

Unapproved Minutes

Vermillion Planning Commission

Monday, July 27, 2020 Planning and Zoning Commission Joint Meeting
with Clay County Planning Commission

The Vermillion Planning and Zoning Commission was called to order in the Large Conference Room at City Hall (and through teleconference) on July 27, 2020 at 5:30 p.m.

1. Roll Call

Planning and Zoning Commissioners Present: Fairholm (teleconference), Fitzgerald (teleconference), Forseth (teleconference, 5:50 p.m.), Gestring (in person), Heggstad (teleconference), Mrozla (teleconference), Tuve (teleconference), Wilson (teleconference), Iverson (in person).

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

County Planning Commissioners Present: Bottolfson (teleconference, 6:09 p.m.), Mockler (teleconference, 6:09 p.m.), Hubert (teleconference, 6:09 p.m.).

County Planning Commissioners Absent: Gilbertson, Prentice

County Staff present: Drew Gunderson, Clay County Zoning Administrator (teleconference, 6:09 p.m.)

2. Minutes

a. July 13, 2020 Regular Meeting; and, July 20, 2020 Special Meeting.

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

3. Declaration of Conflict of Interest

None

4. Adoption of the Agenda

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

5. Visitors to be Heard

None

6. Public Hearings

None

7. Old Business

None

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.

The City's Commission waited from 5:33 p.m. to 6:09 p.m. for the County's Commission to join the meeting.

Jose Dominguez, City Engineer, explained that at the joint meeting in January, City and County staff were directed to develop a schedule with the goal of having a final comprehensive plan for the joint jurisdictional zoning area ready to be presented to the respective governing bodies within roughly a year's time. The schedule was revised due to the shut downs experienced by the County and the City. Dominguez noted that the schedule could be amended to reduce or increase the number of meetings.

Due to the shut downs there have been no additional joint meetings to discuss the comprehensive plan. However, County, City and SECOG staff have met to finalize drafts of chapters with the intent of presenting the finalized drafts at future joint meetings. This would, hopefully, keep the project moving forward.

Dominguez asked permission from the Commissions to skip over Chapter 1, and start the discussion on the other three chapters. This was due to the fact that both staffs were in complete agreement with the drafts of the other three chapters and felt that discussion was not necessary. Both Commissions agreed to skip over Chapter 1, and revisit this item once the other chapters were discussed.

Dominguez stated that the draft of Chapter 2 dealt with the demographic characteristics of the JJZA. Due to the fact that the information is data driven, City staff did not have any changes or recommendations for this chapter.

Dominguez stated that the draft of Chapter 3 dealt with any natural or man-made development constraints that a developer may encounter in the JJZA. Dominguez explained that these should not be considered as constraints, but rather as challenges that a developer may decide if they wish to overcome through engineering design. Due to the fact that the information provided was based on data, City staff did not have any changes or recommendations for this chapter.

Dominguez stated that the draft of Chapter 6 was one of the most important chapters in the documents since it discusses how land would be used. When completed, this chapter would directly impact many goals, objectives, and policies in the comprehensive plan. At this point, the items being presented deal directly with the existing land uses within the JJZA. Additional items that make up this chapter

(e.g. future land use estimates, infrastructure assessments, community protection, etc...) will be discussed at future meetings. Dominguez further stated that at this point City staff did not make recommendations, or commented, on the current draft. However, for future meetings the City's Commission should take into consideration the City's 2035 Comprehensive Plan, since it will guide the City Commission decisions and recommendations regarding future land use.

Dominguez also mentioned that the City's Commission needs to consider the City's 2035 Comprehensive Plan when developing the new comprehensive plan for the joint jurisdictional zoning area.

No comments were received from the Commissions regarding Chapters 2, 3, and 6.

