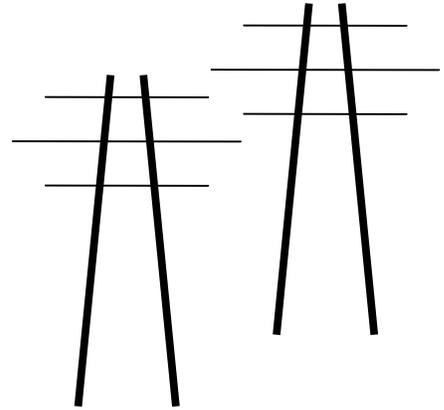


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June 3, 2011

Kathleen Sheehy, ALJ
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

RE: Surrebuttal Testimony and Exhibits of North Route Group
CapX 2020 Hampton-LaCrosse Transmission Project
PUC Docket TL-09-1448; OAH Docket# 3-2500-21181-2

Dear Judge Sheehy:

Enclosed for filing please find Surrebuttal Testimony and Exhibits I and J of North Route Group.

Very truly yours,

A handwritten signature in cursive script that reads "Carol A. Overland".

Carol A. Overland
for
North Route Group

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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE ROUTE PERMIT
APPLICATION FOR THE CAPX2020
HAMPTON – ROCHESTER – LA CROSSE
345 KV TRANSMISSION LINE

OAH Docket 3-2500-21181-2
PUC Docket E002/TL-09-1448

REBUTTAL TESTIMONY OF
SUZANNE ROHLFING AND STEPHEN HACKMAN
FOR
NORTH ROUTE GROUP

June 3, 2011

- Q: Please state your names.**
- A:** We are Suzanne Rohlfing and Steve Hackman, founding members of the North Route Group.
- Q: Have you previously provided testimony in this proceeding?**
- A:** Yes, we provided direct testimony in this proceeding on behalf of the North Route Group.
- Q: Have you reviewed the testimony provided by other parties in this docket?**
- A:** Yes. In alphabetical order, we'll begin with the testimony of Jeffrey Broberg.
- Q: What do you take issue with in Mr. Broberg's testimony?**

1 **A:** First, beginning on p. 4, Mr. Broberg lays out four main points, all of which the
2 North Route Group takes issue with. As to his first point, he states that “many of the
3 environmental characteristics ... are relatively similar between and among the Modified
4 Preferred Route, Alternative Route and the Route Option,” but what we’ve reviewed tells
5 another story, that these routes are very different, with differing quantities and qualities
6 of environmental characteristics. The proliferation impacts are readily apparent in the
7 DEIS. See DEIS MAP 8.3-39, Transportation Map. For more examples of the differing
8 quantities and qualities, see DEIS Maps 8.3-35 Rare and Unique Resources/Critical
9 Habitat; Map 8.3-40, Recreational Map; Map 8.3-37, Water Resources; DEIS Figure
10 8.3.4.6-1 Summary of DNR Plant communities and MCBS Sites of Biodiversity
11 Significance within Right of Way of Each Route Alternative – Segment 3; Figure 8.3.4.8-
12 2, Acres of Forested and Non-Forested Wetland within proposed Right of Way of Each
13 Route Alternative; Figure 8.3.4.4-1, Land Cover Types Along Each Route Alternative –
14 Segment 3; Figure 8.3.4.10-1 Number of Archeological Sites within one-half mile of
15 Each Route Alternative – Segment 3; Figure 8.3.4.12-1 Acres of RJD Forest in 1,000
16 Foot Route Width – Segment 3; NRG Exhibit G, Slope Map. When the entire route is
17 considered, including the Modified Preferred and the alternate parallel corridor along
18 Highway 42, the route options are much more similar than if only the corridor options
19 west of Hwy. 42 are considered. West of Hwy. 42, as supported by the maps and figures
20 referenced, there are significant differences in the many criteria and factors under
21 consideration in routing.

22 **Q:** **Are there other points in Mr. Broberg’s testimony you wish to address?**

1 **A:** Yes. Another important point is Mr. Broberg’s focus on “trends” in land-use,
2 which is off point because trends in land-use is not a criteria for siting. As Xcel’s Tom
3 Hillstrom states:

4 *While the effect on land-based economies is one of the 14 factors listed in*
5 *Minnesota Rule 7850.4100 that must be evaluated when selecting a route,*
6 *this factor has, to my knowledge, never been interpreted to require a*
7 *comparison of the taxable value of properties within each route alternative.*
8 *Mr. Broberg’s interpretation would also result in favoring affluent counties*
9 *and neighborhoods at the expense of less affluent counties and*
10 *neighborhoods.*

11
12 **Q: Do you take issue with Mr. Broberg’s focus on development patterns and planned**
13 **future land-use?**

14 **A:** Yes. As Mr. Broberg testifies, land-use plans in Olmsted County do promote
15 future development, whereas land-use plans in Wabasha County do promote preservation
16 of current uses. These are distinct focuses, and to the extent that local plans are
17 considered in this routing proceeding, it is important to note that in promoting
18 preservation, the Wabasha County land-use plan facilitates non-proliferation, and that the
19 Olmsted County land-use plan is promoting development, which in turn generates
20 increased need for infrastructure, which is compatible with transmission development.

21 In addressing “human settlement,” Broberg focuses on “parcels,” which is not a
22 criteria of routing, and the discussion doesn’t address the humans. This is a case of
23 Wabasha County’s land-use policy promoting preservation versus Olmsted County and
24 Oronoco Township’s land-use policy promoting development. What’s most disturbing
25 about this is that the Township wants to develop its own area, which it encourages in its
26 land-use plans, but in doing so, the Township doesn’t take responsibility for development
27 by hosting infrastructure-- they’re not only degrading their land, but are attempting

1 through land-use policy, shirk the burdens of development, and to denigrate our land by
2 deflecting infrastructure over to the Alternate North Route. Wabasha County is taking
3 active measures to maintain the land-use and culture of the area, and utility infrastructure
4 is not compatible with land preservation.

