



Historic Preservation Commission Agenda

9:00 a.m. Regular Meeting
Wednesday, January 5, 2022
Powell Conference Room
City Hall; 25 Center St.
Vermillion, SD 57069

1. **Roll Call**
2. **Adoption of the Agenda**
3. **Approval of the Minutes**
 - a. December 1, 2021 Regular Meeting
4. **Visitors to be Heard**
5. **Old Business**
 - a. Review Draft of Historic Property Questionnaire to accompany Building Permit Applications
 - b. Discussion of Naming Historic District
6. **New Business**
 - a. Introduction of New Member
7. **Adjourn**

Access the Historic Preservation Commission Agenda on the web – www.vermillion.us

Addressing the Commission: Persons addressing the Commission shall be recognized. Please raise your hand to be recognized and state your name and address.

a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only commission members and staff may discuss the current agenda item unless a commission member moves to allow another person to speak and there is unanimous consent from the commission. Questions from commission members, however, may be directed to the public through the presiding officer at any time.

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.

As a courtesy to others, we ask that cellular phones and pagers be turned off during the meeting.

Historical Preservation Commission

Wednesday December 1, 2021 Regular Meeting:

The regular meeting of the Vermillion Historical Preservation Commission was called to order at City Hall December 1, 2021 at 9:03 a.m.

1. Roll Call

Present: Susan Keith-Gray, Bill Dendinger, Cynthia Chaney (via Zoom), Jim Wilson, Ed Gerrish (left at 9:51 am), Dietrik Vanderhill

Absent:

Staff Present: John Prescott, City Manager; Stone Conley, Assistant to the City Manager; Kalin Knief, Building Official (Present at 9:11 am)

Adoption of the Agenda

Dendinger moved to adopt the agenda, seconded by Gerrish. Unanimously approved.

3. Approval of the Minutes

3a. Dendinger moved that minutes of the November 3, 2021 meeting be adopted, seconded by Vanderhill. Unanimously approved.

4. Visitors to be Heard

5. Old Business

5a. The Historic Property Project Questionnaire drafted by staff was analyzed and edited. Staff noted what changes must be made and will continue with revisions. Discussions will take place again at the next meeting.

5b. The HPC is still deciding on what name to give the South Historic District (SHD). Knief made a list of the family names of additions/plats in the SHD. None of them seemed to strike the eyes of the HPC out of the presented names suitable for the area. Gerrish still liked the idea of naming it the Jolley Historic District. Dendinger believes we need a recognizable name for the district. Gerrish states this name would stand out. Gerrish motions to rename the South Historic District to the Jolley Historic District, seconded by Dendinger. Unanimously passes, renaming the district. Liz Almlie from the South Dakota State Historical Society recommends compiling an owners list of those in the district.

6. New Business

6a. Vice Chair elections were held among the HPC. Keith-Gray motioned to re-elect Gerrish as Vice Chair, seconded by Vanderhill. Unanimously passes, Gerrish will remain as Vice Chair.

6b. The HPC attended 11.1 training with the South Dakota State Historical Society provided by Liz Almlie and Heather Mulliner.

Adjourn

Moved by Dendinger to adjourn, seconded by Vanderhill. The motion carried. Meeting adjourned at 10:33am.

Vermillion Historical Preservation Commission

Unapproved Minutes
Historical Preservation Commission

Vermillion Historic Preservation Commission

New Construction Historic Property Project Questionnaire

Applicant Name: _____ Date: _____

Approximate Year Built: _____ Commercial, Residential, or Other: _____

Property Address: _____

Is the property located in a Historic District? YES ___ NO ___ Unsure ___

Has a site plan for the project been evaluated by the City and HPC? YES ___ NO ___ Unsure ___

Does the property meet all Code and Regulations required? YES ___ NO ___ Unsure ___

1. **Please describe materials, colors, and construction process being used** (attach sheet if needed):

2. **Does the work being proposed affect any of the state's 11.1 requirements?** (If yes list below):

3. **Will the project affect any of the historic property or landmark details within its district?** (If yes explain below):

There May Be *Financial Benefits* for Historic Preservation

More Information on Historic Preservation at: [Vermillion HPC](#), [Clay County HPC](#),

