



City of Vermillion Planning and Zoning Commission Agenda

5:30 p.m. Joint Meeting

Monday, July 27, 2020

Large Conference Room – 2nd Floor

City Hall, 25 Center Street, Vermillion, SD 57069

Virtual Only Meeting (see link below)

<https://us02web.zoom.us/j/89747149905>

1. **Roll Call**
2. **Minutes**
 - a. July 13, 2020 Regular Meeting, July 20, 2020 Special Meeting.
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
 - a. Offer comments through our meeting at: <https://us02web.zoom.us/j/89747149905>
6. **Public Hearings**
7. **Old Business**
8. **New Business**
 - a. Discussion with Clay County Planning Commission to discuss the drafts of Chapter 1: Introduction; Chapter 2: Demographic Conditions; Chapter 3: Development Constraints; and, Chapter 6: Land Use of the Clay County/City of Vermillion Joint Jurisdiction Comprehensive Plan.
9. **Staff Reports**
10. **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, July 13, 2020 Planning and Zoning Commission Meeting

The Vermillion Planning and Zoning Commission was called to order in the Large Conference Room at City Hall (and through teleconference) on July 13, 2020 at 5:30 p.m.

1. Roll Call

Planning and Zoning Commissioners Present: Fairholm (teleconference), Fitzgerald (teleconference), Forseth (teleconference), Gestring (in person), Heggestad (teleconference), Mrozla (teleconference), Tuve (teleconference), Wilson (in person), Iverson (in person).

City Staff present: José Domínguez, City Engineer (in person); James Purdy, Assistant City Manager (teleconference)

2. Minutes

a. May 26th, 2020 Regular Meeting.

Moved by Commissioner Fairholm to adopt May 26, 2020 regular meeting minutes, seconded by Tuve. Motion carried 9-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggestad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in the community.

4. Adoption of the Agenda

Moved by Wilson to adopt the agenda as printed, seconded by Gestring. Motion carried 9-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggestad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

5. Visitors to be Heard

None

6. Public Hearings

a. Ordinance 1416 - Amending Title 15 Chapter 155 Section 155.058 (C), and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses.

Jose Dominguez, City Engineer, stated that on June 26th the City received an application from the VCDC and Mr. Kevin Bliss requesting to amend the current Bliss Pointe PDD. The application requested that Area C be amended to allow single-family detached dwellings as a permitted use, and to remove all multiple-family dwellings use from this area. Additionally, the applicants requested that Area D allow, as a permitted use, motor vehicle sales, display, and rentals.

Dominguez further stated that the applicant's proposal for Area C is an attempt to balance Bliss Pointe's original concept of offering affordable housing in a wide variety of housing styles, and the perception from the

current Bliss Pointe property owners that property values decrease when differing housing styles are built in close proximity. Additionally, the proposed amendments to Area D are intended to increase the number of locations for businesses in the community. To curtail concerns of having a car dealership in close proximity to residential uses, the applicant is proposing to limit the number of vehicles being displayed outside.

Dominguez also stated that due to the fact that Staff did not mail notices to property owners within 250-feet of the affected area 10-days prior to this meeting the Commission is only allowed to take comments. Dominguez stated that another meeting has already been scheduled for July 20, 2020. The notice for this new meeting has already been published, signs posted, and letters to the owners sent. At the July 20th meeting the Commission will be able to take additional comments, and make a recommendation to the City Council. The Council would then meet to discuss the item on July 20th at 7:00 p.m.

Iverson asked for comments from the public.

Ms. Gayle Bliss (1200 W Main) stated that she is in favor of the construction of a car dealership by Mr. Troy Gregoire on the parcel between 1411 W Main and 1201 W Main.

Ms. Vicki Dehner (1504 Rockwell Tr) stated that she was in support of Mr Gregoire's project to construct a car dealership off W Main Street. Ms. Dehner also asked for an explanation of the proposed changes to Area C, and if rentals would be controlled in that area. Dominguez explained that the proposed changes to Area C included removing ALL multiple-family uses, and adding single-family detached dwellings. Dominguez also explained that the City does not control where rentals are allowed, and that the 'rental' reference in the notice had to do with the possibility of rental of vehicles being offered at the car dealership.

Ms. Carol Geu (1308 Rockwell Tr) asked if the proposed changes to Area D would apply to all of the empty lots in Area D (the area between 1411 and 1201 W Main, and the area in the southwest corner of Rockwell Tr and Stanford). Dominguez explained that the proposed change would apply to ALL of Area D.

Discussion followed.

After discussion stopped, Iverson thanked the public in attendance and declared the item closed. Iverson reminded the public that the Commission would meet again on July 20th at 5:30 p.m. to discuss the item and make a recommendation to the City Council.

7. Old Business

None

8. New Business

- a. Election of Officers - Chair.

Jose Dominguez, City Engineer, stated that this was the time for the Commission to elect a Chair.

Moved by Wilson to nominate Iverson as Chair, seconded by Gestring. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Abstain).

b. Election of Officers - Vice Chair.

Jose Dominguez, City Engineer, stated that this was the time for the Commission to elect a Vice Chair.

Moved by Fairholm to nominate Forseth as Vice Chair, seconded by Wilson. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Abstain, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

9. Staff Report

Dominguez stated that the sidewalk on the west side of Prentis Park (along N Plum Street) was completed.

Dominguez stated that the contractor hired for the City's Miscellaneous Concrete project has been working to get certain portions done before school starts.

Dominguez also stated that City's chip seal project is scheduled to happen on July 16th or 17th.

Dominguez also stated that the construction of Roosevelt Street started, and that the construction of McHenry Street will start soon. Both of these are not City projects, but the City is involved by paying for oversized items.

10. Adjourn

Moved by Forseth to adjourn, seconded by Tuve. Motion carried 9-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes). Iverson declared the meeting adjourned at 5:54 p.m.

Unapproved Minutes
Vermillion Planning Commission
Monday, July 20, 2020 Planning and Zoning Commission Special Meeting

The Vermillion Planning and Zoning Commission was called to order in the Large Conference Room at City Hall (and through teleconference) on July 20, 2020 at 5:30 p.m.

1. Roll Call

Planning and Zoning Commissioners Present: Fairholm (teleconference), Fitzgerald (teleconference), Forseth (teleconference), Gestring (teleconference, 5:32 p.m.), Heggstad (teleconference, 5:35 p.m), Mrozla (teleconference), Tuve (teleconference), Wilson (teleconference), Iverson (in person).
City Staff present: José Domínguez, City Engineer (teleconference); James Purdy, Assistant City Manager (in person)

2. Minutes

a. July 13, 2020 Regular Meeting.

Minutes were not included with the packet. Staff will be including these minutes at the following meeting for the Commission's review.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in the community.

Mrozla noted that he lives in the Bliss Pointe PDD.

4. Adoption of the Agenda

Moved by Forseth to adopt the agenda as printed, seconded by Tuve. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

5. Visitors to be Heard

None

6. Public Hearings

a. Ordinance 1416 - Amending Title 15 Chapter 155 Section 155.058 (C), and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses.

