



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Community Planning & Development Services

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MEMORANDUM

TO: Mayor Sam Kooiker
Jerry Wright, City Council President
Brad Estes, City Council Vice President & Liaison to the HPC

FROM: Brett Limbaugh, Director

DATE: March 31, 2015

RE: Summary Memo Revisions to HPC Ordinances.

Background:

On December 18, 2013, the City received an opinion from the South Dakota Attorney General's office regarding the operations of the City's Historic Preservation Commission (HPC) and its compliance with state law found in SDCL 1-19A-11.1. After Mayor Sam Kooiker discussed the Attorney General's findings and other customer service issues with the City's Director of Community Planning, Brett Limbaugh, they determined that an overall assessment of the Historic Preservation Commission processes be performed by Lehe Planning, LLC, and executed a contract with Jim Lehe in March 2014. Jim Lehe was selected due to his expertise in planning processes and his familiarity with Rapid City based on previous reviews he conducted in 2010 and 2013. These reviews significantly improved the operations of the City Community Planning and Development Services Department. Jim Lehe's *"Final Report and Analysis of Rapid City's Historic Preservation Program"* was finalized in September 2014. The report was presented to the Historic Preservation Commission and Historic Sign Board on October 17, 2014 and to the Planning Commission on October 23, 2014 for acknowledgment.

Over the last several years, many of the City's processes have been streamlined, including the ability to administratively approve final plats, raffles, event permits, and various other licenses and applications. The historic preservation process is one of the few remaining processes that required all applications to be reviewed by a committee (HPC). In some instance applications were reviewed twice by the HPC due to a process established by a Memorandum of Agreement (MOA) between the City HPC and the State Historic Preservation Office (SHPO). The MOA process proved to be stressful for citizens, exasperating for businesses, frustrating for



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contractors, and a source of morale issues and busywork for staff. The process also further reduced the desirability of owning property in the West Boulevard and Downtown historic districts. Mr. Lehe's report discovered that the Rapid City HPC was operating well beyond a normal scope of regulatory activities when compared to other historic preservation committees in South Dakota whose primary role is education and commenting only on significant historic preservation applications that may have a detrimental impact. Over time the Rapid City HPC not only became involved in the review of every external building permit but also reviewed every permit for interior renovations in the Downtown District regardless of whether the work being performed affected the historic character of the building.

Key Recommendations:

One of Mr. Lehe's recommendations to improve program administration and customer service was to adopt an ordinance which would codify historic preservation policies and procedures into the City's municipal code. Appendix E of Mr. Lehe's report included a recommended model ordinance for the City to consider adopting.

Mr. Lehe's model ordinance would create Zoning Overlay Districts for Historic property in Rapid City. Due to the notification requirements associated with rezoning property, staff recommends phasing the changes to the Historic Preservation Program. At this time, staff is only bringing forward an ordinance revision affecting the Historic Preservation Commission membership composition and the historic preservation review procedures as required by SDCL 1-19A-11.1. The overlay districts will follow in the future after the requirements for notification to property owners are met.

If adopted the proposed ordinance will 1) Repeal the existing section 2.68 of the RCMC, 2) Re-establish the powers and duties of a Historic Preservation Commission in Chapter 17.54.010 and 3) Codify the project review process for properties located on the National and State Registers of Historic Places in Chapter 17.54.080.

The Lehe report also addresses the issue of demolition by neglect that is lacking in the current City processes. Essentially, property owners have not been inclined to renovate their properties due to the uncertain and cumbersome nature of the HPC application process. The proposed process will streamline the review and approval process and encourage property owners to repair and replace worn materials and fixtures. The proposed ordinance will also require the Director and staff to undergo a review from SHPO and the HPC before an historic property could be demolished in order to determine if the structure could be renovated rather than demolished.

Current Procedure:

The current review process is derived straight from SDCL 1-19A-11.1, as the MOA expired in December of 2014. City Staff has been working on the ordinance changes and a draft ordinance is attached along with a chart that compares the old process to the new process. The ordinance revisions are indicated by either a *strike through* (deleted) or *underline* (new language).