

**LYNDEN TOWNSHIP
SUBDIVISION ORDINANCE
8**

Drafted By:
Lynden Township
21367 County Road 44
Clearwater MN 55320

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SECTION 1: GENERAL PROVISIONS

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Section 100. Title

This Ordinance shall be known, cited and referred to as the “Lynden Township Subdivision Ordinance”. When referred to herein, it shall be known as “this Ordinance”.

Section 101. Statutory Authorization

This Ordinance is adopted pursuant to the authorization and policies contained in *Minnesota Statutes, Chapters 365, 366 and 462; or successor statutes.*

Section 102. Adoption by Reference

In compliance with the Memorandum of Understanding between the County of Stearns and the Township of Lynden, those sections of *Stearns County Subdivision Ordinance #230, or successor ordinance* enacted by reference as part of Lynden Township Subdivision Ordinance #8 shall apply within the Township of Lynden. The Lynden Township Subdivision Ordinance #8 is consistent with, as restrictive as or more restrictive than the *Stearns County Ordinance #230* or successor ordinances.

Section 103. Statement of Purpose

The purpose of this Ordinance is to:

- A. Provide for the health, safety and welfare of the Lynden Township residents by requiring the necessary services, such as properly designed streets and adequate sewage and water service.
- B. Place the costs of improvements against those benefiting from the construction of the improvement.
- C. Secure the rights of the public, and respect the public lands and waters.
- D. Implement policies of the Lynden Township Comprehensive Plan, hereinafter referred to as the Comprehensive Plan, that strive to safeguard a variety of irreplaceable and environmentally sensitive resources through the conservation of land containing unique and sensitive features such as woodlands, steep slopes, streams, floodplains, and wetlands, and may set them aside from or manage them within a development.

- E. Conserve scenic views and elements of rural character, and reduce perceived density, by minimizing views of new developments from existing roads.
- F. Create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- G. Provide standards reflecting interests of individual landowners while minimizing impacts on environmental resources and disturbance of natural features.
- H. Protect agricultural lands for continued or future agricultural use by conserving blocks of land large enough to allow efficient farming operations.
- I. Reduce erosion and sedimentation through the retention of existing vegetation, minimization of development on steep slopes and the promotion of erosion control measures during all phases of construction.
- J. Encourage flexibility in subdivision design that allows for effective service provision and infrastructure cost savings.

Section 104. Policies

The following shall be understood for any land being subdivided in Lynden Township:

- A. Ownership - The tract of land may be single or multiple ownerships. If the ownership is multiple it shall be planned as a single entity with common authority and common responsibility.
- B. Site Suitability - The tract being subdivided shall be suitable for supporting development in terms of environmental conditions (wetlands, steep slopes, standard sewer, etc).
- C. Intersections and Access - New intersections with existing roads shall be minimized (see Appendix A).
- D. Sensitive Areas - The proposed design shall strictly minimize disturbance to sensitive areas.
- E. The minimum development shall be two (2) building sites (Commercial / Industrial / Residential).
- F. Any subdivision of land shall be designed with a conceptual long-term view toward further growth and development.

Section 105. Jurisdiction

- A. In order to achieve these purposes, all subdivisions, except those allowed as Administrative Subdivisions under Section 4 of the Stearns County Subdivision Ordinance #230, will be reviewed for compliance with this Ordinance, the Comprehensive Plan and any applicable Township Ordinances.
- B. These regulations apply to all subdivision of land as defined in Section 201 O., located within Lynden Township as provided by law.

Section 106. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in accordance

with the underlying policies of the Township and shall not be deemed a limitation or repeal of any other powers granted by State Statute. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

Section 107. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 108. Fees

To defray the administrative costs of processing requests of this Ordinance, a fee not exceeding the administrative costs shall be paid by the landowner or developer. Such fees shall be determined by the Township Board of Supervisors.

Section 109. Repealer

The following Lynden Township Ordinance is hereby repealed: Lynden Township Subdivision Ordinance #3.2 adopted July 2, 2007.

Section 110. Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted as of May 14, 2012 and made effective upon publication.

PASSED BY THE LYNDEN TOWNSHIP BOARD OF SUPERVISORS THIS 14th DAY OF MAY, 2012.

APPROVED:

Anne Ackerman,
Lynden Township Chair

Jerry Finch,
Lynden Township Supervisor

Dave Johnson,
Lynden Township Supervisor

ATTEST:

Jenny Schmidt, Lynden Township Clerk

SECTION 2: DEFINITIONS

Section 200. Usage

Section 201. Words and Terms Defined

Section 200. Usage

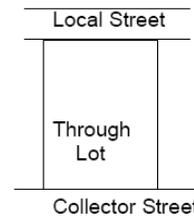
Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

Section 201. Words and Terms Defined

- A. Boulevard (Ditch) – The area of road right-of-way between the edge of the gravel or bituminous top and the property line.
- B. Cluster Development – A pattern of subdivision that places housing units into compact groupings and allows for the set aside land area to remain in agricultural production or open space until such time that rezoning occurs.
- C. Conventional Development – A pattern of subdivision that divides the land and leaves no remainder for future development or preservation.
- D. Density Bonus – An allowed increase in residential dwellings dependent upon the type of residential subdivision method utilized.
- E. Developer’s Agreement – A contract entered into by the landowner or developer and the Township Board by which the landowner or developer promises to complete the required public improvements within the subdivision during the specified time period following the final subdivision plat approval.
- F. Equivalent Land Area – An area of land that is set aside for non-residential purposes as a part of the subdivision process. The equivalent land area is determined by subtracting the development area (land being subdivided) from the total acreage required by the primary zoning district. A residential dwelling unit is prohibited on equivalent land area.
- G. Overlay – Future development pattern for land that is set-aside using the Cluster Development option or showing the relationship to contiguous land. The overlay must show connection between future development and the existing street system.
- H. Primary Conservation Area – Those areas within a development inherently un-buildable because they are wetland, 100 year floodplain, or slopes 25% and greater.
- I. Primary Impact Areas – Areas directly impacted by the proposed subdivision.
- J. Resource Assessment Map (RAM) – A general site inventory depicting all of the special or noteworthy elements of the natural and cultural landscape. Such elements include wetlands and floodplains, slopes, soils, woodlands, Lynden Township wildlife habitats as designated by the Minnesota Department of Natural

Resources, farmland, ground water recharge areas, views into and out from the site, historic, archaeological and cultural features.

