup> P.M., Marshall County, South Dakota.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: November 26, 2025*

1T (Nov 26)  
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- Erin Collins-Miles, Planning & Zoning Administrator

Published at an approximate cost of \$7.54 and can be viewed free

**MARSHALL COUNTY APPLICATION FOR CONDITIONAL USE**

DATE: 11/19/25

**To: Marshall County Planning and Zoning Commission  
PO Box 9  
Britton, SD 57430**

The undersigned do hereby request a conditional use from the Marshall County Zoning Ordinance as provided by Article \_\_\_\_\_ Section \_\_\_\_\_ for the purpose of new electrical substation

Legal Description: Lot 1 Otter Tail Power Addition in SE1/4 of 21-125-55

Reason: Otter Tail Power Company will be installing a new substation to service the town of Eden.

Applicant's Name: Jenna Moak Phone: 218-739-8619

Address: PO Box 392, Milbank SD 57252

Applicant's Signature: Jenna Moak

Owner's Signature (if different than applicant): \_\_\_\_\_

***For Internal Office Use Only:***

Date Received: 11/19/25 Fees (non-refundable): 8150.00 Paid: YES NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: \_\_\_\_\_

Action taken by Planning and Zoning Commission: \_\_\_\_\_

MARSHALL COUNTY PLANNING & ZONING COMMISSION  
P.O.BOX 9  
BRITTON, SOUTH DAKOTA 57430  
605.448.7540

November 24, 2025

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on December 9, 2025 at 9:00 a.m. at the North Marshall Firehall meeting room, concerning the following application for a Conditional Use from the Marshall County Zoning Ordinance.

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As an adjacent landowner, you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,



Erin Collins-Miles  
Planning and Zoning Director

MARSHALL COUNTY PLANNING & ZONING COMMISSION  
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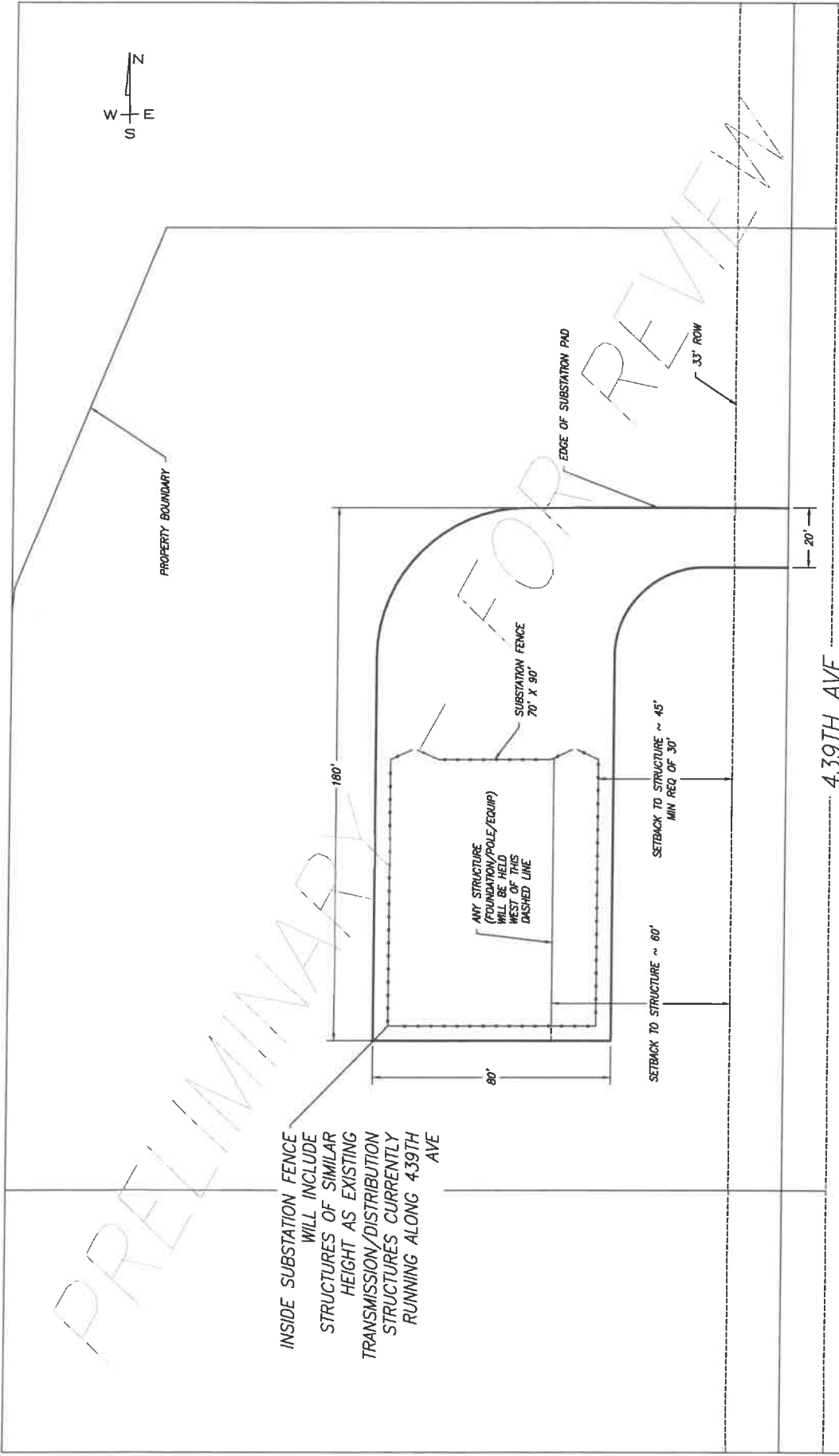
Sincerely,



