

CREDIT RIVER TOWNSHIP LAND DEVELOPMENT REGULATION AND ROAD ORDINANCE

THE BOARD OF SUPERVISORS OF THE TOWN OF CREDIT RIVER ORDAINS:

SECTION ONE. Definitions. For the purpose of this ordinance, the following terms have the meanings given them.

a. Hydric Soils mean soils that are, or prior to the installation of agricultural tile lines were saturated, flooded or ponded for substantial periods of time during the growing season and which have developed anaerobic conditions in the upper part. The criteria for identifying hydric soils were developed by the National Technical Committee for Hydric Soils, and were published in the Federal Register on February 24, 1995.

b. Agricultural tiling or tile lines are underground drainage lines installed to facilitate the rapid drainage of fields to facilitate agricultural production.

c. Developer is the person responsible for the platting of any subdivision in Credit River Township. The developer may, but need not be, the owner of the property. If not the owner, the developer must have sufficient authority from the owner to apply for approval of the subdivision and to bind the owner to all agreements required by this Ordinance.

d. Town Board means the Credit River Township Board of Supervisors.

e. Township means Credit River Township, in Scott County, Minnesota.

f. Township Engineer means the licensed engineer employed by Credit River Township.

g. Building site means an area within each platted residential lot in Credit River Township that complies with all the setbacks and other requirements set forth in this Ordinance and other applicable law, and has been identified as suitable for construction of a residence and ancillary buildings, and which contains at least two approved private sewer locations.

SECTION TWO: Conservation and Drainage Easements

a. The owner of property containing hydric soils may preserve the hydric soils areas by conveying to Credit River Township or other public or conservation agency approved by the Township a conservation and drainage easement over the lands containing hydric soils or wetlands.

b. If a proposed subdivision will materially increase the frequency, duration, or volume of runoff from the proposed subdivision onto adjacent private land, including land across a public

road from the proposed subdivision, the developer shall obtain flowage or drainage easements to accommodate such material increase of surface water flow prior to final plat approval.

SECTION THREE: Building on hydric soils prohibited; determination of setbacks for building sites.

a. Construction of new buildings on hydric soils is prohibited on any residential lands within Credit River Township. All new residences and private sewer systems constructed on residential lots in Credit River Township shall be constructed only within a building site that has been identified by the criteria contained in this Ordinance.

b. All residential lots in Credit River Township shall contain a horizontal separation of at least 75 feet from all proposed building sites to all wetlands, ponds, lakes and streams.

c. All residential lots in Credit River Township shall contain a horizontal separation of at least 75 feet from all proposed building sites to lands containing hydric soils, unless one or more of the following conditions apply:

1. If the 75 foot separation from a proposed building site to lands containing hydric soils results in a proposed building site that is less than 15,000 square feet, then the separation between the building site and the land containing hydric soils may be reduced by up to 50% as necessary to achieve a 15,000 square foot building site, if the Township Engineer first determines that the reduction will not adversely affect the environment, and that a subsequent re-establishment of wetlands in the hydric soils would not affect any structure or sewer system constructed within the proposed building site.

2. If the hydric soils are contained in a minor drainage way with a slope greater than 2%, then the separation from the proposed building site to land containing hydric soils shall be 25 feet.

3. The Town Board may reduce the required separation from a proposed building site to lands containing hydric soils for good cause upon petition by the developer or owner, if the Township Engineer first determines that the reduction will not adversely affect the environment and that a subsequent re-establishment of wetlands in the hydric soils would not affect any structures or sewer systems constructed within the proposed building site.

4. Any contiguous hydric soils area of less than 1/10 acre may be disregarded in the determination of setbacks.

d. The lowest level of any residence constructed in Credit River shall be at least one foot above the highest level of any hydric soils within 75 feet of the residence.

e. The provisions of this Section Three may be modified by the Township Board upon a showing satisfactory to the Board that the provisions work a hardship on an existing lot in the Township.

f. The provisions of this Section Three shall not apply to any lots contained in any subdivisions approved under the Scott County Zoning Ordinance revisions adopted in May 2001.

