

STAFF REPORT
May 7, 2009

No. 09SR025 - SDCL 11-6-19 Review to allow an access road to cross a section line **ITEM 9**

GENERAL INFORMATION:

APPLICANT/AGENT	Cody Schad
PROPERTY OWNER	Cody Schad, Pat Hall/Spring Creek Jewel Property, LLC
REQUEST	No. 09SR025 - SDCL 11-6-19 Review to allow an access road to cross a section line
EXISTING LEGAL DESCRIPTION	Lot 2 of Bighorn Sheep Preserve of Section 7, T1S, R7E, BHM and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 48.55
LOCATION	At the northern terminus of Strato Bowl Road
EXISTING ZONING	General Agriculture District - General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District - General Agriculture District (Pennington County)
South:	Suburban Residential District - Limited Agriculture District (Pennington County)
East:	Low Density Residential District - General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	3/27/2009
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow an access road to cross a section line be continued to the May 21, 2009 Planning Commission meeting at the applicant's request

GENERAL COMMENTS: (Updated April 27, 2009. All revised and/or added text is shown in bold print.) This item was continued at the April 23, 2009 Planning Commission meeting because the applicant had not submitted the required drainage plan. The property is located in Pennington County northwest of Quartz Canyon Lane and west of Silver Fox Spur. The property is zoned General Agricultural District in Pennington County.

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The property to the north is zoned General Agricultural District in Pennington County. The properties to the south are zoned Suburban Residential District and Limited Agricultural District in Pennington County. The properties to the east are zoned Low Density Residential District and General Agricultural District in Pennington County and the property to the west is zoned General Agricultural District in Pennington County. The Rapid City Comprehensive Plan identifies the future zoning for the properties as Park Forest District. The applicant is proposing to construct an access road across a section line in order to access a future cabin. The City of Rapid City is only reviewing the portion of the access road that crosses the section line.

On August 7, 2008 the Rapid City Planning Commission denied an SDCL 11-6-19 Review to allow the construction of an access road across a section line highway. The previous application was denied because the applicant had not obtained a Flood Plain Development Permit for work that has already been done in the Federally Designated Flood Plain, the applicant had not submitted the required Grading Plan, an Erosion and Sediment Control Plan or a Drainage Plan. In addition, the applicant had an outstanding violation with the Army Corp of Engineers regarding fill materials in the stream.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed access road is located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 and has noted the following considerations:

Flood Plain Development Permit: On October 7, 2008 the applicant obtained a Flood Plain Development Permit from Pennington County. The applicant submitted a copy of the approved permit with this application.

Army Corp of Engineers: On January 29, 2009 the applicant obtained a letter from the Army Corp of Engineers stating that the issues had been resolved regarding the former violation of fill materials in the stream. The applicant submitted a copy of the letter with this application.

Drainage Plan (Updated April 27, 2009.) On April 27, 2009 staff met with the applicant to discuss the required Drainage Plan. During that meeting, the applicant requested that the 11-6-19 Review to allow an access road to cross a section line be continued to the May 21, 2009 Planning Commission meeting.

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The applicant submitted a Storm Water Pollution Prevention Plan with this application. However, the applicant has not submitted a Drainage Plan that is signed and sealed by a registered Professional Engineer. Prior to Planning Commission approval, the applicant must submit a Drainage Plan that is signed and sealed by a registered Professional Engineer. In particular, the Drainage Plan must include calculations demonstrating that runoff from the trail does not flow directly into the creek and is retained in a sediment pond.

Emergency Access: The applicant should be aware that if any residential construction takes place in the future, the access road must be constructed to accommodate emergency vehicles.

Staff Recommends that the SDCL 11-6-19 Review to allow an access road to cross a section line be continued to the April 23, 2009 Planning Commission meeting to allow the applicant to submit the required drainage plan.

Staff Recommends that the SDCL 11-6-19 Review to allow an access road to cross a section line be continued to the May 21, 2009 Planning Commission meeting at the applicant's request.