



**City of Vermillion
Planning Commission Agenda**

5:30 pm Regular Meeting

Monday, April 23, 2012

City Hall

Large Conference Room – 2nd Floor

25 Center Street

Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. March 12, 2012 Regular Meeting.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
 - a. Zoning Ordinance Amendment - Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines.
 - b. Zoning Ordinance Amendment - Amending Section 155.072, Off-Street Parking, modifying parking requirements for dwellings.
 - c. Zoning Ordinance Amendment – Amending Section 155.08, Definitions, and Section 155.037, Neighborhood Commercial District, to add a definition for office uses and add permitted commercial uses and conditional residential and commercial uses.
6. **Old Business**
7. **New Business**
 - a. Preliminary Plat of Cottage Place Addition.
 - b. Presentation from Tom Reasoner - AIA's 10 Principles of Livable Communities.
8. **Staff Reports**
9. **Adjourn**

WELCOME TO YOUR PLANNING COMMISSION MEETING

If you wish to participate in the discussion, the meeting provides several opportunities.

After the minutes are approved, the Chairperson will ask if any visitors wish to be heard. Any item not on the agenda may be discussed.

During the discussion of agenda topics, anyone may comment. The Chairperson will recognize you if you raise your hand. Please introduce yourself with your name and address when addressing the Planning Commission. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote. You may participate each time if you wish.

Your suggestions and ideas are welcome. The best decisions are made when everyone participates and provides information.

Meeting Assistance: The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

Unapproved Minutes
Vermillion Planning Commission
Monday March 12, 2012 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on March 12, 2012 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Gruhn, Manning, and Tuve. Absent: Howe, Muenster, Reasoner and Iverson.

Also present were José Dominguez, City Engineer and Andy Colvin, Assistant to the City Manager.

2. Minutes

a. January 23, 2012 Regular Meeting.

Moved by Fairholm to approve the January 23, 2012 Regular Meeting Minutes, seconded by Tuve. Motion carried 5-0.

3. Adoption of the Agenda

Moved by Tuve to adopt the agenda as printed, seconded by Manning. Motion carried 5-0.

4. Visitors to be Heard

5. Public Hearing

a. Amendment to Cottage Place Planned Development District to modify the use district boundaries.

Jose reported that Banner Associates, on behalf of Troy Gregoire, Mike Manning, and Larry Anthofer, owners, submitted a proposal to change the use areas within the Cottage Place Planned Development District. Jose noted that Lance Weatherly, from Banner Associates, can address questions about the development. Jose noted that since the proposal will change the district boundaries of the areas, a public hearing and ordinance adoption are required.

Lance reported that the uses within the areas are not changing, but the proposed changes will increase the space for residential uses and decrease the space for commercial development. Brief discussion followed.

The Planning Commission questioned whether a future road is set to go through an existing house in Tract 8. Jose clarified that the right-of-way will go through the house, but not the road. The commission also questioned whether the road to access Tracts 4-7 is wide enough. Jose reported that the size should be sufficient since the road will serve only the development. Questions were also raised about access to Tract 2. Jose reported that Tract 2 will be accessed from Cherry Street.

Muenster arrived at 5:50 p.m.

The Planning Commission also expressed concern about where the area will drain. Lance stated that the area will drain to Cherry Street or Cottage Avenue, which would require a new pipe since Cottage Avenue does not have the capacity.

Moved by Tuve to recommend approval of the amendment, seconded by Gruhn.
Motion carried 6-0.

6. Old Business

7. New Business

8. Staff Reports

9. Adjourn

Moved by Fairholm to adjourn, seconded by Gruhn. Motion carried 6-0.

Vice-Chair Forseth declared the meeting adjourned 6:05 p.m.



Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: April 23, 2012

Subject Amendments to the Zoning Ordinance - Amending Definitions and Regulations within the R-2 District and R-3 District and Modifying the Off-Street Parking Requirements

Presenter: Jose Dominguez

Background: City staff has been working on a plan to permit garage spaces to count towards the minimum parking requirements in rental dwellings. The reason garages do not count, at the current time, is that they are often used for personal storage (such as extra furniture and other belongings) as opposed to vehicles. Therefore, vehicles end up on the street unless extra on-site parking is available. In order to address the parking issue, staff went through the zoning ordinance and modified the definitions and regulations for residential dwellings and districts to allow garages to count in certain instances. Two amendments are being presented that will address the parking issue. The first amendment addresses the definitions which needed to be changed to modify the off-street parking requirements, which are addressed in the second amendment. The first amendment also addresses changes to the setbacks, lot widths and lot area in two of the residential districts.

Discussion: The first amendment seeks to clarify what qualifies as a duplex, townhouse and apartment complex. The current ordinance is vague in the definition of these building types. This issue has caused problems when trying to identify new construction as a duplex, townhouse or an apartment building. Additionally, the amendment will require that the new construction be placed at the building line rather than at the setback line. The building line may be further than the setback line, but never any closer to the property line than the setback line. The width of the lot at the property line will be controlled by the required frontage.

The second amendment will offer developers the option to count garage spaces, and the area directly behind the garage, toward the parking requirement. This will only be allowed when the development meets the following criteria:

5. Public Hearings; items a & b

- Each unit must have direct access to their garage through a door directly leading to the garage without going outside.
- The garage stall must be 10-feet wide by 20-feet long.
- The property owner will ensure that the garage space is open for tenant parking and that the space cannot be used for any other purposes. This will be a condition of the rental registry.

For example, a four unit apartment complex with three bedrooms per unit and four 1 car garages, meeting all of our proposed requirements, would require 12-parking stalls under our existing ordinance. Under the proposed amendment, the same development would require 10-parking stalls.

Conclusion/Recommendations: Staff is asking the Planning Commission to review and make a recommendation on the amendments to the City Council. The City Council is scheduled to have first reading of the ordinance on May 7th.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE ZONING ORDINANCE OF THE CITY BY AMENDING SECTION 155.008, DEFINITIONS; 155.032, R-2 RESIDENTIAL DISTRICT; 155.033, R-3 RESIDENTIAL DISTRICT.

§ 155.008 DEFINITIONS

BUILDING LINE. A parallel to the curb line touching that part of a building or parking lot closest to the street. The line may be at the setback line or further.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE). A 1-single family dwelling owned separately and attached to 2 or more 1-single family dwellings by common vertical walls. Each dwelling shall be in its own lot.

DWELLING, MULTIPLE-FAMILY (APARTMENTS AND CONDOMINIUMS). A building, or portion thereof, containing 3 or more dwelling units that may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.-

~~**DWELLING, TOWNHOUSE.** One of a group or row of 2 or more single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. The townhouse need not face upon a street if otherwise specifically provided in this chapter. For the purpose of side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.~~

DWELLING, TWO-FAMILY ATTACHED (DUPLEX). A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units. Each structure shall be in its own lot.

§ 155.032 R-2 RESIDENTIAL DISTRICT.

