



GRANT COUNTY SOUTH DAKOTA  
PLANNING AND ZONING OFFICE  
210 East 5<sup>th</sup> Avenue  
Milbank, SD 57252-2499  
Phone: 605-432-7580  
Fax: 605-432-7515

### **Minutes for the meeting of Grant County Board of Adjustment**

**Members present:** Tom Adler Mike Mach Mark Leddy Richard Hansen Tom Pillatzki Nancy Johnson

**Members absent:** Bob Spartz

**Alternates present:** Don Weber Jeff McCulloch

**Others present:** Craig Wiste David Lau Gretchen Wiste Allen Robish Linda Lindgren Kristi Mogen Amber Christenson Clark Mastel William Tostenson Tim Lindgren Peter Mogen Bill Street, Todd Kays, Krista Atyeo-Gortmaker

Agenda for the meeting of Grant County Board of Adjustment/Planning Commission.

**Meeting Date: Monday, October 21, 2019**

**Meeting Time: 4:00 P.M. Court House Basement**

1. Call Meeting of the Board of Adjustment to Order by Chair at 4:35 pm. Jeff McCulloch seated in the absence of Spartz.
2. Items to be added to agenda by Board Members or Staff- none.
3. Invitation for citizens to schedule time on the Board of Adjustment Agenda for an item not listed. (5 minutes maximum time) as recorded no others requesting at this time.  
Kristi Mogen, Amber Christenson, Allen Robish , Linda Lindgren requested to be scheduled for public comment
4. Approval of Agenda Motion by Mach second by Adler carries 7-0.
5. Approval of Minutes: September 9, 2019 Motion by Mach second by Pillatzki carries 7-0.
6. Disclosure of Conflicts/ Ex Parte Communication- none reported.
7. Matters for Board discussion/ staff report
  - a. A conditional use permit application request from Craig Wiste on the following legal description: NW1/4NE1/4 EX LOT H-2 & LOTS 1-4 EX LOT H-1, Section 33 Township 121, Range 51 Grant County, South Dakota.
    - A Conditional Use Permit, CUP10012019A, Pursuant to Section 1101.03.18 Conditional Uses – “Home Extended Business”. The applicant, Craig Wiste, is requesting a conditional use permit to operate a 12-unit private campground.

Chair calls for a motion to approve the Wiste CUP request and hears it by Mach with a second by Pillatzki. Chair turns the hearing over to Staff Kays to read the staff report. At the conclusion of the staff report there were some questions clarified by Kays. Roberts County and Kingsbury County are both adopting campground regulations or have some in place. County Commissioner’s do support the idea for needed housing. This group approached the Planning & Zoning Officer with the request and gained support with a letter presented by the Commissioners for the creation and adoption of ordinance. This will be the formal hearing process for the CUP and then the conditions will be memorialized as the standards and will go toward that development.

Craig Wiste is asked to present his plans for the campground. He presents a request for 12 sites for the workers associated with wind development at this time and in the future could accommodate fishermen. Kays asks of Wiste a litany of questions that needed clarification: Number of campers per site, number of unrelated adults per camper, size of camper pads, water, sewer and

electrical, garbage, etc. to get a sense of objection or approval. Gretchen Wiste spoke about the engineer, Eccles who has done the campgrounds in Summit. He has submitted their drawings to DENR.

The hearing was open for public comment with the proponents being asked to present. This invitation was given 3 times with no one appearing. The opponents were then asked to report and invited 3 times with no one reporting.

The board then asked the Wiste's if they have talked to their neighbors. It was reported that Paul Dummann had come to the Commissioner's meeting in support and to request an ordinance change allowing campgrounds in the county. The other neighbors would be asked for their opinion as well. Driveway usage was questioned and Wiste explained the driveway shown in the map will be a 30-foot access which exists at this time and is not the main driveway to the house. 6 pads on each side on a space of 30 by 60 foot of gravel. Each individual camper will have water electricity and sanitary flow and be available throughout the winter. There will be no separation of distance between the 12 ft wide campers with slide outs for about a 20-foot minimum width. Lighting will be done by Codington-Clark and be at least 2 lights- 1 at entry and 1 at back.

