

STAFF REPORT  
November 21, 2007

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**No. 07VE028 - Vacation of Non-Access Easement**

**ITEM 11**

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GENERAL INFORMATION:

APPLICANT/ AGENT	Jim Pahl for West River Electric Assn.
PROPERTY OWNER	West River Electric Assn.
REQUEST	<b>No. 07VE028 - Vacation of Non-Access Easement</b>
EXISTING LEGAL DESCRIPTION	Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.333 acres
LOCATION	3383 Reservoir Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitation Service
DATE OF APPLICATION	8/24/2007
REVIEWED BY	Jonathan Smith / Todd Peckosh

RECOMMENDATION:

**Staff recommends that the Vacation of Non-Access Easement be continued to the December 6, 2007 Planning Commission meeting to allow the applicant to submit additional information.**

GENERAL COMMENTS:

**(Update November 14, 2007. All revised text is shown in bold.) On November 6, 2007 the applicant submitted data identifying that a 7.5 feet horizontal clearance is needed for vehicular travel when wires, conductors, cables or other rigid live parts adjacent to buildings or installations are present. Staff has noted that turning radius data for the vehicles accessing the site has not yet been submitted as previously agreed to by the applicant. Staff recommends that this item be continued to the December 6, 2007 Planning Commission meeting to allow the applicant to submit the turning radius data.**

(Update October 31, 2007). On October 16, 2007 staff met with the applicant to discuss this item and the associated SDCL 11-6-19 review (#07SR047). The applicant stated that they need the additional approach location near the northern boundary of the property to accommodate the initial movement of a transformer onto the site and the initial location of a power pole on the

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site, as well as the replacement of those two pieces of equipment should they need to replacement in the long term.

The applicant agreed to submit additional turning radius data to document the need for the additional access approach due to conflicts with existing electrified equipment on site. As of this writing this information has not been submitted for review and approval. In addition staff has noted that an Exception to the Street Design Criteria manual is also needed to allow three approach locations on the site. Staff recommends that this item be continued to the November 21, 2007 Planning Commission meeting to allow the applicant to submit additional information. **As of this writing, the Exception request has not been submitted for review and approval.**

(Update October 16, 2007. All revised text is shown in bold). This item was continued to the October 4, 2007 Planning Commission meeting at the request of the applicant. Staff will be meeting with the applicant on October 23, 2007. Staff will provide an update to the Planning Commission at the October 25, 2007 meeting.

(Update September 25, 2007. All revised text is shown in bold. On September 17, 2007 the applicant submitted an updated, scaled site plan of the property. The site plan identifies a security chain link fence, property lines, structures, surface material, as well as proposed and existing approaches.

The property abuts Reservoir Road, which the Major Street Plan classifies as a minor arterial street. The property is identified as Lot WR of Paul Subdivision (#05PL237). The applicant's site plan identifies a proposed approach location that is located 10 feet south of the northern property boundary on Lot WR along Reservoir Road. Staff has noted that this proposed approach is located 40 feet from an existing approach located on the property to the north. The minimum spacing for an approach that can be accessed from traffic traveling in both directions, and has a speed limit of 35 miles per hour along a minor arterial street is 150 feet. The proposed access location does not meet the minimum spacing requirement.

Currently a non-access easement lies along the property boundary of Lot WR beginning at the northeast corner and extending 105 feet south. Staff has noted that this proposed approach also is located within the 105 foot non access easement. As such the applicant is requested this vacation of the entire non-access easement.

Staff finds that the property currently has other means of access through an existing approach that meets the minimum spacing requirement. The vacation of the 105 foot non-access easement would lead to the construction of an approach that would not meet the minimum spacing requirements of 150 feet as per the Street Design Criteria Manual. In addition Staff finds that vehicular access and circulation within the site could be improved by altering the layout of the proposed substation. For these reasons staff recommends that the request to vacate the 105 foot non-access easement be denied.

The applicant has submitted a Vacation of Easement request to vacate a 105 foot non-access easement. The non-access easement lies along the northern portion of the property abutting Reservoir Road. The property is located at the southwest intersection of Longview Road and Reservoir Road. Currently an existing electric substation is located on the southern portion of the property. The northern portion of the property is being used for storage of electrical

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equipment. The property was platted on December 12, 2006 (#05PL237). A Variance to the Subdivision Regulations (#05SV076) to waive the requirement to provide a ten foot wide planting screening easement, to waive the requirement to dedicate additional right-of-way, and to waive the requirement to provide a minimum eight foot wide drainage and utility easement along all interior lot lines was approved on December 5, 2005.

The applicant plans to construct another electric substation on the northern portion of the property. A SDCL 11-6-19 review (#07SR047) to allow the construction of a public electric substation has been filed in conjunction with this request. The property is not located within the municipal boundaries of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction. The property is currently zoned Limited Agriculture District by Pennington County.

STAFF REVIEW:

The applicant has indicated that this Vacation of a Non-Access Easement is needed to allow vehicles associated with the utility service to access and traverse around the utility substation for maintenance purposes. The applicant has stated that ingress and egress to these access points would be minimal. The exhibit submitted by the applicant identifies a portion of the non-access easement to be vacated beginning at the northeast corner of the lot and traversing south 105 feet along Reservoir Road.

The applicant has indicated that the property will have three new approach locations; however the site plan provided by the applicant does not identify these locations. Staff recommends that the applicant submit a detailed site plan drawn to scale that identifies approach locations, fences, property lines, easements, landscaping, and intersections of abutting streets. In addition as stated the applicant has submitted a SDCL 11-6-19 review request in conjunction with the Vacation of a Non-Access Easement request. Staff recommends that this item be continued to the October 4, 2007 Planning Commission meeting to allow the applicant to submit a complete site plan, and to allow this item to be heard in conjunction with the SDCL 11-6-19 review request.

**Staff recommends that the request be continued to the December 6, 2007 Planning Commission meeting to allow the applicant to submit the additional information to be used in evaluating the need for the additional access point.**