



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, July 19, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

[a.](#) Approval of July 5, 2023 Minutes

4. **Sign Review Commission**

5. **Planning and Zoning Commission**

a. Public Hearing - Request for Conditional Use Permit - RV Campground - 20577 Highway 85 - B&L Properties, LLC (Brad Kooiker).

[b.](#) Conditional Use Permit - RV Campground - 20577 Highway 85 - B&L Properties, LLC (Brad Kooiker)

LOT A IN LOT H2 OF H.E.S. No. 613 IN THE NE1/4 OF SECTION 11, T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

AND

LOT C IN H.E.S. No. 613 IN THE NE1/4 OF SECTION 11, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Action Required:

1. Approval/Denial by the Deadwood Planning & Zoning Commission

[c.](#) Discussion and recommendation to Board of Adjustment for setback variance for construction of new carport at 3 Pearl Street - Bob & Bonita Goode

[d.](#) Change of Zoning - Planned Unit Development - Amend Stage Run PUD - The Summit at Deadwood Stage Run, LLC

Palisades Tract of Deadwood Stage Run Addition, formerly Tracts E, F, G, H, I, J, K and L and the remaining portion of MS 696 Palisades Stone Placer, all located in the SW1/4, Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota.

AND

TRACT D-2, FORMERLY TRACT D OF M.S. 696 PALISADES PLACER, ALL LOCATED IN THE NE1/4 AND THE SE1/4, SECTION 15, T5N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.

AND

TRACT B OF PALISADES STONE PLACER MS 696, LAWRENCE COUNTY, SOUTH DAKOTA, RECORDED IN PLAT DOC. #84-2419.

Action Required:

1. Approval/Denial by the Deadwood Planning and Zoning Commission

e. Consider donation and recommendation of parcel of ground to expand Stage Run Park from The Summit at Deadwood Stage Run, LLC to the City of Deadwood. (See attached plat.)

f. Change of Zoning - Planned Unit Development - Amend The RIDGE at Deadwood PUD - Preacher Smith, LLC and TRD, LLC (Randy & Cheri Horner)

PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); LOT A OF GOV'T LOTS 13 AND 19 IN SECTION 11; LOT B OF GOV'T LOTS 19 IN SECTION 11 AND GOV'T LOT 12 OF SECTION 14 AND LOTS 1 AND 2 IN BLOCK 1B OF THE RIDGE DEVELOPMENT, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Action Required:

1. Approval/Denial by the Deadwood Planning and Zoning Commission

g. Preliminary Plat for Creating Lot Lines - The Ridge Development

PRELIMINARY PLAT OF LOTS 90 THRU 94 OF BLOCK 1 OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF BLOCK 1 OF THE RIDGE DEVELOPMENT.

AND

LOT 1 OF BLOCK 2 OF THE RIDGE DEVELOPMENT AND LOT 15 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMTIH TRACT.

AND

THE DEDICATED PUBLIC RIGHT-OFWAY OF WILD CANYON DRIVE AND GOLD SPIKE DRIVE ALL LOCATED NIN GOV'T LOT 5 IN SECTION 12 AND GOV'T LOTS 10 & 12 IN SECTION 11 OF TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Action Required:

1. Approval/Denial by the Deadwood Planning and Zoning Commission

h. Final Plat of Townhome Lots - The RIDGE at Deadwood - Randy & Cheri Horner

PLAT OF UTILITY LOT 1 AND LOTS 3-14 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN GOV'T LOTS 10 AND 12 OF SECTION 11, T.5N., R.3E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Action Required:

1. Approval/Denial by the Deadwood Planning and Zoning Commission

i. Discussion and recommendation to the Deadwood Board of Adjustment on request for variance for street grades - The RIDGE at Deadwood - Preacher Smith, LLC.

[j.](#) Discussion and recommendation to the Deadwood Board of Adjustment on request for variance for Curb, Gutters, Sidewalks, and Storm Sewer requirements - The RIDGE at Deadwood - Preacher Smith, LLC.

6. **Items from Citizens not on Agenda**

(Items considered but no action will be taken at this time.)

7. **Items from Staff**

[a.](#) Fassbender Collection Newsletter

8. **Adjournment**

Planning and Zoning Commission meetings are not available by Zoom unless requested.



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, July 05, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Vice-Chairman Keehn on Wednesday, July 5, 2023, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Vice-Chair) Josh Keehn

Commissioner Charles Eagleson

Commissioner Ken Owens

Michael Johnson, City Commissioner

ABSENT

Commissioner (Chair) John Martinisko

Commissioner (Secretary) Dave Bruce

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer

Trent Mohr, Building Inspector

Cindy Schneringer, Zoning Coordinator

3. Approval of Minutes

- a. Approval of June 21, 2023 Minutes

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve the June 21, 2023 minutes. Voting Yea: Keehn, Eagleson, Owens

4. Sign Review Commission

- a. 668 Main Street - Black Diamond Capital, LLC - Install New Sign

Mr. Mohr stated we have one sign permit application this evening for your consideration for 668 Main. This is the Gold Dust C-Store on the first floor. They recently remodeled the upstairs into residential use. This sign is to advertise the residential business upstairs. As you can see, it is located on the Lee Street side there which is in kind of in the rendering back there behind the meters. The yellow post is the door that you would use to enter the upstairs. It is on the same facade as the entrance. This one was a little interesting to get it to the point where we felt comfortable bringing it to you. We had to go with the intent of the ordinance. If you will recall, the requirements for a projecting sign are no more than six feet from the face of the building or four feet from the back of the curb. We do not have

a sidewalk, curb, or gutter there. We determined the intent of the ordinance was the sign not project into the line of travel to conflict with any vehicular traffic. From there, we consulted with the Public Works Director. He has reviewed this and he doesn't think he will have any conflicts running his big equipment through there with this sign. The sign and its location are compliant with the ordinance and requires no variances.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the sign permit for 668 Main Street to install new projecting sign. Voting Yea: Keehn, Eagleson, Owens

5. Planning and Zoning Commission

- a. a. Public Hearing - Request for Conditional Use Permit - Bed and Breakfast - 5 Burlington Street

Mr. Kuchenbecker stated this is a public hearing where we hear any concerns for or against the request CUP. Our office has received two calls and or emails. The first being just wanting to know what it is for. Once I explained what the CUP was for, and they had no issues with it. The other is a resident in the area. You have a copy of it. Mr. Kuchenbecker read the concerns. Those were the only two public comments I received.

Vice-Chairman Keehn closed the public hearing.

- b. Conditional Use Permit - Bed and Breakfast - Jay and Pam Smith - 5 Burlington Street

LOTS THREE (3) AND FOUR (4) OF PECK'S GARDEN SUBDIVISION OF PART OF PROBATE LOTS 138 AND 327, DEADWOOD CITY, LAWRENCE COUNTY, SD, ACCORDING TO THE RECORDED PLAT THEREOF.

Mr. Kuchenbecker stated you have before you a conditional use for a bed and breakfast for Jay and Pam Smith at 5 Burlington Street. This is LOTS THREE (3) AND FOUR (4) OF PECK'S GARDEN SUBDIVISION OF PART OF PROBATE LOTS 138 AND 327, DEADWOOD CITY, LAWRENCE COUNTY, SD, ACCORDING TO THE RECORDED PLAT THEREOF. The applicant has submitted a CUP for a bed and breakfast. The address for that structure is 7 Burlington Street. The ownership is at 5 Burlington Street and the management of that. It is surrounded by R2 to the north - multi-family residential with townhouses. Southeast and west are R1 - residential housing. Applicants have submitted a request for CUP to operate a bed and breakfast in the accessory building at their residence located at 5 Burlington Street. The subject property is in the Peck Garden Neighborhood and surrounded by residential homes and multi-family townhomes. It is zoned R1 and built around 1950. For those that have been here a while it was originally a gun shop know as Lock, Stock and Barrel. Where the previous owner had his gun store. The bed and breakfast is allowed with a conditional use permit. We changed the ordinances recently with 17.53 Chapter. If this is allowed there cannot be another B&B within two hundred of this. The conditional use permit runs with the applicant not the land. Therefore, should the property be sold the CUP is null and void. The bed and breakfast establishment must be owner occupied and it is. The must have proof of

a sales tax number provided to our office for our files. Proof the building inspector has inspected the building and it meets the building codes. Their water and sewer would be changed from residential to commercial rates. They would have to pay BID taxes. Have a Deadwood business license and obtain a lodging license after inspection from the State Department of Health. All parking should be off street. Should you approve it it should be with those conditions. If you want to add anything in regard with the comments received by Mr. Ewy, you could include that as part of the conditions should you approve it. I'd be happy to answer any questions.

After consideration, it was determined the City has ordinances in effect to address the concerns received from Mr. Ewy. Therefore, not necessary to include in conditions required to obtain CUP.

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve the Conditional Use Permit for a Bed and Breakfast legally described as LOTS THREE (3) AND FOUR (4) OF PECK'S GARDEN SUBDIVISION OF PART OF PROBATE LOTS 138 AND 327, DEADWOOD CITY, LAWRENCE COUNTY, SD, ACCORDING TO THE RECORDED PLAT THEREOF with the conditions must be owner occupied, provide proof of sales tax number provided to P&Z office for files, proof inspected by building inspector and meets building codes, commercial water and sewer accounts, pay BID taxes, have a Deadwood Business License, obtain a lodging license from the State Department of Health, and provide off street parking. Voting Yea: Keehn, Eagleson, Owens

- b. Final Plat of Lots 21A and 22A - Adjusting Property Lines - Stage Run Addition - Hueners Living Trust and John & Sharon Martin

PLAT OF LOTS 21A AND 22A, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4/NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOTS 20 REVISED, 21 AND 22, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION

Mr. Kuchenbecker stated this is adjusting property lines legally described as PLAT OF LOTS 21A AND 22A, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4/NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOTS 20 REVISED, 21 AND 22, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION. Half of the applicants are here. The owners of what would become 21A. The Huener's are here should you have any questions. This is R1 zoning. It is surrounded by residential dwellings and future development. The purpose of the final plat is to facilitate adjusting the lot lines for Lots 20 Revised, 21, and 22. Lot 20 was revised on June 2, 2023 to add the drainage area behind it. This plat creates Lots 21A and 22A. Lot 21A is approximately 0.584 Acres±. Lot 22A is approximately 0.283 Acres±. Again, R1 zoning. It is not in the flood zone. Facilities are available. It is characterized by

residential homes. All legal requirements were met with this plat. I would be happy to answer any question. The applicants are here as well if there are any specific questions.

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve the final plat for adjusting property lines legally described as PLAT OF LOTS 21A AND 22A, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4/NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOTS 20 REVISED, 21 AND 22, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION. Voting Yea: Keehn, Eagleson, Owens

- c. Annual renewal for the 2023 Convention Center Vending License - Deadwood Mountain Grand - 1906 Deadwood Mountain Drive

Mr. Kuchenbecker stated this is for an application for Convention Center Vending License. It is for the year. Several vendors that had called since they were in the Deadwood Mountain Grand where they could vend. However, they hadn't renewed their license yet so that is in front of you for renewal.

After some discussion, the P&Z Commission recommended consideration by the City Commission to raise the annual fee as they prepare the fee resolution that would be effective in January 2024.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the annual renewal for the 2023 Convention Center Vending License for the Deadwood Mountain Grand. Voting Yea: Keehn, Eagleson, Owens

6. Items from Citizens not on Agenda

(Items considered but no action will be taken at this time.)

7. Items from Staff

Mr. Kuchenbecker stated one of the things I would like to have a discussion with Commission is about five years ago, Historic Preservation Commission went to tablets so we are not making tablets. City Commission has been using tablets for about four years as well. Would that be something you guys would consider? We would purchase the tablets. When you leave the commission, it is yours to keep. You are responsible for charging them, downloading the packets, and bringing them to the commission meetings. It would save paper. Save taxpayer dollars. Save staff time from making all the paper copies and recycling. The consensus was to purchase the tablets.

Last week we had ten people here from outside on our FEMA project. We had three from FEMA, three from Office of Emergency Management in Pierre, two State Historic Preservation staff members, and two from the State Archaeological Center staff. We will be awarding the FEMA project on Monday, July 10th. It is for seven million five hundred seventy-five thousand dollars. Construction hopefully to begin this fall. That project is moving forward after the July 2019 event that caused the flood damage.

We have had meetings with The Ridge. There will be some variances coming forth for the Planning and Zoning and Board of Adjustment to consider. It includes street grades. We have seen that when we did Phase 3 of Stage Run. They will be requiring some grade variances. Probably the most controversial one they are looking at is a variance from the required curb, gutters, sidewalks, and storm sewers. That will be challenging.

Those are a couple of things we have coming up. We do have a series of plats that will be forthcoming at the next meeting. Hopefully, everybody had a good 4th.

Today, we did do interviews for Cindy's replacement as the administrative assistant as she transitions to the Zoning Coordinator. Tomorrow, we should be making an offer to an individual. If she accepts, we are hoping we can get somebody in here as early as July 18th. It will allow Cindy to not be in a dual role and stretched as much.

8. Adjournment

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to adjourn the Planning and Zoning Commission meeting. Voting Yea: Keehn, Eagleson, Owens

There being no further business, the Planning and Zoning Commission adjourned at 4:33 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

OFFICE OF
PLANNING, ZONING AND
HISTORIC
PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

**PLANNING AND ZONING MEETING
BOARD OF ADJUSTMENT
STAFF REPORT FOR CONDITIONAL USE PERMIT
July 11, 2023**

APPLICANT: B & L Properties, LLC (Brad Kooiker)

PURPOSE: Application for CUP – RV Park

GENERAL LOCATION: 20577 Highway 85

LEGAL DESCRIPTION: LOT A IN LOT H2 OF H.E.S. No. 613 IN THE NE1/4 OF SECTION 11, T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA AND LOT C IN H.E.S. No. 613 IN THE NE1/4 OF SECTION 11, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:

North: Federal Lands
South: Planned Unit Development
East: Planned Unit Development
West: Federal Lands

Surrounding Land Uses:

Black Hills National Forest
R2 – Multi-Family Housing
CH - Commercial Highway
R1 - Residential Housing
Black Hills National Forest

SUMMARY OF REQUEST

The applicant has submitted a request for a Conditional Use Permit to operate a RV Park for up to 15 units located at 20577 Highway 85. The subject property is alongside Highway 85 across from The RIDGE at Deadwood development in an area known locally as McMasters corner. The subject property is surrounded

by the Black Hills National Forest and the new development on the north end of the Deadwood City Limits.