(A) Permitted uses. The purpose of this district is to provide for certain low to medium density residential areas in the city now developed primarily with single-family, 2-family, and multiple-family dwellings.

Permitted Use Applicable Standards

Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached <u>(townhouses)</u> dwellings	§§ 155.070, 155.072, 155.076, 155.077 <u>(this includes twin homes and duplexes)</u>
Multiple- <u>family (apartments and condominiums)</u> dwellings (up to 4 dwellings)	§§ 155.070, 155.072, 155.076, 155.077
<u>Two-family attached (duplex) dwellings</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
Boarding and lodging house	§§ 155.070, 155.072, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties.

	One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All applicable dwelling standards apply.
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(C) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	Lot Area	Frontage	Lot Width Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-family detached dwellings (see #2)	6,500 square feet	50 feet	65 feet (see #2)	25 feet (see #3)	8 feet	25 feet	35 feet
Single-family attached (townhouse) dwellings (2 units) (1-2 lots) (up to 4 attached dwellings) (see #5)	6,000 2,500 square feet	25 feet	25 feet	25 feet (see #3)	0 feet or 8 feet on nonparty wall side	25 feet	35 feet

Single-family attached dwellings (4 units) (3-4 lots) Two-family attached (duplex) dwelling	7,200 square feet	50 feet	1665 feet	25 feet (see #3)	0 feet or 8 feet on nonparty wall-side	25 feet	35 feet
Multiple-family (apartments and condominiums) dwellings (4 units) (1 lot)	7,500 square feet	50 feet	75 feet	25 feet (see #3)	8 feet side	25 feet	35 feet
All other uses	6,000 square feet	50 feet	60 feet	25 feet (see #3)	15 feet	25 feet	35 feet

Exceptions:

- #1 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- #2 A residence may be constructed on a lot-of-record, which has a lot width of less than 65 feet.
- #3 One required front yard may be reduced to 20 feet on corner lots.
- #4 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- #5 Every two units will be staggered.

§ 155.033 R-3 RESIDENTIAL DISTRICT.

The purpose of this district is to provide for certain high density residential areas the city now developed primarily with single-family, 2-family, and multiple family dwellings.

(A) Permitted uses.

Permitted Use Applicable Standards

Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (<u>townhouses</u>) dwellings (up to 2)	§§ 155.070, 155.072, 155.076, 155.077
Multiple-family (<u>apartments and condominiums</u>) dwellings	§§ 155.070, 155.072, 155.076, 155.077
<u>Two-family attached (duplex) dwellings</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
Boarding and lodging house	§§ 155.070, 155.072, 155.076, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties.

	§§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital/clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge.	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children §§ 155.070, 155.072, 155.076, 155.077
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide a copy of state agency license. §§ 155.070, 155.072, 155.076, 155.077
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Fences	§ 155.074
Convent/monastery	§§ 155.070, 155.072, 155.077
Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(C) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	Lot Area	Frontage	Lot Width/Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
3 to 8 multiple-family (apartments and condominiums) dwelling units	7,500 square feet	50 feet	60 feet	30 feet (see #4) (see #7)	10 feet (see #1)	10 feet	45 feet
9 to 12 multiple-family	20,000 square	50 feet	70 feet	30 feet	10 feet	10 feet	45 feet

<u>(apartments and condominiums) dwelling units</u>	feet			(see #4) (see #7)			
over 12 multiple-family <u>(apartments and condominiums) dwelling units</u>	30,000 square feet	<u>50 feet</u>	85 feet	30 feet (see #4) (see #7)	10 feet	10 feet	45 feet
Single-family detached	7,500 square feet	<u>50 feet</u>	60 feet	30 feet (see #4)	8 feet	25 feet	45 feet
Single-family attached <u>(townhouses) dwellings (up to 8 attached units) (see#8)</u>	5,000 <u>2,500</u> square feet	<u>25 feet</u>	<u>20-25</u> feet	30 feet (see #4)	0 feet or 10 feet on nonparty wall side	25 feet	45 feet
<u>Two-family (duplex) dwelling</u>	<u>7,500</u> square feet	<u>50 feet</u>	<u>60 feet</u>	<u>30 feet</u> (see #4) (see #7)	<u>10 feet</u> (see #1)	<u>25 feet</u>	<u>45 feet</u>
All other uses	7,500 square feet	<u>50 feet</u>	75 feet	30 feet (see #4)	10 feet	25 feet	45 feet

Exceptions:

#1 The side yard will be required to be increased to 15 feet when the building is 3 stories in height or more.

#2 A residence may be constructed on a lot-of-record which has a lot width of less than 60 feet.

#3 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.

#4 One required front yard may be reduced to 20 feet on corner lots.

#5 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see §§ 155.095(A)).

#6 See also adjustments to yard regulations (§ 155.039) for other specific exceptions.

#7 More than one main building per lot may be constructed.

#8 Every two units will be staggered.

Adopted this _____ day of _____, 2012.

Mayor

ATTEST:

Finance Officer

Seal

First Reading: _____

Second Reading & Adoption: _____

Publication: _____

Effective Date: _____

Published once at the approximate cost of _____.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE ZONING ORDINANCE OF THE CITY BY AMENDING SECTION 155.072, OFF-STREET PARKING.

§ 155.072 OFF-STREET PARKING.

(A) General conditions.

(1) No parking spaces are permitted in the required front or side yard in any residential district except for multiple-family dwellings and portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this chapter.

~~(2) — Driveways shall not exceed 36 feet in width. An exception for 40-foot driveways shall be allowed for businesses.~~

~~(3)~~ Parking spaces may be permitted in any required rear yard.

~~(4)~~ All parking spaces shall be connected to a public street or alley.

~~(5)~~ Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

~~(6)~~ All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt, concrete or other acceptable paving systems (as determined by City Engineer).

~~(7)~~ The parking requirements in this section shall not be applicable to property in the CB Central Business District.

(B) Required parking spaces.

(1) In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see Table 1 below:

Table 1: Minimum Off-Street Parking and Loading Requirements

Uses and Structures	Minimum Parking Requirements
Single-family and 2-family dwellings	2 spaces for each dwelling unit—
Multiple-family dwellings	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater—
Rooming and boarding houses, sororities and fraternities	1 parking space for each 200 square feet of floor area
Bowling alleys	4 spaces per lane
Church or temple	1 space for each 4 seats in main seating area
Private club or lodge	1 parking space for each 300 square feet of floor area
High school	4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Elementary school	2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any

	auditorium or gymnasium or cafeteria intended to be used as an auditorium
Eating and drinking places	1 space for each 300 square feet of gross floor area
Hospitals	1 space for each bed
Nursing, convalescent and rest homes	1 space for each 3 beds
Auditoriums, theaters and places of public assembly	1 space for each 4 seats of design capacity
Hotels and motels	1 space for each 2 rental rooms
Funeral homes	1 space for each 4 seats in the chapel
Retail sales establishments	1 space for each 300 square feet of floor area
Medical and dental clinics	1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area
Manufactured home parks	2 spaces for each
Industrial uses	1 space for each 2 employees on the maximum working shift
Service establishments	1 space for each 300 square feet of floor area
Wholesale and distribution establishments	1 space for each 2 employees on the maximum working shift

(2) For parking requirements for residential uses (excluding manufactured homes) see Table 2 below:

(a) In order for the Alternate Parking Requirements to be used the following criteria must be met:

(i) Each unit must have direct access to their garage through a walk-thru door directly leading to the garage without going through the outside.

