

**SUBDIVISION ORDINANCE
FOR ROCHESTER TOWNSHIP
OLMSTED COUNTY
MINNESOTA**

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ARTICLE I. GENERAL PROVISIONS

Section 1.01 SHORT TITLE

This ordinance shall be known and may be cited as the "Subdivision Ordinance for Rochester Township," and its provisions shall apply to all lands to be subdivided in Rochester Township, which lie outside the limits of incorporated cities.

Section 1.02 PURPOSE

The Subdivision Ordinance for Rochester Township sets forth the minimum requirements deemed necessary to ensure and protect the health, safety and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- (A) Assure that to the maximum extent possible, any lands developed will be for the best possible use of the entire township with adequate protection against deterioration and obsolescence.
- (B) Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters, any unique or rare habitats, air quality, noise and visual pollutants.
- (C) Assure that plans for water distribution, wastewater collection and disposal use appropriate technology.
- (D) Encourage well-planned subdivisions through the establishment of adequate design standards.
- (E) Discourage inferior developments that might adversely affect the local tax base.
- (F) Create neighborhoods that will be of lasting credit to the community.
- (G) Facilitate acceptable provisions for transportation and other public facilities.
- (H) Safeguard the interests of the public, the homeowner, the subdivider and units of local government.
- (I) Secure the rights of the township residents with respect to public lands and waters.
- (J) Improve land records by the establishment of standards for surveys and plats.
- (K) Minimize governmental operation and maintenance costs.

Section 1.03 ADMINISTRATION

The Subdivision Ordinance for Rochester Township shall be administered by the Rochester Township Board.

Section 1.04 COMPLIANCE

After the adoption of this ordinance, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat or metes and bounds subdivision has been approved and recorded and until any reasonable improvements required by the Rochester Township Board of Supervisors relative to the subdivision have been constructed or guaranteed as provided herein. No land shall be subdivided which is held unsuitable by the Rochester Township Board of Supervisors for reason of flooding, inadequate drainage, water supply or sewage treatment facilities or incompatibility with the Rochester Township Land Use Plan or the Rochester Township Zoning Ordinance. All lots within the floodway and flood fringe (FFA and FFB) districts shall contain a building site at or above the Regulatory Flood Protection Elevation. Land within a flood plain may be conveyed and joined on the same deed with an adjoining lot. All subdivisions shall have water facilities that comply with the Olmsted County Water Well and Water Supply Ordinance, sewage disposal facilities that comply with the Rochester Township Septic Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.

Section 1.05 REQUIRED APPROVAL OF SUBDIVISION PLATS

A Preliminary Plat shall be reviewed by the Rochester Township Planning and Zoning Commission and a recommendation for approval or denial will be forwarded to the Township Board. The Township Board shall have final approval authority for all plats.

Before any Final Plat is valid, it must be reviewed by the Rochester Township Planning and Zoning Commission, Rochester Township Septic Inspector, Olmsted County Planning Department – Inspections Division Well and Septic Staff, Olmsted County Board of Commissioners, Olmsted County Surveyor, Olmsted County Engineer if subdivision connects to or abuts an Olmsted County Road, and Rochester Township Engineer. The Rochester Township Board of Supervisors shall approve as provided herein and then record in the office of the Olmsted County Property and Records Division.

Section 1.06 ADDITIONAL REQUIREMENTS

The Planning Commission may recommend additional requirements for a particular subdivision as deemed necessary in order to achieve the overall goals and purposes of this ordinance and to secure the interests of the public. The final authority to mandate these additional requirements lies with the Township Board.

Section 1.07 COMPREHENSIVE DEVELOPMENT PLAN

Both Rochester Township and Olmsted County have Land Use Plans. All subdivisions must comply with the Olmsted County and Rochester Township Land Use Plans. Rochester Township does not have a Comprehensive Planning Document and defers to the Olmsted County Comprehensive Plan on issues other than land use planning.

ARTICLE II. DEFINITIONS

Section 2.01 PURPOSE

For clarity of interpreting this ordinance, certain terms and words are defined below in alphabetical order.

Section 2.02 DEFINITIONS

- (A)** BOARD OF ADJUSTMENT: The Rochester Township Board of Adjustment
- (B)** CIVIL ENGINEER: A civil engineer registered in the State of Minnesota
- (C)** CLUSTER MAILBOX: A structure housing multiple mail receptacles. Also referred to as "Cluster Box Unit" or "CBU."
- (D)** COMMISSION: The Rochester Township Planning Commission
- (E)** GENERAL DEVELOPMENT PLAN (GDP): A series of maps, documents and publications showing the desirable future development, the appropriate uses of private land, and the general location and extent of all necessary or desirable facilities.
- (F)** DEVELOPER: The owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises.
- (G)** Developers Agreement: A legally binding contract between a property owner or developer and a local unit of government often including terms not otherwise required through existing regulations. The agreement may specify various elements of the development process ranging from phasing of a large master-planned community to critical infrastructure responsibilities.
- (H)** GROWTH MANAGER: A local representative of the United States Postal Service who has approval authority regarding mailbox placement.
- (I)** LAND USE PLAN: Rochester Township Land Use Plan unless stated the Olmsted County Land Use Plan.
- (J)** OFFICIAL MAPS
 - (1)** HIGHWAY - A map of Olmsted County, Rochester Township and/or any portion thereof lying outside incorporated cities which shows the exact alignments, gradients, dimensions and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities. The official map is available from Olmsted County Public Works.

- (2) ZONING - A map or maps of Rochester Township which are a part of the Zoning Ordinance delineating the boundaries of the zoning districts and representing the approximate boundaries of overlay zoning districts.
- (K) OPEN SPACE: Area within the boundary of the development freely accessible by all members of the development as required by section 9.1 of this ordinance.
- (L) PARKS: Any public or private non-commercial, not-for-profit land and associated accessory buildings established and intended for recreational, educational and cultural activities; a scenic or aesthetic natural area or wildlife preservation area intended for leisure time enjoyment. This definition shall not be construed to include entry features of landscape buffers around the perimeter of a subdivision that serve no other active or passive recreational purpose. This definition shall not be construed to include recreational facilities where activity takes place completely indoors.
- (M) PLANNING COMMISSION: The Rochester Township Planning and Zoning Commission.
- (N) PLAT: A map or drawing, conforming to state statutes, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record of title.
- (O) STREETS AND ALLEYS: The term "street" means a way for vehicular traffic, whether designated as a street, highway, parkway, thoroughfare, arterial, road, roadway or however otherwise designated. For the purposes of this ordinance, eight (8) functional classifications of streets are used and defined as follows:
- (1) **HIGHWAYS** - Routes carrying large volumes of relatively fast-moving traffic and are designated as Federal, State or Interstate highways.
 - (2) **MAJOR STREETS/ROADS** - Arterials carrying large volumes of local traffic between widely separated areas of the community and which may be designated as County State Aid Highways.
 - (3) **COLLECTOR STREETS/ROADS** - Streets which carry traffic from minor streets to major streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments.
 - (4) **LOCAL STREETS/ROADS** - Streets, which are used principally for access to abutting properties, especially residential properties.

- (5) **SERVICE ACCESS STREETS** - Trafficways which are adjacent and parallel to highways and major streets providing access to abutting properties.
- (6) **ALLEYS** - Minor trafficways affording a secondary means of access to abutting properties, which are not intended for general traffic circulation.
- (7) **PRIVATE ROAD** - A non-public trafficway utilized by no more than ten (10) private residences having a road name and being able to accommodate emergency vehicles.
- (8) **PRIVATE DRIVE** - A non-public trafficway utilized by one to three private residences.

- (P) **SUBDIVISION:** Subdivision refers to all divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all divisions of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law. Parcels divided under a "metes and bounds subdivision" are regulated under Section 8 of this ordinance and are not subject to requirements intended for traditional development.
- (Q) **TOWN BOARD:** The Rochester Township Board of Supervisors.
- (R) **TOWNSHIP:** Rochester Township.
- (S) **TRAFFICWAY:** A roadway open to traffic.
- (T) **ZONING ADMINISTRATOR:** The Township Cooperative Planning Association ("TCPA") or otherwise designated by the Rochester Township Board.

ARTICLE III. PROCEDURES FOR SUBMISSION OF PLATS

Section 3.01 PRELIMINARY PLAT

- (A) A General Development Plan, as detailed in Article IV of the Rochester Township Zoning Ordinance, shall be approved by the Township Board prior to submitting an application for a preliminary plat.
- (B) Upon approval of the GDP, the subdivider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the Town Board, the Township Planning Commission, the Township Engineer, the Township Septic Inspector and the Olmsted County Planning Department – Inspections Division Well and Septic Staff or their Designee.
- (C) The preliminary plat and supplementary material as specified in Article IV, Section 4.2. of this document along with a completed application form shall be submitted to the Zoning Administrator electronically and in physical form. The Zoning Administrator shall receive two (2) 11"x17" copies of the construction plans and one (1) 36"x48" copy of the preliminary plat to be displayed during public hearings. Two (2) copies of the preliminary plat and supplementary material shall be submitted to the Olmsted County Planning Department – Inspections Division Well and Septic Staff with written application for conditional approval.
- (D) The preliminary plat and supplementary material shall also be submitted to the Township Engineer and Township Septic Inspector for their review.
- (E) Upon determining the application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission as determined by Statute. The Planning Commission shall hold the public hearing, review the preliminary plat, and make a recommendation to the Town Board for approval, disapproval or approval with conditions. The Town Board, at their next regularly scheduled meeting, shall act upon the Planning Commission's recommendation, determining approval, approval with conditions or disapproval with its reasons for disapproval. Preliminary plat approval or disapproval must occur within 120 days following the submission of a complete application, as determined by the zoning administrator, unless an extension of the review period has been agreed to by the applicant. If the plat is approved with conditions, applicant shall submit to the Zoning Administrator a copy of a revised preliminary plat along with all supporting documents within one (1) year of conditional approval or the preliminary plat approval is considered null and void.