Dominguez stated that the draft of Chapter 1 being presented was reviewed by both County and City staff. The changes to the chapter show the modifications that were agreed upon. Dominguez also stated that the current comprehensive plan allows for the JJZA boundary to be extended when annexations take place. Dominguez explained that since the adoption of the current comprehensive plan there have been four annexations (i.e. the airport, main lift 1, a property on the east end of Main Street, and Bliss Pointe Addition). Dominguez recommended that rather than expanding the borders of the JJZA based on these annexations that the border be expanded (following is a description of the areas shown in the City's proposed figure 1.1) east 2-miles along SD Hwy. 50 (1/2-mile on either side), east 1-mile from the current limits on the south side of Main Street, and 2-miles north along SD Hwy. 19. These proposed areas are more than likely to see growth in the future that would greatly impact the City. Dominguez further stated that Staff received the County's proposed map for the JJZA boundary on Friday, and that the map is included in the packet for the Commission's review. The County's map shows an area that is much smaller than the existing JJZA boundary.

Commissioner Bottolfson stated that the County has absolutely no interest in ceding any additional territory into the JJZA.

Commissioner Fairholm asked about the rationale for the County's proposal when compared to the existing JJZA boundary. Bottolfson explained that there are residents in that area that are controlled by the City government regarding what they can do with their property. Fairholm stated that he is unsure what that means since for the last 10-years both governing bodies (County and City) have made decisions jointly regarding this area. Dominguez stated that the City is not asking for the residents of the area to give up representation, rather that the City be invited to make decisions regarding land uses that may affect its future growth. Bottolfson stated that the current JJZA offers plenty of area for the City. Iverson stated that the current

area may be sufficient, but that the City still has an interested in the areas coming into the City.

Fairholm stated that since the City is essentially landlocked (surrounded by the County on all sides) the City depends on the County for future development and growth. In essence the County has a lot of power over the City. It seems reasonable to have cooperative conversations with the County for the City's future growth and development.

Bottolfson stated that the JJZA area is large enough for the City's future growth. Fairholm asked which area he was referring to, the existing boundary or the County's proposed boundary. Bottolfson explained that the County's proposed boundary is adequate, but that the existing area is large enough.

Commissioner Wilson stated that what's important should not be the amount of area the JJZA encompasses, but where those locations are. Dominguez stated that that is the reason why City staff proposed for the areas to be expanded around SD Hwy. 50 and 19, as well as along East Main Street. Dominguez explained that the areas around the highways are corridors coming to the City, and that the City should be concerned with the development along these corridors.

Since there were no additional comments from the Commissions, Dominguez asked if the Commissions would like to set up the future meeting to discuss the remaining portions of Chapter 6. Bottolfson asked when that meeting would take place. Dominguez explained that we would wait for SECOG to deliver the draft for review by County and City staff, but that the meeting could take place as early as August 10th. Ms. Kristen Benidt (SECOG) asked for us to verify that we were discussing the items missing from Chapter 6. Ms. Benidt also stated that she would not be able to attend the meeting on August 10th, but would be able to attend the meeting on August 24th. Dominguez stated that we would have the meeting on August 24th to discuss the other parts of Chapter 6. This would give enough time for SECOG to submit a draft for review by the County and City prior to the meeting. Gunderson agreed to this schedule.

Fairholm stated that no decision has been made regarding Chapter 1. Dominguez explained that based on the conversation being had, that neither the City's proposed boundary or the County's proposed boundary are acceptable, that the current JJZA boundary would remain, and that the written document is acceptable with all of the changes made by County and City staff. Fairholm stated that this was a compromise; however, that the City's recommendation to extend the boundary along SD Hwy. 50 should be further considered since this is the main corridor to enter the City. Commissioner Mockler asked Fairholm if any City Commissioner or City staff has asked any of the property owners if they are in agreement with being in the JJZA. Fairholm

