

APPENDIX E
AGENCY CORRESPONDANCE



Minnesota Department of Natural Resources

Natural Heritage and Nongame Research Program, Box 25
500 Lafayette Road
St. Paul, Minnesota 55155-40__

Phone: (651) 259-5109 Fax: (651) 296-1811 E-mail: lisa.joyal@dnr.state.mn.us

RECEIVED

May 18, 2007

MAY 22 2007

Ms. Angela Piner
701 Xenia Avenue South, Suite 600
Minneapolis, MN 55416

HDA Engineering, Inc.

Re: Request for Natural Heritage information for vicinity of proposed Mary Lake 115 kV Transmission Line Tap Project; T120N R25W Sections 19-21, 28-30, 32, 33 and T119N R25W Sections 4 & 5; Wright County NHNRP Contact #: ERDB 20070781

Dear Ms. Piner,

The Minnesota Natural Heritage database has been reviewed to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the area indicated on the map enclosed with your information request. Based on this review, I concur with your assessment that there are no known occurrences of rare species or native plant communities in the area searched.

The Natural Heritage database is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Department of Natural Resources. It is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. Its purpose is to foster better understanding and protection of these features.

Because our information is not based on a comprehensive inventory, there may be rare or otherwise significant natural features in the state that are not represented in the database. A county-by-county survey of rare natural features is now underway, and has been completed for Wright County. Our information about native plant communities is, therefore, quite thorough for that county. However, because survey work for rare plants and animals is less exhaustive, and because there has not been an on-site survey of all areas of the county, ecologically significant features for which we have no records may exist on the project area.

Please be aware that review by the Natural Heritage and Nongame Research Program focuses only on *rare natural features*. It does not constitute review or approval by the Department of Natural Resources as a whole. If you require further information on the environmental review process for other natural resource-related issues, you may contact your Regional Environmental Assessment Ecologist, Mike North, at (320) 255-4279. Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

Lisa A. Joyal
Endangered Species Environmental Review Coordinator

Appendix E.1

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929



Telephone Record

Project:	Mary Lake 115 kV Transmission Line	Project No:	41695
Date:	July 3, 2007	Subject:	Follow-up to Initial Agency Letter
Call to:	Mike North, REAE	Phone No:	(218) 828-2433
Call from:	Emily Buss, HDR	Phone No:	(763) 278.5904

Discussion, Agreement and/or Action:

Per discussion with Mr. North on Tuesday, July 3, 2007 there were no issues that needed to be addressed from the MnDNR Regional Environmental Assessment Ecologist (REAE). Mr. North mentioned there was previous discussion about needing bird flight diverters along one of the wetlands but then the consensus was the diverters were not needed.

I thanked him for his time and told him to please feel free to contact us if something arises in the future and that we would do the same.

Appendix E.1

Buss, Emily D.

From: Lisa Joyal [Lisa.Joyal@dnr.state.mn.us]
Sent: Thursday, October 11, 2007 1:56 PM
To: Buss, Emily D.
Subject: Re: Xcel Energy - Mary Lake 115 kV Transmission Line Project

Emily,

Thank you for the update on above project. As there are no known occurrences of rare features in the area of interest, I do not have any further comments.

