



Highway Department

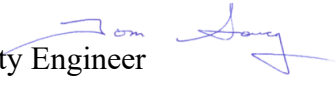
Telephone: 701-298-2370

Fax: 701-298-2395

SMB-HWY@casscountynd.gov

MEMORANDUM

TO: Cass County Commission

FROM: Tom Soucy, County Engineer 

DATE: May 24, 2024

SUBJECT: Agenda Item for June 3, 2024, Cass County Commission
Cass Hwy 14 Access Permit – Oak Valley Plat - Update

The Highway Department has been working with the City of Horace, the developer of the Oak Valley subdivision, and surrounding landowners to come to an agreement on the proposed access location along Cass County Hwy 14 west of Cass County Hwy 17. The existing accesses on the south side of Cass County Hwy 14 between Cass County Hwy 17 and the Sheyenne River are cumbersome. There are accesses for private drives, commercial businesses, township roads, cemeteries, and residential subdivisions. The locations of the existing accesses makes it difficult to accommodate new access points all while following our county standards to make a safe roadway for the traveling public.

On May 12, 2020 the Cass County Highway Department allowed permanent access for the Maple Lakes development (73rd St S). This access should have never been allowed and the highway department takes full responsibility for this mistake. Because of this the highway department is going the extra mile with this section of Cass County Hwy 14 to make sure this new access is located in the right location for current and future development. Depending on where the new access is located will shape the future access locations along this corridor so there is no confusion in the future.

This proposed access was previously brought before the County Commission on April 15th, 2024. At this meeting Option A was recommended by the County Highway Department. At the time we felt as though this option gave us the best spacing available for keeping our accesses in safe locations. The agenda item was tabled at the April 15th commission meeting. The Cass County Commission proposed to meet with all affected parties to come to a clear consensus on the access location. The highway department should have done a better job with communication between all parties before bringing it forward to the County Commission, so a more through decision could be made.

Since the April 15th commission meeting the county highway department has met with the developer and the City of Horace to talk over location options, as well as had conversations with

adjacent landowners. The developer has also met with many adjacent landowners to talk over location options. Throughout these meetings and conversations there has been more planned development in the near future that has come to our attention in the vicinity that changed our outlook on this corridor with respect to access locations, highway geometry, and speed limits. With this newfound information we realize that this section of Cass County Hwy 14 is going to develop much faster than anticipated and that we need to look at this section of Cass County Hwy 14 more as a urban section and less as a rural section as it is today.

When looking at this section of Cass County Hwy 14 as an urban section our geometric distance requirements change which allows more possibilities than originally brought to the commission. The highway department plans to add a project into our 5 year plan to expand the roadway width on Cass County Hwy 14 from Cass County Hwy 17 to the Sheyenne River as well as Cass County Hwy 17 from Horace to Cass County Hwy 14. This project would include making each roadway to a 3 lane section with center turn lanes and dedicated right turn lanes. This project along with reduced speed limits (when warranted) will be able to handle the narrower spacing of the proposed accesses as well as addition vehicle traffic in the future. With the updated requirements, the county and developer came up with 3 proposed options. Each option has positives and negatives as well as different future access locations.

The developer proposed having a public meeting to discuss the three access options for all the affected parties to come to a consensus. A meeting was held at the Horace Fire Hall on April 30th at 6:00 pm, residents/landowners with interest in this matter were invited. Area residents/landowners voiced their concerns and opinions about options A, B & C at the meeting. Listed below is a overview of the comments made at the meeting.

Option A: This option is located 215' east of the Naseth property, this option was also presented at the April 15th commission meeting. This option gives the best overall distance between major intersections. However, major road shifting would be required thus affecting the Arnold Property to the north as well as the Naseth Property to the west.

Option B: This option is located 615' west of 73rd St S. This option resets the access spacing as close to possible to every ¼ mile. However, 73rd St S is very close to this option and would need to be a restricted access in the future (right in/right out). There is also retention ponds on the south side of Cass County Hwy 14 that will need to be taken into consideration.

Option C: This option is located 1,000' west of 73rd St S. This option is the best compromise between options A & B. There is sufficient distance between major intersections all while limiting road movement to the north side of highway 14. The only issue with this option is that the Holmen Property driveway would remain, but due to the low volume driveway traffic we do not have concerns with this.