Jose Dominguez, City Engineer, stated that on June 26th the City received an application from the VDCD and Mr. Kevin Bliss requesting to amend the current Bliss Pointe PDD. The application requested that Area C be amended to allow single-family detached dwellings as a permitted use, and to remove all multiple-family dwellings use from this area. Additionally, the applicants requested that Area D allow, as a permitted use, motor vehicle sales, display, and rentals.

Dominguez further stated that the applicant's proposal for Area C is an attempt to balance Bliss Pointe's original concept of offering affordable

housing in a wide variety of housing styles, and the perception from the current Bliss Pointe property owners that property values decrease when differing housing styles are built in close proximity. Additionally, the proposed amendments to Area D are intended to increase the number of locations for businesses in the community. To curtail concerns of having a car dealership in close proximity to residential uses, the applicant is proposing to limit the number of vehicles being displayed outside.

Dominguez stated that although this item was discussed at the July 13th meeting a second meeting for the item had to be scheduled for today. This was due to the City not mailing notices to property owners within 250-feet of the affected area 10-days prior to the meeting. All of the notices have been published, posted, and mailed for the meeting today.

Staff recommended that the Commission recommend that the Council approve the ordinance as published.

Iverson asked for comments from the public. No public was present at the physical location or virtually.

Commissioner Fairholm asked if the ordinance could be split to two ordinances. One for the changes for Area C and another for the changes for Area D. Dominguez replied that Staff recommended that to the applicant during Staff's review of the application. However, the applicant requested that both items be presented in the same ordinance. Dominguez explained that the Commission could recommend to the Council that the changes be split into two separate ordinances.

Commissioner Mrozla stated that one of the aspects that attracted his family to Bliss Pointe was the affordability and possibility of having different residential styles. He further stated that attempts should be made to control costs for residences through the ordinance or covenants. Commissioners Heggstad and Fairholm agreed with Mrozla's statement.

Discussion followed.

Moved by Forseth to recommend the City Council approve the ordinance as published, seconded by Tuve. Motion carried 7-0 (with two abstaining), (Fairholm - abstain, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - abstain, Tuve - Yes, Wilson - Yes, Iverson - Yes).

7. Old Business

None

8. New Business

None

9. Staff Report

None

10. Adjourn

Moved by Forseth to adjourn, seconded by Fairholm. Motion carried 9-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes). Iverson declared the meeting adjourned at 5:49 p.m.



Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 27, 2020

Subject: Discussion with Clay County Planning Commission to Discuss the Drafts of Chapter 1: Introduction; Chapter 2: Demographics Conditions; Chapter 3: Development Constraints; and, Chapter 6: Land Use of the Proposed Clay County/City of Vermillion Joint Jurisdiction Comprehensive Plan

Presenter: Jose Dominguez

Background: The Comprehensive Plan for the joint jurisdiction zoning area is based on the City's "Vermillion Comprehensive Plan 2000-2020" (2020 Plan). Working with the County, the 2020 Plan was amended and eventually adopted by both bodies for use within the joint jurisdiction zoning area (JJZA). The 2020 Plan was adopted by both bodies in 2011.

Due to recent events and the fact that the current comprehensive plan has reached its planning usefulness, the City's Commission discussed approaching the County's Commission in order to start the process of amending the comprehensive plan for the joint jurisdiction zoning area.

In January of 2020, a joint meeting between the City and County Planning Commissions was held. At this meeting City and County staff received permission to proceed with the process to create a new comprehensive plan for the JJZA that would replace the 2020 plan. One of the items discussed was the creation of a schedule. This schedule would be created by City and County Staff with the goal of presenting a new comprehensive plan to the respective governing bodies by the end of 2020. The South Eastern Council of Governments (SECOG) will also be involved in the process by providing drafts for each section to be discussed. Following is the proposed schedule leading to the adoption of a new comprehensive plan. This schedule has been revised to account for the COVID shut downs experienced by both the County and City.

SECTION	DRAFT PRESENTED TO GROUP	DISCUSSION BY GROUP	COMMENTS TO SECOG
<ul style="list-style-type: none"> • Introduction <ul style="list-style-type: none"> ○ Purpose of the Comp. Plan ○ Authorization under State law ○ Community input 	<p>February 24th</p>	<p>March 9th (City and County) July 27th, August 10th and August 24th (City and County)</p>	<p>March 23rd September 14th</p>
<ul style="list-style-type: none"> • Demographic data <ul style="list-style-type: none"> ○ Demographic conditions ○ Population projections ○ Other demographic data 	<p>March 23rd July 27th</p>	<p>April 13th (City and County) August 10th and August 24th (City and County)</p>	<p>April 27th September 14th</p>
<ul style="list-style-type: none"> • Environmental constraints <ul style="list-style-type: none"> ○ Physical geography ○ Flood hazards ○ Drainage and wetlands ○ Soils ○ Gas lines 	<p>April 27th July 27th</p>	<p>May 11th (City and County) May 26th (City, County and SECOG) June 8th (City and County) August 10th and August 24th (City and County)</p>	<p>June 22nd September 14th</p>
<ul style="list-style-type: none"> • Current Land Use Patterns and Consumption Projections <ul style="list-style-type: none"> ○ Current land use ○ Future land area estimates 			
<ul style="list-style-type: none"> • Infrastructure assessment <ul style="list-style-type: none"> ○ Transportation ○ Water facilities ○ Wastewater facilities ○ Solid waste management ○ Municipal light and power 			

<ul style="list-style-type: none"> ○ Air service 			
<ul style="list-style-type: none"> ● Community protection services <ul style="list-style-type: none"> ○ Police and emergency communication services ○ Fire and ambulance department 			
Public meeting to present the 6 sections already in draft form		July 13th (City and County) September 28th (City and County)	
<ul style="list-style-type: none"> ● Park and Open Space Inventory and Needs <ul style="list-style-type: none"> ○ Park inventory ○ Future park needs 	July 27th August 10th	August 10th (City and County) August 24th (City and County)	August 24th September 14th
Public meeting to gather information regarding future growth in JJZA		September 14th (City, County and SECOG) October 13th (City, County and SECOG)	
<ul style="list-style-type: none"> ● Growth Area Analysis 	September 28 th October 26 th	October 13th (City and County) October 26th (City, County and SECOG) November 9th (City and County) November 9th, November 23rd, and December 14th (City and County)	November 23rd December 28th
<ul style="list-style-type: none"> ● Planning Policy Framework 			
Public hearing presenting the entire document to public (Commissions make recommendations)		December 14th (City, County and SECOG) January 11th, 2020 (City, County, SECOG)	
Take to joint meeting with governing bodies		ASAP after December 14th (City, County and SECOG)	

		ASAP after January 11th, 2020 (City, County and SECOG0)	
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The dates on the proposed schedule serve as a guide. These dates can change to allow for more discussion, or also to expedite the process depending on the discussions had between the two bodies and the public comments.

A second joint meeting was held on February 24, 2020. At this meeting both of the Commissions briefly reviewed the SECOG’s draft of Chapter 1, and asked that the County and City staff meet prior to the joint meetings to discuss any possible revisions to the drafts being presented. The idea was to increase the efficiency of the process by having some of the items revised prior to the joint meetings.

Discussion:

Discussion of Chapter 1: Introduction

The draft of this chapter was presented to both Commissions at the February 24th meeting, and at that time the Commissions agreed to discuss the draft at the March 23rd meeting. However, due to the COVID pandemic all County and City offices were closed and the meeting never took place. Rather, County and City staff reviewed the draft and revised the document as needed. The item being presented has all of the revisions agreed upon by the County and City staff.

