

STAFF REPORT  
August 23, 2007

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**No. 07AN003 - Petition for Annexation**

**ITEM 3**

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Ronald Shape
REQUEST	<b>No. 07AN003 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	The SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	At the eastern terminus of Homestead Street and west of Reservoir Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Low Density Residential District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/13/2007
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Petition for Annexation be **approved contingent on any payment due to the Rapid Valley Fire District.**

GENERAL COMMENTS: **This staff report has been revised as of August 13, 2007. All revised and/or added text is shown in bold print.** 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.

The property will be zoned No Use Zoning District upon annexation into the City limits. The applicant has submitted a Layout Plat application (07PL096) and a Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code (07SV039).

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STAFF REVIEW: This undeveloped property contains approximately 40 acres and is located at the eastern terminus of Homestead Street and west of Reservoir Road. The property is currently zoned Limited Agriculture District in Pennington County and will be zoned No Use District upon annexation into the City limits. Land located north of the subject property is zoned General Agriculture District. Land located west of the subject property is zoned Low Density Residential District with a Planned Residential Development and Medium Density Residential District with a Planned Residential Development. Land located east and south of the subject property is zoned Suburban Residential District by Pennington County. The Elk Vale Neighborhood Future Land Use Plan indicates that this area may be appropriate for Public land use with an alternative land use of Low Density Residential.

The property is located adjacent to property annexed into the boundaries of the east City limits of Rapid City. The City Council has adopted a short and long term annexation priority list and the property is identified as a long term priority. As such, the annexation of this property is appropriate and desired. In addition, in order to promote the orderly growth and development of Rapid City, the annexation of contiguous land is required before it is platted.

The legal description for this annexation includes the property to the center line of Reservoir Road, a north/south section line on the east side of the subject property. As such, the City of Rapid City and Pennington County will need to coordinate the maintenance of this road.

Future development of the property will require adequate water and sewer. Water and sewer plans in accordance with City standards shall be submitted for approval prior to any proposed construction. The Rapid Valley Sanitary District staff has indicated that they currently have water capacity to serve portions of the property without additional improvements. However, improvements to the water system will be needed in order to serve the entire property. In particular, the water reservoir to be located north of the property will be required in order to provide water to serve a future booster system for this area.

The annexation area is presently located in the Rapid Valley Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural Fire Districts when annexation diminishes their tax base. The Rapid Valley Fire District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on payment due to the Rapid Valley Fire District being paid by the City of Rapid City.

Staff recommends that the Petition for Annexation be continued to the August 23, 2007 Planning Commission meeting to allow the petition to be heard in conjunction with the Layout Plat application. **The Layout Plat is proposed to be heard at the August 23, 2007 Planning Commission meeting. As such, staff recommends that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley Fire Protection District being paid by the City of Rapid City. (Revised 8-13-07)**