[National Parks Services](#), or [SD State Historical Society](#)

DRAFT

SOUTH DAKOTA CODIFIED LAW 1-19A-11.1 - ARSD 24:52:07:03 CASE REPORT FORM



SOUTH DAKOTA STATE HISTORICAL SOCIETY STATE HISTORIC PRESERVATION OFFICE (SHPO) SOUTH DAKOTA CODIFIED LAW 1-19A-11.1 CASE REPORT

If a state entity or political subdivision of the state is required by law or rule to report possible threats to the historical integrity of a property listed in the National Register of Historic Places or the State Register of Historic Places, the threat must be reported by means of a case report.

Case reports must provide the State Historic Preservation Office (SHPO) with sufficient information for the office to make an independent review of effects on the historical integrity of historic properties and shall be the basis for informed comments to state entities and the public. Case reports shall thoroughly examine all relevant factors involved in a preservation question. Abbreviated case reports may be requested at the discretion of the SHPO if less than a comprehensive view is needed. (ARSD 24:52:07:03 - Standards for Case Report)

SHPO reserves the right to request more information if needed. Typed forms are preferred. Submittal of this form without all requested information will cause review delays.

This is a new submittal.

This is information relating to SHPO project number:

PROJECT LOCATION

Address

City

County

The responsible state entity or political subdivision of the state (cities, counties, etc.) must sign and date this form here prior to submitting it to the SHPO. Projects received without an original signature will cause review delays.

Signature: _____

Date: _____

Name

Title

Agency

FOR SHPO USE ONLY. DO NOT WRITE OR INSERT ANYTHING HERE.

**STATE, CITY, COUNTY, OR OTHER GOVERNING BODY
PERMITTING, FUNDING, LICENSING, OR ASSISTING THE PROJECT**

STATE ENTITY, CITY, COUNTY, OR OTHER GOVERNING BODY

Agency Name

Agency Contact Person

Mailing Address

City, State, ZIP

Email Address

Phone Number

APPLICANT OR CONSULTANT CONTACT PERSON, IF APPLICABLE

Company Name

Contact Person

Mailing Address

City, State, ZIP

Email Address

Phone Number

PROPERTY OWNER, IF DIFFERENT FROM ABOVE

Name

Mailing Address, City, State, ZIP

Email Address

Phone Number

STANDARDS FOR CASE REPORT AS OUTLINED IN ARSD 24:52:07:03

1 & 2. Project Description. Describe the project. Include photographs and maps showing the existing project site and details of the proposed project. Where applicable, drawings, three-dimensional models, or accurate computer-generated representations of proposed construction may be included. The models or representations must clearly show the visual impacts of new construction on the surrounding neighborhood or landscape. Photographs, maps, drawings, and other supplemental materials should be submitted with this form as separate documents.

3. What is the planning and approval schedule for this project?

4. How was this project brought to the attention of the state or political subdivision (city, county, etc.)?

Demolition Permit

Building Permit

Other - Please explain:

5. Include a physical description of the affected historic property. Economic or situational information relevant to the affected property may be included if applicable.

6. Describe the potential effects of the proposed project on the historic property, including but not limited to physical and visual effects, alterations to the property, moving the property to another location, or change of use.

7. Provide a description of the feasible and prudent alternatives that were considered and rejected based on factors relevant to the project. Relevant factors should be supported by facts. Include the reason(s) for rejection of feasible and prudent alternatives. Describe other efforts undertaken to minimize harm to the historic property. Provide as much detail as possible when explaining consideration of alternatives and mitigation measures. Questions to be considered when reviewing the project include:

(a) How were decisions based on the consideration of factual reports, research, tried methods, and/or professional and lay preservation advice?

(b) How were alternatives beyond the immediate project explored, taking into account broad community or regional issues in which the historic resource may play a contributing role?

(c) How was the impact of potentially adverse effects on surrounding historic resources, community preservation plans, and long-range community opportunities taken into account, if applicable?

(d) Were decisions based on professional assessment(s) of the value and basic structural condition of the affected property and estimates of a range of rehabilitation or mitigative options prepared by people experienced in historic preservation work?