SECTION FOUR: Streets in new subdivisions.

a. The arrangement, character, extent, width, grade, and location of all streets in new subdivisions in Credit River Township shall conform to this Ordinance.

b. All streets proposed to be constructed in new subdivisions or developments shall be designed to consider the following:

1. The relationship of the proposed roads to other existing and planned roads,
2. reasonable circulation of traffic,
3. topographical conditions,
4. surface water runoff,
5. public safety and convenience,
6. the relationship between the proposed roads and the planned use of the land.

c. Permanent cul-de-sacs shall not be platted where other collector or access streets can be designed to facilitate traffic movement in a practical manner. When cul-de-sacs are allowed, mailboxes shall be clustered and located off the turn-around at a practical location designated on the plat.

SECTION FIVE: Continuation of existing Township roads.

a. The arrangement of streets in a proposed subdivision shall be designed for the appropriate continuation of existing streets and roads in adjoining areas. The Town Board shall make the final determination as to which existing streets and roads shall be extended into the proposed subdivision.

b. If a street designated to be continued is not adjacent to the proposed subdivision, the developer of the proposed subdivision shall be responsible for the construction of the new street connection from the boundary of the proposed subdivision to a maximum distance not to exceed the length or width, whichever is greater, of any existing platted lot through or adjacent to which the new street will run. If the new street connects at an existing temporary cul-de-sac, the temporary cul-de-sac shall be removed as part of the road construction at the expense of the developer of the proposed subdivision.

SECTION SIX: Future projection of streets

a. Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision shall make provision for the projection of streets into adjoining areas by the dedication

of road easements and by grading the streets to the boundary of the proposed subdivision. The Town Board shall make the final determination of which street projections are appropriate.

b. When the Town Board determines that an adjoining area requires street access from the proposed subdivision into a future subdivision, the developer shall, prior to the final plat being filed, do one of the following:

1. Construct a finished street, including the bituminous layer, to the boundary of the proposed subdivision at the location of the projected street; or

2. Pay to the Credit River Township Road Fund a nonrefundable fee equal to 75% of the construction cost of placing base, paving, and removing any temporary cul-de-sac constructed as part of the subdivision street. The construction cost shall be determined by the Township Engineer.

SECTION SEVEN: Improvement of existing township roads

a. If a proposed subdivision utilizes an existing gravel township road to access the proposed subdivision, the developer of the proposed subdivision, at the developer's expense, shall improve the township road to current township guidelines, including a bituminous surface, at the time of the road construction for the subdivision.

b. If the proposed subdivision will result in a material increase in traffic on an existing township road in excess of the design standards of the road, and the existing township road must be upgraded to serve the proposed subdivision, the owner or developer shall enter into a Developer's Agreement with the Township and shall participate in the cost of upgrading the township road.

c. If the Township adopts a fee per lot for road improvements as contemplated in the Scott County Subdivision Ordinance, that fee will be in lieu of the requirements contained in paragraphs a. and b. of this Section 6.

SECTION EIGHT: Escrow Accounts

The developer shall reimburse the Township for all costs incurred by the Township in connection with the proposed subdivision. Such costs shall include, but are not limited to, engineering, surveying, soil borings, legal and administrative costs of Township employees, agents and contractors. The developer shall establish an escrow account with the Township in the amounts set for in this Section, to provide for payment of these costs. If the escrow account is depleted, the developer shall deposit additional funds into the escrow account as requested by the Township. The Township may withhold building permit approvals or stop lot sales for a subdivision if an escrow account does not contain sufficient funds to reimburse the Township for its accrued and anticipated costs, and the developer fails to replenish the escrow account upon request of the Township.

SECTION NINE: Subdivision approval process

a. The information required to be submitted to Scott County under the Scott County Zoning Ordinance shall also be submitted to the Township prior to a preliminary plat. Before being placed on the township agenda for sketch plan review, the developer shall pay a fee of \$1,000 to the Township Clerk to be deposited in the escrow account and used for expenses incurred by the Township regarding the proposed subdivision, including expenses for meetings and engineering for the sketch plan. The developer shall be responsible for all costs incurred by the Township for the Sketch plan even if the development is not completed.

b. Prior to the commencement of any construction activity on a proposed subdivision, the developer shall comply with the following requirements.

1. Provide a survey of the proposed subdivision with a legal description showing the proposed lots, road locations, utility easements, and other information determined by the Township to be necessary for the subdivision.

2. Provide a topographic map of the proposed subdivision at a scale of no less than 100 feet to the inch with contour intervals of no more than two feet, showing the location of all hydric soils and wetlands. An alternative map containing the required information, such as an aerial topographical survey, may be used with the prior approval of the Township Engineer.