Chapter 1 provides the reader with the intent of the entire document and what to expect. The Public Involvement section would be written towards the end of the process of completing the new comprehensive plan.

Additionally, the section discussing the Area of Planning Jurisdiction should also be considered. The jointly approved Joint Zoning Regulations for Clay County and the City of Vermillion (Zoning Ordinance) state that in the event of annexations both entities “shall act to maintain an area of joint jurisdiction which would equal that which existed prior to the annexation.” Since the original Zoning Ordinance was adopted in January 10, 2012 the City has annexed four areas into its jurisdiction. These are:

DATE	DESCRIPTION	AREA (AND LOCATION)
July 2, 2012	Lot 3, Block 1, Park Avenue Addition	1.56-acres (East end of E. Main Street)
May 20, 2013	Tract 1, Bliss Third Addition	41.71-acres (West end of W. Main Street)

January 6, 2014	Lot V of Government Lot 3, 19-92-51; and, Waage Tract 2 in Government Lot 3, 19-92-51	16.54-acres (area around the City's sewer lift station along Burbank Road)
February 16, 2016	Lot A of Lot 1, S11-T32N-R4E; and, Lot A of Lot 2, S11-T32N-R4E, and accretion; and, Re-survey of Record Lot A-3 of Replat of Lot A, S24-T92N-R52W; and, Re-survey of Record Lot A-2 of Replat of Lot A, S24-T92N-R52W; and, Lot T of Lot B, Sealey Farm Plat, S24-T92N-R52W; and, Lot A of Lot A-4, S24-T92N-R52W; and, Lot A of Lot 1, S24-T92N-R52W; and, Lot A of Lot 2, S24-T92N-R52W	228.12-acres (City Airport)

Staff believes that the airport annexation cannot be used to extend zoning boundaries within the JJZA. However, the other three annexations could be used to extend the JJZA's zoning boundaries. Although those areas could be used as justification to extend the JJZA's zoning boundaries, City staff recommends not extending the boundaries based on this clause and these three annexations. Rather, City staff proposes a discussion take place to see if the JJZA should be extended east along SD Hwy. 50. This is the area that is more likely to see growth that will greatly impact the City. This is not to say that any growth within the JJZA, or outside of the City, will not affect the City.

Discussion of Chapter 2: Demographics Conditions

This chapter deals with the demographic characteristics of the JJZA. These characteristics encompass population, residential construction permits, age breakdown, population projections, and the current economic conditions in the JJZA. The values found in this chapter are compiled from the 2010 U.S. Census. Once the data from the 2020 U.S. Census is available an amendment to this chapter will be required. No changes are recommended by Staff since the information provided is factual, and driven by data.

Discussion of Chapter 3: Development Constraints

The intent of this chapter is to describe any constraints that a developer may encounter within the JJZA. These constraints can be natural ones (e.g. flood zones, wetlands, poor soils, the bluff, etc...) or man-made (e.g. utility easements, railroads, certain utilities, etc...). The City staff believes that although the section is named 'Development Constraints' these items are challenges, and not constraints, that need to be strongly considered by a developer. The developer would make the decision if something is a

constraint, and this may differ from developer to developer based on their capacity to overcome the challenge. No changes are recommended by Staff since the information is factual, and driven by data.

Discussion of Chapter 6: Land Use

This chapter is one of the most important chapters in the document since it discusses how the land will be used. This chapter will directly impact many of the goals, objectives, and policies in the comprehensive plan. The draft being presented discusses only the existing land uses within the JJZA. The other items that are typically associated with this chapter (i.e. future land use area estimates, infrastructure assessments, and community protection services) would be discussed at a later meeting. This is due to the fact that these items need the Commissions' direct guidance since the JJZA areas have not been discussed, nor have the proposed uses for those areas. Additionally, conversations should be had with the utilities that may serve the area to see what the availability of utilities is in the development areas.

Staff has no recommendations or comments on the information provided; however, future conversations regarding land use should take into consideration the Future Land Use map, and the goals, objectives and policy, found in the City's 2035 Comprehensive Plan. City staff believes the City's plan should be strongly considered by the City's Commission when making decisions or recommendations regarding future land usage.

Compliance with Comprehensive Plan: When making any decisions the City's Commission needs to consider the City's 2035 Comprehensive Plan (City's Plan). Although the City's Plan largely focuses on areas within the within the community, there are some portions that pertain to areas within the joint jurisdictional zoning area. These sections guide Staff, and the City's Commission, on how to address issues that may come up (e.g. the creation, or amendments, to documents pertaining the joint jurisdictional zoning area). The following goals and objectives should be strongly considered by the Commission when making any future decisions pertaining to the joint jurisdictional zoning area. Below are the goals and objectives to be considered:

- Plan for the development of public infrastructure needed to meet the demands of the City's future population (pg. 16)
- Utilize the joint jurisdictional partnership with Clay County to enhance development that is mutually beneficial to both entities (pg. 16)
- Prevent the premature expansion of urban services (pg. 16)
- Ensure orderly and well-planned expansion of future urban services (pg. 16)
- Maintain the rural lifestyle and character of the Urban Reserve area until such time that urban development is planned to occur (pg. 16)

- Increase the career opportunities and income of Vermillion and Clay County citizens through attraction of highly-skilled jobs in expanding industries in pursuit of an enhanced quality of life (pg. 39)
- Focus new development within existing City limits areas (pg. 67)
- Preserve the function and character of the surrounding rural areas (pg. 67)
- Enhance the visual quality of the City (pg. 69)

Conclusion/Recommendations: Staff recommends that the City's Commission review the draft of chapters provided by SECOG. The two Commissions will meet again on August 10th to discuss any proposed changes to the draft. If necessary, an additional meeting for discussion has been scheduled for August 24th. This meeting can be removed, thus moving other meetings up in the schedule.

Chapter 1 - Introduction

Vision

The vision for the Joint Jurisdiction area is to provide opportunities for the planned and thoughtful growth in the Joint Jurisdiction area. This will be accomplished by enhancing the visual quality of the County and the City, protecting natural resources, ensuring the health and safety of its citizens, and by providing and planning for growth infrastructure.

This Comprehensive Plan attempts to capture the essence of the vision for collaboration between the County and City. Future actions by the County, City, and landowners will mold and change the details of this vision over time, with this Comprehensive Plan as a framework to guide them.

Comprehensive Plan Overview

The Comprehensive Plan provides a framework for anticipated land-use and growth management policies and recommendations. It is designed to be a dynamic and flexible process to accommodate the changing needs of a population, yet steady enough to allow for reasonable long-term investment strategies by both public and private sectors. To the greatest extent possible, future planning for the Clay County/Vermillion Joint Jurisdiction area should involve the public and elected officials throughout the planning and implementation phases.

The Clay County Board of Commissioners and the City of Vermillion City Council have jointly adopted this document in accordance with state law. In developing this Comprehensive Plan, the Clay County and City of Vermillion Planning Commissions have used background research, detailed inventories and assessments, and discussion sessions at Planning Commission, County Commission, and City Council meetings and public hearings. This Comprehensive Plan is intended to guide Clay County and the City of Vermillion in their implementation of zoning regulations, subdivision regulations, capital improvement plans and other related policies as deemed necessary by the County Commission, City Council, and Planning Commissions.

