

Cass County Planning Commission Meeting
Thursday, October 22, 2015 at 7:00 a.m.
Cass County Highway Department Conference Room
1201 West Main Avenue in West Fargo
Agenda

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of May 27, 2015
5. New Business
 - A. Public Hearing Items
 - Haine Subdivision – A Minor subdivision in Section 2 of Amenia Township
 - Cenex Pipeline Subdivision – A Minor subdivision in Section 9 of Raymond Township
 - B. By-Laws
 - C. Planning Functions of Cass County
 - D. Subdivision Enforcement
6. Old Business
7. Adjournment

Final Plat Report

Title: Cenex Pipeline Subdivision

Owner(s): HAJ Johnson Farm Properties LLLP, 21861 Caminito Drive Trabuco Canyon, CA 92679

Applicant: Harry Johnson

Type of Request: Minor Subdivision (1 lot)

Status: Final Hearing at the October 22, 2015 Planning Commission Meeting

Proposal:

An application for a Minor Subdivision (plat) has been received by the Cass County Planning Office for approval of a tract of land located in a portion of the Southeast Quarter of Section 9 in Raymond Township to plat one lot to develop a refined product storage facility/terminal. The said tract contains 65.965 acres of land, more or less.

Staff Analysis:

Subdivision Ordinance Consistency

The subdivision will use a public road that accesses 32nd Street SE and borders the railroad on the North and County Road 13 on the East; ditches will be utilized for storm water conveyance; Rush River Water Resource District will supply the water source; and an on-site sanitary wastewater treatment facility will be utilized. The parcel is currently adjacent to the Lower Branch Rush River, and is in an area with no flood plain determination. There are no recorded plats within a 1000 foot buffer of the property. As per the township, the land use zoning is agricultural which will require a change of use to Industrial and a Conditional Use Permit via the Township. All existing easements are shown on the plat.

Agency Comments

The Cass County Engineer, Xcel Energy, Cass Rural Water, and Century Link, have all commented that the proposed plat meets all requirements.

No comments have been received from the Water Resource District, Cass County Electric, or the County Sanitarian.

Recommendation:

To approve the Final Plat as presented as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, and the Cass County Subdivision Ordinance.

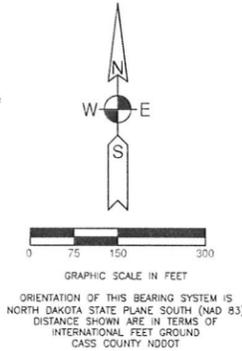
CENEX PIPELINE SUBDIVISION

A PORTION OF THE SOUTHEAST QUARTER, SECTION 9, TOWNSHIP 140 NORTH, RANGE 50 WEST
CASS COUNTY, NORTH DAKOTA



LEGEND

●	MONUMENT FOUND
○	MONUMENT SET, 5/8" REBAR, CAPPED "LS-6703"
—	SUBJECT PROPERTY LINE
- - -	SECTION LINE
- - -	QUARTER SECTION LINE
- - -	EXISTING PROPERTY LINE
- - -	EASEMENT LINE



SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Gregg Stroeing, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plot is a true and correct representation of the survey of said subdivision; that all distances shown on said plot are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Gregg Stroeing, Professional Land Surveyor
North Dakota License No. LS-6703

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2015,
before me, a notary public with and for said County, personally appeared Gregg Stroeing, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public _____

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, Cenex Pipeline, LLC a Minnesota Limited Liability Company whose address is Laurel, Montana as owner of a parcel of land located in the Southeast Quarter of Section 9, Township 140 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

That part of the Southeast Quarter of Section 9, Township 140 North, Range 50 West, of the Fifth Principal Meridian, Cass County, North Dakota that lies southerly of the south line of the Burlington Northern Santa Fe Railway right of way line.

The above described parcel contains 65.965 acres more or less.

Said owner has caused the above described tract of land to be surveyed and plotted as CENEX PIPELINE SUBDIVISION to the County of Cass, State of North Dakota, and do hereby dedicate to the public, for public use, all streets, avenues, and utility easements as shown on this plot except those easements shown hereon as existing.

OWNER:
Cenex Pipeline, LLC

By: _____
Richard S. Petersen, President

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year of 2015, before me, a notary public with and for said County, personally appeared Richard S. Petersen, President, Cenex Pipeline, LLC known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public _____

RAYMOND TOWNSHIP APPROVAL

Approved by Raymond Township, Cass County, North Dakota
this _____ day of _____, 2015.

