



## MEMORANDUM

### Highway Department

Jason Benson, P.E.  
County Engineer

Thomas B. Soucy, P.E.  
Deputy County Engineer

Blaine Laaveg  
Superintendent

TO: Cass County Board of Commissioners

FROM: Barrett Voigt, Cass County Planner

DATE: September 6, 2019

SUBJECT: Consent Agenda Topic for the September 16, 2019 County Commission Meeting: New Subdivision and Zoning Ordinance RFP Release Request

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The Cass County Commission was provided with a proposed budget for the Planning Office on July 24, 2019. One of the line items discussed at the hearing was the proposal to hire a consulting firm to write the new subdivision and zoning ordinance. The Planning Office is ready to move forward with releasing the RFP to identify and select a consulting firm to provide this service. Please see the attached RFP document for further information.

After the RFP is released, a selection committee of County Commissioners, Planning Commissioners, Township Board Supervisors, and County staff will be assembled to start interviews after Thanksgiving (November 28, 2019). The interview date time frame schedule was based on feedback of the time availability of various Township Board Supervisors.

The Planning Office is seeking approval to release the RFP document so that the process may be initiated to hire a consulting company for the task as well as a recommendation for which Commissioners will be appointed to the selection committee.

### SUGGESTED MOTION:

To accept the recommendation of the Planning Office to release the RFP for professional services for a new Cass County subdivision and zoning ordinance.

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West Fargo, North Dakota  
58078-1301

701-298-2370  
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# Cass County, North Dakota

[www.casscountynd.gov](http://www.casscountynd.gov)



## REQUEST FOR PROPOSALS PROFESSIONAL SERVICES FOR SUBDIVISION AND ZONING ORDINANCE



**August 2019**

**Cass County Highway Department, Planning Office**

**1201 Main Ave West**

**West Fargo, ND 58078**

# Overview

## Request

Cass County, North Dakota is currently accepting proposals from qualified firms with expertise in zoning for leading a process resulting in the preparation of the new zoning and subdivision ordinance for the County. Proposals received via the RFP process will be reviewed by an evaluation committee comprised of County staff and selected representatives with interests in zoning matters in Cass County.

## General Background

Cass County, North Dakota is located along the Red River in eastern North Dakota and shares a border with the state of Minnesota. The county was established in 1873 and named for George W. Cass, the president of the Northern Pacific Railway at that time. Cass County is approximately 1,768 square miles, with 27 incorporated cities/municipalities, 49 townships, and the City of Fargo as the county seat. Cass County has experienced a population growth of 43.1% since the year 2000. The county currently has an estimated growing population of 168,930 as of the 2015 American Community Survey and is a component of the Fargo-Moorhead metropolitan area with an estimated population of 241,356 as of 2017. The Cass County population estimate comprises approximately 22.3% of the 2015 state population (756,835).



Cass County is served by a regional international airport, two (2) major highway interstates, is home to one of the largest Microsoft offices outside of Redmond, Washington, is served by two (2) state universities, and has experienced massive growth and development pressure for the past couple of decades. Some of the most recent notable projects are the construction of a new skyscraper in downtown Fargo, the opening of a new \$900 million hospital, the ongoing proposal of a \$320 million solar farm project, and a \$2.75 billion flood diversion project underway. Cass County seeks to balance the management of growth around the urban fringe of the metropolitan area, proactively prepare for new land uses not identified in past ordinances, and preserve agricultural land uses in unincorporated areas.

Cass County operates under a Home Rule Charter with a 5-member board known as the County Commission. Due to the demands to have the county provide zoning services for townships, changes in land use, and the persistent pressure of development with new land use types, funding has been provided by the Cass County Commission to initiate the process to create a new zoning and subdivision ordinance.