- (F) Approval of a preliminary plat shall not constitute approval of the final plat. Approval of a preliminary plat is hereby limited to a period of one (1) year from the date of conditional approval, after which time the subdivider is required to ask for an extension.
- (G) A grading permit may be issued for, and grading may begin on the proposed development once the preliminary plat has been approved and both a surety bond and developer's agreement has been received. An erosion control plan is required for grading permit approval. Grading and road construction shall not begin until the preliminary plat is approved.

Section 3.02 FINAL PLAT

- (A) Prior to filing a final plat, applicant shall submit electronically to the Zoning Administrator a preliminary plat as approved by the Town Board along with any other supporting documents required as a condition of approval.
- (B) The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time, provided however, that such portion conforms to all requirements of this ordinance and is completed within one year. Any portion of an approved preliminary plat that has not been approved as a final plat must go through the preliminary platting process again.
- (C) The final plat and supplementary material as specified in Article IV, Section 4.2. along with a completed application form shall be submitted electronically to the Zoning Administrator within twelve (12) months.
- (D) Upon determining the application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission as determined by Statute. The Planning Commission shall hold the public hearing, review the final plat and make recommendations to the Town Board. The Town Board, at their next regularly scheduled meeting shall act upon the Planning Commission's recommendation, determining approval, approval with conditions or disapproval with its reasons for disapproval. Final plat approval or disapproval must occur within 60 days following the submission of a complete application, as determined by the zoning administrator, unless an extension of the review period has been agreed to by the applicant. The Township Board consideration of the final plat does not require public comment.

Section 3.03 RECORDING FINAL PLAT

The final plat of record, prepared in accordance with this ordinance shall be filed with the Olmsted County Property and Records Division. The subdivider shall furnish signed copies of the plat and supporting documents to the Township for recording.

ARTICLE IV. SPECIFICATIONS FOR PLATS

Section 4.01 PRELIMINARY PLAT

The preliminary plat shall be drawn on suitable tracing paper or other material of suitable quality with black waterproof ink or pencil at a scale not greater than one hundred (100) feet equals one (1) inch. Original prints or legible reproductions of said drawing may be submitted to the Town Board for the purposes of receiving conditional approval.

Section 4.02 FINAL PLAT

The final plat shall be drawn on muslin-backed white paper, photographic Mylar or other suitable material with black waterproof ink. The final plat shall measure thirty (30) inches in length and twenty (20) inches in width with a border line of one and one-half (1 1/2) inches provided on the left side of the thirty (30) inch length and a border of one-half (1/2) inch provided on the other three (3) sides. When more than one (1) sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets, i.e., 2 of 3. The final plat shall be drawn to a scale not greater than one (1) inch to one hundred (100) feet. Where there is a difference in requirements between this subdivision ordinance and the State platting and surveying standards then the State standards will prevail.

Section 4.03 GENERAL INFORMATION

The information to be included on the preliminary and final plats is as follows:

(A) PRELIMINARY PLAT

- (1)** Date, scale, north point.
- (2)** Proposed subdivision name and all intended street names.
- (3)** Name of the owner, subdivider and surveyor or engineer preparing plat.
- (4)** Location of the plat by the quarter, quarter section, section, town and range.
- (5)** Topographic map of the area showing two-foot contours and delineating areas with the following changes in slope: minimum contours of two feet as follows: seven (7) percent or less; eight (8) to fifteen (15) percent; sixteen (16) to twenty-five (25) percent; greater than twenty-five (25) percent.
- (6)** Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

- (7)** Zoning classification of lands to be subdivided and all adjacent lands.
- (8)** The layout and width of all proposed new streets and rights-of-way, private roads, storm drainage and easements, whether public or private, for public and private utilities.
- (9)** Location, widths and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings and structures and such other data as may be required by the Planning Commission within the area being subdivided and within three hundred (300) feet of the exterior boundaries of the area being subdivided.
- (10)** Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.
- (11)** When the subdivision borders a lake, river or stream, a meander line shall be established at an elevation four (4) feet above the recorded high water elevation of the lake, river or stream.
- (12)** Location and boundaries of all floodplain, floodway and wetland areas. Location of Decorah Edge and edge boundaries of all sinkholes must be clearly indicated. (Ref. Article VII.)
- (13)** Length and bearings of the exterior boundaries of the land being subdivided.
- (14)** Radii of all curves and lengths of all tangents.
- (15)** Location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of such dedication or reservation.
- (16)** Dimensions of all lots.
- (17)** Location of all proposed or existing wells (active, abandoned or capped) and any distribution systems to point of service connection.
- (18)** Locations of well site and distribution system to point of service connection if a community water supply is being proposed.

- (19) Percolation test results, minimum of two (2) per lot, together with soil borings, every acre to indicate depth to water table and rock formations.
- (20) Location of proposed septic support or field areas including the location or percolation test sites and boring holes, per current Rochester Township Septic Rules and the Rochester Township Zoning Ordinance.

(B) FINAL PLAT

- (1) Date, scale, north point.
- (2) Subdivision name and all street names.
- (3) Name and address of the owner of record, the subdivider, and surveyor or engineer preparing the plat.
- (4) Location of the plat by quarter, quarter section, section, town and range.
- (5) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
- (6) Exact location, widths and names of all existing platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses and drainage ditches all of which are within the boundaries of the land to be subdivided.
- (7) Water elevations of adjoining lakes, rivers and streams at date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.
- (8) When the subdivision borders a lake, river or stream, a meander line shall be established at an elevation of four (4) feet above the recorded high water elevation of the lake, river or stream.
- (9) Exact location and width of all streets, their bearings, dimensions, angle of intersection, length of arcs, radii, points of curvature, tangent bearings, easements, private roads and storm drainage.
- (10) Exact length and bearings of the exterior boundaries of the land being subdivided.
- (11) Exact dimensions of all lots.

- (12) Exact radii of all curves and lengths of all tangents.
- (13) Exact location an area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked, "Dedicated to the Public."
- (14) Deed restrictions, if any, including the boundaries of each type of restriction.
- (15) Exact location and width of all known or recorded easements, whether public or private and a statement of easement rights.
- (16) Accurate location and material of all permanent reference monuments. Certificate of the registered land surveyor preparing the plat certifying that the plat, as presented, fully complies with the requirements of this ordinance and the platting laws of the State of Minnesota relative to the surveying, dividing and mapping of the land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by him and that all monuments indicated thereon exist and their location, size and material are correctly shown.
- (17) Certificate from the Olmsted County Planning Department – Inspections Division Well and Septic Staff that plans for the water supply system and sewerage system have been approved whenever applicable.
- (18) A Certificate issued by the authorized county official stating that there are no unpaid taxes or special assessments on any of the lands included in the plat.
- (19) A certificate by the owner(s) dedicating to the public for full public use all streets and street rights-of-way and other lands designated as "Dedicated for the Public's Use" and the granting of utility easements as shown on the plat.
- (20) Signature line for Olmsted County Engineer if necessary.
- (21) Signature line for Olmsted County Planning Department – Inspections Division Well and Septic Staff.
- (22) Signature line for the Rochester Town Board.

- (23)** A note shall be added identifying all lots affected by Bluff or Wetland setback requirements. The setback distance shall be listed for each affected lot.

- (24)** Any lot affected by flood plain or flooding concerns shall be identified in a table and include the required Finished Floor Elevation.

ARTICLE V. SUBDIVISION DESIGN STANDARDS

The subdivision design standards contained in this ordinance are to assure that the style, character and form of new developments will conform to minimum requirements promoting the health, safety and general welfare of the public. In addition to these regulations and to ensure that future developments are consistent with the growth objectives and goals of the community, subdivisions shall conform to the Land Use Plan of Olmsted County or any part thereof, the Official Map, Zoning Ordinance, County Health Department Regulations and any other applicable ordinances of Olmsted County or Rochester Township.

Section 5.01 DENSITY

The overall density of residential developments shall meet the requirement of one lot per three (3) acres. Developments unable to meet this requirement are afforded variance opportunities as described in this ordinance and the Rochester Township Zoning Ordinance. Economic considerations alone do not constitute practical difficulties to the density requirement.

Section 5.02 STREET AND ROAD DESIGN STANDARDS

The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation from the subdivision to adjacent areas. Street arrangements, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience and safety, and their intended ultimate function.

- (A)** The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas; or conform to a plan approved by the Planning Commission where topographic or other conditions make continuance or conformance to existing streets impractical.
- (B)** Collector streets shall be properly related to major streets and designed in a manner to supplement the major street system, but not to serve in lieu thereof.
- (C)** Local streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum number of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac street is encouraged wherever possible.