Dane Larsen, Chairman

CASS COUNTY ENGINEERS APPROVAL

Approved by the Cass County Engineer this _____ day of _____, 2015.

Jason Benson, County Engineer

CASS COUNTY PLANNING COMMISSION APPROVAL

Approved by the Cass County Planning Commission this
_____ day of _____, 2015.

Ken Loughheed, Chairman

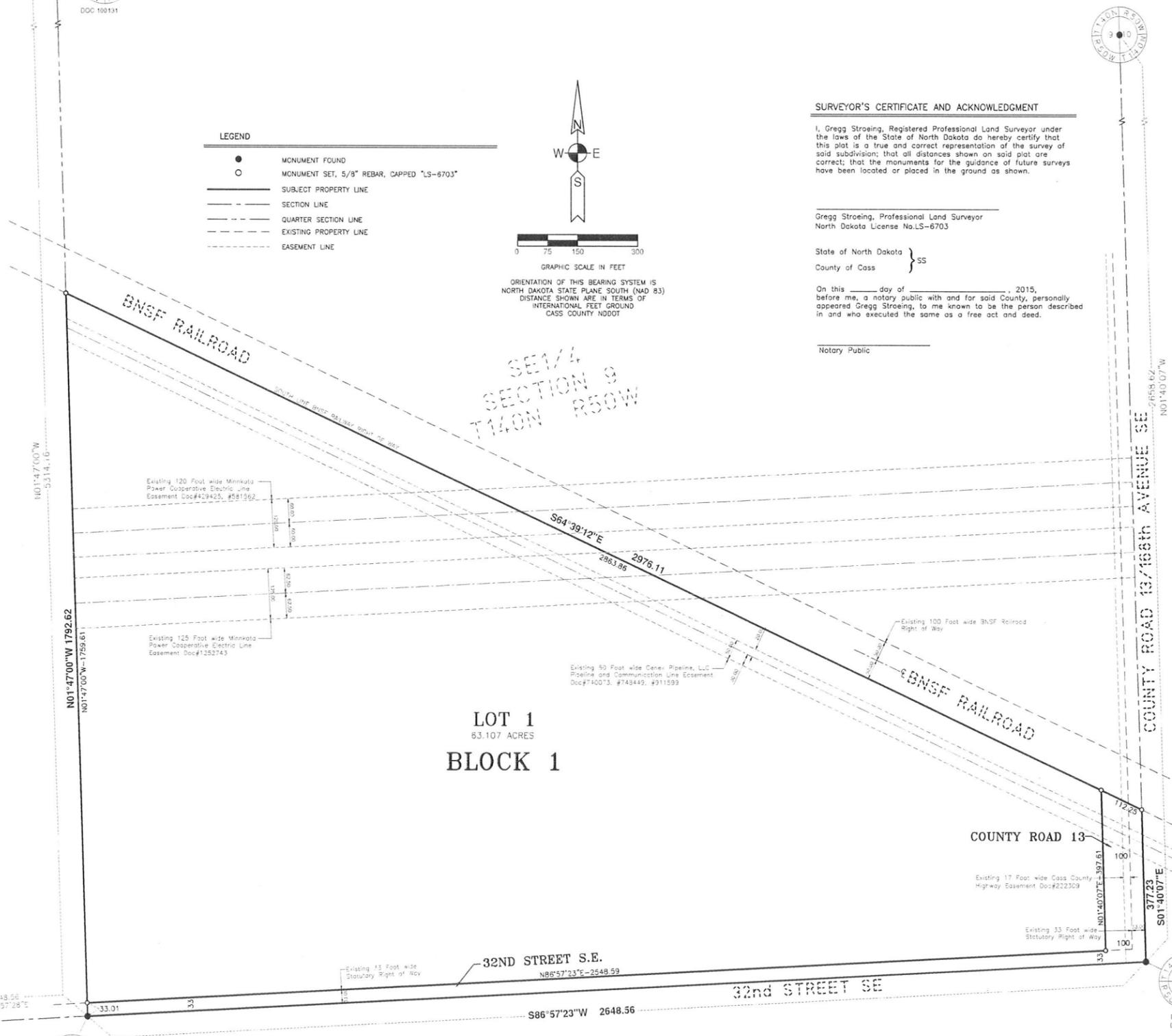
Attest: _____
Secretary

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of Cass County Commissioners and
ordered filed this _____ day of _____, 2015.

