

**BROOKINGS COUNTY PLANNING & ZONING COMMISSION**  
**MINUTES OF MARCH 3, 2020 JT. CITY & COUNTY PLANNING WORK SESSION**

The Brookings City Planning Commission and the Brookings County Planning & Zoning Commission met in a Joint Session on Tuesday, March 3, 2020. Brookings City Planning Commission members present were: Ashley Biggar, Gregg Jorgenson, Jacob Mills, Lee Ann Pierce, Eric Rasmussen, Jason Meusburger, Greg Fargen, and City Chairperson Tanner Aiken. Absent City member was James Drew. Brookings County Planning Commission members present were: Acting Chair Chad Ford, Darrell Nelson, Darrel Kleinjan, Terrell Spence, County Commissioner Mike Bartley, and alternate board members Roger Erickson and Spencar Diedrich. Absent County members were Tom Davis, Randy Jensen, and Michael McHugh. Also present were Community Development Director Mike Struck, County Development Deputy Director Richard Haugen and from First District Association of Local Governments Payton Schafers and Senior Planner Luke Muller and Eric Witt, Water Manager for Brookings Municipal Utilities

**CALL TO ORDER**

Chair Tanner Aiken called the meeting to order at 6:30 PM.

**APPROVAL OF AGENDA**

(Jorgenson/Meusburger) Motion by the City Planning Commission to approve the agenda. All present voted aye. **MOTION CARRIED.**

(Bartley/Erickson) Motion by the County Planning Commission to approve the agenda. All present voted aye. **MOTION CARRIED.**

**APPROVAL OF MINUTES FROM FEBRUARY 4, 2020 BROOKINGS CITY PLANNING COMMISSION AND BROOKINGS COUNTY PLANNING & ZONING COMMISSION JOINT MEETING.**

(Rasmussen/Mills) Motion by the City Planning Commission to approve the Joint Meeting Minutes. All present voted aye. **MOTION CARRIED.**

(Erickson/Bartley) Motion by the County Planning Commission to approve the Joint Meeting Minutes. All present voted aye. **MOTION CARRIED.**

**DISCUSSION AND REVIEW ON UPDATING JOINT JURISDICTION ZONING ORDINANCE DRAFT – WITH FIRST DISTRICT.**

Luke Muller with First District Association of Local Governments continued discussion and reviewing with the boards updating Joint Jurisdiction Zoning Ordinance Draft concentrating on the Wellhead Protection District section. Muller discussed with board members Zone B & Zone A: 1) Permitted Use vs Conditional Use to rebuild/replace an existing house in the Aquifer Protection District. Board discussion consisted of: 1) if no house currently on site, no house could be built on a site in the future – board members were in agreement with this drafted rule. 2) Restricting, limiting: House destroyed by, act of God or other reason – should it be conditional use to rebuild and limited to rebuild