The Comprehensive Plan is a general guideline. It is intended to guide the County, and the City, in the implementation of zoning regulations, subdivision regulations, capital improvements plans and other related policies. This shall not remove the requirements of SDCL 11-2-17.3, and SDCL 11-4-4.1 to consider the "... stated criteria, the objectives of the comprehensive plan, and the purpose of the zoning ordinance and its relevant zoning districts when making a decision to approve or disapprove a conditional use request."

Purpose

There are three primary purposes of this document:

1. To address the planning requirements of state law while also providing a sound and logical basis for growth management strategies.

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2. To provide some predictability about the potential land uses and timing of development so that both public and private sectors can make informed decisions in the area of real estate and capital investments.
3. To provide the Planning Commissions, County Commission, and City Council with policies for future planning decisions and the methods and justifications to control land use through the zoning and subdivision ordinance, the capital improvement programs, and other enforcement controls.

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Additionally, there are five supplemental purposes of this document:

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1. To improve the physical environment of the area as a setting for human activities and investments.
2. To promote the public interest of the area at large.
3. To facilitate the democratic determination and implementation of policies on physical development utilizing professional and technical knowledge.
4. To affect political and technical coordination in development of the area; to be effective, coordination must occur across governmental jurisdictions.
5. To balance short term decisions with long term considerations during the lifespan of this document.
6. To bring professional and technical knowledge to bear on the making of political decisions concerning the physical development of the area.

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Authorization Under State Law

Under 11-2-11 of South Dakota Codified Laws, the Planning Commission of a county is directed to "prepare, or cause to be prepared a comprehensive plan for the county..." pursuant to South Dakota Codified Laws 11-2-12 which "... shall be for the purpose of protecting and guiding the physical, social, economic, and environmental development of the county..."

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Under 11-6-14 of South Dakota Codified Laws, the Planning Commission of a municipality is directed to "propose a plan for the physical development of the municipality, including any areas outside the boundary and within its planning jurisdiction which, in the commission's judgement bear relation to the planning of the municipality..."

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Deleted: [to] include the general location, character, layout and extent of community centers and neighborhood units..."

Under 11-6-11 of South Dakota Codified Laws, the governing bodies "...shall meet jointly and hold at least one public hearing to consider the recommendations of the planning commissions on the comprehensive plan for the joint jurisdictional area. ..." and the "Adoption of the comprehensive plan shall be by resolution of each governing body."

Area of Planning Jurisdiction

Land use decisions in the Clay County/City of Vermillion Joint Jurisdiction area shall, under South Dakota statutes, be heard during joint meetings of both governing bodies. The extent of the boundaries of the Clay County/City of Vermillion Joint Jurisdiction area is depicted in Figure 1-1.

Public Involvement

Hold section for information on public input meetings.

Appropriate Use of the Comprehensive Plan

South Dakota law requires that zoning districts must be in accordance with the Comprehensive Plan. It is the intent of this document to show the most appropriate use of land within the study area based on the potential for growth and development of the area.

The Comprehensive Plan recognizes the ever-changing marketplace and the need to remain poised to meet those changes. Major new development opportunities may arise during the planning period, which were not foreseen during the development of this plan. In addition, major economic development or social changes may arise within the planning period. Such significant developments or changes would likely impact many elements of the Plan. As land use decisions arise that deviate from the Comprehensive Plan, the Planning Commissions shall make recommendations to the Clay County Board of Commissioners and the City of Vermillion City Council, which shall jointly consider a resolution amending the Comprehensive Plan.

Commented [JD2]: Allowed uses are very different for the City and County. What is constructed along major highway corridors, or along the periphery of the City, will affect the City's growth. Consequentially, it will also affect the County's growth.

This map is something that the City's Commission will like to talk about. I would also say that the City Council will also want to talk about it once the governing bodies get together to discuss the item.

I understand if you were directed not to agree to any changes to the area. Regardless, I have to bring it up to my Commission, and the discussion can be had by the two recommending bodies. If they agree to a change, great. If they don't and the borders stay the same, good.

Let me know if you would like to further discuss this item. You have what I will be proposing to the City's Commission.

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James Purdy

From: Drew Gunderson <Drew.Gunderson@claycountysd.org>
Sent: Friday, July 24, 2020 9:17 AM
To: Jose Dominguez; James Purdy
Subject: 27th JJ Meeting Agenda
Attachments: Poss JJ Map.pdf

Good Morning,

If the City will insist on discussing expanding the Joint Jurisdiction boundaries the County will insist back that any expansion proposal must be held to a standard. The County will further insist that the following language be inserted into the new Joint Jurisdiction Comprehensive Plan.

Virtually identical language will be inserted into the new County Comprehensive Plan.

“

In Clay County, annexation is the preferred method of extending a City’s land use restrictions beyond its existing corporate limits. As Joint Jurisdiction presents a serious impairment of the rights of property owners when zoning regulations are extended beyond municipal boundaries with limited consent of the affected residents and landowners. Property becomes subject to decisions on land use restrictions and legislative matters over which the property owners have only scant voice.

However, Joint Jurisdiction can address the future needs and developments of the City of Vermillion. There may be a need to extend, or contract, the existing boundaries of the Joint Jurisdiction. Expansion areas around the City should closely reflect future municipal boundaries. The County shall not cede any of, or accept into, the County jurisdiction to, or from, the Joint Jurisdiction without the proposal stating the need for such change. The stated need shall be both concrete and particularized, and actual or imminent, not conjectural or hypothetical. Such criteria prevent expansions, or contractions, that are arbitrary and capricious in manner.

“

Examples of “concrete and particularized”

1. New City Water Treatment Plant outside Current JJ
2. A Developer is planning a development that may want to be annexed into city

limits

As JJ is so large already these examples may seem “far fetched”. But that is the point. And any further expansion of the JJ should be held to a standard. Particularly as the County prefers annexation.

Also, attached is a proposed map from the County on possible Joint Jurisdiction boundaries.

V/R

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Chapter 2 – Demographic Conditions

This Chapter examines aspects of the demographic, social and economic characteristics of the joint-jurisdiction area. By understanding the makeup of its populations, local leaders are then better prepared to plan the future needs of its citizens.

Population and General Demography

The population for the Joint-Jurisdiction area was calculated by subtracting the City of Vermillion’s population from that of Census Tracts 9657 and 9659. This area does not perfectly follow the area encompassed by the Joint-Jurisdiction Area; however, it provides as accurate of a picture as was possible given the available data.

According to the calculated population the number of people living in the Joint-Jurisdiction area increased by 96 persons between 2000 and 2010. It is expected that the population will increase again in the 2020 Census as there have been several building permits issued for the area since the 2010 Census.