Chad M. Peterson, Chairman

Attest: _____
Michael Montplaisir, Cass County Auditor



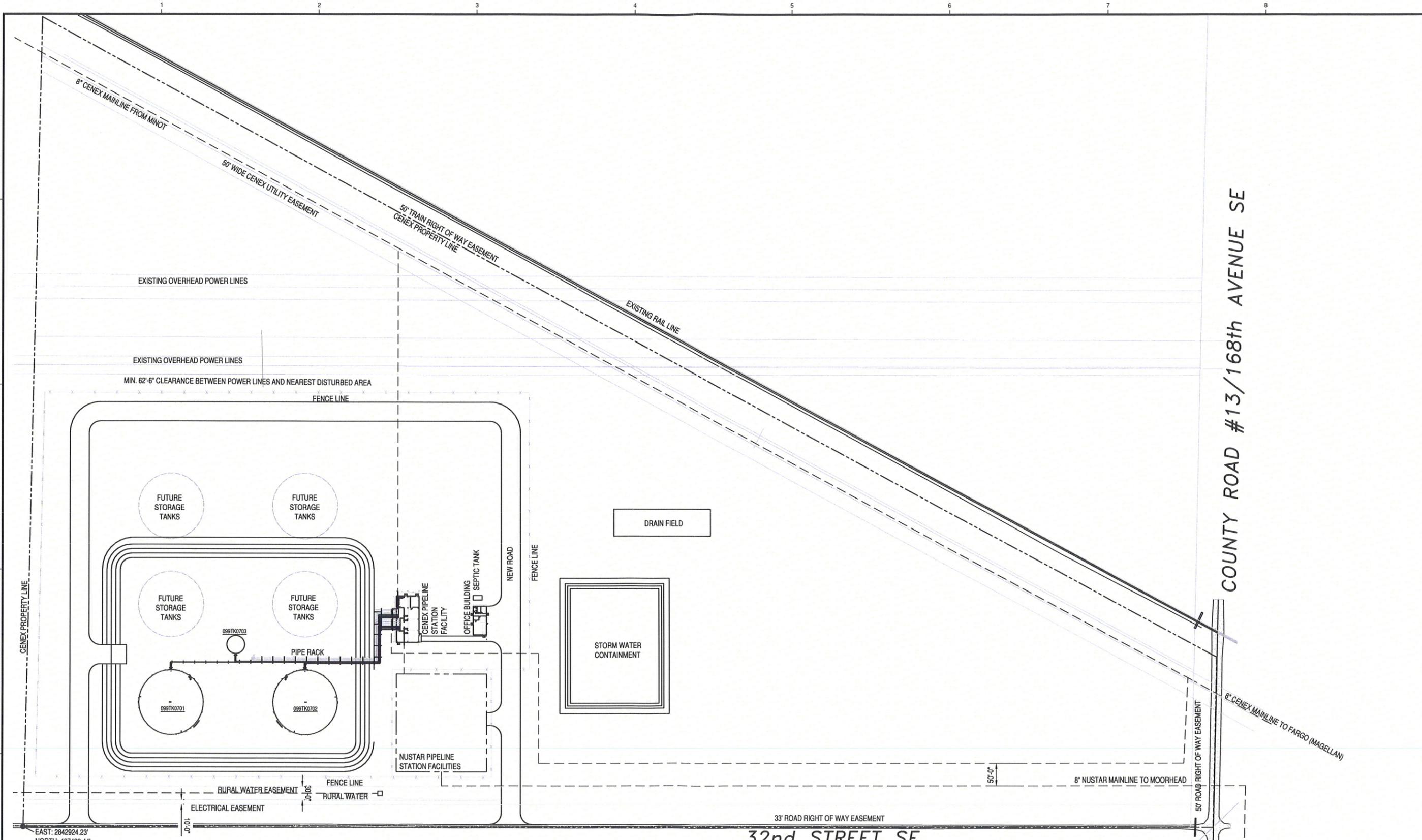
DOC 109130
DOC 101405

PREPARED BY
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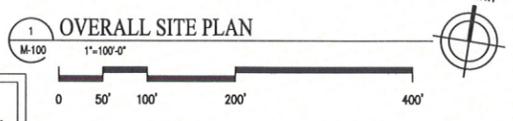
DOC 100132
DOC 101406

DOC 109129
DOC 101404

PRELIMINARY



EAST: 2842924.23'
NORTH: 487432.44'



