

STAFF REPORT  
December 18, 2008

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**No. 08SR095 - SDCL 11-6-19 Review to authorize acquisition of property for a water treatment facility**      **ITEM 33**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Marguerite Lukens
REQUEST	<b>No. 08SR095 - SDCL 11-6-19 Review to authorize acquisition of property for a water treatment facility</b>
EXISTING LEGAL DESCRIPTION	Lots A and B of Lot 3 of Block 2 of Cleghorn Canyon Subdivision No. 2, Section 8, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.35 acres
LOCATION	5255 Cleghorn Canyon Lane
EXISTING ZONING	Limited Agriculture and Suburban Residential (County)
SURROUNDING ZONING	
North:	Suburban Residential (County)
South:	Suburban Residential (County)
East:	General Agriculture (County)
West:	Suburban Residential (County)
DATE OF APPLICATION	12/3/2008
REVIEWED BY	Marcia Elkins / Not Assigned

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to authorize acquisition of property for a water treatment facility be approved.

GENERAL COMMENTS: The City of Rapid City is seeking to acquire Lot A of Lot 3 and Lot B of Lot 3, Block 2, Cleghorn Canyon #2, Section 8, Township 1 North, Range 7 East, BHM, Pennington County, South Dakota. The property is composed of two platted parcels. Two single family residences and accessory structures are currently located on the property. The property is located directly west of the former Cleghorn School, now used as a computer facility for the Rapid City Area School District. Single family residences are located to the north, west and south of the property proposed for acquisition.

The property is located outside the corporate limits of the City of Rapid City but within the City's three mile platting jurisdiction. The north lot is currently zoned General Agriculture by Pennington County. The south lot is currently zoned Suburban Residential by Pennington County. The land to the north, west and south of the property is zoned Suburban

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Residential by Pennington County. The property to the east of the property is zoned General Agriculture by Pennington County.

The City of Rapid City is seeking to acquire the property to facilitate the construction of a water treatment facility. The City of Rapid City owns water rights at Jackson Springs and has historically used those water rights to provide as much as 60% of the municipal water for the City. Due to new Federal water quality standards, the Environmental Protection Agency has determined that Jackson Springs is under the influence of surface water and must be treated. The City of Rapid City completed a Source Water Study in December 2006. As a result of that study and numerous public meetings, the City of Rapid City is anticipating the construction of a water treatment facility in the Cleghorn Canyon area to accommodate the treatment of the Jackson Springs water for municipal purposes. The City of Rapid City has submitted this SDCL 11-6-19 request to obtain authorization for the acquisition of the property. A separate application will be submitted for review of the proposed construction. It is anticipated that additional applications will be submitted to seek authorization for the acquisition of additional land in this vicinity to accommodate the proposed water treatment facility.

South Dakota Codified Law 11-6-22 states that "The...acquisition of land for any street or other public way, ground, place property or structure shall be subject to submission and approval similar to that provided in 11-6-19 to 11-6-20." The City is proposing to acquire the property. The property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the acquisition be reviewed and approved by the Rapid City Planning Commission.

**STAFF REVIEW:**

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

The adopted Comprehensive Plan identifies that the area in question is appropriate for General Agriculture Uses. The City Zoning Ordinance identifies that municipal uses are permitted uses in the General Agriculture District. The proposed acquisition of the property by the City of Rapid City and the proposed use of the property for a municipal water treatment facility are consistent with the Future Land Use identified in the adopted Comprehensive Plan. Further, the proposed location is consistent with the Source Water Study completed for the City of Rapid City.

When specific development plans are available, the proposed construction will be submitted for review by the Planning Commission. At that time, a more detailed review of the specific development plan for the property will be completed to determine if the proposed construction of the facility is consistent with all applicable provisions of the adopted Comprehensive Plan. Staff recommends that the Planning Commission approve the request and find that the acquisition of the property is consistent with the adopted Comprehensive Plan.