

Planning Conditions of Approval

Commission Meeting Date: February 21, 2023

ITEMS FROM PLANNING & ZONING

UNCONTESTED HEARING(S):

A. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 22-06: Katie Smirnova and Brett Walfish. To review a Planned Unit Development Overlay for a single-family residence to be used as a music school and a Bed and Breakfast, to include accessory structures in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot C2, Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve PU 22-06 with twenty-nine (29) conditions.
Vote: Unanimous.

1. That the approved uses include: practice cabins to be used for daily practices, music rehearsals and music coaching, an educational music school/camp, a single-family residence to also be used as a Bed and Breakfast or lodging facility for music camp attendees and performance/showcase events for the Rushmore Music Festival Board of Directors;
2. That there be no more than 4 practice cabins;
3. That there be no more than one music camp per calendar year not to exceed 30 people including the residents;
4. That there be no more than one performance/showcase event per year with attendance limited to 50 individuals for the Rushmore Music Festival Board of Directors;
5. That the number of guests staying in the Bed and Breakfast is not to exceed 6 guests from a single family;
6. That at the time of sale or transfer of the property, the PUD would only transfer to the current applicant, their heirs, or the Rushmore Music Festival, with Rushmore Music Festival being the only organization allowed to use the property through the PUD. Otherwise, the PUD will automatically end;
7. That if the Rushmore Music Festival ceases the property's use and the PUD is ended, all temporary sheds (used for lessons & practicing) will be removed from the property prior to closing;
8. That the unit numbers be assigned to each individual rehearsal cabin, be posted on the cabin and inside the cabin;
9. That the address for the main house continue to be posted on the residence, so that it is visible from both directions of travel on Klondike Road, in accordance with Pennington County's Ordinance #20;
10. That the Bed and Breakfast meet § 323 (PCZO);

11. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance (PCZO) §310 and that a parking plan is submitted to the Planning Department prior to operation of the music camp or Bed and Breakfast;
12. That the applicant maintains all necessary permits from other governing bodies for the operation of the Bed and Breakfast, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be provided to the Planning Department;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures and that the existing turn outs and work be stabilized and replanted to prevent continued erosion, soil movement and damage to the surrounding property and the road;
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
17. That any increase in the number of people staying at the Bed and Breakfast or any increase in the number of music camps per year, will require Klondike Road to be improved to a minimum of 18-foot wide south/southeast of the bridge to the driveway of the single-family residence, and if the bed and breakfast is not to be operated, the applicants permanently stabilize the cut-outs along Klondike Road;
18. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
19. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
20. That portable fire extinguishers be placed on each floor level so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
21. That quiet hours be between 10 p.m. and 8 a.m.;
22. That daily operations be conducted by the owners, on-site manager, and staff of the Rushmore Music Festival or their heirs or subsidiaries;
23. That the applicants comply with South Dakota Codified Law 34-18;
24. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;

25. That setbacks for all structures shall be a minimum of 25 feet from exterior lot lines;
26. That there is legal access to the property for the requested uses;
27. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Any “significant change”, including but not limited to, the use or impacts on adjacent land or access road, the increase in the number of guests permitted to stay at the bed and breakfast, an increase in the number of attendees or the frequency of music camps or performances/showcases, the increase in the number of structures, and/or as required by PCZO §216, shall require an amendment to this Planned Unit Development Overlay;
28. That the Board of Commissioners are able to restrict the uses in this Planned Unit Development Overlay and that this Planned Unit Development Overlay is reviewed annually; and,
29. That this Planned Unit Development be reviewed in one year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

CONTESTED HEARINGS:

- C. **PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-01:** John and Emily Rowe. To allow a Planned Unit Development Overlay for a Specialty Resort in accordance with Section 216 of the Pennington County Zoning Ordinance.

PT Ray Smith Placer MS 995 S of Highway of Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve PU 23-01 with twenty-nine (29) conditions.
Vote: Unanimous.

1. That the approved uses of the Specialty Resort include: 5 cabin rentals, 4 camp sites, 3 primitive camp sites, caretaker’s residence, horse boarding and a family reunion/wedding venue;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That all-natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
6. That all assigned addresses be properly and continually posted in accordance with Pennington County’s Ordinance #20;

7. That prior to operation, the access road be named and all addresses changed to reflect the new road name be posted on each structure so they are visible from the newly named road;
8. That each rental cabin and camp site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite.
9. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
10. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310;
11. That quiet hours in the Specialty Resort be from 11:00 p.m. to 7:00 a.m.;
12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
13. That any Cabin Rental within the Specialty Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
14. That a smoke detector be placed in each sleeping room utilized for a Cabin Rental, with a minimum of at least 1 smoke detector per floor;
15. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
16. That the applicants provide the guests with the daily local fire conditions;
17. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a Cabin Rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
18. That the maximum number of people staying at any Cabin Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
19. That the applicants comply with South Dakota Codified Law 34-18;
20. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
21. That setbacks for all structures shall comply with those required in an Agriculture District;
22. That building plans for the wedding venue be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
23. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay;

24. That each non-primitive site be equipped with electrical hookups and water and sewer hookups;
25. That all OSWTS obtain approval from Pennington County and the SD DANR and that all wastewater systems adhere to the PCZO §204J;
26. That the applicants obtain an approved Approach Permit from the County Highway Department;
27. That the applicants follow PCZO §322 for special animal keeping;
28. That the applicants work with the Pennington County Highway Department to place a stop sign at the entrance into the property and for any other signage that may be required; and,
29. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

NOTICE OF FACT OF ADOPTION

On February 21, 2023, the Pennington County Board of Commissioners approved a Planned Unit Development Overlay for a Specialty Resort. Planned Unit Development Overlay 23-01 – John and Emily Rowe.