

**MINUTES OF THE HUGHES COUNTY
PLANNING & ZONING COMMISSION
Hughes County Commission Room,
Hughes Co. Courthouse, Pierre, South Dakota
June 27, 2016, at 5:30 PM**

Members Present: Tom Rounds, (Chair), Les Stewart Brent Pries, Anissa Grambihler, Lee Axdahl, Bill Johnston, and Roger Inman.

Staff Present: Kevin Hipple

Guests Present: Scott Schweitzer from Brosz Engineering, Kirk Van Roekel, and Bob Nystrom.

Chair Rounds called the meeting to order at 5:30 PM.

Approval of Agenda:

Axdahl moved to approve the Agenda for June 27, 2016, Planning and Zoning Commission meeting. Motion seconded by Johnston. Motion carried unanimously.

Approval of Minutes:

Axdahl moved to approve the Minutes of the May 23, 2016, Planning and Zoning Commission meeting. Motion seconded by Grambihler. Motion carried unanimously.

New Business:

05:30 PM - Public Hearing to consider the proposed rezoning and plat of Lots A-R1 through A-R6, a replat of Lot A in Government Lot 2 of Section 4, Township 112, Range 80. The petitioner is Darrel Beck.

Hipple summarized the project. Darrel Beck is proposing to rezone Lot A Government Lot 2 from Local Business to Residential #2-C and plat the parcel into six lots with mobile homes allowed. The lots immediately to the west of this lot are zoned Local Business but with the setbacks and permitted uses per One-Family Residential #2-C. To the south of these lots is Dakota Landing Estates, which is zoned One Family Residential #2-C. To the east are Lots B through H in Government Lot 2, which are all zoned Local Business. To the southeast is the Dakota Sky RV Park, which is zoned One Family Residential #2-C and operates under a conditional use permit. Beck does not plan to use either covenants or a PUD on this project.

Hipple said that rezoning to One Family Residential #2-C would seem to conform to the adjoining property use. The plat has five lots of around 60 feet by 170 feet and one lot of around 73 feet by 170 feet. Lot sizes range from 10,197 sq. feet to 12,567 sq. feet. The minimum lot size in Residential #2-C is 10,000 square feet, so those lots would comply. The west side of Lot A contains a major drainage ditch which would have to be protected as part of this platting process. This plat would leave the 27 foot wide by 158 foot long parcel at the northwest portion of Lot A as the only unplatted portion of that lot. That nonconforming parcel was created when Beck sold that piece to the owner of Lot 15A several years ago.

According to Hipple, Beck does not have plans in hand to extend the water and sewer system to serve this property. He had originally planned to work with Brosz Engineering during construction with as built plans submitted after the fact. However, Brosz is not sure that DENR will accept that process, so they may have to develop water and sewer plans before starting construction. Beck intends to extend the existing water line and 10 inch sewer line serving the Dakota Sky RV Park to the north, on the west side of the road, to serve these lots. Beck proposes to install a larger service than required in exchange for being allowed to complete the project in the fastest way possible. Water and sewer would not be installed to these lots under Beck's plan. They would have to cross Landing Avenue to access their water and sewer.

Grahbihler commented that the easement should prevent people from putting a swingset or something similar in the drainage easement. Rounds said that it should also restrict placement of gardens or fences or other obstructions. Schweitzer agreed those protections should be included.

Scott Schweitzer with Brosz Engineering used a large aerial photo to explain where drainage is currently located and where the proposed drainage easement would be located. He explained that his letter contemplated a drainage ditch with steeper sides, which would be able to handle more water flow. He also said that the entire area is a low flat area with slower drainage. There are also many areas where water ponds and tends to build up sediment. Schweitzer also said that he had not checked for any storage capacity or requirement for storage. Since the drainage ditch is grass lined, that further slows the water, increasing the amount of sediment dropped along the way.

Rounds asked if the drainage to the south of Linnell Street is protected by an easement. Hipple replied that the drainage ditch south of Linnell Street is a platted lot referred to a public area. The board questioned who owns and maintains that public area. Hipple replied that Doug Ripley, the Superintendent of the local water and sewer system, maintains the area. But he is not sure who owns the property.

Grambihler asked if the proposal was to do something with the drainage area. Hipple replied that Beck does not propose to do anything. He proposes to only protect 25 feet at the back of each lot. His proposal would allow lot owners to fill the portion of the lot not protected by the easement. So you could have some lot owners who fill a portion of the existing drainage and some who don't, creating a patchwork of changes at the back of those lots.

Grambihler asked who would pay taxes on the lots and drainage. In the current proposal the lot owners would pay tax on the entire lot, to include the drainage.

Stewart asked if there were utilities in the drainage. Hipple and Schweitzer said they were not aware of any. The board pointed out that there are utility boxes near the drainage.

The board asked for clarification on where the utilities would be run for these lots. Hipple explained that the water and sewer would be run on the east side of Landing Avenue and lot owners would have to bring the utilities across the road. Stewart asked if they would need the permission of the owner of Lot I, which is landing avenue, to cross the road. Hipple said that is the only road that is a platted lot which he is aware of. But that he does not know if lot owners would need his permission to bring utilities across the street.