(ii) Each garage stall shall be 10-feet wide by 20-feet long.

(iii) The property owner will ensure that the garage space is open for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.

Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses

Uses and Structures	Minimum Parking Requirements	Alternate Parking Requirements**
Single-family detached	2 spaces for each dwelling unit	2 spaces for each dwelling unit
Single-family attached (townhouses)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Two-family attached (duplex)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Multiple-family (apartments and condominiums)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	Use either 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater. This value shall be multiplied by the following factors. The number of garage stalls shall be subtracted from the product.

		<u>If garage is 1 stall then the factor will be 1.2</u>
		<u>If garage is 2 stalls, or larger, then factor will be 1.4</u>

** The parking stall (10-feet wide by 20-feet long) within the garage and the area directly behind the garage (9-feet wide by 18-feet long) will count towards the off-street parking requirements.

(23) All other uses not specified in the above tables shall have minimum off-street parking and off-street loading spaces as determined by the City Council.



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager
Meeting: April 23, 2012
Subject: Proposed Zoning Ordinance Amendment to Add Permitted and Conditional Uses to the NC Neighborhood Commercial District
Presenter: Andrew Colvin

Background: In 2008, the Planning Commission and City Council completed a comprehensive rezoning of the city and a revision of the zoning ordinance. During this process, nearly all of the districts were renamed and a few new districts were added. One of these districts was the NC-Neighborhood Commercial District, which did not exist prior to the 2008 revision. The intent of the district was to create a transitional area separating Cherry Street from Main Street, which permitted very light commercial uses, such as Laundromats and personal service businesses (i.e. hair salons, etc.) so as not to negatively impact residential areas. There are two areas designated as NC, one is on Dakota Street from Cherry Street to Main Street, the other is on East Main Street. All types of residential uses are prohibited, as are eating establishments.

On November 14, 2011, Gary Marshall, owner of residential property on Dakota Street, approached the Planning Commission to express concerns that he is unable to re-finance the mortgage on his property because the zoning does not permit residential uses and, if burned down, could not be rebuilt. Staff brought forth some ideas on December 12, 2011 to gather additional input from the Planning Commission on what is desired for the district. From that discussion, it was apparent that the Planning Commission desires to permit both residential and commercial uses.

Discussion: One of the challenges of mixed use districts is ensuring that the uses do not create future conflicts and unorganized development. Without strict standards for architectural compatibility, a district that allows different uses may also negatively impact the aesthetic value of a neighborhood. Therefore, some uses should be conditional to give the Planning Commission more oversight on

how uses are located and/or rebuilt. The proposed ordinance adds residential dwellings (from single-family and townhouses up to 4 multi-family) to the NC district as conditional uses. The amendment also modifies the commercial uses, adding a place for office-type facilities and eating establishments. However, if an eating establishment desired to serve alcohol a conditional use permit for that use would be required.

Compliance with Comprehensive Plan: The adopted future land use map, in the Comprehensive Plan, designates this area as commercial.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and make a recommendation to the City Council on whether the amendment should be adopted. Staff spoke with Gary Marshall on what the proposed amendment will accomplish. Although he did not read the amendment, Mr. Marshall was not opposed to having residential uses require a conditional use permit.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF VERMILLION, SD, THE ZONING ORDINANCE OF THE CITY BY ADDING PERMITTED AND CONDITIONAL USES TO THE NC – NEIGHBORHOOD COMMERCIAL DISTRICT BY AMENDING SECTION 155.008, DEFINITIONS; 155.037, NC NEIGHBORHOOD COMMERCIAL DISTRICT.

§ 155.008 DEFINITIONS

ENGINEERING, MANAGEMENT, PUBLIC ADMINISTRATION AND RELATED OFFICES.

Offices for any of the following uses: accountant, architect, attorney, chiropractor, optometrists, podiatrist, management, sales and service engineer, planner, surveyor, dentist, physician, psychiatrist, surgeon, and similar uses.

§ 155.037 NC NEIGHBORHOOD COMMERCIAL DISTRICT.

This district is intended to provide for developing and redeveloping areas located at the edge of residential developments, adjacent to the major streets that serve the area. It is the intent of this district to provide for a well-integrated service area, providing convenience goods and personal services to primarily serve residents within 1 mile of the development. Due to the nature of commercial uses, site and architectural design shall be compatible with and sensitive to adjacent residential development, striving to preserve and protect residential property values.

(A) *Permitted uses.*

<i><u>Conditional Use</u> Permitted Use</i>	<i>Applicable Standards</i>
<u>Engineering, management, public administration and related offices</u> Office	§§ 155.070, 155.072, 155.073, 155.077
Drug store	§§ 155.070, 155.072, 155.073, 155.077
<u>Personal services: beauty salons; barber shops; laundry services; photo studios</u> Personal service	§§ 155.070, 155.072, 155.073, 155.077
Medical and dental clinics	§§ 155.070, 155.072, 155.073, 155.077
<u>Restaurants</u>	§§ 155.070, 155.072, 155.073, 155.077 <u>There shall be no alcoholic beverage sales allowed.</u>
<u>Mixed-use development (residential uses over ground floor non-residential uses)</u>	§§ 155.070, 155.072, 155.073, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077

Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Commercial parking lots/parking ramps	§§ 155.070, 155.072, 155.077
Accessory use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(B) Conditional Uses.

<u>Conditional Use</u>	<u>Applicable Standards</u>
<u>Single Family Detached Dwellings</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 1255.095</u>
<u>Single Family Attached (townhouse) Dwellings</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095</u>
<u>Multiple Family (apartments and condominiums) Dwellings (up to 4 dwelling units)</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095</u>
<u>Restaurants with alcoholic beverage sales</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095</u>

(BC) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions).