stated that this is not related to zoning, rather that this is the comprehensive plan. The zoning aspect could be discussed later once the map is agreed on. Fairholm stated that he is sympathetic to property rights. Mockler stated that the individuals that he has spoken to do not want to be in the JJZA, especially those that are 5-miles outside of City limits. Fairholm stated that the SDCL allows for the City to have a 6-mile limit, as long as its agreed upon by the County. Fairholm asked if the County wanted to see the City grow. Mockler answered that he would like to see the City grow, but that in the last 47-years the City has seen very little growth. Dominguez stated that the observation that the City has not grown in 47-years is inaccurate. Dominguez noted that since 1999 there has been a total of roughly \$58,000,000 of construction for single-family detached housing alone. This does not take into account apartment, commercial, or industrial construction. Dominguez further stated that the reason that the City has not needed to grow out of its boundaries is that the new construction was directed to areas inside of the City that could be easily served by utilities. Mockler stated that he was not referring to areas of growth within the City, he meant that the City limits have not expanded. Dominguez stated that there has not been a need to expand City limits since there has been land readily served by utilities inside of the City limits. Developing land inside City limits was the prudent, logical, and financially responsible decision rather than allowing sporadic growth of City limits. Dominguez further stated that when the City had sole jurisdiction residential, development occurred at Heine's, Annar Petersen's, and along the Missouri River. Dominguez also stated that the amount of growth might have not been as much as desired, but that the City has also been very particular about the type of land uses allowed, and where those are placed, which affects growth. Fairholm stated that the City's Commission has directed City staff to focus growth within City limits rather than expanding the City limits. Fairholm further stated that the City might be getting to a point where development areas within the City are running out, and that outside growth might be considered. The growth would be east along the highway. Mockler stated that the City already has a distance of 3-miles east of City limits along SD Hwy. 50. Fairholm stated that to have proper planning of future land uses along the SD Hwy. 50 corridor might require additional space than that which is provided by the current JJZA boundary. Mockler stated that the additional being requested would seem unreasonable to the land owners in that area. Mockler further asked what would the City do if a land owner in the JJZA wanted to build a hog barn in that area. Fairholm asked what would the County do. Mockler replied that if it met the zoning requirements they should be able to build what they wanted. Bottolfson stated that if there was a show of hands of residents in that area would not choose to be in the City's JJZA. Fairholm corrected Bottolfson by saying that it is not the City's JJZA, but a joint effort between the County and the City. Discussion

followed. Dominguez asked if the County Commissioners would be OK with the SD Hwy. 50 corridor being full of hog confinement areas as long as that's what the property owners wanted. Mockler stated that if that use fits the zoning the right cannot be taken away from the land owner. Discussion followed on the location of existing hog confinement areas along SD Hwy. 50. Fairholm stated that there are property rights on both sides of the argument. A person living in the County would not want to have told what to do with their property, but at the same time a citizen of the City would not want something constructed along the highway that may negatively impact the use of their property. That is why property rights, on both sides, need to be considered.

Dominguez asked if the Commissions were in agreement that Chapter 1 would be presented with the written changes as presented by County and City staff, and if the JJZA boundary would remain the same. Bottolfson answered that that would be County's recommendation. Dominguez asked if that would be a consensus from the City's Commission. Commissioner Fitzgerald stated that that made sense, but that the City should consider to expand the JJZA boundary to the east along SD Hwy. 50 as presented. Commissioner Heggstad, and Commissioner Mrozla both stated that they agreed with Fitzgerald's comment. Dominguez recommended that the City's Commission make a motion with the recommendation, and any direction necessary for City staff.

Moved by Fitzgerald that the City Commission recommend the written draft of Chapter 1 as presented, and that the JJZA boundary be presented to the governing bodies as being extended east for 2-miles from the existing boundary along SD Hwy. 50, seconded by Tuve. Wilson asked if the motion could be amended to require that County and City staff present one-page written statements on the merits of the respective proposals. Fitzgerald and Tuve agreed to the amendment, making the new motion that City Commission recommend the written draft of Chapter 1 as presented, that the JJZA boundary be presented to the governing bodies as being extended east for 2-miles from the existing boundary along SD Hwy. 50, and that the County and City staff need to present a one-page written statements on the merits of the respective proposals at the August 24th meeting. Motion carried 9-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

9. Staff Report

None

10. Adjourn

Moved by Forseth to adjourn, seconded by Wilson. 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 6:55 p.m.