

ALEXANDRIA TOWNSHIP

**SUBDIVISION CONTROLS
ORDINANCE**

Effective:

January 1, 2009

ALEXANDRIA TOWNSHIP SUBDIVISION ORDINANCE

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SECTION 1. GENERAL PROVISIONS

1.1 Title. These regulations shall officially be known, cited, and referred to as the Subdivision Controls Ordinance of Alexandria Township, Minnesota (hereinafter “regulations” or “ordinance”).

- a. Any applicant whose proposed subdivision application has been pending for more than 120 days, as measured from the date a complete and accurate application was presented to the Township may contact the Township Clerk and request that the Township Board review the reasons for the delay in processing the application. Upon request, the Township Clerk shall place the matter on the Township Board agenda at the next scheduled meeting. After discussing the matter and, if the chair of the board should so choose, after hearing from the Zoning Administrator or other relevant Township official and the applicant, the Township Board may offer directives to any Township official in an effort to expedite the processing of the application.

1.2 Purposes. These regulations are adopted for the following purposes:

1. To guide the future growth and development of Alexandria Township in recognition of the general policies embodied in the Alexandria Township Comprehensive Plan and protect and provide for the public health, safety, and general welfare of the Township.
2. To insure that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until adequate public services and facilities exist with sufficient capacity to serve the proposed subdivision.
3. To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
4. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, including the proper location and width of streets and building lines, and to ensure proper legal descriptions and monumenting of subdivided land.
5. To ensure that proper provision has been made for drainage, water, sewage, and public improvements such as parks, recreational facilities, transportation facilities, and improvements. The community will be required to bear no more than its fair share of the cost of providing facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
6. To prevent the pollution of air and water resources including ground water and to encourage the wise use and management of natural resources throughout the Township in order to preserve the integrity, stability, and beauty of the community and the value of the land.

7. To provide for open spaces through the most efficient design and layout of the land.
8. To remedy problems associated with inappropriately subdivided lands.

1.3 Statutory Authorization. This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes.

1.4 Jurisdiction. These regulations apply to all subdivision of land, as defined in Section 2.2 (Definitions), located within Alexandria Township as provided by law. The Alexandria Township Subdivision Ordinance has been filed with the Douglas County Recorder's Office.

1.5 Application.

1. **General.** Any subdivision of land located in Alexandria Township that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions in this Ordinance, unless otherwise provided herein.
2. **Exceptions.** These regulations shall not apply to the following (other Township ordinances and state laws may apply):
 - a. Subdivisions creating cemetery lots;
 - b. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements;
 - c. Subdivisions resulting from court orders or mortgage foreclosures; or
 - d. Common property line adjustments as specified in subparts i, ii, and iii below:
 - i. The adjustment of a common property line by the relocation of that line to:
 - a. Eliminate encroachments;
 - b. Eliminate or reduce pre-existing setback violations; or
 - c. Eliminate boundary line disputes.
 - ii. Any transfer of a portion or portions of unplatted parcels between adjoining land owners where such transfer is unrelated to the purposes set forth in Subpart i above, provided that:
 - a) The transfer does not create a non-conforming parcel;
 - b) The transfer does not increase the degree of non-conformity for either parcel;
 - c) The subdivision does not cause previously conforming structures to be non-conforming; and
 - d) The transfer does not result in an increase in land use intensity.
 - iii. Any transfer of a portion or portions of a platted lot between adjoining land owners where such transfer is unrelated to the purposes set forth in Subpart i above, provided that:
 - a) The transfer does not create a non-conforming parcel;
 - b) The transfer does not increase the degree of non-conformity for either parcel;

- c) The subdivision does not cause previously conforming structures to be non-conforming; and
 - d) The transfer does not result in an increase in the land use intensity.
- e. Any land transfer documents under sub-paragraphs above presented to the Douglas County Recorder for filing, must be accompanied by a scaled drawing prepared by a Licensed Land Surveyor showing the following:
- i. Name, address, and telephone number of the legal owner(s) and/or agent of property.
 - ii. All contiguous property and roads and their legal name(s).
 - iii. Proposed new property lines with dimensions noted.
 - iv. Proposed driveway location and location of existing driveways on the same side of the road.
 - v. Proposed legal description of the parcel.
 - vi. Location, purpose and dimensions of all existing structures and distance of structures to the existing and proposed property lines.
 - vii. Location of any existing tile lines, abandoned wells, drainage ways, waterways, watercourses, lakes, wetlands and the toe and top of any bluffs present. When applicable, the ordinary high water level and 100-year flood elevations shall be shown.
 - viii. Location of a primary and an alternate site for individual sewage treatment systems (if applicable).

The Township Zoning Administrator shall approve all scaled drawings submitted for exceptions that are in compliance with the provisions of this Ordinance and other applicable requirements.

- 3. **Transfer or Sale or Land.** No owner or agent of the owner shall transfer or sell any part of a lot or parcel of land as defined in Section 2.2 (Definitions) under the Township’s jurisdiction before a metes and bounds subdivision, minor subdivision or major subdivision has been approved by the Township in accordance with the provisions of these regulations, except as provided in Section 1.5.2.
- 4. **Land Use Permits.** After the effective date of these regulations, no land use permit shall be issued for the erection of or addition to any structure, upon newly subdivided lands unless such lands have been subdivided in conformity with the provisions of these subdivision regulations, except for the construction of one building on a parcel or lot of record as provided in the Zoning Ordinance.

1.6 Enactment. In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of the effective date of these regulations. All applications for subdivision approval submitted after the effective date of these regulations shall be reviewed under these regulations. These regulations will not apply if an application for subdivision has been submitted to Douglas County and accepted as complete or if preliminary plat approval has already been obtained from Douglas County prior to the effective date of these regulations. Where preliminary plats have been approved by the Douglas County Board prior to the

effective date and have not expired, approval of the final plat shall not be subject to these regulations.

1.7 Interpretation, Conflict, and Separability.

1. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the Township to promote the purposes for which they are adopted.
2. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
3. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.
4. **Separability.** If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Alexandria Township Board of Supervisors hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

1.8 Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Township under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

1.9 Reservation and Repeals. The Alexandria Township Board is not aware of any previous Township Subdivision Ordinances. Upon the adoption of these regulations according to law, any and all previous Alexandria Township Subdivision Ordinances that

may exist are hereby repealed, except as to those sections expressly retained in these regulations.

1.10 Variances.

1. **Board of Adjustment and Appeals.** The Alexandria Township Board of Adjustment and Appeals shall have the exclusive power to order the granting of variances from the terms of this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this ordinance, in cases when there are practical difficulties or particular hardships. With the application for a variance, the applicant has the burden of describing the hardship which exists that justifies the variance. Hardship in the granting means:
 - a. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
 - b. The plight of the landowner is due to circumstances unique to his/her property not created by the landowner.
 - c. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owner or owners in the same area.
 - d. The variance, if granted, will not alter the essential character of the locality.
 - e. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do, nor for any other reason than a proved hardship. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this ordinance.
 - f. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
2. **Conditions.** The Board of Adjustment and Appeals may impose conditions in granting a variance to insure compliance and to protect adjacent properties and the public interest.
3. **Procedure.** Any proposed variance shall be presented to the Board of Adjustment and Appeals for determination. The following procedure shall be used in granting variances:
 - a. The applicant for a variance shall file an application in writing in the office of the Township Zoning Administrator on an application form provided by the Township and pay a fee as listed in the Alexandria Township Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Board of Adjustment and Appeals until it has been determined to be complete by the Zoning Administrator.
 - b. The Township Zoning Administrator shall refer the application to the Board of Adjustment and Appeals for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within five hundred

(500) feet of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment and Appeals will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance and to the County wherein the variance is proposed.

- c. The applicant or their authorized representative shall appear before the Board of Adjustment and Appeals and answer any questions concerning the proposed variance.
 - d. A decision shall be made by the Board of Adjustment and Appeals within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the Board of Adjustment and Appeals in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the Board of Adjustment and Appeals.
 - e. A certified copy of the granted variance shall be filed with the Douglas County Recorder or Registrar of Titles by the Township Zoning Administrator.
 - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section VI.I.2 of Alexandria Township Zoning Ordinance shall also include the Board of Adjustment and Appeals' summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
 - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Township Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
 - h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. **Planned Unit Developments.** If a subdivider is proposing a Planned Unit Development concurrent with a subdivision, any variance will be addressed in the Planned Unit Development review process.

1.11 Appeals.

1. **Timeframe.** The applicant for subdivision approval may appeal the decisions made by the Township staff by filing a Notice of Appeal with the Board of Adjustment and Appeals, no later than thirty (30) days after the time the administrative determination is made. The appeal stops all proceedings on the action appealed unless the Board of Adjustment and Appeals certifies that the stay

would cause imminent threat to life or property. The Board of Adjustment and Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may direct the issuance of a permit.

2. **Procedure.**

- d. Appeals shall be filed with the Township Zoning Administrator. If the appeal is of a decision by the Zoning Administrator, the appeal shall be filed with the Township Clerk.
- e. The Township Zoning Administrator or Clerk shall refer the appeal to the Board of Adjustment and Appeals for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within five-hundred (500) feet of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment and Appeals will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the appeal and to the Town Board of the Township.
- f. The applicant or a representative shall appear before the Board of Adjustment and Appeals and answer any questions concerning the appeal.
- g. A decision shall be made by the Board of Adjustment and Appeals within ninety (90) days after the public hearing. All decisions by the Board of Adjustment and Appeals in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons or any department, board of commission of the jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact with in thirty (30) days after the approval or denial of the variance.
- h. A certified copy of any order resulting from the Board's decision on an appeal shall be filed with the Douglas County Recorder or Registrar of Titles by the Township Zoning Administrator.

1.12 Amendments.

1. **Application.**

- a. This ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this section.
- b. Proceedings for amendment of this Ordinance shall be initiated by:
 - i. A petition of the owner or owners of the actual property;
 - ii. A recommendation of the Township Planning Commission; or
 - iii. By action of the Township Board of Supervisors.
- c. Applications for amendment shall be filed with the Township Zoning Administrator.

2. **Public Hearing.**
 - a. Upon receipt, in proper form, of the application and other requested material, the Township Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission.
 - b. Notice of the time and place of such public hearing shall be given pursuant to Section 462.357 of the Minnesota Statutes.

1.13 Enforcement, Violations, and Penalties.

1. It shall be the duty of the Township Zoning Administrator to enforce these regulations and to bring to the attention of the Township Board any violations of these regulations.
2. Any person who unlawfully violates any of the terms and provisions of this Ordinance shall be charged with a misdemeanor punishable by a fine of not more than one-thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. All fines for violation shall be paid to the Township and shall be credited to the general revenue fund. All prosecutions for violation of this Ordinance shall be conducted by the Township Attorney.
3. In accordance with section 505.08 of the Minnesota Statutes, any person who shall dispose of or lease, any land included in a plat by reference to the plat before it is recorded, shall forfeit to the Township \$100 for each lot, or part of a lot, so disposed of or leased and any official, land surveyor, or person whose duty it is to comply with any of the provisions of Chapter 505 of the Minnesota Statutes, shall forfeit not less than \$100 for each month during which compliance is delayed. All forfeitures under this section shall be recovered in an action brought in the name of the Township.
4. In the event of a violation or a threatened violation of this Ordinance, the Township Board of Supervisors, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Township Attorney to institute such actions.
5. Any taxpayer or taxpayers of the Township may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

1.14 Fees. The Township Board may, by resolution, establish reasonable fees for the administration of this ordinance

SECTION 2. DEFINITIONS

2.1 Usage.

1. For the purposes of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Section.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.
3. The word "shall" is mandatory and the word "may" is permissive.