- K. Resource Impact and Conservation Plan – A document that categorizes the impacts of the proposed activities, physical alterations and conservation of those resources shown on the RAM. All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities, and stormwater detention facilities as proposed in the sketch plan should be taken into account when preparing the Plan. These elements are shown on the Plan as primary impact areas, secondary impact areas and designated protected areas. The Plan shall demonstrate that the landowner or developer has minimized site disturbance to the greatest extent practicable.
- L. Secondary Conservation Area – The remaining land within Development after the Primary Conservation Areas are determined. These areas are usually the most environmentally sensitive, the most significant historically or culturally, or the most scenic.
- M. Secondary Impact Areas – Areas in proximity to primary areas that may be impacted.
- N. Sketch Plan – A sketch prepared prior to the preliminary plat to enable the landowner or developer to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.
- O. Subdivision – Any land which is divided or proposed to be divided into two or more lots, parcels, tracts, sites, units or interests for the purpose of offer, sale or lease. Subdivision includes re-subdivision.
- P. Through lot – A lot having front and rear yards each abutting on a street.



Section 202. Undefined Terms

Technical words and phrases and such others as have acquired a special meaning, or are defined in this ordinance, are construed according to such special meaning or their definition. Words and phrases not defined in this ordinance are construed according to their plain and ordinary meaning. A word is construed according to the rules of grammar and according to its common and approved usage, as provided for within Minn. Stat. § 645.08(1)). When the Board's intent is clearly discernible from the ordinance's plain and unambiguous language, the language shall be interpreted according to its plain meaning.

SECTION 3: SUBDIVISION PROCESS and PROCEDURE

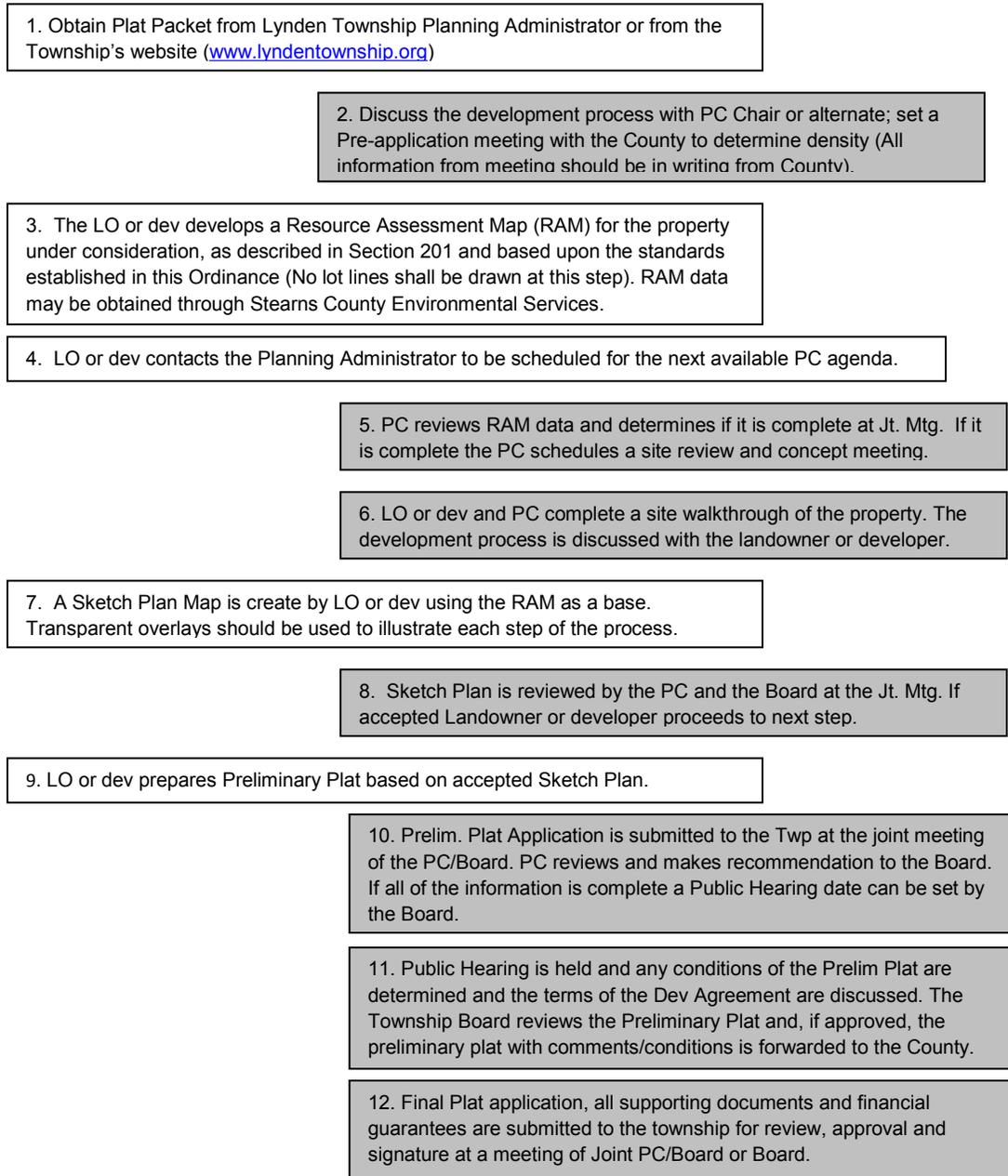
- Section 300. Land Development Process
- Section 301. Resource Assessment Map (RAM)
- Section 302. Site Inspection
- Section 303. Development Options
- Section 304. Sketch Plan
- Section 305. Use Regulations for All Development Options
- Section 306. Dimensional Standards for Developments
- Section 307. Density Bonus
- Section 308. Performance Standards for Developments

Section 300. Land Development Process (Refer to Flow Chart 1)

- A. All preliminary and final plats shall be referred to and reviewed by the Lynden Township Planning Commission (Planning Commission) and shall be approved or denied by the Lynden Township Board of Supervisors (Board), in accordance with the procedures specified in this Ordinance.
- B. Overview of Procedures: These steps shall be followed sequentially and may be combined only at the discretion of the Lynden Township Board of Supervisors or Planning Commission.
 1. Obtain Plat Packet from Lynden Township Planning Administrator or from the Township's website (www.lydentownship.org).
 2. Discuss the development process with Planning Commission Chair or Alternate and set a pre-application meeting with Stearns County Environmental Services to determine density and to discuss development options (All information from meeting should be in writing from County).
 3. The landowner or developer develops a Resource Assessment Map (RAM) for the property under consideration, as described in Section 201K and based upon the standards established in this Ordinance (No lot lines shall be drawn at this step). RAM data may be obtained through Stearns County Environmental Services.
 4. Landowner or developer contacts the Planning Administrator to be scheduled for the next available Planning Commission agenda.
 5. Planning Commission reviews RAM data and determines if it is complete. If it is complete the Planning Commission schedules a site review and concept meeting.
 6. Landowner or developer and Planning Commission complete a site evaluation of the property. The Planning Commission uses the RAM to assess the various development options and issues (such as road access: private, Township, County). The development process is discussed with the landowner or developer.
 7. A Sketch Plan Map is created by landowner or developer using the RAM based upon the determined development option as outlined in Sections 303 and 304 (Transparent overlays should be used to illustrate each step of the process).

