

STAFF REPORT  
March 27, 2008

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**No. 08AN002- Petition for Annexation**

**ITEM 60**

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GENERAL INFORMATION:

APPLICANT/AGENT	Craig and Tamara Mestad
PROPERTY OWNER	Craig and Tamara Mestad
REQUEST	<b>No. 08AN002 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.041 acres
LOCATION	1445 Sammis Trail
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Low Density Residential District (Planned Residential Development)
East:	General Agriculture District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	Private Well and On-Site Septic System
DATE OF APPLICATION	2/20/2008
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Petition for Annexation be approved contingent on any payment due to Whispering Pines Volunteer Fire District.

STAFF REVIEW:

**(Update March 13, 2008. All revised and/or added text is shown in bold.) This item was continued at the March 6, 2008 Planning Commission meeting to allow this request to be heard in conjunction with the associated Preliminary Plat (#08PL012) and the associated Variance to the Subdivision Regulations (#08SV007). Staff recommends that the Petition for Annexation be approved contingent on any payment due to Whispering Pines Volunteer Fire District.**

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

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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 applicant has submitted a Petition for Annexation for a 10 acre tract that was platted as Lot 20 of Highview Subdivision on November 21, 1978. The parcel is located 1.1 mile east of U.S. Highway 16. Currently, a single family residence, an accessory building and a detached garage are located on the property. A Layout Plat (#08PL012) to subdivide the property into four 2.5 acre parcels, and a Variance to the Subdivision Regulations (#08SV007) to waive the requirement to install water, sewer, curb, gutter, street light conduit sidewalk and pavement along Sammis Trail, and the abutting section line highway has been filed in conjunction with this annexation request. The property is currently zoned Limited Agricultural District by Pennington County. The property will be zoned No Use Zoning District upon annexation into the City limits.

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 property is zoned Limited Agriculture District by Pennington County. Land located west and south of the property is zoned Low Density Residential District with a Planned Residential Development. Land located east of the property is zoned General Agriculture District by Pennington County. The US Highway 16 Neighborhood area Future Land Use Plan indicates that this area is appropriate for a Planned Residential Development with two dwelling units per acre.

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

Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Whispering Pines Volunteer Fire District being paid by the City of Rapid City.