Rounds asked about the 27 foot wide piece at the northwest side of Lot A. Hipple said that Beck sold that lot several years ago, so it is not part of this process. But it does create a non-conforming parcel and should be corrected in the future.

Rounds expressed concern with the drainage. Hipple said that he agrees that it needs protection in some fashion beyond the easement shown on the plat.

Schweitzer said that he feels the question of permission to cross Lot I is a bigger concern than the drainage concerns. He feels that we can adequately protect the drainage through the easement document. He also asked if Beck knew that Landing Avenue is a platted lot and owned by an individual. Hipple said that it had not come up.

Axdahl asked why Beck had not provided the completed sewer and water plans prior to this point. Hipple replied that Beck is offering to put in a larger service in exchange for allowing this speedier process. He is also concerned with the cost as well as the time required for the process. Johnston asked if the ordinances state that utilities have to be to the lot as part of the process? Hipple replied that he could not find it in the ordinance. It would be required prior to issuing a building permit, however.

Nobody from the public appeared to offer public testimony.

Rounds indicated that he is concerned with the private ownership of the road, the drainage at the back of the lot and the utilities.

Axdahl moved to table the Rezoning and Plat of Lots A-R1 through A-R6, a replat of Lot A in Government Lot 2 of Section 4, Township 112, Range 80 until the utility and drainage issues are resolved. The motion seconded by Johnston. Motion was approved unanimously.

Scott Schweitzer asked what level of service is required for designing the drainage ditch. Hipple said that he would forward a copy of the Subdivision Ordinance to him. Stewart asked if Hughes County Conservation is also required to review the drainage. Hipple responded that counties are authorized to regulate drainage, but that Hughes County does not exercise the role. He said he is not aware of any lower level government which regulates drainage.

Darrel Beck arrived after the vote. He said there are no drainage issues in the area. He also said that there had been some recent work to improve the drainage, especially on the north side of Spring Creek Place. Rounds told Beck that the board had already taken action and explained what the board was looking for. Rounds also said that Lot I is privately owned. Beck disagreed, saying the road was designed by Brosz and built to those specifications so it can't be a private road.

Beck explained that the cheapest way for him to install the sewer is to run it up from the south, but that putting a larger line in on the east side of Landing Avenue would better serve the entire area. Beck said he is willing to put the larger service in if we can keep this process easy.

5:40 PM Public Hearing to consider the proposed rezoning and plat of River Watch Planned Unit Development in the South 1/2 of the Northwest Quarter North of the Right of Way in Section 12-110-78. The petitioner is Kirk Van Roekel.

Hipple summarized the project. Kirk Van Roekel is proposing to rezone the S1/2 NW1/4 north of the right of way in Section 13-110-78 from Ag B to PUD and plat a single lot for his residence with no residential structure allowed on the remainder of the property. The surrounding property is all Riverfront and Ag B, with the exception of the property immediately to the west, which is zoned Ag C. Van Roekel has plans to develop that Ag C property in the future.

Rezoning to PUD with only one residence allowed would retain the limitation to one residence per 35 acres and still allow Van Roekel to have a 10 acre lot for his home. With the adjoining Ag C parcel, rezoning to a smaller lot size may be appropriate, but Van Roekel preferred to proceed with the PUD. The PUD allows one residence on the platted lot, but none on the remainder of the parcel. It also prohibits further splitting of any of the property.

Rounds asked if we would allow another home in the remaining 40 acres. Hipple explained that this was Van Roekel's choice on how to develop the property by including the entire 50 acres in the PUD. Rounds asked where there would be access to this property. Hipple explained that there is currently an approach off the County road and that the PUD would allow an approach off either the County road or State Highway, with permission.

Pries asked how far off the road he was planning to build. Van Roekel said that he plans to build on a knob about 300 feet from the road, so the access road would probably be about 250 feet long.

Hipple explained that a geotechnical evaluation paragraph was included in the PUD and the soils test requirements were not being exercised for this proposal.

Bob Nystrom appeared to ask what Van Roekel planned to do with the property. Van Roekel said he planned to build a home. Nystrom asked how quickly he intended to build. Van Roekel said he would like to have a house built as soon as possible.

There was no further comment from the public.

Inman moved to approve the Rezoning and Plat of River Watch Planned Unit Development in the South 1/2 of the Northwest Quarter North of the Right of Way in Section 12-110-78. The motion seconded by Pries. Motion was approved unanimously.

Old Business: None

Summary of Previous & Future Projects:

A brief summary and discussion of the following project.

- The Plat of Williams Tract 1, a replat of Johnson Tract 1 and part of the NE 1/4 of the NW 1/4 of Section 23-112-79 by Shawn Williams was heard the first time at the County Commission meeting on May 16. At this point the Commission is waiting for Williams to resolve the property ownership issues before proceeding.
- The Venner plat was approved at the last meeting, but the County Commission did ask for a document to record the requirement that the non-conforming lot be sold with one of the other two lots.

Next Meeting - The next meeting is scheduled for Monday, June 27, 2016.

Johnston moved to adjourn. Motion seconded by Grambihler. Motion approved unanimously.

Meeting Adjourned at 6:05 PM

Minutes by Kevin Hipple