**PRELIMINARY
NOT FOR CONSTRUCTION**



Karges-Faulconbridge, Inc.
Engineers
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FARGO, NORTH DAKOTA 58104 Tel.
(701) 552-9893
Fax (866) 604-2390
E-mail kfi@kf-eng.com

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REVISION	DATE	DRN	QCD	APD	DESCRIPTION
A	10-07-15	KFI			FOR OWNER REVIEW

32nd STREET SE

DESIGNED BY KFI	CHS PROJECT MANAGER MG
LEGACY DRAWING NUMBER	CHS PROJECT NUMBER EB1648
ORIGINAL DATE OF ISSUE 10-07-15	PLOT SCALE SEE DWG
	CENEX PIPELINE, LLC

OIL TERMINAL PROJECT OVERALL SITE PLAN PROSPER, ND					
FACILITY LOCATION CODE	DISCIPLINE CODE	DISCIPLINE SUB CODE	LOCATION NUMBER	DRAWING NUMBER	REV.
				PRT - M - 02 - 0000 - 100 - B	

2.0 LOCATION

2.1 Project Study Area

NuStar defined its study area as a 1.0-mile-wide corridor (0.5 mile on either side of the proposed centerline) between, and including, the Fargo Pump Station site and the Mapleton Junction site (Study Area).

2.2 Preferred Location of Project Corridor and Route

NuStar is seeking approval of a corridor that will align with the survey corridor used for conducting environmental field surveys. The survey corridor is primarily 200 feet wide (centered on the proposed alignment), but also includes temporary workspace areas extending beyond the 200-foot-wide corridor, an approximate 2-acre block within the proposed Cenex Fargo Terminal site for the Fargo Pump Station, and an approximate 1-acre block for installation of Project facilities at the Mapleton Junction (collectively, the Corridor). At this time, the specific location of the approximate 2-acre site for the Fargo Pump Station within the 60-acre Cenex Fargo Terminal has not be identified, but will be identified prior to the hearing on the Consolidated Application. The location and width of the proposed Corridor are illustrated on the aerial maps in Appendix A. The location of the proposed route (Route) within the proposed Corridor is also depicted on the aerial maps provided in Appendix A.

NuStar's proposed Corridor and Route are the result of a thorough site analysis, and coordination with Cenex, landowners, local officials, agencies, and existing infrastructure owners. NuStar obtained and analyzed public and proprietary information to identify sensitive areas and features within the Study Area, such as exclusion and avoidance areas, populated areas, wetlands, waterbodies, natural resources, areas of cultural significance, and public lands. In addition, NuStar considered existing rights-of-way (ROWs) (e.g., pipelines and roads) in an effort to maximize co-location with other infrastructure, where appropriate. NuStar also sought input from affected landowners, agencies, local governments, and other infrastructure owners, and refined the Corridor and Route based on input received. NuStar completed civil and environmental field surveys and additional constructability reviews to further refine its Route. Ultimately, the Corridor and Route were selected, which meet the Project needs, comply with the Commission's siting criteria, and minimize impacts to landowners, the environment, and existing infrastructure.

Additional discussion of the factors considered in selecting the Corridor and the Route is provided in Sections 13.0, 16.0, 17.0, and 18.0 of this Consolidated Application.

3.0 PURPOSE AND NEED OF THE FACILITY

Between 2007 and 2013, consumption of petroleum products in North Dakota increased significantly—from 26,411 to 40,679 thousand barrels per year.¹ NuStar and Cenex expect

¹ See U.S. Energy Information Administration, *Total End-Use Energy Consumption Estimates 1960-2013, North Dakota*. Available at http://www.eia.gov/state/seds/data.cfm?incfile=/state/seds/sep_use/tx/use_tx_ND.html&sid=North Dakota. Accessed September 3, 2015.

this increased demand to continue or increase during the next 10 years. The Project, in conjunction with the proposed Cenex Fargo Terminal, will provide a connection between Cenex's existing Laurel Pipeline and NuStar's existing North System Pipeline. This connection will enhance the refined petroleum products supply capabilities of both systems and better ensure that the systems can efficiently meet this increased refined petroleum products customer demand.

Cenex's existing Laurel Pipeline extends from the Cenex Refinery in Laurel, Montana, through terminals in Montana and North Dakota, to Magellan Midstream Partners, L.P.'s West Fargo Tank Farm in Fargo, North Dakota. At the connected terminals, the refined petroleum products transported are distributed by customers (e.g., retail outlets and contract end-users) in North Dakota, Montana, and Minnesota.

