

STAFF REPORT  
November 4, 2010

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**No. 10PL077 - Layout Plat**

**ITEM 18**

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GENERAL INFORMATION:

APPLICANT	Ian and Amanda Vidinha
AGENT	Bryan Vulcan for FourFront Design, Inc.
PROPERTY OWNER	Ian Vidinha and Eddie Rykema
REQUEST	<b>No. 10PL077 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	That part of Common Lot 1 of Block 1 of Canyon Springs Preserve located in the NE1/4 SW1/4, Section 23, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 89 of Canyon Springs Preserve
PARCEL ACREAGE	Approximately 5 acres
LOCATION	Northwest of the intersection of Nemo Road and North Emerald Ridge Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Planned Unit Development (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Community water system and private on-site wastewater
DATE OF APPLICATION	10/4/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Layout Plat be approved with the following stipulations:

1. Prior to Planning Commission approval of the Layout Plat, the applicant shall submit a revised site plan for review and approval showing the location of the existing utilities, fire hydrant, drainage ways, the approach to the proposed lot and the adjacent driveway(s) located on the east side of Nemo Road;
2. Prior to City Council approval of the Layout Plat, the applicant shall amend the Planned Unit Development with Pennington County to allow the proposed additional residential lot;
3. Upon submittal of a Preliminary Plat application, road construction plans for Nemo Road

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- shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, dry sewer mains shall be provided in accordance with Section 16.16.050 of the Rapid City Municipal Code;
  5. Upon submittal of a Preliminary Plat application, the applicant shall submit a copy of an approved Operating Permit from Pennington County to insure that the existing wastewater system has been constructed in accordance with Pennington County's On-site Wastewater Treatment Systems Ordinance and the previously approved Planned Unit Development by Pennington County;
  6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, an on-site water plan prepared by a Professional Engineer for the existing water service provided by Canyon Springs Preserve LLC shall be submitted for review and approval to demonstrate that adequate fire and domestic flows are being provided and in compliance with the Planned Unit Development previously approved by Pennington County;
  7. Upon submittal of a Preliminary Plat application, the applicant shall identify the use(s) of the two remaining balances of the Common Area 1 located south of proposed Lot 89 adjacent to Nemo Road and located between Lots 3 and 4 of Canyon Springs Preserve. In addition, miscellaneous documents shall be recorded as needed securing the use of these areas as pedestrian access, utility easements and/or drainage easements;
  8. Upon submittal of a Preliminary Plat application, a drainage plan addressing the stormwater discharge from the Canyon Springs Preserve development shall be submitted for review and approval. In particular, the drainage plan shall identify the maximum limits of the drainage way through the proposed lot and secure within a Major Drainage Easement. In addition, stormwater and channel calculations shall be submitted for review and approval. Drainage easements shall also be secured as needed;
  9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the areas of periodic inundation. In particular, the areas of floodway as per the Federal Emergency Management Agency Floodplain maps shall be secured within a Major Drainage Easement;
  10. Upon submittal of a Preliminary Plat application, a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
  11. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
  12. Upon submittal of a Preliminary Plat application, the plat document shall be revised to include the previously platted note for Canyon Springs Preserve which states: "Prior to obtaining a Building Permit for a residence on any of the lots, two suitable on-site wastewater system areas shall be identified with accompanying percolation tests and soil

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profiles certified by a Registered Professional Engineer. Any septic system to be located on any of the properties shall be designed and certified by a Registered Professional Engineer based on specific soil and geologic conditions. Soil profiles shall show that proper soil separation can be obtained as outlined in State Administrative Rule 74:53:01:32. If the percolation and soil profile information do not meet these requirements an alternative system approved by the South Dakota Department of Environment and Natural Resources may be used. As a last resort, Pennington County may approve the use of holding tanks”;

