

Unapproved Minutes  
Vermillion Planning and Zoning Commission  
Monday, May 23, 2022 Joint Planning and Zoning Commission Meeting

The joint meeting of the Vermillion Planning and Zoning Commission and the Clay County Planning Commission was called to order in the City Council Chambers at City Hall on May 23, 2022 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm, Forseth, Gestring, Heggstad, Steele, Tuve, Merrigan.

City Planning and Zoning Commissioners Absent: Fitzgerald, Wilson

City Staff present: José Domínguez, City Engineer; Stone Conley, Assistant to the City Manager; John Prescott, City Manager.

2. Minutes

- a. May 9, 2022 Regular City Planning and Zoning Commission Meeting.

Moved by Commissioner Fairholm to adopt the May 9, 2022 meeting minutes, seconded by Tuve. Motion carried 7-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in Vermillion.

4. Adoption of the Agenda

Moved by Merrigan to adopt the agenda as published, seconded by Heggstad. Motion carried 7-0.

5. Visitors to be Heard

Commissioner Forseth expressed condolences on behalf of the Commission to Commissioner Fitzgerald due to Commissioner's Fitzgerald's mother passing.

6. Public Hearings

- a. Request for a Conditional Use Permit to Construct a New Single-Family Dwelling at the East 355-foot South 320-foot in the E ½ SW ¼ SW ¼, Exc Lot H-3, 16-92-51, 5th PM, Clay County, South Dakota.

Mr. Drew Gunderson (County Planning Administrator) presented the County's agenda memo to both bodies. County Staff recommended that the conditional use be granted without any conditions.

Forseth opened the floor to public comment.

Commissioner Fairholm asked what the distance was between the condition use location and the City limits. Dominguez responded that it was close to 2/3 of a mile. Fairholm asked if it was prudent to develop areas close to City limits without taking into consideration future City growth patterns and cost to provide City infrastructure to areas being considered. Dominguez explained that City Staff had been recommending conditional uses or rezone requests if the area being considered did not dedicate any public right-of-way (or private

street), and if the area is only to be accessed from an already dedicated public right-of-way. Discussion followed.

Motion by Gestring to grant the conditional use permit without any conditions, seconded by Merrigan. Motion carried 6-1.

- b. Ordinance 1338 Amending the City of Vermillion Code of Ordinances Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.008, Definitions; and Section 155.071, Accessory Use and Structures to include a definition for "Chicken Coop" and to Provide Regulations for Such Structures.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet regarding the proposed zoning ordinance amendment. Dominguez explained that there is a different ordinance (Ordinance 1337) that would be addressing items regarding number of chickens allowed, setbacks for chicken coops from other structures, licensing of chickens, etc....In addition to the proposed amendments to the ordinance as proposed by the City's Policies and Procedures Committee, Staff is proposing to include a definition for "chicken run" and for "exercise yard".

The Commission was asked to take public comments and make a recommendation to the City Council.

Forseth opened the floor to public comment.

Commissioner Forseth expressed concern with allowing chickens within City limits. Forseth questioned if keeping animals typically associated with farms/barns is appropriate within a City. Additional concern was also raised regarding possible negative impact to property values. Discussion followed.

Motion by Heggstad to recommend adoption of the ordinance as proposed by Staff, seconded by Steele. After taking a roll call vote motion failed 3-4.

#### 7. Old Business

None.

#### 8. New Business

None.

#### 9. Staff Report

None

#### 10. Adjourn

Moved by Gestring to adjourn, seconded by Steele. Motion carried 7-0, Forseth declared the meeting adjourned at 6:13 p.m.