

June 13, 2000

Daniel & Michelle Ellenbecker  
4911 Copper Hill Court  
Rapid City, S. D. 57702

Rapid City Planning Department  
300 6<sup>th</sup> Street  
Rapid City, South Dakota 57701

Dear Planning Commission:

My wife and I are opposed to the Chapel Valley Water Board's plan to build a water storage tank on the west side of the Valley. The proposal which we first heard about was at the beginning of the year.


The site selection keeps changing at every meeting that we attend. The reason was that they were not sure of the best placement. An environmental study, impact study or geological survey for the water shed was not completed until recently. Is this the best location for the placement?

The first meeting we were told that the reason for the water tower was because of fire danger in the area. Now we are told after several meetings with the Water Board, that it is really doing this construction to improve the water usage for the valley in case something happens to the existing system. Which reason is it really?

Finally, we were never given an answer to the actual height or color or placement of the tower. We were told that this is the best location because other people did not want it in their back yard. We don't want it in our backyard either. The road construction needs waivers from the city because it did not meet the grade code. First it was to be paved now it will be gravel with the natural grasses growing back. I haven't seen too many trees or grass growing in the Open Cut in Lead.

This location is totally unacceptable and we as homeowners stand opposed to this placement.

Sincerely,



Daniel Ellenbecker  
Michelle Ellenbecker

RECEIVED  
JUN 15 2000  
Rapid City  
Planning Department

TO: Planning Commission

FROM: Idlewild Townhouse Association  
Kay Lindgren, Secretary

DATE: June 13, 2000

RE: Water Tower Proposed by Chapel Lane Water Company

Several months ago we requested that the Chapel Lane Water Company's proposal for a water tower to be constructed on the hill overlooking Idlewild Court, Copperhill Court and Copperhill Drive be continued to allow the residents to study the issues. Thank you so much for the extension and time. It has been very helpful to all of us. At this time we are opposed to the water tower project for what we believe to be very valid reasons.

1. Chapel Lane Water Company has failed to establish a compelling need for the water tower:

At the time they first talked about the project they indicated that they had been in contact with the Rapid City Fire Department, and, that the Rapid City Fire Department felt that the water tower was needed for fire reasons. During a meeting on April 7, 2000, with the Rapid City Fire Department and the Chapel Lane Water Company as well as others, Dan Hodges from the Fire Department indicated that the water tower would not significantly alter the firefighting capability. The Chapel Lane Water Company President, Walt Reutter, stated during that meeting that fire control wasn't the main reason for wanting to build the tower. The Chapel Valley Water Company has repeatedly stated that the primary compelling reason to build this water tower is to provide a back up for what is now a system that is a "single point failure system". However, in the twenty-five plus years that back up system has never been needed. It is true that if the system failed the Valley or a portion of the Valley might be without water for a day to a few days. However, we don't feel that possible need is compelling enough reason to disturb the hill, destroy the landscape and intrude upon the quality of our scenery:

Chapel Valley Water Company states that the tower would improve water pressure for the higher homes in the Valley. Those homes were purchased with the current water pressure. It isn't a situation that has changed for the worse. Again, it is not a compelling reason to build an eyesore and disturb the quality of our lives.

2. The aesthetics of the Idlewild and Copperhill areas would be seriously compromised by the water tower:

All home owners in Chapel Valley are notified at the time of purchase that Chapel Valley is governed by Covenants and they are provided with a copy of those Covenants. In Chapel Valley a home owner cannot choose house paint, build a fence or erect a mailbox without following the strict guidelines of the Valley. All of us bought our homes believing that the beauty of Chapel Valley was protected. It is absurd that no home owner can choose their own mailbox but Chapel Valley Water Company can build a sixty by twenty-five foot water tower that none of us will be able to overlook.