13. Upon submittal of a Preliminary Plat application, the plat title document shall be revised to read “Lot 89 of Block 1 of Canyon Springs Preserve (formerly a portion of Common Area 1 of Block 1 of Canyon Springs Preserve) located in NE1/4SE1/4....” In addition, the plat document shall be revised to include the Certificate of Finance Officer certifying the Growth Management Director’s approval of the Final Plat;
14. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
15. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
16. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Nemo Road;
17. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Nemo Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
18. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
19. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
20. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

**GENERAL COMMENTS:**

The applicant has submitted a Layout Plat to create a 5.11 acre lot leaving a 10.19 acre non-transferable balance. The subdivision is to be known as “Lot 89 of Block 1 of Canyon Springs Preserve”.

The property is located approximately 300 feet north of the intersection of North Emerald Ridge Road and Nemo Road on the west side of Nemo Road. Currently, a single family residence, a detached garage, a barn, a chicken coop and a pump house are located on proposed Lot 89. The balance of the property is currently void of any structural development.

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The Layout Plat is an informal preliminary review of a proposed subdivision to identify any major issues prior to platting. It is intended to provide the subdivider with an informal process where major issues may be identified and general agreements may be reached with Rapid City as to the form of the plat. Comments regarding the Layout Plat are based on the level of detail provided. All specific details of the subdivision may not be addressed as part of the Layout Plat approval but the major concerns and issues are identified based on the information provided. All applicable Subdivision Regulations, Zoning Regulations, Street Design Criteria Manual, and any other applicable regulations will need to be met as part of the Preliminary and Final Plat. Any waiver from the Rapid City Municipal Code or the Street Design Criteria Manual will require a formal variance request or a special exception whichever is applicable.

**STAFF REVIEW:**

Staff has reviewed the Layout Plat and has noted the following stipulations:

**Zoning:** The property is currently zoned Planned Unit Development by Pennington County. The Pennington County Planning Department has indicated that the Planned Unit Development must be amended to allow the additional residential lot and to adjust the size of the common area required as a part of the development. Staff recommends that prior to City Council approval of the Layout Plat, the applicant amend the Planned Unit Development with Pennington County to allow the proposed additional residential lot.

**Site Plan:** The applicant has submitted a site plan showing the location of the existing house, garage, barn, chicken coop and pump house. The site plan must be revised to include the existing utilities, fire hydrant, drainage ways, the approach to the proposed lot and the adjacent driveway(s) located on the east side of Nemo Road. Since this information is required to be submitted with the Layout Plat application, staff recommends that the revised site plan be submitted for review and approval prior to Planning Commission approval of the Layout Plat.

**Common Area:** Platting Lot 89 from the existing "Common Area Lot 1" results in balances of the Common Area Lot located north and south of proposed Lot 89. It appears that the remaining balance(s) located south of Lot 89 adjacent to Nemo Road and between Lots 3 and 4 of Block 1 of Canyon Springs Preserve are smaller areas with limited development potential. In particular, it appears that these areas are currently being used for drainage, utilities and/or pedestrian walkways.

Staff recommends that upon submittal of a Preliminary Plat application, the applicant identify the use(s) of the two remaining balances of the Common Area Lot located south of proposed Lot 89 adjacent to Nemo Road and located between Lots 3 and 4 of Block 1 of Canyon Springs Preserve. In addition, miscellaneous documents must be recorded securing the use of these areas as pedestrian access, utility easements and/or drainage easements to insure that future residential development is not proposed within these areas.

**Nemo Road:** Nemo Road is located along the east lot line of the property and is classified as a principle arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Nemo Road is located

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in a 100 foot wide right-of-way with an approximate 24 foot wide paved surface. Staff recommends that upon submittal of a Preliminary Plat application, road construction plans for Nemo Road be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Sewer: The applicant has indicated that the existing home is currently served by a "Class I Wastewater Treatment Plant manufactured by Ecological Tanks, Inc.". The applicant has also indicated that the system was previously approved by the Pennington County Planning Department and the State of South Dakota Department of Environment and Natural Resources. Chapter 16.16.050 of the Rapid City Municipal Code states that "sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdictions in accordance with City specifications". This requires that a sewer main to be constructed along Nemo Road as it abuts the property.