We have provided maps of each option as well as letters from area landowners with there concerns.

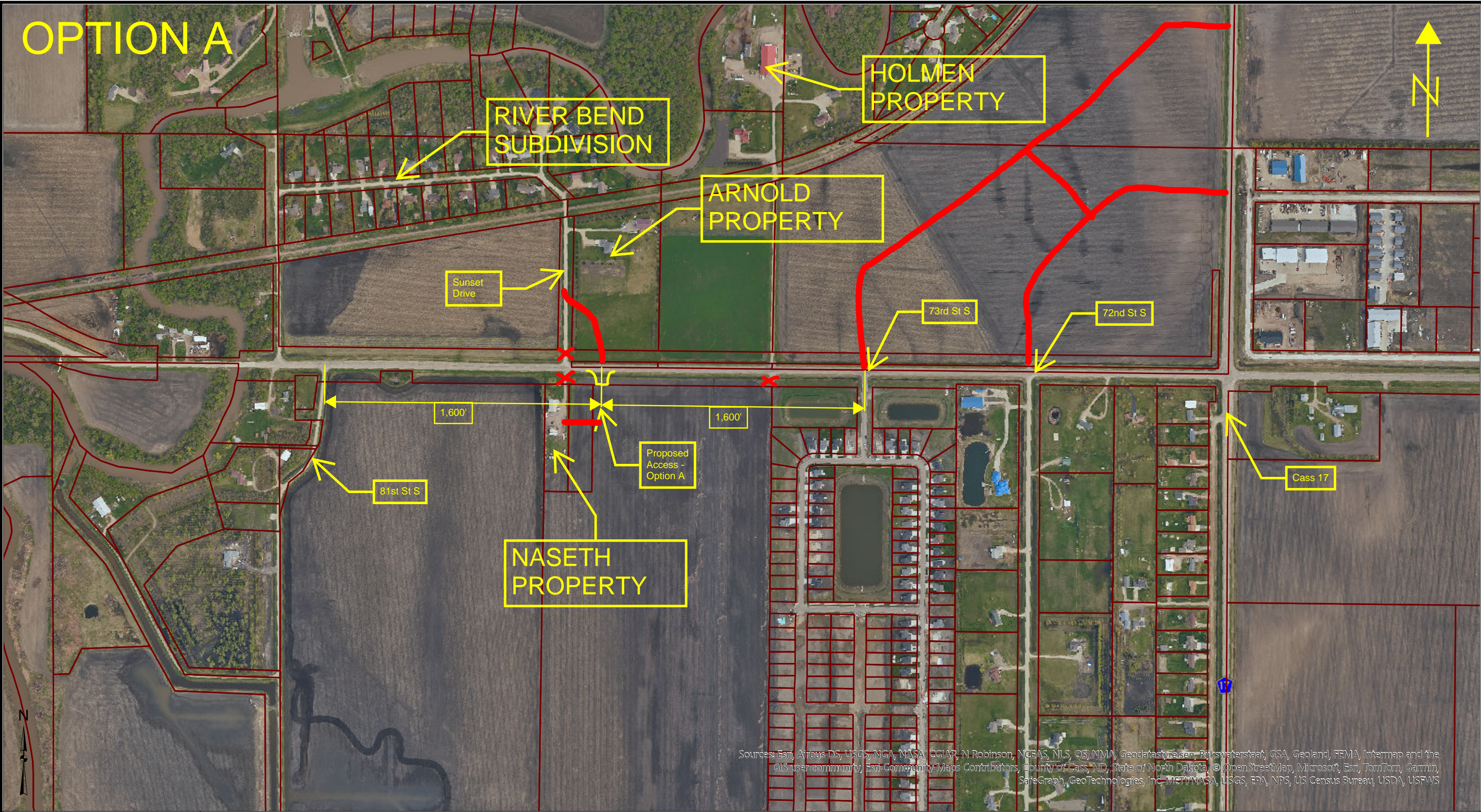
Through all the comments made at the public meeting and discussions had Option C seemed to meet most of the area residents' concerns and provided minimum impacts/realignments of the existing access locations. This option also fit required spacing and future development best.

With the proposed improvements and future speed limit changes the highway department would propose that we move forward with Option C for this proposed new access.