Erin Collins-Miles  
Planning and Zoning Director

**Sent to the following adjacent landowners on 11/24/25:**

1. The Marcelina Trust 2017 c/o Mario L. Marker – 12121 439<sup>th</sup> Ave. Eden, SD 57232
2. Rudolph Halbauer – 19101 Concord CT NW Elk River, MN 55330
3. Brian Keintz – 915 Kokowo Key Ln Del Ray Beach, FL 33483
4. Corey Keintz – 43890 122<sup>nd</sup> St. Eden, SD 57232



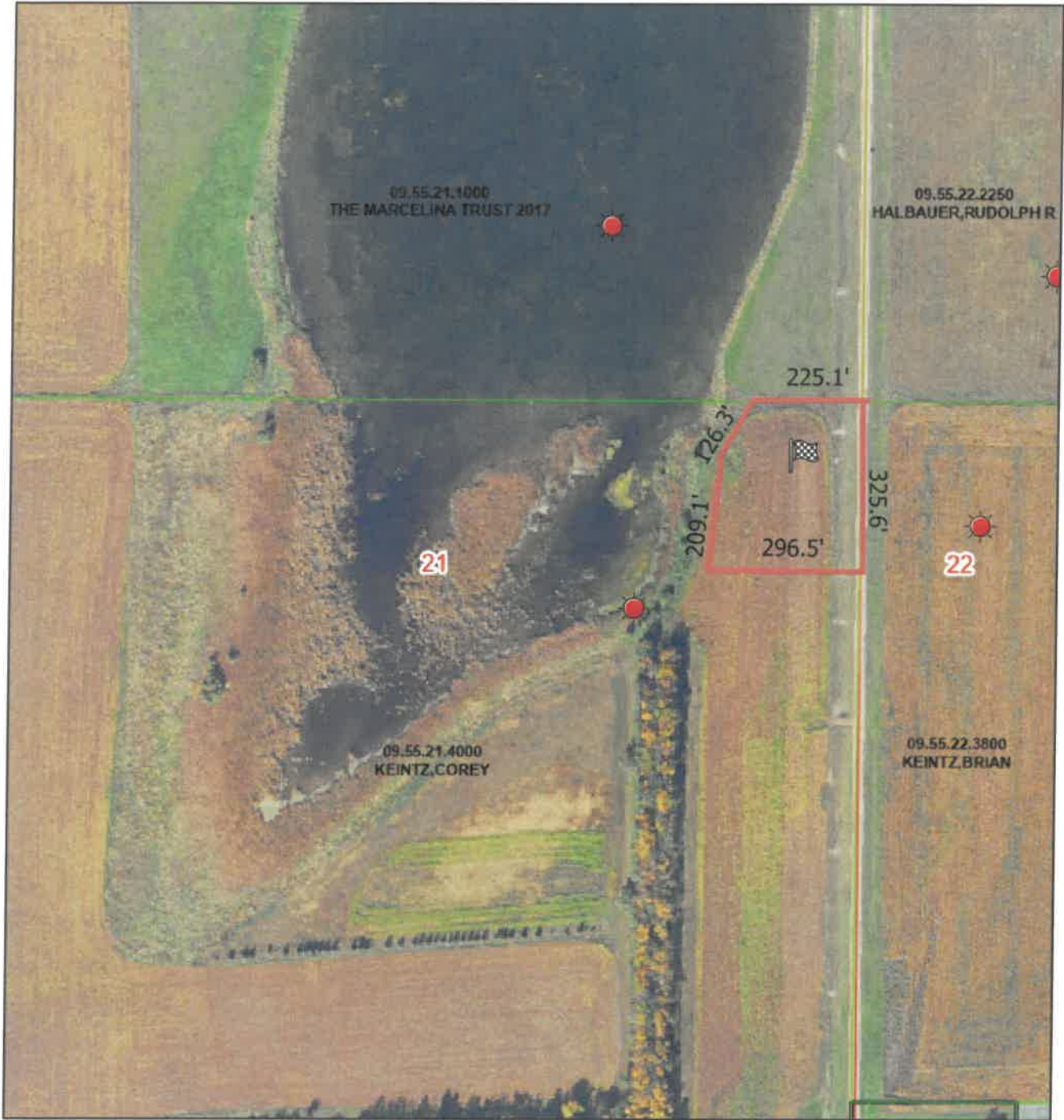
INSIDE SUBSTATION FENCE WILL INCLUDE STRUCTURES OF SIMILAR HEIGHT AS EXISTING TRANSMISSION/DISTRIBUTION STRUCTURES CURRENTLY RUNNING ALONG 439TH AVE

439TH AVE



REV	DESCRIPTION	ENG	DRN	CHK	DATE	ENG. T. SEAL	DRN. T. SEAL	CHK	DATE	CUSTOMER/PROJECT	TITLE	STATUS	PROJECT NUMBER	PAGE NUMBER
1	PRELIMINARY - FOR REVIEW									OTTER TAIL POWER EDEN SUBSTATION - PRELIMINARY	PRELIMINARY SITE PLAN	Custom		201

# MARSHALL COUNTY WEB VIEWER



11/20/2025, 2:34:20 PM

- |                   |            |          |
|-------------------|------------|----------|
| PLAT              |            | SECTIONS |
| ALLEN ADDITION    | CITY_LIMIT |          |
| ORIGINAL ADDITION | PARCELS    |          |
| TOWNSHIPS         |            |          |