3. Provide preliminary information of the desired grade and alignment of the proposed streets to access the individual lots, including horizontal and vertical control, prepared by a registered land surveyor.

c. After the information required above has been provided to the Township, but before the plat or subdivision is submitted for final approval by the Township, the developer shall complete all necessary preliminary engineering work, including soil borings, any necessary additional survey work, and preparation of preliminary cost estimates. The preliminary engineering work shall be under the supervision of the Township Engineer.

d. Upon completion of the preliminary engineering work, and upon recommendation by the Township Engineer, the Township shall approve the final subdivision or plat and the Township Engineer shall design the streets and supply construction documents.

e. Construction of proposed township roads or subdivision streets shall not proceed until the preliminary plat has been approved by Credit River Township and Scott County, and the final road plans and other construction documents have been completed by the Township Engineer.

f. The developer shall follow the construction documents provided by the Township Engineer, and shall allow the Township Engineer access to the subdivision to inspect the construction. The developer's contractor shall notify the Township Engineer when grading or other earthmoving activity is to take place.

g. All buildings other than a residence and a garage serving the residence shall be removed from the subdivision as soon as the final plat is approved, unless the buildings are included in the preliminary plat and the Town Board specifically approves the temporary or permanent preservation of the buildings.

SECTION TEN: Developer's Agreement

a. A Developer's Agreement is required for any proposed subdivision or other residential development that includes proposed streets, or existing township streets or roads that must be upgraded to serve the subdivision or development. If the Developer's Agreement is also required by the Scott County Zoning Ordinance, it shall be entered into by the developer, the Township, and Scott County. Prior to placing the preliminary subdivision plat or development plan on the Town Board agenda, the developer shall pay an additional fee \$1,000.00, or more at the direction of the Town Board, to the Township Clerk to be deposited in the escrow account and used for expenses incurred by the Township regarding the proposed subdivision, including additional administrative, engineering and legal expenses to review the Developer's Agreement and Plan. Preliminary plat information shall be submitted to the Township Engineer at least ten days before the Town Board meeting.

b. If a Developer's Agreement is required by this Section, the developer shall enter into a written Developer's Agreement contract with the Township prior to the construction of any improvements on the proposed subdivision, and prior to approval of any final plat of any subdivision. The contract shall require the developer to furnish and construct the improvements contained therein at the developer's sole cost and in accordance with the plans, specifications and conditions approved by the Township. The contract shall include provisions for supervision of construction activities by the Township Engineer, and grant to the Township Engineer authority to correlate the work to be done under the contract with other road work being done or contracted by the Township. The contract shall require the developer to make an escrow deposit or to furnish a letter of credit from a recognized bank in the amount of the Township Engineer's estimate of the total cost of the subdivision streets and Township road improvements to be completed by the developer pursuant to the contract, including all costs to be incurred by the Township.

c. If the subdivision contains one or more sediment ponds, the Developer's Agreement may require, at the option of the Township, a restrictive covenant to be filed in the office of the Scott County Recorder that provides for the maintenance of the sediment pond or ponds by the owners of the lots in the subdivision, and that provides for an assessment against the lots for maintenance of the pond or ponds.

SECTION ELEVEN: Road Dedications

a. Application by a developer or anyone wishing to dedicate a road, street or cartway to the Township pursuant to Minnesota Statutes §164.15, Subd. 1, shall be made only after a

Certificate of Completion has been issued by the Township Engineer, and all costs and expenses incurred by the Township and its Engineer have been paid.

b. The Township may require that anyone wishing to dedicate a road, street or cartway to the Township execute a deed conveying fee title or an easement for the roadway to the Township, with a legal description sufficient for recording in the office of the Scott County Recorder.

SECTION TWELVE: Roadway Design Criteria

a. Drainage – Drainage systems shall be designed to adequately convey the runoff from a ten year return period, 24 hour storm. The minimum pipe in street right of way shall be 18 inch aluminized corrugated metal pipe. A drainage study shall be submitted to the Township, which indicates that no damage will occur to properties based on a 100-year storm event.

b. Section – The roadway section shall be at least 4 inches of bituminous in two lifts. The first lift shall be MnDOT 2331 type 31B, and shall be at least 2 ½ inches. The second lift shall be MnDOT 2331 Type 41A Wear Course, and shall be at least 1 ½ inches. The base shall be at least nine inches of Class 5 crushed rock. If the Town Board approves a gravel road, it shall be constructed with 12 inches of class 5 crushed rock.