2.2 Words and Terms Defined.

Access. The way in which a lot is entered or approached from a public right-of-way.

Adequate Public Facilities. Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the Township Board based upon specific levels of service.

Alley. A public right-of-way, less than twenty-four (24) feet in width, which provides secondary access to the abutting lot.

Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Applicant. The owner of land proposed to be subdivided or an agent who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the property.

Arterial system. The network of roadways comprised of principle and minor arterials.

Block. An area of land within a major subdivision, consisting of one or more lots, which is bounded by rights-of-way, another subdivision, a river or lake or combination thereof.

Bond. Any form of a surety bond in an amount and form satisfactory to the Township Board. All bonds shall be approved by the Township Board whenever a bond is required by these regulations.

Buffer. A portion of a lot or outlot intended to create or provide physical separation between potentially incompatible land uses or sensitive natural resources (see Section 5.3.6, 5.3.7, etc.)

Buildable Area. The area of a lot which is sufficient to accommodate the construction of water supply systems, sewage treatment systems, buildings, driveways and other customary improvements to a lot, while still providing for adequate setbacks. Buildable area shall not include land below the ordinary high water level of a waterbody, wetlands, bluffs, non-buildable easements, minimum yard setbacks, buildable portions of land that are non-contiguous to each other, or when the County Board otherwise determines that an area is unsuitable for proposed or likely improvements. Buildable areas must include sufficient area for two standard sewer systems. An area shall not be considered in the calculation of buildable area if it is not at least fifty (50) feet in width and length.

Building. Any structure or appurtenance that is built for support, shelter, or enclosure of persons, animals, chattel, or property of any kind.

Certify. Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the Township by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

Cluster Development. A technique which allows lots to be reduced in size and buildings sited closer together provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purposes.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which the same stockholder, partner, or associate, owns a majority interest in each corporation, firm, partnership, entity, or unincorporated association.

Complete Submittal. A written request and a completed application for subdivision approval as established in this Ordinance and determined by the Zoning Administrator (please see Section 3.1.3 and 3.1.4).

Comprehensive Plan or Comprehensive Municipal Plan. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the Township and its environs, as defined in Chapter 462 of the Minnesota Statutes, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Condominium. A common interest community in which (i) portions of the real estate are designated as units, (ii) the remainder of the real estate is designated for common ownership solely by the owners of the units, and (iii) undivided interests in the common elements are vested in the unit owners.

Construction Plans. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Township as a condition of the approval of the plat.

Contiguous. The following rules shall apply when determining contiguous parcels or lots.

- a. Parcels or lots are geometrically touching at any one point
- b. Parcels or lots that were divided by a governmental action such as a new roadway that bisected the property but have remained in one ownership or have been transferred as one property.
- c. Parcels or lots under one ownership or have been transferred as one property but that cross political subdivision boundaries remain contiguous.

Cul-de-Sac Street¹. A local street with only one outlet.

Design Standards. The specifications for the design of subdivisions and required improvements including items such as the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Developer. The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See Subdivider.

¹ Amended 12/15/2008 – Resolution #08-18

Developer's Agreement. A contract entered into by the applicant and the Township Board on behalf of the Township by which the applicant promises to complete the required public and private improvements within the subdivision within a specified time period following final subdivision plat approval.

Development Agreement. A contract between the Township Board and developer that specifies the terms and conditions of approval of a planned unit development or other zoning matter.

Easement. Authorization by a property owner for another party to use the owner's property for a specified purpose. Private easements are authorizations between private parties and not available to the general public. Public easements are authorizations between a private landowner and the public.

Escrow. A deposit of cash with the Township or escrow agent to secure the promise to perform some act.

Final Plat. A drawing or map of a subdivision, meeting all of the requirements of the Township, County, and Minnesota state statutes regarding the platting of land, and in such form as required by the Township or Douglas County for the purpose of recording.

Frontage. That side of a lot abutting on a street and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

Grade. The slope of a road, street, or other public way specified in percentage terms.

Health, Safety, or General Welfare. The purpose for which towns may adopt and enforce land use regulations for the prevention of harm or promotion of public benefit to the Township.

Highway, Limited Access. A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the traffic way.

Homeowners Association. See Property Owners Association.

Improvements. See Lot Improvement or Public Improvement.

Individual Sewage Treatment System (ISTS). An on-site sanitary sewage treatment system or any other approved sewage treatment device.

Increase in Land Use Intensity. A change in use resulting in more intensive use of the land, such as a change from agricultural to residential, from residential to multi-family, commercial, or industrial, or from commercial to industrial.

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Licensed Engineer. An engineer properly licensed and registered in the State of Minnesota.

Licensed Land Surveyor. A land surveyor properly licensed and registered in the State of Minnesota.

Local Road. A street, as designated in the Comprehensive Plan, whose function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sanitary sewer, water, and storm sewer lines, street trees, sidewalks and trails and other public purposes as approved by the Township Board.

Lot. A portion of an approved subdivision intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 120 degrees nor less than 60 degrees.

Lot Improvement. Any building, structure, work of art, or other object situated on a lot constituting a physical betterment or improvement of the property including grading.

Lot Line. The dividing line between two platted lots or as further established by the Douglas County Zoning Ordinance.

Lot Width. The shortest horizontal distance between the side lot lines of a lot measured at any point between the front lot line and the rear lot line. For the purposes of meeting minimum lot width requirements throughout this ordinance, lot width shall be measured in a straight line rather than along a road or right-of-way. For riparian lots, the lot width shall also be the horizontal distance measured between lot corners at the ordinary high water level and at the minimum building setback line from the water body.

Major Subdivision. See Subdivision, Major.

Major/Urban Collectors. Roadways, as designated in the Township comprehensive plan that serve shorter trips that occur and provide access from neighborhoods to the arterial system. They supplement the arterial system by emphasizing mobility over land access. Consequently, because of their location, they are lower-volume roads than arterial routes.

Metes and Bounds Subdivision. See Subdivision, Metes and Bounds.

Minor Arterial. A roadway that supplements principal arterials, as designated in the Alexandria Township Comprehensive Plan. Minor arterials connect urban service areas with towns inside and outside the region. They also connect major traffic generators and regional business concentrations. They should serve medium-length and short trips and emphasize mobility over land access.

Minor Collector. A roadway that provides supplementary interconnection among rural centers. Their emphasis is on land access. Consequently, because of their location, they are lower-volume roads than arterial routes.

Minor Subdivision. See Subdivision, Minor.

New Development. A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the Township's subdivision regulations, the issuance of a land use permit, or connection to a sanitary sewer system.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial uses.

Ordinance. Any legislative action, however denominated, of the Township which has the force of law, including any amendment or repeal of any ordinance.

Outlot. A portion of land within a subdivision which is intended for future development and to be further subdivided into additional lots, streets, open space, or other common uses in a subdivision. No construction or placement of structures or other improvements shall take place on outlots unless specifically approved by the Township Board. Outlots may only be subdivided through the major subdivision procedure.

Owner. The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity

having legal title to or sufficient proprietary interest in the land sought to be subdivided under the definition of Common Ownership.

Parcel. Any property existing as of the effective date of this Ordinance and recorded with the Douglas County Recorder's Office and any lot, site, unit or tract created pursuant to the provisions of this Ordinance subsequent to its effective date.

Pedestrian Way. A facility designed for pedestrian travel located within a public right-of-way or public easement across a lot or parcel intended to provide public access for pedestrians.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Person. Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Planned Unit Development (PUD). A type of development characterized by a unified site design for a number of residential and/or commercial dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and the provision of common open space. These developments may be organized and operated in a variety of ways, including as cluster subdivisions, conservation subdivisions, condominiums, time share condominiums, cooperatives, full fee ownership, any similar form of organization or ownership, or any combination of these. They also include the conversion of existing structures and land uses to these types of ownership structures and land use designs.

Planning Commission. The Alexandria Township Planning Commission.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission and Township Board for approval.

Principal Arterial. A roadway, as designated in the Alexandria Township Comprehensive Plan, intended to connect regional population centers and other principal and minor arterial routes. They carry the longest trips in the region and emphasize mobility rather than land access. Principal arterials are generally constructed as limited access freeways in a developed area, but may also be constructed as multi-lane divided highways.

Private Covenants. Contracts entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the property owners to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Private Street. A privately owned and maintained street.

Property Line. The dividing line between two parcels.

Property Owners Association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision be it a lot, parcel site, unit plot, condominium, or any other interest is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the

Township or other governmental entity may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which Township or other governmental entity responsibility is established. Public improvements do not include the sanitary sewer service line that extend from the structure to the sanitary sewer main, driveways and approaches, or service lines for electric, natural gas or telecommunication utilities.

Public Capital Improvements Program. An itemized program for typically a five-year prospective period that sets the schedule, timing and details of specific capital improvements by year together with an estimated cost, the need for each improvement, and potential financial resources for the project.

Resubdivision. Any change in a recorded major subdivision plat that affects any street rights-of-way layout in the subdivision or area reserved thereon for public use or exceeds the number of lots allowed in a minor subdivision.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established as determined by the Township Board. The term “right-of-way” as used herein shall not include or relate to utility easements or to drainage easements.

Road Classification. For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated in the Township Comprehensive Plan and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the Township and its present and estimated future traffic volume and its relative importance and function as specified in the Township Comprehensive Plan.

Road, Dead-End. A road or a portion of a road with only one (1) vehicular-traffic outlet.

Road Right-of-Way Width. The distance between right-of-way or roadway easement lines measured at right angles to the center line of the street.

Rough Grading Plans. The maps or drawings accompanying a subdivision plat that shall be of adequate scale to show all the site information required by this ordinance and/or otherwise necessary to make an accurate assessment of road gradients, drainage patterns, and erosion and storm water control measures before, during and after preparation and/or grading of the site.on one sheet. This plan needs to include the existing and proposed contours, areas of cut and fills, the site drainage pattern and inlet/outlet structures.

Sale. Any immediate or future transfer of ownership, or any possessor interest in land, including contract of sale, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof.

Screening. Approved materials such as walls, berms, fences, or plantings which are used to conceal one element of a development from other elements or from adjacent or contiguous development.

Security. The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.

Sensitive Features. Features identified in Section V.S of the Alexandria Township Zoning Ordinance .

Setback. The distance between a structure and the property line, roadway center line, or other lot boundary or natural resource feature.

Sketch Plat. A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Township as to the form of the plat and the objectives of these regulations.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial, parkway, throughway, road, avenue, lane, place or however otherwise designated.

Street, Half. A public right-of-way that is fifty (50) percent or less of required right-of-way width.

Street Width. The shortest distance between the lines delineating the street measured from curb to curb or shoulder to shoulder.

Structure. Any building or appurtenance, including decks, except fences and except aerial or underground utility lines, such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivide. The act or process of creating a subdivision.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, or develops, or offers to sell, or develop, or advertises to sell, or develop, any interest, lot, parcel, site, unit, or subdivision, or, who (3) engages directly or through an agent in the business of selling, developing, or offering for sale, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, or other recorded instrument. Subdivision includes metes and bounds subdivision, minor subdivisions, major subdivision, resubdivision and condominium creation or conversion.