- (D)** Where a subdivision abuts upon, or contains an existing or proposed highway, major throughfare, a railroad right-of-way, the Town Board may require reverse frontage lots with appropriate screen plantings in the non-access reservation strip; or the provision of a suitable access roads parallel to and on either side of said highway or major thoroughfare, or railroad right-of-way providing access to adjacent properties and affording separation of through traffic.
- (E)** Temporary Turnarounds shall be provided for streets greater than 150 feet in length where future development is anticipated. The Temporary Turnaround shall be centered in a temporary turnaround easement having a radius of 60 feet, the paved area shall have a minimum radius of 45 feet and be signed "No Parking". The Town Board may approve a "T" or "Y" type turnaround in lieu of the circular turnaround.
- (F)** Intersections with street centerlines deflecting from each other by more than fifteen (15) degrees shall be connected by a curve with a radius appropriate to the intended functional class of said street as specified in Section 5.1 of this ordinance.
- (G)** All subdivisions abutting a public lake, river or stream shall provide public access at least eighty (80) feet wide to the low water elevation so that there will be public access at no more than one half (1/2) mile intervals as measured along the lake, river or stream shoreline.
- (H)** Streets designed with one end permanently closed shall not exceed two thousand (2000) feet in length, except where the Town Board and Fire Authority has approved additional length due to property limitations. A cul-de-sac shall be provided at the closed end with a minimum right of way radius of 60 feet, the paved area shall have a minimum radius of 48 feet and be signed "No Parking". If on-street parking is desired, the right of way radius shall be increased to 75 feet and the pavement radius shall be increased to 60 feet.

Section 5.03 MINIMUM STREET DESIGN STANDARDS

Street and road design standards shall conform to the “Subdivision Roadway Design Standards” adopted by Rochester Township.

	MAJOR THOROUGHFARE	COLLECTOR STREET	LOCAL STREET	SERVICE ACCESS STREET	ALLEY	PRIVATE DRIVE
Rights of Way	100'	80'	66'	40'	30'	33'
Driving Surface Width	(1)	36' ⁽⁴⁾	24' w/2' CL5 shoulders	24'	20'	16'
Base Specification	(1)	(1)	(2)	(2)	(2)	(3)
Minimum Horizontal Curve Radii	850'	400'	200'	200'	200'	(3)
Minimum Tangent Between Curves	200'	150'	100'	100'	100'	(3)
Minimum Grade	0.4%	0.4%	0.4%	0.4%	0.4%	(3)
Maximum Grade	5%	8%	10%	10%	10%	(3)
Pavement Specifications	(1)	(1)	(2)	(2)	(2)	(3)

(1) As specified by the County Engineer

(2) As specified by the geotechnical report or Rochester Township Engineer (refer to figure 5.10.3)

(3) Not specified

(4) Cross section is subject to approval by County Engineer

Section 5.04 GEOMETRIC DESIGN STANDARDS

- (A) The centerline of all roadways shall be the center of the platted right-of-way unless additional right-of-way is required to accommodate a bike/pedestrian path.
- (B) Where new roads will be an extension of an existing road, their projections shall be at the same or greater width but in no instance less than the minimum required width.

- (C) All roadways shall be designed for a minimum of 30 miles per hour or the design speed determined by the Town Board.
- (D) Stopping sight distance will be the minimum sight distance allowed.
- (E) Local roads and streets shall be aligned so that their use by through traffic will be discouraged.
- (F) Road and street jogs with centerline offsets of less than 150 feet shall be avoided.

Section 5.05 INTERSECTIONS

- (A) All streets and roads shall intersect at right angles or as close thereto as possible. Street intersections shall not have an intersecting angle of less than 70 degrees. All roads and streets that do not intersect at right angles shall have the intersection angle approved by the Olmsted County engineer to ensure sufficient sight distance and traffic safety. More than two (2) streets intersecting at the same location is prohibited.
- (B) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- (C) When the Town Board finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall have a radius of fifteen (15) feet. The Town Board may permit comparable cords in lieu of a radius.

Section 5.06 PRIVATE ROADS

- (A) Private roads are prohibited in Rochester Township due to the financial hardship they tend to create for property owners and the Township.
- (B) Any request for a private road will be subject to the variance process and reviewed on a case-by-case basis.
- (C) Any private road presented for approval must have a design accompanied by a geotechnical report created by a licensed professional engineer or be approved by the Township Engineer.

Section 5.07 DEAD ENDS -- TURN AROUND AREAS

All Dead-End roads exceeding 150' in length must provide a turnaround for emergency vehicles.

Table 4.1

LENGTH (FEET)	WIDTH (FEET)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	96-foot diameter cul-de-sac
501-750	26	96-foot diameter cul-de-sac
Over 750	Fire Authority Approval Required	

Section 5.08 PRIVATE DRIVE

- (A) A trafficway serving one (1) to three (3) private residences may be deemed a private drive.
- (B) Private drives are not required to have an approved and recorded road name.
- (C) Private drives shall be able to accommodate emergency vehicles.
- (D) Private drives shall have the following design minimums:
 - (1) Minimum driving surface width of 16 feet.
 - (2) A private drive must provide adequate space for emergency vehicles to turn around.
 - (3) The Township will not maintain private drives. If a private drive is to be eligible for Township maintenance, it must be upgraded to township road standards and accepted by the Township.

Section 5.09 ALLEYS

- (A) Alleys shall be required in all commercial and industrial districts, except that the Planning Commission may waive this requirement where the commercial or industrial district is designed as a comprehensive unit and adequate provisions for service access, off-street loading and unloading areas and parking space is a part of the overall development plan.

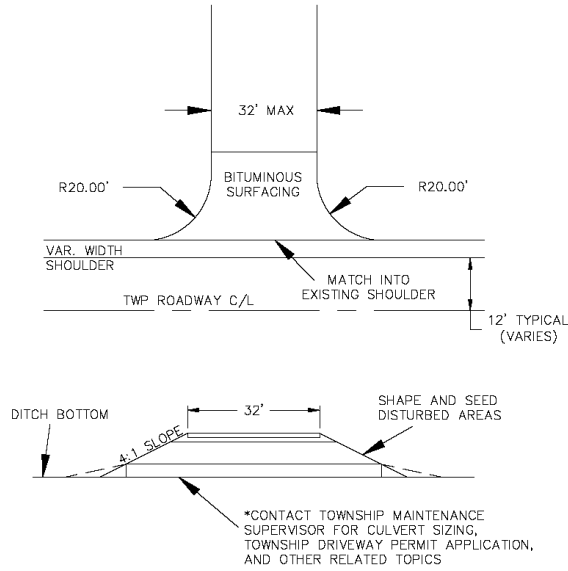
- (B) Dead-end alleys are prohibited except where natural or other features make a connection impossible. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end as determined by the Town Board.
- (C) Alleys shall not be provided in residential areas unless a secondary means of access to certain property is necessary due to topography or other exceptional circumstances.
- (D) Design standards for alleys are contained in Section 5.2 of this ordinance.

Section 5.10 GRADING, SUBGRADE, BASE AND SURFACING

- (A) The upper one foot of topsoil shall be removed from the traveled portion of the roadway and placed on the sloped sections of the roadside ditch.
- (B) All excavation and embankment as well as surfacing shall substantially conform with dimensions shown on the typical sections below and shall be compacted by the Method of Quality Compaction in accordance with the requirements of "Minnesota Department of Transportation, Standard Specifications for Construction, Specification Number 2105.3 latest edition."
- (C) Roadway design shall be as illustrated in the included engineering drawing.
- (D) All streets shall be graded to their full right-of-way, and the roadway compacted to ninety-five (95) percent of proctor density.
- (E) Sodding and/or seeding shall be provided on all grounds disturbed during the construction of roadways.
- (F) Where staged roadway construction is employed including the early application of a bituminous (bit) base pavement layer or bit base and bit wear pavement layers, the Town Board may require the application of a final bit wear layer prior to acceptance of the road by the Township.
- (G) A construction permit shall be filed by the developer or owner with the Township Zoning Administrator prior to any work being done on a roadway.
- (H) A grading plan shall be submitted to the Township Zoning Administrator and a grading permit issued prior to any construction. All roads shall be inspected by the appropriate road authority as work progresses.
- (I) The Town Board shall only accept a roadway by resolution. No roadway shall be accepted by the township unless a minimum of fifty (50) percent of the dwelling have been issued temporary certificates of occupancy or certificates of occupancy and after a report has been submitted to the board by the township engineer recommending acceptance.
- (J) The Town Board may, at its discretion, perform limited maintenance without incurring any obligation for future acceptance of a road.

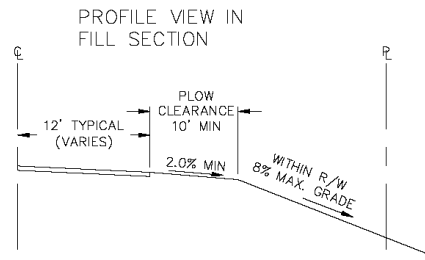
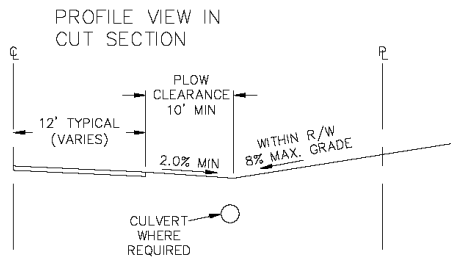
Figure 5.10.1

COMMERCIAL ENTRANCE



GENERAL NOTES:

- 1) IF MODIFICATIONS ARE MADE TO AN EXISTING ENTRANCE BY A PROPERTY OWNER, THE ENTRANCE SHALL BE BROUGHT UP TO ALL CURRENT ROCHESTER/CASCADE TOWNSHIP STANDARDS AT THE PROPERTY OWNERS EXPENSE.
- 2) MATCH INPLACE SECTION WHERE SURFACING EXISTS. TYPICAL SURFACING IS 8" AGGREGATE SURFACING TO THE R/W FOR NEW ENTRANCES.
- 3) FOR RECONSTRUCTION PROJECTS, CONCRETE AND BITUMINOUS ENTRANCES SHALL BE REPLACED WITH BITUMINOUS TO THE LIMIT REMOVED.
- 4) WHERE REQUIRED THE BITUMINOUS SURFACING SHALL BE A MINIMUM 3-1/2" BITUMINOUS WEARING COURSE PLACED IN TWO LIFTS OVER A MINIMUM 8" AGGREGATE BASE.



