

STAFF REPORT

June 6, 2002

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**No. 02SR006 - 11-6-19 SDCL Review**

**ITEM 19**

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GENERAL INFORMATION:

PETITIONER	Randy Adams for Black Hills Power & Light
REQUEST	<b>No. 02SR006 - 11-6-19 SDCL Review</b>
EXISTING LEGAL DESCRIPTION	An 11-6-19 SDCL Review to allow the construction of a utility line located in the Section Line ROW between Section 13, T1N, R7E and Section 18, T1N, R8E and between Section 24, T1N, R7E and Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	N/A
LOCATION	From the southern terminus of Parkview Drive to Catron Boulevard within the section line rights-of-way
EXISTING ZONING	Low Density Residential District, Medium Density Residential District, Public District and General Agriculture District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District (County)
East:	Low Density Residential District, Medium Density Residential District and General Agriculture District
West:	Medium Density Residential District with a Planned Residential District, Public District and General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	05/10/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

Engineering Division Recommendation:

1. Prior to Planning Commission approval, the applicant shall sign a Memorandum of Understanding concurring that any relocation and/or reconstruction of the proposed

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electric line shall be at the sole expense of Black Hills Power; and,

Air Quality Division Recommendation:

2. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre.

GENERAL COMMENTS:

The applicant is proposing to construct an overhead three phase distribution line extending south from the southern terminus of Parkview Drive to Catron Boulevard. The electric line will be constructed within section line rights-of-way to serve as a feeder tie line between electric utility substations located at Radio Drive, Meade Street and the Merillat property located along S. D. Highway 79.

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 overhead electric line 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 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 Engineering Division has indicated that the applicant has submitted preliminary construction plans showing the location of the proposed electric line within the section line highway(s) extending north to south from Parkview Drive to Catron Boulevard. The Major Street Plan identifies the extension of Parkview Drive, a collector road, to also be constructed within the section line highway(s). The Engineering Division has indicated that, with the future acquisition of additional right-of-way and the subsequent construction of Parkview Drive, portions of the proposed electric line may be required to be relocated. The applicant has indicated that they are aware of the potential relocation requirement; however, a current need exists requiring that the proposed electric line be extended through these properties at this time. To date, the applicant has been unsuccessful in obtaining additional right-of-way and/or utility easement(s). Staff is recommending that the applicant sign a Memorandum of Understanding concurring that any relocation and/or reconstruction of the proposed electric line shall be at the sole expense of Black Hills Power.

Comprehensive Plan: The South Robbinsdale Neighborhood Future Land Use Plan identifies the appropriate land use for this area as a combination of residential and commercial uses.

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The construction of the proposed three phase overhead electric line will serve the needs of the area as it develops and/or redevelops. Staff finds that the construction of the electric line as proposed is consistent with the adopted Comprehensive Plan and recommends that the 11-6-19 SDCL Review be approved with the stipulations as outlined above.