5 **Q: Do you have any comments about Mr. Broberg's fourth point?**

6 **A:** Yes. Mr. Broberg has a narrow view of sites and forms of recreation, focused on
7 motorized and commercial activities. Motorized recreation occurs on Lake Zumbro, but
8 this focus on motorized activity that predominates on Lake Zumbro fails to take into
9 account the significantly different popular recreational activities and opportunities that
10 the Zumbro River affords.

11 **Q: Are there specific points in William Smith's testimony that you take issue with?**

12 **A:** Yes, we are particularly concerned that Smith's testimony takes into account only
13 two of the many routing factors that the Commission is to consider. First, in looking at
14 "human settlement" Smith relies heavily on "planned future" development, which is no
15 more than wishful thinking. Smith also expands the distance parameters to 1,350 feet, or
16 a one-half mile corridor. His selection of 1,350 feet for analysis. is apparently based on
17 visibility over distance where trees have no leaves, a condition present everywhere
18 transmission is sited in Minnesota, not only in Oronoco Township. This approach does
19 not address variation in elevation of pole placement over distance, distinctions in variety
20 and harmony, such as transmission in developed areas versus forested lands, man-made
21 infrastructure versus natural environment and landscape, and over hilly terrain versus flat,
22 and visual impact mitigation available, as seen in the DEIS section 7.3.1, Visual and
23 Aesthetic Impacts; Exhibit G, slope map; and Hillstrom Rebuttal, p. 2-5, Schedule 15;

1 and Xcel's Google Earth. There will be increased visual impacts on the Alternative
2 North Route because of the prevailing natural landscape elements and minimal human
3 modifications to this landscape, such as infrastructure, presenting scenarios where there is
4 more impact because there is greater contrast.

5 **Q: What other issues stand out regarding Smith's testimony?**

6 **A:** As Mr. Broberg did with "parcels," Mr. Smith has expanded criteria to include not
7 only residences but "structures." This criteria is not found under the Power Plant Siting
8 Act. Further, structures are consistent with development and transmission infrastructure.

9 The Applicants have declared their Modified Preferred route, and Applicant
10 testimony regarding corridor presence and lack thereof has been clear and mindful of the
11 PEER policy of non-proliferation and the statutory guidance that corridors be used.

12 Others have pointed this out as well, including the Nature Conservancy, which in its
13 DEIS Comment noted that they "strongly recommend the final alignment avoid such
14 habitat and be co-located within the rights of way of existing highways, roadways,
15 railroads, and/or utility easements..." Attached as Ex. __, NRG Exhibit I, is a true and
16 correct copy of the DEIS Comment Letter of the Nature Conservancy dated April 28,
17 2011.

18 **Q: Are there other terms and issues that require clarification?**

19 **A:** Yes. The DEIS and Testimony of Broberg and Smith define agriculture narrowly,
20 more narrowly than a defined in the Wabasha Land-Use plan, and fails to include
21 agriculture-zoned forests, which would suffer significantly increased impacts than land
22 used for traditional crops such as corn and beans.

23 **Q: Do you have other comments?**

1 **A:** Yes, in looking at the dates of the township February 2011 Zoning Ordinance and May
2 2007 Subdivision Ordinance, the CapX 2020 Certificate of Need application (PUC
3 Docket 06-1115) predates both Ordinances, and the CapX 2020 Hampton toLaCrosse
4 Transmission Line Routing application (PUC Docket 09-1448) predates the February
5 2011 Zoning Ordinance.

6 **Q: Are there any factual errors you wish to correct?**

7 **A:** Yes. On page 11 of his testimony, Mr. Broberg states that “Lake Zumbro is the only lake
8 in Olmsted County,” and that is not correct. The Minnesota DNR lists 16 recreational
9 lakes¹, although Lake Shady must be removed since that dam failure and due to future
10 plans to preserve that area as a wetland.

11 **Q: Do you have any comments regarding the Applicant’s Rebuttal Testimony?**

12 **A:** Yes. In the Rebuttal Testimony of Tom Hillstrom, p. 7, l. 4-15, he addresses our
13 concerns regarding use of chemical treatment for vegetation management, but we would
14 like more information on use of chemicals, identification of chemicals, and whether they
15 are specifically targeted to noxious and invasive species and their impacts on native
16 purposefully cultivated species. Chemicals applied on the right of way on the ground can
17 spread beyond the right of way with the wind, or misdirection of the applicator, and
18 although easement holders may specify that chemicals may not be used, neighboring non-
19 easement holders have no power or discretion regarding easement maintenance.

20 Chemicals used to maintain the easement are used to control growth of
21 vegetation. Easement land and land neighboring easements, is commonly used to grow

¹ See DNR’s “Lake Finder” for Olmsted County, available at: <http://www.dnr.state.mn.us/lakefind/index.html>

1 vegetation. These activities are obviously not compatible. In addition to the forests and
2 forestry issues addressed in NRG Direct Testimony, there are many fruit orchards in
3 Wabasha County. Attached as Exhibit ____, NRG Exhibit J, is a true and correct copy of
4 the Wabasha County Comprehensive Plan, showing as agricultural land forests and fruit
5 orchards. To the extent that local land-use plans are relevant, it's important to note the
6 specific anticipation of varying agricultural crops such as forests and fruit trees specified
7 by the County in its plan.

8 **Q:** **Does this conclude your testimony?**

9 **A:** Yes.

Exhibit I

DEIS Comment Letter of the Nature Conservancy dated April 28, 2011

April 28, 2011

Matthew Langan, State Permit Manager
Minnesota Office of Energy Security
Energy Facility Permitting
85 7th Place East, Suite 500
St. Paul, MN 55101-2198

Re: TL09-1448 - In the Matter of the Application by Xcel Energy for a Route Permit for the Hampton-Rochester-La Crosse 345 kV and 161 kV Transmission Line Project

Dear Mr. Langan,

The Nature Conservancy has reviewed the draft Environmental Impact Statement for the Hampton to Rochester to La Crosse 345 kV and 161 kV Transmission Lines Project. I am writing this letter to provide a few general comments about potential impacts to valuable natural resources that occur on the Minnesota side of the above listed proposed project.

