

STAFF REPORT

April 25, 2002

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**No. 02DU001 - 11-6-19 SDCL Review**

**ITEM 3**

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GENERAL INFORMATION:

PETITIONER	Basin Electric Power Cooperative
REQUEST	<b>No. 02DU001 - 11-6-19 SDCL Review</b>
EXISTING LEGAL DESCRIPTION	Request for review for compliance with the adopted Comprehensive Plan in accordance with 11-6-19 SDCL to allow the construction of a utility substation located in the SW1/4 of Section 28, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	160 acres
LOCATION	Approximately .75 miles west of the intersection of Old Folsom Road and Lamb Road
EXISTING ZONING	Limited Agriculture District (County)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	General Agriculture District (County)
East:	Limited Agriculture District/General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	02/20/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review be **approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **That all proposed structures and utility line(s) shall be located a minimum distance of 45 feet from the centerline of the section line highway; and,**

**Pennington County Highway Department Recommendation:**

2. **That the proposed access roads shall meet the minimum design standards required by Pennington County Ordinance #14.**

GENERAL COMMENTS:

**This item has been continued twice since the March 21, 2002 Planning Commission**

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**meeting to allow the applicant to submit additional information. This Staff Report has been revised as of April 13, 2002. All revised or added text is shown in bold print.** The applicant is proposing to construct a utility substation on the above legally described property. The site for the proposed utility substation is located approximately .75 miles directly west of the Old Folsom Road/Lamb Road intersection, outside of the incorporated City limits of Rapid City. The applicant has indicated that the utility substation will serve as a tie line between a utility substation located south of New Underwood and a Black Hills Power utility substation currently being constructed approximately three miles west of the subject property, on the south side of Catron Boulevard. The applicant has also indicated that the utility substation and the tie line will allow for the direct input of electric power from its interconnected eastern generation facilities to this area of South Dakota and Wyoming.

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". The proposed utility substation is a public utility and the property is identified as a part of the Rapid City Comprehensive plan requiring that the proposed use be reviewed and approved by the Rapid City Planning Commission.

### STAFF REVIEW:

Staff has reviewed the request and has identified the following considerations:

Air Quality: The Air Quality Division has indicated that a portion of the subject property is located within the Air Quality Control Zone. An Air Quality Permit will be needed prior to any construction and/or development resulting in a surface disturbance in excess of one acre for that area of the property located within the Air Quality Control Zone.

Section Line: The applicant's site plan identifies that the utility substation will be constructed adjacent to the section line highway located along the southern lot line of the subject property. The Major Street Plan identifies the future construction of a principal arterial road within this portion of the section line highway. The principal arterial road will extend through the subject property, connecting Reservoir Road with S. D. Highway 79. The section line highway currently provides a 66 foot wide right-of-way. A minimum 100 foot wide right-of-way is required for a principal arterial road. The Engineering Division has indicated that a revised site plan identifying proposed structure(s) and the placement of utility poles must be submitted for review and approval in order to determine what, if any, impact the utility substation and the tie line may have on the future construction of the principal arterial road.

The applicant has indicated that a gravel road will be constructed in the section line highway to serve as access to the utility substation site. (The Pennington County Highway Department has indicated that the gravel road must meet the minimum design standards required by Pennington County Ordinance #14.) Constructing the road within the section line highway requires that the Planning Commission review and approve the roadway through the 11-6-19 SDCL Review. Staff is recommending that the applicant amend the

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11-6-19 SDCL Review currently being considered to include the construction of the road(s).

**On March 21, 2002, the applicant submitted a revised site plan identifying proposed structure(s) and the placement of utility poles extending east and west from the proposed converter site. The applicant also requested that the 11-6-19 SDCL Review be amended to include the construction of road(s) to the utility substation site. On April 11, 2002, the applicant submitted a revised site plan, including line profiles, identifying that the proposed transmission line will be located approximately 45 foot from the centerline of the section line highway. The Engineering Division has indicated that constructing the utility line as proposed is acceptable with the understanding that grade issues exist within areas of the proposed section line highway. As such, the Engineering Division is recommending that the applicant continue to work with staff to insure that the placement of utility pole(s) will minimize any future adjustments and/or relocation of the utility line.**