



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

## Growth Management Department

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### MEMORANDUM

TO: Rapid City Planning Commission

FROM: *me*  
Marcia Elkins, Director

DATE: June 4, 2009

RE: Requirement for Property Owner Signatures on Development Applications

On April 9, 2009, the staff briefed the Planning Commission regarding the City Council's request for the Commission to review the policies related to property owner signatures on development applications. This issue was raised as a result of a dispute between a landowner and the party that has leased a portion of his property.

As you may recall, staff has for many years required the property owner to sign development applications. This policy arose from two situations where the owners of the property for which a development application was being reviewed, appeared at the Planning Commission meeting objecting and indicating that they were unaware of any development applications being submitted for their property. Subsequently, staff required that the property owner's signature appear on all development applications before the applications are accepted.

However, recently a cellular phone company submitted applications to co-locate on a lease site. The underlying property owner refused to sign the development application. Subsequently, the cellular phone company's representative requested that the City Attorney's staff review the policy requiring the property owner's signature on the application. The City Attorney's staff advised the Growth Management staff to accept the applications as City ordinance does not require the property owner's signature and the relevant lease documents appeared to allow the property to be used for the intended co-location of facilities. The owner of the property raised objections to the City Council and the Council asked the Planning Commission to review possible ordinance revisions.



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

City Attorney Jason Green has recommended that the requirements for landowner signatures not be codified in ordinance. Rather, he has suggested that the staff continue with the policy of requiring the land owner signature on development applications; however, if the applicant's signature cannot be obtained, the applicant shall make a good faith attempt to notify the landowner by certified return receipt mail of the application seven days prior to the Planning Commission and/or City Council's consideration of the application on a form provided by the Growth Management Department. The white receipt and green signature card shall be returned to the Growth Management Department. This process would be similar to the manner used to notify the surrounding property owners. Failure to notify the landowner shall not be a basis for delaying or denying an application. It should be noted that this policy would not apply to applications that require the property owner's signature by statute or ordinance including annexation applications, right-of-way vacations, subdivision plats or other similar applications.

While this would not resolve the dispute that raised this issue, it would offer the opportunity for the property owner of record to be made aware of the pending application and have the opportunity to express their objections to the Planning Commission and/or City Council through the normal development review process.

**Staff Recommendation:** Continue with the policy of requiring the property owner's signature on development applications; however, when the property owner's signature cannot be obtained, the applicant shall make a good faith effort to notify the property owners by certified return receipt mail of the pending application seven days prior to consideration by the Planning Commission and/or City Council on a form provided by the Growth Management Department. The applicant shall return the white receipt and green signature card to the Growth Management Department.