

STAFF REPORT
April 7, 2016

No. 16PL026 - Preliminary Subdivision Plan

ITEM 8

GENERAL INFORMATION:

APPLICANT	Mick Harris, Elvira Gillies - Pacifica Loan Pool, LLC
AGENT	Ron Davis - Davis Engineering, Inc.
PROPERTY OWNER	Mick Harris, Elvira Gillies and Pacifica Loan Pool, LLC
REQUEST	No. 16PL026 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	Tract A of Harris Addition; and the unplatted NE1/4 of the SW1/4 of the NW1/4 of the NE1/4; the N1/2 of the SE1/4 of the NW1/4 of the NE1/4; the NW1/4 of the SW1/4 of the NE1/4 of the NE1/4; the E1/2 of the SW1/4 of the NE1/4 of the NE1/4; SE1/4 of the NE1/4 of the NE1/4; the E1/2 of the W1/2 of the SE1/4 of the NE1/4; the NE1/4 of the SE1/4 of the NE1/4; and a portion of the W1/2 of the NW1/4 of the SW1/4; the W1/2 of the E1/2 of the NW1/4 the SW1/4; the east 100 feet of the north 200 feet of the south 365 feet of the NW1/4 of the SW1/4; the S1/2 of the SE1/4 the SE1/4 of the NW1/4 of the SW1/4; the north 200 feet of the south 365 feet of the NE1/4 of the SW1/4; the N1/2 of the SE1/4 Less the W1/2 of the NW1/4 of the NW1/4 of the SE1/4 less the S1/2 of the S1/2 of the S1/2 of the N1/2 of the SE1/4 and Less Harris Addition; the SW1/4 of the SW1/4 Less the 297 feet; all located in Section 16, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Tract 1, Tract 2 and Tract 3 of Elvira Gillies Subdivision
PARCEL ACREAGE	Approximately 93 acres
LOCATION	13860, 13898 and 13880 Windmill Road
EXISTING ZONING	General Agricultural District (Pennington County)
FUTURE LAND USE DESIGNATION	Forest Conservation
SURROUNDING ZONING	
North:	Limited Agricultural District (Pennington County)
South:	Limited Agricultural District (Pennington County)
East:	General Agricultural District (Pennington County) - Limited Agricultural District (Pennington County) Low

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West:	Density Residential District (Pennington County) General Agricultural District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	March 10, 2016
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, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If a private well is proposed to be utilized, then well data from an existing well or a nearby well shall be submitted to show that a well in this area can provide flows sufficient for development or documentation shall be submitted identifying that service will be provided by a water district. 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 upon submittal of a Final Plat application;
2. Upon submittal of a Development Engineering Plan application, documentation shall be provided demonstrating that proposed Tracts 1 and 2 have compliant on-site wastewater treatment systems. In addition, soils data shall be provided for proposed Tract 3 demonstrating that the soils are suitable to support an on-site wastewater system;
3. Upon submittal of a Development Engineering Plan application, construction plans for the 66 foot wide private access easement be submitted for review and approval showing the street constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains or an Exception shall be obtained or the section line highway must be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
5. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval if subdivision improvements are required. The drainage plan shall address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. In addition, the plat document shall be revised to provide drainage easements as necessary;
6. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and

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- the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required;
7. Upon submittal of a Development Engineering Plan application, access across Lot 11 of Kieffer Ranch Estates shall be demonstrated. In addition, a copy of the recorded access easement shall be submitted with the Final Plat application;
 8. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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 Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;
 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;
 11. Prior to submittal of a Final Plat application, the following note shall be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required 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 person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations";
 12. Prior to submittal of a Final Plat application, the plat Certificates shall be revised for a Final Plat in lieu of a Lot Line Adjustment-Consolidation Plat. In addition, the "formerly" portion of the plat title shall be revised to show Tract 3 also as a part of NW1/4SE1/4 of Section 17, T1S, R7E;
 13. Prior to submittal of a Final Plat application, Tract 1 and that portion of Tract 2 zoned General Agriculture District shall be rezoned by Pennington County to meet the minimum lot size requirement or a lot size Variance shall be obtained from the Pennington County Zoning Board of Adjustment to reduce the minimum lot size requirement in the General Agriculture District;
 14. Upon submittal of a Final Plat application, the plat document shall be revised to show the proposed "Tracts" as "Lots";
 15. Upon submittal of a Final Plat application, a Road Maintenance Agreement for the 66 foot wide private access easement 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).