Subdivision, Major. All subdivisions not classified as exceptions to the subdivision ordinance, metes and bounds subdivisions, or minor subdivisions. Major subdivisions are required where the subdivision of two (2) or more lots requires any new or extension of

public rights-of-way or the extension of public facilities including sanitary sewer or water or the creation of any new public improvements. Major subdivisions shall include the resubdivision of previously approved subdivision where rights-of-way or public facilities are being relocated. Major subdivisions shall also be required in sensitive areas as defined in Section V.S of the Alexandria Township Zoning Ordinance.

Subdivision, Metes and Bounds. A subdivision where a maximum of two lots from a parcel 40 acres or larger or an original ¼ ¼ section or government lot is created. A metes and bounds subdivision is illustrated by a scaled site drawing that uses a metes and bounds description method to describe the lots being created by measures of length, direction of length (metes) and boundary lines (bounds). A maximum of one metes and bounds subdivision may be processed for any such parcel on record with the Douglas County Recorder's Office upon the effective date of the adoption of this Ordinance.

Subdivision, Minor. Any subdivision where a platted recorded lot is being split into a maximum of five (5) lots, or a maximum of five (5) lots are being combined into four or fewer lots. All resulting lots must meet the minimum lot size and area requirements listed in the applicable zoning district regulations. The minor subdivision process shall not be allowed in the following situations:

- a. Any lot within an approved Planned Unit Development (PUD).
- b. Any lot within the Shoreland Residential District, as defined in Section VII of the Alexandria Township Zoning Ordinance
- c. Any unplatted lands.
- d. Where the subdivision includes either:
 - i. the dedication of additional right-of-way requiring street construction; or
 - ii. the dedication of public easements or the granting of private easements;
or
 - iii. a change in existing streets, alleys, water mains, sewer mains or other major public improvements.
- e. Where new streets, utilities, or other public improvements will be needed other than to directly serve the lots created and to provide a direct connection to an existing and approved system.
- f. Where sensitive features exist, as defined in Section V.S of the Alexandria Township Zoning Ordinance.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Tree. Any of the following types of trees, as each is defined herein:

- a. Coniferous/Evergreen Tree. A woody plant which, at maturity, is at least 12 feet or more in height, having foliage on the outermost portion of the branches year round.
- b. Deciduous Tree. A woody plant which, at maturity, is at least 15 feet or more in height, having a defined crown and which sheds leaves annually.
- c. Significant Tree.² A healthy hardwood deciduous tree measuring equal to or greater than six inches in diameter and twelve (12) feet in height; or a coniferous/evergreen tree with a minimum height of 12 feet.

² Amended 12/17/2007 – Resolution #07-19

- d. Hardwood Deciduous Tree. Includes: Ironwood, Catalpa, Oak, Maple hard, Walnut, Ash, Hickory, Birch, Black Cherry, Hackberry, Locust and Basswood.
- e. Softwood Deciduous Tree. Includes: Cottonwood, Poplars/Aspen, Box Elder, Willow, Silver Maple and Elm.
- f. Speciman Tree.³ A healthy hardwood deciduous tree measuring equal to or greater than 24 inches in diameter and fifteen feet in height or a coniferous tree measuring 15 feet or greater in height.

Township. Alexandria Township, Minnesota.

Township Attorney. The attorney of Alexandria Township or other legal professional as determined by the Town Board.

Township Board. The governing body of the Township of Douglas, Minnesota, known as the Alexandria Township Board of Supervisors.

Township Engineer. The Township Engineer or an authorized representative.

Township Zoning Administrator. The Township Zoning Administrator or an authorized representative.

Turnarounds. A local street with only one outlet that terminates in an “L” or “T” shape for vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

³ Amended 12/17/2007 – Resolution #07-19

SECTION 3. REVIEW AND APPROVAL PROCEDURES

3.1 General Procedures.

1. **Subdivision Procedures.** Before any land is subdivided, applicants proposing to subdivide land shall apply for and secure approval of the proposed subdivision in accordance with the following procedures which establish different steps for the four different classifications of subdivision as defined in Section 2.2 and as identified below:
 - a. Registered (Torrens) Land Survey
 - b. Metes and Bounds Subdivision
 - i. Pre-Application Meeting – Sketch Plat (voluntary)
 - ii. Scaled Site Drawing (by a licensed land surveyor)
 - c. Minor Subdivision
 - i. Pre-Application Meeting – Sketch Plat (voluntary)
 - ii. Final Plat
 - d. Major Subdivision.
 - i. Pre-Application Meeting – Sketch Plat (voluntary)
 - ii. Preliminary Plat
 - iii. Final Plat
2. **Determination of Subdivision Classification.** The Township Zoning Administrator shall determine the type of subdivision classification a proposed project is (please see the subdivision definitions in Section 2).
3. **Official Submission Dates.** For the purpose of these regulations, the Official Submission Date or starting date shall be the date in which a written request that includes a complete and accurate application, as determined by the Township Zoning Administrator, is received for a subdivision.
4. **Complete Submittal.** The Township Zoning Administrator will review subdivision applications within **fifteen (15) business days** of their submittal and determine if the application is complete. If the application is not complete and accurate, the Township Zoning Administrator will notify the applicant in writing of the necessary changes or additional information within the 15-day timeframe. If the application is complete, the formal review process will begin on the date the submittal was received by the Zoning Administrator.
5. **Coordination of PUD Zoning Applications.** It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Planned Unit Development (PUD) zoning applications under the Zoning Ordinance. The plans required for these types of zoning applications shall be submitted in a form to satisfy the requirements of the subdivision regulations.
 - a. **General Requirement.** Whenever the Zoning Ordinance authorizes PUD zoning applications and the application entails the division of the land, vacant or improved, into two (2) or more lots, parcels, sites, units, plots, or

interests for the purpose of offer, sale, or development, whether residential or nonresidential, major subdivision approval by the Township Board shall be required in addition to all other procedures and approvals required in the Zoning Ordinance, whether or not applicable zoning procedures also require Township Board approval.

b. **Procedure to Be Followed:**

- i. **Preliminary Plat Approval Required.** Whenever a PUD zoning application is submitted which involves a subdivision of land as set forth in these regulations, a concurrent submittal of a preliminary plat application shall be submitted to the Township. The application shall be made on the forms required for a preliminary plat as set forth in Section 6.
- ii. **Final Plat Approval Required.** A final plat of the PUD must be approved by the Township Board. No construction or placement of structures or other improvements shall take place within a PUD project except as provided in Section 1.5.4 until the zoning application has been finally approved by the Township Board and the final subdivision plat is recorded with the Douglas County Recorder's Office.

3.2 Pre-Application Meetings

1. **Purpose.** In order to familiarize the subdivider with these regulations and related laws and to avoid costly revisions of plans and plats before preparing the necessary documents and drawings for a subdivision application submittal, applicants are encouraged to meet with the County's Township's Development Review Team at a pre-application meeting. The purpose of these meetings is to discuss the requirements in this ordinance and other applicable regulations and the procedures for approval of a subdivision with the applicants as early in the design process as possible.
2. **Meeting Schedule.** The Development Review Team will hold at least two regularly scheduled meetings per month, or more often as needed. The Township's Development Review Team will hold meetings at the call of the Zoning Administrator as determined necessary, but within no less than thirty (30) days upon the request of a subdivider. Whenever possible, the Zoning Administrator shall coordinate with the Douglas County Land & Resource office to schedule review of proposed subdivisions in Alexandria Township at the same time as the County reviews applications at its Development Review Team meeting. It is the intent of the Township that these meetings be coordinated with the County's Development Review Team process and schedule as much as possible so as to facilitate an orderly subdivision review process.
3. **Development Review Team.** Members of the Development Review Team may include the Township Zoning Administrator, Township Engineer,, and up to two

Township Planning Commission representatives, in addition to those already serving on the County's Development Review Team. The Zoning Administrator may also invite other relevant officials who must eventually approve various aspects of the subdivision plat coming within their jurisdiction. Items to be discussed include the general layout of streets, blocks and lots, reservations of land for public uses, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.

4. **Sketch Plat.** To assist the Development Review Team in evaluating the proposed subdivision, applicants are encouraged to submit a sketch plat and any other pertinent information on their proposed project. Items to be included on a sketch plat are provided in Section 6.3.
5. **Results from Pre-Application Meetings.** Applicants who attend pre-application meetings will be given written comments on their proposed projects within **three (3) business days** of the pre-application meeting. Members of the Development Review Team will also provide additional information on applicable regulations and design guidelines to assist applicants in understanding the requirements.
6. **Planning Commission Review.** If the applicant requests, the Township Zoning Administrator may transmit the sketch plat to the Planning Commission for review at their next available meeting. The Township Zoning Administrator shall provide the applicant with a copy of the Planning Commission's recommendations on the proposed sketch plat within **ten (10) business days** of the Planning Commission meeting.

3.3 Environmental Review Procedures.

1. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
2. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the subdivision by the Township. (Contact the Zoning Administrator for more information on these procedures.)
3. **Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the Township Board may require the applicant to pay a fee equal to the actual cost incurred by the Township, including the cost of Township staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction

with the application, and other direct costs of the County in the review process. The Township Board shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

3.4 Registered (Torrens) Land Survey Procedures. It is the intention of this Ordinance that all registered land surveys in the Township shall be presented in the form of a preliminary plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the Township Board shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded with Douglas County. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the Township may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

3.5 Metes and Bounds Subdivision Procedures. Applicants shall file an application for review and approval by the Township Zoning Administrator according to the following:

1. **Complete Submittal.** The complete submittal shall include:
 - a. A completed application for a Metes and Bounds Subdivision on forms available from the Township Zoning Administrator;
 - b. Include or provide information (as approved by the Township Zoning Administrator) on all contiguous holdings of the owner including land in common ownership as defined in these regulations;
 - c. Be accompanied by minimum of ten (10) copies of the scaled site drawing as described in Section 6 and complying in all respects with these regulations;
 - d. A Certificate of Exemption or an approved Wetland Replacement Plan as required by the Minnesota Wetland Conservation Act;
 - e. Be accompanied by a fee as established in the Township's Fee Schedule.
2. **Referral of Scaled Site Drawing.** The Township Zoning Administrator may transmit the scaled site drawing for review to members of the Development Review Team and appropriate officials or agencies. The Township Zoning Administrator shall request that all officials and agencies to whom a request for review has been made, submit their report to the Township Zoning Administrator within **fifteen (15) calendar days** after receipt of the submittal. If no report is received **within 15 calendar days**, it will be assumed by the Township Zoning Administrator that there are no objections in the scaled site drawing as submitted.
3. **Township Zoning Administrator Review.** The Township Zoning Administrator shall approve all metes and bounds subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements.
4. **Recording.** A final copy of the scaled site drawing shall be filed with the land transfer document at the time of recording and thereafter retained with the Zoning Administrator but shall not be recorded. A copy of the recorded land transfer document and filed scaled site drawing shall be submitted to the Zoning Administrator by the applicant before any land use permit or other permits are

issued by the Township. If the land transfer document is not recorded within **one year** after notification of approval, the Township Zoning Administrator may rescind approval and notify the County Recorder's Office. The Township Zoning Administrator shall give at least **ten (10) business days** written notice to the applicant prior to the action to rescind. Real estate taxes and assessments due and payable in the year in which the metes and bounds subdivision is recorded must be paid in full at or before the time of recording.