8. Sketch Plan is reviewed by the Planning Commission and the Board at their joint monthly meeting. If accepted, Landowner or developer proceeds to next step.
9. Landowner or developer prepares Preliminary Plat based on accepted Sketch Plan.
10. Preliminary Plat application is submitted to the Township at the joint meeting of the Planning Commission and Board. The Planning Commission will review the preliminary plat and make a recommendation to the Board. If all of the information is complete, a Public Hearing date can be set by the Board.
11. Public Hearing is held and any conditions of the Preliminary Plat are determined and the terms of the Developer's Agreement are discussed. The Board reviews the Preliminary Plat and, if approved, the preliminary plat with comments and/or conditions is forwarded to the County.
12. Final Plat application, all supporting documents and financial guarantees are submitted to the township at a Joint Planning Commission and Board meeting or a Board meeting for review, approval and signature.

Flow Chart 1. Overall Subdivision Process in Lynden Township



Note:

The amount of time and the number of meetings may vary depending on the complexity of the site and type of development option utilized.

Section 301. Resource Assessment Map (RAM)

All land to be subdivided in Lynden Township shall have a Resource Assessment Map (RAM) completed to determine the site's range of development options.

- A. The RAM, prepared by the developer, provides the Township with a comprehensive analysis of the existing conditions, both on the proposed development site and within 500 feet of the site. The purpose of the RAM is to familiarize the Planning Commission and Board with the existing conditions of the landowner or developer's tract and within its immediate vicinity and to provide a complete and factual reference for them to make a site inspection and evaluation. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from government agencies and from aerial photographs.

The following information shall be included with the RAM:

1. An aerial photograph (no greater than 11" x 17").
2. Topography at two (2) foot intervals. Topographic information is available from Stearns County.
3. Vegetation cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadows, hedgerows, wetlands and the actual canopy line of trees and woodlands.
4. Ridgelines and watershed boundaries.
5. A view shed analysis (written text describing the view into the property from the roads, and potential views from the building sites).
6. All existing human-made features, including but not limited to streets, driveways, farm roads, timber roads, buildings and foundations, walls, wells, drain fields, dumps, and utilities.
7. Locations of all historically significant sites and structures on the property, including, but not limited to, stone walls, earthworks, and gravesites.
8. Locations of trails that have been in public use.

NO PROPOSED LOT LINES SHOULD BE SHOWN ON THIS MAP

- B. Ten copies (no greater than 11" x 17") of the RAM shall be provided at the Joint Planning Commission and Board Meeting and shall form the basis for the development design that will be detailed on the Sketch Plan Map. The Planning Commission shall review the RAM for conformance with the Township Comprehensive Plan and existing ordinances and the likely impact upon the natural and cultural resources on the property.

Section 302. Site Inspection

After preparing the Resource Assessment Map, landowner or developer shall arrange for the site inspection of the property by the Planning Commission. The purpose of the visit is to familiarize the Planning Commission with the property's existing conditions and special features, to identify potential site design issues and to provide an informal opportunity to discuss the site design concepts, including the general layout of any equivalent land area, potential building sites and street alignments.

- A. The landowner or developer and Planning Commission view the property with the Resource Assessment Map.
- B. The Planning Commission then holds a concept meeting following the site inspection to discuss the development option best suited to the site, see Section 303 below.
- C. The four-step site development / design process is reviewed with the landowner or developer. **Comments made by the Planning Commission, the Township Officers, or Township staff shall be interpreted to be only suggestive. It should be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the site inspection or during the concept meeting.**

Section 303. Development Options

It is the goal of Lynden Township to encourage residential development that conserves the agricultural and/or environmental resources of the Township while providing an opportunity for new residential development in the Township. Consequently, the following development options are available, which will be subject to a Developer's Agreement as a means of protecting the agricultural and/or environmental resources of the property.

- A. The Cluster Development option is the preferred and permitted subdivision standard in the A-40, R-10 and R-5 zoning district. Cluster development enhances land development and resource conservation opportunities.
- B. In the shoreland overlay district, the Residential Shoreland Planned Unit and Open Space Development option is the preferred and permitted subdivision standard. The design standards are set forth in *Section 10.2.22A of Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*
- C. The Conventional Development option is available as defined in Section 201 of this ordinance.

Table 1. Development Options

Development type	Applicable Zoning District(s)	Minimum Lot Size	Density Bonus	% Equivalent Land Area	Utilize 4-step process?	Other
Conventional Development	ALL Districts	1 acre*	None	NA	Yes	
Cluster Development	A-40	1 acre*	None	80%	Yes	2 acre max tillable
Cluster Development	R-10, R-5	1 acre*	50%	60%	Yes	
Shoreland PUD/Open Space Development	Shoreland Overlay District	RD Lake=40,000 sq ft NE Lake=80,000 sq ft	50%	50%	Yes	

* In the shoreland overlay district, the minimum lot size shall meet the minimum lot size required by *Section 10.2.8 of Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*

Section 304. Sketch Plan (Created by Developer after Site Inspection)

A sketch plan shall be submitted by the landowner or developer as a pictorial representation for informal discussion with the Township Board and Planning Commission, regarding the design of a proposed subdivision. The Township requires sketch plan submission as a way of helping the landowner or developer and officials develop a better understanding of the property. It is also intended to help establish an overall design approach that respects the land’s special or noteworthy features while providing for the density permitted under the zoning ordinance. The Sketch Plan illustrates initial thoughts about the conceptual layout of the equivalent land area, home sites, and street alignments and shall be based primarily upon the information contained in the Resource Assessment Map (RAM).