FACTUAL INFORMATION

1. The property is currently zoned CH – Commercial Highway.
2. The site was recently developed for an RV Park with 15 sites for full hookup with 50/30/20-amp electrical services and water and sewer connections to an engineered septic system and drain field. Water is provided with a private 700 foot well with water tests completed to meet South Dakota Department of Health requirements.
3. The subject property has access from US Highway 85 with parking for up to 15 RV sites – 6 pull through spaces and 9 back in spaces.
4. The subject property is located within a CH Commercial Highway zoning district across from Planned Unit Development called The RIDGE at Deadwood.
5. The property is not located within a flood zone.
6. Adequate facilities are available to serve the property.
7. The area is characterized as the new entrance into Deadwood due to recent annexation of property extending the City Limits to the north.

STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a RV Park/Campground establishment and City regulations permit camping areas in Ch – Commercial Highway District with an approved Conditional Use Permit. The subject property was originally built as a large shop and was most recently used by GTI until the ownership changed. The owner has been coordinating with the South Dakota Department of Health which regulates campground facilities.

The Deadwood Zoning Code 17.08 defines a camping area as the following:

“Camping areas” means a platted parcel of land separately owned and developed for commercial use, offering to the traveling public overnight parking spaces for trailer campers and/or tent sites.

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearings in accordance with Section 10.10.B.
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Currently, three campgrounds exist within the City Limits of Deadwood. This campground will offer additional offerings to the traveling public during our busy tourist season. Traffic and parking should not significantly affect the highway traffic in this area.

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

The subject area is zoned CH – Commercial Highway District and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking. The Commercial Highway uses in this area is mainly service related with a towing company, the rock shop, and an animal venue. There are no other RV Parks in the immediate area with the Days of 76 campground being the closest near the Deadwood Event Complex at 2.8 miles.

- C. The proposed use at this location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

The proposed 15-unit RV Park will not result in a substantial or undue adverse effect on adjacent property, or the character of the neighborhood. There will be no change in the size of the existing structure. The Recreation Vehicles will be visually seen from US Highway 85. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The proposed use would not increase the proliferation of non-conforming uses. The subject property is in an area that does not have a RV Park nearby. Any additional RV parks or campgrounds in the vicinity would also require a Conditional Use Permit. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

- E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing private services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the

revocation of such permit shall be filled with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.

- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.
- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

If approved, staff recommendations for stipulation(s):

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
3. Proof that the Building Inspector has inspected the building and it meets all the building codes.
4. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
5. Proof of City of Deadwood Business License.
6. Obtain lodging license after inspection from the South Dakota Department of Health.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approve / Deny by the Planning and Zoning Commission.
2. Approve / Deny by the Board of Adjustment.

Return Completed Form To:
Planning and Zoning
108 Sherman Street
Deadwood, SD 57732



Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$200.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Proposed Development: CAV AM 85 RV

Street Location of Property: 20577 Highway 85 Deadwood SA 5773

Legal Description of Property: Parcel 4 30930-00503-110-10
& # 17000 -00503-110-10 / SEE ATTACHED FOR LEGAL

Zoning Classification of Property: Commercial Highway

Name of Property Owner: BK Paper LLC / Bradley Kooken Telephone: (605) 366 2620

Address: P.O. Box 195 DEADWOOD S-D 577 32

Street City State Zip

Name of Applicant: Bradley Kooken Telephone: (605) 366 2620

Address: P.O. Box 195 DEADWOOD SA 577 32

Street City State Zip

1. The following documents shall be submitted:

- a. An improvement survey, including all easements,
- b. Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- c. A written statement addressing the criteria for approval.

Uses of Building or Land: Full Hookup RV Sites (15)

Signature of Applicant: Bradley Kooken Date: 7-10-23

Signature of Property Owner: Bradley Kooken Date: 7-10-23

Fee: \$200.00 Paid On 7/11/23 Receipt Number 00186765

Legal Notice Published _____ Date: _____ Hearing Date: _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____



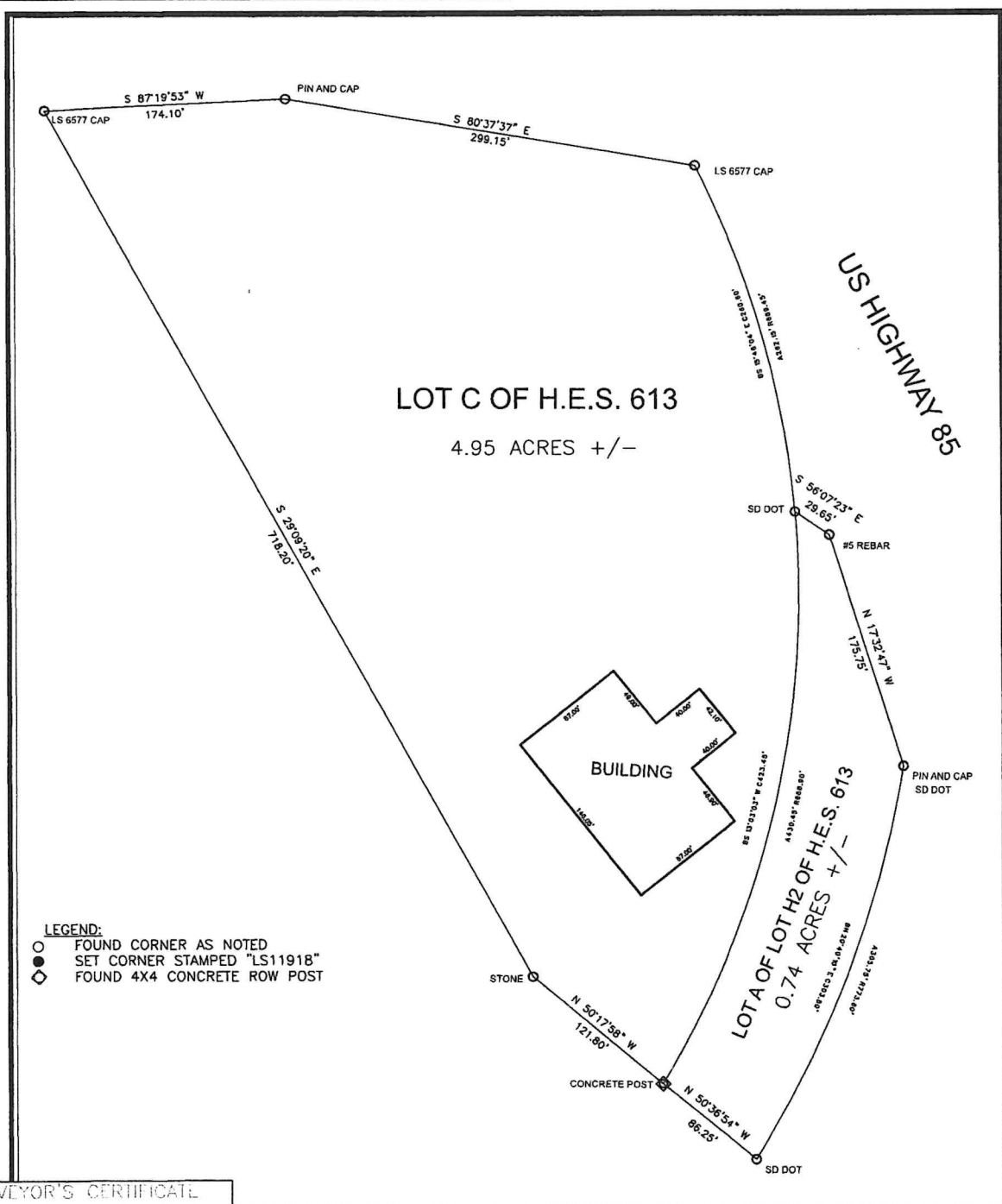
Construction Staking
Boundary Surveys
Easement/Lease Surveys
Aerial Photo Surveys
Final Plat of Location Certificate
Land Development Surveys
Engineering Design/Preparations

Registered Land Surveyor
Bradley Limbo R.L.S. #11918

Spearfish, SD 57783
Phone: 605-490-2944
Email: limbo@ASAI, GMSA.COM

RECORD OF SURVEY

SURVEYED BY: BJL
DRAWN BY: JRK
JOB NO. AAI-21-134
DATE: 5-13-2021



- LEGEND:**
- FOUND CORNER AS NOTED
 - SET CORNER STAMPED "LS11918"
 - ◆ FOUND 4X4 CONCRETE ROW POST

SURVEYOR'S CERTIFICATE

I, Bradley Limbo, a Registered Land Surveyor No. 11918 in the State of South Dakota, do hereby certify that the plat of survey was prepared by me or under my direct supervision and that I am a duly licensed and certified professional land surveyor, and that I am duly qualified to perform the duties of a land surveyor in the State of South Dakota.

REGISTERED LAND SURVEYOR
REG. NO. 11918
BRADLEY LIMBO
SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

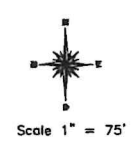
I, Bradley Limbo, a Registered Land Surveyor in the State of South Dakota, on the basis of my knowledge, information and belief, certify to the Owner(s), that at the request of said Owner(s), the survey represented by this plat was made under my supervision, on the ground to the normal standards of care of Professional Land Surveyors practicing in the State of South Dakota. This survey does not constitute a title search to determine ownership or easements of record as performed by All Aspects Inc Land Surveying

LEGAL DESCRIPTION

LOT A IN LOT H2 OF H.E.S. No. 613 IN THE NE1/4 OF SECTION 11, T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

LOT C IN H.E.S. No. 613 IN THE NE1/4 OF SECTION 11, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Property Address
20577 HIGHWAY 85



FIRST PAYMENT
Delinquent After April 30th
2022

NOTICE OF PROPERTY TAXES DUE
LAWRENCE COUNTY TREASURER
P.O. BOX 394, DEADWOOD, SD 57732-0394

PARCEL # 30930-00503-110-10
ACRES \$5,956.79



TAX YEAR: 2021 TAXES PAYABLE IN: 2022

LEGAL DESCRIPTION:
HES 613 LOT C 11-005-03 PLAT 2013-03412
T5 R3 ANNEX.#2013-05212

ACRES: 4.96

PLEASE CHECK THE BOX IF YOU
NEED A RECEIPT MAILED TO YOU

FIRST PAYMENT

SECOND PAYMENT
Delinquent After October 31st
2022

PARCEL # 30930-00503-110-10
ACRES \$5,956.79



PLEASE CHECK THE BOX IF YOU
NEED A RECEIPT MAILED TO YOU

PLEASE RETURN THIS STUB WITH YOUR
SECOND PAYMENT

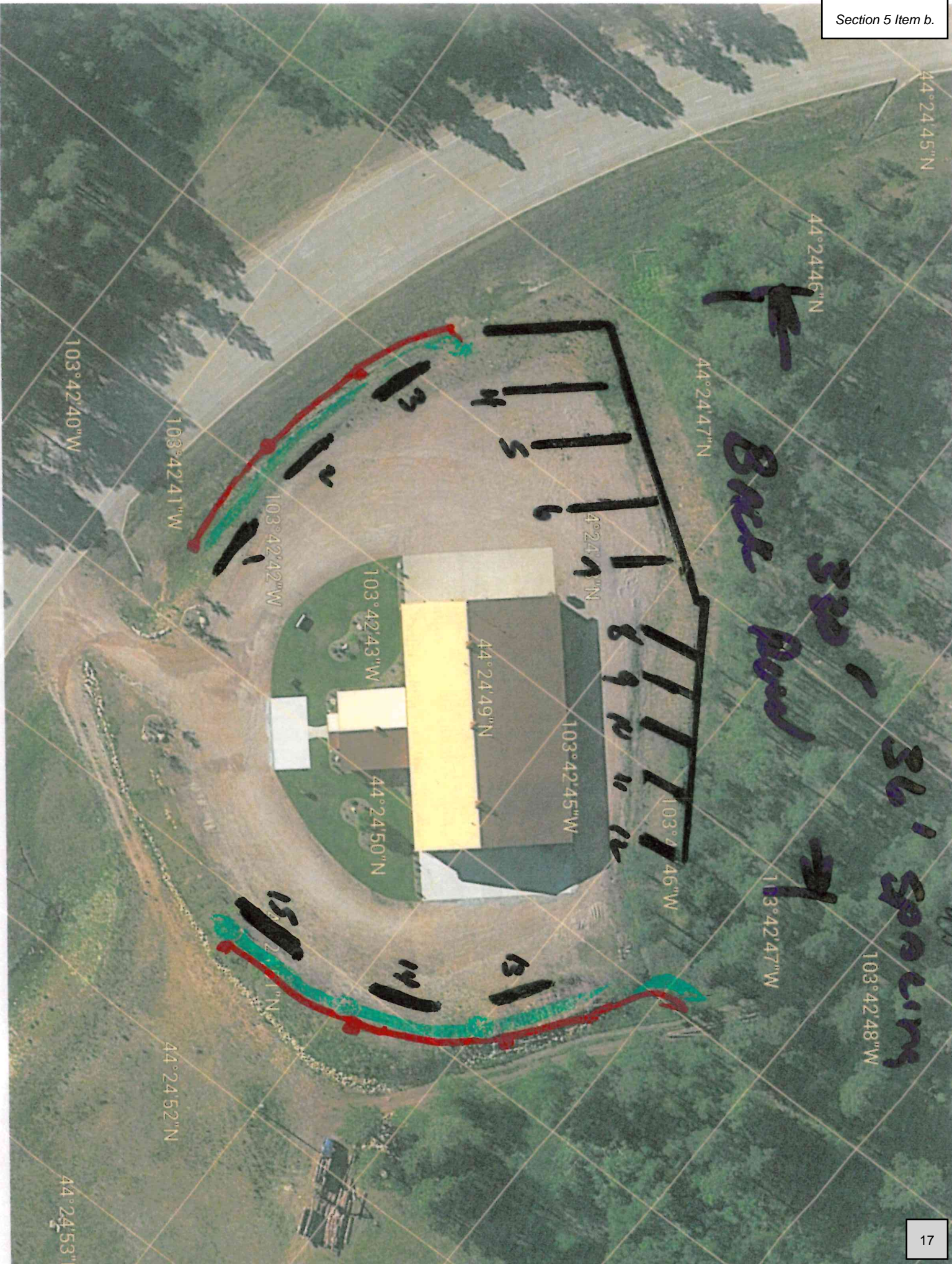
NO PART OF THIS PARCEL IS OWNER-OCCUPIED

