

STAFF REPORT

April 8, 2010

---

**No. 10SR021 - SDCL 11-6-19 Review to construct a public utility**

**ITEM 28**

---

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	South Dakota Game Fish and Parks
REQUEST	<b>No. 10SR021 - SDCL 11-6-19 Review to construct a public utility</b>
EXISTING LEGAL DESCRIPTION	Lot 42 thru 52, Tract E, Tract C less the south 125 feet all of Braeburn Addition, Lot F3 of Fish Hatchery Subdivision, Lot 1 thru 1a and Lot 2 of NW1/4 SE1/4, Lot R Revised of Fish Hatchery Subdivision, Tract H of NE1/4 SW1/4, Tract G of NW1/4SW1/4, Lot F-2 and Lot F-4 of Fish Hatchery Subdivision, North Lot (Lots 1-6) less Right-of-Way of Block 3 of Cleghorn Canyon No. 2, and the Jackson Boulevard Right-of-Way adjacent to Lot F-2 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, and Block 1, the north 202 feet of Lot 4 and the vacated street lying East and Adjacent to said Lot, Block 2, Lot B of Lot 4 of Block 2, Lot 7 thru 13 of Block 3, Lots A and B of Lot 3 of Block 2 all of Cleghorn Canyon No. 2, and the Cleghorn Canyon Road Right-of Way adjacent to Block 1 of Cleghorn Canyon No. 2, Section 8, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.68 acres
LOCATION	Adjacent to Jackson Boulevard between Red Rock Canyon Road and Cleghorn Canyon Road
EXISTING ZONING	Flood Hazard District - Suburban Residential District (Pennington County) - Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Park Forest District - Suburban Residential District (Pennington County) - Limited Agriculture District (Pennington County)
South:	Flood Hazard District - Low Density Residential District
East:	Flood Hazard District - Low Density Residential District
West:	Flood Hazard District - Suburban Residential District (Pennington County) - Limited Agriculture District (Pennington County)

STAFF REPORT  
April 8, 2010

---

**No. 10SR021 - SDCL 11-6-19 Review to construct a public utility      ITEM 28**

---

PUBLIC UTILITIES                      City sewer and water  
DATE OF APPLICATION                3/12/2010  
REVIEWED BY                          Vicki L. Fisher / Ted Johnson

**RECOMMENDATION:**

Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review to construct a public utility.

**GENERAL COMMENTS:**

The applicant has submitted a SDCL 11-6-19 Review to construct the Jackson Springs Water Treatment Plant project. The project includes the construction of an 8 million gallon per day water treatment plant, the construction of a raw water pump station, the installation of water main(s) and the demolition of existing development currently located on the property.

On November 19, 2009, the Planning Commission approved a SDCL 11-6-19 Review (File #09SR091) to construct two parallel water transmission mains along a portion of Jackson Boulevard to serve the proposed Jackson Springs Water Treatment facility.

The property is located north of Jackson Boulevard, adjacent to Cleghorn Canyon Road and south of Jackson Boulevard on a portion of the Cleghorn Springs State Fish Hatchery property. Currently, the old Cleghorn School with annex buildings is located on the property north of Jackson Boulevard and the Fish Hatchery is located on the property south of Jackson Boulevard.

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 construct the Jackson Springs Water Treatment Plant project 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:**

On March 26, 2010, the applicant submitted a written statement withdrawing this item. The applicant has indicated that they will resubmit the necessary application(s) for review and approval once the plans have been completed.

Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of

STAFF REPORT  
April 8, 2010

---

**No. 10SR021 - SDCL 11-6-19 Review to construct a public utility      ITEM 28**

---

the SDCL 11-6-19 Review to construct the Jackson Springs Water Treatment Plant project.