



CITY OF RAPID CITY

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MEMORANDUM

TO: Mayor Sam Kooiker

FROM: Brett Limbaugh, Director CPDS

DATE: December 18, 2013

RE: Lehe 2013 Study Acknowledgement and Work Plan

In 2010 Jim Lehe (Lehe Planning LLC.) produced an assessment of the structure and operations of what was then known as the Growth Management Department. The 2010 study titled "Growth Management Process Assessment" provided twelve primary recommendations to restructure the Department including several sub-recommendations. City Staff worked with representatives of the development community (Second Floor Committee) to implement the recommendations over a period of 18 months. In May of 2012 the majority of the study recommendations had been implemented and the Second Floor Committee was acknowledged for their efforts and disbanded.

In August of 2013 the Mayor's Office and the Community Planning & Development Services Department entered into a new contract with Jim Lehe to perform an update of the original 2010 study with a focus on the Development Review Team processes. The new study also evaluated the ordinance revisions made by the Second Floor Committee to determine if the changes had been effective. In late September, Jim Lehe met with 24 individuals including Staff, Planning Commission, City Council, developers and consulting engineers to evaluate the progress made since the 2010 study and formulate additional recommendations. The report titled "Development Review Team (DRT) Process: 2010-2013 Progress Report and Assessment" is attached to this memorandum.

The 2013 report indicates that the majority of the recommendations from the 2010 report have been completed or substantially completed. The report scored several recommendations as being partially completed or not completed but notes that progress is being made to complete the outstanding items. The 2013 study identifies 16 recommendations that are either carryover items from the previous study or new recommendations. A summary is on the next page.



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The 2013 Lehe Study Recommendations:

1. Repeal the Planned Development (PD) Overlay District.
2. Fully automate all DRT application processes administered by the Current Planning Division and expand and continually upgrade the CRW Systems Land Management Software to its full capabilities.
3. Revise formats of staff reports to the Planning Commission and City Council.
4. Establish a competitive salary schedule for planners.
5. Create a customer friendly atmosphere by improving customer service and staff relations with the general public and applicants.
6. Update the zoning ordinance in accordance with the goals and policies of the City's new comprehensive plan, and integrate zoning, subdivision, and associated land development ordinances into a Unified Development Code.
7. Perform a detailed examination of all permitted uses by zoning district and make adjustments, as necessary.
8. Enact Conditional Zoning.
9. Expand administrative approvals of subdivisions to include Preliminary Subdivision Plans.
10. Streamline procedures for obtaining special exceptions to the City's design standards and specifications.
11. Remove the requirement for denial of a building permit prior to making application for a variance.
12. Consolidate the Historic Preservation Commission and Historic Sign Review Committee into a single board and enact written guidance to aid their decisions.
13. Implement the Future Land Use components of the City's new comprehensive plan that is now in progress and include the Future Land Use map in GIS.
14. Encourage pre-application conferences with the DRT and Building Permit TEAM, and invite applicants to attend DRT and TEAM meetings to observe the processes and answer questions that might clarify staff questions.
15. Allow for administrative waivers of unnecessary application information.
16. Evaluate the Development Review Team organization, authority, and procedures for efficiency and effectiveness. A comparative evaluation should be made with other cities within the region. On-site visits by the Planning Director and staff should be made.

Staff has reviewed the study and a Work Plan has been developed to address each of the recommendations. The recommendations fall into two broad categories including those items that would require revisions to the Municipal Code and/or adoption of a resolution and those that can be accomplished through policy or procedural changes. Listed below is the initial Work Plan divided into the two broad categories:

Municipal Code Revisions and/or Resolution

- **Recommendation #6** calls for the consolidation of the Subdivision Ordinance (Title 16) and Zoning Ordinance (Title 17) and any other land development ordinances into a



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single Unified Development Code. This is now a common practice in most jurisdictions across the country. The new Unified Development Code would include **Recommendations # 1,7,8,9, and 15** and incorporate recommendations in the new Comprehensive Plan. It should be noted that the consulting team that is working on the Comprehensive Plan will also be performing a zoning code analysis in January as part of their original scope of services. Together the code analysis recommendations to be made by the Comprehensive Plan consultants and the Lehe recommendations above will provide enough direction for Staff to prepare a Unified Development Code for review by the Planning Commission and adoption by City Council.