PARCEL #	VALUE	LEVY	TAX	TOTAL TAX DUE	LEVY	TAX
30930-00503-110-10	606,134	4.082	2,474.24	\$11,913.58	5.419	0.00
COUNTY	606,134	0.000	0.00		10.542	6,389.88
WATER DIST	606,134	0.000	0.00		7.165	0.00
SAN DIST	606,134	5.031	3,049.46		0.000	0.00
CITY/TWNP	606,134	0.000	0.00			
FIRE DIST						
OPT CITY/TWNP						
OPT COUNTY						
OPT OTHER						

PARCEL(S) LEGAL DESCRIPTION TO CUT OUT OF THE ENVELOPE. If the local voter to increase taxes hasn't been passed, your taxes won't have included it if the figure marked with an asterisk (*)

B & L PROPERTIES LLC
PO BOX 195
DEADWOOD, SD 57732

Imagery date: 6/22/16 - newer



**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD PLANNING & ZONING COMMISSION**

City of Deadwood
Planning and Zoning Commission
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations for a small RV Park as allowed under Section 17.24.030 Conditional Uses under Home Occupation.

APPLICANTS: B & L Properties, LLC (Brad Kooiker)

LEGAL DESCRIPTION: LOT A IN LOT H2 OF H.E.S. No. 613 IN THE NE1/4 OF SECTION 11, T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

AND

LOT C IN H.E.S. No. 613 IN THE NE1/4 OF SECTION 11, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

ADDRESS: 20577 Highway 85

ZONE: CH – Commercial Highway

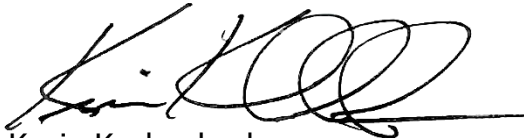
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, July 19, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Home Occupation is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 10th of July 2023

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July _____, 2023

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 722-0786



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

BOARD OF ADJUSTMENT REQUEST FOR A VARIANCE

Staff Report

Date: June 16, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for a Variance – Front Yard and Side Yard Setbacks

APPLICANT(S): Bob and Bonita Goode
PURPOSE: Carport for Single Family Home
ADDRESS: 3 Pearl Street
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: Lot A, Block 7, Highland Park Addition, formerly a portion of Lots 1 thru 6, Block 7 Highland Park Addition, City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2009-6668
FILE STATUS: All legal obligations have been completed.
ZONE: R1 – Residential District
STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: R1 – Residential District	Residential Housing
South: R1 – Residential District	Residential Housing
East: R1 – Residential District	Residential Housing
West: R1 – Residential District	Residential Housing

SUMMARY OF REQUEST

The applicant has submitted a request for a variance to the required 20’ front yard setback according to Deadwood City 17.24.040 (Area and Bulk Requirements). The applicant is requesting a 19’+ variance on Pearl Street for the construction of a new carport.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District.
2. The property has a contributing historic residential structure which was moved from lower Main Street to this location.
3. The proposed carport would have access from Pearl Street.
4. The subject property is located within a residential land use classification on the adopted Zoning Map and mainly surrounded by historic single-family residential properties.
5. The property is located outside of Flood Zone AE – Areas of 100-year flood and Flood Zone X – Areas of 500-year flood.
6. Adequate public facilities are available to serve the property.
7. The area is characterized by a mixture of single-family dwellings located in the Burnham Hill Planning Unit.

COMPLIANCE

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of the time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by section 17.80.010.B. [Exhibit A]

VARIANCE

The purpose of a variance is to modify the strict application of the specific requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional (Amended 99-952) conditions, whereby, such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his or her land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her lot as the Zoning Ordinance intended.

The Board shall consider and decide all applications for variances within 30 days of such public hearing and in accordance with the standards provided below.

STANDARDS FOR VARIANCES:

In granting a variance, the Board shall ascertain that the following criteria are met and presented at the public hearing or otherwise included in the record.

1. A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of the property. The previously mentioned circumstances or conditions shall be set forth in the Findings of the Board.

Planning and Zoning staff conducted a site visit and concluded that the applicant has limited buildable space due to the size and shape of the lot. Strict adherence to the ordinance would adversely affect the rhythm, site, and setting of the National Landmark District, and the State and National Register Historic Districts (Collectively known as historic districts for the balance of this report). The existing adjacent historic properties do not meet the setback distances in the zoning ordinance.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

The construction of the proposed carport would be for the existing single-family home that is a use by right in the R1 – Residential Zoning District.

3. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

The intent and purpose of this application for variance, if granted, is to mimic existing setbacks on adjacent historic properties and to allow the maximum use of the land. The remaining bulk and height regulations are all met (i.e., side and rear setback requirements and height).

4. The granting of any variance is in harmony with the general purposes and intent of this Ordinance and will not be injurious to the neighborhood, and/or detrimental to the public welfare, or in conflict with the established policies of the City of Deadwood.

The proposed project is compatible with the area. The granting of the proposed structure will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns. The variance will not alter the essential character of the surrounding area in which the property is

Request for a Variance – Front & Side Yard Setbacks
3 Pearl Street
July 11, 2023

located; substantially or permanently impair the appropriate use or development of adjacent property.

5. There must be proof of practical difficulty, which may be based upon sufficiently documented economic factors, but such proof shall not be based solely upon or limited to such economic factors. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without the knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

There is evidence of practical difficulty due to the size of the lot.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

The use and value of the area adjacent to the property included in the variance request will not be affected in an adverse manner. There will be no significant adverse impacts on water supply, schools, or other services. A variance cannot be granted if it would pose any threat to the public health or safety. This finding includes concerns such as fire safety, and visual and aesthetic concerns.

7. The fee, as adopted by resolution, was paid to the Zoning Administrator as agent for the Board to cover the costs of notices and other expenses incidental to the hearing.

The applicant has paid the \$200.00 fee to process the variance and have the public hearing.

8. The applicant has proven that he or she is the owner of the property or is his or her officially designated agent and has presented proof thereof.

The applicant has proven to the City of Deadwood Planning and Zoning office that they are the current owner of the subject property.

REQUIREMENTS FOR THE GRANTING OF A VARIANCE

Before the Board shall have the authority to grant a variance, the person claiming the variances has the burden of showing:

1. That the granting of the permit will not be contrary to the public interest;
2. That the literal enforcement of the Ordinance will result in unnecessary hardship; and,
3. That by granting the permit, substantial justice will be done.

A variance shall be null and void two (2) years from the date it is granted unless completion or substantial construction has taken place. The Board of Adjustment may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay.

If upon review by the Zoning Administrator, a violation of any condition, imposed in approval of a variance is found, the Administrator shall inform the applicant by registered mail of the violation and shall require compliance within sixty (60) days, or the Administrator will take action to revoke the permit. The Administrator's letter, constituting Notice of Intent to Revoke Variance may be appealed to the Board of Adjustment within thirty (30) days of its mailing. The Board of Adjustment shall consider the appeal and may affirm, reverse, or modify the Administrator's Notice of Intent to Revoke. The applicant must comply with the Board of Adjustment's Order on Appeal of Notice of Intent to Revoke Variance within thirty (30) days of the Board's decision.

ACTION REQUIRED

1. Provide a recommendation of Approval / Denial to the Deadwood Board of Adjustment

Request for a Variance – Front & Side Yard Setbacks
3 Pearl Street
July 11, 2023

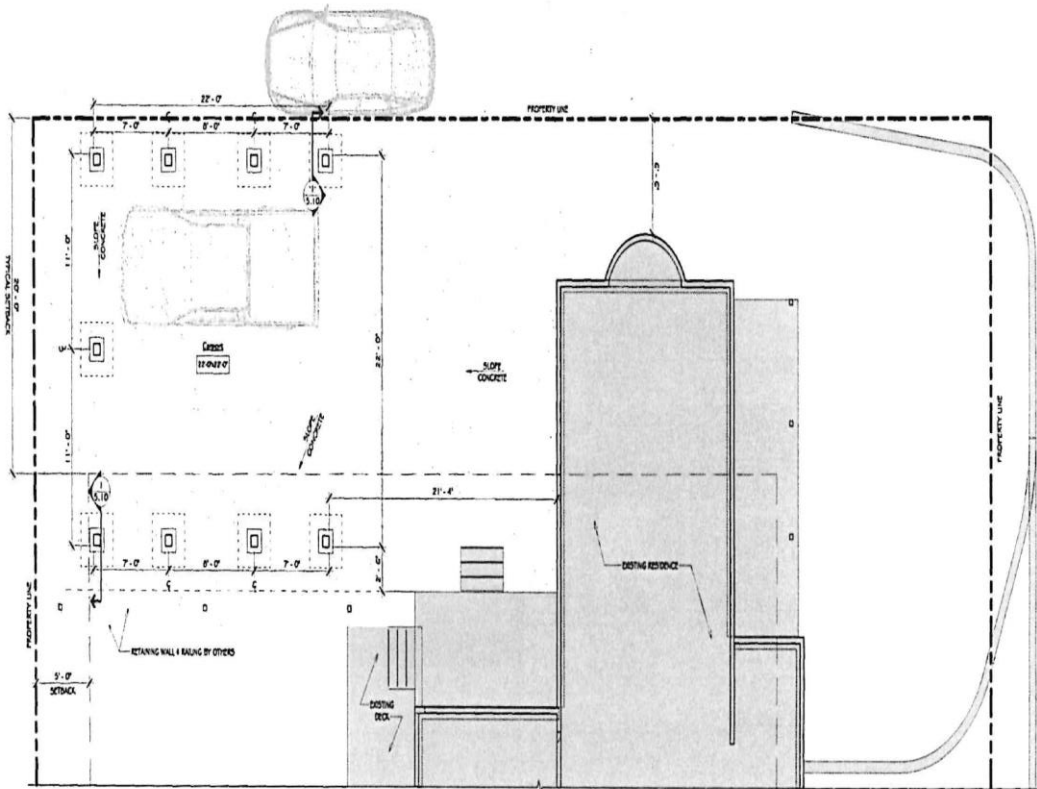
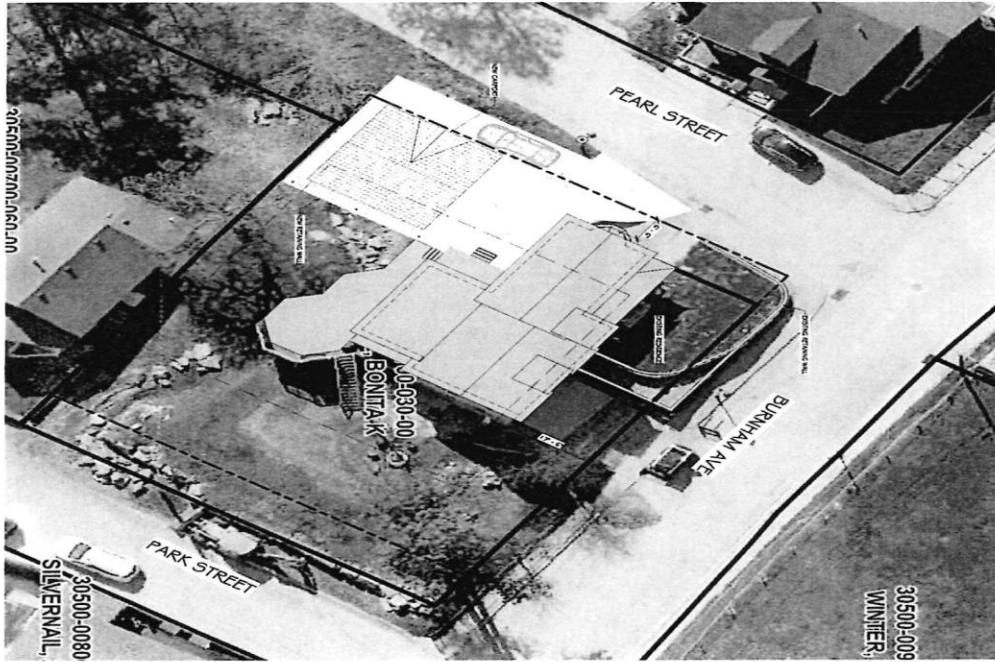
LOCATION MAP & SITE PLAN



Map showing the general vicinity of the subject property.

Request for a Variance – Front & Side Yard Setbacks
3 Pearl Street
July 11, 2023

PRELIMINARY SITE PLAN



Request for a Variance – Front & Side Yard Setbacks
3 Pearl Street
July 11, 2023

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Variance to the Front and Side Yard Setbacks requirements found in Sections 17.24.040 (Residential Zoning District).

