

SECTION 4

PREMATURE SUBDIVISIONS

SECTION:

- 21-4-1: Qualification
- 21-4-2: Condition establishing Premature Subdivisions
- 21-4-3: Burden of Establishing

21-4-1: QUALIFICATION: Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

21-4-2: 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 relation of the land to flood plains; the nature of soils and sub-soils 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 Roads or Highways to Serve the Subdivision: A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
1. Roads 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 roads 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 highways 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:
1. In subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Otsego Comprehensive Plan, as may be amended.
 2. Soil tests, drain field areas or other such factors relating to on-site waste disposal systems are judged as inadequate for the use proposed.
- E. Providing Public Improvements: If public improvements, such as recreational facilities, streets and utilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be provided for within the next two (2) fiscal years.
- F. Threat to Environmentally Essential 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 Otsego, as may be amended.

21-4-3: BURDEN OF ESTABLISHING: The burden shall be upon the applicant to show that the proposed subdivision is not premature.