

**BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF OCTOBER 4, 2022 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, October 4, 2022. Brookings City Planning Commission members present were City Chairperson Greg Fargen, Lee Ann Pierce, Nick Schmeichel, Roger Solum, James Drew, Jacob Mills, and Tanner Aiken. Absent City member was Gregg Jorgenson. Brookings County Planning Commission members present were Chair Ford, County Commissioner Mike Bartley, Darrel Kleinjan, Spencar Diedrich, Kyle Vanderwal, Neal Trooien, Randy Jensen, Tim Paulson and alternate board members Roger Erickson and Dale Storhaug. Absent County member was Brian Gatzke. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, County Development Director Robert W. Hill, County Development Deputy Director Richard Haugen and from First District Association of Local Governments Senior Planner Luke Muller.

CALL TO ORDER

City Chair Greg Fargen called the meeting to order at 7:02 PM.

APPROVAL OF AGENDA

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

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

APPROVAL OF MINUTES FROM June 13, 2022 BROOKINGS CITY PLANNING COMMISSION AND BROOKINGS COUNTY PLANNING & ZONING COMMISSION JOINT MEETING.

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

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

PUBLIC HEARING AND ACTION ON JOINT JURISDICTION ZONING MAP OF BROOKINGS COUNTY AND CITY OF BROOKINGS, SD.

Planning & Zoning Chair Ford opened the public hearing noting at the June 13, 2022 joint meeting the county amended the northern expansion (border) back to the original border and the city voted in favor of expansion of the northern (border). The meeting was being held to come to an agreement between the two boards so that the complete Joint Ordinance and Map could move on to the City Council and County Commission for approval.

Struck explained that both boards agreed on the Joint Jurisdiction Zoning Ordinance but there were discrepancies in the map boundary line. The evening meeting was to come to
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a consensus on the borders of the map so a consistent recommendation can move forward to the city council and county commission. Map of the area under discussion (northern border) was presented noting the red line was the original joint jurisdiction boundary line that had been set around 1980 and the green boundary line was the expansion proposed by the joint subcommittee. The grey area was the proposed expansion area that the county and city didn't agree on, city wanted it to expand to the green line, the county wanted it to remain at the red boundary line. The light green shaded parcels noted are owned by various governmental entities (City, County, State of South Dakota, South Dakota State University, Conservation Districts, Eastern Dakota Crop Association, SDSU Foundation & United States Government). Luke Muller reminded the boards that they need to have 100% agreement and adopt the exact same ordinance to pass the joint ordinance on to the city council and county commission, who have the final say in the adoption. The purpose of the public hearing was to come up with a solution to the north boundary.

City Chair Greg Fargen opened the public hearing.

PUBLIC HEARING:

- 1) Lowell Slyter – noted he had not heard any good reason to expand the northern border and asked if restrictions were going to be put on his property would the boards be willing to reduce his taxes. He felt a burden would be put on him with no remuneration and see saw no reason for expansion of the area. We don't need more restrictions.
- 2) Matt Zancanella – noted he had a question, he has lived in the area for over 28 years, has a horse and cattle ranch and wondered how the boards were going to handle it or if he would sell how the next person would have to handle it.
- 3) Angela Boersma – concern with residential development as it moves further to the north, future growth. Stating, "Currently it is functionally impossible to think about residential development as we move north into the joint jurisdiction area in any way shape or form because we can't seem to get past this body in order to do it and so if we are going to expand the joint jurisdiction boundary we need to come up with a better solution for how to propose residential development north of Brookings because right now it is not practical and as Brookings continues to grow, north is one of the ways that we have to think about growing."
- 4) Brian Gatzke's submitted comments were read by Richard Haugen and placed on file. Issues: 1) No conflict with JJ, support proposed but work for taxpayer and 4 major landowner/farmers object so just leave north boundary where it is, 2) City of Brookings Utilities has NO PLANS (per Eric Witt) to go north unless someone pays for installation and permitting. 3) City of Brookings typically does not annex until utilities says okay and have land adjacent. Currently utilities not running north of Hwy 14 bypass. 4) Houses in close proximity so any CAFOS not likely to go in due to setback and aquifer. 5) SDSU keeps buying land and state doesn't have to follow JJ. 6) At current growth rate of city, it would be 80 years before fill the south side. 7) City should clean up mess to south side with past. 8) If JJ wanted to consider rural Housing eligibility, then do not spot zone like they wanted in the SW corner but give it to all JJ area and let it go. 9) Sunny View

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Addition has a nice design and private and if JJ ever looked at a development with rural estates, that is a very good design.

