

STAFF REPORT  
August 7, 2014

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**No. 14OA006 - An Ordinance Amending Provisions Concerning the  
General Provisions of Subdivisions by Amending Chapter  
16.04.090 of the Rapid City Municipal Code**

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**ITEM 10**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
AGENT	Patsy Horton - City of Rapid City
REQUEST	<b>No. 14OA006 - An Ordinance Amending Provisions Concerning the General Provisions of Subdivisions by Amending Chapter 16.04.090 of the Rapid City Municipal Code</b>
DATE OF APPLICATION	June 26, 2014
REVIEWED BY	Patsy Horton / Not Assigned

RECOMMENDATION:

Staff recommends that the Ordinance amending Chapter 16.04.090 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS: In 1983, the City Council approved a resolution requiring that any area contiguous to Rapid City must be annexed prior to Rapid City's approval of a plat for the property. Generally, people residing just outside the city limits often enjoy many of the services of the municipality without providing property tax monies to support their cost, and urban services will inevitably be required by all residents of the Rapid City urban area. Without annexation of fringe areas, a compact and efficient pattern of growth as identified in Principle BPG-1 of *Plan Rapid City* may not occur.

As historically determined by the South Dakota Supreme Court in *Smith v. City of Rapid City*, 1981, the City did not request annexation only for the sole motive to generate property tax revenue. "The people and property owners of an area proposed for annexation have neither the moral nor legal right to stand aloof from the incorporated community of which they are a de facto part, enjoying most of the benefits, but disclaiming their duty to participate in providing these essential services."

Staff discussed this issue with the Planning Commission at their July 10, 2014 meeting and was subsequently directed by the Planning Commission to bring forward for consideration the proposed ordinance amendment to add the 1983 resolution language to the subdivision regulations.

STAFF REVIEW: The City Council has consistently implemented the 1983 resolution since adopted, with the approval of the annexation action prior to final plat approval. This proposal moves the 1983 resolution language into Chapter 16 as part of the subdivision requirements.

As referenced previously, one of the seven core values developed in *Plan Rapid City* is a Balanced Pattern of Growth. Principle 1 suggests that Rapid City create compact and

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efficient growth patterns. The first goal within this principle (BPG-1.1A) encourages compact growth and infill development within and adjacent to established city limits. Moving the resolution language into ordinance will ensure compact growth occurs.

*Plan Rapid City* has several implementation tasks recommended for completion over the next five years related to an urbanization strategy, including creating various tools to finance urbanization. Once those are developed, staff anticipates submitting additional changes to provide the community with tools to encourage development as well as additional tools to finance growth.

Staff recommends that the Ordinance amending Chapter 16.04.090 of the Rapid City Municipal Code requiring annexation prior to platting be approved.