

Minutes of the Joint Jurisdiction Committee
04/25/18

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

A quorum was determined to be present.

The agenda was amended, adding an update from the subcommittee studying mining concerns in the joint jurisdiction area. Pierce moved/Meyer seconded that the agenda for the April 25, 2018 Joint Jurisdiction Committee meeting be approved as amended. Motion carried.

Hill moved/Nelson seconded that the minutes from the April 11, 2018 Joint Jurisdiction Committee meeting be approved as presented. Motion carried.

Struck said the mining subcommittee has their first meeting scheduled for April 30th. They plan to review mining ordinances from around the state and discuss what they are looking for in the city, the county and in the joint jurisdictional area.

The committee discussed residential development standards in the joint jurisdictional area. Muller said the county's plan is to maintain large lot development in the rural areas and leave residential development in the communities. He said they would also allow for some clustered development, but leave it up to the joint group as to where. Muller said the city's plan is to infill as much as possible to the south of town before expanding elsewhere. They will also review other opportunities as they arise, but they don't want uses that could get in the way of future expansion.

Muller asked how requests for development in the joint jurisdictional area are handled now. Struck said an applicant would need to seek a rezoning. He said they can be limited, however, by infrastructure, access to rural water or BMU, or smaller lots may be tied to sanitary sewer or septic systems. Muller said there are clusters of developments now. Hill said if they were platted prior to 1988, they can be developed; otherwise the 35 acre rule applies.

Muller asked about annexing these subdivisions. Struck said they are starting to approach some of these areas now to the south of town. He said the city can only annex land that is contiguous to the current city limits, so there are issues with growth due to these developments if they aren't annexed.

Meyer discussed the use of BMU versus rural water, telephone or electric co-ops in these areas that are not in city limits.

Hill said there is an applications coming before a joint meeting of the city and county planning commissions requesting a rezoning of a small acreage to add a house. Struck said it is following the current, normal process; but there haven't been many requests since the 35 acre rule was incorporated.

Meyer said in the early 90s the BMU board recognized the contribution they made in the poor development practices around the city. He said, for instance, they allowed homeowners along the route to the treatment plan to tie into their system in order to get an easement. Meyer said since that time, there has been a moratorium on allowing those outside of city limits to tie into the system and that moratorium is still in place today. He said the only exception is if it doesn't harm the city's development plan.

Kidwiler asked who pays when rural standards are required to upgrade to urban standards. Meyer said they try to blend it into the whole rate base, but they could also charge a higher rate to those annexed. Pierce asked if it could be a requirement of rezoning to build to urban standards. Meyer said there are equity issues with that and it could cause other rural users to have to subsidize that requirement.

Muller asked if there is a concern by the committee that they could be missing an opportunity by not allowing smaller subdivisions and if they are okay with what they are missing. Knutson said they have found things already that don't work. Mohror also noted that there are sanitary sewer districts that have been established in the joint jurisdictional area.

Pierce said they need to be thinking of ways to help with the housing issue in Brookings and also give citizens a lifestyle opportunity different from what is available in the city. She said they are running out of housing in Brookings and she believes different areas of the joint jurisdictional area could be used for different purposes. Muller said they could have separate zones and identify the reasons for them. Knutson said having one set of rules for the entire joint jurisdictional area would be much simpler.

Muller said he believes there are enough residential zoning districts to accommodate what the committee is looking at and there is no need for different residential zoning districts.

Struck discussed future land use and said the city is protective of anything north of 216th Street. But he also understands that there are areas that are not economically feasible to invest in, as well.

Hexum said all water in Brookings flows south. He said if they start putting more houses in the floodplain, the water will be even more disbursed and there will be impacts further south. Kidwiler said they don't want to set people up for a disaster by encouraging development in the floodplain. Pierce said she's not sure she's comfortable making decisions for people on where they should or should not build, but that's zoning.

The next meeting was set for Wednesday, May 23, 2018 at 9:30 AM.

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

Submitted by Stacy Steffensen
Brookings County
Commission Department Director