3.6 Minor Subdivision Procedures. Applicants shall file an application for review and approval by the Township Zoning Administrator according to the following:

1. **Submittal.** The submittal shall include:
 - a. A completed application for a Minor Subdivision on forms available from the Township Zoning Administrator;
 - b. Information (as approved by the Township Zoning Administrator) all contiguous holdings of the owner including land in common ownership as defined in these regulations;
 - c. Three (3) copies of the final plat as described in Section 6 and complying in all respects with these regulations;
 - d. A Certificate of Exemption or an approved Wetland Replacement Plan as required by the Minnesota Wetland Conservation Act;
 - e. The appropriate fee as established in the Township's Fee Schedule.
2. **Referral of the Final Plat.** The Township Zoning Administrator shall transmit the final plat for review to members of the Development Review Team and appropriate officials or agencies. The Township Zoning Administrator shall request that all officials and agencies to whom a request for review has been made, submit their report to the Township Zoning Administrator within **fifteen (15) calendar days** after receipt of the completed submittal. If no report is received within **15 calendar days**, it will be assumed by the Township Zoning Administrator that there are no objections in the final plat as submitted.
3. **Township Zoning Administrator Review.** The Township Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements.
4. **Recording.** The final plat shall be recorded in accordance with the provisions established in Section 3.9. In addition, a title insurance commitment or an Opinion of Title, prepared by the subdivider's attorney reflecting status of the title within **sixty (60) calendar days** of submittal and addressed to the Township Attorney, shall be provided. Real estate taxes and assessments due and payable in the year in which the minor subdivision is recorded must be paid in full at or before the time of recording.

3.7 Preliminary Plat Procedures for Major Subdivisions. Applicants shall file an application for review by the Planning Commission and approval by the Township Board according to the following:

1. **Complete Submittal.** The submittal shall include:
 - a. A completed application for a Preliminary Plat for a Major Subdivision on forms available from the Township Zoning Administrator; (note – this is required information on the preliminary plat).
 - b. Three (3) copies of the preliminary plat as described in Section 6 and complying in all respects with these regulations;
 - c. A Certificate of Exemption or an approved Wetland Replacement Plan as required by the Minnesota Wetland Conservation Act;
 - d. Three (3) copies of the preliminary construction plans in compliance with the Township specifications as described in this Ordinance and other Township requirements;
 - e. Fifty (50) reduced copies of the preliminary plat with areas (11” x 17”);
 - f. The appropriate fee as established in the Township’s Fee Schedule.

2. **Referral of Preliminary Plat.**
 - a. The Zoning Administrator shall transmit the preliminary plat for review to each member of the Development Review Team and appropriate officials or agencies as deemed necessary or as mandated by law. The Zoning Administrator shall submit one (1) copy of the preliminary plat to the governing bodies of any city the incorporated limits of which lie within two (2) miles of the proposed subdivisions.
 - b. The Zoning Administrator shall request that all officials and agencies to whom a request for review has been made, submit their report to the Zoning Administrator within **thirty (30) calendar days** after receipt of the request. The Zoning Administrator will consolidate all the reports submitted by the officials and agencies concerning the preliminary plat and shall submit a report to the Planning Commission. If no report is received within **30 calendar days**, it will be assumed by the Planning Commission that there are no objections in the plan as submitted.

3. **Public Notice and Hearing.** Upon receipt of a completed submittal for preliminary plat, the Zoning Administrator shall set a public hearing with the Planning Commission to be held at the next regularly scheduled meeting in accordance with the application schedule. The Zoning Administrator shall submit a notice for publication in the official Township newspaper at least **ten (10) calendar days** prior to the public hearing. The Zoning Administrator shall mail notices to all property owners within one-half (1/2) mile of the proposed subdivision and the affected unincorporated areas, town board and city council of any city within two (2) miles of the affected property and Douglas County. The owner or subdivider shall also be notified of the time and place of the hearing at which the subdivider will be afforded an opportunity to appear. The Township shall maintain file copies of the plat and preliminary construction plans when appropriate for public review prior to the hearing. The Planning Commission shall receive all public testimony on the proposed plat. It shall make a recommendation to the Township Board by either approval, conditional approval, or disapprove with reasons stated.

4. **Township Board Review and Approval.** The Zoning Administrator will forward the Planning Commission’s recommendation, any public testimony, staff report, and application to the Township Board for their review. The Township Board shall approve, conditionally approve, or disapprove the preliminary plat. If the preliminary plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision. All conditions required by the Township Board shall be submitted in writing to the applicant. The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval.
5. **Preliminary Plat Revisions.** The Township Board may approve a preliminary plat and preliminary construction plans on the condition that a revised preliminary plat or other submittal item be revised and resubmitted before the final plat can be applied for. The Township Zoning Administrator shall advise the applicant of any required changes and/or additions. One (1) copy of the revised preliminary plat or other submittal item shall be returned to the Township Zoning Administrator.
6. **Standards for Approval of Preliminary Plats.** A preliminary plat of a proposed subdivision may be approved by the Township Board provided that:
 - a. The subdivision is in general conformance with the Township Comprehensive Plan;
 - b. All applicable provisions of the Township Ordinances and State laws are complied with, or a variance has been granted;
 - c. The proposed subdivision will be sufficiently compatible or separated by distance or screening from the area surrounding the subdivision;
 - d. Definite provision has been made for a water supply in accordance with Section 5.6 that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - e. Adequate provision has been made for sanitary sewer service and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
 - f. Adequate provisions have been made for permanent drainage, erosion and stormwater management control consistent with reasonable guidelines or any applicable federal, state, and local laws and regulations.
 - g. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
 - h. The proposed subdivision preserves the site’s important natural, cultural or historic features whenever possible.
 - i. The subdivider has taken reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

If the foregoing standards are not met, the Township Board may disapprove a preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the Comprehensive Plan. The Board may, after notifying the subdivider, employ qualified persons to check and verify such proposals, the cost of such services to be borne by the subdivider.

7. **Public Improvements.** The Township Board may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by Township officials. If the Township Board does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, the Township Board shall require that the applicant execute a developer's agreement and provide security for the agreement as provided in Section 4.
8. **Effective Period of Preliminary Plat Approval.** The approval of a preliminary plat shall be effective for a period of **one (1) year** from the date that the preliminary plat is approved by the Township Board, at the end of which time the applicant must have submitted a final subdivision plat for approval. If a subdivision plat is not submitted for final approval within the **one (1) year period**, the preliminary approval shall be null and void, and the applicant shall be required to submit a new preliminary plat for review subject to the then applicable zoning and subdivision regulations, except that the Township Board may grant one (1) extension of one (1) year.
9. **Grading of Site Prior to Final Approval.** After preliminary plat approval but prior to final plat approval, the developer may begin grading of the site in accordance with the terms or conditions of the preliminary plat approval and after all necessary permits have been obtained from the Zoning Administrator, provided that the Township has approved the grades and elevations of building areas and roadways as shown on the approved preliminary plat and construction plans.
10. **Amendments to Preliminary Plat.** At any time after preliminary plat approval and before submission of a final plat, the applicant may request that an amendment be made in the approval or conditional approval of the preliminary plat. The Planning Commission shall hold a public hearing on the proposed amendment in accordance with the same requirements for preliminary plat approval found in this Section, unless the proposed amendment results in a reduced number of lots or a reduction in the size of the subdivision provided that no rights-of-way or public facilities are affected. Any public hearing on a proposed amendment shall be limited to whether the proposed major amendment should or should not be approved. The Planning Commission shall make a recommendation to the Township Board on whether to approve or disapprove any part or all of the proposed amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Planning Commission, the applicant may withdraw the proposed amendment.

11. **Rezoning.** If rezoning is required for the project, the applicant shall submit an application for rezoning the property to the Zoning Administrator. If the rezoning would result in a less restrictive zone than that of Douglas County, approval of the rezoning by Douglas County shall be obtained prior to approval by the Township. The rezoning request will be processed concurrent with the preliminary plat process and will follow procedures established in the Township Zoning Ordinance.

3.8 Final Plat Procedures for Major Subdivisions. Within **one (1) year** following the approval of the preliminary plat or the extension period provided in Section 3. 7 (8) the applicant shall file an application for review approval from the Township Board of the final plat according to the following:

1. **Complete Submittal.** The submittal shall include:
 - a. A completed application for a Final Plat on forms available from the Township Zoning Administrator.
 - b. Three (3) copies of the final plat as described in Section 6 and complying in all respects with these regulations;
 - c. The developer's agreement and security, if required, in a form satisfactory to the Township Board and in an amount established by the Township. The developer's agreement shall include a provision that the subdivider shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Township Board and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to Alexandria Township or other appropriate public agency free and clear of all liens and encumbrances on the premises.
 - d. Three (3) copies of the final construction plans.
 - e. One reduced copy of the final plat (11" x 17" paper copy);
 - f. If there were any changes required to be made to the preliminary plat, a revised preliminary plat;
 - g. A title insurance commitment or an Opinion of Title by the subdivider's attorney prepared within **sixty (60) calendar** days of submittal and addressed to the Township;
 - h. Copy of the draft Restrictive Covenants, if proposed.
 - i. The appropriate fee as established in the Township's Fee Schedule.
2. **Township Board Review and Approval.** The Zoning Administrator will forward any public comments, staff report, and application to the Township Board for their review. The Township Board shall approve, conditionally approve, or disapprove the final plat.
3. **Standards for Approval of the Final Plat.**
 - a. The final plat complies in all respects with the preliminary plat or an approved amended preliminary plat and the conditions of approval from the Township Board in approving the preliminary plat or as amended;
 - b. All applicable provisions of the Township Ordinances and State laws are complied with or to the requirements of a variance if one has been granted.

4. **Sectionalizing Major Subdivision Plats.** Prior to granting final approval of a major subdivision plat, the Township Board may require or permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Township Board may require that the developer's agreement and security be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining amount of the security until the remaining sections of the plat are offered for filing. Such sections must contain at least thirty percent (30%) of the total number of lots contained in the approved preliminary plat. The approval of all remaining sections not filed with the County Recorder's Office within three (3) years of the date of the final subdivision approval shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees have been paid, all instruments and offers of dedication have been submitted and any developer's agreements or security and performance bonds have been approved.

3.9 Recording the Approved Subdivision Plat

1. **Recordation of Plat.** Upon approval of the final plat by the Town Board, the subdivider shall record such final plat with the Douglas County Recorder as provided for by that office, within sixty (60) days after the approval. The subdivider shall, within thirty (30) days of recording, furnish the Township with three black line prints and a reproducible print of the final plat showing evidence of the recording.
2. **Rescind Approval of the Final Plat.** If the developer has not recorded the final plat within one year of the Township Board's approval, except as provided in Section 3.8 above for plats that are sectionalized, the Township may rescind approval of the final plat. The Township Zoning Administrator shall give at least ten (10) business days written notice to the applicant prior to the action to rescind.

3.10 Vested Rights

1. **Effect of Recordation.** Except as otherwise provided in this Section, no vested rights shall accrue to the owner or developer of any subdivision by virtue of the recordation of a final plat.

