

PLANNING AND ZONING AGENDA

TUESDAY, JANUARY 28, 2020
120 N Main Ave. (Former American Legion Building)
7:00 P.M.

- 1) MEMBER COUNT BY STAFF
Mark Anderson, Eric Bartmann, Matt Cain, Tim Graham, Stephanie Olson-Voth,
Tony Randall
- 2) APPROVAL OF THE AGENDA
- 3) PUBLIC INPUT FORUM ON POSSIBLE JOINT JURISDICTION BETWEEN
THE CITY OF HARTFORD AND MINNEHAHA COUNTY
- 4) ADJOURNMENT

Next Planning & Zoning Meeting: Tuesday, February 11, 2020

Joint Jurisdiction Forum
Tuesday, January 28, 2020 – 7 p.m.
120 N Main Avenue

1. **Welcome – Mayor Menning**
2. **P&Z Board will Open Meeting (Member Count, Approve Agenda)**
3. **Explanation of Joint Jurisdiction**
 - What is Joint Jurisdiction?
 - What is the Process to obtain Joint Jurisdiction?
4. **Background of the City's Pursuit of Joint Jurisdiction**
5. **Why the City is seeking Joint Jurisdiction & How it effects our community members**
6. **Discussion among Small Groups – Council & Board Members at each table**
7. **Summary**

Process to Acquire Joint Jurisdiction

1. The City must have an adopted Comprehensive Plan
2. This Comprehensive Plan must be approved at a joint meeting between the Minnehaha County Planning Board and the Hartford Planning and Zoning Board.
3. Once the Comprehensive Plan is approved by both Planning Boards, then it must go before both governing Boards for approval. The Comprehensive plan must be approved at a joint meeting between the Minnehaha County Commissioners and the Hartford City Council.
4. If the Comprehensive Plan is approved by both governing boards, then regulations need to be developed for the proposed joint jurisdiction area.
5. The proposed joint jurisdiction regulations must be approved at a joint meeting between the Minnehaha County Planning Board and the Hartford Planning and Zoning Board and they must hold at least one public hearing on the proposed zoning regulations.
6. If both Planning Board approve the joint zoning regulations, then it goes before a joint meeting between the governing Boards. The proposed regulations need to be approved (by Ordinance) by both the Minnehaha County Commissioners and the Hartford City Council. This too requires a public hearing.

Note: Until the final step in this process is completed and both governing boards pass an ordinance for Joint Jurisdiction - Joint Jurisdiction is not established.

All correspondence and notes to the county have expressed the city's intention to hold public meetings with the property owners within the proposed joint jurisdiction area and the general public so we can get feedback and input on the proposed regulations before we finalize a draft to go before the county for final ordinance approval.

Joint Jurisdiction Regulations

Note: Regulation for Hartford's proposed Joint Jurisdiction area have not been established yet, but the City of Hartford is proposing to closely follow the Joint Jurisdiction Regulations established between Minnehaha County and the City of Dell Rapids (in order to establish consistency for the county). If allowed to move forward, the city and county will develop our own joint jurisdiction regulations and some items may be changed after gathering input from the surrounding landowners and various county and city leaders. Our intent is not to establish unnecessary or unneeded regulations but to work together with the county and landowners for the benefit of the entire community.

Comparison between County Regulations & Joint Jurisdiction Regulations that Dell Rapids has enacted

Zoning Districts: The same zoning districts are set up in the county and the joint jurisdiction area – no change in districts

A-1 Agriculture District

Permitted Uses: No changes except for Existing Animal Feeding Operations - The joint regulations state that all liquid waste from concentrated animal feeding operations shall be injected (not surface applied) and that animal expansion on existing operations shall not exceed 500 animal units

Permitted Used Removed – Agricultural Tourism, Agricultural Workforce Housing and Aquaculture

Conditional Uses: Removed from county regulations – Shooting/Hunting Preserves, Adaptive Reuse, Solar Energy Conversion Systems, Aquaculture that produces more than 20,000# of cold water fish per year or more than 100,000 of warm water fish per year

RR-1 Rural Residential Districts

Permitted Uses: All same except Fowl was removed as a permitted use. (county allows 6 hens to be kept)

Conditional Uses: All same except Adaptive reuse removed as a conditional use (note adaptive reuse is to change a single-family home into an accessory building)

R-1 Residential Districts

Permitted Uses: No changes

Conditional Uses: All the same except Adaptive reuse removed as a conditional use

C – Commercial Districts

Permitted Uses: No changes

Conditional Uses: All the same except joint jurisdiction regulations added asphalt concrete plant and ready-mix concrete plant as a conditional use allowed

I-1 – Light Industrial Districts

Permitted Use: No changes

Conditional Uses: All the same except Solar Energy Conversion systems, Salvage or junk yards and Aquaculture were removed as conditional uses

I-2 – General Industrial Districts

Permitted Uses: No Changes

Conditional Uses: All the same except Solar Energy Conversion system and Aquaculture were removed as a conditional use

RC – Recreational

Permitted Uses: Same except Agricultural Tourism was removed as a permitted use

Conditional Uses: Conditional Uses removed from the county – Agriculturally related operations involving the handling, storage and shipping of farm products, Shooting/Hunting preserves, Adaptive reuse and Solar Energy conversion systems

PD – Planned Development Districts & WS – Water Source Protection Overlay District – No Changes from County

Additional Use Regulations

All Additional Uses still allowed in joint jurisdiction except for Agricultural Tourism and Solar Energy Conversion Systems.