APPLICANTS: Jackie Diana Fisher and Bryan James Duffy Revocable Trust

LEGAL DESCRIPTION: TRACT C, BLOCK 53, A SUBDIVISION OF PART OF LOTS 1 AND 2, BLOCK 53, ORIGINAL TOWN, CITY OF DEADWOOD, LOCATED IN THE NW1/4 OF SECTION 26, T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

ADDRESS: Washington Street and Monroe Street (Vacant Lot)

ZONE: R1 Residential

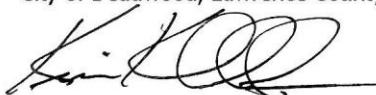
NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, July 3, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Variance is on file and available for public examination at the Deadwood Planning, Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 14th of June, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: June __, 2023
Published once at the total approximate cost of \$_____

Return Completed Form To:
Planning and Zoning
108 Sherman Street
Deadwood, SD 57732



Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

REQUEST FOR VARIANCE

Application Fee: \$200.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Petitioner: Bonita Goode Telephone: (605) 430-5969

Address: 3 Pearl Street Deadwood SD 57732
Street City State Zip

Legal Description of Property: Lot A, Block 7, Highland Park Addition

Property Address: 3 Pearl Street Deadwood SD 57732
Street City State Zip

Description of Request: Zero setback from the property line along Pearl Street for the construction of a carport. (See Sheet Number 3.10 on the attached drawings).

Appeal from Section: _____

Signature of Applicant: Bonita Goode Date: 7/7/23

Signature of Property Owner: Bonita Goode Date: 7/7/23

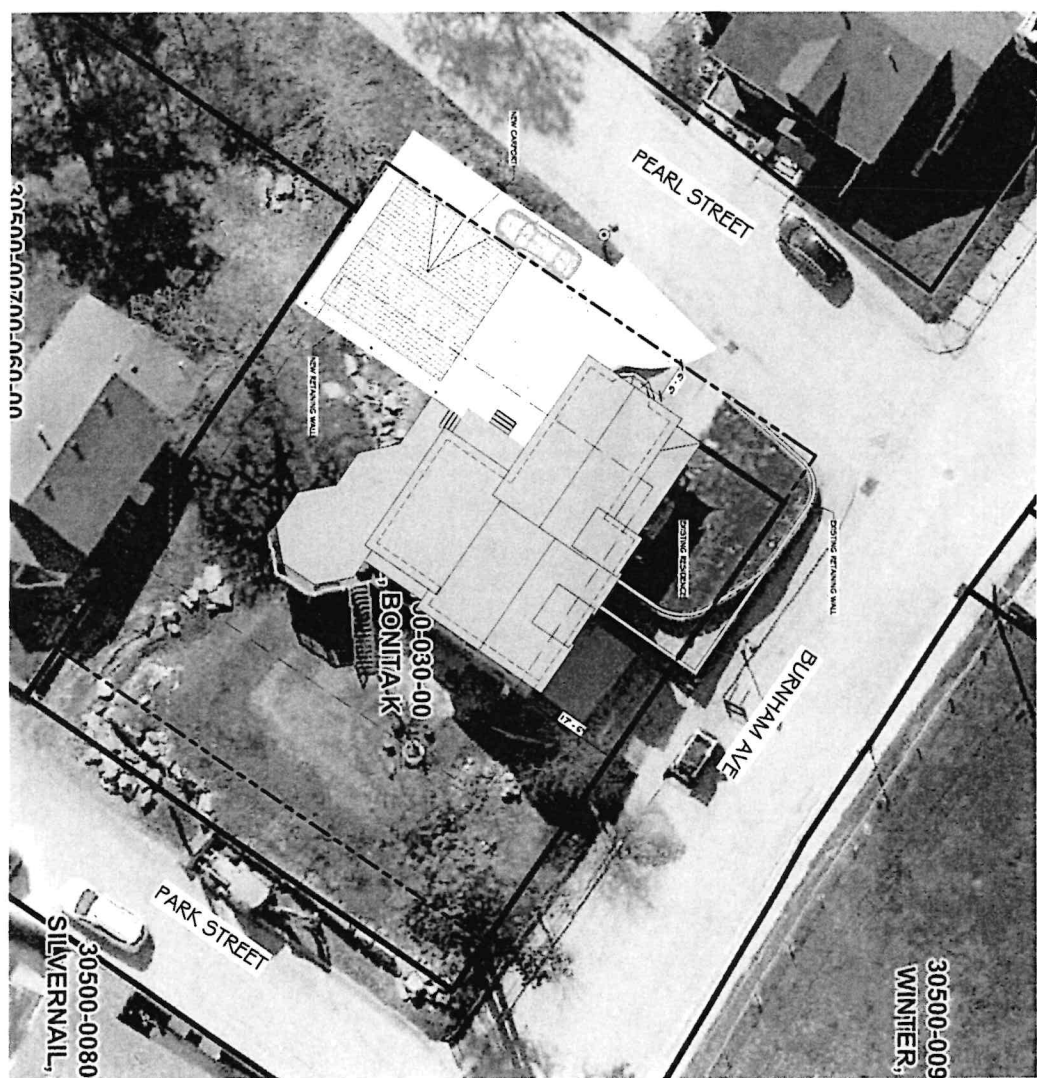
Fee: \$ 200⁰⁰ Paid On 7/11/23 Receipt Number 00186763

Legal Notice Published Date: _____ Hearing Date: _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____

GOODE CARPORT



Property Layout Plan
1" = 10'-0"

NOTE:
LOCATIONS ARE SUBJECT TO
COORDINATE EXACT LOCATION OF
ROAD OR HIGHWAY.

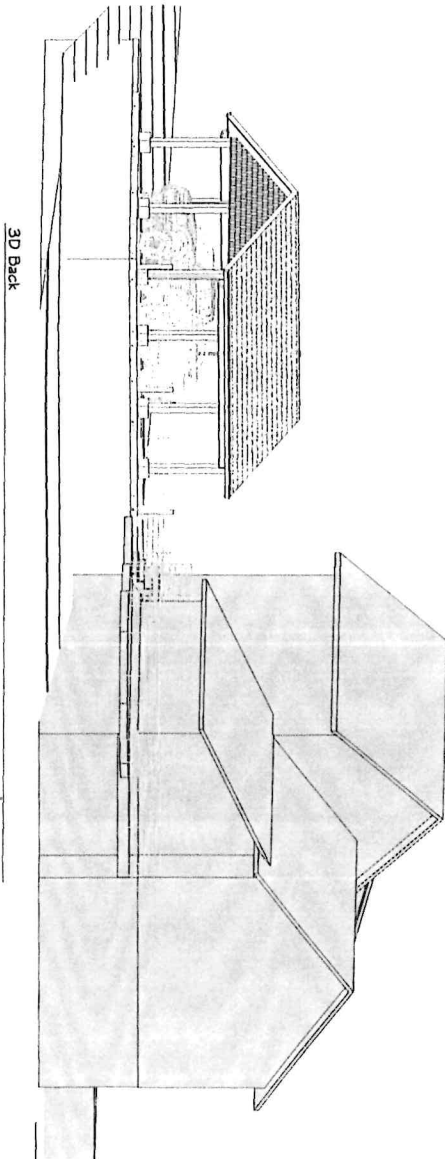


Sheet	Sheet Name
1.00	Project Name
1.01	Site Plan
1.02	Site Plan
1.03	Site Plan
1.04	Site Plan
1.05	Site Plan
1.06	Site Plan

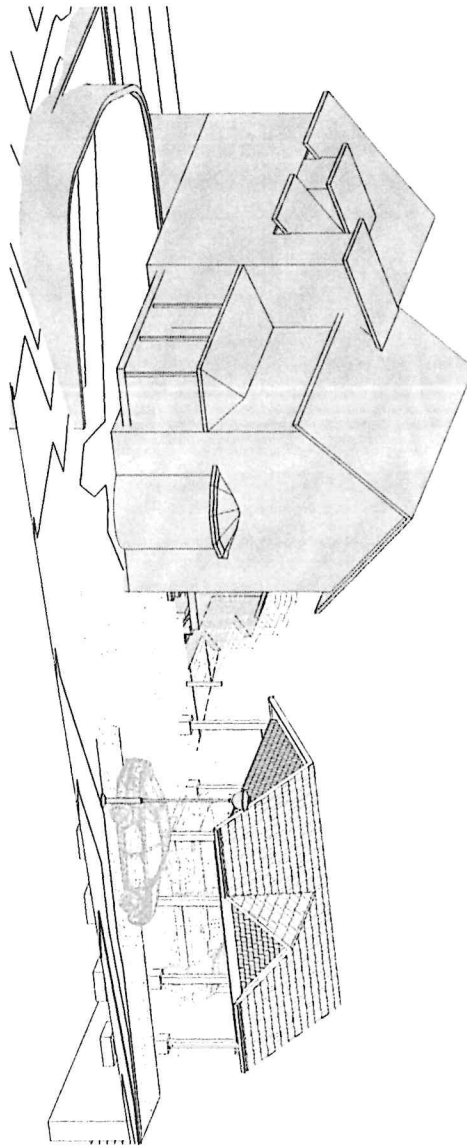
Project: 07
Date: 7/1
Drawn by: CA
Sheet: 1

Project Name: Bob & Bonita Goode
New Carport

DIVERSIFIED DRAFTING
1720 Country School Place



3D Back



3D Front

Project: 07-23
 Date: 7.07.2023
 Drawn by: CA

Sheet Title

3D Views

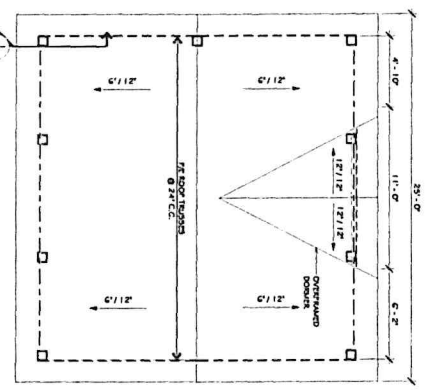
Sheet Number

1.20

Project Name: **Bob & Bonita Goode**
New Carport
 3 Pearl Street
 Deadwood, South Dakota

DIVERSIFIED DRAFTING
 1720 Country School Place
 Spearfish, South Dakota 57783
 Phone: (605) 559-0275
 div.draft@gmail.com

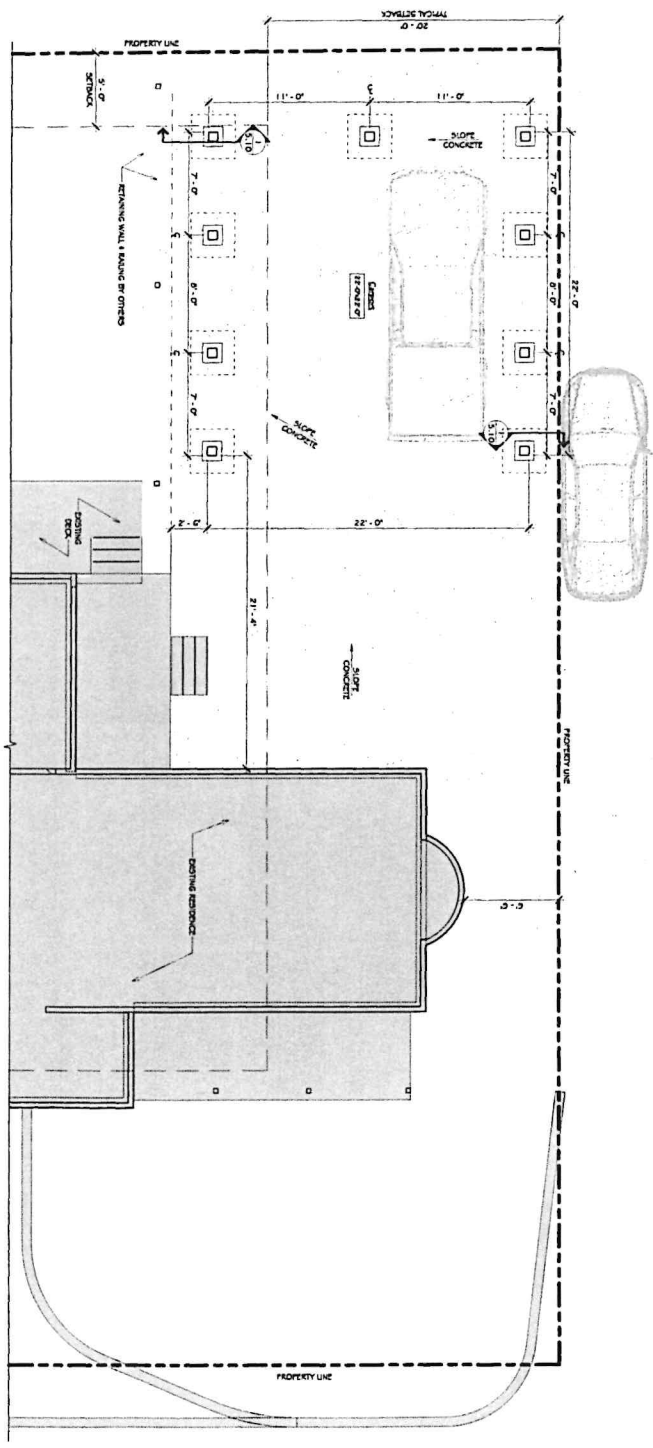
THESE DRAWINGS AND THE DESIGN HEREIN ARE THE PROPERTY OF DIVERSIFIED DRAFTING AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT DIVERSIFIED DRAFTING'S WRITTEN CONSENT. © 2023



Roof Plan
1/4" = 1'-0"

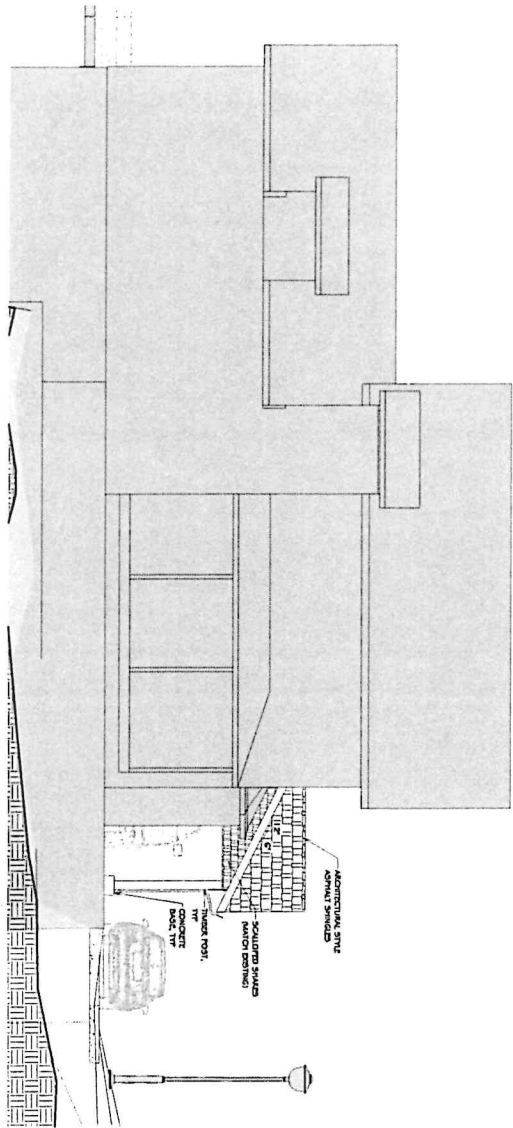
ROOF PLAN NOTES:
 ALL ROOF TRUSS AND RAFTERS TO BE DIMENSIONED AND BRACKETED BY TRUSS MANUFACTURER. MANUFACTURER TO BE RESPONSIBLE FOR TRUSS CALCULATIONS & CERTIFY FOR ALL ROOF TRUSSES AND BRACKETS.
 ALL ROOF TRUSSES AND BRACKETS TO BE DIMENSIONED AND BRACKETED BY TRUSS MANUFACTURER.

