

STAFF REPORT
November 19, 2009

No. 09SR091 - SDCL 11-6-19 Review to extend a public utility

ITEM 22

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	State of South Dakota - Game Fish and Parks
REQUEST	No. 09SR091 - SDCL 11-6-19 Review to extend a public utility
EXISTING LEGAL DESCRIPTION	Beginning in Lot F-2 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Pennington County, South Dakota, extending in the Jackson Boulevard (South Dakota State Highway 44) right-of-way adjacent to Lot F-2 of Fish Hatchery Subdivision and Lot R Revised of Fish Hatchery Subdivision located in Section 8, T1N, R7E, BHM, Pennington County, South Dakota, extending along and across a portion of Tract 1 thru 3 and Lot A-B of Tract 3 of Rapid City Greenway Tract (Canyon Lake Park) located in Sections 8 and 9, T1N, R7E, BHM, Pennington County, South Dakota, extending in and along the Park Drive right-of-way adjacent to Tract 4 and North 27 feet of the vacated Flormann Street of the Rapid City Greenway Tract (Meadowbrook Golf Course) located in Sections 9, T1N, R7E, BHM, Pennington County, South Dakota, ending at the intersection of Jackson Boulevard and Park Drive, and extending in the Canyon Lake Drive right-of-way adjacent to Lot B of Lots 1 thru 3 of South Part of Lot 3 in the SW1/4 NW1/4 and Lot A of Lots 1 thru 3 of the South Part of Lot 3 in the SW1/4 NW1/4 in Section 9, T1N, R7E, BHM, Pennington County, South Dakota, ending at the intersection Canyon Lake Drive and Lakeview Drive
LOCATION	Cleghorn State Fish Hatchery and Canyon Lake Park
EXISTING ZONING	Flood Hazard District - General Commercial District
SURROUNDING ZONING	
North:	Park Forest District - Low Density Residential District - General Commercial District - Office Commercial District (Planned Commercial Development)
South:	Low Density Residential District - General Commercial District - Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 10/9/2009

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to extend a public utility be **approved**.

GENERAL COMMENTS:

(Update, November 6, 2009. All revised and/or added text is shown in bold print.) This item was continued at the November 5, 2009 Planning Commission meeting to allow the applicant to submit a copy of a recorded utility easement for that portion of the project that extends across the State of South Dakota Game, Fish and Parks property. The applicant has subsequently submitted a copy of the recorded utility easement. As such, staff recommends that this item be approved.

The applicant has submitted a SDCL 11-6-19 Review to construct two parallel water transmission mains along a portion of Jackson Boulevard to serve the future Jackson Springs water treatment facility to be constructed as a separate project in the Cleghorn Canyon Subdivision. In particular, this project includes two 20 inch diameter steel water transmission mains to deliver water from the proposed Jackson Springs water treatment facility.

The applicant has indicated that one of the transmission mains will convey treated water into the City's low level zone and will terminate in Canyon Lake Drive approximately one block north of Jackson Boulevard. Under a separate project, this line will be extended to Soo San Drive. The second transmission main will convey treated water into the City's Canyon Lake high level zone and will terminate at the intersection of Park Drive and Jackson Boulevard. Under a separate project this line will be extended to Sheridan Lake Road. The applicant has indicated that the transmission mains must be in service prior to the proposed water treatment facility being commissioned.

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 request to extend the water transmission mains as identified is a public improvement. In addition, the property is identified within the area covered by the Rapid City Comprehensive Plan requiring that the improvement be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review to extend the public utility and has noted the following considerations:

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Floodplain Development Permit: A portion of the project is located in the 100 year Federally designated Floodplain. As such, prior to Planning Commission approval, a Floodplain Development Permit must be obtained for that portion of the project located within the 100 year Federally designated Floodplain.

(Update: November 6, 2009.) The applicant has submitted a copy of an approved Floodplain Development Permit as required.

Easement: The applicant's site plan identifies a portion of the project extending across the State of South Dakota Game, Fish and Parks Department property. As such, prior to Planning Commission approval, a copy of a recorded utility easement to allow the water transmission mains to cross the State of South Dakota Game, Fish and Parks property must be submitted to the Growth Management Department

(Update: November 6, 2009.) As previously indicated, the applicant has submitted a copy of the recorded utility easement.

Permits: Jackson Boulevard is a State highway. In addition, Park Drive and Canyon Lake Drive are City streets. As such, prior to the start of construction, a Permit to Work in the Right-of-way must be obtained from the South Dakota Department of Transportation and the City's Public Works Department, respectively. In addition, an Erosion and Sediment Control Permit must be obtained from the Growth Management Department.

Park Department: Prior to the start of construction, the applicant must coordinate with the City Parks and Recreational Department to insure that the project does not conflict with the use and/or access to Canyon Lake Park.

The location and extent of the proposed utility extension appears to be consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review be **approved**.