

STAFF REPORT
November 4, 2004

No. 04SR056 - 11-6-19 SDCL Review to extend a major sanitary sewer transmission along North Elk Vale Road **ITEM 9**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 04SR056 - 11-6-19 SDCL Review to extend a major sanitary sewer transmission along North Elk Vale Road
EXISTING LEGAL DESCRIPTION	Upon and across the right-of-way and property and under or over the tracks of the Company near MP 644.83, 2220 feet east of west section line: Section 27, T2N, R8E, and 326 feet of pipe parallel to an 35 feet from centerline of track in the Rapid City, South Dakota; sanitary sewer main easement located in an eighteen foot strip of land beginning seven feet from the east property line of Lot 2 of Wal-East Subdivision, NE1/4 SW1/4, Section 27, T2N, R8E, BHM, Box Elder, Pennington County, South Dakota; sanitary sewer main easement located in a twenty foot strip of land adjacent to the north property line of the Dakota, Minnesota, and Eastern Railroad Corporation property in the NE1/4 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota near M.P. 644.83, 2220 feet east of the west section line; and, NE1/4 SE1/4 less right-of-way; S1/2 SE1/4 NE1/4 less Discovery Subdivision and less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, South Dakota
LOCATION	Along North Elk Vale Road
EXISTING ZONING	Box Elder/General Commercial District/Light Industrial District
SURROUNDING ZONING	
North:	Box Elder
South:	General Commercial District/General Commercial District w/Planned Commercial Development/Light Industrial District/(County)
East:	Heavy Industrial District (County)/Box Elder
West:	General Commercial District/General Agriculture District/Light Industrial District/Heavy Industrial District (County)
PUBLIC UTILITIES	City water and sewer

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DATE OF APPLICATION 10/08/2004

REVIEWED BY Todd Tucker / David L. Johnson

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to extend a major sanitary sewer transmission along North Elk Vale Road be approved with the following stipulations:

1. An Air Quality Permit shall be obtained if the area of disturbance exceeds one acre in size;
2. Prior to Planning Commission approval, the License Agreement between the City and the Dakota, Minnesota and Eastern Railroad shall be approved by the City Council;
3. The proposed sanitary sewer line shall be bored under the south Interstate 90 Service Road per the Pennington County utility permit requirements; and,
4. Property access to manholes must be provided in a manner that will not unduly impact traffic operation.

GENERAL COMMENTS: The subject property is located east of North Elk Vale Road south of Interstate 90, within the Interstate 90 right-of-way, and west of North Elk Vale Road north of Interstate 90. The proposed construction will accommodate the extension of a major sanitary sewer transmission line. In 2003 the City Council approved a Tax Increment District (03TI002) to fund a lift station associated with the proposed project. The applicant is now seeking an SDCL 11-6-19 Review approval to allow the construction of a major sanitary sewer transmission line extension.

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, 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". As previously indicated, the proposed construction is for a public utility requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Air Quality Permit: Staff noted that if the area of disturbance exceeds one acre an Air Quality Permit must be obtained.

Easement Acquisition: The proposed sanitary sewer line will be located within existing railroad right-of-way and utility easements. Staff has indicated that all easement documents have been approved and signed. The License Agreement between the City and the Dakota, Minnesota and Eastern Railroad was approved by the Public Works Committee on October 26, 2004 and will be on the November 1, 2004 City Council meeting agenda. Prior to Planning Commission approval the License Agreement must be approved by the City Council.

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Utility Construction: The submitted plans show the proposed sanitary sewer line crossing the south Interstate 90 Service Road. Pennington County Highway staff noted that the proposed sanitary sewer line must be bored under the south Interstate 90 Service Road per the Pennington County utility permit requirements.

The submitted plans show the location of numerous man holes to provide access to the proposed sanitary sewer line. Staff noted that property access to manholes must be provided in a manner that will not unduly impact traffic operation.

Staff recommends approval of the SDCL 11-6-19 Review to allow the extension of a major sanitary sewer transmission line with the above stated stipulations.