



## City of Vermillion Council Agenda

6:30 p.m. Joint Meeting w/ County

Commissioners

Monday, June 17, 2019

City Council Chambers

25 Center Street

1. **Roll Call**
2. **Adoption of the Agenda**
3. **Visitors to be Heard**
4. **Public Hearings**
  - a. Second Reading of Ordinance 1401 Amending Appendix A, 2012 Joint Zoning Regulations for Clay County.
5. **Adjourn**

Access the City Council Agenda on the web – [www.vermillion.us](http://www.vermillion.us)

**Addressing the Council:** Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium 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 City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of 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.

**Council Meetings:** City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday.

**Live Broadcasts of Council Meetings on Cable Channel:** Regular City Council meetings are broadcast live on Cable Channel 3

### ***Vermillion City Council's Values and Vision***

*This community values its people, its services, its vitality and growth, and its quality of life and sees itself reinforcing and promoting these ideals to a consistently increasing populace.*



## *Council Agenda Memo*

**From:** James Purdy, Assistant City Manager

**Meeting:** June 17, 2019

**Subject:** Second reading of Ordinance 1401 Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by removing certain real property from the A-1 Agricultural District and including said certain real property in the RR Rural Residential District)

**Presenter:** James Purdy

**Background:** The City and County adopted in 2012 an ordinance regulating the zoning within an area outside of the City limits. This area is called the Joint Jurisdictional Zoning Area (JJZA) and it allows the City to have a say in existing, and proposed land uses in an area that would directly impact the City. The JJZA tries to maintain the rural characteristics of the surrounding area, while allowing for some light development. Most of the development is directed towards areas within City limits, or areas that can be annexed by the City and serviced with municipal infrastructure.

Prior to this ordinance being adopted, the City had zoning power in a 3-mile zone outside of the City limits. The City and the County shared platting jurisdiction within the same area.

**Discussion:** Prior to the adoption of the JJZA, the City had approved several subdivisions outside of the City limits: Rolling Hills Estate, Lowells Subdivision, Seilers Subdivision, Hillside Acres, Ranch Estates and Chausee Subdivision. The existing code allows for single-family dwellings to be constructed within the A-1 Agricultural District as a conditional use. The only stipulation is that there can be no more than three building eligibilities within the quarter-quarter section in order to be considered. However, a replacement of any dwellings with another dwelling is allowed, and construction of a new dwelling within a lot of record is also allowed. These two exceptions still require a conditional use permit.

During recent years, the County/City has received a few requests to construct single-family dwellings within the areas mentioned previously. The majority of the requests were allowed to continue and apply for a conditional use permit since they met the code

requirements. However, there have been a few that have been denied by Staff due to the fact that they were not in a lot of record, or that they would have exceeded the density limitations. Those that were allowed to apply for a conditional use permit still have to go through a lengthy process that usually takes around one month to resolve (scheduling is the main problem since both of the Planning Commissions need to meet at the same time).

By rezoning these areas to RR Rural Residential new single-family dwellings would be considered an allowable use and will not need to complete the conditional use process. Additionally, there are no density limitations.

The County and the City Planning Commissions held a joint public meeting on April 8, 2019 in which the affected property owners were invited to attend. Most of the questions at this meeting were regarding the rezoning process, the allowable uses, and any changes to property taxes. Comments received at the meeting have been included in your packet. Both of the Commissions voted unanimously to recommend to their governing respective bodies to adopt the rezones. The first reading of Ordinance 1401 was approved at the May 20 Council Meeting.

**Conclusion/Recommendations:** The City Council is asked to consider approval of the second reading of the ordinance. Administration recommends approval of the ordinance. A roll call vote is required.

**REZONING PETITION FOR RANCH ESTATES, CHAUSEE AND VALLEY VIEW  
SUBDIVISIONS**

**COMMENTS RECEIVED BY TELEPHONE OR IN PERSON BY CLAY COUNTY  
ZONING ADMINISTRATOR FOR PUBLIC HEARING APRIL 8, 2019**

Craig Myron (Valley View): Myron said he expected that his taxes would go up since his property would be worth more after it was zoned residential and was worried he couldn't continue to farm it. I explained that his taxes would not be affected and that he could continue to farm the property as he is currently doing. He did not believe me. I suggested that he talk to the Director of Equalization to have that confirmed. To my knowledge, he did not do that.

