

STAFF REPORT  
August 27, 2015

**No. 15PL066 - Preliminary Subdivision Plan**

GENERAL INFORMATION:

APPLICANT	Joseph L. Theberge
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	Joseph L. Theberge
REQUEST	<b>No. 15PL066 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	The W1/2 of the NW1/4 of the NW1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 1 and 2 of Joseph's Subdivision
PARCEL ACREAGE	Approximately 10.081 acres
LOCATION	8105 W. Highway 44
EXISTING ZONING	General Agricultural District (Pennington County)
FUTURE LAND USE DESIGNATION	Forest Conservation
SURROUNDING ZONING	
North:	General Agricultural District (Pennington County)
South:	Limited Agricultural District (Pennington County)
East:	Limited Agricultural District (Pennington County)
West:	Limited Agricultural District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	July 31, 2015
REVIEWED BY	Vicki L. Fisher / Dan Kools

RECOMMENDATION:

Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the north lot line shall be submitted for review and approval showing the street constructed with a minimum 26 foot pavement width, curb, gutter, sidewalk, street light conduit, dry sewer and water or prior to submittal of a Development Engineering Plan application, the section line highway shall be vacated by Pennington County or an Exception shall be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception shall be submitted with the

STAFF REPORT  
August 27, 2015

**No. 15PL066 - Preliminary Subdivision Plan**

- Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the west lot line shall be submitted for review and approval showing the street constructed with a minimum 26 foot pavement width, curb, gutter, sidewalk, street light conduit, dry sewer and water or an Exception shall be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application
  3. Upon submittal of a Development Engineering Plan application, documentation shall be provided demonstrating that the existing on-site wastewater system located on proposed Lot 1 has been permitted by Pennington County;
  4. Upon submittal of a Development Engineering Plan application, soils data for proposed Lot 2 shall be provided demonstrating that the soils are suitable for an on-site wastewater system;
  5. Upon submittal of a Development Engineering Plan application, water testing data for proposed Lot 2 shall be provided demonstrating that potable water is present;
  6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the City's Drainage Standards shall be submitted for review and approval if subdivision improvements are required. In addition, the plat document shall be revised to provide drainage easements as necessary;
  7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required;
  8. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Registered Professional Engineer;
  9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
  10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;
  11. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures;
  12. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Limited Agriculture District by Pennington County or a Variance shall be obtained to waive the minimum lot size requirement. Upon submittal of a Final Plat application, documentation shall be provided showing the actions of the Pennington County Commissioners and/or the Pennington County Zoning Board of Adjustment;
  13. Prior to submittal of a Final Plat application, the plat document shall be revised to include the following note: "Prior to obtaining a permit or constructing any structure, petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a

STAFF REPORT  
August 27, 2015

**No. 15PL066 - Preliminary Subdivision Plan**

Registered Professional Engineer shall be submitted and approved by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified Professional Engineer to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations”;

14. Prior to submittal of a Final Plat application, the shed located within the section line highway along the north lot line shall be removed from the section line highway. In addition, the shed shall be located outside of the minimum 25 foot setback to the section line highway or a Variance from the Pennington County Zoning Board of Adjustment shall be obtained. If a Variance is obtained, a copy of the actions of the Zoning Board of Adjustment shall be submitted with the Final Plat application;
15. Upon submittal of a Final Plat application, a Road Maintenance Agreement shall be submitted for recording;
16. 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; and,
17. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

**GENERAL COMMENTS:**

The applicant is proposing to subdivide an approximate 20 acre parcel into two lots. The lots will be sized 10.081 acres and 10.090 acres, respectively, and will be known as Lots 1 and 2 of Joseph’s Subdivision.

The property is located outside of the City limits of Rapid City but within the City’s three mile platting jurisdiction. Currently, a single family residence, a shop, a barn and a shed are located on proposed Lot 1. Proposed Lot 2 is void of any structural development.