GENERAL NOTES:
 ALL CONSTRUCTION TO MEET 2021 IBC.
 ALL TRUSSES TO MEET NATIONAL PLUMBING CODE.
 ALL ELECTRICAL TO MEET NATIONAL ELECTRICAL CODE.
 ALL PARTITIONS ARE TO FACE OF CONCRETE OR STUCCO.
 ALL EXTERIOR WALLS TO BE 2x6 @ 16" O.C. - ALL INTERIOR WALLS TO BE 2x4 @ 16" O.C.
 ALL EXTERIOR WALLS TO BE 2x6 @ 16" O.C. - ALL INTERIOR WALLS TO BE 2x4 @ 16" O.C.
 ALL EXTERIOR WALLS TO BE 2x6 @ 16" O.C. - ALL INTERIOR WALLS TO BE 2x4 @ 16" O.C.
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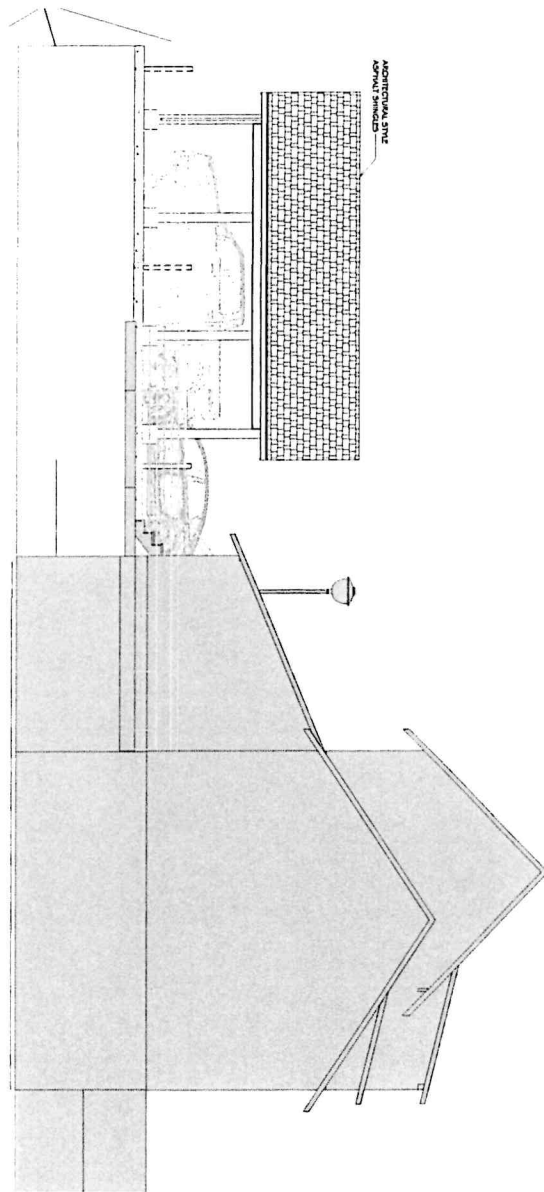


Main Floor Plan
1/4" = 1'-0"

East Elevation
1/4" = 1'-0"



South Elevation
1/4" = 1'-0"



**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Variance to the Front Yard Setbacks requirements found in Sections 17.24.040 (Residential Zoning District).

APPLICANTS: Bob and Bonita Goode

LEGAL DESCRIPTION: LOT A, BLOCK 7, HIGHLAND PARK ADDITION, FORMERLY A PORTION OF LOTS 1 THRU 6, BLOCK 7 HIGHLAND PARK ADDITION, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO PLAT DOCUMENT No. 2009-6668

ADDRESS: 3 Pearl Street

ZONE: R1 Residential

NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, August 7, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Variance is on file and available for public examination at the Deadwood Planning, Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 10th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July __, 2023

Published once at the total approximate cost of \$_____

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 722-0786



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

**PLANNING AND ZONING
AMENDMENT TO ZONING MAP
– PLANNED UNIT DEVELOPMENT –**

Staff Report

Date: July 13, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Rezoning Request – Planned Unit Development

APPLICANT(S): The Summit at Deadwood Stage Run, LLC

PURPOSE: Amendment to Zoning Map – PUD –
Planned Unit Development

ADDRESS: Stage Run Development – Phase III
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: PALISADES TRACT OF DEADWOOD STAGE RUN
ADDITION, FORMERLY TRACTS E, F, G, H, I, J, K
AND L AND THE REMAINING PORTION OF MS 696
PALISADES STONE PLACER, ALL LOCATED IN THE
SW1/4, SECTION 14, THE SE1/4 OF SECTION 15,
THE NE1/4NE1/4 OF SECTION 22 AND THE
N1/2NW1/4 OF SECTION 23, T5N, R3E, BHM, CITY
OF DEADWOOD, LAWRENCE COUNTY, SOUTH
DAKOTA.

AND

TRACT D-2, FORMERLY TRACT D OF M.S. 696
PALISADES PLACER, ALL LOCATED IN THE NE1/4
AND THE SE1/4, SECTION 15, T5N, R3E, B.H.M.,
LAWRENCE COUNTY, SOUTH DAKOTA.

AND

TRACT B OF PALISADES STONE PLACER MS 696,
LAWRENCE COUNTY, SOUTH DAKOTA, RECORDED
IN PLAT DOC. #84-2419.

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 13, 2023

ZONE: PUD – Planned Unit Development with the following Zones:

R1 – Residential District

R2 – Multi-Family

CH – Commercial Highway

STAFF FINDINGS:

<p>Surrounding Zoning:</p> <p>North: Lawrence County</p> <p>South: CH-Commercial Highway</p> <p>East: Lawrence County</p> <p>West: Lawrence County</p>	<p>Surrounding Land Uses:</p> <p>Black Hills National Forest</p> <p>Commercial Highway</p> <p>Bureau of Land Management</p> <p>Park Forest/Agriculture</p>
--	--

SUMMARY OF REQUEST

The applicant has submitted a request for a zoning amendment to change zoning district boundaries within the Planned Unit Development (PUD) and to expand the PUD to areas previously annexed adjacent to the PUD. Within the PUD, the applicants request to amend a variety of zoning districts and uses. This request takes action in the form of an official change to the City of Deadwood Zoning Map.

FACTUAL INFORMATION

1. The property is currently zoned PUD – Planned Unit Development with zoning districts previously approved by the Planning and Zoning Commission and the Board of Adjustment.
2. The Planned Unit Development has overlaying TIF Districts and a development agreement with the City of Deadwood has been adopted.
3. The property is located outside of Flood Zone AE – Areas of 100-year flood and Flood Zone X – Areas of 500-year flood.
4. Public infrastructure and facilities are being constructed in Phase III, which will match the infrastructure in Phase I and Phase II, to serve the property but not yet accepted by the City of Deadwood.

COMPLIANCE

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of the time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by section 17.80.010.B. [Exhibit A]

STAFF DISCUSSION

Within the existing Planned Unit Development there is 121.36± total acres with 35.04± acres dedicated to public right-of-way.

The original boundaries of the Stage Run Planned Unit development were set as follows:

PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION,
 FORMERLY TRACTS E, F, G, H, I, J, K AND L AND THE REMAINING
 PORTION OF MS 696 PALISADES STONE PLACER, ALL LOCATED IN
 THE SW1/4, SECTION 14, THE SE1/4 OF SECTION 15, THE
 NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23,
 T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH
 DAKOTA.

Tract D-2 was annexed into the City with Resolution 2009-11 in May 2009 and Tract B was annexed into the City with Resolution 2022-07 in April 2022. The applicant is requesting to add the two parcels into the Planned Unit Development legally described as the following:

TRACT D-2, FORMERLY TRACT D OF M.S. 696 PALISADES PLACER,
 ALL LOCATED IN THE NE1/4 AND THE SE1/4, SECTION 15, T5N, R3E,
 B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.

AND

TRACT B OF PALISADES STONE PLACER MS 696, LAWRENCE
 COUNTY, SOUTH DAKOTA, RECORDED IN PLAT DOC. #84-2419.

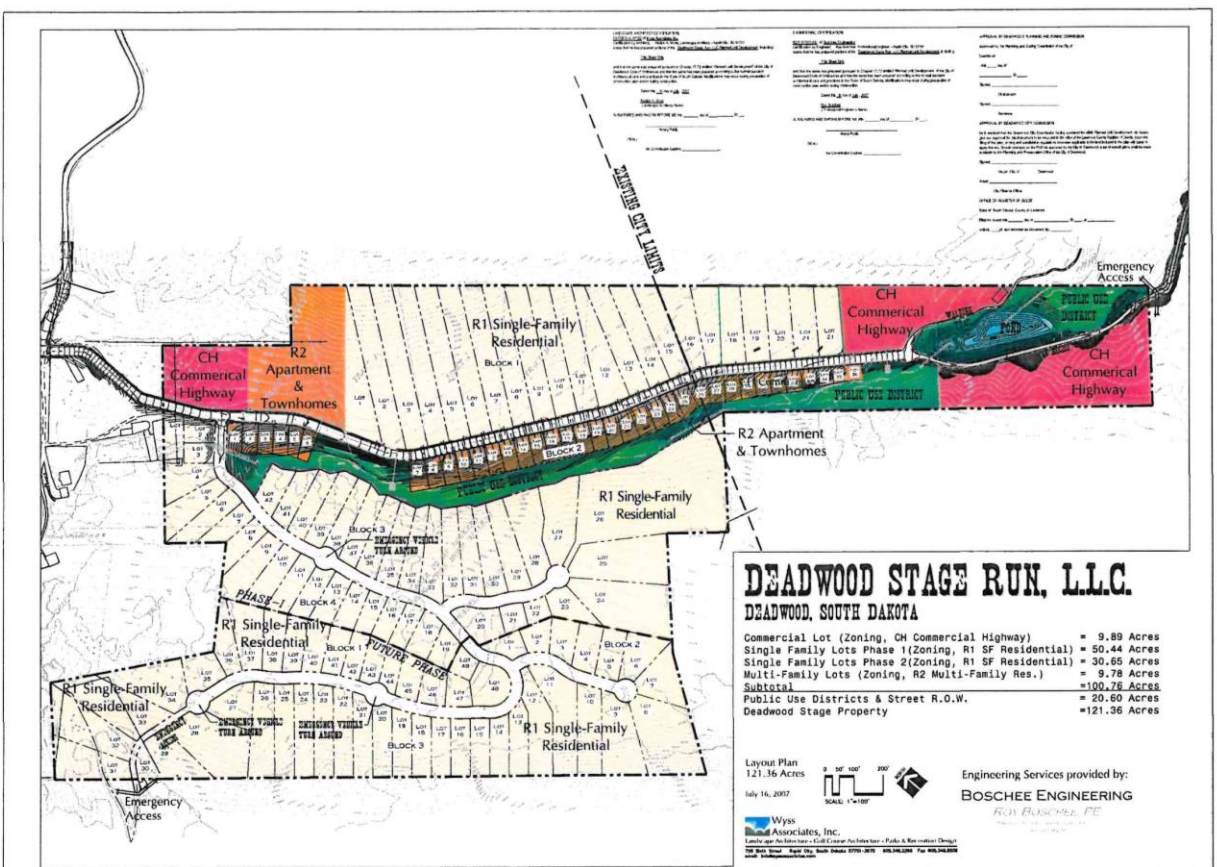
An Ordinance will be required to move these two tracts into the existing Planned Unit Development through an amendment to the PUD boundaries.

The original PUD project has been a phased development with the current approved zoning districts with 121.36 acres. This total does not include the addition of Tract D-2 and Tract B.

Existing PUD Zoning

Amendment to Zoning Map - PUD
 The RIDGE at Deadwood
 July 13, 2023

The illustration shown below is the original Planned Unit Development Plan which shows the various zoning districts. The area which now comprises Phase III is R1 – Residential Zoning with 69+ Lots. Tract D-2 and Tract B are not part of the original PUD boundary.



Proposed PUD Amendment

The applicant is requesting the following changes to the approved Planned Unit Development specifically in the area of Phase III as submitted with the application. The request consists of the following zoning districts, acres, and number of lots.

Zoning – Phase III	Acres	Lots
R1 – Residential District	44.11	74 Lots
R2 – Multi-Family Residential	8.66	17 Lots
CH – Commercial Highway	1.64	1 Lots

Furthermore, Tract D-2 would be zoned as PF – Park Forest and the CH – Commercial Highway lot (a portion of Tract B) is proposed to be the location of a mini-storage facility to accommodate the development.