A. Sketch Plan Map Requirements

A sketch plan shall be submitted by the landowner or developer for review by the Joint Planning Commission and Board. The sketch plan shall use the RAM as the base layer, shall be at a graphic scale not greater than 1 inch = 200 feet, no less than 11” x 17”, and shall include the following:

1. Completed sketch plan request form;
2. North arrow;
3. Approximate tract boundaries, sufficient to locate the tract on a map of the Township;
4. Location map, within a one mile radius;
5. Zoning district;
6. Streets on and adjacent to the tract (both existing and proposed);
7. 100 year floodplain limits and approximate locations of wetlands, if any;
8. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, hedgerows, and other significant vegetation, steep slopes (25% and greater), rock outcroppings, soil types, ponds, ditches,

- dumps, storage tanks, streams within 200 feet of the tract, existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails and abandoned roads;
9. Schematic layout indicating a general concept for land conservation and development, using the Four Step design process in Sect 304B of this ordinance;
 10. Proposed general street, lot and building site layout;
 11. In the case of non-residential development plans, proposed location of buildings and major structures, parking areas, and other improvements;
 12. General description of proposed method of water supply, sewage treatment and stormwater management (including the impact on downstream water bodies within one-half (1/2) mile); and
 13. The items listed in *Section 7.6.4B of Stearns County Land Use and Zoning Ordinance 439, or successor ordinance.*

B. Four Step Design Process to Create Sketch Plan

The landowner or developer shall submit four (4) separate maps indicating the findings for each step of the design process.

Step 1. Map Conservation Areas

Using the RAM and the information required in Sect 304A of this ordinance, the applicant shall identify and map all primary and secondary conservation areas for the property in question and properties within 500 feet, in accordance with *Section 7.6.4A1 and 2 of Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*

Step 2. Identify Building Locations

Locate potential home sites avoiding the designated primary conservation areas and, to the extent practicable, the secondary conservation areas. In the A-40 zoning district all buildings and building envelopes shall be located so as to meet the goals contained in *Section 7.32 of Stearns County Land Use and Zoning Ordinance #439, or successor ordinance, if applicable.*

Step 3. Identify Street, Infrastructure Locations

After the home sites are designated, the landowner or developer shall identify the location of streets, trails, stormwater facilities, wastewater treatment and other infrastructure associated with the development. The street and infrastructure locations shall protect priority natural resources consistent with the township's and subdivision's conservation goals.

Step 4. Draw Lot Lines

Based upon the home site and street locations, the lot lines may be drawn. Lots shall meet standards for the base zoning district and overlay districts.

- C. Two sets of transparent overlays depicting the sketch plan maps, meeting the requirements set forth shall be reviewed by the Planning Commission Chair or alternate to determine if the information is ready for review by the Joint Planning Commission and Board.
- D. At a joint Planning Commission and Board meeting, the accepted sketch plan maps and transparent overlays shall be reviewed in accordance with the criteria contained in this ordinance and with the Comprehensive Plan. Modifications may be suggested to increase the degree of compliance with this ordinance and the Comprehensive Plan. Written suggestions shall be forwarded to the landowner or developer for incorporation into the preliminary plat. Submission of a sketch plan map is for informal discussion only and does not constitute filing of a plan or plat with the Township. The sketch plan map shall be submitted with the preliminary plat.

Section 305. Use Regulations for all Development Options

Uses permitted within each development shall be those uses allowed as permitted, provisional, conditional, or interim in the primary zoning district. Refer to *Section 9 Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*

Section 306. Dimensional Standards and Density Determinations

The dimensional standards and density determinations will be in compliance with *Section 9 Stearns County Land Use and Zoning Ordinance #439, or successor ordinance and Stearns County Subdivision Ordinance 230, or successor ordinance.*

Section 307. Density Bonus

- A. Cluster developments in the A-40 district are not eligible for a density bonus. Cluster developments in the R-10 and R-5 districts are eligible for a fifty (50) percent increase in residential density.
- B. Conventional Developments are not eligible for a density bonus.
- C. Residential shoreland planned unit and open space developments are eligible for a fifty (50) percent increase in residential density.

Section 308. Performance Standards for Developments

- A. General Standards
 - 1. **Conventional Developments** refer to the underlying zoning district standards listed in *Section 9 Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*
 - 2. **Cluster Developments** refer to *Section 7.4 Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*
 - 3. **Residential Shoreland Planned Unit and Open Space Development** refer to *Section 10.2.22 Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*

B. Lot Area Standards

1. **Conventional Developments** refer to the underlying zoning district standards listed in *Section 9 Stearns County Land Use and Zoning Ordinance #439*, or successor ordinance.
2. **Cluster Developments** refer to *Section 7.4.4 Stearns County Land Use and Zoning Ordinance #439*, or successor ordinance.
3. **Residential Shoreland Planned Unit and Open Space Development** refer to *Section 10.2.8 Stearns County Land Use and Zoning Ordinance #439*, or successor ordinance.

C. Design Standards for all Development Options

1. Views of building sites from external roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping that meets the landscaping requirements of the ordinance.
2. Building sites shall generally be accessed from interior streets rather than from roads bordering the tract.
3. Every attempt shall be made so that lots abut or face the open areas or open areas across the street.
4. Building sites with through lots shall be created with enough lot depth to accommodate a buffer (vegetative or otherwise) to help define and screen the neighborhood.
5. Water supply, sewage disposal systems and stormwater detention areas shall be designed and landscaped to provide an aesthetic amenity to the neighborhood. Where practical these features should be located with street frontage for maintenance access.

D. Access and Street Standards

1. Developments may be required to provide a common shared access to the entire subdivision, depending on parcel size, road frontage, roadway / street access geometrics and the new access spacing.
2. Required basic street improvements of all development options refer to *Lynden Township Road Specifications (Appendix A & B)*.

E. Sewage Treatment and Water Supply Standards

1. Community subsurface sewage treatment systems and/or community drinking water supply systems may be required in accordance with *Section 7.4.10 of Stearns County Land Use and Zoning Ordinance #439*, or successor ordinance.
2. Individual sewage treatment within the moderate and concentrated growth areas should be located to allow for easy access and the least expensive connection to a sewer system when a system becomes available.
3. Each lot shall be provided with a supply of potable water by an individual well, central water system or a public water supply.

4. A test well or wells, at a rate of one well for each ten (10) lots or portion thereof, shall be installed prior to preliminary plat approval.
5. The procedures for sampling shall follow those established in *Section 8.7 Stearns County Subdivision Ordinance #230, or successor ordinance.*
6. A nitrate nitrogen intervention level of five (5) milligrams per liter (mg/l) or current Minnesota Department of Health standard shall be considered as an unsuitable water supply. A community water supply or other methods of management may be required if levels exceed the noted standard.
7. **Conventional Developments** refer to the underlying zoning district standards listed in *Section 9 Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*
8. **Cluster Developments** refer to *Section 7.4.10 Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*
9. **Residential Shoreland Planned Unit and Open Space Development** refer to *Section 10.2.22 Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.*

SECTION 4: PRELIMINARY and FINAL PLAT APPROVAL PROCESS

- Section 400. General Plat Review Standards
- Section 401. Preliminary Plat Documents
- Section 402. Payment for Installation of Improvements
- Section 403. Submission and Review of Preliminary Plat
- Section 404. Submission and Review of Final Plat

Section 400. General Plat Review Standards

All preliminary and final plats shall be referred to, reviewed and recommendation given by the Lynden Township Planning Commission and shall be approved or denied by the Lynden Township Board of Supervisors, in accordance with the procedures specified in this Ordinance. Any application not processed as required herein shall be null and void.