	<i>Lot Area</i>	<i>Frontage</i>	<i>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
<u>Single-family detached dwelling</u>	<u>6,000 square feet</u>	<u>50 feet</u>	<u>60 feet see #1</u>	<u>30 feet</u>	<u>8 feet</u>	<u>25 feet</u>	<u>35 feet see #5</u>
<u>Single-family attached (townhouse) dwellings (up to 4 attached dwellings) (see note #7)</u>	<u>2,500 square feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>30 feet</u>	<u>0 feet or 8 feet on nonparty wall side</u>	<u>25 feet</u>	<u>35 feet see #5</u>

Two-family attached (duplex) dwellings	6,000 square feet	30 feet	60 feet	30 feet	8 feet	25 feet	35 feet
Multiple-family (apartments & condominiums) dwellings (4 units) (1 lot)	6,000 square feet/unit	50 feet	60 feet	30 feet	8 feet	25 feet	40 feet
All other uses	6,000 square feet see #34	50 feet	60 feet see #12, #32	30 feet see #12, #23	8 feet	25 feet	35 feet

Exceptions:

#1 A single-family detached dwelling may be constructed on a lot-of-record which has width of less than 60 feet.

#1—2 No side yard or rear yard is required where a lot is adjacent to or abut a commercial or industrial district.

#2—3 Where a side yard or rear yard is required half of the required yard is maintained as a landscaped area.

#3—4 There shall be a required front yard on each street side of lots.

#4—5 A conditional use permit will be required for any structure having a maximum height exceeding 35 feet (§ 155.095(A)).

#5—6 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

#7 Every two units will be staggered.



Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: April 23, 2012
Subject Preliminary Plat of Cottage Place Addition
Presenter: Jose Dominguez

Background: Banner and Associates has submitted a preliminary plat on behalf of the owners of Cottage Place PDD. The area to be platted is roughly 5.1-acres in area and is bordered in the north by East Cherry Street and on the east by Cottage Avenue. The proposed plat will subdivide the area into 8-lots.

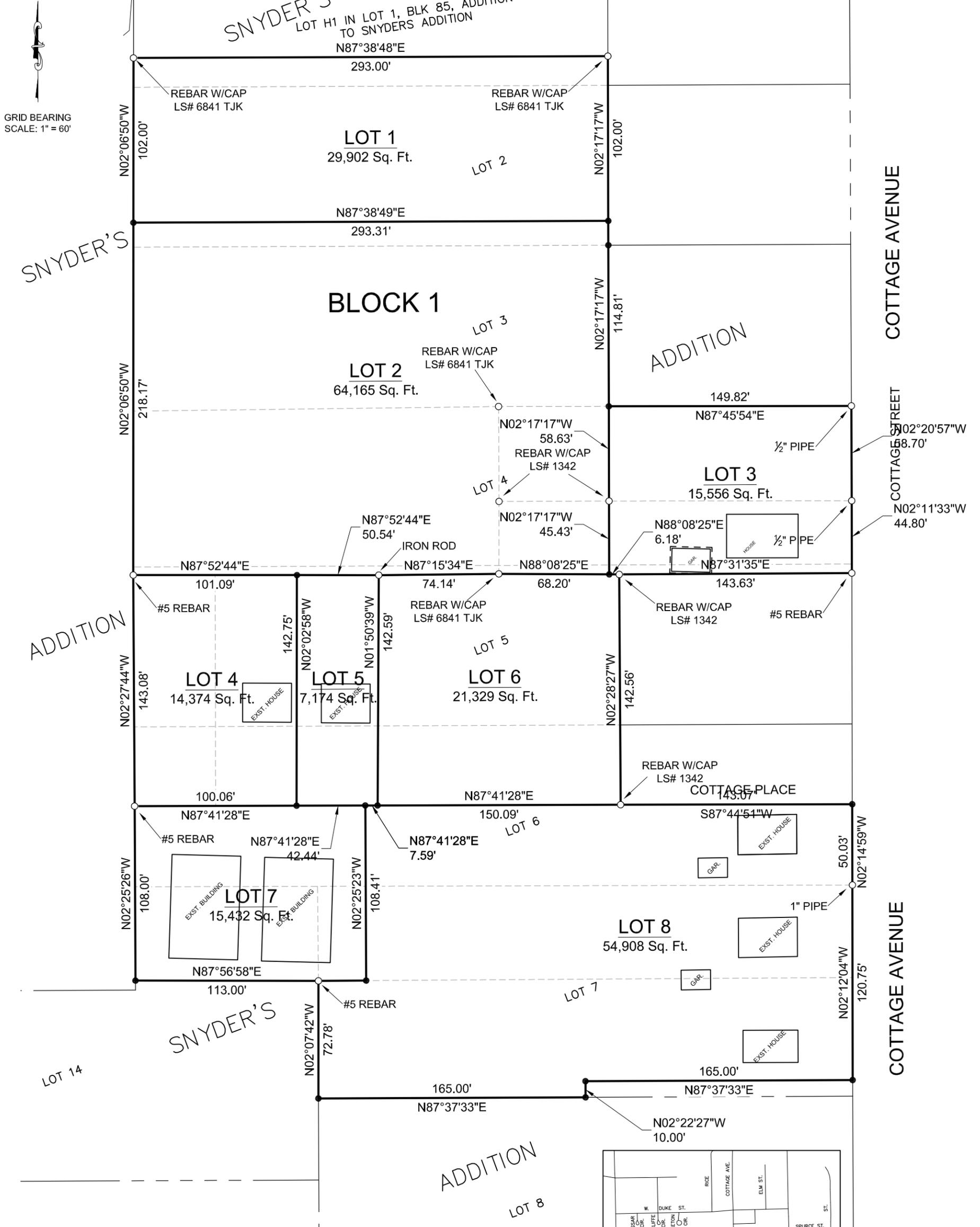
The applicant will also be dedicating all of the required 8-foot utility easements around the lots.

Discussion: Staff reviewed the preliminary plat and find that it complies with all code provisions.

Conclusion/Recommendations: Staff finds that the preliminary plat meets all of the ordinance requirements and recommends approval of the preliminary plat.