City Chair Greg Fargen closed the public hearing.

DISCUSSION: Mills asked what the process would be to add a section in 5-10 years from now. Struck noted it would be same process as current, with a public hearing, recommendation and then passed to the elected officials, basically an amendment process. Board addressed question from Matt Zancanella regarding what would happen to his operation or the new owner if he would sell in the future. Haugen noted everything allowed to currently do would continue, any change would be discussed at the time a change is wanted, work together to have a smooth transition to avoid any situations like issues with the current spot zoning around Brookings. Muller noted that if land is over the aquifer and a change/expansion a CAFO permit would possibly be needed depending on numbers at time of request. Struck added, no Joint Jurisdiction existed prior to 1980, a lot of the issues we are dealing with now were done before we had a Joint Jurisdiction, there are lessons that have been learned. Noting, we are trying to plan for growth, put provisions in place, looking at long term not short term. Bartley noted that at the last meeting the county wanted to move the north boundaries and the amendment was passed to move that on, there was discussion, and the city did not accept and wanted to pass it as it was presented. Because we have this difference of opinions there was a thought process brought up by Chairman Ford. Suggestion being, to review the joint jurisdiction boundaries on a review basis every seven years. Bartley noted county compromise to be the Joint Jurisdiction ordinance be reviewed every seven years from the adoption of the ordinance and city interest to move it back to the north previous boundaries with the ideas to review it every seven years. They (city) could make that motion to move it and then our ordinances would coincide. Our Amendment would basically be to just to amend the ordinances we've already amended, but to amend it on a separate amendment that states that we'll review on a seven-year basis from adoption. On the city side it would be an amendment to accept the North boundaries as presented by the county and wanting the seven-year review, to protect interests on both sides. Bartley asked for discussion on this approach. Fargen asked if a seven-year time limit was appropriate. Bartley commented seven years was a suggestion, five, seven or ten years – five may be to short, seven is a compromise, 10 year may be to far out. Ford noted that the original joint jurisdiction area was adopted in 1980 and hadn't been changed since. Boards are trying to make a 40-year-old document more evolving. Struck noted from a staff perspective the text portion did some significant updates, time for boards to get to an agreement where the ordinance can forward to the elected officials for their consideration. Chair Fargen had Struck clarify that changes being address at the meeting were strictly the north boundary area. Struck noted at the June meeting the boards agreed on the green boundaries on the east, west and south. Fargen asked for City Planning Commission members' input. Mills spoke in support of reviewing more frequently. Bartley asked for staff input on timeline of review – 5, 7 or 10 years. Struck noted from gestures of city members they would be interested in making a motion to recommend approval of the joint jurisdiction boundary as approved by the county/the north boundary line as agreed upon with the county. That would move the line to the red

and be consistent with the county's recommendation and the east, west and south would start the same as prior agreed upon.

(Mills/Aiken) Motion to approve the joint jurisdictional area map excluding the grey area along the north boundary.

City Chair Greg Fargen opened the public hearing.

PUBLIC HEARING:

- 1) Lowell Slyter - Noting he thought it was good compromise.

City roll call vote: Schmeichel-aye, Drew-aye, Mills-aye, Pierce-aye, Schmeichel-aye, Aiken-aye, Fargen-aye. 7-aye, 0-nay. **MOTION CARRIED.**

Board members discussed setting a timeline for review of Joint Jurisdiction Ordinance and or Joint Jurisdictional Map.

(Diedrich/Jensen) Motion that the Brookings County Planning Commission reviews the boundary map every seven years.

(Solum/Mills) Motion that the Brookings City Planning Commission reviews the boundary map every seven years.

Pierce asked if a public hearing would need to take place at this time. Luke Muller noted that the boards were creating a resolution that says we have got to approve both land use plans. In the end the county is going to have to adopt the components of the land use plan that adopt to this from the city and the city will have to adopt the components of the land use plan from the county, essentially you are adopting each other's land use plan. Further noting, what is being done today is you're making a resolution that when we do that, we are going to include this seven-year review in that document and then you re-hold a public hearing on that policy document later when that is adopted. Bottom line is public hearing doesn't have to be opened tonight, you're going to have one on it.

County roll call vote: Bartley-aye, Paulson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

City roll call vote: Drew-aye, Mills-aye, Pierce-aye, Solum-aye, Aiken-aye, Schmeichel-aye, Fargen-aye. 7-aye, 0-nay. **MOTION CARRIED.**

ADJOURN

City Chairperson Fargen and County Chairperson Ford adjourned the meeting at 7:43 PM.

Rae Lynn Maher
Brookings County
Development Department

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