Sincerely,

Lisa

~~~~~  
Lisa Joyal  
Endangered Species Environmental Review Coordinator NHIS Data Distribution Coordinator  
Natural Heritage and Nongame Research Program Minnesota Department of Natural Resources  
500 Lafayette Road, Box 25 St. Paul, MN 55155

phone: 651-259-5109  
fax: 651-296-1811  
lisa.joyal@dnr.state.mn.us  
www.mndnr.gov/eco

>>> "Buss, Emily D." <Emily.Buss@hdrinc.com> 10/9/2007 4:50 PM >>>  
Hello Lisa,

Attached is a copy of the follow-up letter and map of the proposed route that was sent in the mail today regarding the Xcel Energy Mary Lake 115 kV Transmission Line Project proposed in the City of Buffalo area.

I am sending you an electronic copy to provide advanced notification about the open house scheduled for this Thursday, October 11th, 2007 from 4-7 pm at the Discovery Center 301 2nd Ave. NE, Buffalo, MN in Room 204.

I apologize for the short notice but wanted to inform you of the letter and the open house.

Please contact me with questions or comments at my contact information below.

Thanks,  
Emily

Emily Buss  
Environmental Scientist

HDR ONE COMPANY | Many Solutions  
701 Xenia Avenue South | Suite 600 | Minneapolis, MN | 55416  
Phone: 763.278.5904 | Fax: 763.591.5413 | Email: Emily.Buss@hdrinc.com  
<mailto:Emily.Buss@hdrinc.com>



## Minnesota Department of Natural Resources

Division of Ecological Resources  
940 Industrial Drive S, Suite 103  
Sauk Rapids, Minnesota 56379  
320-255-4279 ext. 235

RECEIVED  
OCT 31 2007  
HDR Engineering, Inc.

October 29, 2007

Angela Piner  
Environmental Scientist  
HDR Engineering Inc.  
701 Xenia Avenue South  
Minneapolis, Minnesota 55416-3636

Re: Mary Lake Transmission Line Project

Dear Ms. Piner:

The Minnesota Department of Natural Resources has reviewed your letter of October 9, 2007, outlining a revised preferred corridor for the Mary Lake Transmission Line Project, and offers the following comments for you to consider.

The proposed route of the transmission passes over a DNR Public Water, 337W. Therefore, a License to Cross Public Waters would be required. The proposed route also passes along or through a large woodlot along County Road 35. Aerial photography indicates this woodlot is one of the largest in the area, and it is located about two miles from a known red-shouldered hawk nesting area. We recommend that the project be designed to avoid areal loss or fragmentation of this woodlot.

Thank you for the opportunity to review the public notice. If you have any questions, I may be reached at 320-255-4279, ext. 235.

Sincerely,

A handwritten signature in cursive script that reads "Michael R. North".

Michael R. North  
Regional Environmental Assessment Ecologist

Cc: Wayne Barstad, Fred Bengtson, Steve Colvin, Bon Eliason, Dale Homuth, Lisa Joyal, Joe Kurcinka, Roger Stradal (DNR)

## Appendix E.1

An Equal Opportunity Employer Who Values Diversity



MINNESOTA HISTORICAL SOCIETY  
STATE HISTORIC PRESERVATION OFFICE

June 6, 2007

Mr. Michael Justin  
HDR Engineering  
701 Xenia Avenue South, Suite 600  
Minneapolis, MN 55416

RE: Mary Lake 115 kV Transmission Line Tap Project  
Wright County  
SHPO Number: 2007-1840

RECEIVED  
JUN 08 2007  
HDR Engineering, Inc.

Dear Mr. Justin:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We believe that there is a good probability that unreported archaeological properties might be present in the project area. Therefore, we recommend that a survey of the area be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For your information, we have enclosed a list of consultants who have expressed an interest in undertaking such surveys.

If the project area can be documented as previously disturbed or previously surveyed, we will re-evaluate the need for survey. Previously disturbed areas are those where the naturally occurring post-glacial soils and sediments have been recently removed. Any previous survey work must meet contemporary standards.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office with reference to the appropriate federal agency.

If you have any questions on our review of this project, please contact me at (651) 259-3456.

Sincerely,

Dennis A. Gimmestad  