Table 2-1: Demographic Statistics (Source: U.S. Census Bureau)

	Joint-Jurisdiction Area	Vermillion	County	South Dakota
2000 Population	300	10,276	13,537	754,844
2010 Population	396	10,571	13,864	814,191
2000-2010 % Change	32.0%	2.87%	2.42%	7.82%
Median Age (2010)	-	23.4	25.0	36.9
Median Household Income (2010)	-	\$30,534	\$37,198	\$46,369

Table 2-2: Joint-Jurisdiction Area New Home Permits 2015-2015 (Source: Clay County Planning and Zoning)

	2015	2016	2017	2018	2019
New Home Permits	3	4	4	3	7
Estimated Construction Cost	\$ 66,475	\$ 1,287,773	\$ 1,392,835	\$ 1,042,486	\$1,425,813

Age

Table 2-3 below displays the age distribution of the Joint-Jurisdiction area residents in 2010. The largest age cohort is the 35 to 54 year olds followed by 5 to 17. This age distribution is to be expected in an area such as this since would be considered step-up homes that would be larger and more expensive. As such the inhabitants would need to be more financially secure, thereby being in the prime working-age group and would include their school-aged children.

Table 2-3: Population by Age (Source: U.S. Census Bureau)

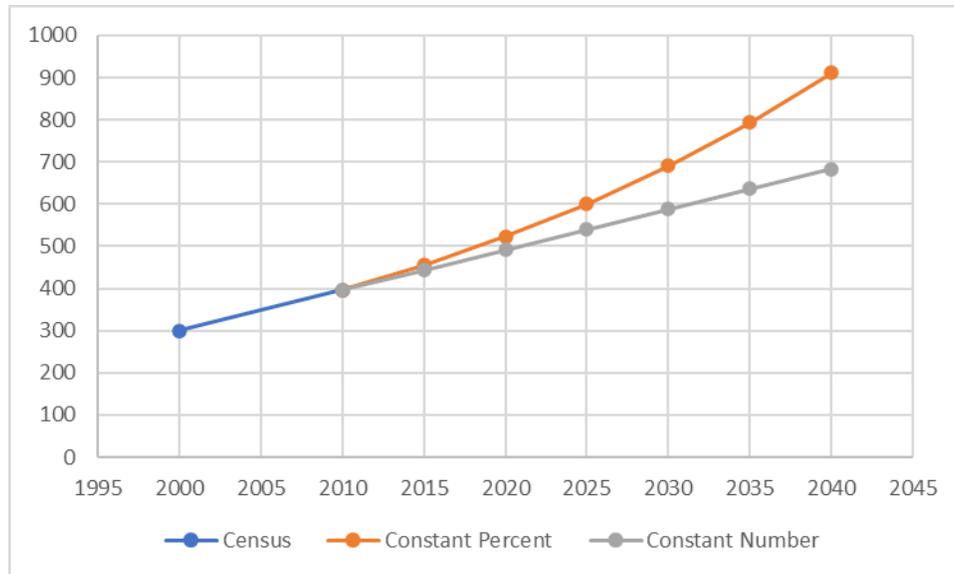
	2010 Population by Age	Percent of 2010 Population
Under 5	18	4.5%
5 to 17	86	21.7%
18 to 24	28	7.1%
25 to 34	48	12.1%
35 to 54	107	27.0%
55 to 64	51	12.9%
65 to 74	35	8.8%
75 and over	23	5.8%

Population Projections

According to the U.S. Census Bureau the population of the Joint-Jurisdiction area was 300 in 2000 and was 396 in 2010. This represents a population increase of 32.0% or 96 persons. To calculate the potential future population an assumption is being made that the population trend that existed between 2000 and 2010 will continue. With this assumption there are two methods to calculate future growth, constant percent or constant number increase. The average annual growth rate would be 2.82% while the constant number would be 9.6 persons. Given these methods the population in the Joint-Jurisdiction area could be between 684 and 912 by 2040.

Table 2-4: Population Projections

	Census	Constant Percent	Constant Number
2000	300		
2010	396		
2015		455	444
2020		523	492
2025		601	540
2030		691	588
2035		794	636
2040		912	684



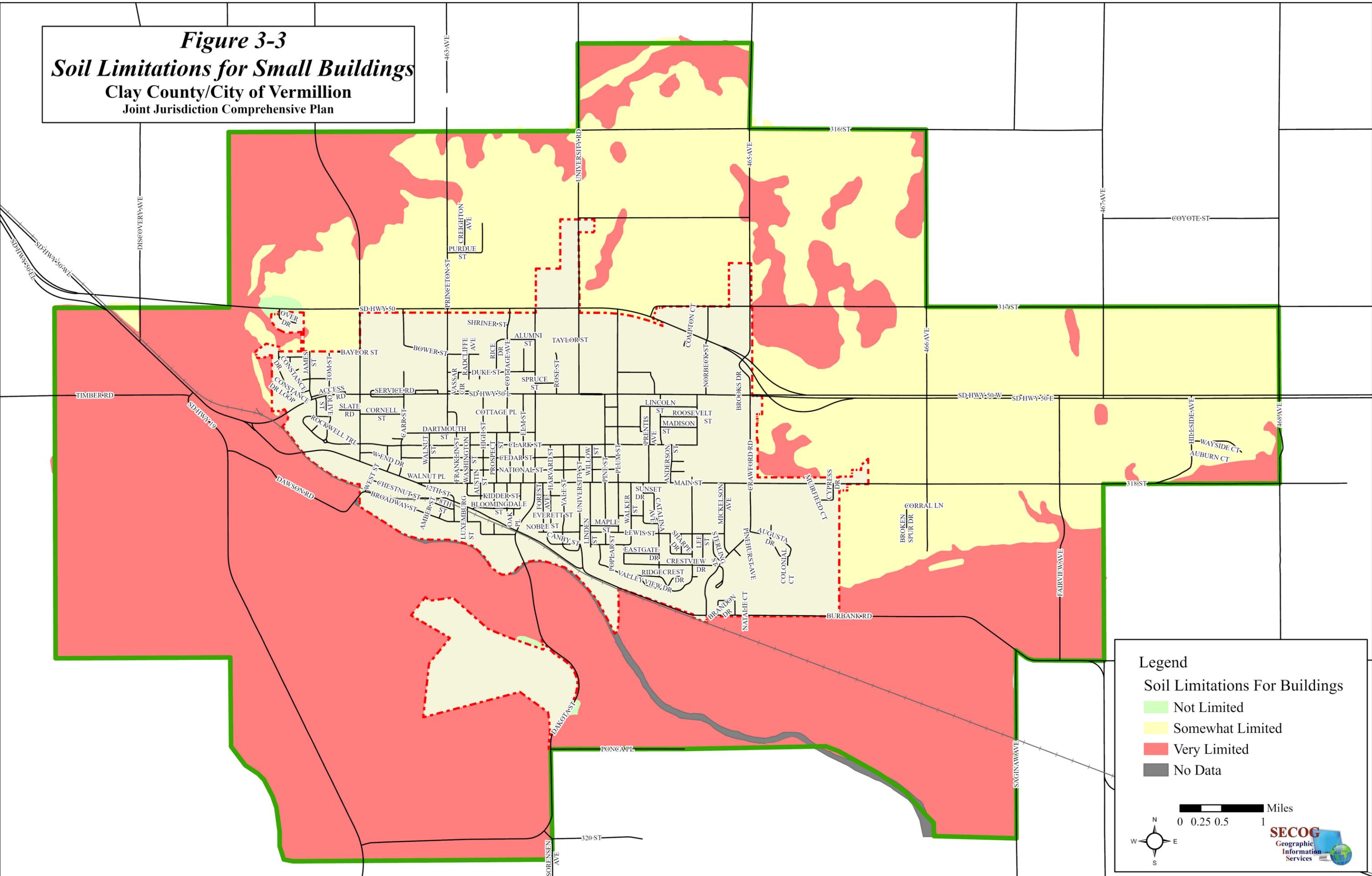
Economic Conditions

The largest employment industry in the Joint-Jurisdiction area is manufacturing followed by agriculture, while education and health care are third. There are no major employers located within the Joint-Jurisdiction area, so most residents employed outside of the home likely work in the City of Vermillion.