A dumpster will be at the barn on existing pad and convenient as they leave. Storm shelter would be in the home basement. The maximum in a camper number should be kept to 3 non-related persons. Summit ordinance is being adopted at this time, Kays explains and there are rules such as side and rear yards with hook ups with a significant investment. Atyeo-Gortmaker reported that at the Commissioners meeting a presenter had stated there were 59 sites in Summit, and they were full at that time with 30 sites spoken for over the winter. Extended stay camp sites are what they are anticipating. Emergency would be handled by Summit for fire and Grant County for ambulance and Sheriff. He doesn't anticipate workers for the maintenance as he is planning to do that himself, but he does understand no more than 3 non-related workers is the rule. He has no more expectations than regular maintenance of the road access and he removes his own snow on location. Initially this would be workforce housing and could transition. It was discussed that this would receive a 2-year permit with reissuance without hearing after that time and after that it would be perpetual. He guesses there will be workers in his area for 4-6 years.

The hearing was closed to public comment. Kays asked the board for other questions and provided a summary of the discussion items. Septic is going through a licensed engineer and submitted to DENR for their approval and enforcement. Pad size will be written as 30x60' or about 1800 ft square. Wiste has agreed to 3 unrelated employees' maximum and he will be maintaining the grounds. There will be at least 1 2-yard dumpster for every 12 campers, and all guests will be registered with records kept for 1 year. Access will be granted to Zoning Department and Sheriff's office at all times. If license is revoked for any reason the site is to be restored to original use and state. Department of health testing has been completed at this time and must be maintained. No additional road maintenance will be requested, and a road document should be completed with a cost for extra maintenance in some type of agreement. DOT to sign off on the road access. This would be a non-transferrable permit if landowners should sell the property. The permit will auto-renew after 2 years of operations without complaints.

Accessory use was discussed for fire and heating and the use of propane tanks or fuel oil. This would be noted for individual propane tank usage and that certification of those tanks would be enforced and need to be stored 20 feet from other campers if winterization would occur.

Kays read the Findings of Fact to the board and all were in agreement with the statements that would be documented in the letters and to direct Atyeo-Gortmaker to make the request to the County Commissioners to add the private campground ordinance at their next meeting. The CUP

request was approved with a 7-0 roll call vote and included the conditions of the staff report and those provided in the hearing.

Open

8. Address to the Board of Adjustment

1. Kristi Mogen- Has filed complaints and does not believe the board knows about them. She believes that the conditions of the CRW1 & 2 Conditional Use Permits are not being complied with. She believes that the County should not issue permits until all state and federal permits were obtained and CRW 2 doesn't have all the permits. 2 She is requesting a stop order. There are 2 turbines out there and 1 permit with a 1.7-megawatt request and a 2.3 request at PUC. She believes this will increase the noise and glare on her and Allen Robish property, specifically. She believes that misrepresentations are fraud and the definition is criminal deception. She states that there was testimony from Next Era employee who stated that all landowners were under easement. However, at the PUC they did not all the easements for CRW2. Thompson's have not signed easements. This would be necessary for moving from the North side to the South side to access the transmission and Geronimo knew that. She also believes that 100 megawatts to 200 megawatts dropped from the project will exhibit that previous sound study is wrong. Turbines are out and the noise would be thought to go down and that is not how it works. Al Robish and Kristi Mogens property will experience increased noise.
2. Linda Lindgren- yields her time and Johnson granted for Mogen to continue. Mogen continues with Jay Haley's statement that he was a regular engineer and Mogen states that he is no longer licensed in South Dakota and this may constitute fraud and all his statements and reports should not be relied upon. Documentation of all their alleged violations are available in a packet and the CUP permit is there also. She feels an investigation should not take that long. She wants the board to look at the project as they break conditions. She wants to have a conversation but realizes that isn't possible, but she is willing to send the information digitally for the board to review.
3. Allen Robish- does not speak
4. Amber Christenson- states the decrease of 200 megawatts from the approved 600 megawatts is a big deal. That is breaking a contract and doesn't show all the money they talked about coming to the county. Changed drastically for Grant County- "Exclamation point."

Kays then provided an explanation by for the procedures of the investigation and appeal of the Zoning Officer's determination if a violation has occurred or not.

9. Next meeting: 2nd Monday of each month, unless otherwise scheduled and published.

November 18, 2019

10. Executive Session (if necessary) None.

11. Adjourn as the Grant County Board of Adjustment Motion by Pillatzki second by Hansen carries 7-0.

Krista Atyeo-Gortmaker  
Planning and Zoning Officer  
Grant County