(e) Were adequate periods of time provided for information to be prepared and for preservation options to be attempted?

8. Provide a copy of correspondence with SHPO. Correspondence should include the identification and evaluation of historic properties, assessment of effects, and any consideration of alternatives or mitigation measures. Copies of this information should be submitted with this form as separate documents.

9. Describe efforts made to consider the views of affected and interested parties.

10. If applicable, the Historic Preservation Commission (HPC) in the community where this project is located should review and comment on this case report prior to its submittal to SHPO.

The HPC agreed with the findings of the case report.

The HPC disagreed with the findings of the case report.

The HPC declined to comment on the findings of the case report.

In addition to the above findings, please include official comments from the HPC, if applicable.

11. Provide copies of written views submitted by the public to the state entity, city, county, or other governing body concerning the potentially adverse effects of projects on historic properties and alternatives to reduce or avoid those effects. Copies should be submitted with this form as separate documents.

**Please print this entire form, sign and date the first page,
and mail completed form with any additional documentation to:**

Review and Compliance Coordinator
South Dakota State Historical Society
900 Governors Drive
Pierre, SD 57501

Questions about South Dakota Codified Law 1-19A-11.1 can be directed to:

Review and Compliance Coordinator
(605) 773-8370

Restoration Specialist
(605) 773-6005

Project information submitted to SHPO cannot be returned. This documentation is kept on file at the South Dakota State Historical Society. We review faxed and electronic submissions in the same manner as any other submission and with the same considerations for clarity and completeness. However, original documents with original signature must follow all faxed and electronic submissions. The submission of incomplete, unclear, or confusing information may result in unnecessary delays in the review process until adequate information is obtained.

Additional Resources:

South Dakota State Historic Preservation Office: <http://history.sd.gov/Preservation/>
Link to National and State Register Listed Properties: <http://history.sd.gov/Preservation/NatReg/NatReg.aspx>
Historic Contexts: <http://history.sd.gov/Preservation/OtherServices/SHPODocs.aspx>

National Park Service: <http://www.nps.gov/nr/>
Publications (National Register Bulletins, Preservation Briefs, etc.): <http://www.nps.gov/history/publications.htm>

SDCL 1-19A-11.1 REVIEW AND COMPLIANCE PROCEDURES

Summary of SDCL 1-19A-11.1

SDCL 1-19A-11.1 requires the State, or any political subdivision of the State (cities, counties, etc.), to take into account historic properties that may be damaged, destroyed, or encroached upon by projects undertaken by these government entities. 11.1 requires that the State or local government entity notify the Office of History of projects that have the potential to damage, destroy, or encroach upon properties listed on the State Register of Historic Places and allow the Office of History the opportunity to investigate and comment on such projects.

Steps to Compliance

1. An application comes to the State or local government, or the State or local government proposes to undertake a project.
2. The State or local government determines whether the project has the potential to damage, destroy, or encroach upon historic property.
3. The State or local government sends notification of the project to the Office of History/State Historic Preservation Office (SHPO). Notification should include a basic project description and photographs of the property. (See Appendix D for sample notification.)
4. Upon receiving the notification, the SHPO has 30 days to initiate an investigation of the project and may request a Case Report. (See Appendix B for Standards for Case Report.)
 - a. If no Case Report is requested, skip to item #5.
 - b. If a Case Report is requested:
 - i. The Case Report is the responsibility of the State or local government, but the applicant may be requested to prepare it.
 - ii. Once complete, the Case Report is reviewed by the State or local government for preliminary approval of content and completeness.
 - iii. After the State or local government reviews the Case Report, all required entities, including the local Historic Preservation Commission, review and comment on the Case Report within 180 days.
 - iv. After allowing all required entities to review the Case Report, the State or local government forwards the Case Report and all entity comments to the SHPO for review.
5. The SHPO reviews the basic project information or the Case Report with comments from all entities, and submits final comments to the State or local government.
6. The State or local government takes the SHPO comments, other entities' comments, and Case Report into consideration, and makes the final determination regarding the project.
 - a. The State or local government can decide not to approve the project.