Government Programs and Compliance Officer

Enclosure: List of Consultants

**Appendix E.2**



MINNESOTA HISTORICAL SOCIETY

STATE HISTORIC PRESERVATION OFFICE

RECEIVED  
OCT 26 2007  
HDR Engineering, Inc.

October 26, 2007

Mr. Michael Justin  
HDR Engineering  
701 Xenia Avenue South, Suite 600  
Minneapolis, MN 55416

RE: Mary Lake 115 kV Transmission Line Tap Project  
Wright County  
SHPO Number: 2007-1840

Dear Mr. Justin:

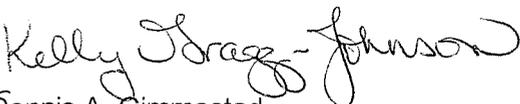
We originally commented on this project back on 6 June 2007, stating that we believed an archaeological survey should be completed for this project.

You have now sent in the proposed route for the project asking for our opinion about the need for survey now that the route has been selected. We still believe that this archaeological survey should be done. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office with reference to the appropriate federal agency.

If you have any questions on our review of this project, please contact me at (651) 259-3455.

Sincerely,

  
Dennis A. Gimmestad  
Government Programs and Compliance Officer

**Appendix E.2**

# Telephone Record

|            |                                        |             |                         |
|------------|----------------------------------------|-------------|-------------------------|
| Project:   | Mary Lake 115 kV Transmission Line Tap | Project No: | 41695                   |
| Date:      | July 3, 2007                           | Subject:    | Agency Letter Follow-up |
| Call to:   | Mr. Tom Salkowski, Wright County       | Phone No:   | (763) 682-7338          |
| Call from: | Ms. Emily Buss                         | Phone No:   | (763) 278-5904          |

**Discussion, Agreement and/or Action:**

A message for Mr. Tom Salkowski was left on Tuesday, July 3, 2007, additionally the receptionist took a message regarding my request to follow-up on the initial Agency Letter sent on May 3, 2007.

The same afternoon of July 3, 2007, Mr. Tom Salkowski returned my phone call and confirmed he had received the letter. Mr. Salkowski, said to look into acquiring a Conditional Use Permit, if applicable. He suggested going to the Wright County Website in the Zoning and Planning Department and look at Section 725 Essential Services of the Wright County Zoning Ordinance. <http://www.wrightcountysheriff.org/forms/pandz/ordinance.pdf>. Mr. Salkowski stated due to no determination of the route at the time we discussed it, he could not look at anything to determine what, if any, permitting process would be required. Mr. Salkowski requested to be informed of further development with the project.

Mr. Salkowski requested for us to contact him with any further questions or concerns.

## Appendix E.3

## Buss, Emily D.

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**From:** Tom Salkowski [Tom.Salkowski@co.wright.mn.us]  
**Sent:** Tuesday, October 09, 2007 6:07 PM  
**To:** Buss, Emily D.  
**Subject:** Re: Xcel Energy - Mary Lake 115 kV Transmission Line Project

**Follow Up Flag:** Follow up  
**Flag Status:** Purple

Emily

In light of the letter stating that the County has no say in this matter pursuant to MSS 216.10, we will defer to the PUC. So that we can properly respond to any landowners who may ask the County to intervene, please provide us with a letter that confirms that the proposed line is a "high voltage transmission line" as defined by the statute, and that the County is preempted from any permit authority by state law. I do not object to this procedure, but it is important that we properly respond to any concerns that may arise by directing landowners to the appropriate body.

Thank you.

Tom Salkowski

>>> "Buss, Emily D." <Emily.Buss@hdrinc.com> 10/9/2007 4:51 PM >>>  
Hello Tom,

Attached is a copy of the follow-up letter and map of the proposed route that was sent in the mail today regarding the Xcel Energy Mary Lake 115 kV Transmission Line Project proposed in the City of Buffalo area.

I am sending you an electronic copy to provide advanced notification about the open house scheduled for this Thursday, October 11th, 2007 from 4-7 pm at the Discovery Center 301 2nd Ave. NE, Buffalo, MN in Room 204.

