

Brookings County/City of Brookings
Area of Joint Jurisdiction Committee

September 25, 2017

Agenda

- *Introductions*
- *Background*
 - *Cursory Review of SDCL*
 - *Cursory Review of Existing Ordinance*
- *Expectations*
 - *Areas of Concern*
 - *Potential Outcomes*
 - *Timeline*

Introductions

- *Who are You?*
 - Personally/Professionally
- *What are you giving up by being here today?*
- *What do you hope to accomplish today?*

Joint Jurisdiction

- **11-2-14. Division of county into zoning districts--Matters regulated--Special considerations. For any of the purposes specified in § 11-2-13, the board may divide the county into districts** of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within the districts **it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land** . All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. The regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; **to secure safety from fire, panic, and other dangers; to promote health and the general welfare**; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration or scattering of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks; and other public requirements.

The regulations shall be made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county.

- ❑ **11-2-14 provides the enabling authority for the county to establish plans and zoning regulations.**

Joint Jurisdiction

SDCL

- **11-2-32. Municipal planning and zoning powers unimpaired--Area of joint zoning authority.** Nothing in this chapter may be construed to prevent or modify the powers of an incorporated municipality, with a duly authorized planning commission, from exercising planning and zoning jurisdiction **within the corporate limits** and from **exercising jointly** with the county planning commission the planning and zoning authority **within a joint jurisdictional area beyond the municipal corporate limits**, as provided in chapters **11-4 and 11-6**.
- ❑ **11-2-32** tells us that the county has zoning control for areas outside of city limits, the city only has zoning control inside of city limits unless a joint jurisdiction ordinance is adopted.

Joint Jurisdiction

- **11-6-10. Territorial extent of powers granted by chapter--Electrical service areas not affected.** The legislative body of an incorporated municipality and a board of county commissioners **may jointly exercise the comprehensive planning and zoning powers granted in this chapter and chapters 11-2 and 11-4 in a joint jurisdictional area beyond the municipal corporate limits.** The joint jurisdictional area, **not to exceed six miles,** shall be delineated in a comprehensive plan but in **no instance may the area extend beyond a line equidistant from the corporate limits of any other municipality unless otherwise agreed to by a majority vote of the governing body of each municipality** having a planning commission. Nothing contained in this chapter may be construed to amend or repeal any provisions of chapter 49-34A.
- **11-6-12. Joint zoning in concurrent jurisdiction of first or second class municipality and county--Recommendation of each planning commission required--Time allowed for recommendation.** **Following adoption of a comprehensive plan** by the governing bodies, the city and county planning commissions may prepare zoning regulations for all property in the joint jurisdictional area consistent with the comprehensive plan. **The regulations shall delineate the authority of the governing bodies over all zoning matters pertaining to the joint jurisdictional area.** Such regulations **may include relinquishment by the county** of some or all of its zoning authority within the joint jurisdictional area.

Joint Jurisdiction

- 11-6-12.1. Joint meeting to act on recommendations--**County concurrence required for municipal extraterritorial powers**--Petition for relinquishment of zoning jurisdiction. Following notice and public hearing as required by §§ 11-2-19 and 11-4-4, the board of county commissioners and the municipal governing body shall meet jointly and take action upon the recommendations from the two planning commissions. **The zoning regulations that apply in the joint jurisdictional area shall be adopted by ordinance of each governing body.** The notice and public hearing requirements of this section apply to any proposed amendments to the zoning regulations. Any change in the zoning of property is subject to the requirements of §§ 11-2-19 and 11-2-28.1.

Brookings County/Brookings City Joint Jurisdiction History

- **1980**
 - **Comprehensive Plan Adopted**
 - Zoning Ordinance
 - Zoning Map
 - Major Street Plan Map
 - Future Land Use Map
- **Amendments**
 - **2008**
 - Added and Defined Uses
- **Procedural Elements**
 - **Ag vs Non-Ag Zones**
 - Ag = County Rules
 - Non Ag = City Rules
 - **Permits/Applications**
 - Originate in County

First District's Needs

- In order for us to be helpful we need to know
 - What are your expectations for the Joint Area?
 - What are the obstacles to develop and administer your expectations?
 - Where should the Joint Area be?