- b. The State or local government can decide to approve the project. If the SHPO determined through its review of the project that the project would damage, destroy, or encroach upon historic property, then the State or local government cannot undertake the project or approve the application until it has made a written determination, based upon the consideration of all relevant factors, that there are no feasible and prudent alternatives to the project and that all possible planning to minimize harm to the historic property has been included. Ten days' notice of the State or local government's determination must be given to the SHPO by certified mail prior to the approval of the project.

Projects subject to 11.1 review include, but are not limited to, the following:

- Building permits
- Demolition permits
- Rehabilitation projects

Appendix A: SDCL 1-19A-11.1

Appendix B: Standards for Case Report

Appendix C: Contact information for SHPO Review & Compliance staff

Appendix D: Sample Notification for 11.1 Project Review

Appendix A: SDCL 1-19A-11.1

1-19A-11.1. Preservation of historic property--Procedures. The state or any political subdivision of the state, or any instrumentality thereof, may not undertake any project which will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places until the Office of History has been given notice and an opportunity to investigate and comment on the proposed project. The office may solicit the advice and recommendations of the board with respect to such project and may direct that a public hearing be held thereon. If the office determines that the proposed project will encroach upon, damage or destroy any historic property which is included in the national register of historic places or the state register of historic places or the environs of such property, the project may not proceed until:

(1) The Governor, in the case of a project of the state or an instrumentality thereof or the governing body of the political subdivision has made a written determination, based upon the consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property, resulting from such use; and

(2) Ten days' notice of the determination has been given, by certified mail, to the Office of History. A complete record of factors considered shall be included with such notice.

Any person aggrieved by the determination of the Governor or governing body may appeal the decision pursuant to the provisions of chapter 1-26.

The failure of the office to initiate an investigation of any proposed project within thirty days from the date of receipt of notice thereof is approval of the project.

Any project subject to a federal historic preservation review need not be reviewed pursuant to this section.

Source: SL 1987, ch 20.

Appendix B: Standards for Case Report

24:52:07:03. Standards for case report. If a state entity or a political subdivision of the state is required by law or rule to report possible threats to the historical integrity of a property on the state register, the threat must be reported by means of a case report that meets the requirements of this section.

Case reports must provide the Office of History with sufficient information for the office to make an independent review of effects on the historical integrity of historic properties and shall be the basis for informed comments to state entities and the public. Case reports shall thoroughly examine all relevant factors involved in a preservation question. They must contain the following:

(1) A description of any impending project which may adversely affect historic property;

(2) Photographs, maps, or drawings showing the existing project site, the extent of projects, and details of the proposed projects, which may include three-dimensional models or accurate computer-generated representations of proposed new construction. Models or representations must clearly show the visual impacts of new construction on surrounding neighborhood or landscapes;

(3) The planning and approval schedule for projects which may adversely affect historic property;

(4) A statement explaining how projects adversely affecting the historic property were brought to the attention of a state entity or political subdivision;

(5) A description of potentially affected historic property with any relevant physical, economic, or situational information on the property;

(6) A description of the potential effects of a proposed project on historic property and the basis for the determinations of effect;

(7) A historic preservation plan or description and evaluation of all feasible and prudent alternatives which a state entity or political subdivision proposes in order to minimize adverse effects of a project on historic property and alternatives which the state entity or political subdivision has examined and rejected. The reasons for rejection must be included. This section of the case report must clearly substantiate that all possible efforts to minimize harm to the historic property have been undertaken. Alternatives to aspects of the project which may adversely affect the historic property must:

(a) Receive consideration based on factual reports, research, tried methods, and professional and lay preservation advice;

(b) Explore alternatives beyond the immediate project, taking into account broad community or regional issues in which the historic resources may play a contributing role;

(c) Take into account the impact of potential adverse effects on surrounding historic resources, community preservation plans, and long-range community opportunities;

(d) Be based on professional assessments of the value and basic structural condition of the affected property and estimates of a range of rehabilitation or mitigative options prepared by people experienced in historical preservation work; and

(e) Provide adequate periods of time for information to be prepared and for preservation options to be attempted;

(8) Documentation of consultation with the Office of History regarding the identification and evaluation of historic properties, assessment of effect, and any consideration of alternatives or mitigation measures;

(9) A description of the efforts of a state entity or political subdivision to obtain and consider the views of affected and interested parties;