SUGGESTED MOTION: AUTHORIZE THE COUNTY ENGINEER TO SIGN THE CASS HWY 14 ACCESS PERMIT FOR THE OAK VALLEY PLAT AT THE PROPOSED OPTION C LOCATION.

J:\Admin-Eng\Commission Corrsp\2024 Commission Correspondence\Cass Hwy 14 Access Permit Oak Valley Plat\Cass Hwy 14 Access Permit Oak Valley Plat Update 050824.docx

OPTION A



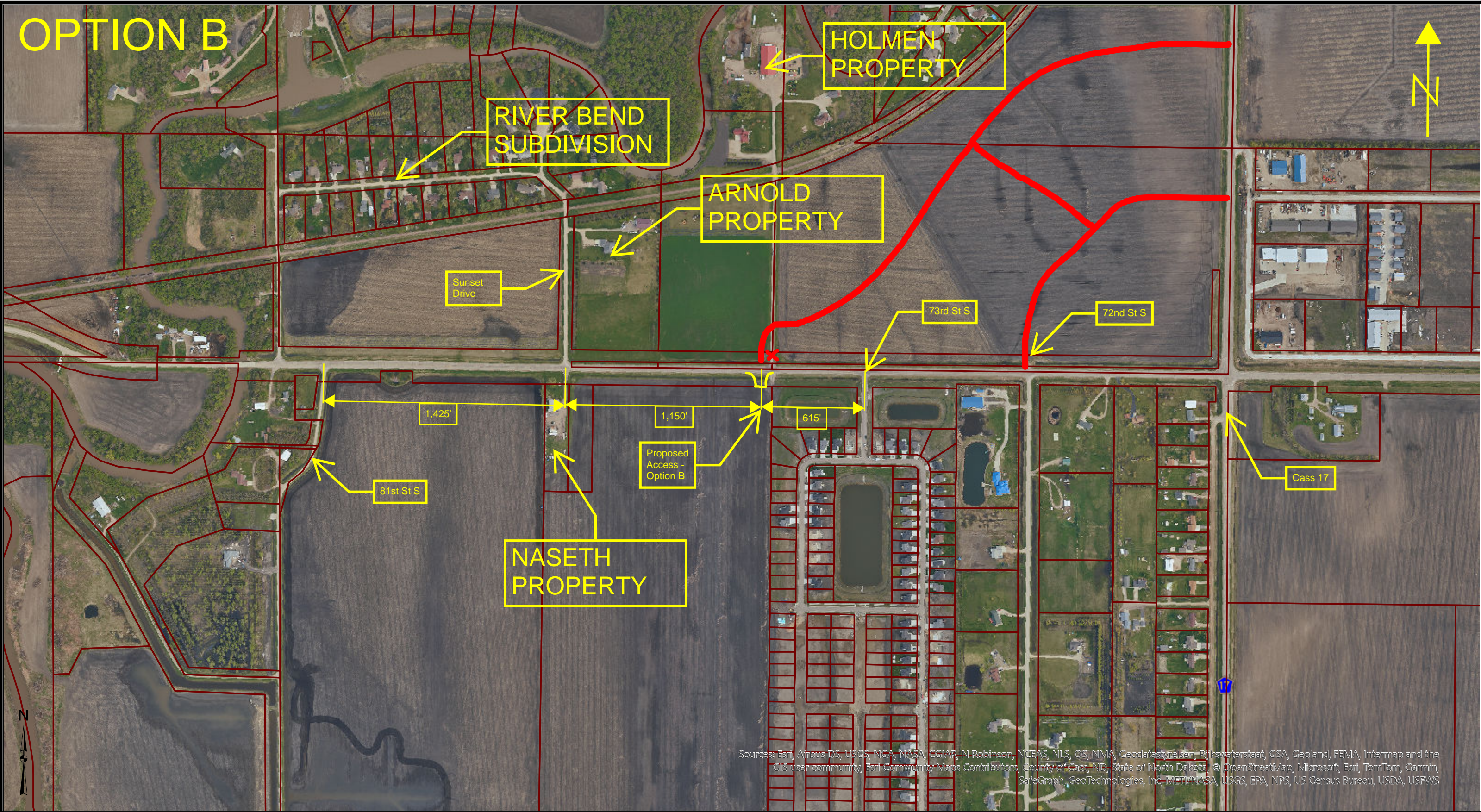
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Cass, ND, State of North Dakota, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