The mission of The Nature Conservancy is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. In southeast Minnesota, The Nature Conservancy has identified the confluence of the Zumbro and Mississippi Rivers and the sand delta that formed behind it as a high priority conservation area for its characteristic sand dunes, dry sand prairie and many rare species that occur there. The Conservancy refers to this area as the Weaver Dunes-Zumbro Delta conservation area, a place where we currently own and manage approximately 820 acres in Minneiska Township, Wabasha County.

A top concern about the final ROW alignment for the 345 kV line is that it will further and permanently fragment remaining blocks of forests, prairie, grassland and wetland that may intersect or fall within the full length of its alignment, leading to reduction in area and an increase in edge effect (refer to pg. 45- 46 of draft EIS for summary of edge effect). We strongly recommend the final alignment avoid such habitat and be co-located within the rights of way of existing highways, roadways, railroads and/or utility easements, other than where federal-listed or state-listed threatened or endangered species, state-designated railroad prairies, Sites of Biodiversity Significance or any other rare and unique natural resources occur within those rights of way.

One exception to the above recommendation is that the final ROW alignment should not be located within the existing ROW that cuts across McCarthy Lake Wildlife Management Area. We would prefer that it be diverted around this protected area to avoid creating new temporary and permanent impacts to the habitat of one of the largest Blanding's turtle population in Minnesota that inhabits this important wetland complex.

The spatial impacts of and the disturbance associated with the installation and maintenance of transmission lines and structures often extend beyond the actual infrastructure and can cause the

introduction and spread of invasive species into native habitats. During the construction and installation stages of this project, we encourage Xcel Energy and its regional partners to adopt the best management practices outlined in Section V of Operational Order 113 developed by the Ecological Resources Division of the Minnesota Department of Natural Resources to avoid the unintended introduction and spread of invasive species caused by the movement of materials and equipment during construction or maintenance of these transmission lines.

Lastly, the Conservancy is also concerned that an additional high voltage transmission line crossing the Mississippi River will lead to an increase in avian mortality as this is a major migratory bird flyway. We are pleased that the applicants are working in cooperation with the U.S. Fish and Wildlife Service to design structures that will minimize the heights of structures and numbers of horizontal planes crossing the river to help reduce this hazard to migratory birds.

Thank you for the opportunity to comment on this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret Ladner".

Margaret Ladner
State Director

The Nature Conservancy
Minnesota/North Dakota/South Dakota Chapter

Exhibit J

Wabasha County Comprehensive Plan

Comprehensive Land Use Plan for Wabasha County, Minnesota

Adopted by the Wabasha County Board of Commissioners
August 4, 1998

Acknowledgments

The County Board and the Consultants would like to acknowledge the valuable contribution to the planning process made by the many citizens who attended public meetings, the members of the Steering Committee who guided the process, County staff who provided information and assistance, and the University of Minnesota College of Architecture and Landscape Architecture for providing detailed Geographic Information System maps.

Steering Committee Members

John Adams
Dave Andrist
Doug Beisell
John Brinkman
Donna Christison
William Degnan
Eugene Eversman
Rueben Gary
Richard James
Delmar Liebenow
Robert Marshman
John Moechnig
Mike Molloy
Roger Nelson
Merl Norman
James Poncelet
Mary Rivers
Tim Sanborn
John Schouweiler
Neil Stehr
Tine Thevenin
Peggy Thomas
Timothy Zabel

Wabasha County Board of Commissioners

Harold Hoffman
David McKenzie
James Poncelet
John Schouweiler
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Wabasha County Staff

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William W. Pfeilsticker, County Treasurer
Chris Schuster, Administrative Assistant
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1. Introduction

What is a Comprehensive Land Use Plan?

All sizes of communities make decisions about how to live together. Families hold values and set rules for living together in a household. Churches and social groups establish guidelines for how to interact with each other. Larger communities such as cities and counties also establish guidelines for how to live together and grow as a community. Guidelines established by these larger communities about how community members use land and other resources are called comprehensive land use plans.

These guidelines, or comprehensive land use plans, are a way for a community to shape its future. What happens in the future depends on the decisions we make today as individuals and as a community. Planning for the future is an attempt to influence what our community will look like in the future. We plan for the future in order to maintain a community that reflects the values we hold as a community.

The *Wabasha County Comprehensive Land Use Plan* is the result of a year long planning process. It is the guide for land use decisions in Wabasha County for the next twenty years. The Plan sets forth policies for land use and development in Wabasha County, it does not set forth what every future decision will be. Elected officials, county staff and citizens will make day-to-day land use decisions based on the general policies and suggested implementation tools in this document.

How to Use the Comprehensive Land Use Plan

The Land Use Plan is not a static document. The Land Use Plan should be constantly used and referred to by County staff and elected officials in all decisions that concern land use. By using and referring to the plan, any inadequacies, changed assumptions, or needed additions will be noticed and amendments should be made. The Plan should be reviewed in whole every two years in order to update the Plan and make amendments.

How was the Wabasha County Comprehensive Land Use Plan prepared?

Wabasha County has never before adopted a comprehensive land use plan. The County Board of Commissioners felt the best way to develop a plan was with the involvement of the citizens of Wabasha County. In 1997, the County hired a consultant to implement a planning process that included a high level of public involvement. The *Wabasha County Comprehensive Planning Process* diagram on the next page illustrates the three phased process used to develop the Wabasha County Comprehensive Land Use Plan.

The process was guided by a Steering Committee consisting of private citizens and representatives from township boards, the Wabasha County Planning Commission, and the County Board. Four public meetings were held at critical stages in the process. The public meetings were forums for identifying important issues, presenting background information, evaluating conceptual policies, and commenting on the final plan.