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

MARK R. WELCH

DATE _____ REG. NO. 42736

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LAST REVISED: 1-29-19

Prepared For:
ROCHESTER/CASCADE
TOWNSHIP

...

SHEET 1 OF 1 | FILE NO.: 04-140

Figure 5.10.2

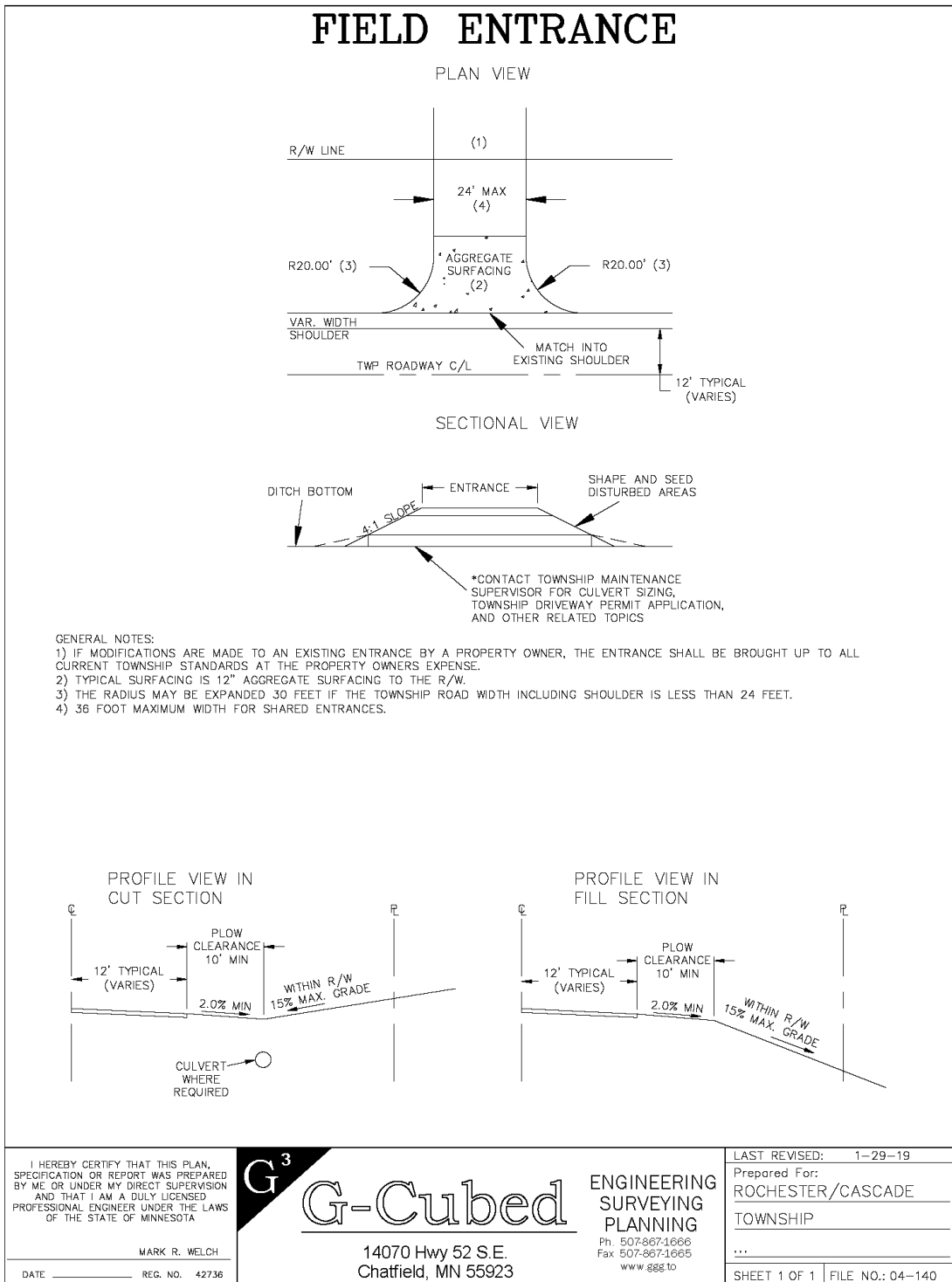


Figure 5.10.3

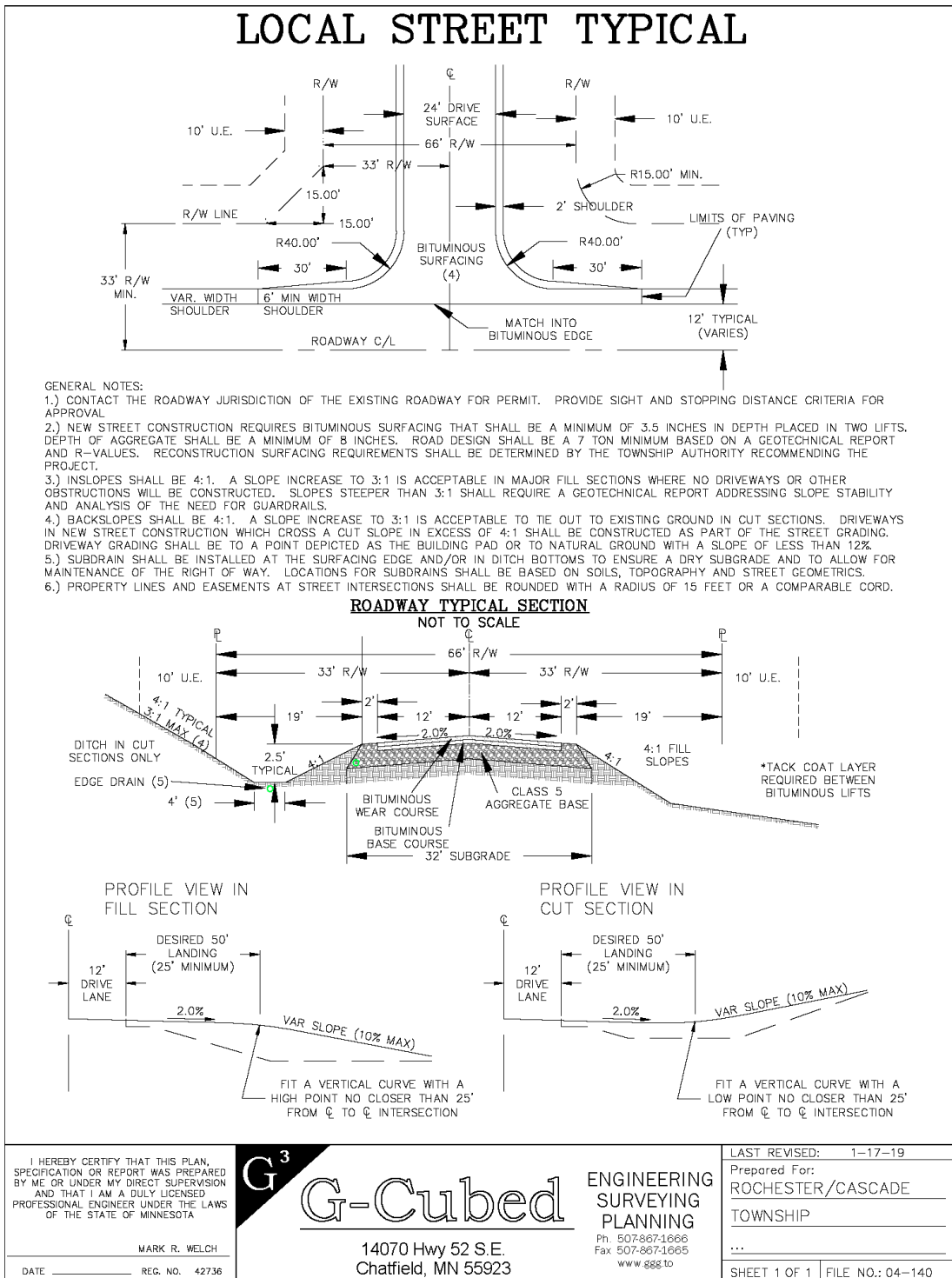


Figure 5.10.4

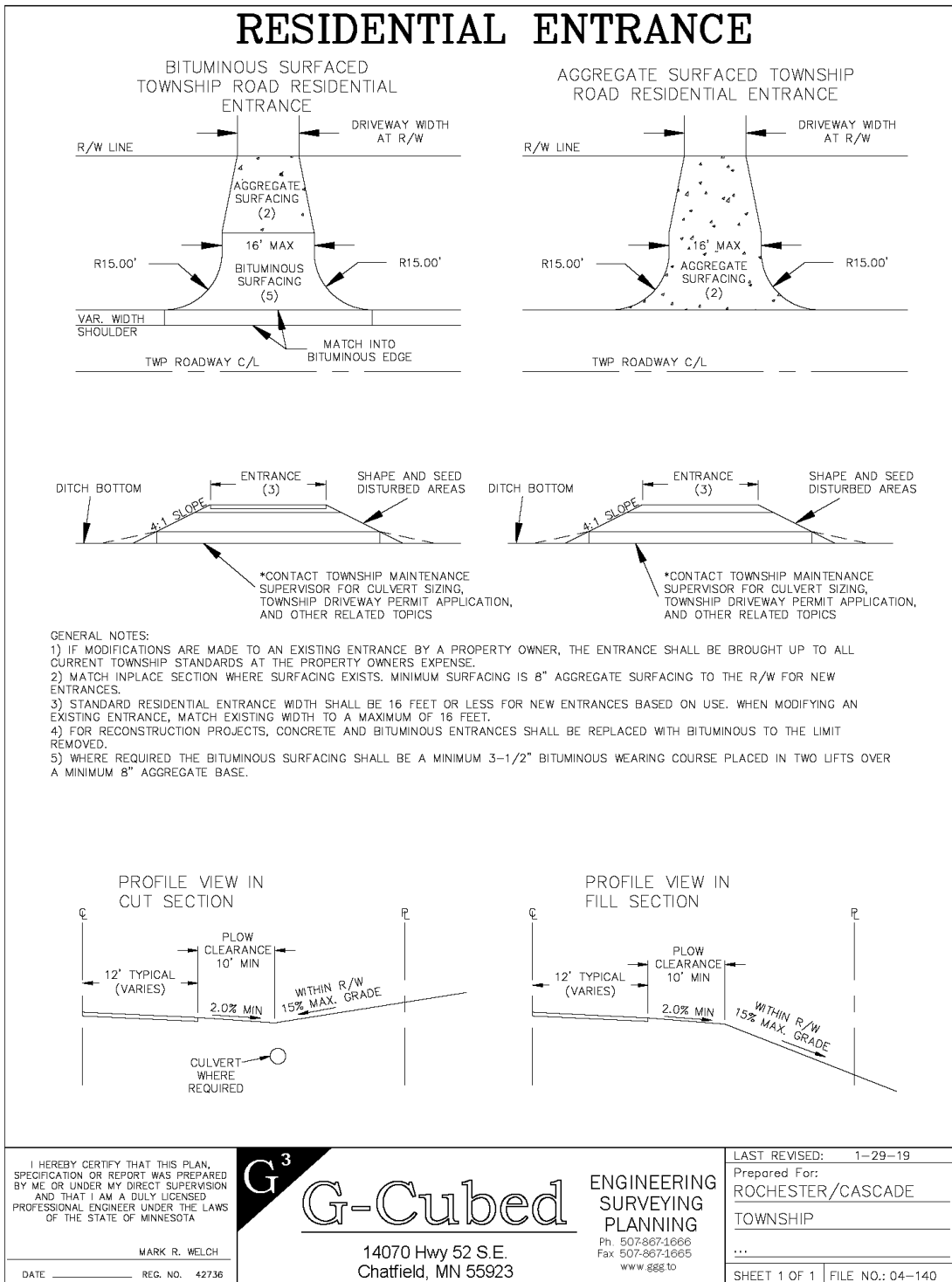
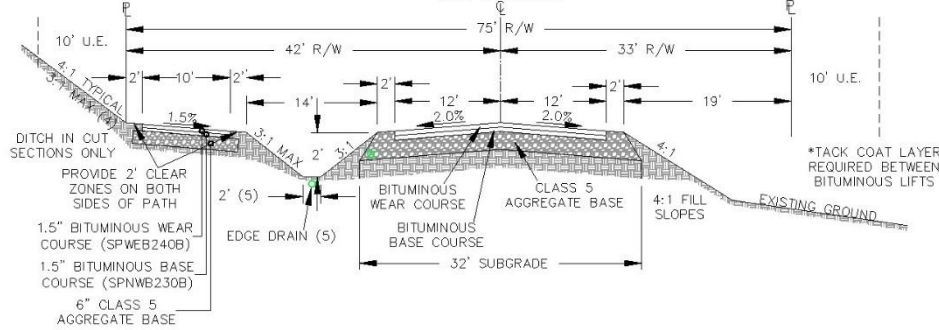


Figure 5.10.5

LOCAL STREET TYPICAL WITH PATH

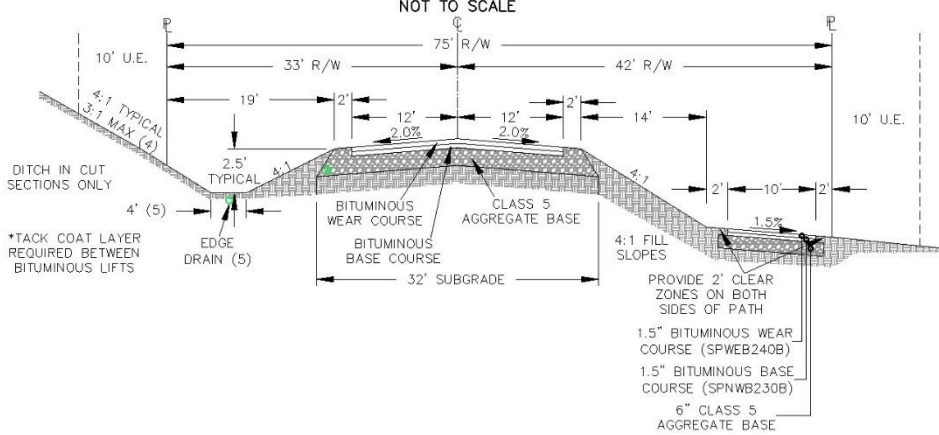
ROADWAY TYPICAL SECTION WITH BIKE/PEDESTRIAN PATH

NOT TO SCALE



ROADWAY TYPICAL SECTION WITH BIKE/PEDESTRIAN PATH

NOT TO SCALE



GENERAL NOTES:

- 1.) CONTACT THE ROADWAY JURISDICTION OF THE EXISTING ROADWAY FOR PERMIT. PROVIDE SIGHT AND STOPPING DISTANCE CRITERIA FOR APPROVAL
- 2.) NEW STREET CONSTRUCTION REQUIRES BITUMINOUS SURFACING THAT SHALL BE A MINIMUM OF 3.5 INCHES IN DEPTH PLACED IN TWO LIFTS. DEPTH OF AGGREGATE SHALL BE A MINIMUM OF 8 INCHES. ROAD DESIGN SHALL BE A 7 TON MINIMUM BASED ON A GEOTECHNICAL REPORT AND R-VALUES. RECONSTRUCTION SURFACING REQUIREMENTS SHALL BE DETERMINED BY THE TOWNSHIP AUTHORITY RECOMMENDING THE PROJECT.
- 3.) INSLOPES SHALL BE 4:1 UNLESS OTHERWISE SPECIFIED. A SLOPE INCREASE TO 3:1 IS ACCEPTABLE IN MAJOR FILL SECTIONS WHERE NO DRIVEWAYS OR OTHER OBSTRUCTIONS WILL BE CONSTRUCTED. SLOPES STEEPER THAN 3:1 SHALL REQUIRE A GEOTECHNICAL REPORT ADDRESSING SLOPE STABILITY AND ANALYSIS OF THE NEED FOR GUARDRAILS.
- 4.) BACKSLOPES SHALL BE 4:1 UNLESS OTHERWISE SPECIFIED. A SLOPE INCREASE TO 3:1 IS ACCEPTABLE TO TIE OUT TO EXISTING GROUND IN CUT SECTIONS. DRIVEWAYS IN NEW STREET CONSTRUCTION WHICH CROSS A CUT SLOPE IN EXCESS OF 4:1 SHALL BE CONSTRUCTED AS PART OF THE STREET GRADING. DRIVEWAY GRADING SHALL BE TO A POINT DEPICTED AS THE BUILDING PAD OR TO NATURAL GROUND WITH A SLOPE OF LESS THAN 12%.
- 5.) SUBDRAIN SHALL BE INSTALLED AT THE SURFACING EDGE AND/OR IN DITCH BOTTOMS TO ENSURE A DRY SUBGRADE AND TO ALLOW FOR MAINTENANCE OF THE RIGHT OF WAY. LOCATIONS FOR SUBDRAINS SHALL BE BASED ON SOILS, TOPOGRAPHY AND STREET GEOMETRICS.
- 6.) PROPERTY LINES AND EASEMENTS AT STREET INTERSECTIONS SHALL BE ROUNDED WITH A RADIUS OF 15 FEET OR A COMPARABLE CORD.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

