

**ACCESS MANAGEMENT ORDINANCE
CASCADE TOWNSHIP
OLMSTED COUNTY, MINNESOTA**

ADOPTED BY CASCADE TOWN BOARD
RESOLUTION No. 2010-08

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SECTION 1: GENERAL PROVISIONS

1.01 Title

This ordinance shall be known as the “Cascade Township Access Management Ordinance,” referred to herein as “this ordinance.”

1.02 Intent and Purpose

The primary objectives of this ordinance are to protect public safety, reduce interferences with public travel, protect the public’s interest in its Rights-of-Way, and to provide for the efficient and uniform administration of the Town’s road Rights-of-Way. 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. These regulations further the orderly layout and use of land, and can serve to protect community character and natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

1.03 Statutory Authorization

As a road authority, the Board has broad authority to regulate what occurs within the town’s road Rights-of-Way. This authority is found in Minn. Stat. § 365.10, subd. 17, a variety of sections in chapters 160, 164, 165, 169, 222, 237, and other chapters, as well as the rules associated with those chapters.

1.04 Scope

The provisions of this ordinance shall apply to the location and design of public or private street and driveway access to the township road system. Access legally established as of the effective date of this ordinance but not in conformance with standards in this ordinance are considered non-conforming and may continue in existence subject to the regulations in this ordinance regulating non-conforming access.

1.05 Interpretation

The provisions of this ordinance shall be interpreted to be the minimum requirements necessary to promote and protect the public health, safety and general welfare.

1.06 Relationship of this Ordinance to Zoning, Subdivision and Other Township Regulations

This ordinance is intended to supplement the zoning, subdivision and building permit requirements of Cascade Township that govern the use and development of property along Township Roads, County Roads, or County State-Aid Highways. If there is a conflict between any provision of this ordinance and any provision of the Cascade Township Zoning or Subdivision Ordinance or building regulations, the more restrictive provision shall apply. The

Olmsted County Access Management Ordinance regulates access along County or County State Aid Highways. The MN Department of Transportation regulates access onto state and federal highways.

1.07 Violations-Enforcement and Penalty.

An access connection to a township road constructed or established after the effective date of this ordinance without an approved access permit or in violation of an approved access permit shall be considered illegal. The Town Board of Supervisors may order discontinuance of its use and may order its removal. The party responsible for installing an illegal access shall be responsible for all costs, including any borne by Cascade Township, associated with closure of the access, the removal of the access connection and restoration of the ditch or boulevard area to its previous condition.

1. **Correction Order.** Upon discovery of a violation of this ordinance, the Board may issue a correction order to the violator ordering the person to correct the violation by a time certain. If the violator fails to comply with the correction order by the time indicated in the order, the Board may provide for the correction of the violation. Issuance of a correction order does not preclude imposition of the penalty set forth in this ordinance.

2. **Immediate Correction.** If the Board determines that the violation creates an immediate threat to public safety, the Board will make a good faith effort to notify the violator to immediately correct the situation. If the Board is not able to promptly reach the violator, or if the violator fails to immediately correct the situation upon notification, the Board will provide for the correction of the violation.

3. **Cost of Correction.** The cost of correcting a violation shall be the responsibility of the violator. If the Board provides for the correction of the violation, all expenses incurred, including reasonable attorney's fees, shall be billed to the violator. If the bill is not paid by the due date, the Board may exercise any lawful options available to it to collect the amount due.

4. **Penalty.** Any person who violates this ordinance shall be guilty of a misdemeanor and subject to the penalties for such as provided in State law. Each day of existence of such violation shall constitute a separate offense. If convicted, the person may be assessed costs of prosecution as allowed by Minnesota Statutes section 366.01, subdivision 10.

1.08 Amendments

The Cascade Town Board may amend, supplement or repeal provisions of this ordinance after a public hearing meeting statutory requirements has been held.

1.09 Validity

Should any section, subdivision, or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

The failure of the Board to exercise, and any delay in exercising, any right under this Ordinance, including enforcement, shall not operate as a waiver thereof and shall not constitute a waiver of the Town's interest, however created, in any right-of-way, easement, or any other type of property interest.

1.10 Effective Date

This ordinance shall be in full force and effect after its approval and publication as provided by law.

1.11 Responsibility for Administration

The Town Board of Supervisors or their designee shall administer and enforce the provisions of this ordinance.

SECTION 2: DEFINITIONS

For the purpose of this ordinance, certain words have specific meaning as defined in this section. Other words not defined herein shall have the meaning customarily associated with them, except where certain words have a specific meaning when referring to access under Minnesota State Statutes.

Access: A means of providing vehicular entrance or exit to a property from an abutting property or public road.

Access connection: Any field entrance, driveway, public or private street or road that provides reasonable access (*see definition of reasonable access*) for the movement of vehicles between the town road system and an abutting property.

Access Permit: A permit issued by the Town Board of Supervisors or his/her designee(s) authorizing construction of an access connection within a town right-of-way.