At the final Steering Committee meeting on June 18, 1998, twenty-one policies and possible implementation tools were considered. The Steering Committee voted to recommend the policies and possible implementation tools to the County Board for adoption. The Wabasha County Board received the Final Draft Comprehensive Land Use Plan at its meeting on July 21, 1998. The Comprehensive Land Use Plan was adopted at the Wabasha County Board meeting on August 4, 1998.

Major issues of concern to Wabasha County citizens

Based on input from the Steering Committee and 120 citizens at the first public meeting, the following list of issue areas were identified as most important in Wabasha County. This list was confirmed at the second public meeting.

1. The protection of private property rights.
2. The conflicts caused by non-farm residential development in agricultural areas of the County.
3. Environmental issues including concerns about water quality, steep slope development, feedlot development and blufftop development.
4. The amount of land held and continued acquisition of land in Wabasha County by the Minnesota Department of Natural Resources.

The issues apply to a greater or lesser degree in different areas of the County. For example, conflicts caused by non-farm residential development are primary in agricultural areas of the

insert process diagram

County but are not a major concern in marginal agricultural areas along the Zumbro River. Recognizing this fact and recognizing the difference in land forms and current land uses across the County, a map was created that defines four geographic regions within the County. This map, *The Wabasha County Comprehensive Plan Map*, is included following page 12.

General policies were developed to address the issues within each geographic region. Those policies are contained in Chapter 3 of this plan. Following each policy are possible implementation tools that could be used to achieve the policies. The implementation tools are suggestions. The Wabasha County Board of Commissioners will choose over the course of time how to implement the policies.

2. Background Information

This Chapter presents a summary of the background information that was collected during the development of the *Wabasha County Comprehensive Land Use Plan*. Background information on demographics, natural resources, land use and transportation was collected by Wabasha County staff. Maps illustrating land use and land forms in Wabasha County were produced by the University of Minnesota College of Architecture and Landscape Architecture. The consultant team interviewed representatives of cities and surrounding counties to gather information on planned uses for land within these jurisdictions. The background information and maps were used by the Steering Committee and at public meetings as a basis for discussing future land use in Wabasha County.

Wabasha County is one of the nine original counties created by the territorial legislature of Minnesota in 1849. It is located in southeastern Minnesota and is bordered on the east by the Mississippi River. The land area of Wabasha County is approximately 525 square miles. Wabasha County has seventeen organized Townships, nine incorporated cities, and two unincorporated villages. The *Wabasha County General Highway Map*, following page 6, shows township boundaries, cities, roadways and major natural features.

Demographics of Wabasha County

Population projections for Wabasha County indicate moderate growth over the life of this Plan. In 1990, the U.S. Census estimated 19,744 people lived in Wabasha County. According to data from the Minnesota State Demographer's office, a population increase of 1,286 people is expected between 1995 and 2020. Using a ratio of 2.67 people per household, this population increase will result in 481 new households. The following table shows historic population increase in Wabasha County.

Year	Total Population	% Change
2020 est.	21,030	6.5%
1990	19,744	2.1%
1980	19,335	12.3%
1970	17,224	1.3%
1960	17,000	N/A

Since 1940, rural population in Wabasha County has become increasing nonfarm rural residential.. In 1990, 51% of the County's total population were non-farmers living in rural areas. Only 15% of the 1990 population were farmers. People living in urban areas comprised 34% of the 1990 population.

Reflecting national trends, Wabasha County's population is projected to age. Age cohorts over 40 are projected to increase in total numbers while age cohorts under 40 will decrease.

Economic Development in Wabasha County

According to 1992 data, Wabasha County's per capita personal income was \$17,541, ranking 25th among the 87 counties in Minnesota.

U.S. Bureau of Economic Analysis labor force projections through the year 2020 show increases in the overall labor force in Wabasha County. Employment in the government sector is expected to remain steady. Employment in the private sector is expected to increase slightly with fastest growth in service jobs. A recent trend has been the rise in the number of workers leaving Wabasha County to travel to jobs in Rochester and southern areas of the Twin Cities Metropolitan Region.

Nonfarm business owners have outnumbered farm owners since 1972, showing an increase since 1969 while the number of farm owners has slowly decreased. Employment by farm versus nonfarm shows a similar pattern. Information from the Census of Agriculture shows that the number of farms and the total land acres in farming have steadily decreased since 1954, while the average farm size has increased.

Several economic development associations are active in Wabasha County, including: several city Chambers of Commerce and the Main Street Wabasha organization; the Wabasha County Community Development Corporation; Economic Development Commissions in the cities of Wabasha and Plainview; and Mississippi Valley Partners, a regional economic development initiative involving businesses and communities surrounding Lake Pepin, including the cities of Wabasha and Lake City. These groups recruit new businesses and provide support for existing businesses.

Natural Resources in Wabasha County

Wabasha County is located in a *Karst* topography region. *Karst* regions are characterized by rock outcrops, exposed bluffs, sandplains and rugged topography. Soils are generally thin and drain quickly.

Two major natural resource features in Wabasha County are the Lower Zumbro and Mississippi Rivers. The Mississippi forms the eastern boundary of Wabasha County with Lake Pepin at the northern portion of this boundary. The Lower Zumbro River runs from the southwest corner through the center of the County. Steep slopes rising nearly 500 feet from the bottom lands to higher farming areas are characteristic of both the Zumbro and Mississippi Rivers.

The Minnesota County Biological Survey, completed in 1997, identified 127 potential natural areas in Wabasha County. The County Biological Survey by the Minnesota Department of Natural Resources is a systematic inventory of rare biological features. Most of the potential natural areas in Wabasha County are concentrated along the bluffs and floodplains of the Zumbro and Mississippi Rivers. The Survey found that some of the best tracts of dry prairie, wet meadow, emergent marsh and floodplain forest in southeastern Minnesota occur in the Weaver Dunes-McCarthy Lakes-Zumbro Bottoms area.