Travis Wells (Ranch Estates): Wells asked about property taxes and I explained that his taxes would not change due to zoning. He asked if he could have chickens or dogs. I told him he could have pets and chickens for personal use, but could not raise animals for commercial sale. We discussed the drainage issues and I explained that the zoning regulations do not deal with drainage or roads. I told him that the zone is "Rural" Residential and that there is an emphasis on rural instead of urban. I cautioned him that while the zoning regulations would not stop him from having chickens or dogs, his neighbors may not approve. I also referred him to the Director of Equalization to discuss tax questions.

**ORDINANCE NO. 1401**

**AN ORDINANCE AMENDING APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2, SECTION 2.03(A) ZONING MAP, BY REMOVING CERTAIN REAL PROPERTY FROM THE A-1 AGRICULTURAL DISTRICT AND INCLUDING SAID CERTAIN REAL PROPERTY IN THE RR RURAL RESIDENTIAL DISTRICT.**

**BE IT ORDAINED**, by the Governing Body of Vermillion, South Dakota that Section 2.03(A) is hereby amended as follows:

To rezone certain areas from A1: Agriculture to RR: Rural Residential. The properties proposed for rezoning are located in Fairview Township, Sections 15, 20 and 21. These areas are described as Chaussee Subdivision, Valley View Court and Fairview Estates bounded on the west by Main Street/Hillside Ave., the south by 318th Street, the east by property owned by Richard and Virginia Knutson and to the north by farm ground owned by Loren Ouellette, and Ranch Estates Subdivision and other properties as requested which is bounded on the west by the City of Vermillion, the south by farm ground owned by Heine Brothers LLC, the east by farm ground owned by Alex and Stephanie Ufford and the north by Main Street (excluding properties owned by Cleland and Patricia Cook, Mark and Jamie Neitzke and Blaine and Heidi Schollerman.

Dated at Vermillion, South Dakota this 17th day of June 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: May 20, 2019  
Second Reading: June 17, 2019  
Publication: June 28, 2019  
Effective Date: July 18, 2019

## **Clay County Planning Commission and Vermillion City Planning Commission to Hold Joint Public Hearing on Re-Zoning application.**

Notice is hereby given that a Public Hearing will be held before the Clay County Planning Commission and the Vermillion City Planning Commission in joint session at 5:30 pm on April 8, 2019 at Vermillion City Hall, 25 Center Street, Vermillion, SD, to consider the following:

A proposal to rezone certain areas from A1: Agriculture to RR: Rural Residential. The properties proposed for rezoning are located in Fairview Township, Sections 15, 20 and 21. Maps and a list of property owners of the proposed parcels for rezoning are available from the Clay County Zoning Administrator, the Clay County Auditor, or the City of Vermillion. The information is also available on the websites for the City of Vermillion and Clay County Zoning Administrator and Commissioner webpages. The areas proposed for rezoning are generally described as:

- Chaussee Subdivision, Valley View Court and Fairview Estates bounded on the west by Main Street/Hillside Ave., the south by 318<sup>th</sup> Street, the east by property owned by Richard and Virginia Knutson and to the north by farm ground owned by Loren Ouellette.
- Ranch Estates Subdivision and other properties as requested which is bounded on the west by the City of Vermillion, the south by farm ground owned by Heine Brothers LLC, the east by farm ground owned by Alex and Stephanie Ufford and the north by Main Street (excluding properties owned by Cleland and Patricia Cook, Mark and Jaime Neitzke and Blaine and Heidi Schollerman).

All interested persons are encouraged to attend this public hearing. Those interested persons not able to attend are invited and encouraged to send written comments before April 8, 2019 to the Clay County Zoning Administrator, 211 W. Main Street, Suite 203, Vermillion, SD, 57069.

**Cynthia Aden**  
**Clay County Zoning Administrator**  
Publish: March 29, 2019