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Prepared For:
ROCHESTER TOWNSHIP

...
SHEET 1 OF 1 FILE NO.: 04-140

Section 5.11 EASEMENTS AND DEDICATIONS

- (A)** The Town Board may require easements for public utilities. Where such easements are determined to be necessary, they shall be provided along the rear and/or side lot lines and shall be an appropriate width.
- (B)** Easements for public or private utilities will be provided along all road rights-of-way. The easements shall be a minimum of ten (10) feet in width. The easements may be interior to and abutting the exterior boundaries of the road right of ways. All above ground utility components must be exterior of the obstacle free area, which extends a distance of twenty (20) feet from the traveled portion of the roadway. Only underground utilities may be within the road right-of-way. All underground utilities must be buried a minimum of thirty-two (32) inches below the finished grade.
- (C)** Where a water course, drainage way channel or stream traverse a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of such water course. If it is deemed advisable by the Town Board, such water course or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be designed by a licensed engineer and the design reviewed by the County Engineer.
- (D)** Any storm water control or impoundment features will have easements to allow maintenance and access for maintenance.
- (E)** Upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments, the Town Board may require the dedication or reservation of areas or sites suitable to the needs created by such development for schools, parks and other neighborhood purposes.
- (F)** Pedestrian walkways not less than eight (8) feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, community facilities or for recreational purposes.

Section 5.12 LOTS

The size, width, shape and orientation of lots and buildings set-back line shall be appropriate for the type of development and proposed use. The Rochester Township Zoning Ordinance governs lot sizes. Every lot shall have adequate access through easement of at least thirty-three feet, a private road or public street, thus providing access for fire protection, utilities and other necessary services.