Table 2-5: Employment by Industry 2010 (Source: U.S. Census Bureau)

Industry	Count	Percentage
Agriculture, forestry, fishing and hunting, and mining	68	23.94%
Construction	0	0.00%
Manufacturing	74	26.06%
Wholesale trade	0	0.00%
Retail trade	24	8.45%
Transportation and warehousing, and utilities	0	0.00%
Information	12	4.23%
Finance and insurance, and real estate and rental and leasing	0	0.00%
Professional, scientific, and management, and administrative and waste management services	47	16.55%
Educational services, and health care and social assistance	50	17.61%
Arts, entertainment, and recreation, and accommodation and food services	9	3.17%
Other services, except public administration	0	0.00%
Public administration	0	0.00%

Figure 3-3
Soil Limitations for Small Buildings
 Clay County/City of Vermillion
 Joint Jurisdiction Comprehensive Plan



Legend
 Soil Limitations For Buildings

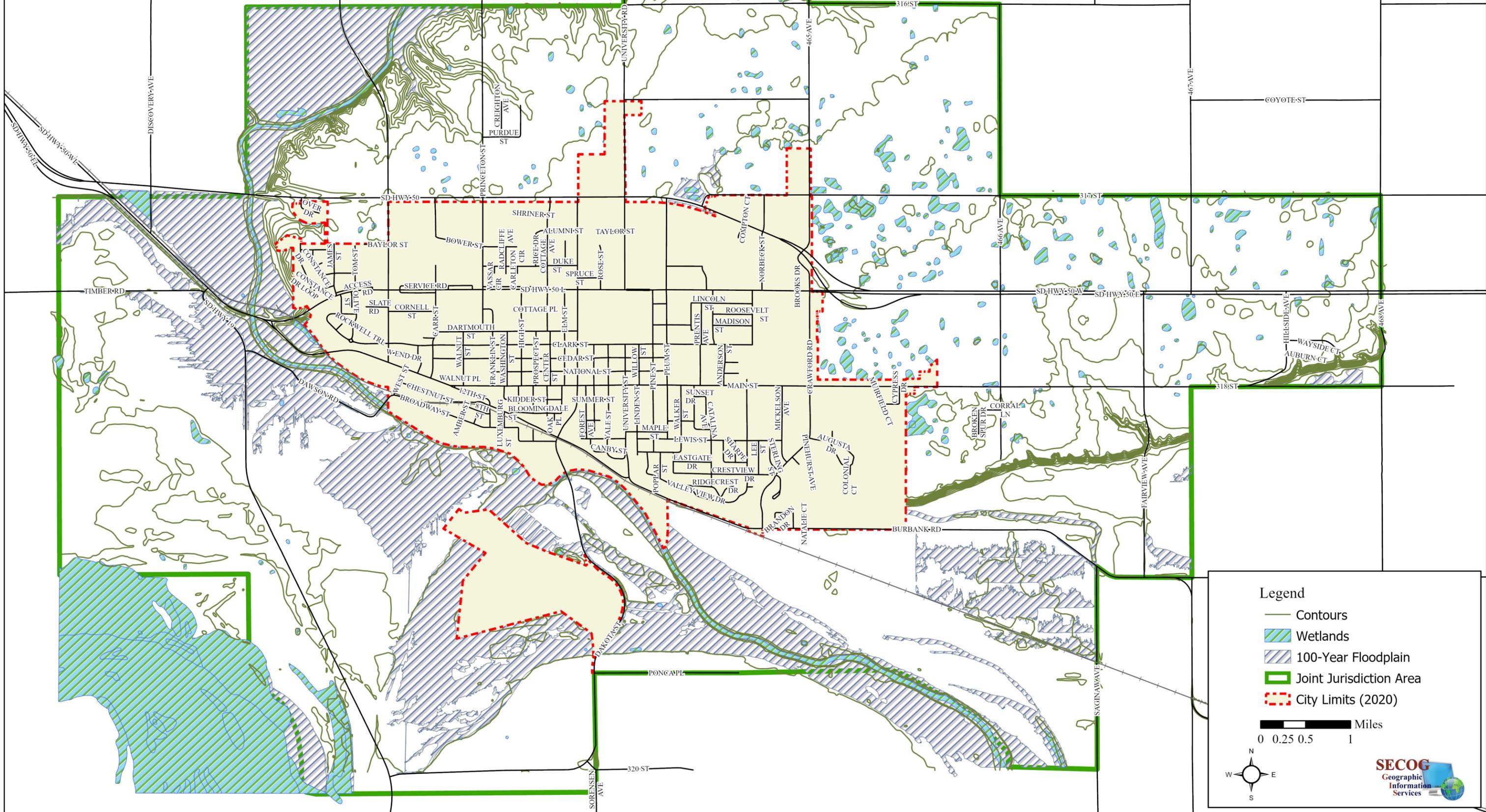
- Not Limited
- Somewhat Limited
- Very Limited
- No Data

0 0.25 0.5 1 Miles

N
W E S

SECOG
 Geographic Information Services

Figure 3-1
Environmental Constraints
 Clay County/City of Vermillion
 Joint Jurisdiction Comprehensive Plan



Legend

- Contours
- Wetlands
- 100-Year Floodplain
- Joint Jurisdiction Area
- City Limits (2020)

0 0.25 0.5 1 Miles

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Chapter 3 – Development Constraints

This Chapter examines the presence of environmental and man-made constraints to provide background reference information for County and City leaders which they may consult when making decisions regarding future development. It should be noted that environmental and man-made constraints identified in this Chapter, including but not limited to wetlands identified on the National Wetland Inventory, flood plains identified by the Federal Emergency Management Agency (FEMA), soil suitability, and location of gas lines will present constraints to future development. Some significant natural features/areas exist in the Joint-Jurisdiction area.

Physical Geography

The Clay County/Vermillion Joint-Jurisdiction area covers about 10,500 acres outside of the corporate limits of Vermillion. The area is primarily relatively flat agricultural land that is bisected by a steep ridge. The elevation on the north side of the ridge is around 1,240 feet above sea level and drops to 1,140 feet above sea level on the south side of the ridge.

Floodplains

Floodplains are areas adjacent to creeks, rivers and lakes that are subject to periodic inundation by flood waters. This inundation can be caused by rapid snowmelt, heavy rain, or a combination of both. Any development in floodplain or floodways, also known as special flood hazard zones, needs to be carefully considered so as not to increase the duration or extent of a potential flood event as well as to avoid damage to property or injury to people. FEMA has identified areas of special flood hazard in the Joint-Jurisdiction area. The areas of flood hazard area primarily in the valley of the Vermillion River. The floodplains of the Clay County/Vermillion Joint-Jurisdiction area are shown on Figure 3-1. This map shows the floodplains as identified in the 2019 FEMA model. The FIRM maps based on this model have not yet been officially adopted by the local government. However, it is important to show this information as the flood hazard areas are more extant therefore there needs to be more consideration of appropriate development locations.