A Preliminary Subdivision Plan is a tentative plan of a proposed subdivision requiring the installation of public improvements. Approval of a Preliminary Subdivision Plan by the City Council is required before an applicant can proceed with Development Engineering Plans and a Final Plat application for all or part of the area within the Preliminary Subdivision Plan application.

**STAFF REVIEW:**

Staff has reviewed the Preliminary Subdivision Plan and has noted the following considerations:

**Zoning:** The property is currently zoned General Agriculture District by Pennington County. The General Agriculture District requires a minimum 40 acre lot size. The proposed lots do not meet the minimum lot size requirement of the district. As such, prior to submittal of a Final Plat application, the property must be rezoned from General Agriculture District to Limited Agriculture District by Pennington County or a Variance must be obtained to waive the minimum lot size requirement. Upon submittal of a Final Plat application, documentation

STAFF REPORT  
August 27, 2015

---

**No. 15PL066 - Preliminary Subdivision Plan**

---

must be provided showing the actions of the Pennington County Commissioners and/or the Pennington County Zoning Board of Adjustment.

Structural Development: As previously noted, a single family residence, a shop, a barn and a shed are currently located on proposed Lot 1. The shed is located within a section line highway that extends along the north lot line of the property. As such, prior to submittal of a Final Plat application, the shed must be removed from the section line highway. In addition, the shed must be located outside of the minimum 25 foot setback to the section line highway or a Variance from the Pennington County Zoning Board of Adjustment must be obtained. If a Variance is obtained, a copy of the actions of the Zoning Board of Adjustment must be submitted with the Final Plat application.

East-West Section Line Highway: An east-west section line highway is located along the north lot line of the property and is classified as a local street requiring that the street be located within a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway must be submitted for review and approval as identified or prior to submittal of a Development Engineering Plan application, the section line highway must be vacated by Pennington County or an Exception must be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

North-South Section Line Highway: A north-south section line highway is located along the west lot line and currently serves as access to the property. The section line highway is classified as a local street requiring that the street be located within a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway must be submitted for review and approval as identified or an Exception must be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Water/Sewer: Currently, a well and a septic tank and drainfield located on proposed Lot 1 serve the existing single family residence also located on proposed Lot 1. The applicant has indicated that a private well and similar on-site wastewater system will serve future development on proposed Lot 2. Upon submittal of a Development Engineering Plan application, documentation must be provided demonstrating that the existing on-site wastewater system located on proposed Lot 1 has been permitted by Pennington County. In addition, soils data for proposed Lot 2 must be provided demonstrating that the soils are suitable for an on-site wastewater system. Water testing data for proposed Lot 2 must also be provided demonstrating that potable water is present.

Staff also recommends that the following note be placed on the plat prior to submittal of a Final Plat application: "Prior to obtaining a permit or constructing any structure, petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a Registered Professional Engineer shall be submitted and approved by the City of Rapid City or

STAFF REPORT  
August 27, 2015

---

**No. 15PL066 - Preliminary Subdivision Plan**

---

Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified Professional Engineer to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations”;

Fire Department: The Rapid City Fire Department has indicated that due to the rural location of the subdivision and that water is not available to support required fire flows for residential development, residential fire sprinkler protection must be designed and install as per NFPA 13D throughout all new residential structures. As such, upon submittal of a Final Plat application, a Covenant Agreement must be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as identified.

Development Agreement: Chapter 16.12.040 of the Rapid City Municipal Code states that a Development Agreement may be required for construction approval. A Development Agreement is a tool which will provide the City and the developer with an instrument to document the financial and procedural requirements for the development of public improvements. Staff recommends that prior to approval of the Development Engineering Plan application, a Development Agreement must be entered into with the City for all public improvements if applicable.

Stormwater Management Plan: The City Council has adopted a Stormwater Quality Manual and an Infrastructure Design Criteria Manual which provide criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria 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.

Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.