### **Comprehensive Plan**

During 2018, the Cass County Comprehensive & Transportation Plan was adopted. As a result, the comprehensive plan directs the planning office to employ various strategies to manage land use and growth management effectively. Some of these strategies are to develop model township zoning ordinances and develop regulations to manage soil instability issues. The plan also provides guidance on land use and growth management by establishing objectives to promote compact and orderly development, prevent incompatible land uses, promote major subdivision development that will transition to the urban design standards of the annexing community, and mitigate flood, soil stability, and drainage system impacts. Furthermore, it directs the Planning Office to update the Cass County Subdivision Ordinance to compliment local ordinances within the county and encourage township zoning to address land use compatibility.

### **Current County Land Use and Growth Management**

The current existing Cass County Subdivision Ordinance was adopted in 2006 to regulate the land subdivision platting processes for land areas within the county that are not located in corporate city limits and their corresponding extraterritorial jurisdictions. The current subdivision ordinance experiences the following issues:

- The subdivision ordinance does not address land use or design standards. Currently, each township within the county regulates land use and design standards under their own individual zoning ordinances.
- The document lacks organization

- The document language is redundant
- The Planning Commission has requested that the transfer of development rights process and agricultural preservation strategy be examined for better methods
- Definitions are inconsistent and unclear

In addition, there are 49 townships in the county, many of whom have their own zoning ordinance. Township zoning ordinances regulate land use and design standards, but do not regulate subdivision platting.

Over time, political demands have changed and there currently is an interest among several townships to have the county make the option available to have the county manage a comprehensive subdivision and zoning ordinance for the townships that request the service. In addition, several townships that have no interest in having the county manage zoning for their community have requested the county to make a zoning ordinance template for various land use types readily available so that these templates can be easily adopted into township ordinances.

In addition, there has been growing pressure to address development proposals for land uses that were not anticipated in the past. The county and the townships will need the ability to address development proposals for the land uses of autonomous farming, community solar gardens, wind farms, animal confinement operations, and crew camps as they become evident.

To accomplish this task, Cass County is seeking a consultant who can provide the skills necessary to complete a zoning and subdivision ordinance following accepted planning practices.

### **Staff**

The Planning Office is tasked with managing the subdivision ordinance application process under the direction of the Planning Commission. The County Planner will serve as the Project Manager for the County.

The County anticipates that members of the interested Township Supervisor Boards, County Planning Commission, and County Commission will play large roles in the process by guiding and supporting the project through a series of public updates, discussions, and public engagement opportunities.

## Preliminary Project Schedule

The County anticipates the following project schedule below. However, the County reserves the right to modify the timeline as necessary.

RFP Available for Viewing	September 27, 2019
Questions Due	October 1, 2019
Question Responses Posted	October 15, 2019
Proposals Due	12:00 CDT - October 29, 2019
Interview Selection Notice	November 26, 2019
Interviews	December 6, 2019
Award Notice	December 16, 2019
Contract Due	January 20, 2020
Contract to County Commission for Approval	February 3, 2020
Project Kick-off	February 17, 2020
Project Completion	January 10, 2022

## Scope of Work

With oversight from County staff, as well as guidance from a project steering committee, the selected consultant(s) will lead the planning process to develop a new subdivision and zoning ordinance for Cass County as outlined in the RFP. The anticipated timeframe to complete the project is 2 to 3 years. The County anticipates that the consultant will work with the community to develop a subdivision and zoning ordinance that incorporates a subdivision process that preserves agricultural land uses at the urban fringes as well as provide land use and design standards for unincorporated areas. The consultant will develop a final work program in conjunction with County staff prior to contract approval.

The scope of work provided below are a general framework to be incorporated into proposals. However, the proposed scope of work is not limited to proposals for additional items. The minimum scope of work should include the following:

- **Project Management:** The consultant will take the lead in managing their time, staff, resources, budget, and related activities to ensure that the project objectives are met. The consultant will be in close communication with staff throughout the life of the project. Staff will provide general oversight of the consultant and will help to facilitate interactions with County staff, board/committee members, and project stakeholders.
- **Existing Conditions & Data Analysis:** The consultant will work to gain a firm understanding of the context, trends, and related information applicable to the project objective and utilize the data to inform outcome of the document