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house to be same size as original or should it be a permitted use? Bartley noted that in subcommittee it had been discussed at length and stated, "If we allowed as a permitted use it protects the property owner's rights, if we have to make them come in for a conditional use and we deny it is almost an involuntary taking. I don't have a problem with the 25% increase (allowance to rebuild with increase in original size) but I have a problem with taking away that right to rebuild on that particular property as a takings so to speak. We can certainly restrict that they can't expand, but can't rebuild without a conditional use, I am not in favor of that." Kleinjan added a comment that a lot of the farms and houses had existed before the wells and noted he was in opposition with telling property owners what they could and could not do. Luke Muller asked the boards consensus if they were in favor of allowing the rebuilding of a house as a permitted use vs. a conditional use, board members were in favor of it being a permitted use and size could be up to an additional 25% of original houses square footage. 3) Additions onto any residential structure (house, garage) – prohibited, conditional use or permitted use. Meusbarger had concerns with a garage and what additional space would be used for. Bartley noted he had no concerns with a deck being added onto a home but he did have concern with house structure when 25% would be added garage space. Principle structure up to 25% expansion of an existing house would require a conditional use. Rasmussen supported requirement of a conditional use in order to expand existing dwelling structure by 25%, allowance of a one-time 25% expansion. Mills clarified, "if a residence is rebuilt we are ok with as a permitted use but if 25% expansion of an existing structure it would require a conditional use." Muller asked for a show of hands of those in favor of expansion of up to 25% of the house and attached garage should be a permitted use or a conditional use. Majority voted for conditional use. Muller then asked the board what would determine the 25% allowance – would it be gross floor area or footprint of structure. Muller asked Struck what the city considered as 25%? Struck noted under the city nonconforming it was 25% of the gross floor area, excluding the basement and garage. Muller asked Haugen approximate number of 2 story farmhouses in the area under discussion. Haugen estimated there would be approximately 4-5. Kleinjan questioned allowance of finished space and wanted finished basement included into figuring of total finished square footage. Rasmussen asked if there were any finished basements in the area being discussed. Haugen and Struck noted would be finished basements with Struck noting 2 full finish and 1 – ¾ finish while doing a quick search of 3 properties in the area being discussed. Board members consented to adding *finished basement area as assessed* to the total when determining total finished area. Discuss also included if addition to a garage would be allowable as a permitted use or would need a conditional use application. Board desired to have additions to garages requiring conditional use application. 4) Muller then moved discussion to septic systems – allowed or prohibited. Board members discussed and decided septic systems could be replaced per state codes. Erick Witt, Water Manager for BMU (Brookings Municipal Utilities) introduced himself and noted preference of wording to be "Septic system replacement in-kind to current code". 5) Muller then discussed Ag structures that are not a house and noted a written in draft they would not be permitted. No grain bins, commodity sheds, shed and such could not be replaced or built in the Aquifer Protection Overlay District. Ford noted that grain bins did not have any pollution concern and questioned why they could not be built or rebuilt. Muller noted that it was his understanding to discourage new structures from being built in Zone A. Struck concurred that if no structure currently,

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would not allow any new structure in Zone A. Rasmussen requested that the topic be discussed as reconstruction and new construction. Board agreed to have reconstruction of a structure other than a dwelling would require a conditional use.

6) New Ag Structures in Zone A – Not allowed: Aiken asked approximately how many current sites were in Zone A. Muller noted currently there were 28 sites. Muller asked for a show of hands will majority voting no new structures would be allowed in Zone A. Struck asked if a shed could be built on an acreage. Muller noted as written no structures could be built in Zone A except for pumphouses (less than sixteen (16) square feet in area). Muller reviewed and summarized with the board the outcome of the evenings discussions being: 1) Permitted Use: addition of - *the replacement of existing dwellings up to the existing size and including an increase of up to 25% of gross floor area being added under permitted use* 2) Conditional use: change of wording to reflect - *reconstruction of non-dwelling structures in existence on (Date of Adoption), provided application is made within one year of removal or destruction of the structure.* Erickson and Kleinjan noted concern that rights were being taken away as farms were there before the wells. Erickson questioned if tax provisions would be made for those that were not able to build or rebuild? Struck reminded the boards that it wasn't the role of the bodies on the boards to determine the values and things like that and taxation, the responsibility of the planning commission is really to look at the land use, is it appropriate, is it not appropriate and what sort of regulations should be applied to those areas.

Muller announced that at the next work session would be review of: residence on small lots in a confined area of the joint area south of Brookings, and possibility the regulations of (Confined Animal Feeding Operation) CAFO within the Joint Jurisdiction.

Struck and Haugen reviewed meeting time and agreed the meeting time would be at 7:00 PM for the Joint April meeting to be held on April 7, 2020.

### **ADJOURN**

City Chairperson Aiken adjourned the meeting at 7:37 PM.

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Rae Lynn Maher  
Brookings County  
Development Department