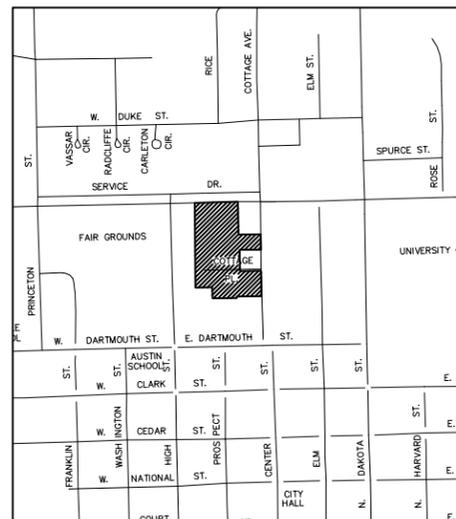
PRELIMINARY PLAT OF

LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA



LEGEND

- MONUMENT SET THIS SURVEY
5/8" REBAR WITH STAMPED PLASTIC CAP
- MONUMENT FOUND
- LOT LINE VACATED THIS PLAT



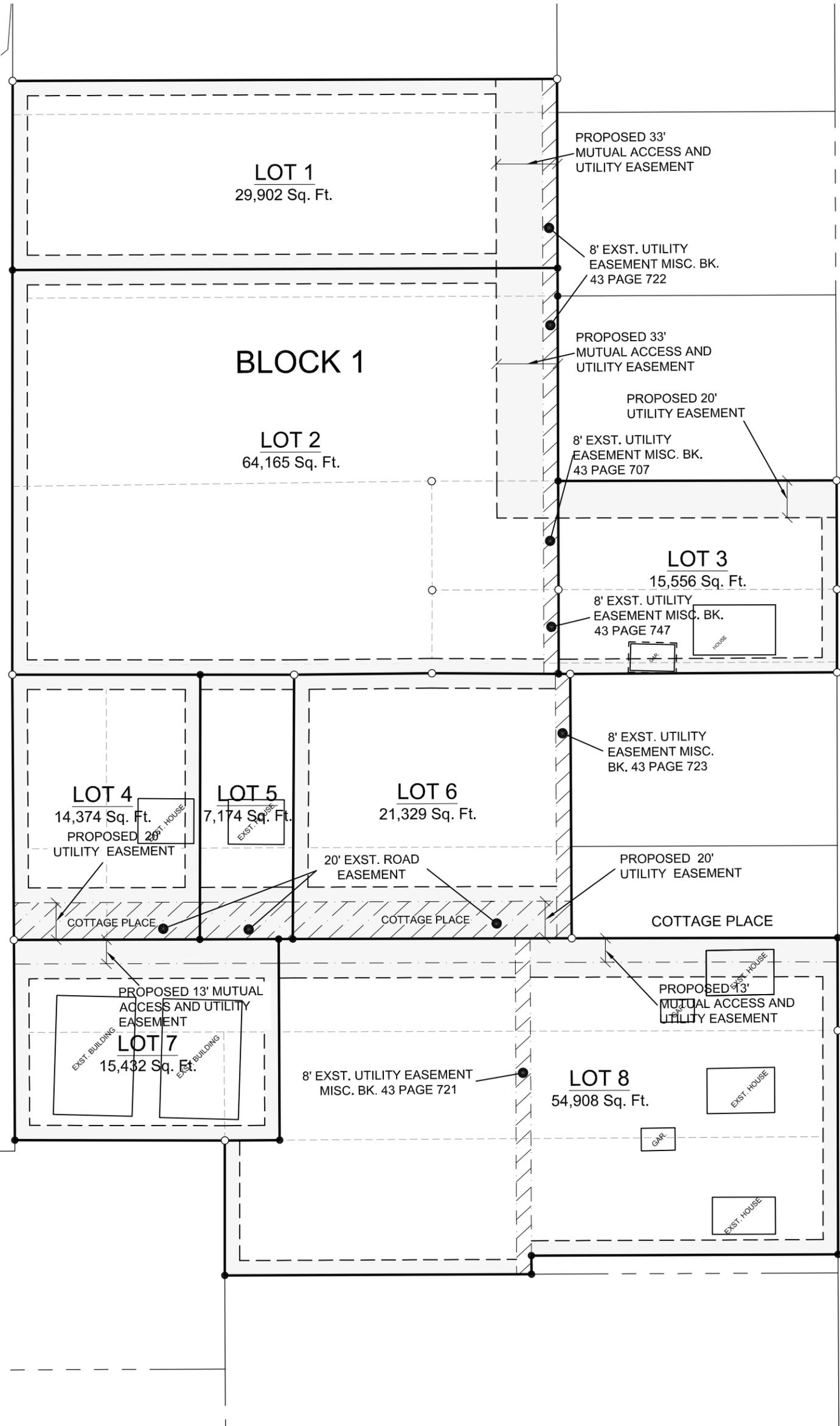
VICINITY MAP

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
APRIL 2012

PRELIMINARY PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILION, CLAY COUNTY, SOUTH DAKOTA

EASEMENT DETAIL

GRID BEARING
SCALE: 1" = 60'



COTTAGE AVENUE

COTTAGE STREET

COTTAGE AVENUE

LEGEND



EXISTING EASEMENT AS NOTED



PROPOSED 8' PERIMETER
UTILITY EASEMENT UNLESS
NOTED

PREPARED BY:
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(605) 624-6342
APRIL 2012

PRELIMINARY PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, Registered Land Surveyor, do hereby certify that at the direction of TROY GREGOIRE, THREE SISTERS, LLC, LARRY L. & TRUDY L. ANTHOFER, AND SPRUCEWOOD PROPERTIES, L.L.C., have surveyed and platted a tract of land in: WEST 293 FEET OF LOT 1 EXCEPT H-1, AND WEST 293 FEET OF LOTS 2 & 3, AND WEST 225 FEET OF LOT 4 & WEST 225 FEET OF NORTH 5 FEET OF LOT 5, AND EAST 218 FEET OF NORTH 59 FEET OF LOT 4, AND EAST 218 FEET OF SOUTH 40 FEET OF LOT 4 & EAST 218 FEET OF NORTH 5 FEET OF LOT 5, AND WEST 150 FEET OF SOUTH 94 FEET OF EAST 293 FEET OF LOT 5 & WEST 150 FEET OF NORTH 49 FEET OF EAST 293 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND WEST 50 FEET OF SOUTH 94 FEET OF LOT 5 & WEST 50 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND EAST 50 FEET OF WEST 150 FEET OF SOUTH 94 FEET OF LOT 5 & EAST 50 FEET OF WEST 150 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND EAST 50 FEET OF WEST 100 FEET OF SOUTH 94 FEET OF LOT 5 & EAST 50 FEET OF WEST 100 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND SOUTH 50 FEET OF LOT 6, AND NORTH 58 FEET OF LOT 7, AND SOUTH 74 FEET EXCEPT SOUTH 10 FEET OF EAST 165 FEET OF LOT 7, AND NORTH 58 FEET OF EAST 113 OF LOT 14, ALL IN BLOCK 85, ADDITION TO SNYDER'S ADDITION TO CITY OF VERMILLION all located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I certify that the locations and dimensions as shown on the plat are true and correct to the best of my knowledge, information and belief and that monuments were set at the corners so indicated. Said survey was surveyed and platted by me or under my direct personal supervision, following generally accepted professional standards for surveying and platting in the state of South Dakota.

IN WITNESS WHEREOF, I have set my hand and seal the _____ DAY OF _____, 20 _____.

Nathan W. Nielson
Registered Land Surveyor
Registration No. 9924
Banner Associates, Inc.
14 W. Main St., Suite A
Vermillion, South Dakota 57069
Telephone (605) 624-6342

CERTIFICATE OF OWNER

I, TROY GREGOIRE, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOTS 1, 2, AND 6 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I, THREE SISTERS, LLC, TROY GREGOIRE, AUTHORIZED SIGNATORY, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOT 3 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

We, LARRY L. ANTHOFER AND TRUDY L. ANTHOFER, do hereby certify that we are the absolute and unqualified owners of the real estate hereafter described as LOT 5 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I, SPRUCEWOOD PROPERTIES, L.L.C., MICHAEL D. MANNING, AUTHORIZED SIGNATORY, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOTS 4, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

All of the above owners certify that said plat was made at our request and direction for the purpose of locating, marking, and platting the same, and that said property is free of all encumbrances, except as shown in Lot 3 & Lot 8. All of the above owners also certify that development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations. All of the above owners hereby grant easements as shown, for utilities and mutual access, their construction and maintenance forever, including access easement into Lot 2 for purposes of creating frontage for granting of building permit.

