



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Growth Management Department

300 Sixth Street

Brett Limbaugh, Director
Community Planning & Development Services
city web: www.rcgov.org

Phone: 605-394-4120
Fax: 605-394-6636
e-mail: Brett.Limbaugh@rcgov.org

MEMORANDUM

TO: Chairman and Members of the Legal and Finance Committee

FROM: Brett Limbaugh, Director CPDS

DATE: April 11, 2012

RE: Public Hearing Process for Ordinance Amendments

The State of South Dakota requires that an ordinance amendment be heard once by the Planning Commission and twice by the City Council to be approved. The Planning Commission is charged with making a recommendation and the City Council considers that recommendation when conducting their public hearing. Normally the first reading before the City Council is used to hear the case after the Planning Commission hearing has been held and then the case is placed on a consent agenda for the second reading.

Several years ago a decision was made to perform the City Council first reading ahead of the Planning Commission hearing to save two weeks in processing the application. Because the Planning Commission had not yet made a recommendation the City Council was instructed that the case could not be considered at the first reading. The second reading was then used to conduct the City Council public hearing. While this process is somewhat faster it causes considerable confusion for the public and applicant because the City Council approves all applications on first reading prior to consideration by the Planning Commission. Should the Planning Commission later recommend denial, the City Council must determine whether to uphold the Planning Commission recommendation regardless of the fact that they had approved the application on first reading.

Furthermore, there are many instances when the public or the applicant appear at the first reading and do not understand that the case is not to be considered that evening. Testimony on these cases often is presented during the public comment period by proponents and opponents to an application at the first reading. This testimony should not be considered by the City Council and Council members should also not reply to the speakers.

The City Attorney and Community Planning & Development Services Staff are requesting that the Legal and Finance Committee acknowledge a change to the order in which ordinance amendments are heard in the public hearing process. Staff will now be processing ordinance amendments through the Planning Commission prior to first reading before City Council.



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