SECTION 4. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

4.1 Improvements and Developer's Agreement

1. **Completion of Improvements Prior to Final Plat Approval⁴.** Except as otherwise allowed by the Town Board, required or planned improvements shall be installed only after the developer and Township enter into a Developer's Agreement as provided for in Section 4.1(2). If the Township does permit construction of improvements outside of a Developer's Agreement, before the final plat is signed by the Township Board Chair, all applicants shall be required to complete at their expense, without reimbursement by the Township or any improvement district, all public improvements as required in these regulations, specified in the final plat and as approved by the Township Board, and to dedicate those public improvements to the Township or other governmental entity, free and clear of all liens, mortgages and encumbrances on the dedicated property and public improvements.

2. **Completion of Improvements After Final Plat Approval.**
 - a. Developer's Agreement⁵. The Township may permit the applicant to enter into a Developer's Agreement by which the subdivider agrees to complete all required public improvements no later than **two (2) years** following the date of approval of the final plat. The Developer's Agreement shall contain the terms and conditions agreed to by the applicant and the Township Board in approving the subdivision, including all applicable provisions for maintenance, warranties, construction or placement of structures or other improvements, and other terms and conditions of subdivision approval. The Developer's Agreement shall also include any self-imposed restrictions proposed by the developer, such as the locations of any structures, if agreed to by the Township Board.
 - b. Financial Security. Whenever the Township Board permits an applicant to enter into a Developer's Agreement, it shall require the applicant to provide a financial security for the promises contained in the Developer's Agreement. The security shall be in an amount equal to one hundred twenty five percent (125%) of the estimated cost of completion of the required public improvements, including lot improvements. Whenever it is deemed necessary by the Township to defer the construction of any improvement required under these regulations **beyond 2 years**, the subdivider shall either pay its share of the costs of the future improvements to the Township prior to signing of the final subdivision plat by the Chair of the Township Board or the subdivider may guarantee completion of the deferred improvements in the Developer's Agreement upon demand of the Township and secured by financial security. The

⁴ Amended 12/17/2007 – Resolution #07-19

⁵ Amended 12/17/2007 – Resolution #07-19

following methods of financial security maybe used:

- i. Letter of Credit. If the applicant posts a letter of credit as security for its promises contained in the Developer's agreement, the credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods in this Section; and (3) require only that the Township present the issuing bank with a sight draft and an affidavit signed by the Township Attorney attesting to the Township's right to draw funds under the credit.
 - ii. Cash Escrow. If the applicant posts a cash escrow as security for its promises contained in the Developer's agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to a return of any of the funds except as provided in this Section; and (2) that the escrow agent shall have a legal duty to deliver the funds to the Township after following the procedure set forth in Section 4.1(2)(c). If and when the Township accepts the offer of dedication for the last completed required public improvement, the Township shall execute a waiver of its right to receive all but twenty-five percent (25%) of the funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the Developer's agreement. The residual funds shall be security for the subdivider's covenant to maintain the required public improvements and its warranty that the improvements are free from defect.
 - iii. Performance Bond. A performance bond may be provided as a financial security in a form as approved by the Township.
- c. Failure to Complete Improvements. In those cases where a Developer's Agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the Township may then:
- i. Provide **thirty (30) calendar days** notice for the developer to meet with the Township Board to review the status of the improvements and resolve the problems;
 - ii. Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default;
 - iii. Obtain funds under the security and complete improvements itself or through a third party;
 - iv. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; or
 - v. Exercise any other rights available under the law.
- d. Maintenance. The developer shall agree to maintain the required public improvements for a period of **one (1) year** following the acceptance of the completed public improvements. The developer may organize a

homeowner's association and assign responsibility to maintain public improvements to the homeowners association but the ultimate responsibility rests with the developer.

- e. Warranty. The developer shall warrant that all required public improvements will be free from defect for a period of **two (2) years** following the acceptance by the Township of the last completed public improvement.
- f. Snow Removal and Emergency Repairs. The developer shall be required, in accordance with any applicable Township ordinances or regulations, to provide snow removal on all streets, and pedestrian facilities if applicable, in the subdivision until all of the streets and pedestrian facilities in the subdivision are accepted by the Township. The developer may organize a homeowner's association and assign responsibility to maintain public improvements to the homeowners association but the ultimate responsibility rests with the developer. The developer shall be responsible to make emergency repairs until the improvements are accepted. The Township, after twenty-four (24) hours notice with no action by the developer, may plow the streets or make emergency repairs and charge those costs to the developer.
- g. Adequate Access. The Township Engineer shall determine the extent of street improvements necessary for adequate vehicular access by the prospective occupant(s) and by police and fire equipment prior to the construction or placement of structures or other improvements.
- h. Land Use/Building Permits⁶. Unless specifically approved by the Town Board, no land use or building permits shall be issued by the Township within a subdivision until the plat has been recorded with Douglas County and all improvements required in the Developer's Agreement have been completed to the satisfaction of the Township Engineer.

4.2 Inspection of Improvements.

1. General Procedure and Fees.

- a. Procedure. All required improvements to be installed under the provisions of this ordinance shall be approved by and subject to the inspection of the Township Engineer or other person assigned by the Township Board. Such inspections may take place at any or all points of the construction process. If the Township finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the required construction standards and specifications, the applicant shall be responsible for properly completing the improvements.
- b. Fees. The applicant shall pay to the Township an inspection fee based on the estimated cost of inspection. The subdivision plat shall not be signed by Township officials unless the applicable inspection fee has been paid. These fees shall be due and payable upon demand of the Township. No construction or placement of structures or other improvements may occur

⁶ Added 12/17/2007 – Resolution #07-19

until all fees are paid unless financial security is provided to the Township pursuant to this Section.

4.3 Release or Reduction of Security.

1. **Satisfactory Completion.** The Township will not release nor reduce the amount of any security posted by the subdivider until the required improvements have been satisfactorily completed and until:
 - a. The Township engineer has certified that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision; and
 - b. That monuments are currently in place on the ground as shown on the final plat; and
 - c. Documentation has been furnished to and approved by the Township Zoning Administrator indicating that the improvements have been completed. Upon such approval and recommendation by the Township Zoning Administrator, the Township Board shall accept the improvements following the established procedure.
2. **Reduction of Financial Security.**
 - a. If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon inspection and approval of the public improvements and then only to the ratio that the cost of the public improvement for which approval was given bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five percent (25%) of the principal amount until the maintenance and warranty periods have expired. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the Zoning Administrator. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider.
 - b. If the security provided by the subdivider was a letter of credit, the Township Attorney shall execute waivers of the Township's right to draw funds under the credit upon inspection and acceptance of the public improvements and then only to the ratio that the cost of the public improvement for which approval was given bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five percent (25%) of its original amount.

SECTION 5. SUBDIVISION DESIGN STANDARDS

- 5.1 General.** The following principles, standards and requirements will be applied by the Township in evaluating proposed subdivisions. These are the minimum principles, standards and requirements for the promotion and protection of the public health, safety, morals, and general welfare and shall not preclude the Township from requiring stricter standards or requirements when the conditions merit:
1. **Community context.** Proposed subdivisions shall be coordinated with existing nearby development so that the community as a whole may develop harmoniously based on the minimum standards of this Ordinance.
 2. **Comprehensive plan.** Proposed subdivisions shall be designed in recognition of the general policies included in the Alexandria Township Comprehensive Plan.
 3. **Land/soil suitability.** Land that the Township finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Township Board to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare. The following areas are unsuitable for development:
 - a. **Flood Plain Areas.** No land shall be subdivided in designated flood plain areas or areas that may be subject to flooding unless the proposed subdivision complies with the standards of the Federal Emergency Management Agency (FEMA), complies with Douglas County or State of Minnesota Floodplain regulations and is proposed in combination with buildable areas.
 - b. **Wetlands.** Wetlands or wetland buffer areas, as defined and classified under the Wetland Conservation Act of 1991, shall not be included in calculating the square footage of the buildable area on any lot.
 4. **Agriculturally Important Lands.**
 - a. The Planning Commission may consider the values of agriculturally important lands when making its recommendation on a plat. The Land Capability Classification System and Crop Equivalency Ratios of the Natural Resources Conservation Service (NRCS) shall be used as guides to determine if agriculturally important lands are within a proposed subdivision.
 - b. In making its recommendation, the Planning Commission may take into consideration, but not be limited to, the following criteria or designated areas:
 - i. **Farmability of Parcel.** The size, shape, slope, soil quality, topographic limits and vegetative cover.

- ii. **Proximity.** Proximity to an urbanizing area or in proximity to conforming non-agricultural uses.
 - iii. **Compatibility with Surrounding Uses.** Compatibility or separation by distance or screening with surrounding uses.
 - iv. **Distance from Agricultural Operations.** Located near an existing animal or commercial feedlot as defined in Douglas County or State of Minnesota regulations.
 - v. **Shoreland Areas.** Sensitive areas such as shorelands, bluffs and wetlands are considered.
 - vi. **Man-Made or Physical Barriers.** Man-made or physical features act as barriers.
5. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations unless a variance is granted:
- a. Any applicable Township ordinance, engineering standards and all other applicable laws of the Township.
 - b. Any adopted official maps, public utilities plans, Public Capital Improvement Programs, or other adopted plans or programs of the Township.
 - c. All applicable statutory provisions.
 - d. The requirements and rules of the Minnesota Health Department, Minnesota Department of Natural Resources, the Minnesota Department of Transportation, the Minnesota Pollution Control Agency or other applicable state or federal agencies.
6. **Self-Imposed Restrictions.** If the developer places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions shall be recorded in the Developer’s Agreement.
7. **Adequate Public Facilities.** No preliminary plat shall be approved unless the Township Board determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities shall include roads, electric utilities, telecommunications, stormwater, sanitary sewer (when located in any sanitary sewer district), gas or other energy service, or other public services necessary to serve the development as determined by the Township Board.
8. **Debris and Waste.** No cut trees, timber, or other organic materials of any kind shall be buried in any land, or left or deposited on any lot or street in the subdivision except as approved by the Township. If approved, all areas intended to be used for burying debris shall be shown and noted on the preliminary plat. Areas proposed for the burying of debris shall not be located in or affect the following; buildable areas, driveways, wells, utilities, or drainfield sites.. No debris or waste shall be left in any area of the subdivision at the time of expiration of any developer’s agreement or dedication of public improvements.

5.2 Blocks. Block length and width or acreage within bounding streets and/or shoreland areas shall be laid out to accommodate the size of the lots required by the zoning

ordinance and to provide convenient access, circulation and safety of street traffic. Blocks shall meet the following standards:

1. **Length.** Block lengths should not exceed one thousand three hundred twenty (1,320) feet except where topography or shoreland conditions exist. In blocks longer than eight hundred (800) feet, a pedestrian way with a minimum right-of-way of ten (10) feet may be required near the center of the block. The use of additional pedestrian ways to schools, parks and other destinations may also be required.
2. **Arrangement.** A block shall be so designed as to provide two (2) tiers of lots of appropriate depth unless it adjoins a railroad or limited access highway, and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots. In these cases the lot depth shall be at least fifteen (15) feet greater than minimum requirements.

5.3 Lots.

1. **Access⁷.** All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance.
2. **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.
3. **Lot Dimensions and Shape.** Lot dimensions shall comply with the minimum standards of the Zoning Ordinance, except as stipulated in Section 5.3, subsection 11 below, and should generally be rectangular in shape. The maximum lot depth to width ratio should generally not exceed 3 to 1. In shoreland and wetland areas, the Planning Commission may consider lot ratios greater than 3 to 1 based on natural resource factors. Where lots are more than double the minimum required area for the zoning district, the Township may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulations.
4. **Lot Orientation.** The lot line common to the street right-of-way shall be the front line. All lots should be oriented toward the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side property line of an adjacent lot. Side lot lines shall be at right angles to the public rights-of-way or water features unless topographic conditions necessitate a different arrangement.
5. **Corner Lots.** Corner lots shall be platted at least fifteen (15) feet wider than the minimum lot width required or as further specified in the Zoning Ordinance.