Access Plan: A plan approved by the Town Board of Supervisors upon recommendation of the County Highway Engineer establishing a coordinated plan for future access connections to a County State Aid Highway, County Road, or Township Road as part of the approval of a subdivision plat or general development plan.

Applicant or Developer: The owner of land or his approved representative.

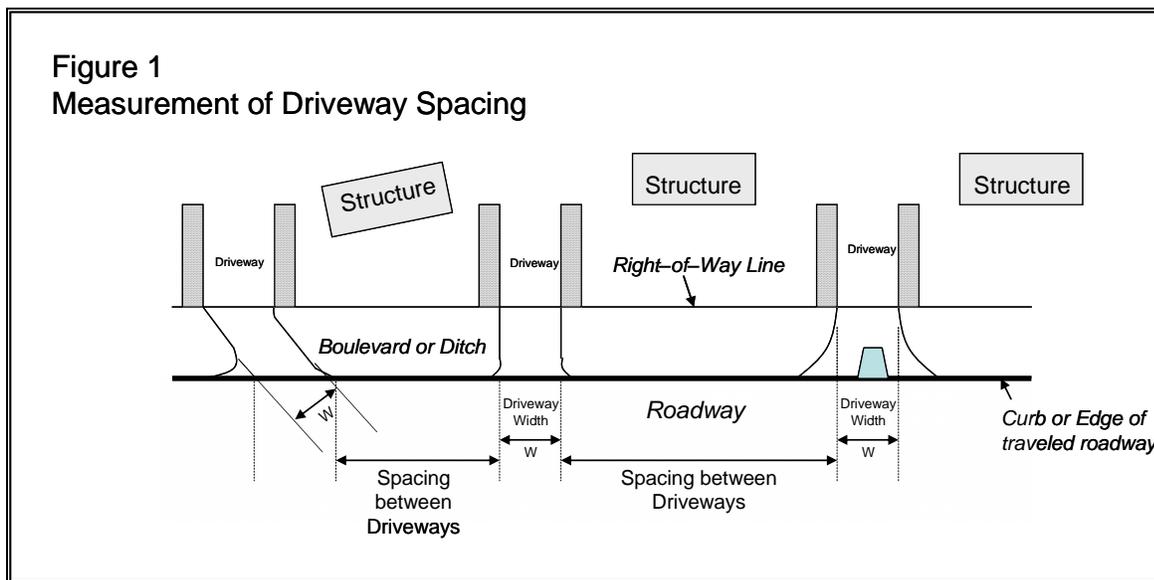
Approach: "Approach" means the area of the Right-of-Way between the traveled surface of the road and the adjacent property that is intended to provide access for vehicles or equipment from the road to the adjacent property.

Board: "Board" means the town board of supervisors of Cascade Township, Olmsted County, Minnesota.

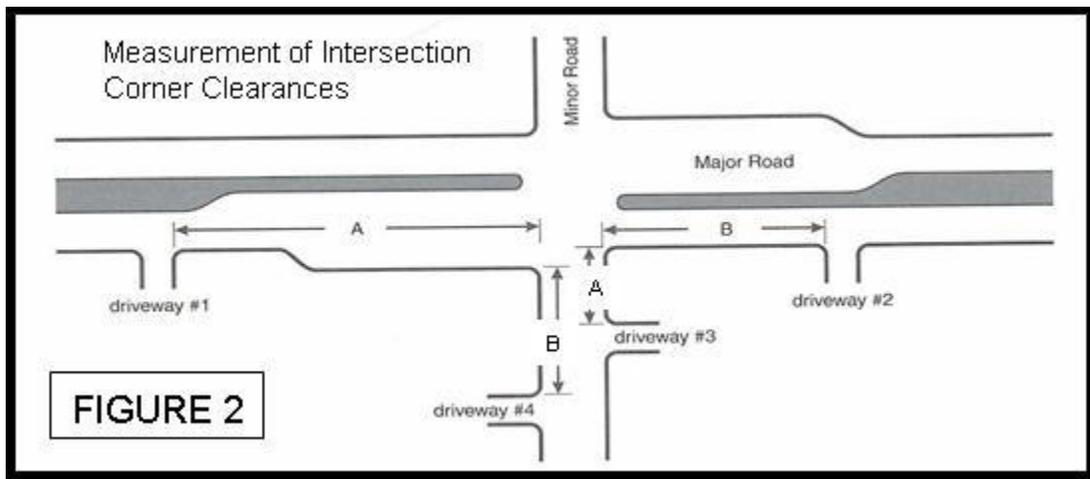
Commercial Access: A private access serving one or more commercial, industrial, institutional or multiple family uses; or an agricultural feedlot.

Connection Spacing: The spacing between access connections shall be measured as follows:

- 1) Spacing between two public or private street intersections along a street or road will be measured from the centerline of the one intersecting street to the centerline of the next adjacent intersecting street.
- 2) Spacing between two adjacent driveways shall be measured from the nearest outside edge of the driveway under review to the nearest outside edge of the next driveway on the same side of the roadway. The separation shall be measured along the edge of the roadway at the curbline or, where no curb is present, the edge of the traveled roadway surface, based on projection of the driveway edge at the property line to the roadway curb or edgeline (See Figure 1 below).
- 3) Spacing between a driveway and a public or private street shall be measured as provided for in the definition of Corner Clearance and Figure 2.
- 4) Access will be considered in compliance with spacing requirements if it does not deviate more than 5% from the spacing standards established in this Ordinance.