Section 401. Preliminary Plat Documents

Preliminary Plat Requirements: *Refer to Section 5.3 Stearns County Subdivision Ordinance #230, or successor ordinance.* The following are the additional Preliminary Plat submission requirements for Lynden Township:

- A. Application for Preliminary Plat (contained in the application packet). The applicant shall complete and sign the application form provided by the Township and shall accompany such application form with the type and number of plans, documents and such other submissions required, including the filing fees. If the Applicant and the Owner of Record are different, the Owner of Record shall also sign the application form. No application shall be deemed filed unless all requirements have been met and all fees paid in full. An escrow deposit, in the minimum amount of \$2500 unless a lesser amount is specifically approved by the Township Board, shall be required for expenses to be incurred between the preliminary and final plat applications.
- B. When an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a future development overlay shall be included showing the potential subdivision of all contiguous lands belonging to the landowner to ensure that the subdivision may be accomplished in accordance with current codes and provide for appropriate future access. Submission and review of the contiguous and/or adjacent land shall not constitute approval of future subdivisions.
- C. Resource Impact and Conservation Plan (see Section 201K).
Using the RAM the impact areas shall be mapped according to the following categories:
 - 1. Primary impact areas (See Section 201I).
 - 2. Secondary impact areas (See Section 201M).
 - 3. Designated protected areas.

D. Preliminary Improvements Plan

1. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, fields, or other significant vegetation or site features, the limit of disturbance will be delineated and vegetation shall be protected through installation of temporary fencing or other approved measures. Such fencing will be installed prior to commencing and shall be maintained until permanent vegetation is established.
2. When digging trenches for utility lines or septic systems, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cleanly cut. The trench shall be filled as soon as possible.
3. Where installation of the improvements is proposed to be done in phases, the applicant shall submit with the Preliminary Plat, a delineation of the proposed phases and a schedule of their implementation. The Township may incorporate all or part of the phasing schedule in the Developer's Agreement.
4. As noted in Section 308D, developments may be required to provide a common shared access to the entire subdivision, depending on parcel size, road frontage, roadway / street access geometrics and the new access spacing. Required basic street improvements of all development options refer to *Lynden Township Road Specifications (Appendix A & B)*.
5. Road Designs shall be in compliance with Lynden Township Road Specifications (Appendix B), and must meet the approval of the Township Engineer and the Town Board. All road construction shall be guaranteed by the applicant against defects in workmanship and materials for a two year period commencing with the acceptance by the Township Engineer.
6. Drainage Facilities and Systems: Such facilities and systems shall be installed as to adequately provide for the drainage of surface waters, stormwater pollution control, and flood protection. Drainage and/or ponding easements or land dedications may be required when such easements or land are needed, in the public interest, for purposes of floodplain management, proper drainage, prevention of erosion, pedestrian access to water bodies, access to drainage ponds for maintenance, or other public purpose. The design of all such drainage facilities and systems must meet the approval of the Township Engineer and the Town Board, and their construction shall be guaranteed by the applicant against defects in workmanship and materials for a two year period after acceptance by the Town Board.
7. Miscellaneous Facilities: Tree planting as may be required by ordinance, street name signs, traffic control signs, and other improvements may be required to be furnished and installed by the applicant. The applicant shall install four (4) inches of black dirt and a good quality sod in the boulevard.
8. Warranty Period: As provided for within section 5, the applicant shall warrant all improvements required to be installed, including, but not limited to, roads, drainage facilities, and public utilities for a period of two years commencing with the acceptance by the Township Engineer against defects in workmanship and materials. The Township shall retain applicant's letter of credit or cash escrow in the amount of 10% of the cost of such warranted items during the first year after

acceptance by the Township and in the amount of 5% of the cost of such warranted items during the second year after acceptance by the Township.

E. Landscape Plan

1. Plats that create a new road will be required to screen the areas adjacent to the subdivision's access point(s).
2. Plats shall include a landscape plan that identifies areas of public value, including significant views, natural vegetation, or watercourses, even where said features may be located on private lots. The landscape plan shall provide for the addition of trees, shrubs, and groundcovers or grasses that achieve the following objectives:
 - a. Establish naturalized woodland and/or prairie areas in large spaces.
 - b. Establish naturalized areas around stormwater ponds.
 - c. Establish naturalized woodland areas at the edges of subdivisions, particularly in areas of land use changes or where the subdivision abuts a major roadway, utility line or railroad.
3. Identify the existing tree coverage in the proposed impact areas.
4. A vegetation management plan shall be submitted that shows those trees proposed to be removed, those to remain, the types and locations of trees, and other vegetation that are to be planted to provide appropriate screening.
5. The landscape plan shall be accompanied by a reliable estimate of installation costs. The landowner or developer shall provide to the Township a financial security that guarantees live growth of the plant materials for a two (2) year period from the date of installation unless otherwise specified. In the event the plant materials under this plan must be replaced due to death, disease, or other reason, said financial security shall be extended to cover an additional two (2) years from the date of replacement.
6. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with local landscape.
7. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the Township and County shall be prepared, at the applicant's expense, by a professional engineer, currently licensed, who is registered in the state of Minnesota, and said plans shall contain his/her certificate. Such plans, together with the quantities of construction items, shall be submitted to the Township engineer for his/her approval and for his/her estimate of the total costs of the required improvements. Upon approval by the Township engineer and the Town Board, such plans shall become a part of the required Developer's Agreement. The tracings of the plans approved by the engineer and Town Board, plus two (2) prints, shall be furnished to the Township to be filed as a public record.
8. The landscape plan may not be required or may be modified based on a recommendation of the Planning Commission during the site visit, due to existing vegetation or plans for vegetative alterations.

Section 402. Payment for Installation of Improvements

All improvements described and listed in Section 401C-E shall be furnished and installed at the sole expense of the applicant in accordance with approved construction plans. All fees incurred by the Township in processing the application for preliminary and final plat, including all legal, planning and engineering costs associated with the development, review, implementation and inspection of the Improvements and the preparation of a Developer's Agreement shall be reimbursed to the Township at the sole expense of the applicant.