The *Wabasha County Land Form/Land Use Composite* map, following page 8, illustrates county-wide information on the location of the following natural features:

- forested land
- water and wetlands
- steep slopes
- upland
- valley lands
- Mississippi Terrace lands

This map was created using Geographic Information System data by the University of Minnesota College of Architecture and Landscape Architecture. The map creates a portrait of Wabasha County as large contiguous areas of upland dramatically cut by the Zumbro and Mississippi Rivers.

Wabasha County completed a Comprehensive Local Water Plan in 1990. All watersheds within Wabasha County drain rapidly into streams and rivers. The watershed of the Lower Zumbro River covers nearly all the County except narrow bands in the east near the Mississippi and in the southeast near the Whitewater River.

Wabasha County has developed and adopted Shoreland and Floodplain Zoning Ordinances which control the type and location of development within shoreland and floodplain areas.

Transportation System in Wabasha County

The largest transportation system in Wabasha County is the County's roadway system. Transit services (school buses and an elderly transportation program) and bicycle/pedestrian trails rank second and third, respectively. Wabasha County's highways consist of a generally continuous and linked system of roads, including a principal arterial (Trunk Highway 61), minor arterials, and major and minor collector roads. See the *Wabasha County General Highway Map* following page 6, for roadway hierarchy.

Because of Wabasha County's rugged topography, straight-line east/west and north/south roadway alignments were not always feasible. Major roadways historically have been constructed on a northeast to southwest orientation along bluff lines, over waterways, and through valleys. This has resulted in some narrow, steep, and very scenic roads.

Roads within Wabasha County are used primarily for commuter and industrial/agricultural traffic. In addition, there are several popular scenic tourist routes along the Zumbro and Mississippi Rivers. Traffic volumes are estimated by the Minnesota Department of Transportation to increase at an average rate of 2% per year.

The Wabasha County Engineer periodically updates and implements a Five-Year Transportation Plan. This plan identifies issues on a road segment basis, identifies appropriate implementation schedules and funding sources, and programs future road maintenance and improvement.

One goal of the current plan is to upgrade the transportation system within incorporated areas of the County in order to attract residential development. Another concern of the current plan is the condition of the County's many bridges. Some have reached the end of their useful life, while others have inadequate clearances for farm machinery.

Transportation issues were not of major concern during the Comprehensive Planning Process. The Plan policies, therefore, do not address specific transportation issues. It was generally felt that the County is already adequately addressing transportation and road quality issues in its Five-Year Transportation Plans. The location of residential development according to the policies in Chapter 3 will need to be considered in future transportation plans.

Land Use in Wabasha County

Land use is defined as activities by people that change the natural features of the land. The *Wabasha County Land Form/Land Use Composite* map, following page 8, illustrates county-wide information on natural features which relate to land use.

Agriculture is the most predominant land use in Wabasha County. Agricultural activities include: dairy farming, row and vegetable crops, fruit trees, pastures and hay, and forestry. Chester, Gillford, Elgin and Plainview Townships are nearly all upland that is in agricultural production. Over 15,000 acres of land are enrolled in the Conservation Reserve Program.

Because of the desirable landscape in Wabasha County and its location near Rochester, a recent trend has been the development of nonfarm residences in historically farmed areas. Areas near Lake Zumbro, and the Zumbro and Mississippi Rivers have also seen recent increases in development. The total for residential permits for new construction or mobile homes in Wabasha County doubled from 32 in 1994 to 65 in 1996. Nearly all residential development outside of incorporated cities are served by individual well and septic systems.

Recreation is a significant land use in Wabasha County. Recreational activities center on the Zumbro River, the Mississippi River and DNR managed lands. Recreational activities include: fishing, hunting, canoeing, tubing, snowmobiling, walking on trails, bicycling, horseback riding, use of off-road vehicles, and skiing. An estimated 4,500 canoers use the Lower Zumbro River each year.

The state of Minnesota owns over 16,000 acres of land throughout Wabasha County for recreational and forestry purposes. The largest land holdings are concentrated in the southeastern quarter of the County. Minneiska Township is nearly %75 publically owned land. Glasgow, Watopa, Wabasha, Greenfield, Lake and Pepin also have significant public ownership.

The wide variety of fish species in the Zumbro River and several designated trout streams attract many anglers. According to the DNR, over 4500 canoers use the South Fork of the Zumbro River each season. There are currently two canoe outfitters in Wabasha County serving the Zumbro River. Snowmobile trails throughout Wabasha County are maintained by private clubs, the County and the DNR. Trails connect run nearly the entire length of the Zumbro River and connect most of the towns in Wabasha County.

Recreational use of land in Wabasha County sometimes conflicts with private landowners privacy rights. Canoeists sometimes put-in and come out on private land instead of public access points. Hunters on DNR land sometimes cross over onto private land.

Nonfarm commercial and industrial activities occur primarily within incorporated cities with a few industrial operations located immediately adjacent to cities but within the township. Most industrial activities are on municipal sewer and water, however, a few are on individual septic systems.

Wabasha County has never adopted a comprehensive land use plan, however, ordinances and regulations affecting land use have been adopted. Wabasha County has a Shoreland Ordinance which prohibits the building of new structures within 300 feet of major rivers and lakes. The County also has a Floodplain Ordinance regulating activities within defined floodplains. Other County land use ordinances include: subdivision, mobile home, and health regulations; manufactured home park and recreational camping area ordinance; water quality ordinance; solid waste disposal ordinance; and septic system regulations.

Seven townships have existing comprehensive plans and/or zoning ordinances. Seven cities within Wabasha County have comprehensive plans and/or zoning ordinances. These plans and ordinances range widely in their scope and detail.

3. Land Use Policies and Possible Implementation Tools

Policies

This Chapter of the Wabasha County Comprehensive Plan presents the land use policies developed during the planning process. Policies are statements indicating a desired course of action. Policies offer guidance for decision makers about what land uses should occur in what areas of the County. The policies in this Plan address the issues of primary concern (see page 3 for the list of primary issues) to Wabasha County citizens and emphasize retaining historical and traditional land uses within each area of the plan.