Corner Clearance: The distance from an intersection of a two public or private streets to the nearest driveway, measured from the curbline or, where there is no curbline, the closest edge of the travel way on the intersecting road, to the closest edge of the driveway, measured along the street to which access is being taken (See Figure 2). In Figure 2 dimension “A” illustrates upstream corner clearance and dimension “B” illustrates downstream corner clearance, criteria for which are found in Table 3.



Cross Access - A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Driveway, High volume: A private access connection with a projected average daily traffic greater than 500 vehicles per day

Driveway, Low volume: A private access connection with a projected average daily traffic of 50 to 500 vehicles per day

Driveway, Minimum Use: A private access connection with a projected average daily traffic of less than 50 vehicles per day

Easement - A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

Field Access: An access to an agricultural field used for the movement of farm vehicles and equipment. Access to a farmstead, feedlot, or farm-related structures is not a field access.

Functional Designation: A system used to classify public roadways according to the purpose they serve in the hierarchy of roads serving vehicular travel in Cascade Township. The functional designation of roadways in Olmsted County is identified in the ROCOG 2035 Long Range Transportation Plan

General Development Plan: A plan or concept that depicts the full development of a property in accordance with the requirements of the existing underlying zoning district, the Subdivision Ordinance, and/or the Comprehensive Plan.

Headwall: “Headwall” means rock, concrete, masonry, metal, timber or other similar materials placed on the sides of an approach as support, to prevent erosion, or for decorative purposes.

Joint Access (or Shared Access) - A driveway connecting two or more contiguous properties to the public street system.

Junk: "Junk" means old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, garbage, waste materials, rubbish, rubber debris, appliances, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Nonconforming Access: An access connection to a property that existed prior to the effective date of this ordinance that does not conform with the requirements of this ordinance.

Person: "Person" means an individual, corporation, business trust, partnership or association or any other legal entity.

Private Street: A roadway built to the standards established in the Olmsted County Subdivision Ordinance for vehicular travel which is privately owned and maintained, providing the principal means of access to three or more abutting properties.

Public Street: A roadway under the jurisdiction of a public authority that provides the principal means of access to an abutting property.

Reasonable Access: The access necessary to provide for safe conveyance of motor vehicles to and from a public road consistent with the purpose and intent of this ordinance, other applicable plans adopted by the county (such as a Corridor Management Plan), or with other applicable rules or law of the State of Minnesota. Reasonable access does not necessarily mean direct access to a public road must be provided; access may be provided by a service road, another public road or a joint / shared access. Where direct access to a primary roadway is permitted, reasonably convenient and suitable access has been defined by Minnesota courts as access to the main roadway in at least one direction of travel.

Residential Access: A private access one or more single family detached or attached residential units, a farmstead, or farm-related structures, but not including an agricultural feedlot.

Right-of-Way: "Right-of-Way" means the entire width between boundary lines of any way or place under the jurisdiction of the Town when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic and is maintained by the Town intended, directly or indirectly, to be used for a street, road, or drainage facility.

Service Road - A public or private street, auxiliary to and normally located parallel to a controlled access highway, that maintains local road continuity and provides access for parcels adjacent to the controlled access facility.

Site Plan: A plan or concept drawing that depicts full development of a property according to the requirements of the existing underlying zoning district.

Subdivision: The process of dividing a parcel of land into multiple parcels as defined in the Cascade Township and Olmsted County Subdivision Ordinance(s), including metes and bounds subdivisions.

Town: “Town” means the organized government of Cascade Township, Olmsted County, Minnesota.

SECTION 3: ACCESS PERMITS *(See definition of Access Permit in Section 2)*

3.01 Access Permit Required

An access permit issued by the Cascade Town Board of Supervisors shall be required for any construction, reconstruction, relocation or alteration of an access connection within the right-of-way of any township road, or where a change of use is proposed for a property with an access connection to a township road right-of-way. Alterations include the widening of an existing access or changes to an existing culvert including lengthening or replacement. A change in use is defined to include:

1. a change in the primary use of the land (e.g. agricultural to residential, residential to commercial, etc). An access permit is granted for a specific use, and a new permit is required when a use changes since the location of an access connection may be suited for one use but not another. This includes changing the use of an existing field access.

3.02 Application for an Access Permit

Applications for an access permit must be made in writing on a form provided by the Town Board or Zoning Administrator. A fee to be set by the Town Board of Supervisors shall accompany the access permit application when applicable.

3.03 Review of Access Permits

A final decision on an Access Permit shall be made within 60 calendar days following acceptance of a complete application.

3.04 Construction of an Access Connection

Work shall be completed consistent with the approved access permit, and the completed work may be inspected and approved by the Town Board or their designee. An access connection constructed in a manner that does not comply with the conditions of the permit will be considered in violation of this ordinance and will be subject to action under Section 1.07. If the constructed access connection must be removed, the approved access permit will be considered null and void.