A. Required Developer's Agreement

Prior to the installation of any required improvements and prior to the release of the final plat, the applicant shall enter into a contract in writing with the Township requiring the applicant to furnish and construct said improvements at the applicant's sole cost in accordance with the plans and specifications and usual contract conditions all approved by the Township Board, which shall include provisions for the supervision of details of construction by the Township engineer and preparation of as-built plans as required by the Township engineer. This agreement will require the applicant to provide a financial guarantee, in the form of an escrow deposit or a letter of credit.

B. Financial Guarantee

The contract shall require the applicant to furnish, prior to the release of the final plat by the Township, a financial guarantee securing the applicant's full performance of the terms of the Developer's Agreement in one of the following forms:

1. **Escrow Deposit:** A cash deposit may be made with the Township, guaranteeing that all improvements required under Section 401 and 402 shall be constructed as provided in the Developer's Agreement. The amount of the deposit for construction of the improvements shall be equal to 125% of the total cost of all improvements that have not been constructed prior to the approval of the final plat, plus the costs of inspections by the Township Engineer, as determined by the Township Board. The Township shall be entitled to reimburse itself out of said deposit for any costs and expenses incurred to complete such work in case of default by the applicant under the Developer's Agreement, or to cure any breach thereof, including breach of warranty related to the Improvements. Upon completion of the work and termination of any liabilities of the Township or the applicant under said agreement, the balance remaining of said deposit, plus any and all accrued interest, shall be refunded to the applicant, except that the Township shall retain the applicable warrantee amount required by Section 401 D8 of this ordinance during the warranty period.
2. **Irrevocable Letter of Credit:** In lieu of making an Escrow Deposit described above for the construction of improvements, and if the Township Board so agrees, the applicant may furnish the Township with an irrevocable letter of credit in a sum equal to 125% of the total cost of improvements required in Section 401 and 402 as estimated by the Township Engineer, including cost of inspection of all improvements to be furnished and installed by the applicant pursuant to the

contract and which have not been completed prior to approval of the final plat. The irrevocable letter of credit must be from a bank which is insured by the FDIC and which has a branch in Minnesota within 100 miles of the Lynden Township hall where the letter of credit can be drawn upon, unless an exception to the 100 mile limitation is approved by the Town Board. All letters of credit must automatically renew annually unless the issuing bank sends the Township a letter via certified mail at least 60 days prior to expiration notifying the Township that the letter of credit will not be renewed upon its stated expiration date. The irrevocable letter of credit shall be approved as to form by the Township attorney. The escrow agreement or letter of credit shall incorporate by reference the terms of the agreement entered into pursuant to the Developer's Agreement. The Township shall be entitled to reimburse itself out of said letter of credit for any costs and expenses incurred to complete such work in case of default by the applicant under the Developer's Agreement, or to cure any breach thereof, including breach of warranty related to the Improvements.

C. Construction Plans

Construction plans for the required improvements, conforming in all respects to Township standards and the applicable ordinances, shall be prepared at the applicant's expense by a professional engineer, currently licensed and registered in the State of Minnesota; said plans shall contain the engineer's seal. The plans, together with a list of construction materials, shall be submitted to the Township Engineer concurrent with the final plat approval application. Such plans must meet the approval of the Township Engineer. Copies of the plans approved by the Township, plus two prints, shall be filed with the Township Clerk.

D. Warranty

The applicant shall warrant that all Improvements to be dedicated to the Township shall be warranted to be free from defects in materials and workmanship for a period of two years from the acceptance of the Improvements by the Township Engineer.

Section 403. Submission and Review of Preliminary Plat

- A. The applicant shall submit three (3) large copies and ten (10) 11" x 17" copies of the Preliminary Plat and all required documents (Section 401A-E and Section 402) at a regular joint meeting of the Planning Commission and Township Board.
- B. The application is reviewed by the Planning Commission to determine if it is complete, within fifteen (15) calendar days of its receipt.
- C. If the Preliminary Plat is incomplete, the application and all supporting documents will be returned to the applicant within fifteen (15) days of its receipt with a letter stating the deficiencies based on the Ordinance.
- D. If the Preliminary Plat is complete, the application and fee will be processed and Public Hearing set.

- E. The Planning Commission will review the Plat for compliance with the Comprehensive Plan and the Township Ordinances. Comments from the Planning Commission will then be forwarded to the Township Board for their review.
- F. The Township Board may require changes or modifications to the Preliminary Plat as a condition of preliminary plat approval. The Planning Commission and/or Township Board reserve the right to request additional information that is needed to provide an adequate basis for decision making.
- G. The Board shall conduct a public hearing on the Preliminary plat. The Township Board will determine any conditions of the preliminary plat and if approved the preliminary plat shall be forwarded to the County with any comments and/or conditions.

Section 404. Submission and Review of Final Plat

Final Plat Approval Process: *Refer to Section 5.5 Stearns County Subdivision Ordinance #230, or successor ordinance.*

The final plat application shall be submitted by the applicant. The applicant shall submit three large paper copies and ten 11" x 17" copies of the final plat and all required documents. The final plat will be reviewed for completeness. The final plat shall have incorporated all changes or modifications required by the Township Board of Supervisors stated as conditions of preliminary plat approval. In all other respects the final plat shall conform to the preliminary plat, related plans and agreements. Approval of the final plat shall be contingent upon the applicant executing all required documents, providing all required security, and paying all amounts due to the Township. The Township shall not release the final plat until the applicant has provided the Township with: 1) all required documents; 2) evidence of good title acceptable to the Township attorney; 3) covenants and declarations (where required); 4) executed mortgage subordinations subordinating all existing mortgages on the property to the terms of the developer's agreement; 5) declarations and covenants acceptable to the Township Attorney (where required); 6) deeds evidencing dedications to the Township (where required); and 7) the applicant has reimbursed the Township for all costs as required by Section 402 of this ordinance.

SECTION 5: ENFORCEMENT PROCEDURES

Section 500. Penalties
Section 501. Remedies

Section 500. Penalties

Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance (including violations of conditions and safeguards established in connection with the granting of variances and conditional and interim use permits or fails to comply with restoration orders), or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense.

Section 501. Remedies

In the event of a violation or a threatened violation of this Ordinance, the Board, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations.

