CapX2020

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November 1, 2011

Mr. Vance Kemmer
Auditor
City of Horace
PO Box 99
Horace, ND 58047-0099

Mr. Shane Waloch
Mayor
City of Horace
215 Park Drive East
Horace, ND 58047

Re: CapX2020 Alexandria to Bison 345 kV Transmission Line
Conditional Use Permit (CUP) and Variance Application

Dear Messrs. Kemmer and Waloch,

Due to the growth of renewable energy development in North Dakota, primarily wind generation, and the need to transport the electrical energy to market, CapX2020 has proposed the construction of a 345 kV transmission line from a proposed Bison Substation in the City of Horace to Alexandria, Minnesota (see map). In order to meet the zoning requirements of the City of Horace, Xcel Energy on behalf of CapX2020 hereby makes application for:

- CUP for the transmission line and property line and road right of way setback variances required for the transmission line structures as depicted on the enclosed information.

In addition to local governmental permits, a permit from the North Dakota Public Service Commission will be required to construct this project.

The proposed transmission line will require a CUP to be located within the Agricultural District per Section 17.4.1 of the City of Horace Zoning Ordinance. The installation of the line and substation the standards for a CUP as set out in Section 17.11.2 of the Ordinance as follows:

Section 17.11.2(6)(a) – The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the citizens of Horace.

Section 17.11.2(6)(b) – The uses, values and enjoyment of other property in the area for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment maintenance or operation of the conditional use.

Section 17.11.2(6)(c) – The establishment of the conditional use for the will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the district.

EXHIBIT
12

Section 17.11.2(6)(d) – The adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Section 17.11.2(6)(e) – The adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic impact on the area.

Section 17.11.2(6)(f) – The conditional use shall conform to all applicable regulations of the district in which it is located.

In addition to the CUP permit requested above, there are several structure (pole) locations that are proposed to be on property lines or closer to the road right of way than the 100-foot setback required in Section 17.8.2 of the zoning code. This variance request is made on behalf of the landowners that farm the adjacent land as to meet the setbacks would impose a hardship on the tillage of their fields. As shown on the enclosed alignment maps, CapX2020 would propose that the centerline of the proposed transmission line would be located 8 feet off of the road right of way where the line parallels existing or statutory Township roads. It is not clear that these roads will ever be widened and if widened, would require a 100-hundred foot setback. If this is the case, then the hardship of placing these structures 100 feet into the cultivated field is the basis for the setback variance request.

Please review the enclosed submission and contact Stefan "Oly" Olafson, CapX2020 Right-of-Way Specialist, at 701-208-8855 if you need anything else to process the CUP and variance request. CapX2020 submits these applications in compliance with the Township's statutory zoning authority which allows for review of these facilities so they meet applicable zoning requirements. However by this application, CapX2020 does not waive or subordinate its utility rights and obligations to develop and construct the proposed transmission line and substation.

Sincerely,

David G. Callahan
Supervisor,
Siting & Land Rights
612/330-5951

Enclosures

cc: Jerry Lein, North Dakota Public Service Commission

$200.00 Fee

Form 3

CITY OF HORACE
PETITION FOR CONDITIONAL USE PERMIT

The undersigned, owner(s)/agent(s) for the property described below, do hereby petition to receive a conditional use permit for The construction of a 345kV high voltage transmission line.

Legal description of property and number of acres N 1/2 NW 1/4 Section 8, Township 137N, Range 49W, 80 acres.

Describe briefly the purpose for this use: New Construction of transmission line.

Describe or list the uses within a two block area of this site. See attached.

Describe the layout of the land, access point and the utilities on or near the site. Flat open farmland.

I further state that if this request is granted, I will abide by all conditions set forth by the City Council. **
** except conditions that would conflict with statutory or regulatory utility obligations.
Site plan and documents and other information required are attached.

