

STAFF REPORT
June 24, 2004

No. 04SR018 - 11-6-19 SDCL Review to allow expansion of a utility substation **ITEM 18**

GENERAL INFORMATION:

| | |
|----------------------------|---|
| PETITIONER | Basin Electric Power Cooperative |
| REQUEST | No. 04SR018 - 11-6-19 SDCL Review to allow expansion of a utility substation |
| EXISTING LEGAL DESCRIPTION | NE1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota |
| LOCATION | West of the intersection of Old Folsom Road and Lamb Road |
| EXISTING ZONING | Limited Agriculture District/General Agriculture District |
| SURROUNDING ZONING | |
| North: | General Agriculture District |
| South: | General Agriculture District |
| East: | Limited Agriculture District |
| West: | Limited Agriculture District/General Agriculture District |
| PUBLIC UTILITIES | Private on-site water and wastewater |
| DATE OF APPLICATION | 03/26/2004 |
| REVIEWED BY | Vicki L. Fisher / David L. Johnson |

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow expansion of a utility substation be **approved with the following stipulations:**

1. **That the improvement shall be constructed in compliance with the design plans submitted for review and approval; and,**
2. **Prior to Planning Commission approval, Basin Electric Power Cooperative shall either relocate all proposed structures and utility lines a minimum distance of 45 feet from the centerline of the section line as previously required, or shall enter into an agreement to move structures, utility lines, fencing and other utility encroachments located within a distance of 45 feet from the centerline of the section line highway at their expense upon such time as the City requires the additional right-of-way to construct Lamb Road as a principal arterial street.**

GENERAL COMMENTS:

(Update June 11, 2004. All revised and/or added text is shown in bold print.) On May 28, 2004, the applicant submitted a signed agreement stating that Basin Electric Power Cooperative shall either relocate all proposed structures and utility lines a minimum distance of 45 feet from the centerline of a section line as previously

STAFF REPORT
June 24, 2004

No. 04SR018 - 11-6-19 SDCL Review to allow expansion of a utility substation **ITEM 18**

required, or shall enter into an agreement to move structures, utility lines, fencing and other utility encroachments located within a distance of 45 feet from the centerline of the section line highway at their expense upon such time as the City requires the additional right-of-way to construct Lamb Road as a principal arterial street. The proposed agreement will be considered by the Legal and Finance Committee on June 16, 2004 and likely be acted on by the City Council on June 21, 2004. Staff will notify the Planning Commission at the June 24, 2004 Planning Commission meeting if the Council City does not authorize the Mayor to sign the agreement. Please note that no other part of this Staff Report has been revised.

(Update May 31, 2004. All revised and/or added text is shown in bold print.) This item was continued at the May 27, 2004 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

(Update May 14, 2004) This item was continued at the May 6, 2004 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

(Update April 25, 2004) This item was continued at the April 22, 2004 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised. The applicant has submitted a SDCL 11-6-19 Review to install a metering breaker on an exiting utility structure and to enclose the improvement with a fence. On April 25, 2002, the Planning Commission approved a SDCL 11-6-19 Review to construct a utility substation on property located east of the subject property. In addition, the SDCL 11-6-19 Review allowed the construction of transmission lines extending from the utility substation, including the structure being expanded as a part of this review, as a tie line from its interconnector eastern generation facilities to this area of the South Dakota and Wyoming.

The Pennington County Planning Department has indicated that the County Board of Commissioners have reviewed and approved a Conditional Use Permit to allow the metering breaker and a Variance to the Zoning Ordinance to reduce the front yard setback for the structure.

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 metering breaker is a part of a public utility and the property is identified as a part of the Rapid City Comprehensive plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

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

Lamb Road: Lamb Road is located along the north lot line of the subject property and is

STAFF REPORT
June 24, 2004

No. 04SR018 - 11-6-19 SDCL Review to allow expansion of a utility substation **ITEM 18**

classified as a principal arterial street on the City's Major Street Plan requiring a minimum 100 foot wide right-of-way. Currently, Lamb Road is located within a 66 foot wide section line highway. As such, a stipulation of approval of the original SDCL 11-16-19 Review to allow the substation and the tie lines required 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". The applicant's site plan identifies that the proposed fence as well as several utility poles and/or structures are located approximately 37 feet from the centerline of the section line highway. As such, staff is recommending that prior to Planning Commission approval, Basin Electric Power Cooperative either relocate the poles and/or structures as previously required or enter into an agreement to move structures, utility lines, fencing and other utility encroachments located within a distance of 45 feet from the centerline of the section line highway at their expense upon such time as the City requires the additional right-of-way to construct Lamb Road as a principal arterial street.

Design Standards: The applicant's site plan identifies that the metering breaker will be constructed on an existing utility structure. In addition, the improvement will be enclosed with a seven foot high chain link fence with three strands of barbed wire for a total fence height of eight feet. Staff is recommending that the improvement be constructed in compliance with the design plans submitted for review and approval.