STANDARDS FOR REVIEW:

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 13, 2023

In reviewing an amendment to the text of this Ordinance or an amendment to the Official Zoning District Map, the City Commission and Planning and Zoning Commission shall consider the following:

- A. Whether the proposed amendment conflicts with any applicable portions of this Ordinance.

The purpose of planned units is to allow flexibility and encourage innovation in land use development, promote the most appropriate use of land, improve the design, character, and quality of new development, facilitate the adequate and economical provision of streets and utilities, and preserve the natural and scenic features of open space. The requested modifications for the planned unit development are to facilitate opportunities for additional multi-family lots in the form of an 80-unit apartment complex and townhomes / duplexes.

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

The 2018 Comprehensive Plan Future Land Use Map identifies the area as Parks and Recreation use. The initial plans for the Stage Run development included plans to incorporate single-family housing, multi-family housing and limited commercial highway uses. The plan includes sidewalks, curb & gutter and storm drainage system to accommodate walkability and a neighborhood feel. The Comprehensive Plan also advises the city to continue to work with developers to encourage new housing developments and include a variety of housing types to meet the needs of Deadwood residents.

- C. Whether the proposed amendment is compatible with surrounding Zoning Districts and land uses, considering existing land use and neighborhood.

The development is currently comprised of three primary zoning districts: Residential, Residential Multi-Family and Commercial Highway. Within these three zoning districts you will find commercial businesses, residential homes, and multi-family properties. The proposed amendment creates several additional R2 – Multifamily Residential lots to accommodate housing needs within Deadwood. All lots will be fully developed and serviced by City infrastructure.

- D. Whether the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.

The proposed projected impacts on the public facilities are not currently known; however, recent discussions have taken place to identify the impacts within the various city departments and through the commissions. The city currently serves this development with water, sewer and street services as well as police and fire. There is a concern about the substantial growth with

three new subdivisions planned in the next few years and the impacts these developments may have on City infrastructure, staffing, growing expenses, and associated equipment. A study of the Deadwoods water capacity is currently being developed. Additional work is needed in identifying the full impact to the City of Deadwood.

The subject property is not located within any floodplain.

- E. The effect of the proposed amendment on traffic generation and road safety.

Currently the property has a low volume of pedestrian traffic and vehicular traffic going in and out of the property. Access to the property is off US Hwy 85.

- F. Whether the proposed amendment is consistent and compatible with the community character in the City of Deadwood.

The proposed amendment is in harmony with the overall character of the Stage Run Development and has a community feel with the public infrastructure.

- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

The City of Deadwood is currently in a housing shortage and the proposed amendment would support the current housing need as described in the 2021 housing study.

- H. Whether the proposed amendment would be in conflict with the public interest and is in harmony with the proposed amendment may or may not be in conflict with the public interest.

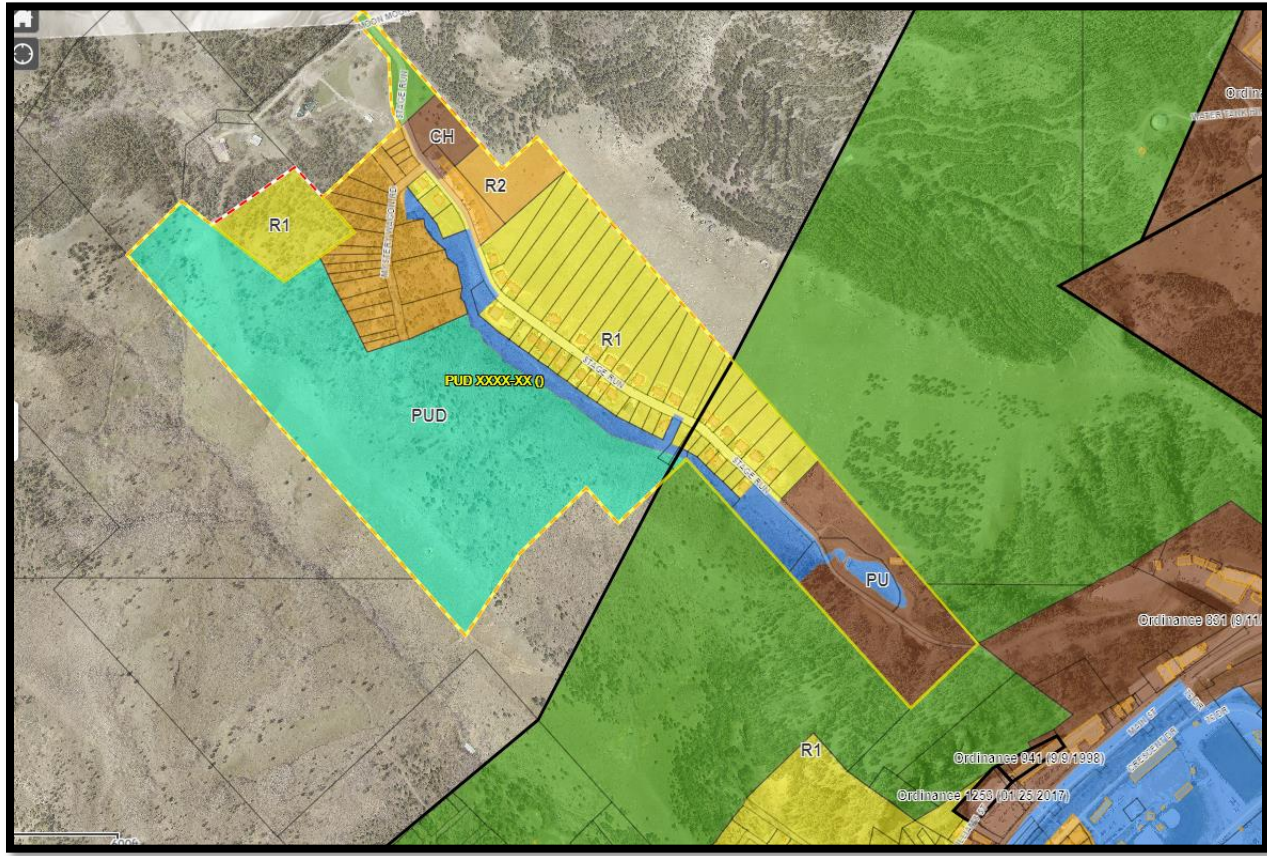
Staff has received a few calls to-date questioning the change of zoning sign posted at the entrance of Stage Run development. After explanation by staff of the proposed change, we have received no comments against this project.

ACTION REQUIRED

1. Recommendation by Planning and Zoning to Approve/Deny/Approve with conditions for the proposed Amendment to Zoning Map with regards the Planned Unit Development.

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 13, 2023

LOCATION MAP



Map showing the general vicinity of the subject property.

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 13, 2023

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BEFORE THE DEADWOOD BOARD OF ADJUSTMENT

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Zoning Amendment for a Planned Unit Development as allowed under Section 17.100 Amendments.

APPLICANTS: The Summit at Deadwood Stage Run, LLC

LEGAL DESCRIPTION: PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION, FORMERLY TRACTS E, F, G, H, I, J, K AND L AND THE REMAINING PORTION OF MS 696 PALISADES STONE PLACER, ALL LOCATED IN THE SW1/4, SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

AND

TRACT D-2, FORMERLY TRACT D OF M.S. 696 PALISADES PLACER, ALL LOCATED IN THE NE1/4 AND THE SE1/4, SECTION 15, T5N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.

AND

TRACT B OF PALISADES STONE PLACER MS 696, LAWRENCE COUNTY, SOUTH DAKOTA, RECORDED IN PLAT DOC. #84-2419.

ADDRESS: Stage Run Development – Phase III
Deadwood, Lawrence County, South Dakota

ZONE: PUD – Planned Unit Development

NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, August 7, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Zoning Amendment for the Planned Unit Development is on file and available for public examination at the Deadwood Planning, Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 13th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July __, 2023

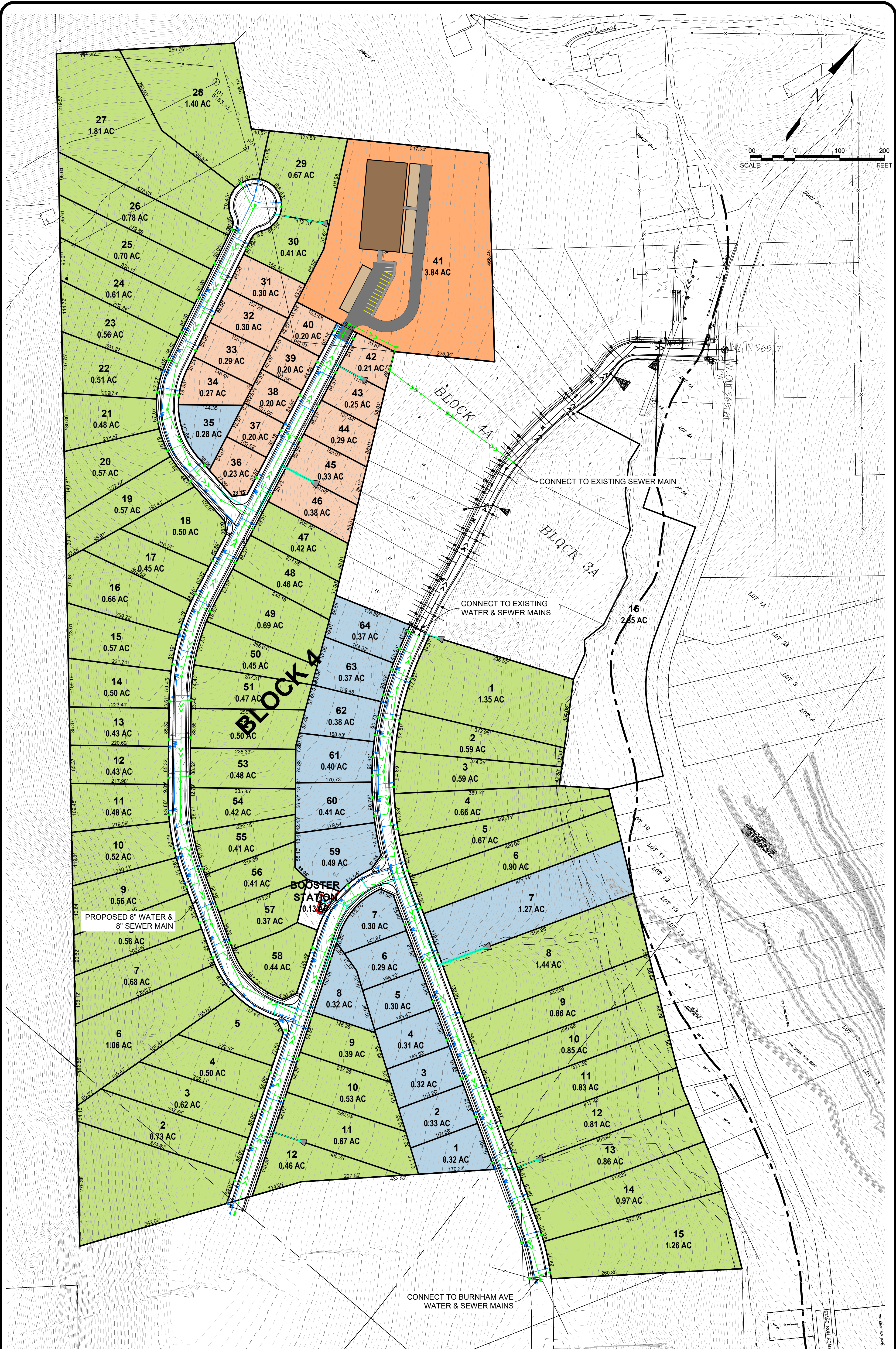
Published once at the total approximate cost of \$ _____



- R1 - RESIDENTIAL
- R2 - RESIDENTIAL MULTI-FAMILY (TOWNHOMES)
- R2 - RESIDENTIAL MULTI-FAMILY (APARTMENTS)
- C1 - COMMERCIAL



PRELIMINARY - NOT FOR CONSTRUCTION



- SINGLE FAMILY
- SINGLE FAMILY SOUTH DAKOTA HOUSING
- TOWNHOUSE SOUTH DAKOTA HOUSING
- MULTIFAMILY/APARTMENT



PRELIMINARY - NOT FOR CONSTRUCTION

**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

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ANY interested person or his/her agent is invited to submit oral or written

comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 13th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July ____, 2023

Published once at the total approximate cost of \$_____

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 722-0786



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

MEMORANDUM

Date: July 12, 2023, 2023
To: Deadwood Planning and Zoning Commission
From: Kevin Kuchenbecker, Planning, Zoning & Historic Preservation Officer
Re: Donation and recommendation of parcel of ground to expand Stage Run Park

The Summit at Deadwood Stage Run, LLC has approached the City staff to consider the donation of land to expand Stage Run Park. The proposed area of land is 1.475 acres which is along Stage Run Road and continues through to Mystery Wagon Road. This land connects to lot 5A which was purchased by the City of Deadwood to construct a park. This property is legally described as:

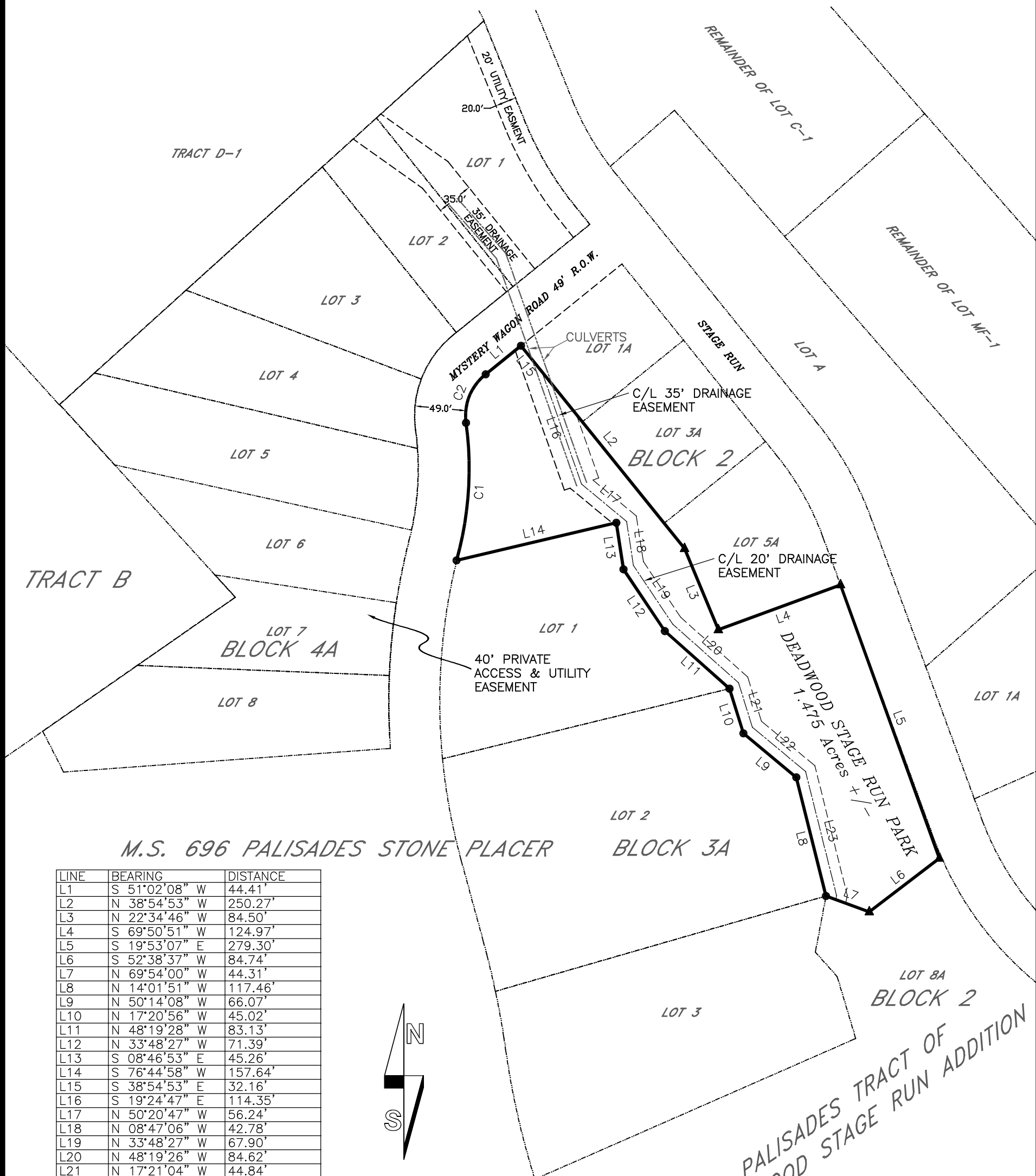
Plat of Deadwood Stage Run Park of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood all located in the SW1/4 of Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

The Parks, Recreation and Events Department has made improvements to Lot 5A and this adjacent land could supplement the proposed park to allow not only the addition of a dog park but also playground equipment in the future. Staff is recommending the approval of the donation of 1.475 acres of land from Summit at Deadwood Stage Run, LLC to the City of Deadwood to expand the Stage Run Park.

Recommend Motion:

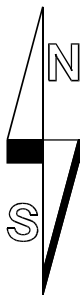
Move to recommend to the City Commission to accept the 1.475 acres of land from Summit at Deadwood Stage Run, LLC to expand Stage Run Park, legally described as: Plat of Deadwood Stage Run Park of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood all located in the SW1/4 of Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

PLAT OF DEADWOOD STAGE RUN PARK OF PALISADES TRACT OF DEADWOOD
 STAGE RUN ADDITION TO THE CITY OF DEADWOOD
 ALL LOCATED IN THE SW¼ OF SECTION 14, THE SE¼ OF SECTION 15, THE
 NE¼NE¼ OF SECTION 22 AND THE N½NW¼ OF SECTION 23, T5N, R3E, B.H.M.,
 CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



M.S. 696 PALISADES STONE PLACER

LINE	BEARING	DISTANCE
L1	S 51°02'08" W	44.41'
L2	N 38°54'53" W	250.27'
L3	N 22°34'46" W	84.50'
L4	S 69°50'51" W	124.97'
L5	S 19°53'07" E	279.30'
L6	S 52°38'37" W	84.74'
L7	N 69°54'00" W	44.31'
L8	N 14°01'51" W	117.46'
L9	N 50°14'08" W	66.07'
L10	N 17°20'56" W	45.02'
L11	N 48°19'28" W	83.13'
L12	N 33°48'27" W	71.39'
L13	S 08°46'53" E	45.26'
L14	S 76°44'58" W	157.64'
L15	S 38°54'53" E	32.16'
L16	S 19°24'47" E	114.35'
L17	N 50°20'47" W	56.24'
L18	N 08°47'06" W	42.78'
L19	N 33°48'27" W	67.90'
L20	N 48°19'26" W	84.62'
L21	N 17°21'04" W	44.84'
L22	N 50°14'00" W	66.39'
L23	N 14°01'57" W	122.91'



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	325.40'	133.39'	132.46'	N 03°55'40" E	23°29'16"
C2	50.45'	51.82'	49.57'	N 21°36'28" E	58°51'11"



- REBAR & CAP (VREM LS6577)
- ▲ REBAR & CAP (ARLETH LS3977)

NOTES:

- 1) PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION RECORDED IN DOC. #2008-2791
- 2) OWNER/DEVELOPER
 THE SUMMIT AT DEADWOOD STAGE RUN, LLC
 PO BOX 631
 DEADWOOD, SD 57732
- 3) A 5' DRAINAGE & UTILITY EASEMENT IS HEREBY GRANTED ALONG SIDE AND REAR LOT LINES AND 10' ALONG THE FRONT UNLESS OTHERWISE NOTED



Prepared By:
PONDEROSA LAND SURVEYS, L.L.C.
 332A WEST MAIN ST.
 LEAD, SOUTH DAKOTA 57754
 (605) 722-3840

Date:	8/31/2022
Drawn By:	L. D. Vrem
Project No.:	22-367
Dwg. No.:	22-367.dwg

**PLAT OF DEADWOOD STAGE RUN PARK OF PALISADES TRACT OF DEADWOOD
STAGE RUN ADDITION TO THE CITY OF DEADWOOD
ALL LOCATED IN THE SW¼ OF SECTION 14, THE SE¼ OF SECTION 15, THE
NE¼NE¼ OF SECTION 22 AND THE N½NW¼ OF SECTION 23, T5N, R3E, B.H.M.,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, LOREN D. VREM, 332A WEST MAIN STREET, LEAD, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS _____ DAY OF _____, 20_____.

LOREN D. VREM, R.L.S. 6577

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

_____, DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER: _____ ADDRESS: _____

OWNER: _____ ADDRESS: _____

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS ____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC: _____

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, _____, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT _____ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS _____ DAY OF _____, 20_____.

LAWRENCE COUNTY TREASURER: _____

APPROVAL OF HIGHWAY AUTHORITY
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY: _____

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS ____ DAY OF _____, 20_____.

CHAIRMAN ATTEST: _____ CITY PLANNER

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, SOUTH DAKOTA,

DATED THIS _____ DAY OF _____, 20_____.

ATTEST: _____ FINANCE OFFICER _____ MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS _____ DAY OF _____, 20_____.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION: _____

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

FILED FOR RECORD THIS ____ DAY OF _____, 20____, AT ____ O'CLOCK, ____ M., AND RECORDED IN DOC. _____.

LAWRENCE COUNTY REGISTER OF DEEDS: _____



Prepared By:
PONDEROSA LAND SURVEYS, L.L.C.
332A WEST MAIN ST.
LEAD, SOUTH DAKOTA 57754
(605) 722-3840

Date:	8/31/2022
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OFFICE OF
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Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

PLANNING AND ZONING AMENDMENT TO ZONING MAP – PLANNED UNIT DEVELOPMENT –

Staff Report

Date: July 11, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Rezoning Request – Planned Unit Development

APPLICANT(S): TRD, LLC (Randy & Cheri Horner)
PURPOSE: Amendment to Zoning Map – PUD –
Planned Unit Development
ADDRESS: The RIDGE at Deadwood development
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: Remainder of Preacher Smith Tract (Less Lot A of the
Ridge Development); Lots 1 & 22, Block 1B of the
Ridge Development; and Block 1 and Block 1A of the
Ridge Development, City of Deadwood, Lawrence
County, South Dakota
ZONE: PUD – Planned Unit Development with the following
Zones:
R1 – Residential District
R2 – Multi-Family
CH – Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: Lawrence County	Black Hills National Forest
South: PUD – Planned Unit Development	Tatanka – Justice Center
East: Lawrence County	Residential Housing
West: CH – Commercial Highway	Light – Medium Business

SUMMARY OF REQUEST

The applicant has submitted a request for a zoning amendment to change zoning district boundaries within the Planned Unit Development (PUD). Within the PUD, the applicants request to amend a variety of zoning districts and uses. This request takes action in the form an official change to the City of Deadwood Zoning Map.

FACTUAL INFORMATION

1. The property is currently zoned PUD – Planned Unit Development with zoning districts previously approved by the Planning and Zoning Commission and the Board of Adjustment.
2. The Planned Unit Development is an Economic Development TIF District #14.
3. The property is located outside of Flood Zone AE – Areas of 100-year flood and Flood Zone X – Areas of 500-year flood.
4. Public infrastructure and facilities are being installed to serve the property but not yet accepted by the City of Deadwood.

COMPLIANCE

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of the time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by section 17.80.010.B. [Exhibit A]

STAFF DISCUSSION

Within the existing Planned Unit Development there is 637.80± total acres with 28.42± acres dedicated to public right-of-way.

Within the total acres, it is a phased development with the current approved zoning districts, associated acres, and projected number of lots are as follows based on the applicant's submitted exhibits:

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 11, 2023

Existing PUD

Phases	Zoning	Acres	Lots
Phase 1	R1 – Residential District	89.36	58 Lots
	R2 – Multi-Family Residential	78.48	68 Lots
	CH – Commercial Highway	6.73	2 Lots
Phase 1A	R2 – Multi-Family Residential	14.95	11 Lots
	CH - Commercial Highway	45.07	16 Lots
Phase 1B	R2 – Multi-Family Residential	19.47	15 Lots
Phase 2	R1 – Residential District	151.78	48 Lots
	CH – Commercial Highway	2.38	1 Lot
Phase 3	R1 – Residential District	219.59	26 Lots

Lots shown in approved PUD with existing Zoning Districts is a total of 245₊.

Proposed PUD Amendment

The applicant is requesting the following changes to the approved Planned Unit Development.

Phases	Zoning	Acres	Lots
Phase 1	R1 – Residential District	89.36	57 Lots
	R2 – Multi-Family Residential	78.48	62 Lots
	CH – Commercial Highway	6.73	20 Lots
Phase 1A	R2 – Multi-Family Residential	14.95	11 Lots
	CH - Commercial Highway	45.07	16 Lots
Phase 1B	R2 – Multi-Family Residential	19.47	1 Lot
	CH - Commercial Highway	45.07	15 Lots
Phase 2	R1 – Residential District	151.78	75 Lots
Phase 3	R1 – Residential District	219.59	50 Lots

Lots shown in approved PUD with existing Zoning Districts is a total of 307₊ based upon the submitted exhibit. Applicant submitted total lots of 291; however, the total appears to be around 307 proposed lots.

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 11, 2023

Existing PUD

Zoning	Lots
R1 – Residential District	132
R2 – Multi-Family Residential	94
CH – Commercial Highway	19

Proposed PUD Amendment

Zoning	Lots
R1 – Residential District	180
R2 – Multi-Family Residential	94
CH – Commercial Highway	87

The majority of 50+ additional lots in the proposed amendment are within Phase 2 and Phase 3. The developer and engineer has stated it is unknown when the construction and build-out of Phase 2 and Phase 3 will happen.

STANDARDS FOR REVIEW:

In reviewing an amendment to the text of this Ordinance or an amendment to the Official Zoning District Map, the City Commission and Planning and Zoning Commission shall consider the following:

- A. Whether the proposed amendment conflicts with any applicable portions of this Ordinance.

The purpose of planned units is to allow flexibility and encourage innovation in land use development, promote the most appropriate use of land, improve the design, character, and quality of new development, facilitate the adequate and economical provision of streets and utilities, and preserve the natural and scenic features of open space. The requested modifications for the planned unit development are to facilitate opportunities for short term rentals in the form of vacation home establishments as described in the application. A portion of the application narrative includes the language as follows:

“The short-term rental areas have been established for the entire PUD Boundary to ensure lot use and intent is transparent to the City and potential property owners.”

This does not comply with the existing ordinances and should be clarified in conditions set forth in the amendment.

The application also includes a draft of the covenants dated June 27, 2023. These covenants can be more restrictive than the City Ordinances but cannot be less restrictive. Any action by the City of Deadwood should not include the adoption of the covenants for this development.

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 11, 2023

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

The 2018 Comprehensive Plan Future Land Use Map identifies the area as Parks and Recreation use. The initial plans for the RIDGE development included plans to incorporate hiking and biking trails within the community for residents and visitors alike. Recent discussions and drawings limit these trails to act as sidewalks within only portions of the development and does not connect to areas within the development. The Comprehensive Plan also advises the city to continue to work with developers to encourage new housing developments and include a variety of housing types to meet the needs of Deadwood residents.

- C. Whether the proposed amendment is compatible with surrounding Zoning Districts and land uses, considering existing land use and neighborhood.