<h2>Cass Hwy 14 Access Permit - Oak Valley Plat</h2>	
Date: 4/9/2024	Cass County Government
<small>This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.</small>	



OPTION B



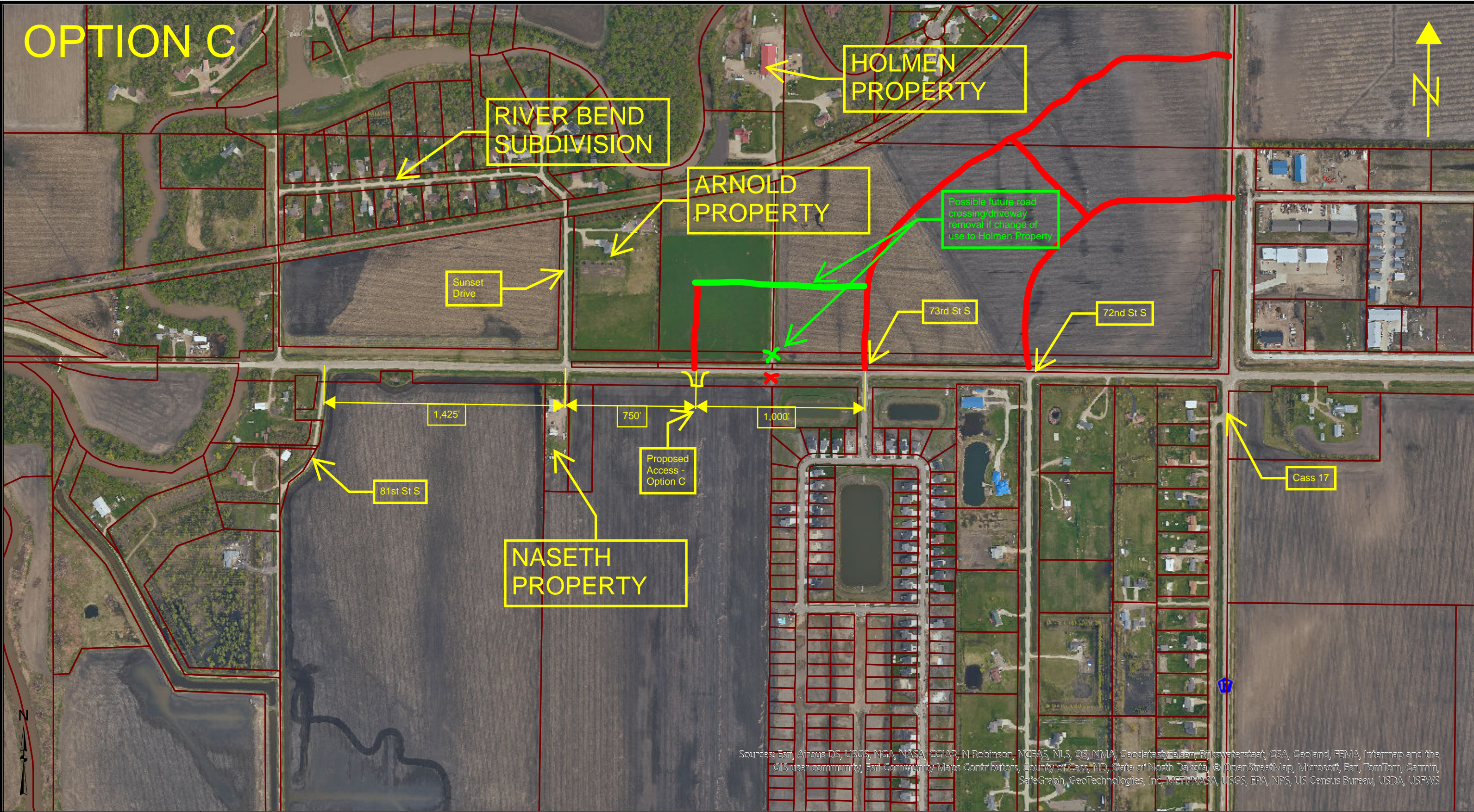
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Cass, ND, State of North Dakota, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

<h2>Cass Hwy 14 Access Permit - Oak Valley Plat</h2>	
Date: 4/9/2024	Cass County Government
<small>This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.</small>	



