

January 2, 2012

Mayor Sam Kooiker
City of Rapid City
600 6th Street
Rapid City, SD 57701

RE: MPO/Meade County/Future land use plan

Mayor Kooiker:

The Meade County Commissioners are voting January 3, 2012 to accept the future land use plan that was prepared by the Metropolitan Planning Organization (MPO) that is under the direction of the City of Rapid City Planning Department. Rapid City staff person Patsy Horton manages the MPO. In particular the land uses in and around the towns of Summerset, SD and Piedmont, SD and the areas of Black Hawk, SD (which is not incorporated), are affected by the proposed MPO plan due to the following issues:

1. The plan shows incompatible proposed Commercial and Industrial land uses immediately adjacent to existing Single Family residential uses.
2. Land Use is not allowed in Meade County.

I am an interested party in this matter as I live on a 40-acre parcel next to land owned by Pete Lien and Sons that is designated as future Heavy Industrial in the proposed plan. My 40-acre parcel is designated as single family residential which may be acceptable to me, assuming zoning were to be allowed in Meade County. Currently the Lien land is taxed as agricultural and has a mining permit issued for some point future which I am told by Pete Lien, "Mining will not occur on in our lifetime." This sensitive land parcel is comprised of Black Hawk Creek that meanders back and forth in and out of my land which is part of a larger contributing basin previously designated by the South Dakota DENR as a feeder to a cold-water fishery, as well as flora and fauna indicative of the foothills of the Black Hills.

In reviewing the proposed MPO Future Land Use plan (currently published on the internet) I cannot understand why anyone on any committee would allow light or heavy industrial FUTURE land use designations immediately adjacent to EXISTING single family homes without some form of buffer, PD designation, etc. These uses are simply incompatible to each other in the context of normal land use strategy. The Heavy Industrial designation will trash the existing housing and business values and potentially pollute this area - Black Hawk will be slated to become the armpit of the Black Hills - kind of like another Commerce City, Colorado.

Additionally, the owner of the future industrial land will be able to refer to the future land use plan (remember it was published) with potential for substantial financial gain from the sale of land that is very hard to find allowing heavy industrial uses. This approach certainly begs the question of the inability of the committee members or their consultants to understand basic land use strategy let alone the integrity of the political process in itself. Let me explain further.

The question to establish special zoning districts in Meade County was challenged and put to a vote about a year ago. By a large margin the voters of Meade County turned down zoning. No, the vote did not pass. Now comes the MPO headed up by City of Rapid City staff to establish land use in a county that voted down zoning. Who in their right mind would allow this to occur and under who's watch? Kind of politically dangerous, isn't it? Evidently not.

I am privy to and know there are certain Meade County Commissioners who are upset that zoning did not pass. It is fair to say that they have taken it personal and they have attempted to bury land use into ordinances to establish some form of control as well. I suspect the Future Land Use Plan via the MPO vehicle is part of their strategy by showing the plan as "proof positive" that a "process" was used to establish land uses in certain areas by an entity outside their influence over which they had no control. Their agenda may be to achieve special district zoning but their procedure is a disconnect and simply not right nor is it fair and equitable. It's nature is indiscreet.

I am a proponent of the type of zoning based on the land use strategy I was trained in over the last 30 years with hands on experience in the front range of Colorado and South Dakota. Over the last decade I have witnessed the negative effects due to the lack of zoning in Meade County. It is my opinion that Meade County did not approach the special district zoning correctly, did not build consensus, and subsequently lost the vote.

In an attempt by Meade County et.al. to push through some form of land use or whatever you want to call it in the future, the MPO and Rapid City will turn out to be the fall guy. I was told by Meade County Planning Department staff that the map means nothing and holds no merit other than an attempt to establish how the county "could" be zoned in these areas at some point future. This premise is ridiculous. I also suspect a conflict of interest may exist with the engineering firm being used by the MPO and the largest single landowner affected by the future land use plan. At best this is a very poor example of proper government in action.

Then why all of the effort with committees and the expense of hiring engineering firms and all of this fuss, then pushing the map through some form of governmental vote mish mash during the most inconvenient timing of the holiday season? I suggest this is also an attempt to hide it more and push it through unnoticed. Again why is Rapid City in the middle of all of this?

First and foremost, it is my position that the Meade County Planning Department, the Meade County Commission, the City of Rapid City and the MPO do not have the legal right to spend taxpayer money to prepare a map designating zoning/land uses in Meade County. Secondly, ignoring my premise that this is not within the confines of law, to end run a process in this manner is simply not right.

You will not convince me that once a document is published, the same document the government is telling me means nothing and holds no merit, does not harm the value of my single family residence, or for that matter several hundred other homes adjacent to proposed heavy industrial uses. The land use map is an attempt by Meade County et.al. to gain a foothold against the anti-zoning people.

The City of Rapid City is spending Rapid City tax dollars with their staff to direct future land uses in Meade County. Does Rapid City intend to impose their influence in this area? Rapid City is in the middle of this dogfight at the exact level of planning that has occurred. When explained in this manner, don't you question the motives of this whole effort knowing the problems associated with zoning in Meade County? Should this not be an issue headed up by Summerset, SD and/or Piedmont, SD or at the very least headed up and managed ENTIRELY by the Meade County Planning Department and NOT by an MPO managed by Rapid City staff?

I understand this issue is being discussed January 10, 2012 by either the Rapid City Legal and Finance or Public Works Committees. Mr. Kooiker, I believe you inherited this problem as it was not started during your watch. I ask you to hold the line of integrity in this matter and request the City of Rapid City STOP WORK on this document and do not allow anything to be published showing land use in these areas. Even in DRAFT form it harms landowners. Hand this back to Meade County and the two City's that are impacted and let those who are affected deal with the myriad of issues they have again created by not doing things in the proper sequence and order.

Only after zoning is approved the natural progression to formulate a future land use plan should be made, not before. Land use committees must be represented by a broad cross section of the people who live and own property in the areas affected using a legitimate procedure that must first pass zoning in these special districts.

I also ask you to contact Bill Rich at Meade County Planning before their afternoon meeting on January 3, 2012 at 605.347.3818 to advise him of the position of the City.

Respectfully,

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