Chapel Valley Water Company would have you believe that the water tower would be hidden by trees and would not be visible. Attached please find some photographs taken on June 12, 2000. Please note that the hill is not heavily forested. You can see blue sky through the trees in nearly every photo. We lost a lot of trees off the bottom of the hill during the last major snow storm. Still, it was always true that the water tower would be highly visible to us. In order to build the water tower, even more trees will have to be taken down and the water tower will be totally visible. There are indeed a few trees on this hill that are sixty feet in height. However, the claim of Chapel Valley Water Company that the water tower would be mostly hidden from view is false. The bottom half of Idlewild Townhouses units will have this water tower as a centerpiece in their back yards. Clearly that it also true of homes on Copperhill Court, however, we cannot speak for them. That is totally unacceptable. (See attached photo pages).

Chapel Lane Water Company will likely be upset that we are now opposing their water tower project outright. However, it was Chapel Lane Water Company that was deceitful from the start. They were dishonest about the size of the tower they wanted to erect. It started at thirty-five feet and is now sixty feet. They were dishonest about the location. The location continues to move closer and closer to houses in the Valley. Even in their current proposal they make absolutely no guarantee as to exactly where they would erect this water tower or where the road would go because they can't know until they can get a "backhoe" in there. They were deceitful about the need in terms of fire protection. They worked on this plan for two years without informing the residents in writing of their intent. If they're now frustrated by the energy they've expended and our refusal to accept the project, they have only themselves to blame.

Mr. Reutter, president of Chapel Lane Water Company, has repeatedly stated to us that our rights cannot supercede the rights of the rest of the residents of Chapel Valley. It should be said that we would object to this tower being built anywhere that it is equally as visible and intrusive as it would be on the hill above our homes. We believe that the quality of life in Chapel Valley is protected by the Covenants and should be continued by the Planning Commission. We would beg the Planning Commission to dismiss Chapel Lane Water Company's request and to make that dismissal permanent to avoid further costs to the Idlewild Association and hard feelings among the neighbors in Chapel Valley.

3/27/200

Rapid City Planning Dept.  
Rapid City

I will be unable to attend  
the meeting in apr — so  
I wish to say by letter —  
I've been told that their  
concerns my home so in  
I oppose against it —

I have your  
Hazel W. Chabang  
3413 S. 13th St.  
Lat 15 of lat 45 also in  
Sec 8

RECEIVED

MAR 29 2000  
Rapid City  
Planning Department

COUPOD

# DEMERSSEMAN JENSEN, LLP

## LAWYERS

516 FIFTH STREET - P.O. BOX 1820  
RAPID CITY, SOUTH DAKOTA 57709-1820

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March 22, 2000

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### BY TELEFAX

Rapid City Planning Commission  
Attn: Trish Anderson  
300 6<sup>th</sup> St.  
Rapid City, SD 57701

Re: UOR #OOROO2

**RECEIVED**  
MAR 22 2000  
Rapid City  
Planning Department

Dear Planning Commission Members:

I represent the Idlewild Townhouse Association regarding the Use on Review proposal for a water storage tank that has been applied for by the Chapel Lane Water Company, Inc. As a result of their townhouses being located next to the hill where the proposed tank is to be located, they have concerns that are unique to them and may not concern the other residents of Chapel Valley.

Tuesday evening March 21, 2000, a meeting was held between Walt Roetter and some of the members of the Idlewild Townhouse Association. At this meeting, the proposed use on review was discussed. The Idlewild Townhouse Association generally supports the stipulations that have been recommended by the Planning Commission but they still have the following concerns:

1. The exact location of the water tank and its size
2. The exact location of the road accessing the tank and its width. (The Association believes that the proposed thirty-three foot road will have less negative visual impact.)
3. Thee access to the tank location by youthful partiers & installation of a gate.
4. Visual impact of the tank and road.

The Association would like to request that the use in review not be approved until an engineering study and elevation have been submitted, specifying the size, location, and color of the tank, and also specifying where the road will be located and its width. The Association would also be interested in measures by which erosion and the visual sight of the tank are minimized. In addition, they believe that a gate is necessary to restrict access to the water storage tank site. After the engineering study and elevation are completed, they would like the opportunity to review and

comment on this study before the Use on Review is submitted for final approval.

