



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

## Department of Community Development

300 Sixth Street

Vicki L. Fisher  
Current Planning Division Manager  
Department of Community Development  
city web: [www.rcgov.org](http://www.rcgov.org)

Phone: 605-394-4120

Fax: 605-394-6636  
e-mail: [vicki.fisher@rcgov.org](mailto:vicki.fisher@rcgov.org)

### MEMORANDUM

TO: Planning Commission  
City Council

FROM: Vicki L. Fisher, Current Planning Division Manager

DATE: February 18, 2021

RE: File #21OA001 - An Ordinance to create a platting process to facilitate the transfer of certain unplatted property by adding Section 16.08.105 to the Rapid City Municipal Code

Pursuant to SDCL 11-6-40, the City of Rapid City has restricted the transfer of property that encompasses less than 40 acres or cannot be described by eloquent description within the platting jurisdiction of the City. In these instances, the property must be platted pursuant to Chapter 16.04.100 of the Rapid City Municipal Code. The platting process is the mechanism the City uses to ensure that the infrastructure needed to provide public services to the area is either in place or being constructed as a part of the plat approval. The City recognizes that a process to transfer property without constructing infrastructure improvements may be necessary to encourage development and growth in some circumstances. Creating a Transfer Plat process will meet this need while creating approval criteria that establishes guidelines for its use as follows:

1. The property to be platted must be devoid of all development;
  - a. If any development is present on the property, the applicant may petition the Common Council to authorize a transfer plat, should the Council determine infrastructure improvements are not necessary;
  - b. Absent Council authorization, a transfer plat may not be approved if any development is present;
2. The owner of the property must enter into a restrictive covenant prohibiting all development on the property including, but not limited to the following:
  - a. No building permits shall be issued on a Restricted Lot;
  - b. No applications for development pursuant to Title 17 of the Rapid City Municipal Code shall be approved for a Restricted Lot;
  - c. No other development permits (e.g. grading permit) shall be issued on a Restricted Lot; and,
  - d. No development may occur until the Restricted Lot is replatted pursuant to Section 16.08.080;
3. Any lot created by a transfer plat shall be identified on the plat as "Restricted Lot" with a corresponding number or letter;

4. If two or more portions of a property to be platted are separated by public right-of-way or other platted lots such that one contiguous restricted lot cannot be platted, two or more restricted lots may be approved;

5. The transfer plat shall not subdivide a parcel of property or increase the number of lots;

6. The transfer plat shall not alter any recorded or platted easements or right-of-way; and

7. The transfer plat shall not create any nonconformities with the Rapid City Municipal Code, nor shall it increase the degree of nonconformity of any existing use.

Similar to the review and approval process currently established for Minor Plats and Lot Line Adjustment-Consolidation Plats, a Transfer Plat application will be administratively acted upon by City staff. In particular, the City will have 13 working days to complete their review and to approve, deny or suspend the application. The decision of staff may be appealed to City Council.

**RECOMMENDATION: Staff recommends that Ordinance 210A001 to create a platting process to facilitate the transfer of certain unplatted property by adding Section 16.08.105 to the Rapid City Municipal Code be approved.**