Geographic Areas

The policies are organized around four geographic areas as illustrated on the *Wabasha County Comprehensive Plan Map* following page 12. The four geographic areas are:

- Agricultural Area
- Common Interest Areas
- Lower Valley Area
- Upper Valley Area

These four geographic areas were chosen based on the land use and land form mapping completed during the background phase of the process. The issues confronting each area vary with some overlap.

Possible Implementation Tools

Each policy statement of the plan is followed by a list of possible implementation tools. The implementation tools listed represent the range of tools available to Wabasha County to achieve the stated policy. Not all tools will be chosen for use in Wabasha County. It is up to the elected officials, particularly the County Board of Commissioners, to choose which tools will be pursued during the life of this Plan.

Possible Implementation tools range from **encouraging private action** to **providing incentives for private action** to **regulating action**. With **tools that encourage private action**, the party responsible for implementing the tool is the landowner or county resident. With **tools that**

provide incentives or rewards for private action, there is cooperative implementation between a citizen and a government agency. The citizen chooses whether or not to pursue the incentive and the government agency provides the incentive. **Tools that are based on regulation** require citizens to act within defined boundaries. A government agency is responsible for implementing or enforcing the regulation.

The policies and implementation tools for each geographic area is addressed in separate sections below.

A. Agricultural Area

The Agricultural Area is the area in Wabasha County that has historically been used for agriculture. Agriculture in Wabasha County includes the raising of livestock, crops, pasture land, fruit trees, and forestry. These agricultural activities occur, to a greater or lesser degree, throughout the County in all four of the Geographic Areas. The Agricultural Area is primarily upland, a portion of Mississippi bottom land, and small timber stands. As illustrated on the *Wabasha County Comprehensive Plan Map*, following page 12, this land use covers the largest area of the County relative to other land uses.

During the comprehensive planning process, the residents of Wabasha County expressed a strong desire to maintain the historic agricultural and rural character of this area. The following policy statements and possible implementation tools are directed at the following goals or end results:

- maintaining agriculture by reducing conflicts between farming and non-farm residential uses;
- maximizing the choices of landowners in controlling their land; and
- reducing negative impacts on the environment.

General Policy #1

Wabasha County will encourage farming as the primary land use in the Agricultural Area.

Possible Implementation Tools for General Policy #1

Encouraging

Tool 1.A. Voluntary Agricultural Conservation Easements

Encourage landowners to work with non-profit land trust organizations to permanently limit future residential development by placing conservation easements on their land. Landowners may receive tax benefits for donations of conservation easements. Landowners choose whether or not to work with an existing land trust such as the Minnesota Land Trust. Interested landowners could begin immediately

This tool could be implemented in several ways:

- The County could sponsor educational forums on protection of agricultural land through voluntary means.
- Existing land trusts would work with willing landowners.
- If there is enough interest, a local land trust could be established by County residents.

Incentives

Tool 1.B. Minnesota Agricultural Preserve Program

Encourage landowners to enroll agricultural land in the Minnesota Agricultural Preserve Program (Minn. Stat. 40A.01 et. seq.). This program provides property tax incentives for agricultural and forest landowners who place their land under a temporary covenant that restricts development. Land enrolled in the program receives some limited protection from annexation and condemnation. The County would create an Agricultural Preservation Plan and designate an Agricultural District. Agricultural landowners within a designated Agricultural District choose whether or not to enroll in the Program.

During the first year after the adoption of this plan, Wabasha County could create an Agricultural Preservation Plan and designate an Agricultural District to give private landowners the choice of enrolling in the Agricultural Preserve Program.

Tool 1.C. Residential cluster overlay zone

Wabasha County could establish a cluster overlay zone that would provide increased gross density in subdivisions that incorporate clustering of residential units and permanently protect a majority of the land in the subdivision for agriculture or open space. In conventional subdivisions, housing is evenly spread across an entire parcel thereby eliminating any large open areas. In clustering, housing is clustered on smaller lots in one portion of the parcel and the remaining area remains open and available for farming. The open area is permanently restricted from future development by a conservation easement. The conservation easement is held by the County or a local non-profit land trust.

A landowner wishing to develop land can choose to cluster and build more units than otherwise allowed. If clustering is not chosen, the landowner can still develop as allowed.

Wabasha County would have to design and adopt a cluster overlay zone in order for a landowner to choose this option. After adoption of a cluster overlay zone, a landowner wishing to use the cluster option would work with County staff to design a cluster subdivision plan. Upon approval of the plan, a permanent conservation easement would be placed on the agricultural/open space to restrict future development.

Tool 1.D. Purchase of Development Rights

A purchase of development rights (PDR) program is a program which compensates landowners for permanently restricting their land from future development. A local government or nonprofit conservation organization such as a land trust purchases the right to develop the land from a landowner. A permanent conservation easement is then placed on the land to assure that it is not developed in the future.

The PDR program is established by a local government or land trust. Landowners choose whether or not to sell development rights. County would have to develop program criteria and establish a fund for purchasing development rights. Possible funding sources include: state grants, local or state bonding, real estate transfer taxes; or a dedicated sales tax. Wabasha County could work with a nonprofit land trust in establishing and administering a PDR program.

Suggested Regulation

Tool 1.E. Large minimum lot sizes

Require large minimum lot sizes for subdivision of lots. By requiring a large lot size for the construction of one single-family residential unit, land is more likely to sell for agricultural use than for non-farm residential use. Wabasha County would define and create an Agricultural Zone with a large minimum lot size for residential development. Landowners who choose to subdivide land would have to comply with the minimum lot size for developments.

Tool 1.F. Residential development on marginal crop land

In order to leave the best land available for continued agricultural production, Wabasha County can direct residential development in the Agricultural Area to be sited on land with a Crop Equivalency Rating (CER) of 50 or less.