- **Review of Comprehensive Plan:** The consultant will review and identify Plan Implementation Strategies, Objectives, and Policies to ensure that the new ordinance will be consistent with current planning documents.
- **Review of Chapter 11-33 of the North Dakota Century Code:** The consultant will review state statutes to ensure that the new ordinance will be consistent with state law.
- **Public Outreach:** The consultant will develop a comprehensive public and stakeholder participation outreach strategy designed to meet project objectives. This outreach will inform community stakeholders and the public on the benefits of the subdivision and zoning ordinance, as well as conduct regular meetings and web/social media interaction throughout the process.
- **Drafting the Document:** The consultant will prepare drafts of the subdivision and zoning ordinance (text document and zoning map), including graphics, for review by staff and the steering committee, culminating in a final version to be acted upon by the Planning Commission and the County Commission.
- **Toolkit:** The consultant will prepare a toolkit to replicate the public outreach activities for townships that request to have the county manage zoning for their township in the future.
- **Integration of the New Code into User-Friendly Formats:** The consultant will work with County staff as well as its information technology vendors to make the new code accessible and interactive with the public, including GIS display.
- **Project Schedule:** The consultant will provide the County an anticipated schedule for the above work, with a goal of completion by the end of 2022. Proposals should include a proposed schedule showing major milestones for project completion, key public involvement events, and completion of draft and final deliverables.

# Submission Requirements

## Format

The content and sequence of the information contained in each copy of the proposal shall be as follows:

**A. Cover Letter**

Include your firm's understanding of the work to be performed within the terms and conditions set forth in this RFP. In addition, state why your firm believes it to be the best qualified to perform the services requested, including features, skills or services which distinguish your firm and make it the better choice for the County. The length of time during which the proposal and the prices quoted shall be valid for consideration by the County is required to be 120 days from the proposal's due date. The RFP cover letter must be signed by an officer of the consultant or a designated agent empowered to bind the firm in the contract offer. (Please keep response to one (1) page.)

**B. Table of Contents**

Include a clear identification of the material by section and by page number.

**C. Contact Summary Sheet**

This section of the proposal must be a completed copy of the Contact Summary Sheet (Appendix A) included with this RFP.

**D. Proposed Work Program**

Provide a conceptual work program for the project that you believe is appropriate based on your understanding of the County's needs, as well as the outcomes, deliverables, and the scope of work elements outlined within this RFP. Submittal of a draft project schedule is required as part of the conceptual work program. Submit specific plans of how you will manage, control, and supervise the project in order to ensure satisfactory provision of services.

**E. Qualifications and Experience of Assigned Personnel**

List the proposed principal(s) who will be responsible for the work, proposed project manager, and project team members and provide relevant background information for each, such as education, professional experience, certifications, etc. Additionally, provide a breakout of hours for each member of the team by major task area within your proposed work program, and an overall indication of the level of effort (percentage of overall project team hours) allocated to each task.



#### F. References

List all of the municipal governments that your firm has worked for or with in a similar capacity to the work outlined within this RFP within the last five (5) years. List names of organizations, and names, telephone numbers, and email addresses of persons who can be contacted regarding the services you have provided.

#### G. Cost

The County wishes to know the final and complete cost of each proposal and to realize only those additional costs beyond the proposal that the County requests. All cost quotations must include but not be limited to fees, modifications, travel and per diem, documentation, taxes, discounts, etc. All cost tables should be sub-totaled and totaled. The maximum amount available per year is as follows:

- 2020 - \$65,000
- 2021 – To be determined

#### **Evaluation Criteria**

Proposals will first be reviewed for completeness. Only those proposals that are properly completed and meet the minimum content requirements will be considered in the evaluation process. Complete proposals will then be evaluated by a selection committee. The selection committee may elect to conduct short phone interviews with select consultants in order to further evaluate the proposals.

The selection committee will choose a limited number of consultants with which to conduct in-person interviews, for the final selection. Notification of these consultants will be made as soon as possible, but the consultant team should be prepared to convene in West Fargo for these interviews.