⁷ Amended 7/2/2007

6. **Water Resource Lots.** Land below the ordinary high water mark (OHW) shall not be included within minimum lot area calculations of any lot in a subdivision as required in the Zoning Ordinance. Lots with lakeshore frontage should be designed so that the lot lines extended maintain the closest approximation to riparian right. Lots abutting upon a watercourse, drainage way, channel or stream shall have an additional depth or width, as required to assure building sites that are not subject to flooding. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the Township Engineer and the Minnesota Department of Natural Resources, if applicable.
7. **Lots Along Highways and Railroads.** There shall be no direct vehicular access from residential lots to principal or major arterial roadways or major collector streets. Residential lots shall be separated from principal and major arterial roadways and major collector streets and railroad rights-of-way by a fifteen (15) foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the street or railroad right-of-way. (Please refer to the Township's access spacing guidelines.)
8. **Commercial and Industrial Lots.** The depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
9. **Lot Remnants⁸.** No remnants of lots below minimum size shall be left over after subdividing of a larger tract. Remnant areas must be attached to adjacent lots rather than be allowed to remain as unusable parcels. Any remnant from the parcel being subdivided that would be five (5) acres or less in size, and meeting the minimum lot size required by the Alexandria Township Zoning Ordinance, shall be included in the plat as a numbered lot, as an outlot, or as a part of an existing underlying plat. Lot remnants greater than five (5) acres in size described by metes and bounds may be excluded from the plat and continue to be described by metes and bounds, unless specifically prohibited by the Township.
10. **Double Frontage Lots.** Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
11. **Reduced Lot Widths.** To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) provided the following conditions are met:
 - a. The total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be

⁸ Amended 12/17/2007 – Resolution #07-19

served by existing roads shall be calculated separately from lots to be served by newly constructed roads;

- b. The minimum required lot width is met at 1) either the front or rear lot line and 2) at the midpoint of the lot depth or 300 feet from the front lot line, whichever is closer to the front lot line.
- c. Each lot contains the minimum buildable area required by the Zoning Ordinance exclusive of any portion of the lot not meeting minimum width requirements.
- d. The lot width is reduced to no less than 66 feet for lots larger than five-and-a-half (5.5) acres in size or for smaller lots where future resubdivision is anticipated or feasible, as determined by the County Board.
- e. The lot width is reduced to no less than 50 feet for lots that are five-and-a-half (5.5) acres in size or less and where future resubdivision is not feasible, as determined by the County Board.

5.4 Monuments. Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

5.5 Sewage Disposal. Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system.

1. **Public sanitary sewer systems⁹.** Sanitary sewer shall be required as a condition of all subdivisions located within public sanitary sewer district boundaries and the Urban Residential district. This requirement for sanitary sewer shall apply to all classes of subdivisions. The following also apply:
 - a. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the public sanitary sewer district—and other appropriate agencies.
 - b. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.
2. **Private on-site systems.** In subdivisions where municipal sewer services are not presently available, the Township may impose such restrictions and requirements as it deems necessary for the protection of the public health, safety and general welfare. All on-site systems must comply with the regulations and standards of the Township, the Minnesota Department of Health, and Minnesota Rule 7080 of the Minnesota Pollution Control Agency. The Township will consider alternative designs for individual sewage treatment systems (ISTS) such as cluster systems. For more information on delineating ISTS, please see Section 6.3 (7)(d).

⁹ Amended 7/2/2007

5.6 Water. Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

1. **Public Water System.** Where connection with a public or community water supply well as defined by the Minnesota Department of Health is possible, such system shall be used, and in accordance with Township or County-established specifications and/or other local policies and procedures.

5.7 Grading, Drainage and Stormwater Facilities. All subdivisions shall comply with the requirements of the Alexandria Township Storm Water Management Ordinance (Ordinance #121)¹⁰. In addition, the Planning Commission shall not recommend approval of any subdivision that does not make adequate provision for storm and flood water runoff channels or basins in accordance with the following:

1. **Technical Reference Documents.** The Township officially designates the “Erosion Control Handbook” prepared by the Minnesota Department of Transportation “Minnesota Construction Site Erosion Control and Sedimentation Control Planning Handbook” prepared the Minnesota Board of Water and Soil Resources and “Protecting Water Quality in Urban Areas” prepared by the Minnesota Pollution Control Agency as the technical references for this section. These reference documents will be used to ensure the proper design, construction and maintenance of the stormwater management facilities of a proposed project.
2. **System Design.** The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Township, and a copy of design computations shall be submitted along with plans. Surface water drainage patterns shall be shown for each and every lot and block.
3. **Drainage Easements.** When a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
 - a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements as approved by the Township for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be indicated on the preliminary and final plats.
 - b. Drainage easements shall extend to a natural watercourse or to other drainage facilities, if storm flows from a proposed subdivision are increased. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured.

¹⁰ Amended 6/4/2007 – Resolution #07-07. Amended 12/15/2008 – Resolution #08-18

- c. Low-lying lands along watercourses subject to flooding or overflowing during stormy periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage easements.
4. **Lot Grading and Erosion Control.**
- a. **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildable areas. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
 - b. **Soil Preservation and Final Grading.** All areas with disturbed soils shall be replaced with a minimum of 4 inches of top soil and be stabilized by seeding or sod planting as recommended in the “Minnesota Construction Site Erosion Control and Sedimentation Control Planning Handbook” prepared by the Minnesota Board of Water and Soil Resources and “Protecting Water Quality in Urban Areas” prepared by the Minnesota Pollution Control Agency or as approved by the Township.

5.8 Highways, Streets, and Alleys. Proposed streets shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.

1. **General Requirements.**
- a. **Classification.** All streets shall be classified by the Township as either a principle arterial, minor arterial, major collector, minor collector, or local street in accordance with the Township Comprehensive Plan.
 - b. **Arrangement and Topography.**
 - i. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Comprehensive Plan or other official Township documents¹¹.
 - ii. All major streets shall be properly related to special traffic generators such as industries, business districts, schools, and other large trip generating sites.
 - iii. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades. All streets should be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets should conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
 - iv. The design of all streets shall be considered in their relation to runoff of storm waters.
 - v. A Public Road (Street) right-of-way must be dedicated and be adjoining to and serve all new lots within the proposed subdivision, except as otherwise allowed in the Zoning Ordinance, and must connect to an existing public road¹².

¹¹ Amended 7/2/2007

¹² Amended 7/2/2007

- vi. Where new streets extend existing adjoining streets, their projections shall be the same or of greater width, but in no case less than the minimum required width.
- vii. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets in order to contribute to area circulation. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then a new street shall be carried to the boundaries of such undivided land, subject to the provisions of any Township road and street construction standards.
- c. **Access Spacing Guidelines.** Access to streets shall comply with the Township’s access spacing guidelines.

2. **Design Standards.**

- a. **General.** These standards are meant to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, fire fighting, snow removal, sanitation, and road maintenance services and equipment, and to coordinate streets so as to create a convenient system and avoid undue hardships to adjoining properties.
- b. **Rights-of-Way Widths.** The minimum widths for each type of public street right-of-way shall be as follows:

Type of Street	Rights-of-Way Width
Principle Arterial	150 feet
Minor Arterial	120 feet
Major/Urban Collector	100 feet
Minor Collector	100 feet
Local	66 feet
Alley	Less than 24 feet

Additional rights-of-way or easements and roadway widths may be required by the Township to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three-to-one unless approved by the Township Engineer.

- c. **Street Width and Grades.** The construction for all dedicated roads within a subdivision shall meet the standards established by the Township Board. These standards are filed with the Township Engineer.
- d. **Reverse Curves.** Tangents of at least one hundred (100) feet in length may be required between reverse curves on collector streets and fifty (50) feet on lesser streets.
- e. **Street Jogs.** Street jogs with center line off-set of less than one hundred fifty (150) feet shall be avoided.

- f. **Street Intersections.** Insofar as practical, streets shall intersect at right angles, and no intersection shall be at an angle of less than 60 degrees or greater than 120 degrees. It must be evidenced that safe and efficient traffic flow is encouraged.
- g. **Cul-de-sacs and Turnarounds.**¹³
 - i. Permanent cul-de-sac streets may¹⁴ be allowed provided that:
 - (1.) Evidence is presented that the road should not or cannot reasonably be continued.
 - (2.) Each cul-de-sac street shall provide at the closed end a turn-around having a minimum outside diameter of eighty (80) feet and a minimum right-of-way line diameter of one hundred twenty (120) feet.
 - (3.) A minimum front lot line footage of fifty (50) feet.
 - (4.) A maximum length of 600 feet in the public sewer service area and 1,200 feet in the remaining rural areas of the Township. Measurements shall be made from the right-of-way of the closest non-cul-de-sac street, along the centerline of the cul-de-sac street, to the center of the cul-de-sac or turnaround or the furthest point from the non cul-de-sac street, as determined by the Zoning Administrator.
 - (5.) The total number of vehicle trips per day expected on the cul-de-sac road is less than or equal to 250. For single family dwelling units, a minimum of ten (10) vehicle trips per day per dwelling unit shall be assumed. For other uses, the calculation shall be based on accepted standards or guidelines acceptable to the Township.
 - ii. Temporary or permanent turn-around areas will be allowed provided that:
 - (1.) The street or road right-of-way is dedicated beyond the temporary turn area to the boundary line of the nearest adjoining unsubdivided land.
 - (2.) A provision is made as to the responsibility of building the remaining road.
 - (3.) An easement document covering the area needed for the turn-around is provided to be recorded with the final plat or contained as a dedication on the final plat.
- h. **Half Streets.** Half streets shall be prohibited except where subdivisions abut an existing public roadway.
- i. **Street Names.** The name of any street theretofore used in the Township shall not be used unless the proposed street is an extension of an already named street, in which event the name shall be used. The subdivider shall obtain approval from the township subject to review by the Township for duplication and appropriateness of the selected street name.

¹³ Amended 12/15/2008 – Resolution #08-18

¹⁴ Amended 7/2/2007

- j. **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any previously existing private street, except when specifically allowed in the Zoning Ordinance¹⁵.
- k. **Local Service Drives.** Where a proposed plat adjoins a principle or minor arterial or major collector, the Township Board may require the developer to provide an access street along the right-of-way of such facilities or they may require that lots back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.
- l. **Hardship to Owners of Adjoining Property.** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

5.9 Street Signs. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Township Engineer.

5.10 Trails and Sidewalks. The Township may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width.

5.11 Utilities. All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables should be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or the construction plans as determined by the Township. Underground service connections to the street property line of each platted lot should be installed when approved by the utility.

- 1. **Easements.** Utility easements at least ten (10) feet wide on each lot (for a total of 20 feet) shall be provided for utilities, where necessary. They shall be provided along rear lot lines (except along shorelines) or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.

