

Minutes of the Joint Jurisdiction Committee
07/30/19

Commissioner Pierce called the meeting to order. Pierce, Holly Tilton Byrne (9:41 a.m.), Robert Hill, Mike Struck, Duane Knutson, Al Heuton, Tom Davis, Robert Hexum and Steve Meyer (9:51 a.m.) were present. Luke Muller with First District Association of Local Governments, Deputy County Development Director Richard Haugen and Brookings County Commission Department Director Stacy Steffensen were also in attendance.

A quorum was determined to be present.

Hill moved/Hueton seconded that the agenda for the July 30, 2019 Joint Jurisdiction Committee meeting be approved. Motion carried.

Hill moved/Hexum seconded that the minutes from the June 13, 2019 Joint Jurisdiction Committee meeting be approved as presented. Motion carried.

Muller said the committee has been following the timeline adopted earlier this year. He said he feels there is a consensus on feedlots and the well-head protection area, but there are still loose ends to tie up on the rural residential overlay district. Muller said he will need everyone's edits to the draft about two weeks prior to the next meeting. Pierce asked if Muller could add a table of contents. Muller said he can do that.

Tilton Byrne arrived at 9:41 a.m.

The upcoming schedule was discussed. Committee members must have their edits to Muller by Friday, August 30th. The next meeting was scheduled for Thursday, September 19, 2019 at 9:30 a.m. Muller said he hopes the draft will be ready for the Planning Commissions after the September 19th meeting.

Muller reviewed the rural residential overlay district. He said it opens up the ability to have a house on five acres; but only one house per quarter-quarter section.

Meyer arrived at 9:51 a.m.

Muller said they are specifically noting areas south of the S-curves south of Brookings in Sections 13, 14, 23, and 24 in Medary Township and Sections 18 and 19 in Trenton Township.

Tilton Byrne asked why there was a minimum lot area of five acres required. Muller said it can be changed, but he wouldn't suggest going less than two and half acres. He said they get the most variance requests with lots that are two acres or less. Haugen said if someone wants a house, out-buildings and trees, two acres isn't enough.

Tilton Byrne said they could do two and half acre lot minimums and have the requirement that they follow the provisions of Chapter 5.20. She said not everyone will want animals necessarily. Pierce said she is okay with less acres. However she would rather have the minimum lot size be a whole number, three acres for instance, to help with legal descriptions and platting. Heuton said requiring more than two to three acres could also increase problems with weed control, as it gets harder for people to maintain the larger lot size.

Pierce asked how much buildable space there would be after setbacks if they allowed a minimum lot size of three acres. Struck said 270' to 280'.

Muller said portions of the six sections mentioned would have the rural residential overlay district and would be defined on the zoning map. Struck asked about the transfer of development rights. Muller said that would not be allowed. Struck said these requests would all come to the County Development Office. He asked if the County would reference the city's comp plan before issuing building permits. Muller said yes they would.

Struck said there are also concerns about getting blamed for issuing building permits when there are water problems in the future. Hexum said people have to do their due diligence before they build in this area. Muller said the main impact will be the high water table. Heuton asked if this was a building permit question versus a zoning question. Struck said the zoning will set the stage for development. Tilton Byrne said the high water table is going to be a concern no matter what happens in this area. Pierce asked if the building permit application could contain notes about the high water table. Heuton said people can sell land in the floodplain.

Hexum asked if townships would be responsible for the roads in this area. Muller said this zoning won't create new roads, but there could be an increase in traffic on the current roads.

Muller said there are also feedlots in existence in this area. He said they could draft the ordinance to allow what is there as of the date of the ordinance. Struck asked if there is a way to exempt the ag district within the rural residential overlay.

Heuton left the meeting.

Tilton Byrne said she would like to allow for small scale animal husbandry in this area. She said there are examples in several cities where this is being done and done successfully.

Struck said he thinks it will be self-policing to some point; but there could always be someone who thinks they can do more on the land than what should be done. Tilton Byrne suggested that anyone in the rural residential district overlay have to follow Section 5.20 of the ordinance, rather than saying just those lots that are less than five acres.

Muller said this is really tiered ag zoning. He said it will be zoned for people who want animals; not zoned for just animals, like the ag district, or just people, like urban districts. Muller said they could apply the two animal units per acre rule, but he suggested looking at what is there today and leaving them as ag with the option to rezone to rural residential.

Knutson said he doesn't want to rezone anyone. He said he is okay with having the option to rezone for existing landowners. Tilton Byrne said they could carve out the current operations. Muller said if they take out the ability to have a Class E feedlot, then the current operations will be capped where they are at today.

Pierce said they could write the ordinance to protect the current Class E feedlots, but rezone the entire area. Knutson said if they rezone this area, he doesn't believe the ordinance will get very far.

Pierce asked if there is a way for residents to get the overlay without going through the rezoning process. Tilton Byrne said this is the joint jurisdictional area and there are going to be changes made; that is why it exists. She said this starts the process of making changes; the conversation has to start at some point.

Struck said a joint jurisdictional area is for anticipated future urban development. He said the rural residential overlay is an attempt to allow higher density than what the county allows. Struck said all you have to do is look at Main Avenue South to see the conflicts that higher density development can

cause. He said this is encouraging that, just farther south. Struck said trying to extend municipal services to that area in the future will not be cost-effective for homeowners.

Muller said this could be looked at as an area of transition where they are trying to reduce conflict. He said they may be closing off areas farther south for future city development, though. Muller said they would, essentially, be creating the southern edge of town.

Muller said he would like the committee to vote at the next meeting whether or not to automatically rezone the area to rural residential.

Meyer said if they take this step, this area will never be in the city limits. He also cautioned about going over to the east side of the interstate. Meyer said he would suggest leaving that area alone to create a corridor for the city to move south if needed in the future.

Struck moved/Hill seconded a motion to adjourn. Motion carried.

Submitted by Stacy Steffensen
Brookings County
Commission Department Director