I apologize for the short notice but wanted to inform you of the letter and the open house.

Please contact me with questions or comments at my contact information below.

Thanks,  
Emily

Emily Buss  
Environmental Scientist

HDR ONE COMPANY | Many Solutions  
701 Xenia Avenue South | Suite 600 | Minneapolis, MN | 55416  
Phone: 763.278.5904 | Fax: 763.591.5413 | Email: Emily.Buss@hdrinc.com

<mailto:Emily.Buss@hdrinc.com>

## Appendix E.3



Priti R. Patel  
414 Nicollet Mall, 5<sup>th</sup> Floor  
Minneapolis, Minnesota 55401  
Phone: 612.215.4546  
Fax: 612.215.4544

October 19, 2007

Tom Salkowski  
Planning and Zoning Administrator  
Wright County Planning and Zoning Office  
Wright County Government Center  
10 2nd Street NW  
Buffalo, MN 55313

Re: Mary Lake 115 kV Transmission Line Project

Dear Mr. Salkowski:

I write in response to your October 9, 2007 email to HDR, Inc. regarding the Mary Lake 115 kV Transmission Line Project proposed by Northern States Power Company (Xcel Energy), a Minnesota corporation and wholly-owned subsidiary of Xcel Energy Inc. Specifically, I write to provide the confirmation you requested that the County is preempted by State law from regulating construction of this project, as it is construction of a high voltage transmission line and Xcel Energy will be applying to the Minnesota Public Utilities Commission (Commission) for a route permit.

The Power Plant Siting Act (PPSA) governs the routing of high voltage transmission lines in the State. Minn. Stat. § 216E.01 *et. seq.* The PPSA was enacted to ensure that there is an orderly process and public participation in all stages of agency decision-making regarding the routing of high voltage transmission lines. Minn. Stat. § 216E.02. High voltage transmission lines are defined as a "conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length." Minn. Stat. § 216E.01, subd. 4. The proposed Mary Lake transmission line is a high voltage transmission line because it will be capable of operating at 115 kV and is approximately 5.25 miles long.

The Commission has the authority to issue route permits for high voltage transmission lines. Under the PPSA, if a person obtains a route permit from the Commission, the route permit has preemptive effect over local governmental bodies. Section 216E.10, subd. 1 provides:

**Subdivision 1. Site or route permit prevails over local provisions.** To assure the paramount and controlling effect of the provisions herein over other state agencies, regional, county, and local governments, and special purpose government districts, the issuance of a site permit or route permit and subsequent purchase and use of such site or route locations for large electric power generating plant and high voltage transmission line purposes shall

be the sole site or route approval required to be obtained by the utility. Such permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

Xcel Energy will be applying to the Commission pursuant to the PPSA for a route permit to construct the Mary Lake 115 kV project. Therefore, upon making such application, local regulation is preempted.

I hope this letter addresses your concerns. If you have any questions, please feel free to call me.

Sincerely,

Priti R. Patel  
Assistant General Counsel



Minnesota Department of Transportation

District 3

7694 Industrial Park Road  
Baxter, MN 56425-8096

Tel: 218/828-5700  
Fax: 218/828-5814  
Toll Free: 1/800/657-3971

May 21, 2007

Ms. Angela Piner, Environmental Scientist  
HDR  
701 Xenia Avenue South, Ste. 600  
Minneapolis, MN 55416-3636

Re: Mary Lake 115 KV Transmission Line Tap Project

Dear Ms. Piner:

Thank you for contacting Mn/DOT about Xcel Energy's transmission line project. The Highway 55 corridor is a major link between Central Minnesota and the metro area, and is slated for expansion.

Mn/DOT's long term plan for the Highway 55 corridor is to convert it from a two-lane roadway to a four-lane expressway. Funding for the highway expansion is not anticipated until the year 2015 - 2023 timeframe. Our staff has worked with local jurisdictions to identify the preferred expansion corridor and has created an official map. The map is available in an electronic format for your use.

