

**MINTUES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**January 14, 2013 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Lori Litzen, Bill McCollam, Jim Coleman, Barbara Landers, and Ken Davis.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, Patrick Grode (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE DECEMBER 10, 2012, MINUTES  
**Moved by Hall and seconded by Litzen to approve the December 10, 2012, Planning Commission minutes. Vote: unanimous (7 to 0).**
  
2. APPROVAL OF THE AGENDA  
**Moved by Landers and seconded by Hall to approve the January 14, 2013, Planning Commission Agenda, with the removal of Item #4 from the Consent Calendar. Vote: unanimous (7 to 0).**

**CONSENT CALENDAR**

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 89-18:** Brian McKiernan. To review a home occupation to operate a computer software business in a Low Density Residential District in accordance with Section 207-C-1 of the Pennington County Zoning Ordinance.

Lot A of Tract 2 of Tract A, McKiernan Heights, NW1/4NE1/4 of Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

**To recommend to revoke Conditional Use Permit / CU 89-18 with the applicant's concurrence.**

**Vote: unanimous (7 to 0).**

5. **CONDITIONAL USE PERMIT / CU 12-33:** Joel and Amy Boylan. To allow an accessory structure (shed) prior to a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 23 (also in Section 21), Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

**To recommend approval of Conditional Use Permit / CU 12-33 with the following seven (7) conditions:**

1. **That the lot address be properly posted in accordance with Pennington County's Ordinance #20 so it is clearly visible at the intersection of the driveway way;**
2. **No commercial activity shall be permitted;**
3. **That the property remains free of debris and junk vehicles at all times;**
4. **That if the structure were to have plumbing, the applicant must obtain approval of an Onsite Wastewater Construction Permit;**
5. **That once the applicant applies for a Building Permit for a single-family residence, this CUP be automatically revoked;**
6. **That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,**
7. **That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.**

**Vote: unanimous (7 to 0).**

#### **END OF CONSENT CALENDAR**

4. **CONDITIONAL USE PERMIT REVIEW / CU 03-27:** Dan and Patricia Dickey. To review a Bed and Breakfast in a Low Density Residential District in accordance with Section 207-C-1 and Section 510 of the Pennington County Zoning Ordinance.

Lot C (also in Section 7, T2S, R5E and Section 12, T2S, R4E) of Tin Mine Subdivision, Section 6, T2S, R5E, BHM, Pennington County, South Dakota.

Jennissen stated this item is being removed from the Consent Calendar to note that staff is recommending approval of the extension of the Conditional Use Permit and that it does not need to be continued to the January 28, 2013, Planning Commission meeting.

Commissioner Landers expressed concern with the Conditional Use Permit being extended without the Bed and Breakfast being operated on the subject property.

Jennissen explained that the current applicants are the new owners of the property and they were unaware at the time of purchase, that there was an approved Conditional Use Permit for operation of a Bed and Breakfast. Jennissen stated the applicants would like to have the option open to them and are asking that the Conditional Use Permit be extended. Jennissen also noted that this Conditional Use Permit had been applied for and received approval, prior to the change in Section 510; where the Conditional Use Permit shall expire, if the use has not commenced within two years following the date of approval.

Commissioner Litzen discussed adding a condition to the Conditions of Approval indicating the applicants would need to commence operation of the Bed and Breakfast within two years.

Jennissen commented that this item would then need to be continued in order for the applicants to appear and discuss the proposed condition with the Planning Commission.

Discussion followed.

**Moved by Davis and seconded by Hall to approve of the extension of Conditional Use Permit with the following fifteen (15) conditions:**

- 1. That the addition of accessory structures (i.e., decks, sheds, etc.) shall be allowed through the issuance of Building Permits, which include necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That the Bed and Breakfast is operated entirely within the single-family residence located on the subject property, and that a maximum of two (2) bedrooms be utilized in the Bed and Breakfast establishment;**
- 3. That members of the family residing on the premises and no more than one additional person conduct the business;**
- 4. That the Bed and Breakfast keeps and maintains a guest list, as requested by the Pennington County Fire Coordinator;**
- 5. That AC and battery operated smoke detectors be installed in all sleeping rooms and common hallways and tested semi-annually as requested by the Pennington County Fire Coordinator;**
- 6. That a 2A-BC dry chemical fire extinguisher be accessible to all guests, at all times, as requested by the Pennington County Fire Coordinator;**

7. **That prior to operation of the Bed and Breakfast, a final inspection of the septic system is completed;**
8. **That prior to constructing an additional bedroom or exceeding the existing maximum household occupancy of six (6) people, the on-site wastewater system must be reviewed and upgraded, if necessary, by the Pennington County Environmental Technician and the South Dakota Department of Environment and Natural Resources;**
9. **That a minimum of four (4) off-street parking spaces be provided; that each parking space shall not be less than one hundred sixty two (162) square feet, or nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
10. **That maintenance and dust control measures along Tin Horse Trail be consistent and acceptable with current landowner maintenance;**
11. **That prior to operation, the Bed and Breakfast be registered with the South Dakota Department of Health;**
12. **That the applicant obtains a Sales Tax License as required by the South Dakota Department of Revenue;**
13. **That an approved Sign Permit be obtained from the Planning Department prior to locating any signs on the subject property;**
14. **That the Bed and Breakfast be allowed to have two (2) business signs: one (1) wall sign and one (1) free standing sign, each not to exceed twenty-four (24) square feet in area, and that the free standing sign shall not be located closer than seventeen (17) feet to the nearest street right-of-way line; and,**
15. **That this Conditional Use Permit be reviewed in five (5) years to ensure that all conditions are being met or upon a complaint basis.**

**All voting aye, the Motion carried 7 to 0.**

6. CONDITIONAL USE PERMIT / CU 12-32: Ken and Cory Tomovick. To allow a Recreational Resort, including assemblies of people for weddings and small events, and a Vacation Home Rental on the subject properties in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Bonanza Bar MC 970 and the Unplatted Part of Bonanza Bar MC 970 (also in Section 1), Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 10, 2012, Planning Commission meeting.)

Jennissen reviewed that this item had been continued from the December 10, 2012, Planning Commission meeting in order for the applicants to address concerns expressed by the Planning Commission and neighboring landowners. He further informed the Commission that the applicants have requested that their application be denied without prejudice at this time, so that they may reapply for a new Conditional Use Permit, to host smaller events, in the months to come.

Staff recommended to deny without prejudice Conditional Use Permit 12-32 with the applicants' concurrence.

Discussion followed.

**Moved by Davis and seconded by McCollam to deny without prejudice Conditional Use Permit 12-32.**

Commissioner Coleman stated he did perform a site visit to the property and noted the confinement of the area.

Mr. Stephen Wesolick, agent for Jeff and Kristy Hoffman, appeared and stated the neighbors are happy with the decision of the applicants to not to move forward at this time.

**All voting aye, the Motion carried 7 to 0.**

7. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 10, 2012, Planning Commission meeting.

8. ITEMS FROM THE PUBLIC

There were no items from the public.

9. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the Building Permit Report for December 2012.

10. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

11. DISCUSSION ITEMS

There were no discussion items.

12. ADJOURNMENT

**Moved by Davis and seconded by Coleman to adjourn.**

**All voting aye, the Motion carried 7 to 0.**

The meeting adjourned at **9:18 a.m.**

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Chairperson, Sig Zvejnieks