MEMORANDUM

TO: Planning Commission
FROM: Carla Cushman, Assistant City Attorney
DATE: April 26, 2018
RE: Ordinance No. 6251 An Ordinance to Amend Provisions Concerning the Planning Commission by Amending Chapter 2.60 of the Rapid City Municipal Code

Before you today is Ordinance 6251, which amends R.C.M.C. Chapter 2.60 titled “Planning Commission.” The changes we are proposing are very minor, even if they look dramatic. The primary amendment would adjust the ward membership provision for Planning Commission members. The rest of the proposed changes would generally clean up the remainder of the chapter and delete ordinances which restate (current or previous) state laws. Staff do not intend, by this ordinance, to make any changes to its comprehensive plan authority, policies, or procedures.

A summary of the proposed changes:

- In appointments to the Planning Commission, it currently states that if there is a ward which does not have a member on the Planning Commission, then no appointment shall be made to the Commission which would result in 2 or more members being from the same ward. See RCMC 2.60.020. This provision has made it difficult to fill empty seats because of a lack of membership and applicants from Wards 2 and 4. Therefore, we are recommending a change to increase flexibility, keeping the language that it shall be an objective to have ward representation on the Planning Commission and adding that “due regard shall be given to obtaining representation from all five wards.”

- Clarified the Director’s authority to enter into contracts relating to the work of the Planning Commission. (old 2.60.090 new 2.60.080)
- Removed the requirement that the Council approve of the Planning Commission bylaws. (*old 2.60.100 new 2.60.090*).

- Clarified the ordinances to reflect state law that the Planning Commission recommends the comprehensive plan and amendments thereto, and the Common Council adopts the comprehensive plan and makes amendments to it as needed. (*old 2.60.150 new 2.60.120 and old 2.60.160 and new 2.60.130*)

- Amended (old) 2.60.130 and 2.60.130 to make minor clarifications to the procedures to adopt and amend the comprehensive plan, such as replacing certified mail with first class mail and updating the name of the Community Development Department.

- Deleted the following ordinances because they’re inaccurate to how the City operates:
  - 2.60.080 Support staff
  - 2.60.110 Reporting requirements

- Deleted the following ordinances as duplicative of state law:
  - 2.60.140 Comprehensive Plan – Purpose.
  - 2.60.170 Reasons for disapproval to be conveyed to the Common Council
  - 2.60.180 Jurisdiction over construction
  - 2.60.190 Approval of street and public improvements
  - 2.60.210 Building or setback lines
  - 2.60.220 Platting jurisdiction
  - 2.60.230 Subdivision regulations
  - 2.60.240 Streets and utilities in subdivision
  - 2.60.250 Bond for completion of subdivision
  - 2.60.260 Assessment provisions for subdivision
  - 2.60.270 Approval of plats
  - 2.60.280 Subdivision plats
  - 2.60.300 Street construction outside municipality

If you have any questions, please call me at 394-4140 or email carla.cushman@rcgov.org.