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GENERAL COMMENTS:

The applicant has submitted a Preliminary Subdivision Plan to create three lots, leaving an unplatted balance. The lots will be sized 32.05 acres, 14.43 acres and 47.22 acres, respectively, and are to be known as Tract 1, 2 and 3 of Elvira Gillies Subdivision.

The property is located outside of the City limits of Rapid City but within the City's three mile platting jurisdiction. More particularly, the property is located north and west of Neck Yoke Road, on the north side of Windmill Road. A single family residence is located on proposed Tract 1 and an existing single family residence, garage and shed are located on proposed Tract 2. Tract 3 is currently 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: Proposed Tracts 1 and 3 are currently zoned General Agriculture District by Pennington County. Tract 2 is zoned Limited Agriculture District with the exception of a small portion in the western area of the property which is zoned General Agriculture District. A minimum lot size of 40 acres is required in the General Agriculture District. As previously identified, proposed Tracts 1 and 2 are less than 40 acres. As such, prior to submittal of a Final Plat application, Tract 1 and that portion of Tract 2 zoned General Agriculture District must be rezoned by Pennington County to meet the minimum lot size requirement 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.

66 foot wide private access easement: The proposed plat identifies a 66 foot wide private access easement extending north through Tracts 2 and 3 to the south lot line of Tract 1. The easement is classified as a lane place street requiring that it be located in a minimum 50 foot wide easement and/or right-of-way and constructed with a minimum 24 foot side paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Upon submittal of a Development Engineering Plan application, construction plans for the easement must be submitted for review and approval as identified or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Lot 11, Kieffer Ranch Estates: The applicant has indicated that an access easement will be secured across Lot 11 of Kieffer Ranch Estates to secure legal access to the proposed 66 foot wide private access easement. A copy of the recorded access easement must be submitted with the Final Plat application.

Section Line Highway: A section line highway is located along the east lot line of the property

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and is classified as a local street requiring that it be located in a 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 or the section line highway must be vacated. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Drainage: Upon submittal of a Development Engineering Plan application, a drainage plan must be submitted for review and approval if subdivision improvements are required. The drainage plan must address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. The drainage plan must also address how drainage from the proposed development will be mitigated as to not impact the Hawthorne Ditch. In addition, the plat document must be revised to provide drainage easements as necessary.

Water: A private well exists on proposed Tract 1 and 2, respectively, to serve the existing residences located on the two properties. However, the Infrastructure Design Criteria Manual requires that a community water system be installed as a part of platting the property. As such, upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines must be submitted for review and approval as per the Infrastructure Design Criteria Manual or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application. If a private well is proposed to be utilized, then well data from an existing well or a nearby well must be submitted to show that a well in this area can provide flows sufficient for development or documentation must be submitted identifying that service will be provided by a water district. 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.

Sewer: The proposed lots are located within the South Dakota Department of Environment and Natural Resources Source Water Protection Area, but located outside of the mapped Madison Limestone outcrop area. The residences located on proposed Tracts 1 and 2 are currently served by on-site wastewater systems. Upon submittal of a Development Engineering Plan application, documentation must be provided demonstrating that proposed Tracts 1 and 2 have compliant on-site wastewater treatment systems. In addition, soils data must be provided for proposed Tract 3 demonstrating that the soils are suitable to support an on-site wastewater system.

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

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any construction.

Development Agreement: Section 1.16.1 of the Infrastructure Development Criteria Manual 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 submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement be entered into with the City for all public improvements if applicable.

Labeling: The plat identifies the three properties as “tracts”. However, a tract signifies that the property is being held in reserve for future development. There are residences currently existing on two of the proposed “tracts”. As such, they must be labeled “lots”. Prior to submittal of a Final Plat application, the plat document must be revised to show the “tracts” as “lots”.

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.

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