5.12 Natural, Unique or Sensitive Features. Existing features that would add value to the proposed subdivision, or that are likely to be irreparably damaged or impacted by the proposed development, such as trees, watercourses, beaches, hills and ridges, wetlands, scenic views, wildlife habitat and nesting areas, unique geologic features, steep or erosive slopes and bluffs, woodland areas, prairie lands, shallow groundwater supplies, near-shore aquatic vegetation or habitat, historic sites, structures and features, and similar irreplaceable assets, shall be preserved in the design of the subdivision within all zoning districts. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted, except as may be required for preparing documents for the preliminary plat (e.g. soil tests). The

¹⁵ Amended 7/2/2007

preliminary plat shall show the general outline of existing trees as required by these regulations and shall further indicate all those marked for retention and the location of all proposed shade trees, if provided, along the street side of each lot as required by these regulations. Removal or alteration of trees and other vegetation shall comply with all applicable Alexandria Township Ordinances.

5.13 Non-Residential Subdivisions. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Township that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

SECTION 6. PRESENTATION REQUIREMENTS

6.1 Scaled Site Drawing.

1. **General Format.** A scaled site drawing shall be drawn at a scale of 200 feet to the inch, or as approved by the Township Zoning Administrator.
2. **Preparation.** The scaled site drawing, which need not be based on a survey, shall be prepared and signed by a land surveyor licensed by the state.
3. **Content.** A scaled site drawing shall include the following:
 - a. Legal description of the property. Identify the section, township, and range.
 - b. Existing zoning classifications for land in and abutting the subdivision.
 - c. Total acreage of the proposed site.
 - d. Location of all rights-of-way adjacent to the property.
 - e. Location of all existing recorded private and public easements.
 - f. General location of all wetlands on the site.
 - g. If the property is surveyed, the scaled site drawing shall identify the type, size, and location of the monuments found and set by the surveyor.
 - h. Provide graphic scale, north arrow, and date.

6.2 Sketch Plat (Voluntary Process)

1. **General Format.** Sketch plats, if prepared, should be drawn to scale. The sketch plats should provide information about existing streets, utilities, property lines, structures, etc., to a distance of 100 feet beyond all sides of the proposed site.
2. **Subdivision Name.**
 - a. The proposed name shall not duplicate the name of any plat previously recorded.
3. **Ownership and Development Information.**
 - a. Name, address, and telephone number of the legal owner and/or agent of property.
 - b. Name, address, and telephone number of the professional person(s) responsible for subdivision design, public improvements, surveys, etc.
4. **Description of Proposed Project.**
 - a. Boundary line of the proposed site and all property(ies) to be subdivided.
 - b. Existing and proposed street layout and corresponding rights-of-way. Include the width and names of all existing or platted streets or other public ways within or immediately adjacent to the tract. Identify railroad rights-of-way if applicable.
 - c. The approximate location, dimensions, and areas of all proposed and existing lots and blocks.
 - d. Existing and proposed utilities: water, sewer, storm, electric, and gas. Include and label public and private easements.
 - e. Proposed drainage patterns.
 - f. General topography (10 foot vertical intervals minimum).
 - g. Significant natural resource features on the site, i.e. soils, wetlands,

- floodplains, watercourses, existing wooded areas and significant or specimen trees, and other natural resource features.
- h. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for open space or park use for public use or for the use of property owners in the proposed subdivision, if any.
 - i. The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field (if requested by the Township).
 - j. A vicinity map showing streets and other general development of the surrounding area.
 - k. Legal description of the property. Identify the section, township, range.
 - l. Existing zoning classifications for land in and abutting the subdivision.
 - m. Total acreage of the proposed site.
 - n. Provide graphic scale, north arrow, and date.

6.3 Preliminary Plat.

1. **General Format.** The preliminary plat shall be prepared at a convenient scale not less than one (1) inch equals one hundred (100) feet, or as approved by the Township Zoning Administrator. More than one (1) sheet may be used to present the information required in this section. The sheets shall be numbered in sequence and shall be submitted on 22" x 34" sheets or as otherwise approved by the Township.
2. **Preparation.** The preliminary plat shall be prepared by a licensed land surveyor, landscape architect or engineer.
3. **Subdivision Name.** The proposed name of the subdivision shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in Douglas County.
4. **Ownership and Development Information.**
 - a. Name, address, and telephone number of the legal owner and, if applicable, agent of the property.
 - b. Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
 - c. Date of preparation.
5. **Existing Site Conditions.** Provide this information on the preliminary plat or a property survey map unless, due to the uniqueness of the land, certain requirements are waived by the Zoning Administrator.
 - a. Boundary line of the proposed site and all property(ies) to be subdivided. Include all contiguous land owned or controlled by the subdivider.
 - b. Location, width, and names of all existing platted streets and rights-of-way to a distance of 100 feet beyond the site.

- c. Show the type, width and condition of street improvements; railroad or major utility rights-of-way, parks and other public open spaces, and permanent buildings and structures to a distance of 100 feet beyond the site if any.
 - d. Location, widths, and names of all existing recorded public and private easements within and affecting the site.
 - e. Identify by name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.
 - f. Topographic data including contours at vertical intervals of not more than 2 feet.
 - g. Significant natural resource features on the site, i.e. wetlands, floodplains, watercourses, existing wooded areas, other natural resource features, etc.
 - h. Existing soil classifications (refer to the Douglas County Soil Survey).
 - i. Legal description of the property. Identify the section, township, range.
 - j. Existing zoning classifications for land in and abutting the subdivision.
 - k. Total acreage of the proposed site.
 - l. Provide graphic scale, north arrow, and date.
6. **Subdivision Design Features.** Provide this information on the Preliminary Plat.
- a. Layout of proposed streets, showing right-of-way widths, types of improvements, street surface widths, total linear feet of road to be constructed and proposed street names.
 - b. Location and widths of alleys, if any.
 - c. Locations and type of proposed public easements; i.e. drainage, utility, pedestrian, etc.
 - d. Layout of proposed blocks and lots and the dimensions (in feet) and areas (in square feet for lots under two acres and acres for lots two acres or more). Dimensions shall be provided for all property lines to the nearest whole number. Illustrate or identify the lot depth and lot widths, as defined in Section VII of the Zoning Ordinance.
 - e. Minimum front, side and rear yard building setback lines for all lots.
 - f. Illustrate or identify the buildable areas for each lot, including the square feet of buildable area for each proposed lot.
 - g. If adjacent to a public water body provide the location of the ordinary high water (OHW) mark if it has been determined by the Minnesota Department of Natural Resources and the present elevation of the public water body.
 - h. Indication of the use of any lot (single-family, two-family, multifamily, townhouse) and all uses other than residential proposed by the subdivider.
 - i. Location and size of all proposed and existing sanitary sewer lines and water mains or proposed community sewer and water system within the plat and to a distance of 100 feet beyond the site.
 - j. Location and size of all proposed and existing storms sewers, culverts, retention ponds and other stormwater facilities within the plat and to a distance of 100 feet beyond the site.
 - k. Approximate areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including

the size of such area or areas in acres. Provide information on the purpose of those set asides, and conditions, if any, of the dedication or reservation.

1. If the development contains any wetlands, show the delineated wetland boundaries and the required setbacks from the wetlands.
7. **Preliminary Construction Plans.** Provide information on one or more sheets.
- a. **Plan and Profile.** If public streets are to be constructed by the subdivider, show the existing and proposed street center line profiles.
 - b. **Utilities Plan.** If public utilities are proposed to be installed by the subdivider, a plan showing proposed location of sanitary sewer, water, and storm sewer lines. Identify size, grades, and elevations. Show points of connection to any public systems or points of discharge.
 - c. **Rough Grading Plans.** The maps or drawings accompanying a subdivision plat that shall be of adequate scale to show all the site information on one sheet. This plan needs to include the existing and proposed contours, areas of cut and fills, the site drainage pattern and inlet/outlet structures. This plan is to include erosion control measures. Refer to the Minnesota Pollution Control Agency Urban Development and Runoff Handbook for appropriate Best Management Practices.
 - d. **Significant or Speciman Tree Preservation Plan.** The location of significant or specimen trees, shall be shown on the preliminary grading and erosion control plan. The developer shall provide adequate measures for preserving significant or specimen trees, unless removal of the trees is unavoidable or impractical, which shall be approved by the Planning Commission. Refer to Conserving Wooded in Developing Communities Best Management Practices Handbook prepared by the Minnesota Department of Natural Resources.
 - e. **Plan for the Protection of Unique and Sensitive Features.** Subdivisions shall be designed and constructed with the preservation of unique or sensitive features of the property in mind by preserving or minimizing the disturbance or alteration of areas with unique natural or cultural value. These may include hills and ridges, streams, wetlands, scenic views, wildlife habitat and nesting areas, unique geologic features, steep or erosive slopes and bluffs, woodland areas, prairie lands, shallow groundwater supplies, near-shore aquatic vegetation or habitat, historic structures and features, and other sensitive or unique aspects of the property.

If particularly unique or important resources or features exist or are likely to exist on or adjacent to the project site (in addition to those features subtracted during the suitable area analysis), such as historical sites, significant wildlife habitat, rare or endangered plant or animal species, shallow water table, bedrock outcroppings, gravel resources, agriculturally important soils, public hunting areas or others, the Planning Commission may require that the subdivision be designed as a conservation subdivision or planned unit development and require that the subdivider minimize the

placement of structures, roads or other improvements in or near these areas to protect their historic, cultural or environmental significance.

- f. **Rural Subdivisions.** If a plat is proposed in an area outside of a public sanitary sewer district, the applicant shall provide the following information on the design of Individual Sewer Treatment Systems (ISTS), a copy of the preliminary plat can be used to illustrate this information:
- i. A report from a licensed designer verifying that the soils for each lot are acceptable for an on-site sewer system. The report shall also address how the systems will be designed in accordance with the MPCA Chapter 7080 and Douglas County Zoning Ordinance. If it is shown that the relevant regulations cannot be met, the subdivision must be redesigned so as to meet all appropriate regulations or connected to a public sanitary sewer district.
 - ii. A map of the site illustrating the location of the percolation tests taken in the subdivision, primary and secondary drain field areas, general soil conditions, and possible building and driveway areas.
 - iii. The two ISTS sites per lot shall be delineated in the following manner: one soil boring per lot and one representative percolation test per change in soil type within the subdivision. When cold weather and/or frost is encountered, a pit must be dug on each lot and the designer must characterize the soil profile and assure there is room for two drainfield sites on the lot.
8. **Compliance with the Minnesota Wetlands Conservation Act.** A Certificate of Exemption or approved Wetland Replacement Plan that documents how the project complies with the State of Minnesota Wetland Conservation Act shall be submitted with the preliminary plat.
9. **Project Information Required.** A cover letter can be used to provide written information describing the project as follows:
- a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and/or type of business or industry, if known, so as to reveal the effect of the development on traffic patterns, the transportation system, and land use compatibility.
 - b. Provisions for sewage disposal, water supply, stormwater management, and flood control.
 - c. If any zoning changes are contemplated, show the proposed zoning areas, including dimensions.
 - d. Other reasonable information as may be requested by the Township.
10. **Other Information Required on the Preliminary Plat.**
- a. The name of any street previously used in the Township or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.
 - b. Street names shall be approved by the township and the Douglas County Sheriff's Dispatch Center.