3.05 Construction Responsibilities

The applicant shall be responsible for all costs associated with the construction of an access connection, including improvements required to meet conditions of approval.

3.06 Discontinuance of existing driveway

When a change of use requiring a new access permit results in relocation of an access connection, existing driveways not approved for continuance shall be removed and the land graded and landscaped to conform with adjacent land.

3.07 Duration of Permit Approval

If the access connection has not been constructed within one year after approval of an Access Permit, the approval shall become null and void unless a request for a time extension to complete the access has been granted by the Town Board of Supervisors or their designee. A written request for an extension shall be submitted to the Town Board or their designee at least thirty (30) days before the expiration of the original approval. The request for extension shall state facts showing a good faith attempt to complete or utilize the approved access connection.

3.08 Bond

A Letter of Credit, certified check or bond may be required in an amount to be determined by the Town Board to insure compliance with the requirements or conditions of an access permit in some instances when the Board determines that it is necessary to protect the well being of the township.

SECTION 4: STANDARDS FOR ACCESS CONNECTIONS

4.01 Guidelines on Permitted Access Connections

Table 1 (PAGE 10) defines the key principles that will be used to guide decisions regarding the permitting of access connections on different classes of roads. These principles emphasize the avoidance, where possible, of access connections to a township road where there is a significant difference in the operating character and function of the proposed access point and the highway facility.

4.01.1 Exceptions to the general rule of one access per parcel

- a. Access for a group of parcels having a single tax code number as of the effective date of this ordinance, or contiguous parcels under common ownership on the effective date of this ordinance, are entitled to one (1) access connection to the adjoining Township Road system to serve the parcels as a group, unless adequate road frontage exists to meet the spacing requirements of Section 4.02.
- b. Subdivisions approved after the effective date of this ordinance do not create the right to a new access connection for each resulting parcel.

- c. Lots with no frontage are not entitled by right to approval of an access connection on a township road; consideration shall be given to access via connection to an approved local or private street or via a joint or shared access with a parcel that has conforming access to the township road system.

TABLE 1: ACCESS CONNECTION GUIDELINES

Roadway Classification	TYPE OF CONNECTION PROPOSED		
	<i>Local Public Streets and Roads</i>	<i>High Volume Private Driveway or Private Street</i>	<i>Low Volume Private Street or Driveway or Minimum use Drive</i>
LIMITED ACCESS ROADWAYS / MEDIAN CONTROLLED			
<i>Expressway</i>	Connection for a Local Street is permitted if consistent with spacing for Local Streets (Table 2) subject to finding that a higher order road is not needed at that location. Also refer to Chapter 4 of ROCOG Long Range Transportation Plan for guidance on median openings and signal spacing	Connection generally Not Permitted; may be permitted in lieu of local public street on one leg of an intersection if consistent with spacing for Local Streets (Table 2) and subject to finding that public street is not needed	Connection not permitted except on interim basis where no feasible alternative access exists; approval of interim access must include agreement for removal of access when local street system is completed or alternate access becomes available
<i>Other Urban and Regional Major Arterial</i>	Connections permitted, but shall be in a location consistent with guidelines for Divided Road Median Openings found in Chapter 4 of ROCOG Long Range Transportation Plan, and subject to the finding that a major road is not needed at the location	Connection permitted, but shall be in locations consistent with the guidelines on Divided Road Median Openings found in Chapter 4 of the ROCOG Long Range Transportation Plan and subject to finding that a public road is not needed at location	Connection not permitted if alternative access available; if no feasible alternative exists consider approval of one access connection that will serve multiple properties through a joint/shared access to insure consistency with spacing requirements
LIMITED ACCESS ROADWAYS / UNDIVIDED			
<i>Regional or Urban Major Arterial</i>	Connection for a Local Public Street is permitted if consistent with spacing for Local Streets (Table 2)	Require access to lower level road if available; otherwise one access per parcel subject to driveway spacing (Table 2) and corner clearance (Table 3) requirements. If lot frontage < minimum spacing criteria, consider joint/shared access	Same criteria as for High Volume Private Driveway or Private Street
OTHER ROADWAYS			
<i>Secondary Arterials</i>	Connection for a Local Public Street is permitted if consistent with spacing for Local Street (Table 2)	Access connections permitted if consistent with spacing requirements in Tables 2 and 3	Require access to lower level road if available, otherwise one access per parcel subject to minimum spacing requirements in Tables 2 and 3
<i>Primary Collectors</i>	Connection for a Local Public Street is permitted if consistent with spacing for Local Street (Table 2)	Access connections permitted if consistent with spacing requirements in Tables 2 and 3	One access per parcel subject to minimum spacing requirements in Tables 2 and 3
<i>Local Streets</i>	Connection for a Local Public Street is permitted if consistent with spacing for Local Street (Table 2)	Access connections permitted if consistent with spacing requirements in Tables 2 and 3	One access per parcel subject to minimum property line spacing of 25 feet

4.02 Minimum Spacing of Access Connections

Table 2 defines the minimum spacing required between access connections along non-local roadways, based upon the functional classification of the abutting roadway and the posted speed limit.