I, TROY GREGOIRE, THREE SISTERS, LLC, LARRY L. & TRUDY L. ANTHOFER, AND SPRUCEWOOD PROPERTIES, L.L.C., do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, law including but not limited to zoning, building, subdivision, and flood prevention.

Pursuant to SDCL 11-3-20.1, We further certify that this platting of said described LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION does hereby vacate the following platting:

WEST 293 FEET OF LOT 1 EXCEPT H-1, AND WEST 293 FEET OF LOTS 2 & 3, AND WEST 225 FEET OF LOT 4 & WEST 225 FEET OF NORTH 5 FEET OF LOT 5, AND EAST 218 FEET OF NORTH 59 FEET OF LOT 4, AND EAST 218 FEET OF SOUTH 40 FEET OF LOT 4 & EAST 218 FEET OF NORTH 5 FEET OF LOT 5, AND WEST 150 FEET OF SOUTH 94 FEET OF EAST 293 FEET OF LOT 5 & WEST 150 FEET OF NORTH 49 FEET OF EAST 293 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND WEST 50 FEET OF SOUTH 94 FEET OF LOT 5 & WEST 50 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND EAST 50 FEET OF WEST 150 FEET OF SOUTH 94 FEET OF LOT 5 & EAST 50 FEET OF WEST 150 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND EAST 50 FEET OF WEST 100 FEET OF SOUTH 94 FEET OF LOT 5 & EAST 50 FEET OF WEST 100 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND SOUTH 50 FEET OF LOT 6, AND NORTH 58 FEET OF LOT 7, AND SOUTH 74 FEET EXCEPT SOUTH 10 FEET OF EAST 165 FEET OF LOT 7, AND NORTH 58 FEET OF EAST 113 OF LOT 14, ALL IN BLOCK 85, ADDITION TO SNYDER'S ADDITION TO CITY OF VERMILLION on file at the Register of Deeds office in Deed Book A Page 406 and referenced in Plat Book 2 Page 131, said plat or part thereof, hereby vacated, being situated within described LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION as surveyed.

MUTUAL ACCESS EASEMENT ADDITION TO OWNER'S CERTIFICATE

I further grant and certify that the mutual access easement shown in the plat is hereby created as a perpetual common unobstructed access in favor of the lots abutting on it. The easement is for vehicular and pedestrian travel over the roadway for the purpose of access to the abutting property and for City personnel involved in any City function. The Owner, their lessees and assignees, shall maintain the easement area. They shall, at their expense, keep the easement area in good repair and maintenance and clear of snow and other obstructions. No improvement of any kind may be erected within the easement area which might interfere in any way with the proper maintenance, use, repair, reconstruction, and patrolling of the mutual access easement. This covenant shall run with the land and shall remain in effect until such street, or road, is accepted for public declaration. The owner, s their lessees and assignees, further agree that the City will not accept public declaration unless and until it is compliant with the City standards, providing adequate rights-of-way with requiring variance for setbacks.

IN WITNESS WHEREOF, I have set my hand the _____ DAY OF _____, 20 _____.

STATE OF _____
COUNTY OF _____ { SS

TROY GREGOIRE

On the _____ day of _____, 20____, before the undersigned officer, personally appeared TROY GREGOIRE, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this _____ day of _____, 20 _____.

Notary Public My Commission Expires

IN WITNESS WHEREOF, I have set my hand the _____ DAY OF _____, 20 _____.

STATE OF _____
COUNTY OF _____ { SS

TROY GREGOIRE, AUTHORIZED SIGNATORY, THREE SISTERS, LLC

On the _____ day of _____, 20____, before the undersigned officer, personally appeared TROY GREGOIRE, AUTHORIZED SIGNATORY OF THREE SISTERS, LLC, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this _____ day of _____, 20 _____.

Notary Public My Commission Expires

IN WITNESS WHEREOF, I have set my hand the _____ DAY OF _____, 20 _____.

STATE OF _____
COUNTY OF _____ { SS LARRY L. ANTHOFER

TRUDY L. ANTHOFER

On the _____ day of _____, 20____, before the undersigned officer, personally appeared LARRY L. ANTHOFER & TRUDY L. ANTHOFER, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this _____ day of _____, 20 _____.

Notary Public My Commission Expires

IN WITNESS WHEREOF, I have set my hand the _____ DAY OF _____, 20 _____.

STATE OF _____
COUNTY OF _____ { SS

MICHAEL D. MANNING, AUTHORIZED SIGNATORY, SPRUCEWOOD PROPERTIES, L.L.C.

On the _____ day of _____, 20____, before the undersigned officer, personally appeared MICHAEL D. MANNING, AUTHORIZED SIGNATORY OF SPRUCEWOOD PROPERTIES, L.L.C., known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this _____ day of _____, 20 _____.

Notary Public My Commission Expires

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
APRIL 2012

**PRELIMINARY PLAT OF
LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE
CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA**

CITY PLANNING COMMISSION

BE IT RESOLVED, by the City of Vermillion, South Dakota, Planning Commission that the above preliminary plat of LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST of the 5th P.M., Clay County, South Dakota be and the same is hereby approved. Approval of the preliminary plat indicates approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan or final plat. Therefore, no building permits shall be issued based upon approval of the preliminary plat. Dated this _____ day of _____, 20__.

Chairman, City of Vermillion Planning Commission

VERMILLION CITY COUNCIL RESOLUTION

WHEREAS, it appears that the owner(s) thereof has/have caused a plat to be made of the following described real property: Plat of xxxxxx, in the located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST of the 5th P.M., Clay County, South Dakota.

BE IT RESOLVED, that the attached and foregoing plat has been submitted to and a report and recommendation hereon, made by the Vermillion Plannign Commission to the Vermillion City Council and has recommended approval.

BE IT FURTHER RESOLVED, that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion, which has examined the same; that it apperas the system of streets and alleys set forth therein conforms to the system of streets and alleys of Vermillion; that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid; that such plat and survey thereof have been excecuted according to law; the same is hereby accordingly approved. Dated this _____ day of _____, 20__.

Mayor, City of Vermillion, South Dakota

I, the undersigned Finance Officer of the City of Vermillion, South Dakota, do hereby certify that the within and foregoing is a true copy of the resolution passed by the City Council of the City of Vermillion, South Dakota on this _____ day of _____, 20__.