6.4 Final Plat.

1. **General¹⁶.** The Township shall review the final plat for the purpose of confirming that all Township requirements have been met, including any conditions of approval granted during preliminary plat approval. All final plats shall be approved by the Township Board prior to recording with Douglas County.
2. **General Format.** The final subdivision plat shall be drawn at a scale of not more than 200 feet to the inch or as approved by the Township. The sheets shall be numbered in sequence, if more than one sheet, and shall be submitted on 20" x 30" paper sheets or as otherwise approved by the Township. Mylar copies suitable for final recording are not required by the Township.
2. **Preparation.** The final subdivision plat shall be prepared by a land surveyor licensed by the State of Minnesota.
3. **Content.** The final plat shall be prepared for recording purposes and must include all information and be presented as required by the Douglas County Recorder's Office.

6.5 Final Construction Plans. Final construction plans for all required improvements, as designed by a licensed, professional engineer, shall be reviewed by Township Engineer who shall provide written comments to the Board. Plans may also be reviewed by ALASD, or other sanitary sewerage district and the Zoning Administrator. Plans shall be drawn at a scale and size as approved by the Township. The following shall be shown:

1. **Plan and Profile.** Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown. Final construction plans shall show the locations and cross-section of street pavements including curbs and gutters, sidewalks and trails (if required), drainage easements, rights-of-way, manholes, and catch basins; the locations of street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
2. **Utility Plan.** Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, at the point of connection to proposed facilities and utilities within the subdivision.
3. **Grading, Drainage, and Erosion Control Plan.** A final grading, drainage, and erosion control plan for the entire subdivision shall be submitted reflecting those portions of the subdivision affected by drainage, and erosion control measures that are required of the developer. Topography at the same scale as the preliminary plat with a contour interval of two (2) feet. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high-and

¹⁶ Amended 6/4/2007 – Resolution #07-07

APPENDIX A

TOWNSHIP ACCESS SPACING GUIDELINES

Table 5-2: Urban Public Street Spacing Guidelines
(Speeds less than 45 mph)

Type of Public Access Requested	Type of Roadway and ADT Affected by Access ⁽¹⁾⁽⁷⁾				
	Controlled Access Arterial Freeway Facility	Multi-Lane Divided Arterial or Collector Over 10,000	Two-Lane Arterial or Collector 2,000 - 10,000	Two-Lane Arterial or Collector Less than 2,000	Two-Lane Local Roads
A. Local: Low-Volume, Non-Continuous Streets⁽²⁾⁽³⁾	No Direct Access	1/4 Mile Spacing with No Median Opening⁽⁴⁾	1/8 Mile Spacing⁽⁶⁾ with Turn Lanes	1/8 Mile Spacing⁽⁶⁾	1/16 Mile Spacing
B. Local: Medium-Volume, Non-Continuous Streets⁽²⁾⁽³⁾	No Direct Access	1/2 Mile Spacing with Signals and Turn Lanes⁽⁵⁾	1/4 Mile Spacing⁽⁶⁾ with Turn Lanes	1/8 Mile Spacing with Turn Lanes	1/8 Mile Spacing with Turn Lanes
C. Collector: Low and Medium Volume Through Streets⁽²⁾	No Direct Access	1/2 Mile Spacing with Signals and Turn Lanes⁽⁵⁾	1/4 Mile Spacing with Signals and Turn Lanes	1/4 Mile Spacing with Turn Lanes	1/8 Mile Spacing with Turn Lanes
D. Collector and Arterial: High Volume Through Streets⁽²⁾	1 Mile Spacing (Interchange)	1/2 Mile Spacing with Signals and Turn Lanes	1/2 Mile Spacing with Signals and Turn Lanes	1/2 Mile Spacing with Signals and Turn Lanes	1/4 Mile Spacing with Signals and Turn Lanes
E. Arterial: High-Volume Streets and Expressways⁽²⁾	1-2 Mile Spacing (Interchange)	1 Mile Spacing with Signals and Turn Lanes	1 Mile Spacing with Signals and Turn Lanes	1 Mile Spacing with Signals and Turn Lanes	1/2 Mile Spacing with Signals and Turn Lanes

Notes:

¹ The urban access guidelines are applicable to Mn/DOT, County and City roads. **Bold areas** are guidelines that may be modified (see Notes).

² All volumes represent 20-year forecasts. "Low Volume" < 2,000; "Medium Volume" = 2,000 to 10,000; and "High Volume" > 10,000.

³ Non-continuous streets refer to cul-de-sac or short length local streets (less than a 1/2 mile) which do not necessarily cross the roadway in question.

⁴ Additional accesses may be permitted in the form of right-in/right-out if the corridor extends through a mature small town CBD or if the facility is under the jurisdiction of the county or city. These areas should be evaluated on a case-by-case basis.

⁵ For four-lane county or city roads, the guidelines may be relaxed to 1/4 mile spacing.

⁶ Continuous left turn lanes or a raised median with left turn lanes may be considered if retrofitting an existing corridor and access guidelines cannot be achieved.

⁷ All access locations should have adequate stopping sight distance, drainage, spacing from adjacent access, and alignment.

Table 5-3: Rural and Developing Areas Access Spacing Guidelines

Type of Public Access Requested	Type of Roadway and ADT Affected by Access ⁽¹⁾⁽⁸⁾				
	Controlled Access Arterial Freeway Facility	Multi-Lane Divided Arterial or Collector Over 10,000	Two-Lane Arterial or Collector 2,000 - 10,000	Two-Lane Arterial or Collector Less than 2,000	Two-Lane Local Roads
A. Field Access	No Direct Access	No Direct Access ⁽⁴⁾	Spacing based on other criteria ⁽⁵⁾ (1 per 40 acre or 1/4 Mile Spacing)	Spacing based on other criteria ⁽⁵⁾ (1 per 40 acre or 1/4 Mile Spacing)	Spacing based on other criteria ⁽⁵⁾ (1 per 40 acre or 1/8 Mile Spacing)
B. Private Residential or Business Access	No Direct Access	No Direct Access ⁽⁴⁾	1/4 Mile Spacing ⁽⁶⁾	1/8 Mile Spacing ⁽⁷⁾	1/16 Mile Spacing
C. Low-Volume, Non-Continuous Streets⁽²⁾⁽³⁾ or Shared Driveways	No Direct Access	1/2 Mile Spacing with No Median Opening ⁽⁴⁾	1/4 Mile Spacing ⁽⁶⁾ with Turn Lanes	1/8 Mile Spacing ⁽⁷⁾	1/16 Mile Spacing
D. Medium-Volume Non-Continuous Streets⁽²⁾⁽³⁾	No Direct Access	1 Mile Spacing with Signals and Turn Lanes	1/2 Mile Spacing with Turn Lanes	1/4 Mile Spacing with Turn Lanes	1/8 Mile Spacing with Turn Lanes
E. Low and Medium-Volume Through Streets⁽²⁾	No Direct Access	1 Mile Spacing with Signals and Turn Lanes	1/2 Mile Spacing with Signals and Turn Lanes	1/2 Mile Spacing with Turn Lanes	1/4 Mile Spacing with Turn Lanes
F. Medium and High-Volume Through Streets⁽²⁾	3-5 Mile Spacing (Interchange)	2 Mile Spacing with Signals and Turn Lanes	1 Mile Spacing with Signals and Turn Lanes	1 Mile Spacing with Signals and Turn Lanes	1/2 Mile Spacing with Signals and Turn Lanes
G. High-Volume Arterials and Expressways⁽²⁾	6-12 Mile Spacing (Interchange)	5+ Mile Spacing with Signals and Turn Lanes	2 Mile Spacing with Signals and Turn Lanes	1-2 Mile Spacing with Signals and Turn Lanes	1-2 Mile Spacing with Signals and Turn Lanes

Notes:

- ¹ Rural and developing area access guidelines are applicable to Mn/DOT, County and City roads. **Bold areas** are guidelines that may be modified (see Notes).
- ² All volumes represent 20-year forecasts. “Low Volume” < 2,000; “Medium Volume” = 2,000 to 10,000; and “High Volume” > 10,000.
- ³ Non-continuous streets refer to cul-de-sac or short length local streets (less than 1/2 mile) which do not necessarily cross the roadway in question.
- ⁴ Additional access may be permitted in the form of right-in/right-out (1/4 mile spacing) if there is no other feasible local road access point.
- ⁵ Access criteria should be based on factors such as stopping sight distance, drainage, and spacing and alignment with other access points.
- ⁶ Access spacing may be reduced on county facilities to 1/8 mile.
- ⁷ Local land accesses off of collector and arterial streets should be minimized.
- ⁸ All access locations should have adequate stopping sight distance, drainage, spacing from adjacent access, and alignment.

Table 5-4: Urban Driveway Access Spacing Guidelines (For new Developments, Redevelopment of Existing Areas and Changes in Land Use)

Street with Proposed Driveway ^(a)	Minimum Driveway Distance from Intersecting Street					Minimum Spacing Between Adjacent Driveways
	Nearest Intersecting Street				Minor Arterial	
	Local Street	Minor Collector	Major Collector ^(d)	(Low Density)		
Local Street						
Private Residential ^(b)	40 ft	40 ft	50 ft	50 ft	50 ft	40 ft
Commercial/Multi-Family	50 ft	50 ft	90 ft	90 ft	90 ft	50 ft
Minor Collector						
Private Residential ^(b)	40 ft	40 ft	50 ft	50 ft	50 ft	40 ft
Commercial/Multi-Family	50ft	50 ft	90 ft	90 ft	90ft	50 ft
Major Collector^{(d)(e)}						
Private Residential ^(b)	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Commercial/Multi-Family	90 ft	90 ft	220 ft	220 ft	220 ft	200 ft(h)
Minor Arterial (Low Density)^{(c)(d)}						
Private Residential ^(b)	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Commercial/Multi-Family	Not Permitted	Not Permitted	Not Permitted	660 ft	660 ft	230 ft(i)
Minor Arterial (High Density)^{(c)(d)}						
Private Residential ^(b)	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Commercial/Multi-Family	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	230 ft(i)

General Comments:

1. Areas marked "Not Permitted" indicate that: a) *direct access* to private residential uses should be prohibited on major collectors and arterials, and b) when direct access is requested for higher intensity land uses (individual commercial/multi-family residential, multiple commercial) and the intersecting streets are of different functional classifications, access should be granted from the street with the lower functional classification.
2. The "Minimum Driveway Distance from Intersecting Street" guidelines refer to full access driveways. Driveways may be located within these minimum distances but must be approved by the city engineer and should be limited to right turns into and out of the property.
3. Access will not be permitted onto the streets within right turn lanes or taper areas.
4. *The County Engineer reserves the right to review and adjust these guidelines on a case-by-case basis. Departure from the guidelines may be approved by the County Engineer.*

Notes:

- a. Maximum curb cut width is 24 feet unless specific site plan (Internal Design and Access Review) is approved by County Engineer.
- b. Private Residential includes single-family, two-family, town home, quadranium, and manor home dwellings.
- c. Apply specific design criteria.
- d. Driveways onto arterials and major collectors should be prohibited if possible. If driveways cannot be prohibited, the number of driveways onto arterials and major collectors should be minimized.
- e. If the nearest intersecting street is a signalized minor collector, driveways may be located less than 125 feet from the corner, but access should be limited to right turns into and out of the property.
- f. If the nearest intersecting street is a signalized major collector, driveways may be located less than 220 feet from the corner, but access should be limited to right turns into and out of the property.
- g. If the nearest intersecting street is a signalized minor arterial, driveways may be located less than 660 feet (low density) or 1,320 feet (high density) from the corner, but access should be limited to right turns into and out of the property.
- h. Assumes a speed of 40 mph.
- i. Assumes a speed of 45 mph.