Because there are current safety needs on the corridor, Mn/DOT is partnering with the Highway 55 Corridor Coalition to identify spot improvement projects that may be constructed ahead of the full expansion. Currently, there is a project in development to extend the four-lane section of TH 55 southeast of Buffalo through the intersection with Wright County Road 134. This project will be constructed in 2008, and falls within the area identified for Xcel's transmission line. Please contact Claudia Dumont at (320) 223-6530 for project information and mapping files.

To coordinate our projects, we need to know where the proposed transmission line will be located. Does Xcel Energy plan to acquire property rights adjacent to the Highway 55 corridor or place the transmission line within the highway right-way? Our staff would like to continue this discussion as Xcel's plans progress.

Thank you for involving Mn/DOT at this early stage of the project.

Sincerely,

A handwritten signature in cursive script that reads 'Bob Busch'.

Bob Busch  
Transportation District Engineer

cc: Claudia Dumont, Senior Transportation Planner  
Jamie Hukriede, District R/W Engineer  
Steve Voss, District Planner

**Appendix E.4**

# Telephone Record

|            |                                    |             |                                               |
|------------|------------------------------------|-------------|-----------------------------------------------|
| Project:   | Mary Lake 115 kV Transmission Line | Project No: | 41695                                         |
| Date:      | July 2, 2007                       | Subject:    | Follow-up to Bob Busch, MnDOT response letter |
| Call to:   | Claudia Dumont, MnDOT              | Phone No:   | (320) 223-6530                                |
| Call from: | Emily Buss, HDR                    | Phone No:   | (763) 278.5904                                |

**Discussion, Agreement and/or Action:**

Called and left a message with Claudia on Monday July 2<sup>nd</sup>, 2007. Claudia’s voicemail stated she was on vacation and out of the office until Monday July 9<sup>th</sup>, 2007 and would return phone calls when she returned to the office.

On July 9<sup>th</sup>, 2007 Claudia promptly returned the call and requested a copy of the map that was going out with the open house invitations to see the Mary Lake project area so she could comment on the construction projects going on in the area. Claudia explained that if the electronic copies of the construction projects in the area did not work she could send a hard copy of the projects. Claudia also requested the information not be disclosed to public since it is preliminary\*.

I confirmed the information would only be used internal to look at possible routes for the project. Claudia also stated to contact her with any further questions and for HDR to do the same.

## Appendix E.4

\*Information was provided by Ms. Dumont via e-mail on July 9, 2007 regarding highway expansion in the project area. The information was downloaded from The Highway 55 Corridor Coalition website: <http://www.highway55.org/sitepages/pid44.php>

# Telephone Record

|            |                   |             |                 |
|------------|-------------------|-------------|-----------------|
| Project:   | Mary Lake         | Project No: | 41695           |
| Date:      | 9/21/07           | Subject:    | Utility Permits |
| Call to:   | Mark Renn, Mn/DOT | Phone No:   | (320) 223-6522  |
| Call from: | Emily Buss, HDR   | Phone No:   | (763) 278-5904  |

## Discussion, Agreement and/or Action:

Initially called Mark Renn, Mn/DOT and left a message on Monday, September 14, 2007 requesting information about permits and traffic implications.

Mr. Renn returned the phone call at 6:57 am on Tuesday, September 18, 2007. He stated:

1. Permits:
  - a. 6-8 weeks, 2525 Long Form
  - b. Utility Application
  - c. Used for crossings and to parallel installations
  - d. Mr. Renn issues and sends the Permit to St. Paul and they follow the process

\*Good time to call and discuss is 12:30 – 1:00 pm between 5 am and 2:30 pm.