OPTION C



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Cass, ND, State of North Dakota, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

<h2>Cass Hwy 14 Access Permit - Oak Valley Plat</h2>	
Date: 4/9/2024	Cass County Government
<small>This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.</small>	



M. Shane Smith
9603 Wyoming Terrace
Bloomington, MN 55438-1600

May 10, 2024

Chad Peterson
Chairman Cass County Commissioners
Cass County Courthouse
211 9th St. S.
Fargo, ND 58103

Dear Mr. Peterson: **Regarding County Hwy 14 – Oak Valley Subdivision**

My mothers' ancestors homesteaded the Clemenson Farm (J. Marie Smith Trust) land in 1871 and were some of the earliest settlers in Horace ND.

I'm writing today to ask to speak at your next board meeting in regard to the access road off Hwy 14 for Oak Valley subdivision.

April 15th Board meeting

1. Per board meeting, "thinking out loud, we should match the approach like the development to the east.
 - a. I oppose this because of not following Cass County Hwy guidelines of where an approach can be. Follow and enforce your rules & regulations.
 - b. The City of Horace should be held accountable for allowing an unapproved approach to any development
 - c. Approving this *thinking out loud approach*, does it allow other developments the chance to challenge the commission on where they want and approach.
 - d. Can we or anyone else add an approach any place we want on our land without approval? Why can the City of Horace then allow it?
 - e. The Oak Valley Subdivision access approach should meet County guidelines.

2. The right thing to do is to purchase the Scott Naseth property at an agreed purchase price and the City of Horace should be the buyer.
 - a. Each party gets a written appraisal on the market value which may include a premium because of location.
 - b. The City of Horace should own their mistake.
 - c. The City of Horace should pay Mr. Naseth appraisal fee and attorney fees related to this issue.
 - d. The tax payers in the City of Horace should not have to pay for the City of Horace mistakes.

3. Buying Out Mr. Naseth Options
 - a. Option 1 – City of Horace pays 100%. They made the mistake
 - b. Option 2 – City of Horace pays 50%, Cass County Highway pays 50%
 - c. Option 3 – City 33.3%, Cass 33.3%, Oak Valley 33.3%
 - d. Option 4 – City, Cass and the two developers south of Hwy each pay 25%

Regarding future traffic. I respectfully disagree with April 15 commissioner statement on cars and future traffic.

Assuming 3 homes per acre. Assume 200 acres of future development = 600 homes I propose this is at least 1,200 cars a day trying to enter Highway 14, (100th Ave) in this area of new development.

By doing the right thing, following the Cass County approach guidelines in this area.

1. Consistent with Highway guidelines, not making exceptions for one developer
2. Improved safety for the future traffic
3. With Naseth property bought out and a proper access road installed
 - a. Allows for the future development or access to a J. Marie Smith (Clemenson farm) access road to be in a straight line going west.
Or following the rules and regulations set forth.

Please advise how I can call in for the next meeting on this topic.