- (A)** Residential lot dimensions are contained in the following table:

	LOTS SERVED BY PUBLIC SEWERAGE SYSTEM	LOTS SERVED BY PRIVATE SEWERAGE SYSTEM
Minimum Lot Width at Street Line	60 feet	120 feet
Minimum Lot Width at Building line	60 feet	120 feet
Minimum Area of Lot	one-half acre	two acres **
**Additional lot area may be required by the Commission depending upon soil and drainage conditions.		

- (B) Corner lots for residential use shall have additional width to permit appropriate building set back from and orientation to both streets.
- (C) Side lot lines shall be as near to right angles or off set from street centerlines as possible.
- (D) Every lot shall lie adjacent to a public street, private street, private drive or have a 33-foot access easement to a public or private street, thus providing access for fire protection, utilities and other necessary services.
- (E) Where lots have frontage on a cul-de-sac, the minimum lot width may be reduced to 80 feet.
- (F) Lots adjacent to or containing FEMA Zone A, AE or Zone D that would result in a 1-percent-annual-chance (100-year) delineation if studied, shall have a minimum Finished Floor Elevation located at least one foot (1') above the established or determined Base Flood Elevation.

Section 5.13 ENGINEERED PLANS

Street plans must conform to Rochester Township and Olmsted County standards and be designed by a civil engineer. Street plan profiles shall be drawn to scale not greater than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically, and shall show original and proposed centerline elevations, all curve data, street orientation and typical cross section for each street.

Section 5.14 FLOODPLAIN STANDARDS

- (A) Suitability: No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
- (B) The current Olmsted County Floodplain and Shoreland Ordinance shall apply to all development and construction within Rochester Township.

Section 5.15 DRAINAGE

- (A)** Stormwater Management Plan
 - (1)** A stormwater management plan must be provided that adheres to all MPCA and Rochester Township's Stormwater Management Ordinance requirements.

- (B)** Open Channels (including roadside ditches) shall be designed to the following criteria:
 - (1)** Channel side slopes shall be no greater than 3:1 unless approved by the Township Engineer.
 - (2)** Channels outside of the ROW shall convey runoff from the 50-year storm.
 - (3)** Roadside ditches shall have the capacity to contain the inundation area resulting from the 100-year storm completely within the ROW.
 - (4)** Channels outside of the ROW shall be located in a drainage easement with a width to convey runoff from the 100 year storm.
 - (5)** Protective linings are required when the anticipated velocity or shear stress exceeds the maximum permissible for the soil type.
 - (6)** Any culvert located in the ROW must have a sloped end treatment.
 - (7)** Channels shall be designed to limit overtopping of a public road to one foot (1').

- (C)** Storm Sewer System
 - (1)** Underground conduit to convey storm water in a suburban setting is rare and will be reviewed on a case-by-case basis. All designs will be subject to Township Engineer approval.
 - (2)** Manhole spacing shall not exceed 400 feet.
 - (3)** Where more than one pipe enters a structure, a catch basin/manhole shall be used.
 - (4)** Storm sewer pipe should match top of pipe on top of pipe unless grade constraints prevent this. In that case, hydraulic calculations will be necessary to verify that excessive surcharging will not occur.

- (5) Lateral systems shall be designed for the 10-year rainfall using the Rational Method.
- (6) The minimum full flow velocity within the storm sewer should be 3 feet per second (fps). The maximum velocity shall be 10 fps, except when entering a pond, where the maximum velocity shall be limited to 6 fps.
- (7) All catch basins shall limit surcharging in the 10-year event and provide safe bypass of larger events. An appropriate catch basin shall be selected to reduce clogging.

ARTICLE VI. REQUIRED IMPROVEMENTS

Section 6.01 MONUMENTS

Durable iron monuments shall be placed at all block corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve point on the exterior boundary lines of the plat, and at such other points as may be required by the Olmsted County Engineer.

Section 6.02 STREETS

All streets/roads/roadways/drives shall be constructed in accordance with the design standards of Article V. Official acceptance of any street being public or private is required. A Township representative shall inspect the street and determine acceptance including all drainage and stormwater retention. The Township may withhold building permit applications within a development until the street has received preliminary approval by the Town Board. Preliminary street approval does not mean final approval or acceptance by the Township. Maintenance of a street by the Township shall not begin without final acceptance of the street. Partial maintenance of a street may be provided by the Township at the Town Board's discretion and shall not be considered final acceptance.

Section 6.03 SIGNS

All signs, posts and their installation shall require approval of the Olmsted County Engineer or Township Engineer and conform to Olmsted County standards. A fee will be charged to the developer for the first sign(s) on public roads or streets. Sign installation and type including post will be at the discretion of the Township Road Maintenance Supervisor.

Section 6.04 UTILITIES

- (A) It shall be the responsibility of the subdivider to contact utility companies, including data communication providers, to determine the availability of services and to make the necessary arrangements for their installation.
- (B) Where a community or multiparty-type water supply system and/or waste removal system is to be utilized, the subdivider or developer shall install the wells, water mains and/or waste collection system prior to construction of buildings upon the lots.
- (C) The Township encourages all utilities other than water and waste removal to be located in the same trench.

Section 6.05 BIKE/PEDESTRIAN PATH

- (A)** A bike/pedestrian path is required to be constructed adjacent to the longest road, typically the main road serving the subdivision, and adjacent to road extensions terminating at the property line. The location of the path shall be incorporated during the preliminary planning process and decided upon during the preliminary platting phase. The bike/pedestrian path shall be a 10' path separated from the roadway by greenspace. Please see detail "Figure 5.10.5". Designers should reference MNDOT's Bicycle Facility Design Manual during their planning phase.
- (B)** Additionally, it is the developer's responsibility to provide one bike/pedestrian path adjacent to any existing or pending county or state highway. The intent of this requirement is to afford bicyclists and pedestrians an alternate route at a safe distance from the heavily traveled roadways. The developer shall contact the appropriate regulating agency for planning and design.
- (C)** Bike/pedestrian paths are allowed to be included in the calculation of open space as required in Section 9.1.
- (D)** Bike/pedestrian paths should be located in the ROW unless extraordinary circumstances require placement elsewhere.
- (E)** The Township will assume maintenance responsibility for bike/pedestrian paths once the warranty period has expired, as outlined in the development agreement.
- (F)** The Township will not provide snow removal on bike/pedestrian paths.
- (G)** Snow removal by private parties is allowed through a maintenance agreement.

Section 6.06 Mailboxes

- (A)** Intent and Purpose
 - (1)** The primary objectives of this Ordinance are to outline mailbox placement and installation for new residential developments within Rochester Township. The Board finds that the regulations, requirements, and restrictions, as set forth in this Ordinance, are in the best interests of the health, safety, and welfare of the Town's citizens.
- (B)** Statutory Authorization
 - (1)** It is the policy of the U. S. Postal Service that mail delivery to all new developments is centralized delivery, most often using cluster box

units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment.

- (2) The authority for this is from the Postal Operations Manual (POM). Section 632, Mail Receptacles, states that,
- (3) Appropriate mail receptacles must be provided for the receipt of mail. The type of mail receptacle depends on the mode of delivery in place. Purchase, installation, and maintenance of mail receptacles are the responsibility of the customer.
- (4) The POM also advises that appropriate locations for installation be verified and approved by the Postal Service and local government.

(C) Interpretation

- (1) The provisions of this Ordinance shall be interpreted to be the minimum requirements necessary to promote and protect public health, safety and general welfare.

(D) Developer/Builder Responsibilities

- (1) It is the responsibility of the developer to contact the USPS Delivery Growth Management Program early in the planning phase. Growth Manager approval of mailbox location is required before submitting a preliminary plat.
- (2) Developers and Builders should become familiar with “National Delivery Planning Standards, A Guide for Builders and Developers.” Handbook PO-632
- (3) Growth Managers can be contacted via email at Delivery.Growth@USPS.GOV

(E) Mailbox Requirements

- (1) Location & Maintenance
 - a. Cluster mailboxes shall be located on privately owned outlots and maintained by a HOA, the owner of the outlot, or under a joint maintenance agreement as dictated by the Development Agreement. Access to the cluster mailboxes shall be provided meeting the “Alley” criteria found in the Rochester Township Subdivision Ordinance.

b. In the event a HOA fails or is discontinued, the Township may assume ownership of the outlot. Properties being served by this outlot will be taxed accordingly to provide maintenance of the outlot.

(2) Single Point mailboxes shall be located in accordance with USPS regulations and maintained by the lot owner.

(3) Cluster Mailbox Parking: One parking space for every 6 mail receptacles shall be provided.

(4) Parking in public right of ways for mail gathering activities is prohibited and cluster mailboxes shall be located to discourage this.