Wetlands

The *National Wetlands Inventory* was used to identify the general location of wetlands. These are considered areas of high constraint and importance because of their value for habitat, groundwater recharge, and surface water storage and filtration. They are generally regulated by State and Federal agencies. These natural resources provide a number of functions that are important to the health and welfare of the community. The wetlands of the Clay County/Vermillion Joint-Jurisdiction area are shown on Figure 3-1.

Man-Made Constraints

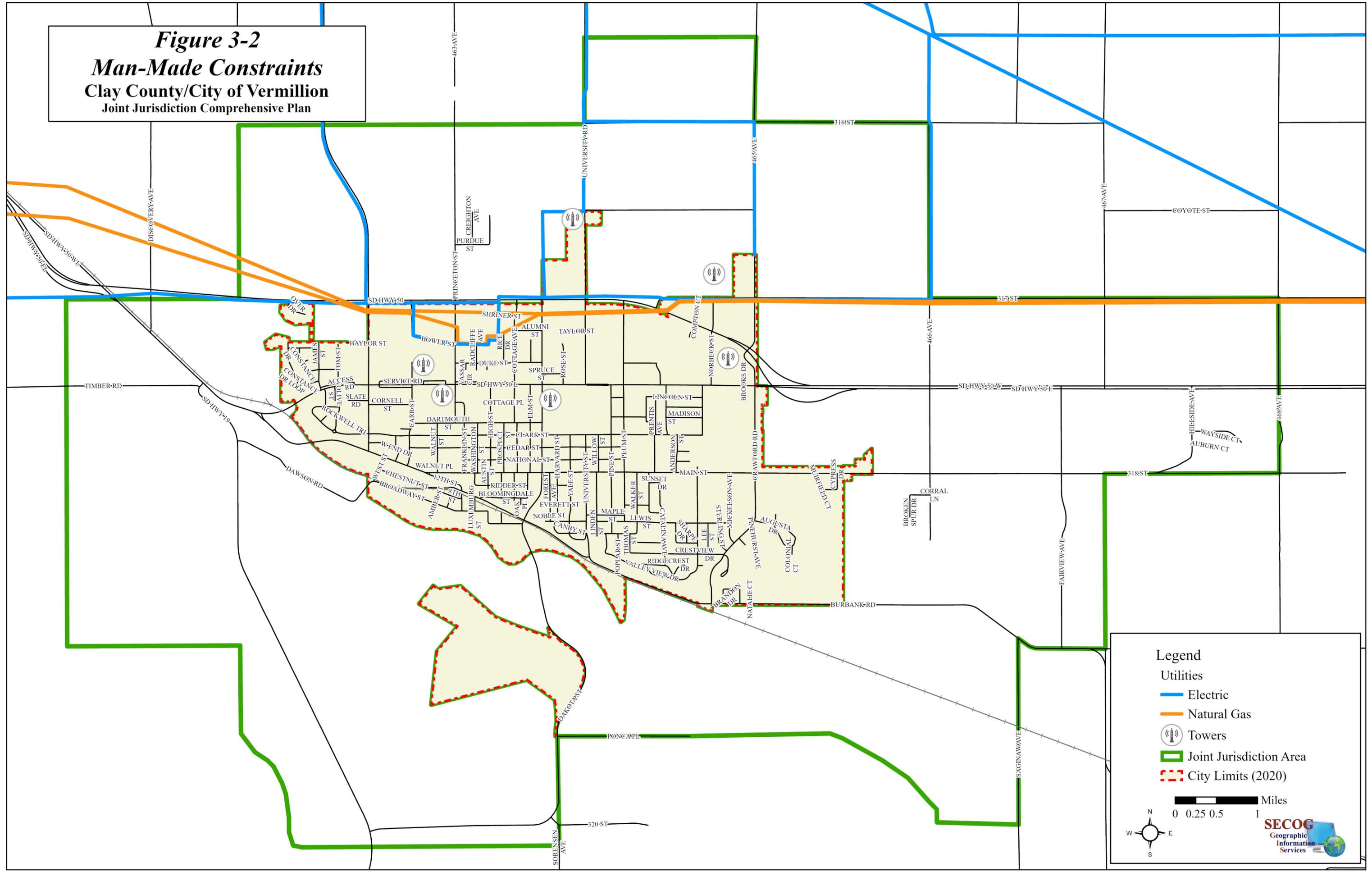
There are certain features in the existing built environment that can be a constraint on future development. These features can included oil and gas lines that have an easement that cannot be

built on, telecommunication towers that have a setback from certain land uses for safety, or railroads that can have a larger right-of-way, cause noise pollution, and have limited ability to cross over. The man-made constraints of the Clay County/Vermillion Joint-Jurisdiction area are shown on Figure 3-2.

Soils

There may be some developmental concerns in the Joint-Jurisdiction area due to soil constraints. Development should be limited due to these constraints such as high water, poor drainage, and unstable soils. Poor surface drainage causes storm drainage and street maintenance problems, while the high-water table creates problems with basement sumps and septic drain fields. The soils data comes from the United States Department of Agriculture, Natural Resource Conservation Service via the Web Soil Service. Figure 3-3 shows the soil limitations of the area as they pertain to residential dwellings and small commercial buildings. Severe limitations are illustrated in red and represent those soils that would require special design to overcome. Most of these soils are impacted by likelihood of the location to flood. Somewhat Limited soils (yellow) represent soil properties or site features that are not favorable for the indicated use and special planning, design, or maintenance may be needed to overcome or minimize the limitations. Not Limited soils (green) indicate land that would likely encounter no development issues due to the soil's properties.

Figure 3-2
Man-Made Constraints
 Clay County/City of Vermillion
 Joint Jurisdiction Comprehensive Plan