Proposals will be evaluated based on the following general criteria:

- Proposed Work Plan and Deliverables – Understanding of the project scope, quality of response to proposed work program, and any submitted work samples
- Relevant Experience of Firm – Past performance of consultant firm on similar projects, expertise and experience of project manager and team members, current workload, and availability of consultant and team members
- References and Work Product Examples – Confirmation that consultant has performed similar work in past; assessment of ability to produce quality product within the project schedule; assessment of ability to conduct

productive meetings; assessment of ability to work with staff, stakeholders, and elected officials; quality and applicability of submitted work examples).

- Understanding of the Issues
- Clarity of Presentation – Organization/completeness of response, writing skills, quality of submitted work samples
- Estimated cost of services

All proposals, whether rejected or accepted, are the property of the County. The County may waive any irregularity, or it may reject any or all RFP responses without explanation. The County may withdraw the RFP at any time and need not select a consultant for award of this study. All proposal responses must be signed dated by a company official who has the authority to bind the company.

The County may request additional information from consultants during the selection process. Additionally, discussion may be conducted with consultants to assure full understanding of, and responsiveness to, the requirements of this RFP.

### **Proposal Submission**

Consultants are to submit six (6) hard copies of the proposal in accordance with the requirements set forth within this RFP. In addition, an electronic version of the proposal shall be provided on a Flash Drive. The information included should be as concise as possible. Proposals should generally be printed on 8 ½” x 11” paper, but pages with organizational charts, matrices, or diagrams may be printed on larger sheets. Document pages should be numbered. Type size should be no smaller than 11 points for narrative sections, but may be reduced for captions, footnotes, etc. as required while still maintaining legibility.

The proposal must be placed in an envelope, box, or similar container securely sealed therein and labeled: "Proposal for Professional Consulting Services for Subdivision and Zoning Ordinance for Cass County."

Sealed proposals must be submitted to the Cass County Highway Department, 1201 Main Avenue West Fargo, ND 58078 by **12:00 pm on October 29, 2019** to the attention of Barrett Voigt, County Planner. Proposals received later than the time and date specified will not be considered.

## **Communications**

This Request for Proposals (RFP) is available to download on the County website: <https://www.casscountynd.gov/our-county/rfp-rfq>. Any addendum made to this Request for Proposals will be posted at the same website used for downloading the RFP.