Wabasha County will develop a map illustrating lands in the Agricultural Area with CER of 50 or less and lands with CER of more than 50. Landowners and developers who submit applications for residential subdivisions or building permits must include a map indicating CER ratings and building locations.

Tool 1.G. Buffer strips

Require buffers strips on the edges of new residential developments that abut agricultural land. Buffering separates adjacent land uses that may be incompatible. Buffering can be accomplished through: open space, berming, and plantings. Developers of residential developments must incorporate buffer strips within their development.

Wabasha County will develop and adopt guidelines for buffer strips. Applications for residential subdivisions or building permits must include a map showing planned buffer strips and a plan for creating the buffer strips.

General Policy #2

Townships within Wabasha County should use standardized definitions in locally adopted ordinances. The use of standardized definitions will allow some consistency across townships and avoid confusion among landowners and developers.

Possible Implementation Tool for General Policy #2

Encouraging

Tool 2.A. Develop standard definitions

Wabasha County staff will develop a set of standard definitions for use in township and County ordinances. County staff will educate township officials on the use of the standard definitions and review township ordinances for consistency with the standard definitions.

General Policy #3

In order to protect water quality within Wabasha County, the County will continue the enforcement of existing Shoreland Management and Floodplain Management Ordinances.

Possible Implementation Tool for General Policy #3

Suggested Regulation

Tool 3.A. Continue enforcement of existing ordinances

Wabasha County staff will continue to enforce existing Shoreland and Floodplain Management Ordinances. County staff will develop a plan for educating landowners about the requirements of the ordinances. County staff will also develop a schedule for reviewing the ordinance requirements with the County Board of Commissioners, Planning Commission and any staff involved in enforcement.

B. Common Interest Areas

Plans that will affect a community should be developed with input from members of the community. This planning document, for example, was created with a great deal of input from residents throughout Wabasha County. The community that has an interest in what land uses occur immediately surrounding the cities in Wabasha County includes residents of the city, township and County. Recognizing that many stakeholders have an interest in the area around cities led to defining Common Interest Areas as a separate geographic area as shown on the *Wabasha County Comprehensive Plan Map* following page 12.

Common Interest Areas are those areas of Wabasha County immediately adjacent to cities. The size of the Common Interest Area varies depending on the perceived influence of the city on the surrounding area. The County, townships and the cities all have a high-level of interest in the type of land uses that occur in these areas. Some Common Interest Areas overlay agricultural areas and some overlay valley areas. Issues will differ depending on the underlying area.

Historically, cities within Wabasha County have made decisions about land use somewhat independently from the County or the surrounding township. Similarly, some townships have developed ordinances without involving the County or cities. During the comprehensive planning process residents expressed a desire to have some coordination on land use issues between cities, townships and the County. The policy statements and possible implementation tools for the Common Interest Areas are directed at the following goals or end results:

- coordinated planning for expansion of city boundaries;
- encouraging residential growth in areas with urban services; and
- encouraging new industrial development in areas served by sewer and water.

General Policy #4

Pursue formal cooperative planning between the County, Townships and Cities within the Common Interest Areas, including negotiating orderly annexation agreements.

Possible Implementation Tools for General Policy #4

Encouraging

Tool 4.A. Establish a forum for discussion of land use issues

Wabasha County should designate a specific staff person who will have the responsibility of establishing formal relationships with city planning staff and township officials. An on-going, regularly scheduled forum should be established for the discussion of land use issues, plans and solutions. This forum should continue throughout the life of the plan.

Suggested Regulation

Tool 4.B. Negotiate orderly annexation agreements

Wabasha County could pursue orderly annexation agreements with cities that are planning to expand their current municipal boundaries. Orderly annexation agreements are formal agreements between local governments addressing the timing and magnitude of planned city boundary expansions. Township officials of the township in which a city lies should also be involved in these discussions. Involving all interested local governments will prevent misunderstandings. Orderly annexation agreements should result in more compact, less sprawling development that is served by sewer and water.

General Policy #5

Cooperatively define future rural and urban service areas within the Common Interest Areas.

Possible Implementation Tools for General Policy #5

Encouraging

Tool 5.A. Cooperatively planned expansion of urban service areas

Wabasha County should work cooperatively with cities and townships in planning for where sewer and water line expansion will occur within the Common Interest Areas. Orderly expansion of sewer and water will serve as an incentive to attract new residential and industrial development to urban areas rather than locating in rural areas of the County.

Suggested Regulation

Tool 5.B. Define urban growth boundaries

As a result of the on-going land use discussions, Wabasha County, in cooperation with the townships and cities, may choose to define urban growth boundaries in the County. Urban growth boundaries define areas within which future non-farm residential, commercial and industrial growth will occur. The areas outside the urban growth boundaries remain in agriculture or open space.

General Policy #6

Encourage compact residential development in urban service areas.

Possible Implementation Tools for General Policy #6

Encouraging

Tool 6.A. Establish design guidelines for urban expansion

Work cooperatively with cities and townships to establish design guidelines for future expansion of urban areas. Consideration should be given to maintaining the compact nature of the existing cities and extending the current street grid. Providing services to contiguous, staged development should be preferred over noncontiguous, leap-frog development. Agreed upon design guidelines could be formally endorsed by the County, city and township or serve as guide given to developers.

Incentives

Tool 6.B. Infrastructure subsidies to developments that comply with design guidelines

If design guidelines are developed, Wabasha County could choose to provide infrastructure subsidies only to new developments that comply with the guidelines. Other developments may still be approved, but there would be an incentive for developers to choose to comply with the guidelines.

General Policy #7

Encourage industrial development within the urban service areas on sites to be annexed as part of a cooperative orderly annexation agreement.

Possible Implementation Tools for General Policy #7

Encourage

Tool 7.A. Work with new or expanding industries on site location

Wabasha County economic development staff could work with new or expanding industries to suggest appropriate building sites. Wabasha County staff would work with the township and city where the potential building sites lie to determine the best locations for industry.