Existing zoning_____ Existing use of property_____

x

Greg P. Chamberlain
Director, Transmission Portfolio Delivery, Xcel Energy

Signature of Applicant, Date 1/11/12

Planning Commission Recommendation: _____ Approve _____ Deny

Date_____ _____
Chairperson of Planning Commission

Action of the City Council:

Approve_____ Deny_____

Date_____ _____
Mayor

17.5.1 A Agricultural District

(1) Purpose

The purpose of this district is to provide for preservation and protection of agricultural uses while in existence, in the city and its extra territorial planning area. For the purposes of this code the Agricultural District is used as a holding district until the area is ready for development. Any land zoned other than A-Agricultural, it shall revert to Agricultural District, if it is not planned and committed for development after 2 years. This provision does not apply to platted residential areas or areas under Planned Unit Development.

(2) Permitted Uses

The following uses and conditional uses may be connected to private water and sewer.

(a) All types of farming and ranching operations including dairying, but excluding feed lots, poultry, fish and fur farming.

(b) Accessory farm buildings and structures.

(c) Churches and cemeteries

(d) Golf courses, parks and play fields.

(e) Home occupations.

(f) Public and private schools, public buildings and facilities.

(g) Single Family Residential Units including manufactured homes and modular homes not exceeding one unit per 40 acres of land.

(h) Construction and maintenance of drainage systems to manage the water run-off and water reservoirs.

(i) General utility lines and pipe lines including substations for transformers, pumping stations and lift stations.

(3) Conditional Uses

The following uses shall be subject to the provisions of Section 17.11.2 and also Section 17.6 where appropriate.

(a) Feed lots, poultry, fish and fur farming subject to provisions of Section 17.6.2.

(b) High voltage transmission lines and accessory structures.

(c) Manufacturing and processing of agricultural products produced in the area.

(d) Mining of sand and gravel, subject to the provisions of Section 17.6.7.

(e) Municipal and public water wells, treatment and storage facilities.

(f) Communication facilities including radio, TV stations and towers and microwave and cellular phone towers and related communication facilities subject to the provisions of Section 17.6.1.

(g) Sale and services of agricultural equipment and machinery.

(h) Salvage and junk yards, subject to provisions of Section 17.6.4.

(i) Sanitary landfills, subject to the provisions of Section 17.6.8.

(j) Sewage lagoons and waste water treatment facilities.

(k) Skeet, trap and rifle ranges not closer than one thousand (1,000) feet from residential areas.

(l) Storage of farm related chemicals.

(m) Veterinary clinics, animal hospitals and domestic animal kennels.

(4) Lot Area and Lot Width

(a) For agricultural uses, the area shall not be less than forty (40) acres.

(b) For non-farm residential uses, the lot area shall not be less than ten (10) acres with a maximum of four (4) lots per quarter sections of land.

