

§ 151.05 PREMATURE; SUBDIVISIONS.

Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

(A) *Condition establishing premature subdivisions.* A subdivision may be deemed premature should any of the conditions, set forth in the provisions which follow, exist.

(1) *Lack of adequate drainage.* A condition of inadequate drainage shall be deemed to exist if:

(a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.

(b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.

(c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.

(d) Factors to be considered in making these determinations may include: average rainfall for the area, the relation of the land to flood plains, 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.

(2) *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.

(3) *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:

(a) 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 seriously aggravate an already hazardous condition, and when, with due regard to the advice of LeSueur County and/or the Minnesota Department of Transportation, the roads are inadequate for the intended use.

(b) The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two years.

(4) *Lack of adequate waste disposal systems.* A proposed subdivision shall be deemed to lack adequate waste disposal systems if 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 after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five years; or if in subdivisions 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 Waterville comprehensive plan, as may be amended.

(5) *Inconsistency with comprehensive plan.* The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted comprehensive plan as may be amended.

(6) *Providing public improvements.* If public improvements, such as recreational or other public facilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be reasonably provided, for within the next two fiscal years.

(7) *MEQC policies.* The proposed subdivision is inconsistent with the policies of MEQC 25, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council in violation of federal and state historical preservation laws.

(B) *Burden of establishing.* The burden shall be upon the applicant to show that the proposed subdivision is not premature.
(Ord. passed - -)