DEMERSSEMAN JENSEN, LLP

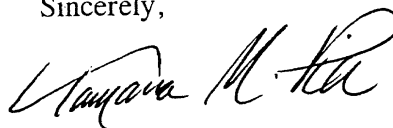
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March 22, 2000

Page 2

The Association wants to make clear that they appreciate the efforts of Chapel Lane Water Company, Inc. and Walt Roetter to reduce the fire danger for the Chapel Valley residents. They believe that by an engineering study and elevation being submitted before final approval of the Use on Review that their concerns can hopefully be addressed eliminating many problems that might otherwise arise with this project. I will be attending the Planning Commission meeting on March 23<sup>rd</sup> to address the Idlewild Townhouse Association's concerns and to answer your questions. Thank you for your consideration of this matter.

Sincerely,



Tamara M. Pier  
DEMERSSEMAN JENSEN, LLP

TMP:ch

Cc: Walt Roetter, Chapel Lane Water Company, Inc.  
Idlewild Townhouse Association  
Dan Hodge, Rapid City Department of Fire & Emergency Services

**RECEIVED**

**MAR 22 2000**

**Rapid City  
Planning Department**

**Dean A. & Judy D. Nelson**

3540 Red Rock Canyon Road  
Rapid City, SD 57702  
Home Phone 348-8663

February 16, 2000

Rapid City Planning Department  
300 6th Street  
Rapid City, SD 57701

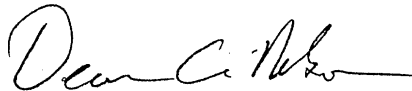
To Whom It May Concern:

We are submitting this letter to protest the construction of a water storage tower for the Chapel Lane Water Company on Lots # 1 & 2 of the Copperhill Ridge Subdivision. We are very much opposed to its construction because, to put it simply, we don't want to have our view of the natural pine trees and nature spoiled by an ugly (actually, we don't even care if it is good looking!) water tower. We purchased our property because of the beauty of the area.

We live on Loftus subdivision Lot 3R (1N 07E SEC 17). We have our own well and aren't even on the Chapel Lane water system so this water tower would provide no benefit for us. We would simply have to endure its ugliness. We don't want to see it when we drive home. We don't want to see it when we're on our deck or looking out any of our windows. They have another tower located on the opposite end of Chapel Lane...put this one in some other obscure spot but not in our area.

We would appreciate some feedback concerning this issue.

Sincerely,



Dean A. & Judy D. Nelson



**RECEIVED**

**FEB 17 2000**

**Rapid City  
Planning Department**

COU2002

RECEIVED

FEB 10 2000

Rapid City  
Planning Department

Feb 5, 2000

Gentlemen:

I am in Arizona and just received your Certified letter about the proposed water tower at 5100 Copperhill Ridge. I live at 3407 Idlewild Ct and object to the proposal. I am concerned about safety of the structure, I like the countyside look & bought there for that reason. I believe this would be a scenic eyesore & I am concerned about the mess during construction period. Would there be dynamiting?

I can not attend either meeting but this is my objection.

Sincerely,  
Ruth I Baubel



2/7/2000

Rapid City Planning Department,

This is 3403 Idlewild Ct.  
Lot K of Lots (4) and Five (5)  
in Block Six (6), of Chapel Valley  
Subdivision to the City of KC.

In regards to the water  
storage tower. Very much against  
having it within 150 ft from  
our unit.

1/ Safety - bursting or leaking  
150,000 gals is a lot of water  
coming down the hill.

2/ Appearance - This is a  
beautiful area, having a 45 ft  
high tower could decrease value  
of our unit.

3/ Construction - with all  
the trees + rocks, what all  
could come down the hill.

Please reconsider location  
of this water storage tower.

