

**OFFICIAL MINUTES**

Chairperson Chad Ford called the meeting of the City & County Planning Commission to order on Monday, June 13, 2022 at 6:00 p.m. in the Chambers Room #310 on the third floor of the City & County Government Center. County members present were Mike Bartley, Spencar Diedrich, Brian Gatzke, Randy Jensen, Darrel Kleinjan, Neal Trooien, Kyle Vanderwal, alternate Dale Storhaug and Ford.

City members present were Jacob Mills, Lee Ann Pierce, Roger Solum, Nick Schmeichel, and Tanner Aiken via telephone. Absent were Justin Borns, James Drew, Greg Fargen and Gregg Jorgenson.

Also present were Community Development Director Mike Struck, City Planner Ryan Miller, County Development Deputy Director Richard Haugen, Brookings County Development Director Robert Hill, Luke Muller First District Association of Local Governments, Mark Jorenby, Lowell Slyter, Joel Foster, Andy Dupraz, Jason Oines, and Cody Moret.

**Item #1** – Roll Call

**Item #2** – (Bartley/Diedrich) Motion by the County Planning Commission to approve the agenda. All present voted aye. **MOTION CARRIED.**

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

**Item #3** – (Diedrich/Vanderwal) Motion by the County Planning Commission to approve the June 7, 2022 Joint Jurisdiction Meeting Minutes. All present voted aye. **MOTION CARRIED.**

(Solum/Schmeichel) Motion by the City Planning Commission to approve the June 7, 2022 Joint Jurisdiction Meeting Minutes. All present voted aye. **MOTION CARRIED.**

**Item #4** – Public Hearing on the Joint Jurisdiction Zoning Ordinance.

(Bartley/Jensen) Motion by the County Planning Commission to adopt the Joint Jurisdiction Zoning Ordinance.

(Gatzke/Vanderwal) Amendment to the motion by the County Planning Commission that the north expansion (border) go back to the original border. Bartley and Diedrich voted no. All others voted aye. **AMENDMENT CARRIED.**

Motion as amended was voted on by the County Planning Commission. All present voted aye. **MOTION CARRIED.**

(Schmeichel/Solum) Motion by the City Planning Commission to adopt the Joint Jurisdiction Zoning Ordinance.

(Schmeichel/Solum) Amendment to the motion by the City that the north expansion go back to the original border. Mills voted aye. All others voted no. **MOTION FAILED.**

(Pierce/Mills) Amendment to the Animal Unit Equivalency Ratio Chart 5.19.1 on page 76 to have horses be one animal equivalency ratio instead of two. Pierce withdrew her amendment.

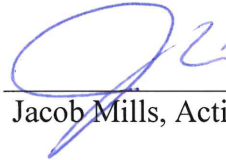
(Pierce/no second made) Amendment to Chapter 5.18, Animal Units on Small Acreages (pg. 75) to state "On parcels of land, 5 acres or less, a maximum of two animal units per acre will be allowed with the exception of 2 horses." Pierce withdrew her amendment.

Motion by the City Planning Commission to pass the Zoning Ordinance as presented. All present voted aye. **MOTION CARRIED.**

The meeting was adjourned at 8:11 p.m.



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Ryan Miller, City Planner



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Jacob Mills, Acting Chairperson

**OFFICIAL SUMMARY**

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Also present were Community Development Director Mike Struck, City Planner Ryan Miller, County Development Deputy Director Richard Haugen, Brookings County Development Director Robert Hill, Luke Muller First District Association of Local Governments, Mark Jorenby, Lowell Slyter, Joel Foster, Andy Dupraz, Jason Oines, and Cody Moret.

**Item #4-** (full dialogue (video) of this meeting can be found on the City of Brookings website) Muller from First District Association of Local Governments explained the process that is required to adopt a new Joint Jurisdiction Zoning Ordinance. Muller also explained that originally there was a joint team that pulled together members from both the City and County Planning Commission and other citizens to review the current zoning ordinance and bring forward suggestions of changes to be made. This committee started reviewing the ordinance in 2017. Once this original committee was satisfied with their changes, the Draft Zoning Ordinance was then brought to the Joint City & County Planning Commissions for additional review and approval. Muller summarized the changes being proposed. With the new Zoning Ordinance there would be a new Joint Board of Adjustment for the Joint Area Ag District.

Jorenby feels that they are creating a redundancy. This zoning should be left in the hands of County zoning. He feels that the City doesn't have business being in the County. He is against this.