Table 2: Local Street and Driveway Spacing

Road Classification	Urban	Rural	DRIVEWAY SPACING		
	Local Street Spacing (ft)	Local Street Spacing (ft)	Posted Speed Limit		
			< 35 Mph	35 - 45 Mph	> 45 Mph
Strategic Arterial	1320	2640	660	880	1000
Regional Major Arterial	880	2640	480	660	800
Urban Major Arterial	660	NA	275	375	500
Regional Secondary Arterial	660	1320	250	480	660
Urban Secondary Arterial	480	NA	175	275	330
Regional Primary Collector	480	660	150	330	480
Urban Primary Collector	330	NA	125	200	275
Local Collector	330	660	60	NA	NA

4.02.1 For sites with insufficient road frontage to meet the minimum spacing requirements, consideration shall first be given to providing access with utilization of a joint or shared driveway with an adjacent property that meets the recommended spacing requirement, or development of a private road to serve multiple properties.

4.03 Corner Clearance Requirements

Table 3 defines the minimum corner clearance that shall be required for a proposed access connection under the regulations of this ordinance. In Table 3, Column A under each speed limit ranges refers to the requirement for upstream corner clearance, the Column B refers to the requirements for downstream corner clearance (*see Section 2, Definitions, for illustration*)

TABLE 3: CORNER CLEARANCE GUIDELINES							
Road Classification	Median Area	< 35 MPH		35-45 MPH		> 45 MPH	
		A	B	A	B	A	B
High Type Street Design							
Expressway	Divided	N/A	N/A	400	275	500	375
Expressway or Super Two	Undivided	350	250	450	315	625	435
Main Street		100	75	125	100	125	125
Urban Street Classes							
Major Arterial	Divided	135	100	150	115	175	125
Major Arterial	Undivided	225	175	300	235	375	300
Secondary Arterial	Undivided	175	125	235	175	275	225
Primary Collector	Undivided	100	75	125	100	175	125
Local Collector	Undivided	50	25	N/A	N/A	N/A	N/A
Rural Street Classes							
Regional Major Arterial	Undivided	300	225	400	275	500	375
Regional Secondary Arterial	Undivided	275	175	350	235	425	315
Regional Primary Collector	Undivided	250	125	275	200	300	275

4.03.1 If the amount of lot frontage is insufficient to meet corner clearance requirements, alternative means of access (a joint or shared access connection, development of a private road) should be considered to determine whether options consistent with the corner clearance guidelines can be achieved. Where this is not feasible due to parcel size or the existing adjacent development, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use or private road development.

4.04 Access Connections along Turn Lanes or Bypass Lanes

Irrespective of the local street and driveway spacing requirements in Table 2 and the corner clearance requirements in Table 3, access connections shall not be approved within any turn lane or bypass lane, including taper sections, except where no other reasonable or suitable access is available.

4.05 Field Access and Temporary Access Connections

An access permit may be issued for a field access serving cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses. Field accesses and other limited use access connections will be reviewed on a case-by-case basis. The review shall take into account the proximity of the adjacent driveways and intersecting streets, factors such as grades and sight distance availability, as well as traffic volumes along the adjacent roadway(s).

The Town Board of Supervisors may grant an access permit for seasonal or limited duration uses such as a construction site, seasonal food stand or quarry/batch plant operation on a case by case basis. Approval of such access shall take into account the proximity of the adjacent driveways and intersecting streets, factors such as grades and sight distance availability, as well as traffic volumes along the county roadway. Access permits for seasonal or limited duration uses shall be temporary in nature, with time limits or other conditions limiting the duration of the permit established as part of the permit approval process.

4.06 Design and Location Guidelines for Access Connections

The following factors shall be considered by the Town Board of Supervisors in assessing the suitability of a proposed access connection location when reviewing a request for Access Permit or Access Plan approval.

- a. **Offset Access Connections**: On undivided roadways, access connections on opposing sides of the roadway should be aligned with one another or offset an adequate distance to minimize overlapping left turns and other maneuvers that may result in safety hazards or operational problems
- b. **Adequate Sight Distance**: An access connection shall be located so as to provide adequate intersection sight distance;
- c. **Auxiliary Lanes**: The Town Board of Supervisors may require auxiliary lanes (left or right turn lanes, bypass lane, acceleration lanes) where deemed necessary due to traffic volumes or where a safety or operational problem is expected without such lane;
- d. **Substandard Frontage**: If lot frontage is inadequate to provide the required minimum spacing, access must be provided via a joint or shared access easement with an adjacent property, unless a Modification of Access Standards is granted (*see Section 8*)
- e. **Future Development**: To maintain minimum spacing requirements between commercial access when future development occurs, a proposed commercial access connection may be approved subject to the condition that it serves adjacent property via a joint/shared access located on the common property line or a cross access easement.
- f. **Easements for Joint Access**: When required to provide a joint or shared access, the property owners must record an easement allowing cross access to and from the properties served by the shared driveway or cross access. The easement must include a joint maintenance agreement defining the responsibilities of the property owners.
- g. **Restricting Left Turns**: Left turning movements to or from a proposed access connection may be restricted at the time of construction or at a future date based upon existing or anticipated roadway operating conditions.
- h. **Angle of Approach**: Accesses shall be aligned to be straight and perpendicular to the centerline of the abutting township roadway to the extent feasible