Yours Truly,  
Mrs. Renker Lebr

RECEIVED

FEB 08 2000

Rapid City  
Planning Department

2/4/00

Bennington County  
Rapid City Planning Department  
300 Sixth Street  
Rapid City, SD

Gentlemen:

My name is Lila Better. I reside at 3405 Idlewild Court.  
My property description is Chapel Valley Block 6,  
Lot J of Lot 4-5.

I'm writing concerning the construction, near my residence,  
of a 45 feet high, 150,000 gallon water storage tower.

I have several concerns. If I'm reading the map  
correctly, the tank would be situated pretty much up  
the hill behind my residence. I certainly don't want to  
sit on my back deck and look up to a 45' structure (no  
matter what color it may be).

I'm also concerned about the safety factor. If ever the  
tank would rupture, we (Idlewild Court) would be  
inundated with 150,000 gallons of water at the bottom  
of the hill. I don't feel too secure thinking of that  
possibility.

The ground on that hill contains rock ranging from small  
to very large. If it would be necessary to use explosives,  
I'm afraid the hill would become unstable.

Please be sure that my vote is in the "NO" column  
for construction of the water storage tower.

Thank you,

Lila Better  
3405 Idlewild Court  
Rapid City, SD 57702

RECEIVED

FEB 04 2000

Rapid City  
Planning Department

00 UR002  
00 PL002  
00 SV004

February 4, 2000

**RECEIVED**

**FEB 04 2000**

**Rapid City  
Planning Department**

Rapid City Planning Commission  
300 Sixth Street  
Rapid City, SD 57701

This letter is being written to oppose the use on review, #00UR002  
-Copperhill Ridge subdivision, to allow a water storage tower in the Low Density Residential Zoning District.

My name is David L. Dickson. I own and reside at 4918 Copperhill Court, Rapid City, South Dakota 57702. The Legal Description is Lot 20, Block 8, Chapel Valley Subdivision.

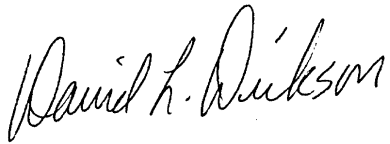
My reasons for asking for your denial on this use on review are as follows:

- 1). To allow an unsightly 45 feet tall steel tank to be installed on a hillside that is now covered with trees, would destroy the beauty that many people now enjoy.
- 2.) Along with the removal of many trees to accommodate installation of a 45 feet tall steel tank will come instant devaluation to the adjoining properties. Neighborhood properties will be affected as well.
- 3.) The proposed 45 feet tall steel tank is 10 feet taller than the 35 feet city height requirement. This is a 22.2% increase over the city standard. This should be unacceptable.
- 4.) The proposed gravel access road will cause dust problems to the adjoining properties. This road should be required to be hard surfaced and to be consistent with the hard surfaced access road that was required on Lot B, Copperhill Ridge Subdivision.
- 5.) The 33 feet right of way does not meet the 45 feet city right of way requirement. This should be unacceptable.
- 6.) I was told, by the Rapid City Planning Department that they are not allowing anymore lot splits in Chapel Valley. If this is the policy now for Chapel Valley, then the Planning Commission should be consistent and deny this request.

I am a water customer of Chapel Lane Water Company and have been for many years. There has never been any mention of a water shortage problem in the newsletters sent out by Chapel Valley Water Company. If storage shortage is a problem, have all options been explored? One option would be to buy water from the City of Rapid City.

Our neighborhood is Zoned Low Density Residential and we want to keep it just that. RESIDENTIAL!! Many of us work hard to purchase our home, and to have a 45 feet tall steel tank placed in your backyard that will devalue your property is simply unacceptable.

With respect I ask for your support and to deny this use on review for the above reasons, I have listed.

A handwritten signature in cursive script that reads "David L. Dickson".

David L. Dickson

**RECEIVED**

**FEB 04 2000**

**Rapid City  
Planning Department**