(F) Cluster Mailbox Installation

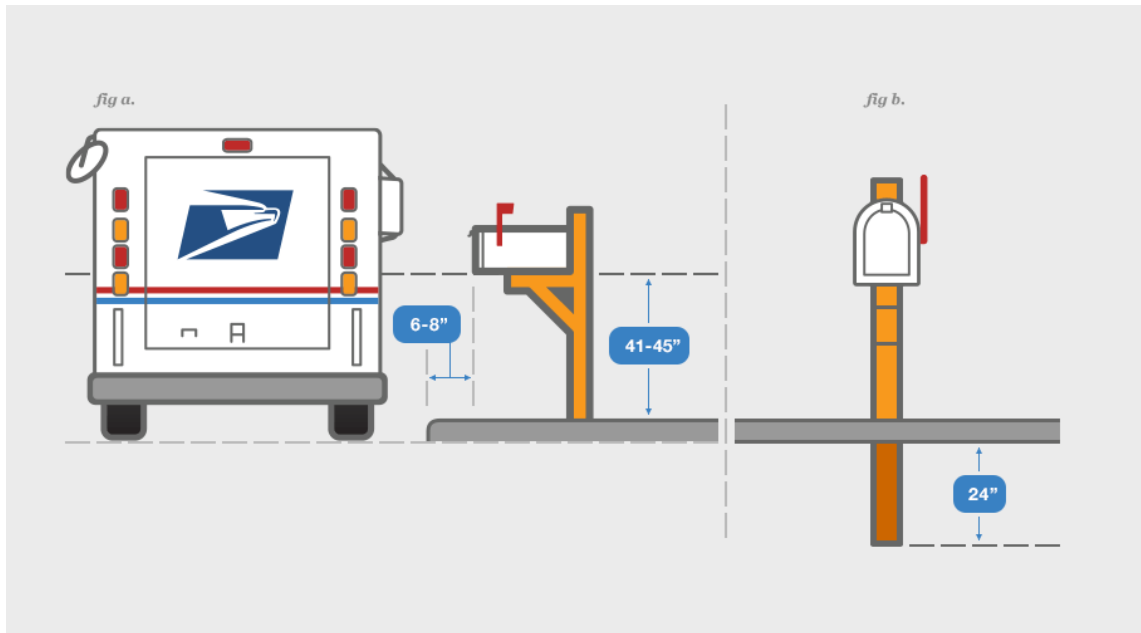
(1) All costs associated with the installation of cluster mailboxes shall be at the developer's expense.

(2) Cluster mailboxes shall be installed using accepted construction practices. The contractor shall follow the guidance provided in The National Delivery Planning Standards when installing cluster mailboxes.

(G) Single Unit Mailbox Installation

(1) Single point mailboxes shall be placed 41" – 45" above the road surface. The face of the mailbox shall be placed 6" – 8" from the edge of the road. The house number should be attached to the mailbox in 3" tall numbers.

Figure 6.07.1 Mailbox Placement 1



Source: <https://www.usps.com/manage/mailboxes.htm>

- (I) Snow Removal
 - (1) The Homeowner's Association shall provide snow removal on privately owned lots where cluster mailboxes are located. Snow shall be placed in a manner to allow residents and mail carriers year-round access to cluster mailboxes.

- (J) Township Responsibilities for Single Unit Roadside Mailboxes
 - (1) Repairs: If a township vehicle accidentally damages a mailbox, the following repairs are authorized:

 - (2) Mailbox: A damaged mailbox may be repaired or replaced with a regulation steel mailbox.

 - (3) Post: A damaged or broken post will be replaced with a treated 4"x4" post on roads with speed limits below 40 MPH. A swing post with chain will be installed on roads with speed limits above 40 MPH.

 - (4) Alternative Repairs: Township Maintenance Personnel strive to maintain Township roads in a safe, efficient and effective manner. Alternative or decorative mailboxes often are not suitable as roadside receptacles due to Minnesota climate. The Township will only reimburse the property owner an equal amount the cost of material for a typical repair for "Mailbox" and "Post" as listed above.

Section 6.07 CONSTRUCTION SURETY

- (A) In the interest of good development and to protect the taxpayers and future purchasers of residential, commercial and industrial properties, it shall be the policy of the Town Board to require that a letter of credit, certified check or construction/performance bond and payment bond, be posted to Rochester Township for completion of all work required under the provisions of this ordinance.

- (B) The Town Board may accept a final plat for recording where the owner and/or developer of the platted subdivision posts a certified check, letter of credit or surety bond acceptable to the Town Board in sufficient amount to cover the provisions of this ordinance.

- (C) The amount of said certified check or surety bond shall be determined by the Town Board, with input from the County Engineer, and the stipulated period covered by such bond shall in general be for a period of two (2) years and renewed for one (1) year intervals until the work is completed and accepted by the Town Board. Where a portion of the work covered by the certified check or surety bond, has been completed and is acceptable to the Town Board, then the amount of the certified check or surety bond may be reduced in proportion to the amount of work completed.
- (D) Construction/performance bonds and payment bonds must be obtained from a surety company having a rating of "Grade A-" or better as determined by A.M. Best rating company or similar.

**Section 6.08 DEVELOPMENT CONTRACT PROVIDING FOR THE
INSTALLATION OF IMPROVEMENTS**

- (A) Prior to the installation of any required improvements and prior to final approval of the plat, the developer shall enter into a contract, in writing and in a form acceptable to the Town Board, requiring the developer to furnish and construct said improvements at the developer's sole cost and in accordance with plans and specifications approved by the Town Board (Developer's Agreement). The developer shall include provisions for supervision of details of construction by the township engineer and shall grant the township engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the local unit of government in the vicinity. The agreement shall require the developer to make a cash escrow deposit, a bank letter of credit or a surety bond in an amount and form approved by the Town Board. In general, the surety shall represent no less than 125 percent of the cost of the improvements including all inspections.
- (B) The developer shall be responsible to pay all reasonable costs incurred by the Township or its agents in the review and inspection of the project and enforcement of this Ordinance, including but not limited to administrative, planning, engineering and legal fees.

ARTICLE VII. SINKHOLE DEFINITION & REQUIREMENTS

Section 7.01 SINKHOLE DEFINITION

- (A) Sinkholes exist in Rochester Township and are formed by the movement of water in the ground and bedrock causing the dissolution of soluble rock and the resultant sinking of the surface into these voids. The dissolution of the rock is not uniform and is enhanced along joints and cracks in the rock. The result of this action is karst. Thus, a sinkhole is defined as a depression or hole in the landscape surface formed by the dissolution of bedrock or the collapse of an underlying cavity.
- (B) Depressions in karst advisory areas where soils are deeper than eight (8) feet that were formed by differential compaction or subsidence are not considered sinkholes for the purposes of this ordinance.

Section 7.02 EDGE DEFINITION

- (A) For the purposes of defining offsets, the edge of a singular sinkhole shall be defined as the inner doline formed by the collapse or the dissolution of the carbonate bedrock plus a horizontal distance equal to the average vertical depth of soil in the area, i.e. a slope of forty-five (45) degrees from the inner doline to the point of intersection with the soil at the average soil depth in the area (Ref. Fig. 7.6.)
- (B) A cluster or sinkhole group would exist where two (2) or more sinkholes are separated by an edge-to-edge distance of less than two hundred (200) feet.

Section 7.03 SINKHOLE ADVISORY AREAS

Sinkhole prone areas are defined as “karst advisory areas (KAA)” as shown in the Olmsted County Geologic Atlas.

Section 7.04 REQUIREMENTS

- (A) Developments in the KAA’s must document any open or closed (mitigated) sinkholes. Preliminary plat documentation must include an evaluation for the intrinsic geologic risk of the site including the risk of catastrophic collapse and potential for ground water contamination. Such documentation and the site topographic drawing shall identify all sinkholes on the subject property and those known or cataloged sinkholes shown in the Olmsted County or Rochester Township sinkhole inventory or registry within five hundred (500) feet from the property boundaries.
- (B) Where sinkholes exhibit linear patterns, the area shall be evaluated for soil and/or bedrock stability as part of the Preliminary Plat submission and prior to any construction activity.

Section 7.05 SETBACKS

(A) Where sinkholes are identified the following setbacks from the sinkhole edge as defined in Section 7.01 shall apply:

- | | | |
|------------|---|----------|
| (1) | Septic tanks | 50 feet |
| (2) | Septic fields | 50 feet |
| (3) | Structures without evaluation of underlying geology | 500 feet |
| (4) | Structures where sinkholes have been mitigated | 0 feet |

Section 7.06 MITIGATION OF SINKHOLES

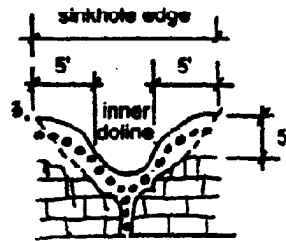
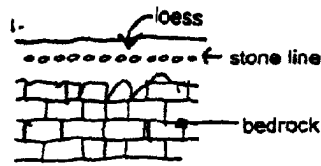
(A) Where sinkholes occur wholly or partially within the right-of-way of public roads, these sinkholes must be mitigated in accordance with the design practices documented in “Basis for Sinkhole Treatment Designs,” dated February 1993, by Barr Engineering. The proposed mitigation plan must be designed by a licensed engineer and must be accepted by the Planning Commission as part of the Preliminary plat approval and prior to the start of any construction.

(B) Mitigation of sinkholes in general will follow the practices identified in the document “Basis for Sinkhole Designs,” dated February 1993, by Barr Engineering. The Zoning Administrator must be notified of any proposed mitigation and the mitigation plan prior to start of such mitigation.

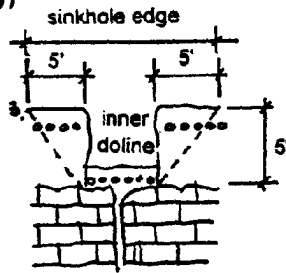
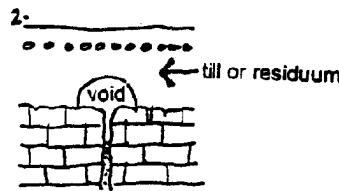
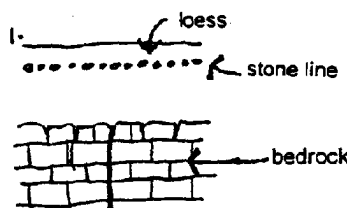
(C) Sinkholes of a cylindrical type or any sinkhole that would potentially form a trap or be a hazard to public safety must be mitigated at the start of any construction in the development.

