

STAFF REPORT

March 25, 2004

No. 04SR005 - 11-6-19 SDCL Review to relocate a natural gas pipeline ITEM 7

GENERAL INFORMATION:

PETITIONER	Bryan Kary for Williston Basin Interstate Pipeline Co.
REQUEST	No. 04SR005 - 11-6-19 SDCL Review to relocate a natural gas pipeline
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 1 of GELD Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.64 acres
LOCATION	West of the intersection of Disk Drive and Haines Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District w/PRD
South:	General Commercial District
East:	General Commercial District w/PCD
West:	Low Density Residential District w/PRD
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	02/23/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to relocate a public natural gas pipeline be approved with the following stipulation:

1. Erosion control shall be provided and the site shall be reclaimed as per South Dakota Department of Environment and Natural Resources requirements.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to relocate a public natural gas pipeline on the subject property. The property is located in the northwest corner of the Disk Drive/Haines Avenue intersection and is currently void of any structural development.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place,

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space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The Williston Basin Interstate Pipeline Company is a public utility. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Disk Drive: Disk Drive located along the south lot line is currently under construction. However, the existing location of the Williston Basin natural gas pipeline interferes with construction of the development of the surrounding property. As such, the Williston Basin Interstate Pipeline Company is proposing to relocate the natural gas pipeline further north on the subject property as part of the overall development plan for this area. A Tax Increment Financing District has previously been approved to assist in the relocation of the gas line. This will facilitate commercial development of the site in a safer and more efficient layout.

The proposed location does not interfere with any other utilities and/or structural development. As such, staff is recommending that the SDCL 11-6-19 Review be approved with the stipulation that erosion control be provided and the site reclaimed as per South Dakota Department of Environment and Natural Resources requirements.

Staff notes that currently a SDCL 11-6-19 Review does not require direct notification of neighboring property owners. In addition, the South Dakota Codified Law does not require that a SDCL 11-6-19 Review be advertised in a local newspaper. However, relocating the natural gas pipeline as proposed should not negatively impact any of the area properties.