

STAFF REPORT  
January 25, 2007

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**No. 06SR088 - SDCL 11-6-19 Review to extend a private sewer main in public right-of-way**      **ITEM 25**

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GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for R.C. Implement Company
REQUEST	<b>No. 06SR088 - SDCL 11-6-19 Review to extend a private sewer main in a public right-of-way</b>
EXISTING LEGAL DESCRIPTION	Tract F of Marshall Heights Subdivision No. 2 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.50 acres
LOCATION	751 East Disk Drive
EXISTING ZONING	General Commercial District and Light Industrial District (Planned Light Industrial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and proposed City sewer
DATE OF APPLICATION	12/29/2006
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the extension of a private sewer main be approved with the following stipulations:

1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; and,
2. Prior to Planning Commission approval, all necessary sewer easements shall be recorded at the Pennington County Register of Deeds Office.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to extend a private sewer force main and gravity sewer line from Rapp Street across Interstate 90 right-of-way to the subject property located at the eastern terminus of Disk Drive. The subject property is located on the north side of Interstate 90 and the applicant is proposing to connect to an existing public sewer main located on the south side of Interstate 90 in the Rapp Street right-of-way. The

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subject property is zoned General Commercial District and Light Industrial District with a Planned Light Industrial Development and currently two commercial structures are located on the property.

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, 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 proposed utility extension is a private improvement in a public right-of-way and the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

**STAFF REVIEW:**

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

**Air Quality Permit:** Staff noted that if more than an acre of land is disturbed an Air Quality Permit is required prior to construction.

**Right-of-Way Permit:** Staff noted that the proposed construction will cross Interstate 90 right-of-way. The applicant has submitted an application for a Department of Transportation Right-of-Way Permit. Staff noted that the Department of Transportation Right-of-Way Permit is required prior to construction.

**Private Sewer Main:** Staff has reviewed the proposed sewer main project and red line comments addressing required revisions and changes have been made on the plans. Staff recommends that prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings.

**Easements:** Staff noted that sewer easements are needed for the sewer main extension project. In particular, the applicant must provide a minimum 20 foot wide sewer easement on Lot 2 of Tract E and Tract F of Marshall Heights Subdivision #2 for the construction and maintenance of the proposed sewer extension. Staff recommends that prior to Planning Commission approval, all necessary sewer easements shall be recorded at the Pennington County Register of Deeds Office.

**Future Platting:** Staff noted that the construction plans showed the subject property to be divided into three future lots. Staff noted that at the time of the platting of the subject property, the developer will be responsible for constructing a sewer system in accordance with the requirements of the Rapid City Municipal Code and City specifications or a Variance to the Subdivision Regulations waiving the requirements must be obtained.

Staff is recommending that the SDCL 11-6-19 Review be approved with the previously stated stipulations.