- i. **Auxiliary Features:** Signs, entrances medians, fencing, etc. shall be placed or constructed outside the township road right-of-way.
- j. **Residential Access Design:** Residential access must be designed to provide adequate space on the property for vehicles to turn around without the need to back onto a Township Road
- k. **Commercial Access Design:** Commercial access must be designed so that backing, loading, unloading and other maneuvers are accommodated on-site and not using the township road right of way, and the access shall provide adequate stacking distance to prevent entering or exiting vehicles from obstructing the flow of traffic on the township roadway.
- l. **Commercial Access Geometrics:** The geometrics of a commercial access shall provide adequate width, grade and radii to accommodate all vehicles that will access the site.

SECTION 5: ACCESS PLAN (*See definition of Access Plan in Section 2*)

5.01 Access Plan Required

An access plan is required to be submitted with any application for a general development plan on any property with frontage on a township roadway or taking access to a roadway under the jurisdiction of another governmental unit. The access plan would also be required if the general development plan is located within 1/8th mile of an intersection with a township roadway or another governmental unit.

5.02 Review of Access Plans

An initial determination shall be made whether the information submitted meets the application requirements for Access Plans listed in Section 5.04 within thirty-five days of receipt of the application for development approval. Review of Access Plans shall occur concurrently with the review of the development application by the County, Township or Municipality, with the recommendation of the County Highway Engineer or the Townships Engineer relative to the Access Plan included as part of the information packet that is submitted to the township prior to any required public hearing or public review of the development application.

5.03 Access Plan Recommendation

The County Highway Engineer or Township Engineer's recommendation to the township shall indicate whether they are satisfied that the proposed Access Plan is consistent with the standards and guidelines of this ordinance, or whether modifications or conditions are necessary to bring the proposed plan into compliance with this ordinance.

5.04 Access Plan Application Requirements

An application for Access Plan approval shall consist of a site plan with any supporting documentation showing the property and the surrounding area, drawn to scale, illustrating the following information:

1. The dimensions of the property and the location of public rights-of-way and property lines;
2. The type and intensity of existing and proposed land uses, and proposed lotting pattern where the application involves the subdivision of land;
3. The location of existing and/or proposed streets, driveways and parking areas;
4. The location of, and distance to, public or private access serving adjacent parcels;
5. A phasing plan if the property is planned to be developed in phases;

SECTION 6: APPROVAL OF PERMITS AND PLANS

6.01 Approving Access Permits

In reviewing an application for an Access Permit, the Town Board of Supervisors shall approve the permit if they determine the proposed access connection:

- 1) Is consistent with the guidelines on permitted access connections in Section 4.01 of this ordinance
- 2) Is consistent with the criteria on minimum driveway spacing and minimum corner clearance in Sections 4.02 and 4.03, respectively, of this ordinance
- 3) Provides adequate capacity to accommodate the conveyance of drainage in the public right of way;
- 4) Is located such that adequate stopping and intersection sight distance is provided
- 5) Provides adequate offset from access connections on the opposite side of the road to minimize traffic conflict with traffic utilizing those access points
- 6) Is designed such that turning radii, driveway slope, angle of entry, and driveway width are consistent with good engineering design practice.
- 7) Includes turn lanes, bypass lanes or acceleration lanes if needed to a) safely manage speed differentials between turning and through highway traffic, or b) prevent the queuing of inbound traffic from impacting mainline through traffic;
- 8) Includes sufficient stacking distance between the shoulder edge or curb line and the first point of conflict for traffic on-site is provided to prevent the spill-back of site traffic onto the public road;
- 9) Provides appropriate restrictions on inbound and outbound left turning movements if needed for safety and to reduce traffic conflict;
- 10) Provides for the safe crossing of the access connection for pedestrians and bicyclists;
- 11) Insures that traffic control devices meet the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and, in the case of traffic signals, are located so as to allow for proper signal coordination and adequate left turn lane storage.

6.02 Approving Access Plans

In reviewing a proposed Access Plan, the Town Board of Supervisors and the County Highway Engineer, or Township Engineer shall consider the following factors in addition to the 11 factors listed in Section 6.01 before issuing a recommendation on the proposed Access Plan:

- 1) Whether the number of access connections requested is the minimum number needed to adequately serve the site in terms of capacity and safety;
- 2) Whether the access plan accounts for planned or future public street and access needs of properties adjacent to the site or across a county roadway right of way.

SECTION 7: SPECIAL REQUIREMENTS

7.01 Access Control Dedicated on Plats

Subdivision plats approved after the effective date of this ordinance shall include the dedication of access control rights to Cascade Township along abutting township roadways on the final plat document where required as a condition of approval for an Access Plan.