Sincerely



M. Shane Smith

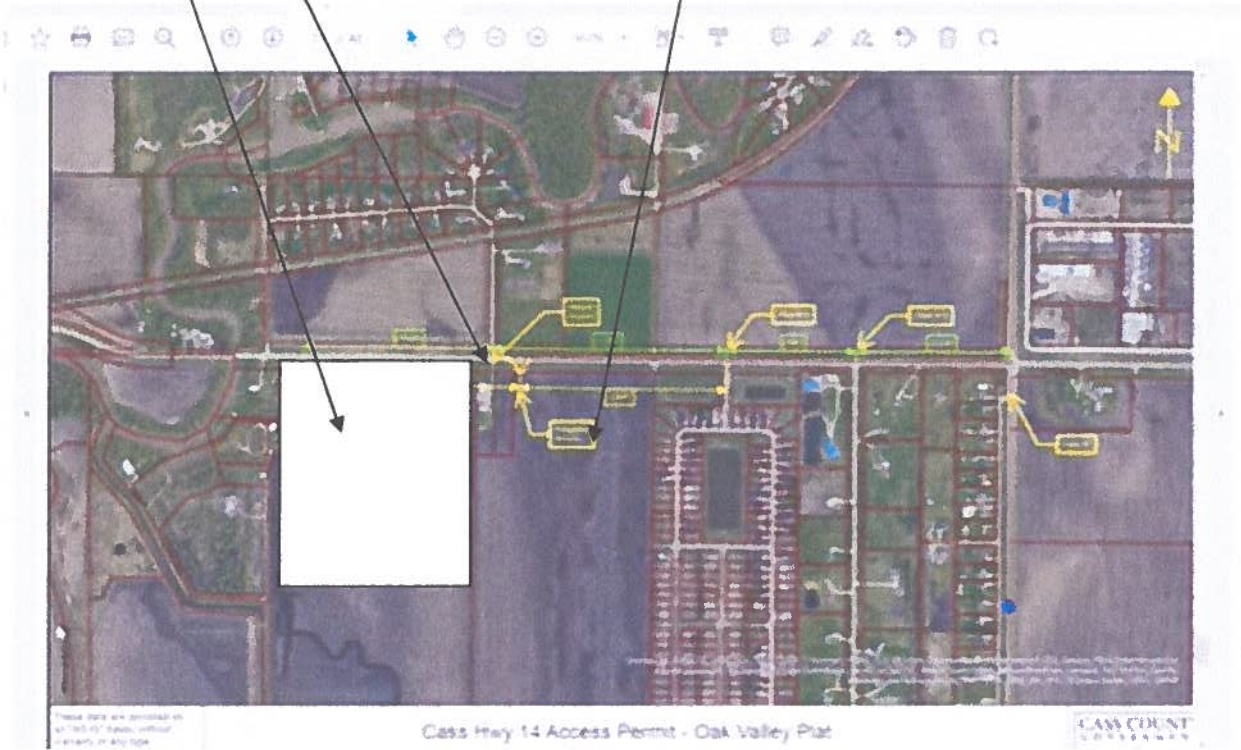
CC:

Tony Grindberg, Jim Kapitan, Duane Breitling, Mary Scherline, J. Marie Smith

Naseth Property

J. Marie Smith trust property

Oak Valley Development



Sharon Arnold

4/12/24

To Whom It May Concern:

This document is to object the proposed intersection construction on 100th and Robin Road in Horace, ND. Joe and Sharon Arnold live in this proposed area and were not notified of the meeting April 15th at 3:30 PM. We and our attorney cannot attend as we are out of state for a funeral and birth of a grandson.

List of Objections:

- 1) The current intersection is used by 25+ homes in our development since its existence since 1975. The current intersection has no defects and shows no signs of flaws in the near future.
- 2) Existing spacing of the intersection currently is safe/adequate (meeting the 3-exit maximum per mile along 100th Ave/County 14)
- 3) The Arnold property at 9822 Robin Road will be severely (negatively) impacted.
- 4) The Arnold family planned on building a house where the proposed road is to be located along with an extension for a commercial building for the Arnold family's business "Dakota Car Wash and Equipment".
- 5) The building set back requirements of 200 feet is required from Robin Road, therefore our new build would not meet that requirement and will not be constructed due to regulations for our city. We would not be able to build.
- 6) Headlights coming from the new development will shine directly into our existing home and our new build.
 - a. The Oak Valley Development community would also contribute to light pollution.
 - i. With the increasing number of homes being built in the development, a rough estimate would be 70 homes.
 1. Imagine 70 homes with 1 or more vehicles shining their headlights at our home and business countless times a day.
- 7) The Scott Naseth property is willing and able to sell their property to accommodate the current site of the current intersection, thus alleviating the whole dilemma.
- 8) The developer of Oak Valley Community did not do their due diligence in researching the location of the new development.
 - a. Limited access should have been the first consideration. With this lack of insight, it is causing the county to propose to take our property with bullying tactics and lack of transparency which harms our home and future land use.
- 9) Expect legal action on our part to fight this proposed plan due to negligence of the Oak Valley Developer and causing financial hardship and imposed negative implications to the Arnold property.
- 10) This proposed change will need to be financed through special assessments taxing current property owners of the Riverbend development. These homes have been using the current road for 40+ years. I speak for the Arnold Family and possibly the Riverbend development when we state that we do not want "specials" to increase through the city of Horace funding the road change.
- 11) The location and design of the road can act as a barrier for people in communities who need to utilize the road to access employment, education (school buses), services (garbage trucks and snow plowing), and everyday activities.