Expectations

- *What are your expectations or what do you hope this process accomplishes?*

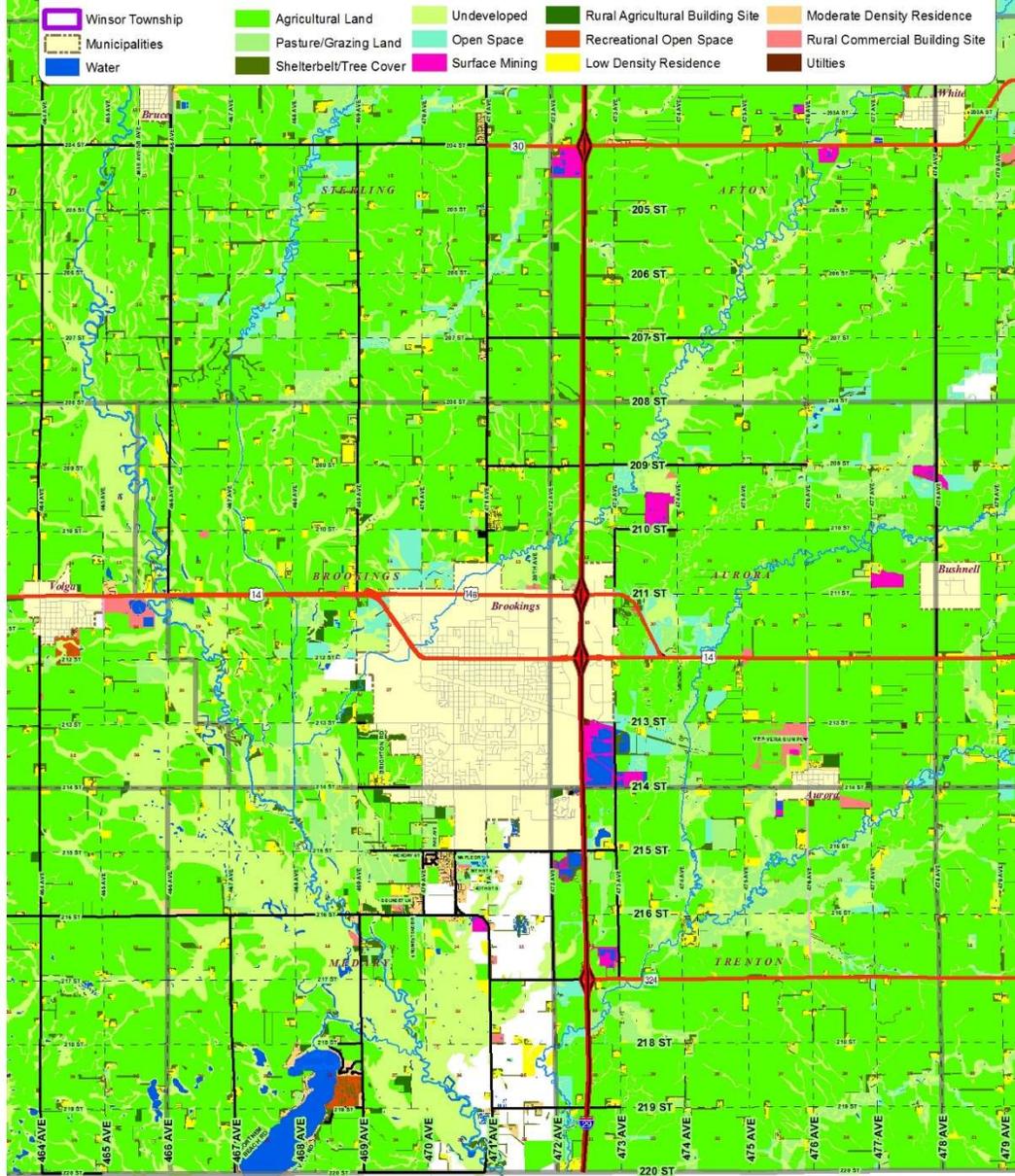
Obstacles

- *What do think are the biggest obstacles in meeting your or the groups expectations?*