c. Horizontal Alignment – All streets shall intersect at right angles. Horizontal alignment design speed shall be consistent with the requirements for vertical alignment design speed. When connecting streets deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of no less than 200 feet. Cul-de-sacs shall have a driveable turning radius of at least 50 feet.

d. Vertical Alignment – The minimum allowable ditch grade shall be 0.8%. The minimum allowable centerline grade shall be 0.9%. Continuous changing of grades that create a “roller coaster” effect shall not be permitted. Design controls for vertical alignment shall be consistent with the design speed as specified in the current edition of the “MnDOT Road Design Manual.”

e. Road width, shoulders and right of way width shall be determined by the most recent Credit River Township Road Policy adopted by the Town Board.

f. The provisions regarding roadway design contained in this Section may be modified by the Town Board based on hardship or circumstances unique to the road location.

g. Typical design cross sections are included as an appendix to this Ordinance.

SECTION THIRTEEN: Driveways from township roads

a. Private driveways will be at least 20 feet wide, and not more than 28 feet wide, at the intersection with the township road. Only one driveway shall be allowed per parcel.

b. An application for driveway permit, along with the permit fee, shall be delivered to the Township before construction of any driveway from a Credit River Township road. The permit fee shall include a fee for the permit and a driveway deposit to assure satisfactory completion of the construction. The driveway fee and deposit shall be set by resolution of the Town Board. The deposit shall be returned to the applicant after a satisfactory final inspection, unless otherwise set forth in this ordinance. If construction of the driveway does not pass final inspection, the driveway deposit may be used by the Township to complete the installation, or to remove an unacceptable driveway.

c. All culverts shall be at least 15 inches in diameter, at least 28 feet long, with flared ends. The Township Engineer may specify a larger culvert. All culverts shall be new and shall be constructed of galvanized steel.

d. The invert of the culvert must be at least 3 inches below the edge of the blacktop, unless otherwise approved by the Township Engineer.

e. No driveway shall cross a wetland unless a wetland permit has first been obtained.

f. No obstructions shall be constructed or planted in the township right of way. Obstructions include, but are not limited to, retaining structures, posts, trees, shrubs, and other such items.

g. Mailboxes and support posts may be located within the Township right of way. However, the Township is not responsible for damage to mailboxes or posts during road maintenance or snowplowing.

h. A driveway must contain at least 4 to 6 inches of 3- rock for at least 50 feet from the Township road before any footings are poured for construction on the site.

i. Dirt or debris SHALL NOT be deposited on Township roads. Any such dirt or debris deposited upon Township roads during construction or otherwise shall be immediately cleaned up. Failure to clean up such dirt and debris may result in forfeiture of the driveway deposit. Dirt and debris includes clumps of clay, gravel, mud, sand, soil, washings, or building materials.

j. Upon completion of the driveway or culvert installation, including turf restoration, and after an occupancy permit, if any, is issued, the installation shall receive a final inspection by the Township. Refund of the driveway deposit shall be made only after final inspection.

SECTION FOURTEEN: Miscellaneous

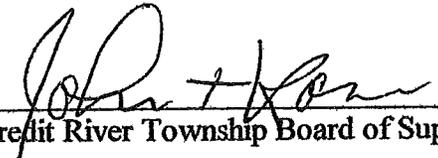
a. The terms and provisions of this Ordinance shall supercede any provisions of Credit River Township Ordinances 11, 11A and 11B to the extent that those provisions are inconsistent with this Ordinance.

b. The Credit River Township Subdivision, Zoning, and Wetland Preservation Ordinance is hereby repealed, having been superceded by the Scott County Zoning Ordinance and this ordinance.

c. This ordinance and the various parts, sentences, paragraphs, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

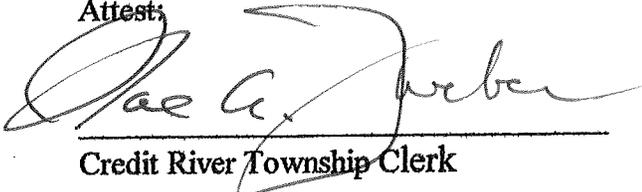
This Ordinance shall become effective from and after the date of its publication according to law.

Approved June 12, 2001



Chair, Credit River Township Board of Supervisors

Attest:



Credit River Township Clerk