7.02 Access to Homes in Residential Subdivisions

When a residential subdivision is proposed abutting any township road it shall be designed so as to provide lots directly abutting the township roadway with access from an interior local road or private road. All reasonable access alternatives shall be investigated and judged unacceptable by the Town Board of Supervisors before direct residential driveway access on a township road is permitted in a residential subdivision

7.03 Turn Lane Guidance

Turn lanes and/or bypass lanes may be required where for reasons of safety and traffic management the separation of through traffic from turning traffic is justified. Turn lanes or bypass lanes may be considered in the following situations:

1. Where justified by topographical or geometric considerations:
 - a) Terrain or other physical features create limited sight distance, short vertical curves or result in steep grades on the through road at an intersection;
 - b) On any divided highway where there is break in the median permitting left turns or u-turns to occur;

2. Where justified by special traffic operation conditions:
 - a) At locations where an appreciable portion of turning traffic is composed of heavy truck traffic, such as locations serving active gravel operations or large distribution centers
 - b) On corridors where turn lane construction has been the standard practice on past improvement projects, creating a level of expectation among motorists for turn lanes
3. Where justified based on crash experience within the corridor:
 - a) A turn lane should be considered at any access point that has a demonstrated history of crashes susceptible to correction by installation of a turn lane
4. Where warranted by vehicular volume
 - a) In rural areas, consider construction of right turn lanes at all public street intersections where speeds are at or greater than 40 miles per hour and existing or projected mainline volumes are greater than 1,500 vehicles per day.
 - b) In rural areas, when a private access is requested, a right turn lane should be provided where
 - a. The access will serve more than ten residential units.
 - b. The access will serve a retail/industrial area that generates more than 75 right turns per day.
 - c) In urban areas, applicants should refer to the Table 4-9 from the ROCOG 2035 Long Range Transportation Plan (reproduced below) , for guidance on when turn lanes are required

Table 4-9: Guidelines for Turn Lane Requirements in Urban Areas

STREET CLASS	Projected Through Lane Capacity Along Roadway	Projected Volume	INTERSECTION TURN LANES REQUIRED					
			Intersecting Expressway		Intersecting Other Major Arterial or above		Intersecting Secondary Arterial or Below	
			LEFT	RIGHT	LEFT	RIGHT	LEFT	RIGHT
Expressway	5-6 lanes	>35,000	2	1	2	1	1	1
	4-5 lanes	25-35,000	2	1	1	1	1	1
	4 lanes	<25,000	1	1	1	1	1	1
Other	5-6 lanes	>40,000	2	1	2	1	1	1
Major Arterial Or Higher Functional Class	4 lanes	>30,000	2	1	1	1	1	1
		<30,000	2	1	1	1	1	1
	2 / 2+TL / 3 lanes	>5000	1	1	1	1	1	1
		< 5000	1	1	1	Not Required	1	Not Required
Below Major Arterial Functional Class	2+TL / 3 / 4 lanes	>7500	1	1	1	1	1	Not Required
		< 7500	1	Not Req	1	Not Required	Not Required	Not Required
	2 lanes	> 2500	1	1	1	1	Not Required	Not Required
		< 2500	1	Not Req	Not Required	Not Required	Not Required	Not Required
Freeway Frontage Rds	3-4 lanes	>10,000	2	1	1	1	1	1
	2 lanes	<10,000	1	1	1	Not Required	1	Not Required

7.03.1 Contribution in lieu of construction of Turn Lanes

If a turn lane or bypass lane cannot be constructed due to existing right of way limitations, or incorporation of the construction into a future county capital improvement project is justified, the Town Board of Supervisors may require the applicant to pay into an escrow account an amount determined to be adequate to cover the cost of such installation once the needed right of way has been secured or public project is developed.

7.05 Interchange Management Areas

The location and spacing of access connections and median openings within 1/4 mile of an interchange ramp or along a section of township road that crosses an interchange extending from the interchange to the first intersection with an arterial road (whichever distance is less) shall be based on the guidelines for Interchange Management Areas contained in Chapter 4B, Roadway Network Management Guidelines, of the ROCOG 2035 Long Range Transportation Plan.

7.06 Requirements for Business and Retail Centers or Multi-Family Residential Complexes

Development sites consisting of multiple structures under the same ownership or consolidated for the purposes of site development shall not be considered separate properties in relation to the standards of this ordinance. The number of access connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available based on the existing frontage. Direct access for buildings should be internalized within the site using a shared circulation system that is designed to avoid excessive conflict between circulating traffic and parking maneuvers. Access control limiting direct access for individual building sites within the center or complex to the township roadway shall be dedicated to the Town as part of the development approval process and recorded with the deed at the Olmsted County Recorder.

SECTION 8: MODIFICATION OF STANDARDS

8.01 Modifications to Spacing Standards Approvable by the Town Board of Supervisors.

Deviations up to 200 feet may be authorized by the Town Board of Supervisors where a property is unable to meet the minimum access connection spacing standards and where this deviation will not create a safety problem.

