

SECTION 05-04 PREMATURE SUBDIVISIONS

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Section 05-04-01. Qualification. Any preliminary plat/final plat of a proposed subdivision and/or development deemed premature shall be denied by the City Council.

Section 05-04-02. Condition Establishing Premature Subdivisions. A subdivision may be deemed premature should any one or more of the conditions set forth in the following provisions exist:

- A. Lack of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:
 - 1. Surface or subsurface water retention/detention and runoff is such that it constitutes a danger to the structural security of the proposed development, or flood of the subdivision or downstream property.
 - 2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
 - 3. The proposed site grading and development will cause siltation on downstream land.

Factors to be considered in making these determinations shall include, but shall not be limited to: average rainfall for the area; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

- B. Lack of Adequate Water Supply: A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- C. Lack of Adequate Streets to Serve the Subdivision: A proposed subdivision shall be deemed to lack adequate streets to serve the subdivision when:
 - 1. Streets which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or aggravate an already hazardous condition, and

when, with due regard to the advice of the City Engineer, Wright County, and/or the Minnesota Department of Transportation, said streets are inadequate for the intended use; or;

2. The traffic volume generated by the proposed subdivision would create unreasonable traffic congestion or unsafe conditions on streets existing at the time of the application or proposed for completion within the next two (2) years.
- D. Lack of Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which public sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five (5) years; or if in a subdivision where sewer lines are neither available nor proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Howard Lake Comprehensive Plan, as may be amended.
- E. Public Service Capacity: A proposed subdivision shall be determined to lack necessary public service capacity when services such as recreational facilities, schools, police and fire protection, building inspection and other public facilities, which must be provided at public expense, cannot reasonably be provided for within the next two (2) years.
- F. Threat to Environmentally Sensitive Areas: The proposed subdivision is inconsistent with policies and standards of the City, the County, the State, or Federal Government relating to environmentally sensitive areas and protections.
- G. Inconsistency With Comprehensive Plan: The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Howard Lake, as may be amended.

Section 05-04-03. Burden of Establishing. The burden shall be upon the applicant to show that the proposed subdivision is not premature.