

Chapter 9 PREMATURE SUBDIVISIONS

SECTION:

XX-9-1: Purpose

XX-9-2: Premature Subdivisions

XX-9-3: Burden of Establishing

XX-9-1: PURPOSE: The purpose of this section is to establish criteria for when a proposed subdivision may be deemed premature for development and not approved so as to protect public health, safety, and general welfare of the town. (Ord. 910, 18 Apr 22)

XX-9-2: PREMATURE SUBDIVISIONS: The planning commission may recommend and the town board may not approve a proposed subdivision if one or more of the following conditions are not met:

- A. **Consistency with Comprehensive Plan:** A proposed subdivision shall be consistent with the goals, policies, and recommendations of the Comprehensive Plan and subdivisions that follow planned public improvement corridors or constitute an infilling of development shall be deemed consistent with the town comprehensive plan.
- B. **Adequate Waste Disposal Systems:** A proposed subdivision shall be deemed to have adequate waste disposal systems if there is adequate on-site sewer capacity potential within each of the proposed lots to support the development if constructed to the maximum permissible density allowed by the town comprehensive plan.
- C. **Adequate Water Supply:** A proposed subdivision shall be deemed to have an adequate water supply if the proposed development has adequate sources of water from private wells to serve the proposed development if constructed to its maximum permissible density allowed by the town comprehensive plan without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- D. **Adequate Stormwater Management:** A proposed subdivision shall provide for adequate management and treatment of stormwater if:
 - 1. Surface or subsurface water retention and runoff is such that it does not constitute a danger to the structural security of structures within the proposed development.
 - 2. Structures within the proposed development will not result in pollution of water sources from erosion and siltation.

3. The proposed development and related site grading will not cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
 4. Factors to be considered in making these determinations shall include, but is not limited to, average rainfall for the area; the relation of the land to the floodplain; 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.
- E. Adequate Roads: A proposed subdivision shall be deemed to have adequate roads to serve the development when:
1. Roads that serve the proposed development 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 development will not create a hazard to public safety and general welfare, not aggravate an already hazardous condition, and when, with due regard to the advice of Sherburn county and/or the department of transportation, said roads are appropriate for the intended use.
 2. The traffic volume generated by the proposed development would not create unreasonable congestion or unsafe conditions on roads existing at the time of the application or proposed for completion within the next two years.
- F. Adequate Public Service Capacity: A proposed subdivision shall be determined to have necessary public service capacity when police protection, fire protection, and other public facilities and services of the town that must be provided at public expenses can reasonably be provided for within the next two years.
- G. Consistency with the Capital Improvement Plans: A proposed subdivision shall be deemed consistent with the town's capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have been programmed by town, county, state or that a revision to established capital improvement programs can be accommodated. (Ord. 910, 18 Apr 22)

XX-9-3: BURDEN OF ESTABLISHING: The applicant shall be responsible for demonstrating to the satisfaction of the town board that the proposed subdivision is not premature. (Ord. 910, 18 Apr 22)