The Town Board of Supervisors may also approve a second access connection for parcel under single ownership where, due to restrictions created by topography or natural features such as a river or bluff, the parcel is effectively split for purposes of use into two separate and non-connected land areas that cannot be reasonably connected internally for access purposes.

The Town Board may attach conditions to the approval of a request as deemed necessary to promote the spirit and intent of this ordinance, including but not limited to:

- a) The access may be approved as an interim access to be phased out at a future time; or
- b) Certain turning movements to and from the access may be restricted at the time of construction or at a future date, based upon existing or anticipated traffic volumes; or
- c) The access may be required to serve existing or future adjacent property by means of a shared entrance or cross access easement.
- d) Other conditions based on the conclusions and recommendations of a traffic impact study or review by the County Highway Engineer.

SECTION 9: NONCONFORMING ACCESS

9.01 Purpose

The purpose of this section is to recognize the existence of access connections which were lawful when established but do not meet the requirements of this ordinance, to discourage the expansion and/or intensification of such access, and to encourage the elimination of non-conforming accesses or reduce their negative impacts on the township road system as the opportunity to do so arises.

9.02 Continuation of Nonconforming Access

Access connections in place as of the effective date of this ordinance that do not conform with the standards shall be allowed to continue as long as there is no physical change in the access, change in the land use served by the access, or intensification of the land use served by the access. Normal maintenance and repair of the access shall not be considered to be a physical change in the access.

9.03 Discontinuation of Nonconforming Access

If the use of a non-conforming access is discontinued for more than one year, the access shall not be re-established unless approval of an access permit is obtained.

Section 10: Cultivation and Landscaping.

10.01. **Cultivation.** No person may cultivate, plant, harvest, or maintain agricultural crops, trees, bushes, or shrubs within a Right-of-Way.

10.02. **Landscaping.** No person may cultivate, plant, or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a road or

otherwise interferes with, obstructs, or renders dangerous for passage a Right-of-Way. No person may place watering systems or sprinkler heads within a Right-of-Way.

Section 11: Obstructions and Junk.

11.01. **Obstructions.** No person may place, maintain, or allow any obstruction in a Right-of-Way other than those specifically permitted by this ordinance, by state law or rule, or by written approval of the Board. Items prohibited by this section include, but are not limited to, fences, posts, structures, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items that interfere with the safe use or the maintenance of the Right-of-Way. No person shall park a functioning vehicle in a Right-of-Way in such a way as to unreasonably interfere with the safe use of a road or the maintenance of the Right-of-Way.

11.02. **Junk.**

No person shall place or maintain Junk in a Right-of-Way.

Section 12: Alteration of Grade.

12.01. No person may alter or change the depth or contour of any portion of any ditch or embankment in a Right-of-Way without written approval of the Board.

Section 13: Mailboxes, Signs and Newspaper Boxes.

13.01. **Mailboxes.** Mailboxes and newspaper boxes are permitted within a Right-of-Way if they do not interfere with, obstruct, or render dangerous for passage a road. Mailboxes placed within a Right-of-Way must comply with all of the standards in Minnesota Rules chapter 8818. The Board may remove and replace mailboxes at owner's expense that do not comply with the standards as provided in Minnesota Statute section 169.072.

13.02. **Signs.** No sign of any nature may be placed or allowed to remain in any Right-of-Way except an official traffic sign placed by a governmental authority or other signage expressly permitted by state law.

Section 14: Approaches and Headwalls.

14.01. **Approaches.** No person may construct or reconstruct any approach to a road without first obtaining approval by the Board. A person may be required to submit a map or drawing of the existing or proposed approach when seeking approval.

14.02. **Culverts.** A person constructs or reconstruction an approach may be required to install a culvert meeting the specifications set out by the Board if the Board determines a culvert is necessary for suitable approach to the road and to promote adequate drainage of the Right-of-Way.

14.03. **Costs.** A person constructing or reconstructing an approach to an existing road shall be responsible for paying all of the costs related thereto, including the cost of seeking all necessary approvals and the cost of a culvert if one is required. Property owners are responsible for maintaining all approaches and associated culverts on their property at their own cost.

14.04. **Headwalls.** No person may construct or reconstruct any headwall in a way that interferes with the safe use or maintenance of a Right-of-Way.

Section 15: Town and Contractors.

15.01 The prohibitions, requirements, and restrictions contained in this ordinance do not apply to: the Town; town officers, employees, or agents while operating within the course and scope of their duties for the Town; or contractors while performing services within the scope of a contract with the Town.

Section 16: Permission.

16.01. **Limitations.** Any person receiving permission or a permit from the Board as provided in this ordinance must comply with all applicable federal, state, and local laws and rules as well as all applicable Town ordinances, resolutions, specifications, regulations, and policies. Any person receiving permission or a permit must comply with all conditions, requirements, and limitations the Board expresses as part of the permission or permit. Failure to comply with any of the Conditions', requirements, or limitations shall void the permission or permit and could place the person in violation of this ordinance.