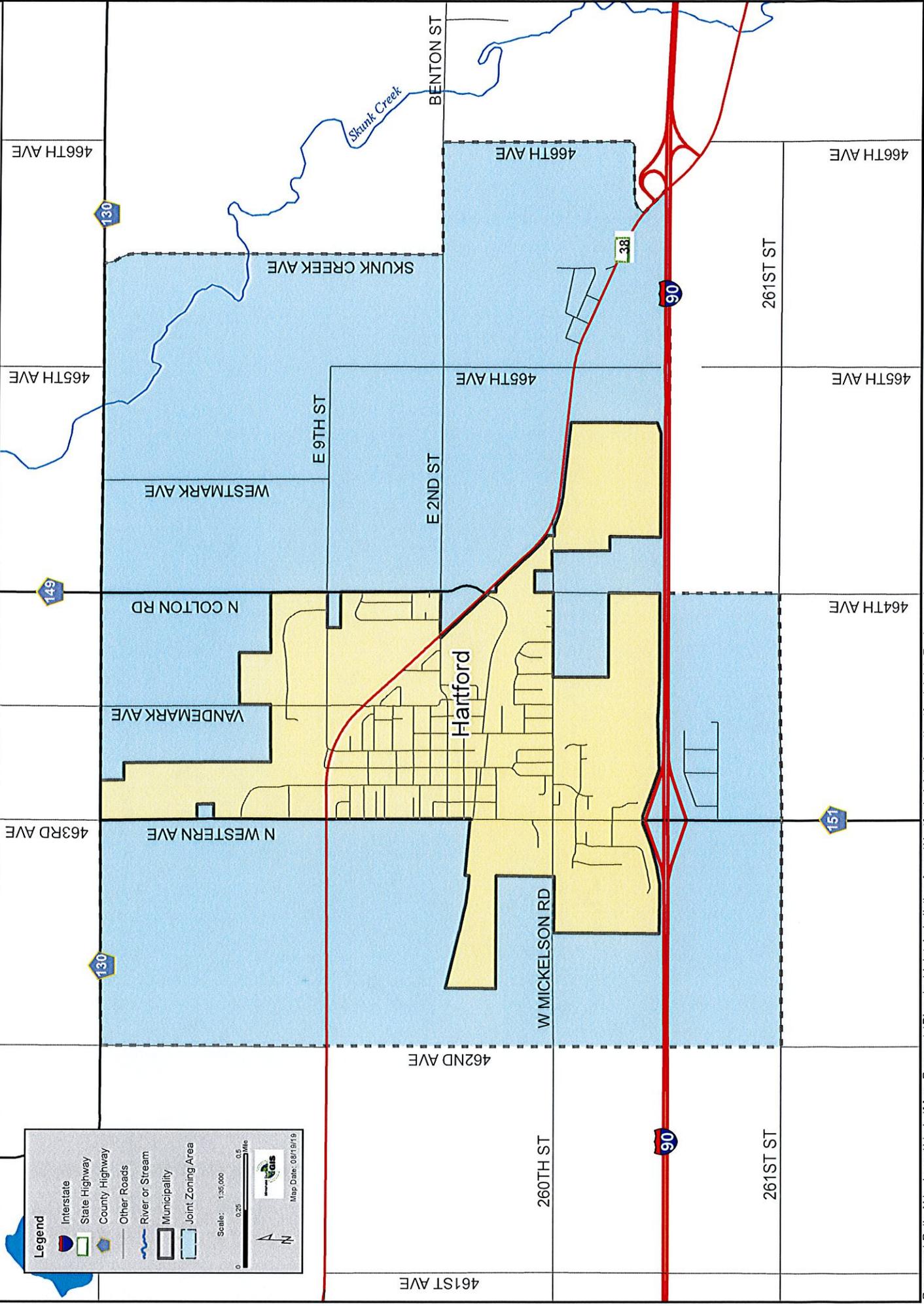
No major changes to any regulations except for Concentrated Animal Feeding Operation – the wording is different in this section and the joint jurisdiction regulations are more in depth

Additional Yard Regulations, Additional Height Regulations, Parking & Loading Regulations, Nonconforming Uses – No changes at all

On-Premise & Off-Premise Signs – No major changes from the county

Sections on Conditional Use Permits, Change of Zone, Board of Adjustments, Administration & Enforcement, Building Permits, Fees and General Provisions – all the same as the county except the meetings procedure is changed to note the joint jurisdiction board

Existing Hartford Joint Platting Jurisdiction Area & Proposed Joint Zoning Jurisdiction Area



Legend

- Interstate
- State Highway
- County Highway
- Other Roads
- River or Stream
- Municipality
- Joint Zoning Area

Scale: 1:35,000
 0 0.25 0.5 Miles

Map Date: 08/19/19

Joint Zoning Jurisdiction

Questions & Answers

1. What is Joint Zoning Jurisdiction?

Joint zoning jurisdiction establishes regulations for land use within a certain area. These regulations minimize the conflict of urban and rural growth, set a uniform standard for development, help protect the general safety and welfare of the public, promote orderly development, and encourage the cooperation among governmental agencies to help achieve clear land use policies.

