

STAFF REPORT  
February 25, 2016

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**No. 16PL007 - Preliminary Subdivision Plan**

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GENERAL INFORMATION:

APPLICANT	Kevin Thom
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Allan Dewald
REQUEST	<b>No. 16PL007 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in the Southwest One Quarter of the Northwest One Quarter (SW <math>\frac{1}{4}</math> NW <math>\frac{1}{4}</math>) of Section Twelve (12) in Township One North (T1N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, to be known as Lot C of Dewald's Subdivision and more fully described as follows: Commencing at the northwest corner of said Section Twelve (12) in Township One North (T1N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said corner being common to the southwest corner of Section One (1), the southeast corner of Section Two (2) and the northeast corner of Section Eleven (11) in said Township One North (T1N), Range Six East (R6E), and said corner being marked with an original stone; Thence, southerly on the common section line of said Sections Twelve (12) and Eleven (11), South 00 degrees 07 minutes 00 seconds East a distance of 1317.33 feet more or less to the point of beginning, said point being located on the 1/16th section line and also known as the north 1/16th corner common to said Sections Eleven (11) and Twelve (12) and said point being marked by a rebar with survey cap LS 1771; thence, South 77 degrees 00 minutes 38 seconds East a distance of 880.00 feet more or less to a point marked by a rebar with survey cap LS 6565; thence, South 17 degrees 57 minutes 30 seconds East a distance of 295.31 feet more or less to a point marked by a rebar with survey cap LS 6565; thence, South 4 degrees 36 minutes 31 seconds West a distance of 193.73 feet more or less to a point marked by a rebar with survey cap LS 6565; thence, South 30 degrees 35 minutes 14 seconds West a distance of 747.00 feet more or less to a point on the <math>\frac{1}{4}</math> section line and said point being marked by a rebar with survey cap LS 6565; thence, westerly on the <math>\frac{1}{4}</math> section line South 89 degrees 44 minutes 46 seconds West a distance of 550.00 feet</p>

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more or less to the west  $\frac{1}{4}$  corner of said Section Twelve (12), said point being located on the section line common to said Sections Eleven (11) and Twelve (12) and being marked by a USFS aluminum monument; thence, northerly on the section line common to said Sections Eleven (11) and Twelve (12), North 0 degrees 07 minutes 10 seconds West a distance of 658.69 feet more or less to a point marked by a rebar with survey cap LS 3835, said point is common to the southeast corner of the North One Half of the Southeast One Quarter of the northeast One quarter (S  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  ) and the northeast corner of the South One Half of the Southeast One Quarter of the Northeast One Quarter (S  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  ) of said Section Eleven (11); thence, continuing northerly on the section line common to said Sections Eleven (11) and Twelve (12), North 00 degrees 07 minutes 46 seconds West a distance of 658.64 feet more or less to the point of beginning

PROPOSED LEGAL DESCRIPTION	Proposed Lot C of Dewald's Subdivision
PARCEL ACREAGE	Approximately 22.88 acres
LOCATION	East of 2667 Cavern Road
EXISTING ZONING	General Agricultural District (Pennington County)
FUTURE LAND USE DESIGNATION	Forest Conservation
SURROUNDING ZONING	
North:	General Agricultural District (Pennington County)
South:	General Agricultural District (Pennington County)
East:	General Agricultural District (Pennington County)
West:	Low Density Residential District (Pennington County)
PUBLIC UTILITIES	On-site water and wastewater
DATE OF APPLICATION	January 29, 2016
REVIEWED BY	Vicki L. Fisher / Dan Kools

**RECOMMENDATION:**

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

1. Prior to submittal of a Final Plat application, the property shall be rezoned by Pennington County to allow a 22.88 acre lot or a lot size Variance shall be obtained from the

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- Pennington County Zoning Board of Adjustment to reduce the minimum lot size requirement in the General Agriculture District from 40 acres to 22.88 acres;
2. Prior to submittal of a Final Plat application, the plat document shall be revised to include the following statement: "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 Pennington County, whoever 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 person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations.";
  3. Upon submittal of a Final Plat application, the applicant shall demonstrate that adequate fire flows are available or as an alternative to providing fire flows, 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;
  4. Upon submittal of a Final Plat application, a Covenant Agreement securing ownership and maintenance of a shared well shall be submitted for review and approval if the property is to be served by a shared well. In addition, the plat document shall be revised to secure utility easements as needed; and,
  5. Upon submittal of a Final Plat application, the proposed Road Maintenance Agreement for the access and utility easement shall be recorded and a copy of the recorded document submitted with the application;

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Subdivision Plan application to create a 22.88 acre lot leaving an unplatted balance. The lot will be known as Lot C of Dewald's Subdivision.

The property is located outside of the City limits but within the City's three mile platting jurisdiction. In particular, the property is located approximately 1,000 feet east of the northern terminus of Cavern Road. Currently, the property 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 which requires a minimum 40 acre lot size. The Pennington County Planning Department

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has indicated that the County is currently reviewing a Comprehensive Plan Amendment to the Future Land Use Plan and a Rezoning request to rezone the property from General Agriculture District to Limited Agricultural District. Prior to submittal of a Final Plat application, the property must be rezoned by Pennington County as proposed or a lot size Variance must be obtained from the Pennington County Zoning Board of Adjustment to reduce the minimum lot size requirement in the General Agriculture District from 40 acres to 22.88 acres.

Access and Utility Easement: An access and utility easement will serve as access to the proposed lot. The easement is classified as a lane place street requiring that it be located in a minimum 52 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted an Exception request to allow the street to be constructed with a minimum 16 foot wide 4 inch gravel surface. Staff has reviewed and approved the Exception request.

The applicant has submitted a copy of a Road Maintenance Agreement for the access and utility easement. Prior to submittal of a Final Plat application, the agreement must be recorded and a copy of the recorded agreement submitted with the Final Plat application.

Section Line Highway: A section line highway is located along the west lot line of the property and is classified as a local street requiring that it be located in a minimum 52 foot wide right and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted an Exception request to waive the requirement to improve the section line highway noting that an application to vacate the section line highway will be submitted to the County in the near future. Staff has reviewed and approved the Exception request.

The applicant should be aware that the Pennington County Planning Department has noted that approval from the Pennington County Board of Commissioners is required prior to construction of the portion of the street to be located in the access and utility easement that crosses the section line highway.

Utilities: The applicant has indicated that the property will be served by a well or cistern and an on-site septic system since there are no public utilities within the area. In addition, the applicant has submitted an Exception request to waive the requirement provide a public water and/or sewer system. Staff has reviewed and approved the request. The applicant should be aware that if the well located on the adjacent lot is utilized as a shared well with this property, then upon submittal of a Final Plat application, a Covenant Agreement securing ownership and maintenance of the shared well must be submitted for review and approval. In addition, utility easements must be secured as needed.

The Infrastructure Design Criteria Manual requires that fire flows be provided at each residential lot. As an alternative to providing fire flows, a Covenant Agreement can 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.

Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable

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Zoning and Subdivision Regulations assuming compliance with the stated stipulations.