Suggested Regulation

Tool 7.B. Define Industrial zones

In cooperation with cities and townships, Wabasha County could define areas within the County that would be most appropriate for industrial development. Industrial development should be located in areas that are not environmentally sensitive and served by sewer and water to prevent environmental damage from discharge of industrial waste. Industrial development should be located away from residential and most commercial uses because of potential noise, odor, and traffic nuisances. After appropriate areas are defined, an ordinance should be developed to address allowable types of industry, building design requirements, circulation and parking requirements, and landscaping and buffering requirements.

C. Lower Valley Area

The Lower Valley Area, as shown on the *Wabasha County Comprehensive Plan Map* following page 12, is the forest land, slopes and valley floor of the Zumbro River from Theilman to the Mississippi River, and the Mississippi River valley and bluffs. The Lower Valley Area is distinct from the Upper Valley Area because of the presence of larger cities, large public land holdings, distinct agricultural areas in the bottom lands, and the Mississippi River. Historically land uses in the Lower Valley Area have included farming, forestry, non-farm residential development, larger cities, water-related recreational uses, and large public land holdings.

During the comprehensive planning process a great deal of concern was expressed about the following issues in the Lower Valley Area:

- acquisition of land by the Minnesota Department of Natural Resources;
- trespassing and nuisance problems from recreational users of the rivers and public lands; and
- environmental and aesthetic issues such as water quality and blufftop development.

The policies and possible implementation tools for the Lower Valley Area address these issues.

General Policy #8

Farming should be encouraged as a continued use in areas that have been historically farmed within the Lower Valley Area.

Possible Implementation Tools for General Policy #8

Encourage

Tool 8.A. Assess new policies affect on farming

At a minimum, in order to allow farming to continue in the Lower Valley Area, new policies and ordinances should be evaluated for their impact on farming. County staff and elected officials should ask whether or not any new policy or ordinance will in any way make farming less viable in the Lower Valley Area. If a proposed policy or ordinance is determined to have a negative effect on farming, Wabasha County should modify the policy or ordinance to reduce the impact on farming.

Incentives/Suggested Regulation

Tool 8.B. Use Agricultural Area tools

If Wabasha County chooses to implement any of the incentive or suggested regulation implementation tools for the Agricultural Area, those tools should be assessed for their appropriateness in the farming areas in the Lower Valley Area.

General Policy #9

Allow single-family residential development on parcels that meet County health regulations.

Possible Implementation Tools for General Policy #9

Suggested Regulation

Tool 9.A. Enforce current building permit requirements

Wabasha County currently requires a building permit before new residential buildings can be constructed. Applicants must also comply with County health regulations for new wells and septic systems. Wabasha County will continue to enforce these requirements.

Tool 9.B. Create a Valley Residential District

Wabasha County could develop and adopt a Valley Residential District that would define geographic areas where single-family residential development could occur. The District would also define allowable uses, lot size and setback requirements, building design requirements, and landscaping requirements.

General Policy #10

Encourage clustering of residential dwellings.

Possible Implementation Tools for General Policy #10

Encourage

Tool 10.A. Work with developers on subdivision design

Wabasha County staff should work with developers to design subdivisions which place buildings on lots in such a way that preserves as much contiguous open space as possible.

Incentives

Tool 10.B. Residential cluster overlay zone

Similar to tool 1.C. on page 14, Wabasha County could establish a cluster overlay zone that would provide increased gross density in subdivisions that incorporate clustering of residential units and permanently protect a majority of the land in the subdivision for natural area or open space. Clustering in the Lower Valley Area could be used to reduce the amount of trees removed for development purposes, or reduce the visual impact of blufftop development.

General Policy #11

Reduce the environmental and visual impact of development on steep slopes (20% and greater) and bluffs.

Possible Implementation Tools for General Policy #11

Encourage

Tool 11.A. Work with developers on subdivision design

Wabasha County staff should work with developers to design subdivisions on parcels with steep slopes to site buildings in such a way as to reduce erosion during and after construction. County staff should also work with developers to reduce the visual impact of blufftop housing.

Tool 11.B. Develop Lower Valley design guidelines

Wabasha County may develop a set of design guidelines to reduce the environmental and visual impacts of buildings in the Lower Valley Area. Design guidelines could address: building color, height, materials, amount of tree/vegetation removal, building site decisions, and setbacks. Design guidelines could be distributed to developers and builders. Developers and builders would be encouraged but not required to comply.

Suggested Regulation

Tool 11.C. Adopt mandatory design guidelines

If a Valley Residential District is adopted (see Tool 8.B.), design guidelines could be adopted as part of the District requirements.

General Policy #12

Work with public agencies to limit new public land acquisitions to the Lower Valley Area.

Possible Implementation Tools for General Policy #12

Encourage

Tool 12.A. Establish a formal dialogue with Minnesota Department of Natural Resources

Wabasha County should designate a specific staff person who will have the responsibility of establishing a formal relationship with Minnesota Department of Natural Resources staff assigned to Wabasha County. Wabasha County and DNR staff should have regular meetings to discuss plans for further state acquisition of land and priorities in Wabasha County. The goals of this dialogue are:

- to educate DNR staff about the concerns and desires of County residents regarding State land acquisition; and
- to encourage the State to acquire land adjacent to existing State land holdings in the Lower Valley Area.

Tool 12.B. Collect factual information about DNR managed land

In order to make better decisions about future acquisitions, there is a need to better understand the economic, social and environmental impacts of DNR managed land on Wabasha County. Wabasha County staff should collect and distribute information on the impact of DNR managed lands on such issues as: taxes, tourism, trespass violations, traffic and adjacent land values.

Tool 12.C. Develop and adopt guidelines for State land acquisitions

As a result of the dialogue established in Tool 12.A. Wabasha County could develop and adopt specific guidelines for State land acquisitions in the County. These guidelines would be advisory to the DNR, although they could be formally adopted by the agency. The guidelines could address: preferred locations of future acquisitions, amount and type of recreational activities, and boundary delineation.

