

STAFF REPORT  
April 10, 2008

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**No. 08SR025 - 11-6-19 SDCL Review to develop a wetland mitigation area on public property ITEM 19**

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GENERAL INFORMATION:

APPLICANT	Robert Ellis for City of Rapid City
AGENT	David Muck for Ferber Engineering Co.
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR025 - 11-6-19 SDCL Review to develop a wetland mitigation area on public property</b>
EXISTING LEGAL DESCRIPTION	Lot 1R of Waste Water Plant Tract and Lot 2 of Tract C, Section 30, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.87 acres
LOCATION	Water Reclamation Facility
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	General Commercial District
East:	General Agricultural District
West:	General Commercial District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	3/14/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to develop a wetland mitigation area on public property be approved.

GENERAL COMMENTS:

The applicant has submitted an SDCL 11-6-19 Review to develop a wetland mitigation area on public property. The proposed project will develop a wetland mitigation area at the Rapid City Water Reclamation Facility east of Radar Hill Road for the East Mall Drive Connection project.

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 proposed project is a public improvement on public property 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.

404 Permit: Staff noted that a 404 Permit has been obtained for the project.

Grading Plan: Staff noted that the construction plans were previously reviewed and approved as part of the East Mall Drive Connection project.

Conservation Easement: Staff noted that on April 2, 2008 the Legal and Finance Committee recommended authorizing the Mayor and Finance Officer to sign the conservation easement (No.LF040208-31) for the proposed wetland mitigation area. This item will be considered at the April 7, 2008 City Council Meeting.

Staff is recommending that the SDCL 11-6-19 Review be approved.