

STAFF REPORT  
April 10, 2008

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**No. 08SR004 - SDCL 11-6-19 Review to allow the relocation of a electric transmission line within the public right-of-way**      **ITEM 31**

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GENERAL INFORMATION:

APPLICANT/AGENT	Jim Pahl for West River Electric Association
PROPERTY OWNER	West River Electric
REQUEST	<b>No. 08SR004 - SDCL 11-6-19 Review to allow the relocation of a transmission line within the public right-of-way</b>
EXISTING LEGAL DESCRIPTION	Western 25 feet of Reservoir Road right-of-way, Section 3 and Section 10, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	N/A
LOCATION	25 feet adjacent to west side of Sections 3 and 10
EXISTING ZONING	Suburban Residential District - Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District - Limited Agriculture District (Pennington County)
South:	Planned Unit Development - Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Limited Agriculture District - Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Public
DATE OF APPLICATION	1/17/2008
REVIEWED BY	Jonathan Smith/ Ted Johnson/ <b>Jared Ball</b>

RECOMMENDATION:

**Staff recommends that the SDCL 11-6-19 Review to allow the relocation of an electric transmission line within the public right-of-way be approved with the following stipulation:**

- 1. Prior to Planning Commission approval the applicant shall record the proposed utility easements with the Register of Deeds office and submit recorded copies to the Growth Management Department.**

GENERAL COMMENTS:

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**(Update: April 2, 2008. All revised and/or revised text is shown in bold). The applicant submitted a detailed cross sections of the right-of-way along Reservoir Road that identifies the proposed transmission line. Because of the variation of right-of-way width the proposed transmission line encroaches onto 13 private lots along Reservoir Road. The applicant has submitted easements for each lot to allow the transmission line to encroach onto these properties. Staff recommends that prior to approval of this request the applicant record such easements with the PenningtonCounty Register of Deeds office.**

(Update March 17, 2008. All revised and/or added text is shown in bold). On March 14, 2008 staff discussed the request with the applicant. The applicant agreed to submit a detailed, drawn to scale, cross section of the right-of-way in which the relocation of the transmission line is proposed. As of this writing this information has not been submitted for review and approval. Staff recommends that this item be continued to the April 10, 2008 Planning Commission meeting to allow the applicant time to submit additional information.

(Update February 25, 2008. All revised text is shown in bold). On February 25, 2008 staff met with the applicant to discuss this SDCL 11-6-19 request. The applicant indicated that site plans were not completed. Staff recommends that this item be continued to the March 27, 2008 Planning Commission meeting to allow the applicant time to submit additional information.

The applicant has submitted a SDCL 11-6-19 request to allow the relocation of a electric transmission line within the public right-of-way. The applicant is proposing to relocate a transmission line within the western portion of the right-of-way of Reservoir Road. The applicant is proposing to locate the electric transmission line starting at an existing substation located at the southeast corner of the intersection of Reservoir Road and Longview Road, and traversing north to the common boundary of Section 3 of Township 1 North, Range 8 East, and Section 34 of Township 2 North, Range 8 East. The property that the applicant is proposing to relocate the electric transmission line on consists of Reservoir Road right-of-way and is void of any structural development. This property is zoned Suburban Residential District, and Limited Agricultural District by Pennington County.

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 proposed electric transmission line is being constructed within public right-of-way and the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

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March 27, 2008

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**No. 08SR004 - SDCL 11-6-19 Review to allow the relocation of a electric transmission line within the public right-of-way** **ITEM**

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Staff has reviewed the applicant's request and noted the following considerations:

SITE PLAN

Staff has noted that a detailed site plan identifying the approximate location of the proposed transmission line, right-of-way width, pavement width, existing utilities, and property boundaries is needed for review and approval. As such, staff recommends that this item be continued to the March 6, 2008 Planning Commission meeting to allow the applicant time to submit a revised site plan.

RESERVOIR ROAD:

The Major Street Plan identifies Reservoir Road as a proposed principal arterial street requiring a minimum of 100 feet of right-of-way. Staff has noted that the current right-of-way width along Reservoir Road varies from a width of 66 feet to 100 feet.

Because of the irregular right-of-way width along Reservoir Road, staff has concerns about the potential encroachment of the proposed electric transmission line onto private property that abuts the right-of-way. In addition, because Reservoir Road does not currently meet the minimum standard of 100 feet of right-of-way width staff has concerns that the location of a transmission line within existing right-of-way may hamper right-of-way acquisition along Reservoir Road in the future.

The applicant has submitted a site plan identifying the general location of the proposed electric transmission line. The site plan must be revised to show the specific location of the proposed transmission line in relation to the existing street and utility improvements located within the Reservoir Road right-of-way. Staff is recommending that the SDCL 11-6-19 Review be continued to the March 6, 2008 Planning Commission meeting to allow the applicant to submit the revised site plan in order for staff to adequately review this request.

FLOODPLAIN:

Staff has noted that the property is not located within the 100 year federally designated flood plain boundary.

**Staff recommends that this item be approved with the stipulations of approval as noted above.**