Slyter doesn't feel that there is any reason for the expansion of the area. There will not be any sewer or water brought out to this area, they are just putting more regulations on people. He doesn't feel that the City should apply more restrictions to the County residence.

Foster isn't sure if he is in favor of this. He hasn't seen the old document, with mark-ups showing the changes being proposed. This process is not user friendly and he would like to see more public input allowed. Foster also feels that the Commission needs to spend more time on this document, as he sees a concern with the calculation of animal units per acre.

Dupraz concurs with Foster, he doesn't feel that the public has been properly informed.

Muller explained that the Joint Jurisdiction Subcommittee decided that the whole ordinance needed to be rescinded. There was a lot of discussion at the subcommittee level that cleaned up a lot of the document. Bartley was on the subcommittee and recalls lengthy discussions regarding changes that needed to be made. He would like the public to bring up specific areas that are in question.

Jorenby is wondering what the City sees that they are gaining with this and asked if the County has failed in some way. Jorenby asked if the City is gaining something by adopting this new ordinance. Pierce explained that the districts aren't changing. Muller explained that this is replacing an ordinance that currently exists. Because of the change in the map, there will be a few people that will be affected in the Ag District. But the ultimate goal was to match the County Zoning Ordinance more closely. One significant change would be that there would be City staff on the Joint Jurisdiction Board of Adjustment.

Slyter wondered if there is joint zoning around the cities of Aurora and Volga. Muller stated no they do not have joint zoning. Slyter also wondered why there is more zoning to the north and east. Struck explained that the City of Brookings went through a Comprehensive Plan review and received public input from the community and surrounding areas regarding the growth area.

Dupraz asked for clarification on the change that states that you cannot build a grain bin anymore. Haugen explained that this was a change made in Zone A in the wellhead area. This would be to alleviate any leaks or potential leaks from the machinery used to load and unload over the wellhead area. Dupraz asked if an existing grain bin would be grandfathered in? Haugen explained that it is allowed to be used until it is destroyed or taken off of the property. Muller noted that existing farm sites can still be used, as they are. To build anything new would require a Conditional Use Permit. The committee decided it wasn't a big deal to continue the farm uses in this area but going forward they thought it would be ok for these requests to be reviewed, through the Conditional Use Permit process.

Foster feels that the Joint Jurisdiction Area should stay the way it is and maybe the residences in the joint area should be allowed to also vote in the city elections.

Oines feels that development to the north is going to happen faster than people think. He is concerned about changing the ordinance to lower the number of acres per acreage. He is also discouraged that there wasn't any notification sent to the people that are going to be affected. These people should also be told what is changing. Haugen explained that the only acreage that can be less than 35 acres would be if an acreage or parcel was platted off prior to the zoning ordinance in 1975. Planned Development Districts are not allowed in the County for multiple housing units less than 35 acres, and this will not change unless the County and City get together and find a plan and then the Joint Zoning Ordinance would need to be updated. To prevent holding up the updating of the ordinance, this portion of the ordinance is not being changed at this time.

Gatzke would like to see a proposed plan for city utilities that would be in the growth area. He is struggling seeing the benefit of the area in the Joint Jurisdiction Area. Gatzke asked what services are available to the County residents that are in the Joint Jurisdiction Area. Struck explained that city utilities typically aren't in the Joint Jurisdiction Area unless a property owner wants to annex into the City. There is not a utility plan available. Gatzke doesn't understand why the north border needs to be moved. He would like to make an amendment that the north border be moved back to the original border. Bartley is not in favor of changing the proposed boundary back. Vanderwal is in favor of the amendment. There are several farmers in attendance that are not in favor of this so he doesn't feel that it would be the right thing for the Commission to approve this.

Pierce is not in favor of the amendment. The City has to look to the north for development because in all other directions there is floodplain/water areas and limited growth area. Struck explained that the

existing boundary line to the north is at South Dakota State University and there isn't any growth possibility if the city doesn't have the ability to expand north.

Solum wondered how much of the land north of Highway 14 is owned by South Dakota State University. He wonders if a majority of the land to the north would be used up by the university and not available for development.

Pierce would like to amend the Animal Units Equivalency Ratio Chart to have horses be one animal unit equivalency and not two. Muller advised against this. The chart is based off of science by South Dakota Department of Agriculture based on waste output. Also by doing this, this would be the only animal that you are regulating. Moret better explained the Animal Unit per Acre calculation.

The meeting was adjourned at 8:11 p.m.



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Ryan Miller, City Planner



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Jacob Mills, Acting Chairperson