## Appendix E.4

# Telephone Record

|            |                       |             |                             |
|------------|-----------------------|-------------|-----------------------------|
| Project:   | Mary Lake             | Project No: | 41695                       |
| Date:      | 11/07/2007            | Subject:    | Revisions to Proposed Route |
| Call to:   | Claudia Dumont, MnDOT | Phone No:   | (320) 223-6530              |
| Call from: | Emily Buss, HDR       | Phone No:   | (763) 278-5904              |

## Discussion, Agreement and/or Action:

Initially called Ms. Dumont, MnDOT Senior Transportation Planner, and left a message about 1:40 pm on Wednesday, November 07, 2007 to find out if she had received the letter dated October 9, 2007 with the proposed route and to inform her about revisions since that letter.

Ms. Dumont returned the phone call promptly and stated:

- She had received the letter dated October 9, 2007. She had no concerns.
- Ms Buss explained about the new proposed route along 8<sup>th</sup> Street NE instead of the initial proposed route along CSAH 35 / Willems Way. After the 2<sup>nd</sup> public meeting, information was received regarding commercial development along CSAH 35 / Willems Way. After discussion, analyzing routes and impacts, and working with landowners and the City of Buffalo, the proposed route will run west along CSAH 35 and 8<sup>th</sup> Street NE.
- Ms. Dumont said this will not have an effect on her concerns. She provided contact information for Peter Buchen, MnDOT Aeronautics Engineer (651) 234.7242.
- Ms. Dumont said she would make the revision edits to the copy on file with the date.

## Appendix E.4



212 CENTRAL AVENUE  
BUFFALO, MINNESOTA 55313  
763-682-1181  
E-MAIL: generalcitypostoffice@ci.buffalo.mn.us  
WEBSITE: ci.buffalo.mn.us

June 19, 2007

RECEIVED  
JUN 20 2007  
HDR Engineering, Inc.

Ms. Angela Piner  
HDR Engineering, Inc.  
701 Xenia Avenue South, Suite 600  
Minneapolis, MN 55416

Dear Ms. Piner:

Thank you for asking for comment on the proposed Mary Lake 115 kV Transmission line project. We believe that a route that would generally follow what we have outlined in blue marker on the enclosed map would be the preferred route.

This route would be preferable for the following reasons:

- It is sensitive to the designation of Lake Mary as an "Environmental Lake" by having minimal visual impact on the Lake.
- It stays comfortably away from the protected air space of the Buffalo Municipal Airport.
- To the north, it stays along an existing overhead line corridor.

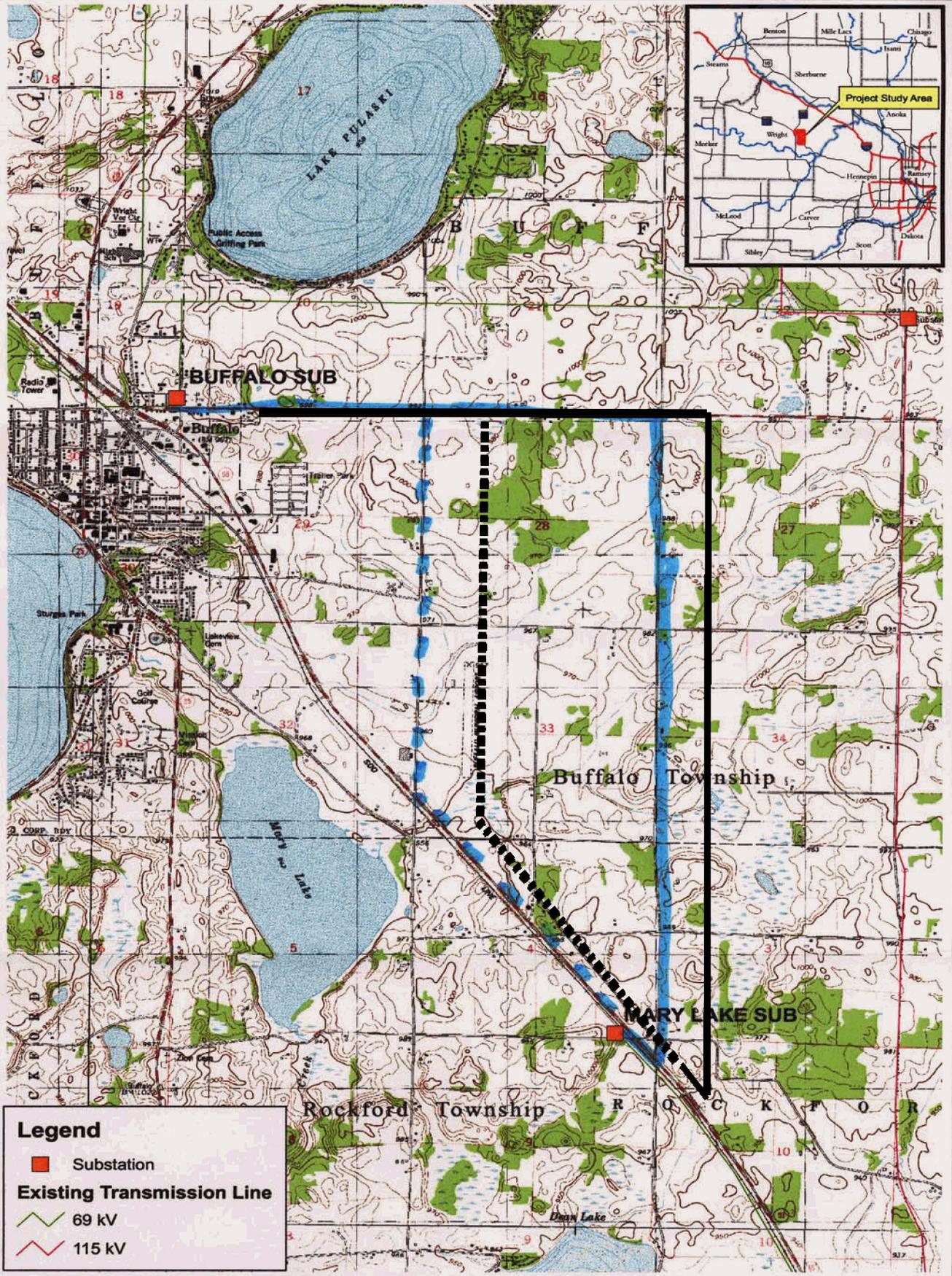
This corridor would also have minimal impact upon any proposed residential development for the City of Buffalo. A less desirable corridor would be the area marked by a blue hashed mark. This would follow along an existing Wright Hennepin overhead line. A line in this area would have much more impact upon Lake Mary and residential areas. It may also infringe on the airport clear zone easement.

Thank you for asking us for comment. If there is any other item we can help you on please feel free to contact us.

Sincerely,

Laureen Bodin  
Assistant City Administrator

**Appendix E.5**



Project Location Map  
Mary Lake Substation to Buffalo Substation Tap Project  
Xcel Energy  
Buffalo, Minnesota



October 09, 2007

Darrin,

On behalf of the City of Buffalo, we are concerned that the process has continued to the point of proposing a transmission corridor without seeking comment. We are concerned about the lack of communication, and request that in the future, we are better informed about the design process within the city limits.

Even though we are in agreement regarding the need for transmission upgrading and increased capacity, the current proposed routing along the new CR 35, marked (DD2), is unacceptable. For the record, we intend to publicly object to the proposed design. This road was designed to spur commercial growth along this corridor and your transmission placement in essence would destroy the city's development plans. As an alternate, to the proposed (DD2) section of transmission, we would like to recommend following the old CR 35 corridor continuing in a straight line to the Buffalo Substation.