Finance Officer, City of Vermillion, South Dakota

CERTIFICATE OF COUNTY TREASURER

The undersigned, County Treasurer of Clay County, South Dakota, hereby certifies that all taxes that are liens upon the land included in the above plat, as shown by the records of this office, have been fully paid. Dated this _____ day of _____, 20__.

Treasurer, Clay County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

The undersigned, Director or Equalization of Clay County, South Dakota, hereby certifies that I have received a copy of the foregoing plat. Dated this _____ day of _____, 20__.

Director of Equalization, Clay County, South Dakota

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

{ SS

REGISTER OF DEEDS

Filed for record this _____ day of _____, 20__, _____ o'clock ____ M, and recorded in Book _____ of Plats, on page _____.

Register of Deeds, Clay County, SD

SHEET 4 OF 4

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
APRIL 2012

Niobrara Confluence and Ponca Bluffs

Land Protection Planning in Nebraska and South Dakota



USFWS

The Missouri River as seen from Ponca State Park, Nebraska.

The U.S. Fish and Wildlife Service (FWS) and National Park Service (NPS) are assessing the potential for increased conservation efforts in cooperation with local communities and willing landowners. The study areas for the proposed project are along the Missouri River—an important natural resource in the United States—in northeastern Nebraska and southeastern South Dakota.

The Missouri River

The Missouri River basin encompasses 530,000 square miles, which is approximately one-sixth of the contiguous United States. The main stem of the river—stretching from Three Forks, Montana, to St. Louis, Missouri—is the longest river in the United States at more than 2,300 miles. Historically, the Missouri River was a dynamic ecosystem characterized by the changing interplay of its habitat components: open free-flowing river;

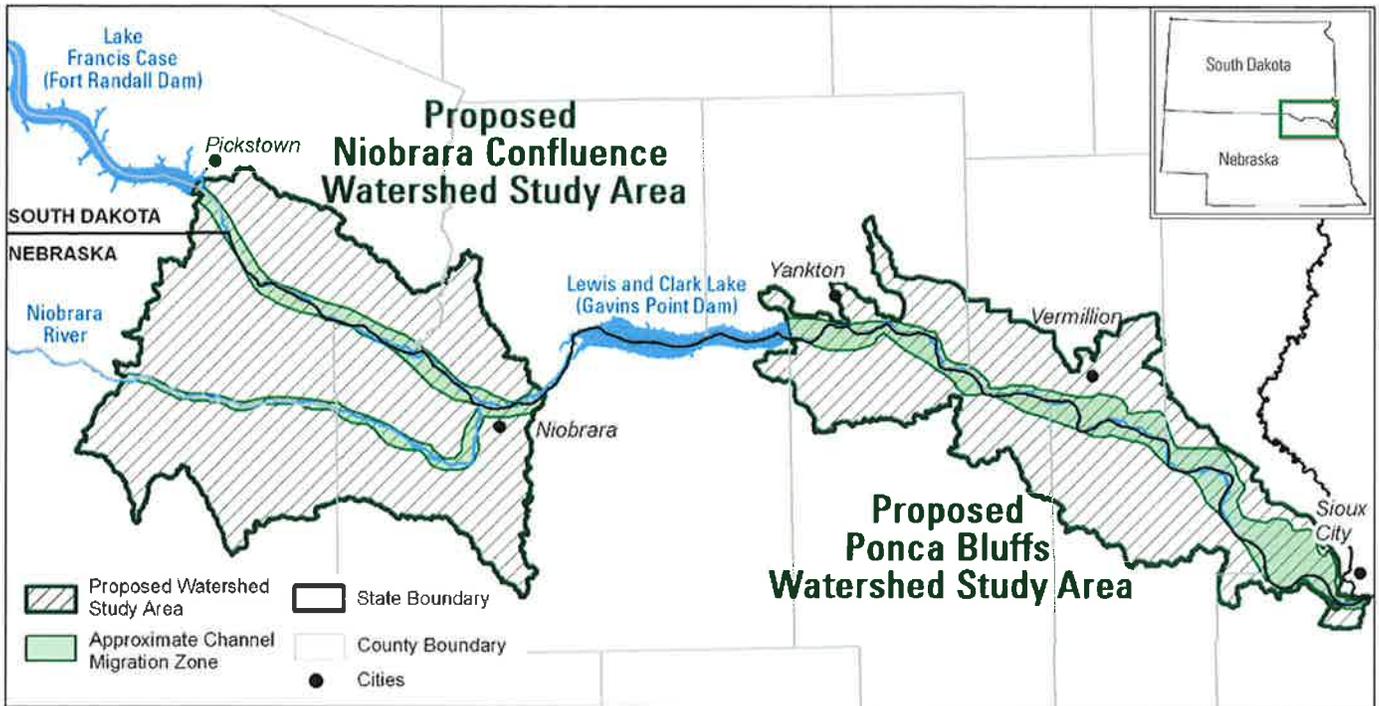
braided channels (multiple, weaving waterways), sandbars, wetland, prairie, and forest. Although structures and human activities have altered many of the river's natural processes, important habitats still remain for a rich diversity of plants and animals. Portions of the Missouri River have shown resiliency—exhibiting many of the river's historical characteristics witnessed by Lewis and Clark during their explorations in the early 1800s—despite significant alterations including water impoundments such as dams and streambank stabilization.

The dynamic nature of the Missouri River means that habitats change on a daily, seasonal, annual, and long-term basis. Erosive forces constantly transport sediment down the river—creating and modifying habitat and removing vegetation from some areas while creating suitable conditions for new plants to grow in other areas. Seasonal riverflows flood wetlands in the river bottoms and maintain lakes in

the floodplain; these areas are important habitat for breeding and foraging wildlife. The combination of open water, floodplain wetlands, and river vegetation is particularly important for the large number of migratory birds that use the Missouri River during spring and fall migrations.

Niobrara Confluence

The Niobrara Confluence river segment—between Fort Randall Dam and Lewis and Clark Lake—is one of the last portions of the Missouri River that remains unchannelized, relatively free-flowing, and undeveloped. This area of the river's main channel lies in a wide valley that contains important habitat for at least 60 native fish and 26 sport fish. In addition, the riparian woodlands and island complexes are important for approximately 25 bird species that are year-round residents and 115 species of migratory birds including piping plover, least tern, and bald eagle.



Ponca Bluffs

Located between Gavins Point Dam and Sioux City, the Ponca Bluffs segment of the Missouri River is a diverse, relatively unaltered, riverine and floodplain ecosystem. The area consists of a main channel, braided channels, a wooded riparian corridor, pools, chutes, sloughs, islands, sandbars, backwater areas, wetlands, a natural floodplain, upland forest, pastureland, and cropland. This area supports a wide variety of wildlife and fish similar to the Niobrara Confluence.