- **Recommendation #4** calls for the establishment of a competitive salary schedule for planners. City Council approved a resolution providing revisions to the salary ranges for Staff Planners at the 12/16/2013 City Council meeting. With this approval the CPDS Director, Community Resources Director and Human Resources Manager will review the revised ranges and make the necessary adjustments to salaries for each of the Planner positions. Community Resources also received approval of a resolution to perform a Compensation Study for all other non-union positions at the 12/16/2013 City Council meeting.
- **Recommendation #12** calls for the consolidation of the Historic Preservation Commission and Historic Sign Board. Staff has checked with the State and there appears to be no requirement to have a separate sign review board. The States Attorney General Office has been reviewing issues for the City regarding the duties and authorities of the Historic Preservation Commission and recently sent a written opinion regarding the review, evaluation, and recommendation process of the Historic Preservation Commission. Staff can now prepare the ordinance revisions necessary to consolidate the Historic Sign Code Board into the Historic Preservation Commission and include provisions detailing the new Commissions authority and project review process in accordance with the Attorney General opinion.

City Staff Policy and Procedure Changes

- **Recommendation #2** calls for the expansion and upgrade of the CRW building permit software system to include the land use application and code enforcement processes. Furthermore the DRT application process should be automated to allow electronic plans rather than multiple sets of paper plans to be submitted, referred, reviewed, corrected and approved. An internal Staff committee including Building, Code Enforcement, Engineering, Fire, IT, Current Planning, and Administrative personnel will be created to inventory and review the existing capabilities of the CRW and DRT systems. From analysis a list of additional hardware and software needs will be generated. This process will also require a survey and investigation of other cities for best practices.
- **Recommendation #3** calls for a revision in the format and content of the City staff reports that go to the Board, Commissions and City Council. Jim Lehe included

examples within the report and Staff will create a new template and review the changes with the affected boards, commissions, and City Council.

- **Recommendation #5** calls for improvements in customer service and staff relations with the general public. Additional customer service training will be provided for staff in 2014.
- **Recommendation #10** calls for improvements to the form used by the City Engineers for special exceptions to the City design standards. Both CPDS and Public Works Staff have been using this form for over a year and will make changes based on feedback from applicants as identified in Lehe report.
- **Recommendation #11** calls for the elimination of a policy requiring the submittal and denial of a building permit before an applicant can apply for a variance. This policy can be revised provided the applicant submits plans with enough detail for Staff to determine what variances would be required and thus potentially avoiding multiple hearings before the Board of Adjustment.
- **Recommendation #13** calls for the implementation of the new Comprehensive plan including the placement of the future land use map on the City GIS system. The Comprehensive Plan is scheduled to be finalized and adopted in the first quarter of 2014. The new map will be provided to IT and incorporated into the Rapid Map GIS system.
- **Recommendation #14** calls for a policy to encourage pre-application conferences with applicants and allowing applicants to attend DRT meetings. Staff presently encourages applicants to have a pre-application meeting however many consultants believe they understand the process and do not want to delay the submittal of an application. Staff can formalize this process by offering the pre-application meeting and if the applicant or consultant decides to decline then an acknowledgement should be signed that they voluntarily declined the pre-application meeting as part of the application process. The DRT meetings are internal staff meetings to discuss the applications and reach consensus with regard to recommendations and conditions. It is important for the initial DRT meeting to be reserved for Staff and external referral agencies to work out any issues before meeting with an applicant. The Staff does make an effort to meet with applicants once the DRT meeting has occurred. Staff can look at formalizing a post-DRT meeting with any applicant that may want to meet to discuss the recommendations, revisions, and conditions. An acknowledgment process such as the one for the pre-application meeting discussed above could also be implemented if the applicant declines an invitation to the post-DRT meeting.
- **Recommendation #16** calls for an evaluation of the DRT organization, authority, and procedures for efficiency and effectiveness. Staff will engage in a process improvement evaluation over the next year to identify redundancies and streamline the application process. Staff will also review best practices from other cities.

Conclusion and Recommendation

Staff is requesting that the “Development Review Team (DRT) Process: 2010-2013 Progress Report and Assessment” report from Jim Lehe Planning LLC. be placed under the Mayor’s items on the Public Works Agenda and subsequent City Council Agenda to be acknowledged and authorize Staff to proceed with the Work Plan outlined in this memorandum.