Define Area

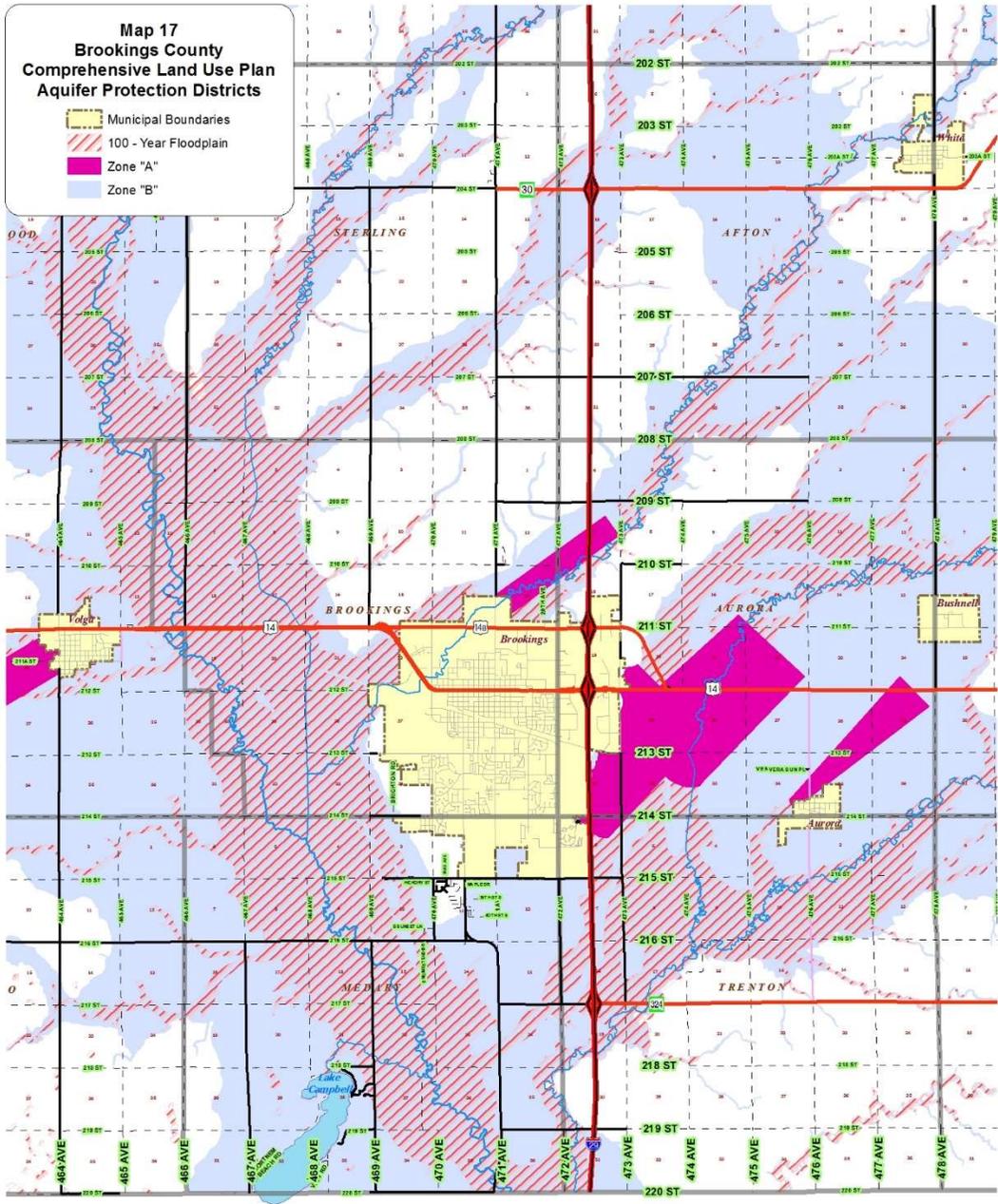
- **Where??**
 - SDCL says up to 6 miles
- **Options**
 - Area of Platting Authority
 - Area of City Comp Plan
 - Area of County Comp Plan
 - Specific Growth Areas
- **Potential Constraints**
 - Natural, Physical, Environmental
 - Other Government/Entities
 - SDSU, Aurora, Volga
 - Rural Utilities