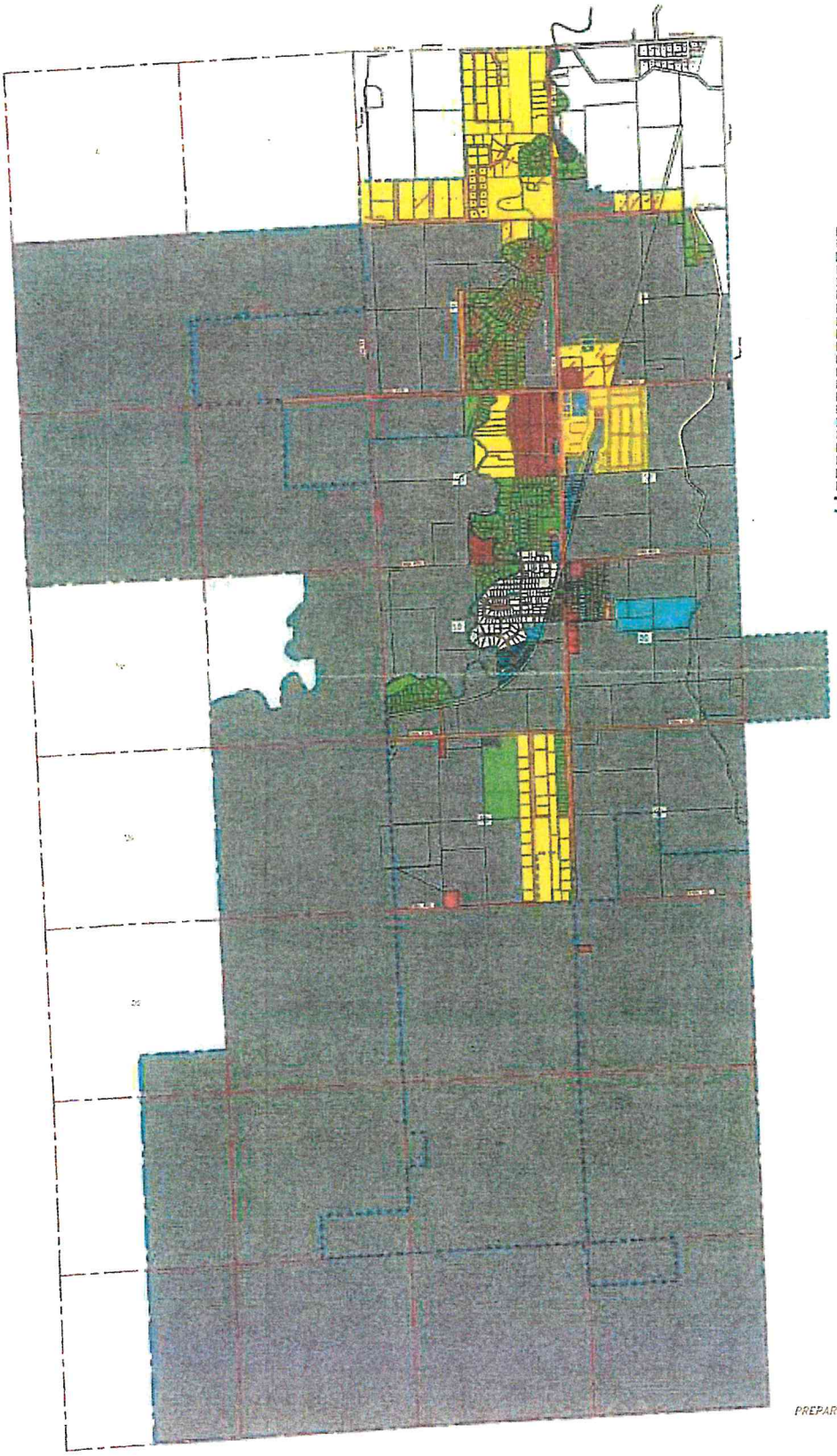
(c) For non-farm non-residential uses, the lot area shall not be less than five (5) acres.

(d) The lot width for any use in agricultural district shall not be less than two hundred and fifty (250) feet.

(5) Yard Requirements

(a) The minimum front yard, measured from the front property line shall not be less than seventy-five (75) feet from all arterial and collector streets.

OFFICIAL ZONING MAP
CITY OF HORACE
JANUARY 2011



JANUARY 2011

- A ZONE (AGRICULTURAL)
- ANIMAL UNITS APPLY
- C1 (NEIGHBORHOOD COMMERCIAL)
- C2 (TOWN CENTER COMMERCIAL)
- C3 ZONE (GENERAL COMMERCIAL)
- CASS COUNTY OWNED
- CELL TOWER
- CEMETERIES
- I1 ZONE (LIGHT INDUSTRIAL)
- LAND NOT ZONED
- PARK
- RE ZONE (RESIDENTIAL ESTATE)
- R1 ZONE (SINGLE FAMILY RESIDENTIAL)
- R2 ZONE (SINGLE FAMILY RESIDENTIAL)
- R3 ZONE (MEDIUM DENSITY RESIDENTIAL)
- R4 ZONE (INTERMEDIATE DENSITY RESIDENTIAL)
- R5 ZONE (MULTIPLE FAMILY RESIDENTIAL)
- SR ZONE (SUBURBAN RESIDENTIAL)
- SUBSTATION
- TRAILER COURT
- WASTE WATER STABILIZATION PONDS
- CITY LIMITS
- EXTRA TERRITORIAL LIMITS

CITY MAYOR: _____

AUDITOR: _____

APPROVAL DATE: _____

PREPARED BY: Houston Engineering Inc.

FARGO, NORTH DAKOTA