Legend

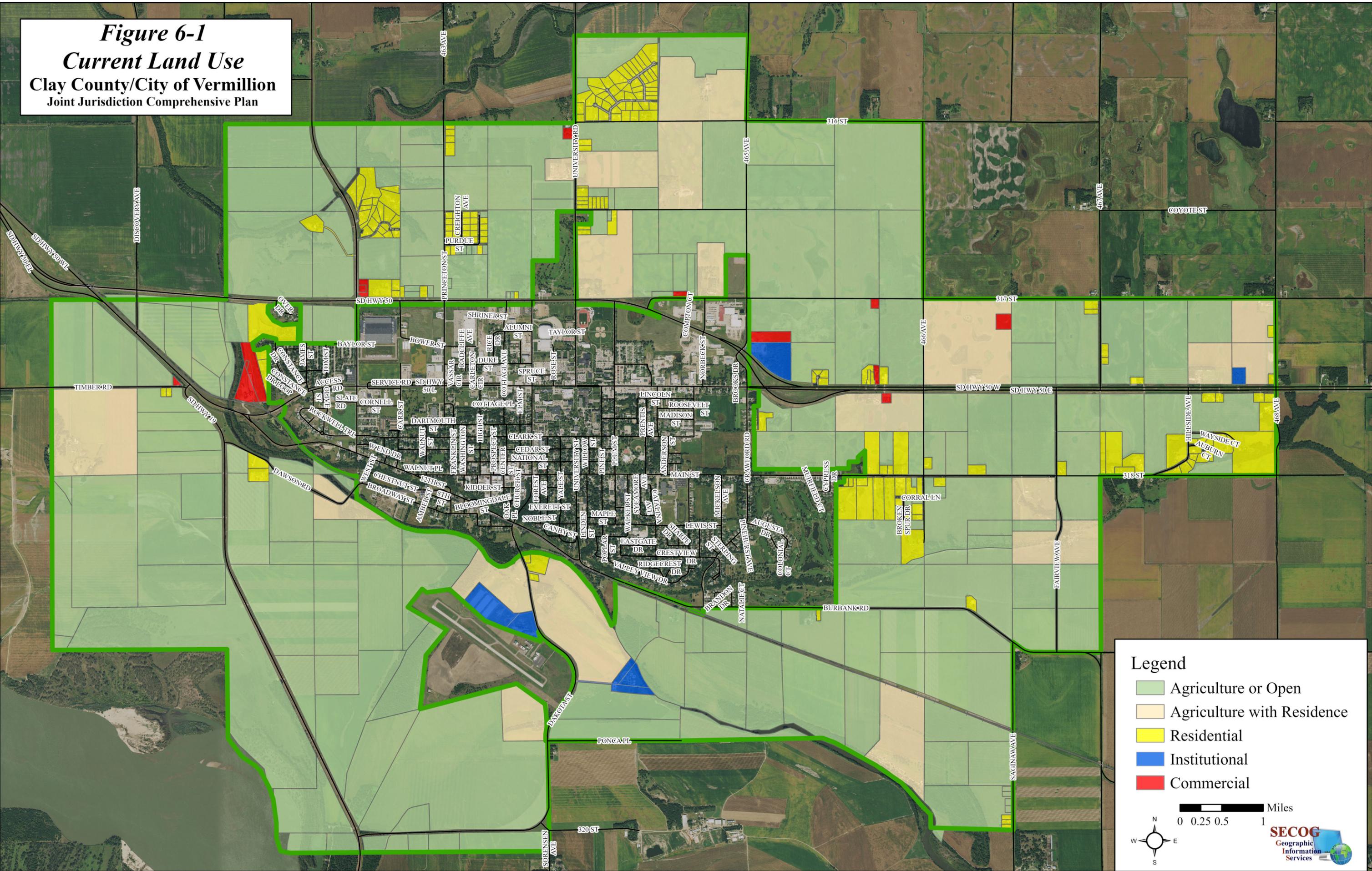
- Utilities
- Electric
- Natural Gas
- Towers
- Joint Jurisdiction Area
- City Limits (2020)

0 0.25 0.5 1 Miles

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Figure 6-1
Current Land Use
 Clay County/City of Vermillion
 Joint Jurisdiction Comprehensive Plan



Legend

- Agriculture or Open
- Agriculture with Residence
- Residential
- Institutional
- Commercial

0 0.25 0.5 1 Miles

N
W E S

SECOG
 Geographic Information Services

Chapter 6 – Land Use

Land use is one of the most important elements of the Clay County/City of Vermillion Joint Jurisdiction Comprehensive Plan. It addresses the location, type, and density of land uses throughout the area. From established goals and objectives, land use planning policies are developed that will be used to guide the physical development of the area, including zoning decisions. Without these goals, objectives and policies regarding land use, future development of the Joint Jurisdiction area would be left to chance and could potentially lead to property devaluation, inadequate public facilities and services, aging and deficient infrastructure, economic stagnation, and unmanageable local conditions.

The Land Use Plan is guided by a variety of factors, including:

- The current land uses within the Clay County/City of Vermillion Joint Jurisdiction area.
- Previous Comprehensive Plans adopted by Clay County and the City of Vermillion.
- Existing infrastructure capabilities, primarily sanitary sewer.
- Trends and projections for future growth.
- The vision for the future.

The Land Use Chapter of the Comprehensive Plan consists of the following components:

- The Current Land Use Map (Figure 6-1) shows a snapshot of land use in 2020.
- The Land Use Plan Map (Figure 6-2) shows the preferred future land uses.
- The land use categories describe the land uses depicted on the Land Use Plan and the goals and policies to be implemented.

Existing Land Use

Current land uses have been grouped into five categories for the Joint Jurisdiction area:

1. Agricultural and Open Space: Includes land that is tilled or grazed for agricultural purposes as well as other land that is not built upon.
2. Agricultural with Residence: Large land areas that or which a portion is tilled and includes a residential dwelling on the same lot.
3. Residential: Smaller lots used only for residential purposes.
4. Institutional: Land owned and used by a government entity.
5. Commercial: Includes retail businesses, offices, utilities, etc.

The Clay County/City of Vermillion Joint Jurisdiction area contains about 9,945 acres excluding street and railroad right of ways. The map in Figure 6-1 is a physical land use inventory that was prepared by SECOG in 2020. Table 6-1 contains the estimated area in each land use category. The primary purpose of this map is to illustrate the overall pattern of development in the Joint Jurisdiction area.

Some key aspects of the existing land use pattern include:

- Agricultural and open undeveloped space is the largest land use by acre.
- The limited commercial uses are located along major roads.

Table 6-1: Area by Land Use (2020)

	<u>Acres</u>	<u>% Total</u>
Agricultural and Open Space	7,899	79.42%
Agricultural with Residence	1,268	12.75%
Residential	645	6.49%
Institutional	84	0.84%
Commercial	49	0.50%
Total Acres	9,945	100%

It is anticipated that over time the Joint Jurisdiction area will start to develop, and that land will be converted from agricultural into other uses. Currently, residential is the third largest land use in the area. Residential land use is expected to expand as population in the area it expected to increase to 684 to 912 people based off the estimates developed in Chapter 2. Table 6-2 explores how much additional land may be needed to accommodate the population growth expected in the area given different development densities that were based off existing and potential lot sizes. The number in the table below would be in addition to the 645 acres existing in the 2020 land use inventory.

Table 6-2: Residential Land Consumption

Residential Acre Consumption					
Average Existing Lot Size (3.09 acres)		Rural Residential Minimum Lot Size (1 acre)		City Average Residential Lot Size (0.28 acre)	
Population of 684	Population of 912	Population of 684	Population of 912	Population of 684	Population of 912
312.1 acres	630.4 acres	101 acres	204 acres	28.3 acres	57.1 acres

Land Use Plan

The Land Use Plan Map (see Figure 6-3) shows the preferred land use for all property in the Joint Jurisdiction area. The estimated land area contained in each category is shown in Table 6-3.

The Land Use Plan Map is the graphic representation of the County’s and City’s land use goals and policies. Furthermore, this map lays the foundation for land use controls that are used by the County and City to jointly implement the Comprehensive Plan.

Table 6-3: Anticipated Land Use Calculations

	<u>Acres</u>	<u>% Total</u>
Residential-Single Family		
Residential- Multiple Family		
Commercial		
Industrial		
Institutional		
Park/Open Space		
Total Acres	9,945	100%

DRAFT