Brookings City/County - 6 mile Area Land Cover Map



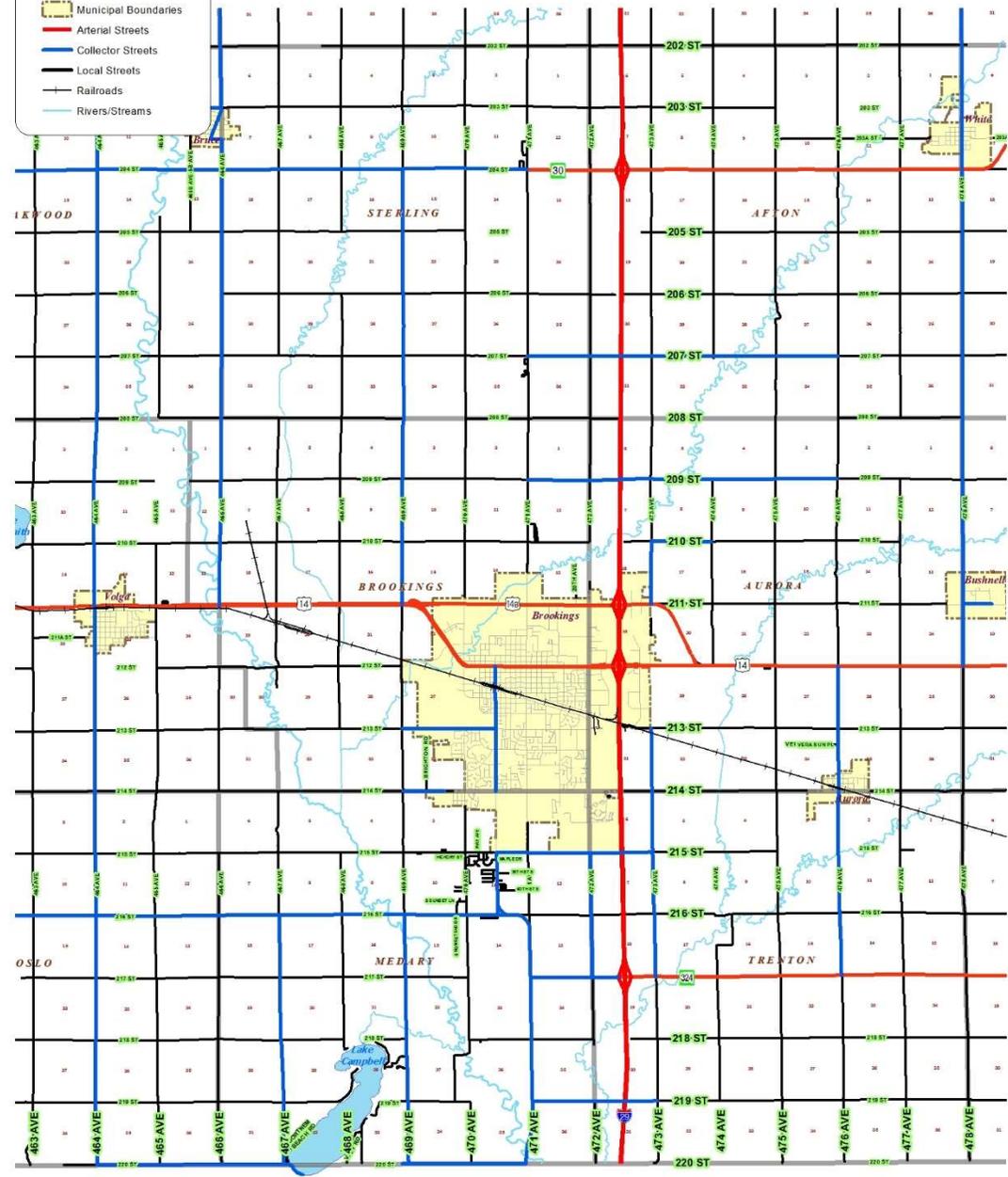
Map 17
Brookings County
Comprehensive Land Use Plan
Aquifer Protection Districts

-  Municipal Boundaries
-  100 - Year Floodplain
-  Zone "A"
-  Zone "B"



