

STAFF REPORT
January 22, 2009

No. 08SR098 - SDCL 11-6-19 Review to expand a utility substation

ITEM 59

GENERAL INFORMATION:

APPLICANT	Black Hills Power
AGENT	Ron Wilgers for Black Hills Power
PROPERTY OWNER	Black Hills Power
REQUEST	No. 08SR098 - SDCL 11-6-19 Review to expand a utility substation
EXISTING LEGAL DESCRIPTION	The SW1/4 SW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.93 acres
LOCATION	Adjacent to the south side of Catron Boulevard 1.2 miles east of U.S. Highway 16
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/24/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

If the Planning Commission waives the requirement to pave the access road and the two off-street parking spaces, then staff recommends that the SDCL 11-6-19 Review to expand a utility substation be approved.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to expand the existing utility substation located on the property. In particular, the applicant has indicated that the additions will be located within the substation's existing fenced area and will be constructed in two phases. The first phase will consist of additional capacitor banks for voltage support and power flow to serve the Rapid City area. The second phase will consist of an additional distribution transformer to support the additional electrical load being added to the south side of Rapid City.

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The applicant has also submitted an Initial Commercial Development Plan (File #08PD054) to construct a customer call center, office campus and a recreational area on the northern portion of the property. The applicant has indicated that the development will be constructed in three phases and will be known as the "Black Hills Power Customer Call Center and Office Campus". The applicant has also submitted a Rezoning request (File #08RZ035) to change the zoning designation of the property from General Agriculture District to Office Commercial District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Future Land Use Plan (File #08CA037) to change the land use designation from a Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development. (Please note that the applicant has requested that these three items be continued to the February 5, 2009 Planning Commission meeting to allow this SDCL 11-6-19 Review application to be acted on by the Planning Commission prior to action on these requests.)

The property is located south of Catron Boulevard and east of Tartan Court. Currently, the existing utility substation, owned and operated by Black Hills Power, is located in the southeast corner of the property.

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 utility substation is part of a public utility system. In addition, the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvement be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Permits: An Erosion and Sediment Control Permit may be required if soil excavation exceeds 300 cubic yards or soil disturbance activities extend outside of the fenced substation area. A Building Permit must also be obtained prior to the start of any construction.

Access and Parking: The substation was constructed on the site in 2002 in compliance with the Pennington County Zoning Ordinance. The property was subsequently annexed into the City limits of Rapid City in 2003. At the time of construction, a graveled access road and graveled parking was allowed as per the Pennington County Zoning Ordinance. As such, the site is currently accessed via a 22 foot wide graveled road extending south of Catron Boulevard within a section line highway located along the west lot line of the property and extending east along the south lot line of the property within another section line highway. In addition, two graveled parking spaces are provided within the fenced area of the substation. One of the parking spaces is "Van" handicap accessible.

The applicant is requesting that the existing graveled access road and parking spaces be

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allowed since the use was constructed in compliance with County regulations as required at the time of construction and since the proposed expansion will not increase traffic to the site. In addition, the applicant has identified that the National Electric Safety Code does not allow pavement within the fenced area of the substation due to safety concerns.

The Planning Commission has in the past waived the requirement when the utility substation is existing and the proposed expansion does not increase traffic to the site. In addition, this site was constructed in compliance with County Regulations before it was annexed into the City. In 2004, the Planning Commission granted a similar request to allow a 75 foot tall transformer with a switchgear control house on this property based on the same premise.

If the Planning Commission waives the requirement to pave the access road and the two off-street parking spaces, then staff recommends that the SDCL 11-6-19 Review to expand a utility substation be approved. Please note that the location and extent of the project comply with all other adopted regulations.