

Minutes of the Joint Jurisdiction Committee
02/27/19

Chairperson Mary Kidwiler called the meeting to order. Committee members Kidwiler, Mike Bartley, Greg Fargen, Robert Hexum, Robert Hill, Duane Knutson, Ope Neimeyer, Lee Ann Pierce and Mike Struck were present. Luke Muller and Tom Nealon 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.

Bartley moved/Hill seconded that the agenda for the February 27, 2019 Joint Jurisdiction Committee meeting be approved as presented. Motion carried.

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

The next meeting was scheduled for Tuesday, March 19, 2019 at 9:30 AM.

The committee continued to review the draft ordinance. Struck asked about the provision to adopt a new official zoning map by resolution. Muller said any zoning changes to the map had to be done by ordinance. Struck said any ordinance to rezone should be enough authority for the official zoning map to be changed, as well. Muller said he would review the requirements. It was determined that the official zoning map would be at the County Development Office.

Struck also asked about the definitions. He said they need to review them for consistency. Struck said they need to clean up anything that may cause confusion for staff administering the ordinance.

The group reviewed Article V to determine if there was anything different they wanted in those sections from what the county's current regulations are in the ag district. Struck noted that a caveat in following the county's regulations is that any changes approved by the county would affect the joint jurisdiction and the city wouldn't be a part of that process. Pierce noted that there are portions of this ordinance that would follow the city's ordinance where the county wouldn't have a say in changes, as well. However, both noted that there would be a public hearing process to voice concerns. Hill said there is good communication with the city and county planning staff and he doesn't see this being a concern. Struck suggested developing an intergovernmental cooperative agreement that would require each entity to put the other on notice if there are going to be changes made.

Muller suggested that Struck review Article V to see if there are any sections where the city would like to see something different. Muller said the section that addresses gravel pits may have changes.

Kidwiler left the meeting.

Hill reviewed the ordinance language for gravel pits. The committee discussed the reclamation requirements and what the process would be in the future for those trying to follow through with their plans. Struck said the area would need to be annexed and rezoned. Pierce said there isn't a lake park district in the joint jurisdictional area. She said if they are going to require a reclamation plan, then they should have a path in place for that plan. Hill said annexation is the current path. Struck said that allows them to come into the city and allows for higher density. Pierce said she doesn't want a road block to the reclamation process.

Muller cautioned the group that this ordinance is for permitting gravel pits, not reclamation projects decades down the road. Hill said they are making it clear that housing is a different situation that will

need additional approvals. Struck said the mining companies also have to be taking into consideration their reclamation plan as they mine so they can make their future plans work.

Pierce said the gravel pit portion of the ordinance addresses dewatering and flooding concerns. She asked if a conditional use permit can be taken away if there is dewatering that causes downstream flooding. Bartley asked how they qualify what downstream flooding is. Muller said if a permit is granted to mine and if flooding occurs from dewatering, he suggested making that company mine without dewatering rather than pulling the permit.

Pierce asked who enforces this ordinance and what obligation do they have to enforce it. Struck said the county would because this would be in the county's ag district. Muller said this ordinance would only pertain to new permits and if current operations expand. Pierce said she's not sure they want this in the ordinance as it could become a liability issue.

Neimeyer left the meeting.

Struck discussed the well-head area, Zone A, in the joint jurisdictional area. He provided a handout compiled by Brookings Municipal Utilities. Struck said he's not sure they should be allowing anything in Zone A; at least not be encouraging expansion and be trying to minimize what is already there. Pierce said expansion is going to be the issue. Struck said they do need to take a closer look at Zone A and determine what is appropriate in there. Muller said he will review who the property owners are in Zone A so they know who may be affected.

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

Submitted by Stacy Steffensen
Brookings County
Commission Department Director