(10) Documentation that a local historical preservation commission constituted under SDCL [1-19B](#) with jurisdiction in the city or county where the affected historic property is located was provided a specified period of time to examine plans for proposed projects. Official comments of the commission must be included. The Office of History shall specify periods of time not to exceed 180 days to be given local historical preservation commissions to examine plans and may specify such periods for each set of revised plans submitted for a project. The commission shall:

(a) Agree with the findings of the case report;

(b) Disagree with the findings of the case report; or

(c) Decline to comment on the findings of the case report;

(11) Copies of written views submitted by the public to the state entity or political subdivision concerning the potential adverse effects of projects on historic properties and alternatives to reduce or avoid those effects.

The Office of History may require an abbreviated case report if, in its opinion, less than a comprehensive review of a preservation issue is needed. The office shall determine the elements needed for an abbreviated case report case by case.

Source: 16 SDR 239, effective July 9, 1990; 21 SDR 50, effective September 21, 1994; 24 SDR 73, effective December 4, 1997.

General Authority: SDCL [1-19A-5](#), [1-19A-11](#), [1-19A-29](#).

Law Implemented: SDCL [1-19A-5](#), [1-19A-11.1](#).

Appendix C: Review & Compliance Staff of the State Historic Preservation Office

For additional information on SDCL 1-19A-11.1, please contact the Review & Compliance Staff of the State Historic Preservation Office:

Jenna Carlson Dietmeier, Review & Compliance Coordinator/Archaeologist
(605) 773-8370 or Jenna.CarlsonDietmeier@state.sd.us

Heather Mulliner, Restoration Specialist/Architectural Historian
(605) 773-6005 or Heather.Mulliner@state.sd.us

Review & Compliance Archaeologist
(605) 773-6004

Appendix D: Sample Notification for 11.1 Project Review

When notifying the SHPO of a project for 11.1 project review, please include the following basic information. All review requests should be sent to the following address:

ATTN: Review & Compliance Coordinator
State Historic Preservation Office
900 Governors Drive
Pierre SD 57501

1. Name of State or Local Government entity
2. Contact person, address, phone number, and email
3. Project information:
 - a. Location of project
 - b. Listed on the State/National Register individually or as part of a historic district
 - c. Description of project
 - i. *Example:* The property owner has applied for a building permit to construct a one-story addition to the John Smith House. The addition will be located on the east side of the house and will be approximately 20' x 15'. The John Smith House is a one-and-a-half story bungalow with a modern, detached garage on the alley. The house has wood siding, wood windows, and an asphalt shingle roof. It is located near the center of town in a residential neighborhood. The addition will have an asphalt shingle roof, cement fiberboard siding, and aluminum clad wood windows in a style similar to the existing windows.
4. Photographs of the property, including at least an overall photograph of the main façade and other features that may be impacted

Upon receiving this basic information, the SHPO will have 30 days to review the information and initiate a project investigation by requesting a Case Report, if it is determined that additional information is needed. If an investigation is initiated and a Case Report is requested, the SHPO will notify the State or local government entity. The State or local government entity is responsible for compiling the Case Report, but can delegate the responsibility to the applicant. The State or local government entity should forward the completed Case Report to the SHPO with any comments for review.

Vermillion Historic Preservation Commission

Historic Property Project Questionnaire

Applicant Name: _____ Date: _____

Approximate Year Built: _____ Commercial, Residential, or Other: _____

Property Address: _____

Is the property listed on the National or State Register of Historical Places? YES ___ NO ___ Unsure ___

Is the property located in a Historic District? YES ___ NO ___ Unsure ___

1. **Please describe materials, colors, and process being used:**

2. **Does the work being proposed affect any external historic characteristics?** (For example windows or other visible exterior features. If yes list below):

3. **Is the project to repair something that poses an immediate hazard, threat, or to adhere to local code?** (If yes explain below):

Do you need information on preserving the historic character of the building's exterior? YES ___ NO ___

There May Be *Financial Benefits* for Historic Preservation

More Information on Historic Preservation at: [Vermillion HPC](#), [Clay County HPC](#),
[National Parks Services](#), or [SD State Historical Society](#)

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