

STAFF REPORT
August 7, 2008

No. 08SR068 - SDCL 11-6-19 Review to allow the construction of an access road across a section line **ITEM 31**

GENERAL INFORMATION:

APPLICANT/AGENT	Cody Schad
PROPERTY OWNER	Cody Schad
REQUEST	No. 08SR068 - SDCL 11-6-19 Review to allow the construction of an access road across a section line
EXISTING LEGAL DESCRIPTION	Lot 2 of Bighorn Sheep Preserve, Section 7, T1S, R7E, BHM and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 48 Acres
LOCATION	At the northern terminus of Strato Bowl Road
EXISTING ZONING	General Agriculture District - Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Suburban Residential District - Limited Agriculture District (Pennington County)
East:	Low Density Residential District - General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private Water/Sewer
DATE OF APPLICATION	7/11/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of an access road across a section line highway be denied.

GENERAL COMMENTS: The property is located in Pennington County northwest of Quartz Canyon Lane and west of Silver Fox Spur. The property is zoned General Agricultural District and Limited Agricultural District in Pennington County. The property to the north is zoned General Agricultural District in Pennington County. The properties to the south are zoned Suburban Residential District and Limited Agricultural District in Pennington County. The properties to the east are zoned Low Density Residential District and General Agricultural District in Pennington County and the property to the west is zoned General

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Agricultural District in Pennington County. The Rapid City Comprehensive plan identifies the future zoning for the properties as Park Forest District. The applicant is proposing to construct an access trail across a section line in order to access a future cabin. The City of Rapid City is only reviewing the portion of the access road that crosses the section line.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed access road is 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:

Pennington County Planning Department: The proposed trail is being constructed in Pennington County. City staff has met with Pennington County staff and discussed several outstanding issues that must be resolved prior to approval of this request. Prior to Pennington County approval of this project the applicant must obtain a Flood Plain Development Permit for work that has already been done in the Federally Designated Flood Plain. In addition, the applicant must obtain a construction permit for the work that has already been done and the proposed future work for the access road. The applicant is currently working with the Pennington County Planning Department, the South Dakota Department of Environment and Natural Resources and the Corps of Engineers to resolve the outstanding issues for this project. As such, Staff recommends that the SDCL 11-6-19 Review to allow the construction of an access road across a section line be denied until the applicant resolves the outstanding issues with Pennington County

Submittal Information: A large portion of the property is located within the Federally Designated Flood Plain including the portion of the access road that crosses the section line and is being reviewed by the City of Rapid City. The application that was submitted for this project did not include several items that are required for a complete review. The applicant did not submit the Required Flood Plain Development Permit, the required Grading Plan, an Erosion and Sediment Control Plan or a Drainage Plan. In order for staff to completely review this project all of these plans must be submitted. As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of an access road across a section line be denied until the applicant submits the additional required information for review and approval.

Staff recommends that the SDCL 11-6-19 Review to allow the construction of an access road across a section line be denied until the applicant submits the additional required information for review and approval.