APPENDIX A

SECTION 1: GUIDELINES FOR TOWNSHIP ROAD ACCESS

Section 100. General Access Guidelines

- A. All accesses onto a Township road shall be aligned to be straight and perpendicular to the centerline of the adjacent Township roadway within the limits of the Township right of way.
- B. When the opportunity exists, access locations will be directed onto roadways with a lower functional classification.
- C. All structures such as signs, entrance medians (divided entrances), culvert headwalls, fencing, etc., shall be placed or constructed outside of the permanent Township right of way.
- D. Driveways will be aligned with driveways on the opposing side of the roadway, if possible.
- E. Culverts constructed or placed within the Township right of way as part of a driveway should be specified as a minimum of fifteen (15) inches in diameter. Plastic pipe shall not be used. Culverts shall be installed at the expense of the property owner.
- F. Any culvert required to be constructed as a part of a driveway (that is located within the Township right of way) that crosses under existing or proposed Township streets / roads should be specified as reinforced concrete pipe, tied with appropriate steel ties and should be a minimum of twenty-four (24) inches in diameter.
- G. Driveways may be shared between adjacent properties / parcels when required by traffic volume and/or geographical layout.
- H. Only one (1) driveway per property / parcel will be allowed.
- I. Plans for new driveways shall be submitted to the Lynden Township Building Official for review and approval prior to issuance of a permit.

Section 101. New Access Spacing Guidelines

Each new driveway onto Township roads shall be separated from adjacent accesses according to the following standards:

- A. Collector roads, accesses on the same side of the road shall be located at a minimum of three hundred (300) feet (County Roads 143, 145, 146, 44, 45, 75)

- B. Driveways onto Township roads shall have a minimum separation distance of one hundred twenty-five (125) feet unless the front footage of the lots dictates other.
- C. Field accesses will be spaced on a one (1) access per forty (40) acre frontage.
- D. Separation distances, within Sections A, B, and C, may be modified by recommendation of the Planning Commission, or Building Official due to parcel size, roadway / street access geometrics and/or proposed use of street.

Section 102. Access Width Guidelines

- A. Residential access surfacing width shall be a minimum of sixteen (16) feet to a maximum of twenty-four (24) feet.
- B. Commercial and industrial access surfacing shall be a minimum of thirty (30) feet in width and may be a maximum width of forty (40) feet if design requires additional width.
- C. Field accesses shall be a minimum of sixteen (16) feet in width.
- D. Township intersections shall be a minimum of thirty (30) feet in width and shall be paved within the Township right of way and graded to drain away from the Township roadway.

Section 103. Driveway Access Standard

All residential dwellings or combinations of residential dwellings that access Township streets / roads shall be constructed to ensure access for emergency vehicles and shall be continuously maintained. The access shall be constructed of an all-weather (i.e. gravel, bituminous, or concrete) driving surface.

SECTION 2: ACCESS AND STORM WATER MANAGEMENT FOR PLATTED SUBDIVISIONS

Section 200. New Driveways

New driveways for subdivisions that access Township streets / roads shall be subject to the following standards:

- A. A right of way (ROW) exaction for highway purposes (controlled access) will be required from subdivision properties located adjacent to Township roadways. The width of the exaction will be based on the functional classification of the adjacent roadway. (Township ROW is thirty-three (33) feet from the centerline of the road.)
- B. Preliminary and Final plats will be reviewed by the Planning Commission and/or Township Engineer with respect to access and/or street access locations, geometrics and storm water management.
- C. Proposed access locations shall be clearly indicated on the preliminary plat or accompanying documents.
- D. The plat shall provide for dedicated rights of access to the Township for areas adjacent to the Township right of way.
- E. Developments with less than six (6) building sites may be required to provide common shared accesses at least through the Township's right of way. On average, one (1) access will serve a minimum of two (2) homes / parcels.
- F. Developments with six (6) or more building sites shall be required to provide a common shared access to the entire subdivision.
- G. In no case shall more than three (3) accesses onto Township right of way be permitted for any subdivision, unless a part of a street network.
- H. No additional drainage shall be allowed into the Township Road right of way. Pre-development and post-development runoff shall balance. Water shall be managed on site through infiltration. A drainage impact study will be required if subdivision drainage flows to the Township right of way. If the drainage study indicates significant increases in drainage to the Township right of way, the developer will analyze capacity of the existing drainage system (*See Stearns County Ordinances #439 Section 7.25 and #230 Section 9.3.4, or successor Ordinances*).

APPENDIX B

SECTION 1: LYNDEN TOWNSHIP ROAD SPECIFICATIONS AND STANDARDS

The following standards are subject to any reasonable modifications as agreed to by the Township Board and the Developer prior to construction.

Section 100. Design Specifications

- A. A minimum road right of way of sixty-six (66) feet for residential areas and a minimum right of way of eighty (80) feet for commercial and industrial areas.
- B. A minimum finished roadway top width of twenty-eight (28) feet for residential areas and a minimum top width of thirty-six (36) feet for commercial and industrial areas, which includes driving surface width and shoulders.
- C. Roadway shall be built to a minimum of thirty (30) MPH design speed in residential areas and a forty (40) MPH design in other areas.
- D. All dead end roads shall have a minimum right of way of one hundred twenty (120) feet diameter and surface diameter of ninety (90) feet for a turnaround.

Section 101. Construction Specifications

- A. A minimum ditch separation shall be two (2) feet below finished grade, and a minimum ditch width of six (6) feet (when conditions allow).
- B. A minimum slope for inslopes shall be 4:1 and backslope shall be 4:1.
- C. A plant mix bituminous surface shall be placed in accordance with MNDOT Specifications. This surface shall be twenty-four (24) feet wide and have a compacted thickness of three (3) inches for residential areas and twenty-eight (28) feet wide and have a minimum compacted thickness of four (4) inches for commercial and industrial areas. The Township Board may consider an optional 70% virgin and 30% recycled plant mixed bituminous surface with an approved trial mix design.

