

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF FEBRUARY 4, 2020 JOINT CITY & COUNTY PLANNING MEETING

The Brookings City Planning Commission and the Brookings County Planning & Zoning Commission met in a Joint Session on Tuesday, February 4, 2020. Brookings City Planning Commission members present were: Ashley Biggar, Gregg Jorgenson, Jacob Mills, Lee Ann Pierce, Eric Rasmussen, and City Chairperson Tanner Aiken. Absent City members were James Drew, Jason Meusburger, and Greg Fargen. Brookings County Planning Commission members present were: Chair Kimberly Elenkiwich, Tom Davis, Darrell Nelson, Darrel Kleinjan, Randy Jensen, Terrell Spence, Chad Ford, alternate County Commissioner Angela Boersma, and alternate board members Roger Erickson and Spencar Diedrich. Absent County members were Mike Bartley and Michael McHugh. Also present were City Planner Staci Bungard, 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 Payton Schafers and Senior Planner Luke Muller.

CALL TO ORDER

Chair Tanner Aiken called the meeting to order at 6:30 PM.

APPROVAL OF MINUTES FROM JANUARY 7, 2020 BROOKINGS CITY PLANNING COMMISSION AND BROOKINGS COUNTY PLANNING & ZONING COMMISSION JOINT MEETING.

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

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

APPROVAL OF AGENDA

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

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

DISCUSSION AND REVIEW ON UPDATING JOINT JURISDICTION ZONING ORDINANCE DRAFT – WITH FIRST DISTRICT.

Luke Muller with First District Association of Local Governments discussed and reviewed with the boards the draft of the Aquifer Protection District section of the Joint Jurisdiction Ordinance. Muller presented board members with: 1) a chart regarding the Wellhead Protection Uses Allowed in: Existing County and JJO and Proposed JJO. 2) Map 17 Brookings County Land Use Plan Aquifer Protection Districts. Muller then went over a map of the Aquifer Protection District noting two zones contained in the district. Identifying those zones as: 1) the Shallow Aquifer mapped by DENR and areas identified on the First Occurrence Map USGS (identified were sand or gravel or aquifer being

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materials within 50 feet of the surface) 2) Wellhead Protection District – Zone A: Area where the immediate source of water for the city of Brookings is located and the area that is more heavily regulated. Discussion began with Rasmussen noting he would be proposing an amendment at the appropriate time under **Section 3.06.01. Purpose:** to have a distinction between Zone A & B pointed out. And addition of #5 regarding if there was action that would require notice to anybody in Zone A required by any other statute or Ordinance that notice would also have to be given to the city of Brookings & the city of Aurora. Struck clarified that this would apply when someone was applying for an item such as: variance, conditional use, rezoning, or appeal. Elenkiwich asked county board members for thoughts. Board members present were in agreement.

Muller then reference Zone B (remainder of the mapped shallow surficial aquifer not included in Zone A). He discussed confusion on how to administer in both Zone A & B. Identifying in the past that prohibited use language was confusing and he wanted to eliminate confusion. Noting in order to do this in this district, if not listed, not allowed, the place prohibited uses are listed was where it may be allowed in another district/under lying district. He also noted changes had been made to clean up things that had been under uses. City and County both were in agreement with changes that appeared in the draft under Zone B.

Muller then discussed the sheet charting the Existing County Wellhead Protection Uses Allowed, Existing JJO Wellhead Protection Uses Allowed and the Proposed JJO Wellhead Protection Uses Allowed. He described what was ultimately being proposed under the JJO Wellhead Protection Uses Allowed was for no structures except for signs or pumphouses. There would be no permitted uses, no allowance of building permits for structures of any kind such as a house, addition, shed, deck or garage except for signs and pumphouses. He next discussed the proposed conditional uses – Public utility and public service, Orchards and tree farms, Reconstruction of structures existing upon adoption if replaced within 1 year of destruction. Elenkiwich wanted to clarify that on the conditional use side, nothing would be able to be built, no new structures in the area. Noting: 1) If someone wanted to add on a deck, put up a grain bin, add on an addition they would not be allowed to. 2) Reconstruction of structures if not done within one (1) year, structure could not be rebuilt and also a conditional use would be required to rebuild if within the one (1) year. Rasmussen asked for the number of homes this would effect. Muller estimated there were 35 structures and about 28 of those being houses. Davis inquired if structures would be grandfathered in. Muller noted that in order for the structure(s) to be replaced, they would need a conditional use permit to be at least applied for within one (1) year of coming down or they could apply ahead of taking them down but they would need some sort of a permit in order to rebuild. During continued discussion items of interest were: 1) allowing for rebuilding without requiring a conditional use. 2) Possibility of allowance of a one-time allowance of an addition of any type onto the primary structure (living quarters/house) up to 25% of the original structures square footage. 3) Allowance of one (1) septic system per lot, no longer allowing a second on lot and possible amendment for no new septic systems in Zone A (3.06.06.1) 4) Timeline allowance to apply to rebuild/replace in the event of a natural disaster, fire, etc. 5) requiring a conditional use permit and it doesn't pass, who would buy as not a buildable site now, how is this to be handled.

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Muller asked board members if reconstruction of structure and expansion up to 25% of existing/principle structure – was a permitted use or a conditional use. Aiken asked for City board responses. Those that felt a Conditional Use Permit would be required were: Aiken, Rasmussen and Permitted Use was: Pierce. Rasmussen identified that a new board would hear. Mills noted he agreed with what both Rasmussen and Pierce noted in discussion. Due to time constraints Struck asked board members to review and those on the County Board to get comments to Richard or Bob and on the city side to Struck or Bungard. The information would be shared with Muller with the possibility that all answers would be received and the next meeting could start with another topic or else the next meeting would start with Wellhead Protection topic and progress thru to finish the Aquifer Protection District by the end of the March meeting.

ADJOURN

City Chairperson Aiken and County Chairperson Elenkiwich adjourned the meeting at 7:28 PM.

Rae Lynn Maher
Brookings County
Development Department