NuStar's existing North System Pipeline extends from the Tesoro Refinery in Mandan, North Dakota, through NuStar terminals in Jamestown, North Dakota, and Moorhead and Sauk Center, Minnesota, to a terminal in Roseville, Minnesota. NuStar's North System Pipeline also transports refined petroleum products produced in Kansas, Oklahoma, and Texas, which are delivered to a terminal in Jamestown via a NuStar refined products pipeline extending north from Kansas. At the various terminals along the North System Pipeline, the refined petroleum products are distributed by customers (e.g., retail outlets and contract end-users) in North Dakota and Minnesota.

The Project will provide Cenex with greater refined product supply optionality through the use of NuStar's North System Pipeline. The North System Pipeline has a direct connection to the Tesoro Refinery in Mandan, North Dakota; a terminal connection to a pipeline transporting product from refineries in Kansas, Oklahoma, and Texas; and a terminal connection in Moorhead, Minnesota. Thus, the Project will enable Cenex to deliver refined petroleum products from multiple sources to its customers in the Fargo-Moorhead area via either its existing system or NuStar's system.

The Project will also enable NuStar to more efficiently distribute diesel fuel and gasoline within the state of North Dakota. The Project will allow NuStar to aggregate the gasoline and diesel fuel that comes off of Cenex's Laurel Pipeline at the Cenex Fargo Terminal with the supply from North Dakota, Kansas, Oklahoma, and Texas already transported by the North System Pipeline. The additional supply from Cenex's Laurel Pipeline will enable NuStar to take more gasoline and diesel fuel off of the North System Pipeline at the Jamestown terminals to meet the increased North Dakota demand, and still continue to fulfill refined petroleum product customer needs downstream at NuStar's Moorhead, Sauk Center, and Roseville terminals. As a result, NuStar will be able to convert and dedicate existing tanks at the Jamestown, North Dakota, terminals to gasoline and diesel fuel storage, which will increase the overall supply of gasoline and diesel fuel available to the North Dakota market. For example, NuStar will be better able to meet the gasoline and diesel fuel needs of North Dakota consumers from the centrally located Jamestown terminals during peak agricultural production periods. In essence, connecting to Cenex's refined products system will better enable NuStar to ensure refined petroleum product customers at its terminals (including the Jamestown and Moorhead terminals) receive the amounts and types of products required, and can meet the needs of both North Dakota and Minnesota consumers.

The Project will also provide direct benefits to local communities through temporary construction employment and additional property tax revenue. Additional indirect benefits will result from Project-related purchases of local goods and services, such as the purchase of local gravel for access roads, purchase of fuel, and restaurant and hotel expenditures by Project construction and operations personnel.

A map showing the existing Laurel Pipeline and North System Pipeline and the proposed Cenex Fargo Terminal and Project is provided in Appendix A.

4.0 PRODUCT

4.1 Type of Product to be Transmitted

The Project will transmit refined petroleum products (e.g., gasoline, diesel fuel).

4.2 Source of Product

The refined petroleum products to be transported by the Project will originate at the Laurel Refinery in Laurel, Montana, which refines Bakken light crude oil produced in North Dakota and Montana.

4.3 Final Destination of Product

The refined petroleum products transported by the Project will be delivered to NuStar refined products terminals located in Moorhead, Sauk Centre, and Roseville, Minnesota. From those terminals, the refined petroleum products will be delivered by customers to North Dakota and Minnesota consumers.

5.0 TECHNOLOGY TO BE DEPLOYED

The Project will be designed, constructed, maintained, inspected, and operated to meet or exceed the U.S. Department of Transportation (USDOT), Pipeline Hazardous Materials Safety Administration (PHMSA) regulations, and in accordance with industry standards and company policies. Technologies used to satisfy these requirements and standards include:

- use of an external protective coating and cathodic protection to prevent external pipeline corrosion;
- regular internal pipeline inspection using in-line inspection tools to detect internal anomalies, including corrosion or denting;
- regular aerial and foot patrols of the permanent ROW; and
- installation of a supervisory control and data acquisition system (SCADA) monitoring and alarm system that continuously monitors the flow and pressure of the system and triggers alarms for anything outside normal operating conditions.

Construction and installation of the pipeline will use different techniques to avoid or minimize impacts to sensitive areas and identified road, railroad, and ditch crossings, such as trenchless