Proposed Land Protection

The FWS and NPS would work with local communities and willing landowners to conserve stretches of the Missouri River that are significant for natural resources. The opportunity to preserve, and even improve, important processes and habitats for fish and wildlife would benefit the visitors, neighbors, and local communities of the Niobrara Confluence and Ponca Bluffs areas, now and into the future. Preventing or reversing impacts in other river segments—through a combination of actions along a spectrum from protection to restoration—would

maintain and revive the unique nature of the Missouri River.

We will design the proposed project to improve conditions in the Missouri River's channel migration zone, the area in which the river channel dynamically moves over extensive periods. The proposal will emphasize retaining those habitat characteristics important to federally managed species such as pallid sturgeon, least tern, and piping plover. In addition, we will design the proposed project to enhance opportunities for recreational activities such as boating, fishing, hunting, and camping while increasing scenic values along the river.

What is a land protection plan?

The FWS and NPS use land protection planning to study opportunities for strategic conservation of land through long-term lease, conservation easement, or purchase. Planning involves the following: (1) the detailed identification and prioritization of lands suitable for addition to the National Wildlife Refuge System or the National Park System; (2) a description of the lands' natural resource values; and (3) an explanation of how the lands support the missions of the Refuge System or Park System, or both. We conduct land protection planning to look at individual land tracts as well as lands at the landscape, or eco-



Wayne Nelson-Slastny/USFWS

An angler relaxes as evening settles over the river.

system, scale. During planning, we use the FWS's model for Strategic Habitat Conservation, which contains guidance for determining species' goals and setting objectives, implementation procedures, and techniques to monitor accomplishments.

How does the process work?

Before approval of a land protection plan, we will complete an environmental analysis that involves the tribes, local communities, State agencies, other Federal agencies, and various organizations. As part of this process, the FWS and NPS will fully involve the public. An environmental impact statement, as required by the National Environmental Policy Act, will document our evaluation of project alternatives and their expected environmental effects on the physical, biological, and socioeconomic environment. If a land protection plan is approved, the FWS and NPS would work with willing landowners and partners only to implement the conservation actions.

What other management will this effort complement?

In the proposed project area, several State and Federal agencies have specific programs in place for conserving various aspects of the Missouri River's resources, as described below. The environmental analysis for land protection will address these programs as they relate to the project proposal—to ensure coordinated and strategic conservation efforts—along with identifying how all agencies and willing landowners can efficiently work together.

Missouri National Recreational River. The Niobrara Confluence and Ponca Bluffs river segments are located within the Missouri National Recreational River (MNRR), an area that Congress has designated as a wild and scenic river and a national park unit. The Secretary of the Interior designated the NPS as the river-managing agency; in addition, the NPS manages the Ponca Bluffs river segment in cooperation with the U.S. Army Corps of Engineers.

The MNRR comprises two NPS districts: (1) the 59-mile river segment (Ponca Bluffs) from Gavins Point Dam to Ponca, Nebraska; and (2) the 39-mile river segment (Niobrara Confluence) from Fort Randall Dam to



Wayne Nelson-Stastny/USFWS

A young girl inspects a dragonfly along the river.

Running Water, South Dakota, which includes the lower 20 miles of the Niobrara River and the lower 7 miles of Verdigre Creek. Both areas were designated under the Wild and Scenic River Act for their free-flowing condition, water quality, and outstandingly remarkable recreational, fish and wildlife, scenic, historical, and cultural values. The proposed land protection project is consistent with the Department of the Interior's charge under Section 10(a) of the Wild and Scenic River Act to protect and enhance the values for which the designated river was established.



Wayne Nelson-Stastny/USFWS

Piping plover chicks explore the sandy shoreline near their nest.

Karl E. Mundt National Wildlife Refuge. The 1,063-acre Karl E. Mundt National Wildlife Refuge is located south of Pickstown, South Dakota, along the Niobrara Confluence river segment. The FWS manages this refuge to protect bald eagles and their habitat.

Lake Andes Wetland Management District. Part of the Lake Andes Wetland Management District in South Dakota is along the Niobrara Confluence river segment. Throughout the wetland management district's agricultural area, the FWS protects designated wetlands and grasslands.

Missouri River Recovery Program. The Army Corps of Engineers implements the Missouri River Recovery Program, as authorized by the Missouri River Bank Stabilization and Navigation Project and the Fish and Wildlife Mitigation Project designated in the Water Resources Development Act of 1986, as modified in 1999. The creation and enhancement of habitat through the Missouri River Recovery Program is to mitigate the loss of habitat due to dam operations and other management activities on the main stem of the Missouri River.

The Army Corps of Engineers owns (in fee title) lands that are recreational areas and that provide habitat along the MNRR. In addition, the Corps manages easements on some of the private land that is periodically flooded within the MNRR.

States of Nebraska and South Dakota. The Nebraska Game and Parks Commission manages the Niobrara State Park, Ponca State Park, and several wildlife management areas within the Niobrara Confluence and Ponca Bluff river segments. The neighboring State agency—South Dakota Game, Fish and Parks—manages several wildlife areas and three recreation areas adjacent to the Missouri River.

Next Steps in the Process

Over the next several years, the FWS and the NPS will jointly develop land protection plans for the Ponca Bluffs river segment and the Niobrara confluence river segment. This process is open to the public, and we welcome your comments!

The first step is public scoping from February 1 through March 2, 2012. Individuals can provide comments by attending a public meeting, submitting comments via the Web site, or mailing them to the planning team leader, Nick Kaczor.

All comments should be received by March 2, 2012.

Project Information

Web Site—<http://parkplanning.nps.gov/niob-ponca>

Email—niobrara_ponca@fws.gov

Planning Team Leader

Nick Kaczor

FWS, Division of Refuge Planning
134 Union Boulevard, Suite 300
Lakewood, Colorado 80228
303/236 4387

FWS Refuge Manager

Mike Bryant

Lake Andes National Wildlife Refuge
605/487 7603

NPS Park Superintendent

Steven Mietz

Missouri National Recreational River
605/665 0209

Public Meetings

Tuesday, February 21, 2012

The Outdoor Campus
4500 S. Oxbow Avenue
Sioux Falls, South Dakota

Thursday, February 23, 2012

W.H. Over Museum
1110 Ratingen Street
Vermillion, South Dakota

Friday, February 24, 2012

WFLA Hall
Spruce and Park Avenues
Niobrara, Nebraska

Schedule for all meetings:

5:30 p.m. *Open House*

6:30 p.m. *Presentation with questions and answers to follow*

Project Timeline

<i>February 1–March 2, 2012</i>	Public scoping
<i>Spring–Summer 2012</i>	Develop draft land protection plan and environmental impact statement
<i>Fall 2012</i>	Public comment on the draft plan
<i>Winter 2012–Spring 2013</i>	Develop final plan
<i>Spring 2013</i>	Final plan and decision available to the public



January 2012

**Niobrara Confluence and Ponca Bluffs
Lake Andes National Wildlife Refuge Complex
38672 291st Street
Lake Andes, SD 57356**

RETURN SERVICE REQUESTED