

Minutes of the Joint Jurisdiction Committee  
04/11/18

Chairperson Mary Kidwiler called the meeting to order. Committee members Mike Bartley, Robert Hexum, Mary Kidwiler, Steve Meyer, Darrel Nelson, Ope Niemeyer, Lee Ann Pierce, Mike Struck, Duane Knutson, Scott Mohror, Robert Hill, and Al Heuton were present. Others in attendance were Luke Muller and Thomas Nealon with First District Association of Local Governments, and Brookings County Commission Department Director Stacy Steffensen.

A quorum was determined to be present.

The agenda was amended, adding discussion on creating a subcommittee to study mining concerns in the joint jurisdiction area. Hill moved/ Knutson seconded that the agenda for the April 11, 2018 Joint Jurisdiction Committee meeting be approved as amended. Motion carried.

Niemeyer moved/Hill seconded that the minutes from the March 28, 2018 Joint Jurisdiction Committee meeting be approved as presented. Motion carried.

Muller said this meeting is to discuss policies for confined animal feeding operations (CAFOs) and residential development standards. He said they need to get an understanding of what the committee wants in order to draft the ordinance. Muller discussed the definitions of a farm versus a feedlot, and what the existing regulations currently are, including permitted uses, special exceptions, conditions on feedlots and prohibited feedlots.

The groups discussed whether they felt CAFOs should be encouraged, tolerated, discouraged or prohibited within the joint jurisdiction area. The majority of the group wants to either tolerate or discourage CAFOs in the joint jurisdiction area. Heuton said they need to define what a CAFO is within the joint jurisdiction area and then decide where or if they will be allowed. Meyer said when the different zones were established, there wasn't as much concern with having feedlots on tributaries. However, now with tiling and different farming practices, he said they need to address having pastures along tributaries. Hill said there is currently a 200 to 500 foot buffer requirement from lakes or streams in the county's zoning ordinance.

Pierce said they could look at limiting the number of animals on small acreages. Knutson said with small lot sizes, you also have to deal with all of the equipment that comes with one horse, for example. Kidwiler said she feels they need to be very restricting in this area. She said hobby farms should be outside of the joint jurisdiction area so they don't get in the way of urban development. Pierce said there will be areas that will never get annexed into the city of Brookings, though. She said they need to recognize those areas as being potential sites for hobby farms and animals.

Muller said the areas noted as urban reserve in the city's proposed comp plan should have restricted development. Meyer said those areas are out of the flood plain and are gravity sewer-able. Struck said they have to be careful with what they are encouraging to be developed in those areas.

Muller asked how many animal units should be allowed in a CAFO in the joint jurisdiction area. The committee discussed their individual thoughts; overall the trend was for areas zoned ag to allow 5 to 10 animals. The group also discussed the city's ordinance on allowing animals within city limits.

Pierce asked how this will impact producers who currently are in this area. Hexum said they have to know that this is coming if they live in the joint jurisdiction area.

Niemeyer asked if there are other communities that have drafted these types of policies that they could look at and visit with them to see what has or hasn't worked. Muller said Codington County has a policy similar to what this discussion is. They allow a percentage growth, then placed caps. Nelson said Watertown is a more ag-friendly community. He said there is a different culture there than Brookings. Kidwiler also noted that Watertown isn't land-locked.

The committee discussed CAFOs in the well-head and shallow aquifer areas. They agreed that there should be no new CAFOs and expansion prohibited. In future residential, commercial and industrial areas they also agreed that there should be no new CAFOs and no expansion allowed. In the urban reserve areas, they discussed prohibiting anything above the 5 to 10 animal limit.

Muller said the next step is to start drafting the ordinance. Struck said there will be issues in the joint jurisdiction area that should be acted on jointly, as there will be impacts to both the city and county. He questioned if both bodies should be making decisions, or if they should create a separate body made up of representatives from both the city and county. Muller said that is part of the discussion on administration of the ordinance.

Kidwiler asked about forming a subcommittee to address mining issues. Pierce said she and Mayor Keith Corbett were at a meeting where mining was being discussed. She noted that the county will be discussing mining soon as part of the county's zoning ordinance. Pierce said with both entities looking at this, she believes a subcommittee could look at the different mining issues so there is consistency among the city, county and joint jurisdiction area. She said the subcommittee could bring recommendations for all three groups to look at. Pierce suggested Struck, Hill, representatives from Bowes and LG Everist, as well as Darrell Englund and Al Johnson be part of the subcommittee. She said mining is a big deal in the joint jurisdiction area and this group is more knowledgeable in this area and could bring ideas to consider. Bartley said that he would like to see the subcommittee made up of only people from the Joint Jurisdiction Committee. He said others could be involved, but the subcommittee members should

not extend beyond the current committee members. Chairperson Kidwiler appointed Bob Hill, Mike Struck and Scott Mohror to the mining subcommittee.

The next meeting was set for Wednesday, April 25, 2018 at 1:30 PM.

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

Submitted by Stacy Steffensen  
Brookings County  
Commission Department Director