Section 102. Drainage and Erosion Standards

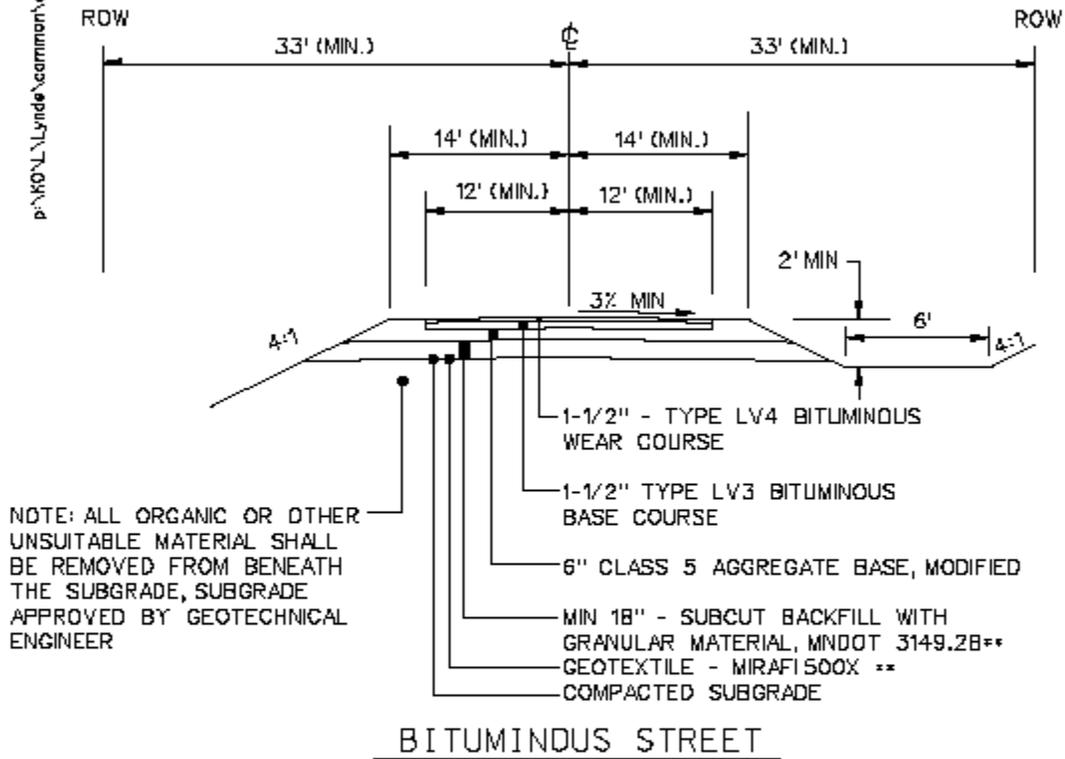
- A. All roads shall be built to be free of drainage problems.
- B. All apparent snow traps shall be eliminated.
- C. All roads shall be built to be free of flooding.
- D. All roads shall be constructed to handle a ten (10) year frequency storm and the design should be reviewed for a fifty (50) and one hundred (100) year frequency storm assessment.

- E. All topsoil removed for construction shall be replaced on road inslopes, backslopes, and ditch bottoms and shall be seeded with MnDOT roadside seeding specification.
- F. Culverts shall be placed to maintain drainage required. All culverts shall be steel or reinforced concrete. No plastic or PVC pipe allowed. Minimum diameter shall be fifteen (15) inches.
- G. All projects must be constructed to comply with MPCA's NPDES Construction General Permit.

Section 103. Engineering and Maintenance Standards

- A. All roads shall be subject to inspection and acceptance by the Township Board and the Township Engineer for compliance with the above requirements. The Township Board will not accept any Road dedications by private owners until all conditions of the above specifications have been met.
- B. The Township Board reserves the right to test bore the finished product for depth, content and aggregate sieve analysis. The developer shall pay for the testing.
- C. The Township shall not be responsible for shrubs, trees, flowers, or any other personal property within the one hundred twenty (120) foot cleared diameter of turnarounds.
- D. A new road will be accepted by the Township after a two (2) year period commencing with the acceptance by the Township Engineer. No maintenance will be performed by the township before this acceptance. Maintenance deficiencies may be required to be corrected by the landowner or developer prior to acceptance of new township roads.

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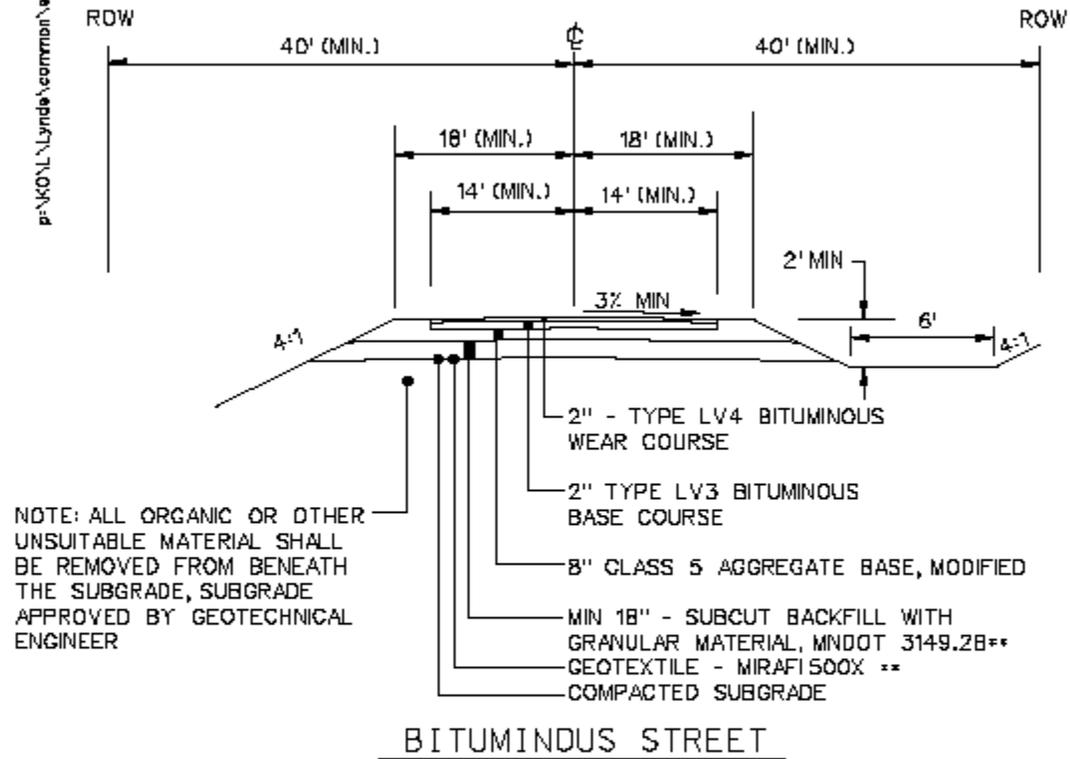


**TO BE CONSTRUCTED WHERE NON GRANULAR SOILS ARE PRESENT.



TYPICAL SECTION FOR RESIDENTIAL
STREETS RURAL SECTION
LYNDE TOWNSHIP, MINNESOTA

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**TO BE CONSTRUCTED WHERE NON GRANULAR SOILS ARE PRESENT.



TYPICAL SECTION FOR COMMERCIAL AND INDUSTRIAL STREETS RURAL SECTION
LYNDEN TOWNSHIP, MINNESOTA