As we have discussed, before we can approve the tentative transmission line routing, several issues need to be addressed;

- Tentative sites for a 115 KV substation including transmission design allowing for integration prior to the voltage upgrade from 69KV to 115 KV.
- An agreement for service territory along the transmission corridor in order to utilize the proposed distribution substation and to insure reliability standards during the upgrade of the existing 69 KV Buffalo Substation to 115 KV.
- An evaluation of the existing 69 KV transmission line from Buffalo Substation to Pulaski Substation.

Sincerely,

Joseph O. Steffel  
City of Buffalo  
Utilities Director  
office 763.684.5422  
fax 763.684.5472  
[joseph.steffel@ci.buffalo.mn.us](mailto:joseph.steffel@ci.buffalo.mn.us)

**Appendix E.5**



October 10, 2007

Angela Piner  
Environmental Scientist  
HDR Engineering  
701 Xenia Avenue South  
Minneapolis, MN 55416 – 3636

RE: Buffalo – Xcel Energy Mary Lake 115kV Transmission Line Tap Project  
FILE NO: 137.03 -- 07.16

Dear Ms. Piner:

I serve as the City of Buffalo's consulting City Planner. I have recently been made aware of the above proposed project, as well as a public open house that will be held tomorrow afternoon. I am unable to attend the open house meeting, but would like to offer a couple of comments in regard to the proposal.

The route being proposed follows County State Aid Highway 35 from an indeterminate location east to a turning point at Dague Avenue NE. The westernmost portion of this route, labeled "DD2" on an aerial map provided by Xcel, follows the CSAH 35 route through an area identified for new commercial development in Buffalo's Comprehensive Plan. Between CSAH 35 and the Buffalo Power Substation, the route is labeled as "undetermined".

These particular areas – both the CSAH 35 section and any route chosen to connect to the Buffalo Substation – are planned for a high-amenity commercial center, with significant landscaping and tree cover and high-value buildings. I would have a concern that the 115kV Transmission lines, and particularly the poles, would not be compatible with the land use plans for this area.

An alternative route from the Buffalo Power Substation exists by following 8<sup>th</sup> Street N, bypassing the "DD2" section altogether. A superior option would be to construct this section underground, in which case no issues are likely to be seen with either route option.

A second, related comment is that according to Buffalo's Zoning Ordinance, Section 11.28 Subd. 4, overhead power transmission lines of greater than 33kV are required to receive a Conditional Use Permit according to the terms of the ordinance, including a

public hearing at the Planning Commission, and consideration of approval or denial by the City Council. One of the requirements of any Conditional Use Permit is consistency with the Comprehensive Plan which, as I have noted, may be difficult to demonstrate. You should also be aware that underground facilities may be permitted by the City's Engineer without a Conditional Use Permit or public hearing.

You can find a copy of the relevant zoning ordinance language at [www.ci.buffalo.mn.us](http://www.ci.buffalo.mn.us) and follow links to Section 11 of the City Code. If you have any questions in this regard, please do not hesitate to contact me at your convenience. Thank you.

Sincerely,

NORTHWEST ASSOCIATED CONSULTANTS, INC.

Stephen W. Grittman, J.D., AICP  
Principal

cc: Laureen Bodin, City of Buffalo  
Emily Buss, HDR

# Telephone Record

|            |                                                   |             |                                        |
|------------|---------------------------------------------------|-------------|----------------------------------------|
| Project:   | Mary Lake                                         | Project No: | 41695                                  |
| Date:      | 10/25/07                                          | Subject:    | Utility Expansion along Proposed Route |
