

STAFF REPORT

February 19, 2004

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**No. 04OA004 - Ordinance Amendment**

**ITEM 16**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 04OA004 - Ordinance Amendment</b> To consider amendments to Section 2.60.150 of the Rapid City Municipal Code pertaining to Comprehensive Plan - Adoption.
DATE OF APPLICATION	01/26/2004
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Ordinance Amendment to consider amendments to Section 2.60.150 of the Rapid City Municipal Code pertaining to Comprehensive Plan – Adoption be approved.

GENERAL COMMENTS: Section 2.60.150 of the Rapid City Municipal Code refers to the adoption of the Comprehensive Plan by the Planning Commission and the notification of such public hearing. A portion of Section 2.60.150 of the Rapid City Municipal Code states, “Before adoption of the comprehensive plan or part thereof the planning commission shall hold at least one public hearing, notice of the time and place of which shall be given at least fifteen days in advance of publication in a newspaper having general circulation in the city.”

STAFF REVIEW: On March 1, 2003, the City Council approved an Ordinance Amendment to amend Chapter 2.60.160 of the Rapid City Municipal Code by establishing a procedure for the Planning Commission to recommend amendments to the Comprehensive Plan. A portion of Section 2.60.160 (B) states, “Notice of the public hearing shall be published at least ten days in advance of the hearing in a legal newspaper of the community.” South Dakota Codified Law 11-6-17 states that before the recommendation to the City Council of the Comprehensive Plan, the Planning Commission shall hold at least one public hearing with the notice of the time and place of the hearing to be published once at least ten days in advance of the hearing.

Upon review of the Rapid City Municipal Code pertaining to the adoption of Comprehensive Plans, it was noted that the hearing notice dates in Section 2.60.150 conflicted with the notice dates in Section 2.60.160 and the notice dates in SDCL 11-6-17. Staff recommends that the language in Section 2.60.150 be amended to state that the notice of the public hearing will be published at least ten days in advance of the hearing eliminating the identified conflicts.

It was further noted that a portion of the language in the last sentence of Section 2.60.150 states, “and a copy of the plan or part thereof shall be certified to the common council”. This statement duplicates language in Section 2.60.160 (B) that states, “After conducting the public hearing, the city planning commission shall submit its recommendation to the

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common council". Staff recommends the last portion of the last sentence of Section 2.60.150 stating, "and a copy of the plan or part thereof shall be certified to the common council", be deleted.

Staff recommends that the Ordinance Amendment to consider amendments to Section 2.60.150 of the Rapid City Municipal Code pertaining to Comprehensive Plan – Adoption be approved.