



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Growth Management Department

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MEMORANDUM

TO: Planning Commission

FROM: Patsy Horton, Transportation Planning Coordinator /
Marcia Elkins, Growth Management Director

DATE: August 18, 2010

RE: Comprehensive Plan Amendment Notification Procedures

At its August 2, 2010 meeting, the City Council referred Amendments to Ordinance 2.60.160(E) and (F) and related City policies to require sign posting and notices for Comprehensive Plan Amendments to the Planning Commission for further review.

Current Notification Procedures

In 2002, the Planning Commission directed staff to prepare draft amendments to revise the procedures for amending the Rapid City Comprehensive Plan, and subsequently both the Planning Commission and City Council approved an ordinance amendment to implement the current review criteria, sign posting requirements, notification requirements and fees. Section 2.60.160(E) and (F) read as follows:

- E. *Comprehensive plan amendment – posting and maintenance of signs.* In addition to the preceding requirements, the petitioner for the comprehensive plan amendment, or his or her agent or agents, shall be required to post and maintain an approved sign or signs on the property included in the comprehensive plan amendment request. The sign or signs shall be posted at least 7 calendar days prior to the city's Planning Commission at which the hearing shall be held and shall be maintained continuously until the comprehensive plan amendment request has been finally approved or rejected by the Common Council or withdrawn by petition. Approved signs



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shall be secured from the Planning Department. The Planning Department shall require a reasonable deposit sufficient to cover the cost of replacement of the sign or signs and shall determine the number and location of the sign or signs to be posted on the property included in the comprehensive plan amendment. This section shall not apply to comprehensive plan amendments instituted by the city's Planning Commission.

- F. *Comprehensive plan amendments – notification requirements.* In addition to the preceding requirements, the petitioner for the comprehensive plan amendment, or his or her designated agent, shall include postal registration data that substantiates petitioner's good faith attempt to mail certified letters with return receipts to all property owners within 250 feet inclusive of dedicated rights-of-ways of the area described. The certified mailings shall include the date set for the hearing before the city's Planning Commission and contemplated uses, and shall be on a form provided by the Planning department. This section shall not apply to comprehensive plan amendments instituted by the city's Planning Commission. In addition, the Planning Director may convene a neighborhood meeting to present and discuss a proposed amendment.

In addition to the legal requirements identified in Section 2.60.160(E) and (F), the Future Land Use Committee and the Planning Commission have requested that the following additional steps be taken to encourage public input into the process when an Amendment is proposed that includes adoption of a neighborhood land use plan:

1. Property owners with more than 40 acres are invited to a neighborhood meeting to review the draft Future Land Use Plan, noticed with a "blue card," regular mail delivery. Input is taken and revisions may be made to the draft Plan by the Future Land Use Committee;
2. All property owners within the neighborhood are invited to a neighborhood meeting, noticed with a "blue card," regular mail delivery. Additional revisions may be made to the draft Plan by the Future Land Use Committee; and,
3. Additional neighborhood meetings may be held at the request of the Future Land Use Committee. (Notice of the neighborhood meetings are placed in the Rapid City Journal.)

Once the Future Land Use Committee has completed the draft Plan the Planning Commission holds a public hearing. Notice of the public hearing is published at least 10 days in advance of the hearing in a legal newspaper of the community.

When a property owner requests a Comprehensive Plan Amendment, the notification requirements are as follows:

1. City places legal notification of the public hearing in the Rapid City Journal ten days prior to the public hearing;
2. Property owners pay \$20 for property owner list for parcels within 250 feet of proposed amendment; and,

- Public hearing notices are sent to the property owner by certified, return receipt mail to all property owners on list: one ounce mailing costs are \$5.54 and two ounce mailing costs are \$5.71 per property owner on the list provided.

Statutory Requirements and Other Community Notification Procedures

Staff researched and reviewed the notice requirements for various communities in the region. A summary of the notice requirements are as follows:

Community	Publication	Property Owner Notice / Distance	Post Sign	Other
South Dakota Codified Law				
11-6-17 Planning Commission requirements	Newspaper publication 10 days before hearing	Not required	Not required	
11-6-18 City Council requirements	Newspaper publication 10 days before hearing	Not required	Not required	
Rapid City, SD				
Property Owner as applicant	Newspaper publication 10 days before hearing	Certified mail 7 days before hearing to property within 250 feet	Post sign 7 days before hearing	
City as applicant	Newspaper publication 10 days before hearing	Not required; however, for individual amendments, staff sends out certified letters and for Neighborhood Plans staff sends post cards for the Planning Commission hearing	Not required; however, staff posts signs in the area for individual amendments (but not for Neighborhood Plans)	Schedules neighborhood meetings for Neighborhood Plans and sends post cards to property owners. Additional notices may be sent out at the direction of the Planning Commission

				and/or City Council
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Community	Publication	Property Owner Notice / Distance	Post Sign	Other
Aberdeen, SD	Newspaper publication 10 days before hearing	Not required	Not required	Amendments processed every ten years or so
Brookings, SD	Newspaper publication 10 days before hearing	Not required	Not required	
Sioux Falls, SD	Newspaper publication 10 days before hearing	Less than 20 acres, not required Greater than 20 acres, mailed to property within 500 feet, 10 days before hearing	Less than 20 acres, not required Greater than 20 acres and less than 640 acres, 4 signs posted on property on property corners, 7 days before hearing	
Bismarck, ND	Newspaper publication once per week for two consecutive weeks before hearing	Not required	Not required	
Boise, ID	Newspaper publication 15 days before hearing	Mailed to property within 300 feet, 15 days before hearing	Post sign 15 days before hearing	Neighborhood meeting held; land use map changes limited to once every 6 months

Community	Publication	Property Owner Notice / Distance	Post Sign	Other
Cheyenne, WY	Newspaper publication 30 days before hearing	Not required	Not required	
Lincoln, NE	Newspaper publication 7 days before hearing	10 days before hearing to property within 250 feet	Post sign 10 days before hearing	
Scottsbluff, NE	Newspaper publication 10 days before hearing	Not required	Not required	

Based on this research, the following options are offered for consideration:

Option 1 (South Dakota Codified Law requirement). Option 1 outlined in the table below reflects the current minimum notice requirements as outlined in South Dakota Codified Law, Chapter 11-6-17 and 11-6-18.

Option 1	Publication	Property Owner Notice / Distance	Sign Posted	Other
Any applicant	Newspaper publication 10 days before hearing			

Option 2 (Current requirement). Option 2 outlined in the table below reflects the currently adopted notice requirements as outlined in the Rapid City Municipal Code, Section 2.60.160(E) and (F) and the additional notification made as a general practice.

Option 2	Publication	Property Owner Notice / Distance	Sign Posted	Other
Property Owner as applicant	Newspaper publication 10 days before hearing	Certified mail 7 days before hearing to property within 250 feet	Post sign 7 days before hearing	

City as applicant	Newspaper publication 10 days before hearing	Not required; however, for individual amendments, staff sends out certified letters and for Neighborhood Plans staff sends post cards for the Planning Commission hearing	Not required; however, staff posts signs in the area for individual amendments (but not for Neighborhood Plans)	Schedules neighborhood meetings for Neighborhood Plans and sends post cards to property owners. Additional notices may be sent out at the direction of the Planning Commission and/or City Council
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Option 3. Option 3 outlined in the table below provides consistent notice requirements whether a property owner applies for an amendment to the future land use element of the Comprehensive Plan or whether the City submits an application for an amendment to the future land use element of the Comprehensive Plan.

Option 3	Publication	Property Owner Notice / Distance	Sign Posted	Other
Property Owner as applicant for future land use plan amendment	Newspaper publication 10 days before hearing	Certified mail 7 days before hearing to property within 250 feet	Post sign 7 days before hearing	
City as applicant for future land use plan amendment (less than entire neighborhood)	Newspaper publication 10 days before hearing	Certified mail 7 days before hearing to property within 250 feet	Post sign 7 days before hearing	
City as applicant for neighborhood future land use plans	Newspaper publication 10 days before hearing	Mail 7 days before hearing to property within planning boundary	Not required	
Comprehensive Plan Amendments (includes drainage basin plans, long range planning)	Newspaper publication 10 days before hearing	Not required	Not required	

studies, major street plan, airport master plan, utility master plan, etc.)				
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Option 4. Option 4 outlined in the table below reflects the currently adopted notice requirements for Sioux Falls, South Dakota.

Option 4	Publication	Property Owner Notice / Distance	Post Sign	Other
	Newspaper publication 10 days before hearing	Less than 20 acres, not required Greater than 20 acres, mailed to property within 500 feet, 10 days before hearing	Less than 20 acres, not required Greater than 20 acres and less than 640 acres, 4 signs posted on property on property corners, 7 days before hearing	

Summary

The existing Rapid City notification procedures surpass the minimum requirements of South Dakota Codified Law, whether applied to private property owners or City applications.

The Council has requested the Planning Commission's recommendation on the appropriate notice requirements.