| Call to:   | Paul Johnson, City of Buffalo<br>Utility Engineer | Phone No:   | (763) 682-5370                         |
| Call from: | Emily Buss, HDR                                   | Phone No:   | (763) 278-5904                         |

**Discussion, Agreement and/or Action:**

Initially called Paul Johnson, Utility Engineer, City of Buffalo and left a message about 2:00 pm on Thursday, October 25, 2007 requesting information about the planned expansion for utilities in the area along the proposed route including wastewater and water treatment facilities, water, sewer, etc.

Paul Johnson returned the phone call on Friday, October 26, 2007 at 9:09 am. He stated:

- He spoke with Joe Steffel about the proposed route of the project and the only comment Mr. Steffel had was regarding the potential substation the city would like to construct, near Buffalo High School and that would not interfere with the proposed project.
- He also stated there are no other facilities along the proposed route and the Waste Water Treatment Facility is located south of the City along Highway 25 and is being expanded right now and is not in the area of the proposed project.

## Appendix E.5



CITY OF BUFFALO, MINNESOTA

212 CENTRAL AVENUE  
BUFFALO, MINNESOTA 55313  
763-682-1181  
E-MAIL: [generalcitypostoffice@ci.buffalo.mn.us](mailto:generalcitypostoffice@ci.buffalo.mn.us)  
WEBSITE: [ci.buffalo.mn.us](http://ci.buffalo.mn.us)

November 9, 2007

Mr. Darrin Lahr  
8701 Monticello Lane  
Maple Grove MN 55369

Dear Mr. Lahr:

We find that the proposed 8<sup>th</sup> Street NE alignment of the new Xcel Transmission line to be consistent with the City Comprehensive Plan and future infrastructure design. The City Comprehensive Plan calls for development of commercial properties along this corridor. As you can see by Attachment One, our plan calls for Commercial Spaces, open space, and some low density residential setback from 8<sup>th</sup> Street NE.

The City of Buffalo feels that the 8<sup>th</sup> Street NE route fits in with the City's long term plan for a second substation. This route is consistent with the preliminary thoughts we have had for this second facility and would result in reduction of expenses and reduce duplicate transmission infrastructure.

The City will work closely with Xcel on right of way issues. 8<sup>th</sup> Street NE is a former County State Aid Road that was turned back to the City after construction of the new route for County Road 35. There is excess right of way that could easily be used for the transmission line. In addition, it would be built along the same corridor as the existing City of Buffalo distribution line.

The City of Buffalo wholeheartedly supports the 8<sup>th</sup> Street NE Corridor. We find it fits in perfectly with our long term plans and development efforts. We encourage Xcel to build within this corridor.

Sincerely,

Fred Naaktgeboren  
Mayor, City of Buffalo

*District 5*

District 5 encompasses the undeveloped areas south of Lake Pulaski, including a residential designation to the north of County Highway 35 and 8<sup>th</sup> Street NE, and commercial designation of the lands astride the County Highway, south of 8<sup>th</sup> Street. The plans illustrate the preference for an area of open space along the 8<sup>th</sup> Street alignment, continuing the uncluttered viewshed along County Highway 35 that is also a part of the parkway design.

The low density residential designation infers densities up to 3.0 units per acre. Given the proximity of this area to the future alignment of the Griffing Park Road and 8<sup>th</sup> Street NE, some additional medium density may be appropriate, subject to the City's heightened expectations for architectural and site planning quality. Overall density in this area should not exceed 4.0 units per acre, presuming the introduction of some medium density development.

The City conducted a special study for the commercial land south of 8<sup>th</sup> Street, known as the CSAH 35 Design Study. Included in that study were a conceptual land use and development plan, and a set of development standards for use in the district. That study and those standards are incorporated into this Plan by reference.