Figure 7.06.1 Typical Sinkhole Cross-Sections

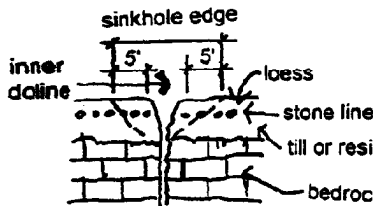
SUBSIDENCE SINKHOLES (Thin glacial drift/ form slowly)



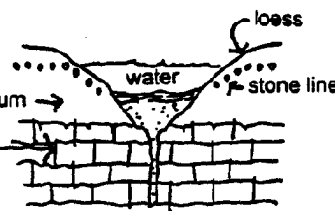
COLLAPSE SINKHOLES (Form beneath thick drift/can form catastrophically)



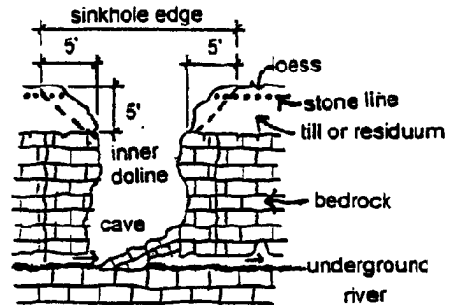
SOIL PIPES



KARST PONDS



KARST WINDOW



SINKHOLE FORMATION

Sinkholes form where surface materials are eroded through the solution channels in the underlying bedrock. If that erosion is slow compared to the rate at which the land surface adjusts, a slow subsidence sinkhole forms. If the subsurface erosion is rapid compared to the rate at which land surface adjusts, a void can form in the unconsolidated materials above the bedrock surface, and when the roof of that void fails, a catastrophic sinkhole can suddenly appear.

The drains in the bottoms of both subsidence and catastrophic sinkholes can be plugged by debris. Water may be temporarily collect in such plugged sinkholes and form ponds. As sinkholes continue to grow, they eventually form karst windows. In Minnesota the erosion process was interrupted by cycles of glacial deposition before the sinkholes evolved into karst windows. A stone line is present beneath the loess in places, but not everywhere.

Definitions:

Inner doline- The edge of soil/bedrock collapse in cylindrical depression a point at mid-slope between the bottom and the shoulder of the depression.

Sinkhole edge- A line extending from the inner doline at a horizontal distance equal to the average vertical soil depth in the area defining a 1:1 slope (45%) from the top of bedrock at the inner doline to the surface.

ARTICLE VIII. PLATTING EXCEPTIONS AND CONDITIONS

Section 8.01 METES & BOUNDS SUBDIVISION

(A) METES & BOUNDS SUBDIVISION

On application of the owner, the Town Board may approve a metes and bounds subdivision of a portion of a platted lot under the following circumstances if, in each instance, the new and residual parcels of land which would result from the metes and bounds subdivision meet the requirements of the Zoning Ordinance.

- (1)** When it is desired to relocate a property line separating platted lots or a platted lot and unplatted land which would not result in the creation of any additional lots; or
- (2)** When it is desired to divide two (2) platted lots into not more than three (3) parcels; or
- (3)** When it is desired to divide one (1) platted lot into not more than three (3) parcels.

And the following conditions are:

- (1)** When the parcels are approved for private sewage disposal systems, if needed, by the Rochester Township Septic Inspector.
- (2)** When such a subdivision will not interfere with the purposes of the Subdivision Ordinance and would be consistent with the Rochester Township Land Use Plan.
- (3)** All unused wells are sealed.

(B) UNPLATTED LAND

On application of the owner, the Town Board may approve a metes and bounds subdivision under the following conditions if, in each instance, the new and residual parcels of land which would result from the metes and bounds subdivision meet the requirements of the Zoning Ordinance.

- (1)** When it is desired to relocate a property line that would not result in the creation of any additional lots; or
- (2)** When the subdivision involves the creation of no more than a total of three (3) new and residual parcels from a legally recorded parcel.

And the following conditions are both met:

- (1)** When the parcels are approved for private sewage disposal systems, if needed, by the Rochester Township Septic Inspector.

- (2) When such a subdivision will not interfere with the purposes of the Subdivision Ordinance and would be consistent with the Rochester Township Land Use Plan.

On application of the owner, the Zoning Administrator may, administratively, approve a metes and bounds subdivision when the new and residual parcels are greater than 40 acres.

Section 8.02 DEDICATION OF STREET, PUBLIC UTILITY, AND DRAINAGE EASEMENTS

- (A) When it is determined that additional public street easements are required along existing public roads in order to improve drainage or roadway safety, the owner shall be required to dedicate such necessary street easements as a condition of metes and bounds subdivision approval.
- (B) When public utility easements are required as a result of a metes and bounds subdivision, the owner shall dedicate such necessary easements as a condition of metes and bounds subdivision approval. Definition of such easement must be included on the Certificate of Survey.
- (C) When drainage easements are required by the Olmsted County Engineer, Olmsted County Soil and Water Conservation District or Town Board as a result of a metes and bounds subdivision, the owner shall dedicate such necessary drainage easement as a condition of metes and bounds subdivision approval. Definition of such easement must be included on the Certificate of Survey.

Section 8.03 APPLICATIONS

- (A) All applications under this Section shall be filed with the Zoning Administrator and shall have attached thereto a legal description and map of the land to be subdivided showing all new and residual parcels, any deed covenants or restrictions that exist or are proposed and written approval of the Olmsted County Health Department for private sewage disposal systems, if needed.
- (B) All applications shall be sent to the Town Board for their review and decision at the next scheduled meeting. The Town Board shall act on the application in accordance with State Statute time limits.
- (C) Final approval of all applications will require a Certificate of Survey prepared by a registered land surveyor for each new parcel (unless waived by the County Surveyor in total or in part). The County Surveyor may waive the Certificate of Survey for a parcel of land that is six (6) acres or more in size.

Section 8.04 FILING FEE

A filing fee as established by the Township Cooperative Planning Association shall accompany all applications for metes and bounds subdivision approval. All fees paid by check shall be made payable as directed by the Zoning Administrator.

ARTICLE IX. DEDICATIONS AND RESERVATIONS

Section 9.01 REQUIREMENT FOR OPEN SPACE

Where deemed appropriate by the Town Board, additional open space suitably located and of adequate size for parks, trails, playgrounds or other recreational activities for local or neighborhood use, shall be provided for in the proposed subdivision.

Section 9.02 OPEN SPACE

- (A)** All developments being developed for residential uses shall provide a minimum of 5% of the gross development area in a single contiguous area with permanent dedication for common open space.
- (B)** One-third (1/3) of the open space must be of a buildable quality. Open spaces exceeding two (2) acres may be non-contiguous. Open space shall reflect the site-specific natural characteristics and have appropriate access. This space shall not include development septic set-aside area or wetland as defined in the Rochester Township Zoning Ordinance. If the homeowner's association agreement is in place, the open space area shall be covered by that homeowner's association agreement. Otherwise, if said parcels are not dedicated to the Township, the Planning Commission may recommend they be reserved by covenant or deed restriction for the common use of all property owners in the subdivision.

ARTICLE X. VARIANCES

Section 10.01 HARDSHIP

Where the Town Board finds that extraordinary hardship may result from strict compliance with the provisions of this ordinance, it may vary the regulations during the platting process to the extent that substantial justice may be done and the public interest secured, provided that such variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this ordinance.

Section 10.02 CONDITIONS

In the granting of variances, the Town Board shall weigh the hardships against the general standards and objectives of this ordinance and the Rochester Township Zoning Ordinance and the Rochester Township Land Use Plan, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 10.03 BOARD OF ADJUSTMENT

The Board of Adjustment shall act upon all questions, excepting the granting of the plat, as they may arise in the administration of this ordinance. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made in the enforcement of this ordinance including appeals to platting variances.

Section 10.04 PLATTING VARIANCES

The Town Board shall have the authority to grant variances to the subdivision's standards during the platting process. Application for such variances shall be made by the applicant during the preliminary plat and finding of facts included in any staff review and comments allowed for during the public hearing process.

Section 10.05 APPEALS REGARDING THE GRANTING OF PLATS

Appeals of the Town Board's decision relating to the granting of plats including platting variances shall be submitted to the County District Court.

Section 10.06 OTHER APPEALS

All appeals of decision of the Commission regarding this ordinance, excepting the granting of plat variances and the granting of a plat, shall be made directly to the Township Board of Adjustment. Appeals must be filed with the Zoning Administrator within ten (10) days of the date of the decision of the Commission. The Board shall hold a duly noticed public hearing within sixty (60) days from the receipt of a written appeal and develop findings and act upon the appeal. The decision of the Board of Adjustment is final.

ARTICLE XI. ENFORCEMENT

Any person, agent or corporation found in violation of any provision of this ordinance shall be given notification of the claimed violation and given a 30 day grace period to remedy the violation. If the violation is not remediated within the grace period the Township may impose a fine up to \$1,000 or report the violation to the County Court for corrective action.

ARTICLE XII. AMENDMENTS

The Planning Commission may of its own notion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning Commission, shall be submitted to the Town Board for adoption in accordance with the established procedure.

ARTICLE XIII. VALIDITY, SEPARABILITY AND EFFECTIVE DATE

Section 13.01 VALIDITY

Whenever any provision of this ordinance imposes restrictions which are more restrictive than those imposed by provisions of existing laws or ordinances, the provision of this ordinance shall govern.

Section 13.02 SEPARABILITY

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except that part so declared to be invalid.

Section 13.03 EFFECTIVE DATE

This ordinance shall become effective 7/11/2003, updated 3/14/2024.

Section 13.04 FEES

There shall be fees established for items in this ordinance as established from time to time by Township Cooperative Planning Association.