

STAFF REPORT
August 26, 2004

No. 04AN010 - Petition for Annexation

ITEM 23

GENERAL INFORMATION:

PETITIONER	Dream Design International Inc.
REQUEST	No. 04AN010 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 Acres
LOCATION	East of South Highway 16 and south of Sammis Trail
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	Planned Unit Development (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	7/8/2004
REVIEWED BY	Karen Bulman / Sig Zvejnieks

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved contingent on the annexation of the adjacent property located north of the subject property and on any payment due to the Whispering Pines Fire District.

GENERAL COMMENTS: **This staff report has been revised as of August 16, 2004. All revised and/or added text is shown in bold print. This application was continued at the August 5, 2004 Planning Commission meeting in order to be heard in conjunction with the rezoning of the subject property. (Revised 8-16-04)** The process for annexation by petition is provided for under Section 9-4-1 SDCL, which states that by resolution, the City may annex a contiguous area, if the written petition describing the boundaries of the area is signed by no less than three-fourths of the registered voters and by owners of no less than three-fourths of the value of the area to be annexed. This petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.

STAFF REVIEW: This undeveloped property is located **east (Revised 8-16-04)** of South Highway 16 and south of Sammis Trail. The property is currently zoned General Agriculture District by Pennington County. Lands located north and south of the subject property are zoned General Agriculture District by Pennington County. Land located west of the subject property is zoned General Agriculture District by Pennington County. Land located east of

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the subject property is zoned Planned Unit Development by Pennington County.

The subject property is adjacent to a parcel of land located north of the subject property that is currently being considered for annexation (04AN009). Staff recommends that this annexation be approved contingent on the annexation of the adjacent property in order to have contiguous boundaries with the corporate limits of Rapid City.

The annexation area is presently located in the Whispering Pines Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The Whispering Pines Fire District has been contacted to determine any costs that may need to be reimbursed. The Whispering Pines Fire District has indicated that they have a capital improvement loan and will be requesting reimbursement. Annexation will be contingent on payment due to the Whispering Pines Fire District being paid by the City of Rapid City.

Staff is recommending that the annexation be approved in conjunction with the property located north of the subject property and contingent on any payment due to the Whispering Pines Fire District being paid. **The rezoning of the subject property was continued at the August 5, 2004 Planning Commission meeting and will be heard by the Planning Commission on August 26, 2004. Staff is recommending that the annexation be approved contingent on any payment due to the Whispering Pines Fire District being paid by the City of Rapid City (Revised 8-16-04).**