**Brookings City/County
6 mile JJA
Major Street Plan Map**

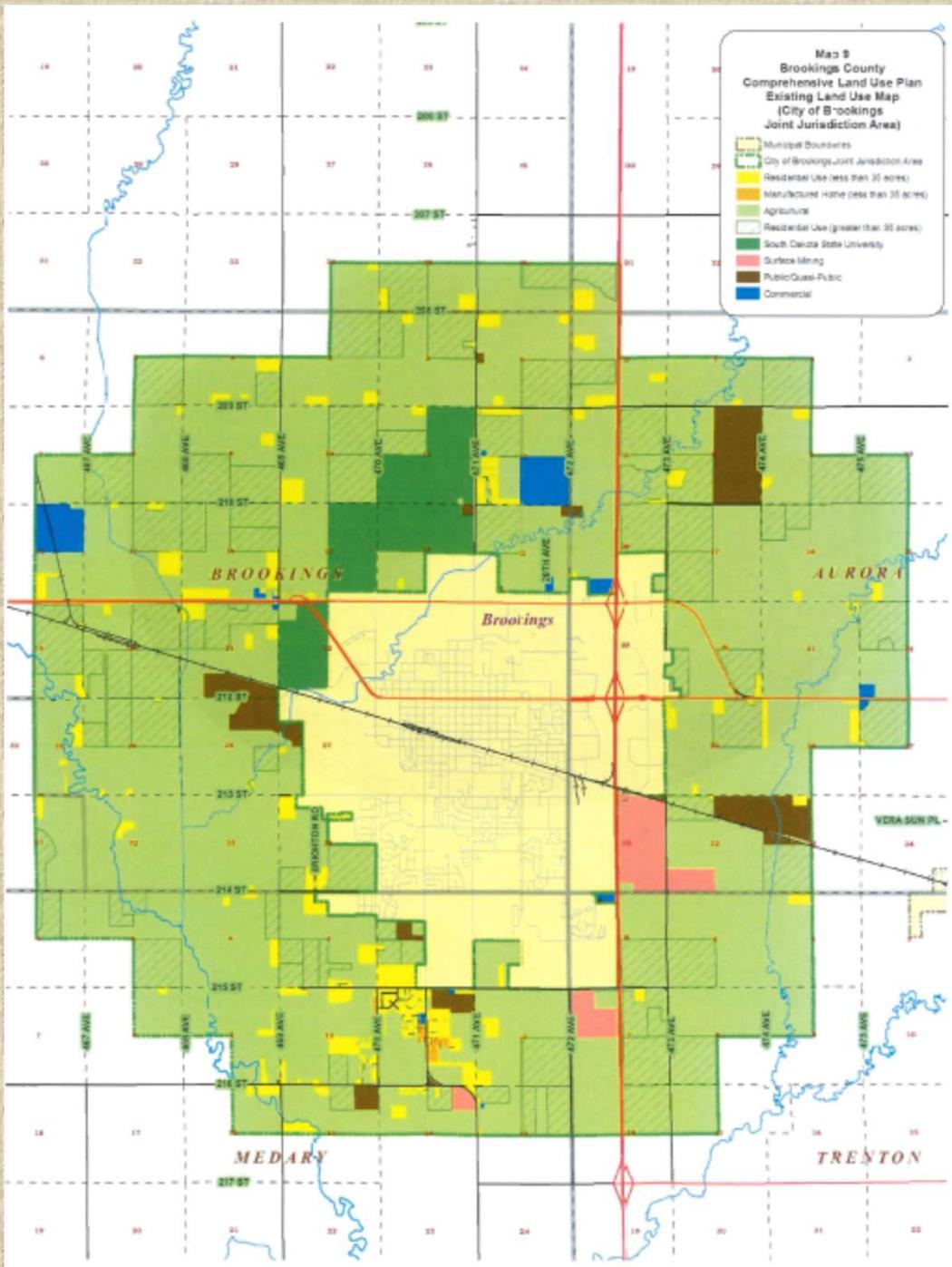
-  Municipal Boundaries
-  Arterial Streets
-  Collector Streets
-  Local Streets
-  Railroads
-  Rivers/Streams



Mapping Activity

Map 8
Brookings County
Comprehensive Land Use Plan
Existing Land Use Map
(City of Brookings Joint Jurisdiction Area)

- Municipal Boundaries
- City of Brookings Joint Jurisdiction Area
- Residential Use (less than 20 acres)
- Manufactured Home (less than 20 acres)
- Agriculture
- Residential Use (greater than 20 acres)
- South Dakota State University
- Surface Mining
- Public/Quasi-Public
- Commercial

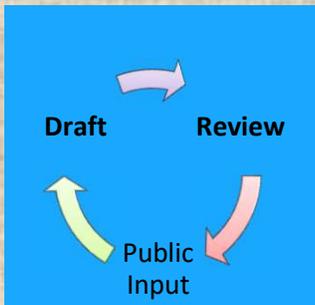


Steps

- Identification of Expectations/Concerns & Process
- Develop new regulations for the Joint Area
 - How we Administer the Ordinance?
 - What geographic area do the rules apply?
 - How do we administer the rules?
 - How much do we rely on existing Zoning Ordinance?
 - Do we blow up the existing rules?
 - Start Fresh - Build it for 2020 not 1980 – New Template
 - Do we put lipstick on a pig?
 - Do we build a new monster?
 - Frankenstein of existing County and City zoning ordinances
 - What are we going to use for a Comprehensive Land Use Plan?
- Adopt new regulations

How long is this going to take?

Issue
Identification



Public
Hearings

Adoption