2. How does Joint Zoning Jurisdiction help property owners?

Joint zoning jurisdictions regulations are intended to set guideline for development outside of a municipal boundary, as well as, preserve and protect existing property uses and values against adverse or unharmonious adjacent uses. It can help protect farmland and mitigate the presence of less desirable uses. Different parts of the county have different needs and requests. Working together when development does happen allows all parties to work for the benefit of all – not just for the city, county, developer or property owner. It allows all parties that could possibly be impacted, either positively or negatively, to sit down and have a conversation.

3. What is the difference in standards between the county and the proposed joint area?

At this point, the county has not allowed the City to move forward with developing standards. At this point, it is the City's intention to closely follow the standards used jointly by Minnehaha County and the City of Dell Rapids. Enclosed is a short summary of the differences between the county zoning regulations and the joint zoning jurisdiction regulations with Dell Rapids for your reference. From our reading, there are very few differences between the two regulations. If allowed to move forward with this process, some items may be changed depending on the input from surrounding landowners like yourself.

4. Can property within the proposed joint zoning jurisdiction area continue to use the land as it is currently being used?

Yes. Land that is currently under a use in the county can continue this same use.

5. If joint zoning jurisdiction is granted, what is the process for hearings?

Very little would change as the petitioner would still follow the same process that Minnehaha County has in place. If the petitioner requires a re-zone, conditional use permit, or other zoning related item, they would apply with the county just as they do now. If it is a hearing for the Planning Commission, then a joint hearing between the planning boards would be required. If it is a hearing for the County Commission, then it's a joint hearing between both the City Council and County Commission. It is the City's responsibility to attend these joint meetings set up by the County. There are no additional or extra meetings that the petitioner must attend with the city. If all parties work together this will not delay the process.

6. How will this affect your taxes?

Taxes will not be affected by joint zoning jurisdiction. Joint zoning jurisdiction has no bearing on taxes. All property outside of the municipal limits of Hartford is still taxed at the county rate. The City of Hartford has no taxing authority outside of its municipal limits.

7. Will land in the Joint Jurisdiction area be forced to annexed?

No - the city has never done a forced annexation and joint zoning jurisdiction is entirely unrelated to annexation. The city's intention for joint zoning jurisdiction is not to annex land but to be part of the development process. If a property owner decides to annex their land into the city, then the conversion to city services is theoretically less burdensome due to the application of joint zoning jurisdiction.

8. What is the proposed Joint Jurisdiction area? Can it be expanded by the city?

A copy of the proposed area is enclosed with this letter. If joint zoning jurisdiction was established in this area it cannot be changed or expanded without going through the entire process for initial establishment of the joint jurisdiction area. Which means that the city would have to update their comprehensive plan to include an expanded area and both the county and city would have to agree to this change.

9. Why isn't the city proposing to include more land that is closer to Sioux Falls?

State law allows the area to go out 6 miles from a city's municipal boundary. If another city is within this 6-mile area, the maximum joint jurisdiction boundary would be the equal distance between the two municipalities. The city must also be able to feasibly service this area with the required infrastructure. Hartford's comprehensive plan shows a growth area that falls within state guidelines and that city engineers believe can be serviced by the city. The city is not trying to overreach the service area

10. Are property owners within the proposed joint zoning jurisdiction area allowed to vote in city elections or issues?

No. State law only allows residents within the municipal boundaries of the city to vote in city elections. Property owners within the county still vote for their county officials and these are their elected representatives. At every joint zoning jurisdiction hearing, both the county and city need to agree upon a request – so if the county is not in agreement with the city, the request does not pass and vice versa.

11. What is the difference between joint zoning jurisdiction and joint platting jurisdiction?

State law allows municipalities to set up platting jurisdiction by resolution, which allows the city to review all new plats or replats within the growth area before going to the county for final approval. The city established joint platting jurisdiction with the county in 2013. This platting jurisdiction follows the growth area, which is the same area proposed for joint zoning jurisdiction. Platting jurisdiction only pertains to plats and joint zoning jurisdiction pertains to zoning uses.

12. What is the process to acquire joint zoning jurisdiction?

Enclosed is an outline of the process to establish joint zoning jurisdiction. The first two steps have been completed. The County Commission has not approved the 3rd step which would have been approval of the city's comprehensive plan for joint zoning jurisdiction. If the City is allowed to move forward at some point, the city would still need to develop regulations for the proposed joint zoning jurisdiction area, gather input for those regulations, have the regulations approved by both planning boards and then they must be approved by both governing boards. The city has expressed to the county its full intent to involve the public during these planning meetings.