Staff recommends that upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer main(s) and service line(s) be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The applicant should be aware that dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim in accordance with the provisions of Chapter 16.16.050 of the Rapid City Municipal Code. The recently completed Source Water Protection Study recommends the installation of dry sewer mains in accordance with the adopted City Standards rather than approving Variances to waive the requirement to insure connection to a central sewer system once the adjacent properties develop and the dry sewer can be connected to the City's system. In addition, the Rapid City's Master Utility Plan identifies the property within "Tier One" indicating that the property is in the area where public sewer is anticipated to be extended within 20 years.

Staff also recommends that upon submittal of a Preliminary Plat application, the applicant submit a copy of an approved Operating Permit from Pennington County to insure that the existing wastewater system has been constructed in accordance with Pennington County's On-site Wastewater Treatment Systems Ordinance and the previously approved Planned Unit Development by Pennington County.

A note on the previously approved plat for Canyon Springs Preserve, which included this property, states: "Prior to obtaining a Building Permit for a residence on any of the lots, two suitable on-site wastewater system areas shall be identified with accompanying percolation tests and soil profiles certified by a Registered Professional Engineer. Any septic system to be located on any of the properties shall be designed and certified by a Registered Professional Engineer based on specific soil and geologic conditions. Soil profiles shall show that proper soil separation can be obtained as outlined in State Administrative Rule 74:53:01:32. If the percolation and soil profile information do not meet these requirements an alternative system approved by the South Dakota Department of Environment and Natural Resources may be used. As a last resort, Pennington County may approve the use of holding tanks". Staff recommends that upon Preliminary Plat application, the plat document be revised to include the previously required note.

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The Pennington County Planning Department has also indicated that upon submittal of a Final Plat application, a reserve area must be shown or a note must be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided.

Water: The applicant has indicated that water service is provided to the proposed lot by the Canyon Springs Preserve, LLC public water system. In particular, the applicant has indicated that a one inch water service line is extended to the site. The applicant has also indicated that a fire hydrant is located within 430 feet of the house. Chapter 16.16.040 states that the design and specifications of the water distribution system shall meet Rapid City requirements. As such, staff recommends that upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, an on-site water plan prepared by a Professional Engineer for the existing water service provided by Canyon Springs Preserve LLC must be submitted for review and approval to demonstrate that adequate fire and domestic flows are being provided and in compliance with the Planned Unit Development previously approved by Pennington County.

Drainage/Floodplain: Drainage from Canyon Springs Preserve discharges into the ditch located along the west side of Nemo Road and flows across the proposed lot. As such, the applicant must identify the maximum limits of the drainage way through the proposed lot and secure this area within a Major Drainage Easement. In addition, stormwater and channel calculations must be submitted.

Staff recommends that upon submittal of a Preliminary Plat application, a drainage plan addressing the stormwater discharge from the Canyon Springs Preserve development as noted above must be submitted for review and approval. In addition, drainage easements must be secured as needed.

Areas of the property are also located within the 100 year Federally designated floodplain. As such, upon submittal of a Preliminary Plat application, the plat document must be revised to show the areas of periodic inundation. In particular, the areas of floodway as shown on the Federal Emergency Management Agency Floodplain maps must be secured within a Major Drainage Easement.

Stormwater Management Plan: The City Council recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

Inspection Fees and Surety: Chapter 16.20.080 of the Rapid City Municipal Code states that before any Final Plat is approved, an additional fee shall be paid to the City to cover the costs of inspection of the subdivision improvements required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be

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posted. Upon submittal of a Final Plat application, surety must be posted and subdivision inspection fees be paid as required.

Warranty Surety: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. Prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

The proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.