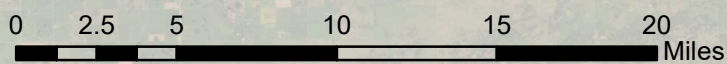
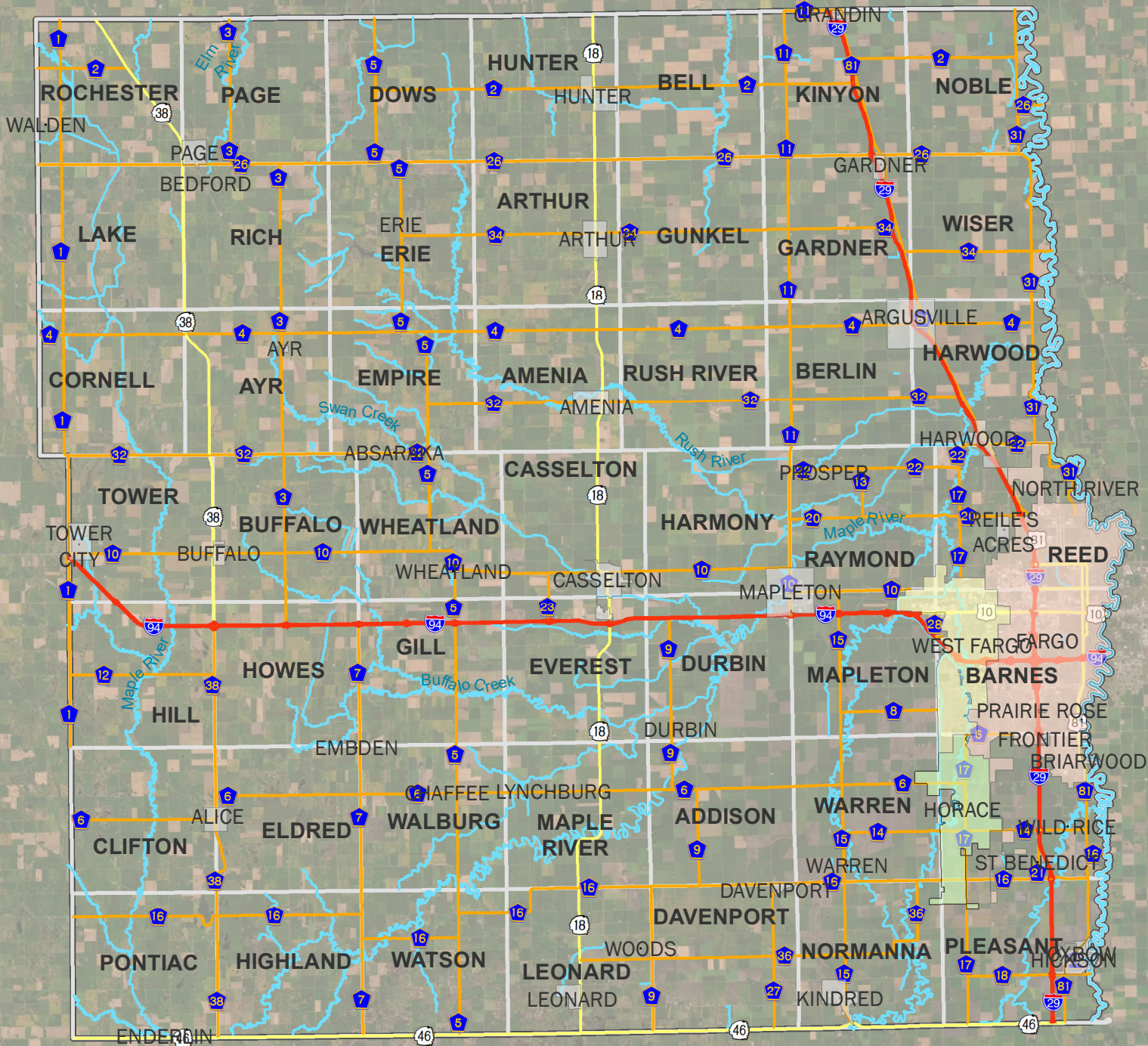
All questions related to this RFP must be submitted in writing by email to the project contact, Barrett Voigt, at [voigtb@casscountynd.gov](mailto:voigtb@casscountynd.gov). The question period shall expire as defined within the Project Schedule section of this RFP. Responses to questions will be posted on the same webpage as this RFP (<https://www.casscountynd.gov/our-county/rfp-rfq>). Questions received after the deadline for questions will not be answered.

Office hours are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

## **Contract Award**

The County will select a consultant with whom County staff shall commence contract negotiations. The selection of a proposal shall not imply acceptance by the County of all terms of the proposal, which may be subject to further negotiations prior to approval by the County Commission before the County may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time the County, at its sole discretion, may terminate negotiations with the highest ranked consultant and begin contract negotiations with the next highest ranked consultant.

# CASS COUNTY GOVERNMENT



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Appendix A: Contact Summary Sheet

Firm Name: \_\_\_\_\_

Firm Parent or Ownership: \_\_\_\_\_

Firm Address: \_\_\_\_\_

\_\_\_\_\_

Firm Telephone Number: \_\_\_\_\_

Person responsible for direct contact with the City of Fargo and services required for this Request for Proposal (This is typically the project manager or primary point of contact throughout the life of this project):

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Person responsible for day-to-day servicing of the account (This is typically an administrative or financial staff member who coordinates billing and payments):

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Types of services provided by the firm: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Appendix

1. Cass County Subdivision Ordinance: <https://www.casscountynd.gov/home/showdocument?id=5759>
2. Cass County Comprehensive and Transportation Plan: <https://www.casscountynd.gov/home/showdocument?id=5324>
3. Township Ordinances: <https://www.casscountynd.gov/government/local-government-agencies/townships>