The development is currently comprised of three primary zoning districts: Residential, Residential Multi-Family and Commercial Highway. Within these three zoning districts you will find commercial businesses, residential homes, and multi-family properties. The proposed amendment creates several additional Commercial Highway lots to accommodate short term rentals. This is allowed within the zoning district and is limited to 10% of the lots. Additionally, the short term rentals are regulated through a Conditional Use Permit through Planning and Zoning and the Board of Appeals. Furthermore, it should be noted that single family dwellings within the Commercial Highway zoning will also need a Conditional Use Permit. While the applicant intends to have 30 lots available for short term rentals, it should be noted, the City will need to determine if it is based upon future lots or lots fully developed and serviced by City infrastructure.

- D. Whether the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.

The proposed projected impacts on the public facilities are not currently known; however, recent discussions have taken place to identify the impacts within the various city departments and through the commissions. The city is concerned about the substantial growth with three new subdivisions planned in the next few years and the impacts these developments may have on City infrastructure, staffing, growing expenses, and associated equipment. A study of the Deadwoods water capacity is currently being developed. Additional work is needed in identifying the full impact to the City of Deadwood.

The subject property is not located within any floodplain.

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 11, 2023

- E. The effect of the proposed amendment on traffic generation and road safety.

Currently the property has a low volume of pedestrian traffic and vehicular traffic going in and out of the property. Access to the property is off US Hwy 85 and turn lanes into The Ridge Development will be required by the Department of Transportation at some point in the future. Both the City and the developer have that understanding the additional commercial lots will likely have an impact on vehicular traffic.

- F. Whether the proposed amendment is consistent and compatible with the community character in the City of Deadwood.

The proposed amendment is in harmony with the overall character of the proposed RIDGE Development at Deadwood but will be different from existing neighborhoods.

- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

The City of Deadwood is currently in a housing shortage and the proposed amendment would support the current housing need as described in the 2021 housing study.

- H. Whether the proposed amendment would be in conflict with the public interest and is in harmony with the proposed amendment may or may not be in conflict with the public interest.

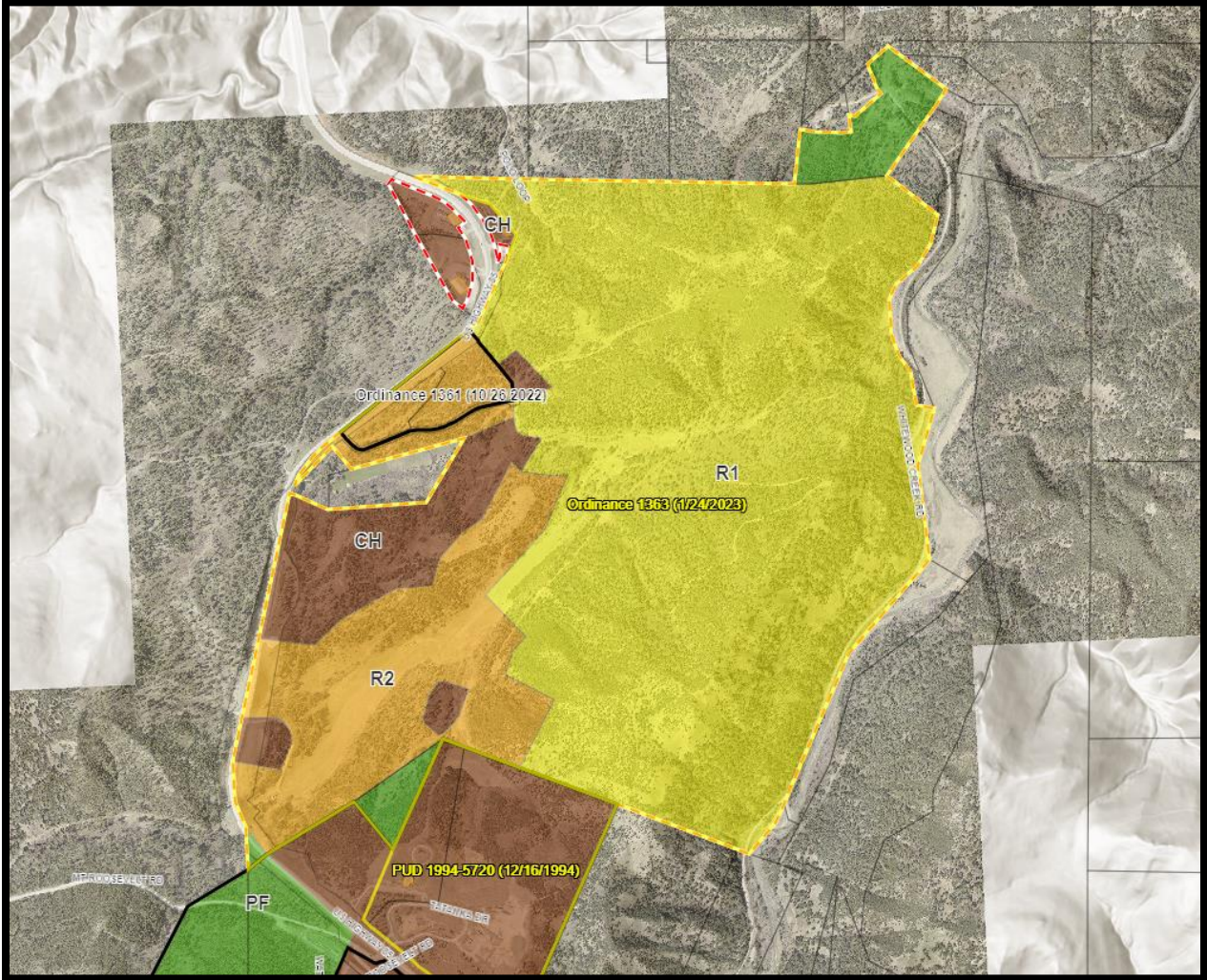
The City has received calls in support and against this project. All comments revolved around short-term rentals.

ACTION REQUIRED

1. Recommendation by Planning and Zoning to Approve/Deny/Approve with conditions for the proposed Amendment to Zoning Map with regards the Planned Unit Development.

Amendment to Zoning Map - PUD
The RIDGE at Deadwood
July 11, 2023

LOCATION MAP



Map showing the general vicinity of the subject property.

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Zoning Amendment for a Planned Unit Development as allowed under Section 17.100 Amendments.

APPLICANTS: TRD, LLC (Randy & Cheri Horner)

LEGAL DESCRIPTION: REMAINDER OF PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); LOTS 1 & 22, BLOCK 1B OF THE RIDGE DEVELOPMENT; AND BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: The RIDGE at Deadwood development
Deadwood, Lawrence County, South Dakota

ZONE: PUD – Planned Unit Development

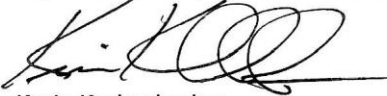
NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, August 7, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Zoning Amendment for the Planned Unit Development is on file and available for public examination at the Deadwood Planning, Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 12th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July ____, 2023

Published once at the total approximate cost of \$_____



**PLANNED UNIT DEVELOPMENT (PUD)
AMENDMENT**

the RIDGE Development, Deadwood, SD

Applicant/Developer/Owner: Preacher Smith, LLC / TRD, LLC
- Randy and Cheri Horner
16 Peck Street, Deadwood, SD 57732

Project Agent: Leah M. Berg, P.E.
LBerg@proacesinc.com Cell: 605-545-1120

Legal Description: Remainder of Preacher Smith Tract (Less Lot A of the Ridge Development); Lots 1 & 2, Block 1B of the Ridge Development and Block 1 and Block 1A of the Ridge Development, City of Deadwood, Lawrence County, South Dakota.

Other: Economic Development TIF District #14
(*TIF Plan and Resolution attached*)

1. Objectives:

- Amend the existing PUD map and area designations following Ordinance Revisions adopted by the City of Deadwood.

2. Covenants and HOA:

- the RIDGE Development will include covenants and an HOA.
 - The current covenants are in 'draft' but will be recorded following the establishment of the Amended PUD.
- The covenants are legally connected to each lot sold within the development and the HOA is in place to help enforce the established covenants.
- A copy of the draft covenants are attached.

3. City of Deadwood Existing and Proposed Modified Zoning Districts included within the PUD Boundary:

- PUD map included in attachments
- The proposed districts & areas are as follows:
 - A. **R1 – Residential District**
 - B. **R2 – Multi-Family Residential District**
 - C. **CH – Commercial Highway District**
 - D. **CH-L – Commercial Highway District – Limited Use by Covenants**
- The only revisions are within two (2) areas of the R2 Zoning district designations are of Block 1 and 1B.
- Based on City of Deadwood Ordinance 17.53.040: B, there are 291 total Residential Lots planned within the PUD boundary for the RIDGE Development. Therefore, 10% of the allowable Lots equals 30 Lots total that can be re-zoned to CH or Commercial Highway as long as the Development Covenants restrict the use.
 - A. The Intended use of CH-L is Commercial Highway designation that has the limitation of residential use of single or multi-family (R2 District) with the option of “Short-Term Rentals” as defined by City Ordinance 17.08 on the property.
 - B. The limitations/restrictions are detailed within the Covenants (attached).

END OF APPLICATION

Attachments:

1. the RIDGE Lot Layout
2. Covenants – Draft 06/27/2022
3. PUD Map From December 2022 – For Reference
4. Revised PUD Map From June 2023

REVISIONS: DATE:

ACES PROJECT NO: DATE:
20-1122 5/17/2023



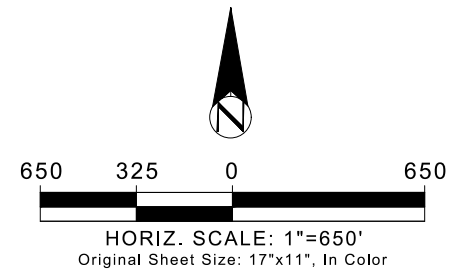
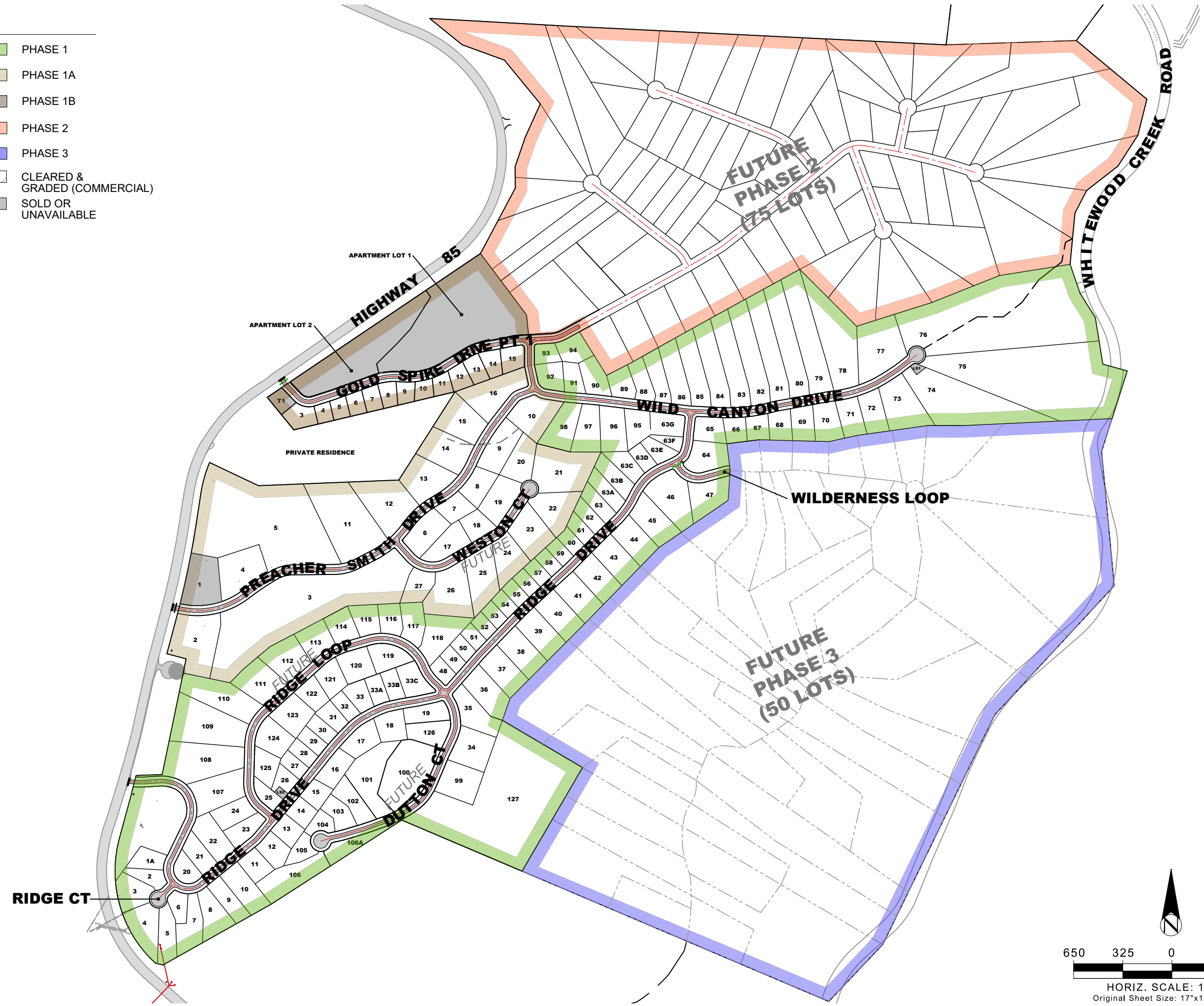
DEADWOOD, LAWRENCE COUNTY, SD

TITLE:
MASTER SHEET

SHEET NUMBER: **1 of 1**
59
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LEGEND

- PHASE 1
- PHASE 1A
- PHASE 1B
- PHASE 2
- PHASE 3
- CLEARED & GRADED (COMMERCIAL)
- SOLD OR UNAVAILABLE





DECLARATION OF RESERVATIONS
AND RESTRICTIVE COVENANTS AND
CONDITIONS FOR

the RIDGE

Subdivision, Deadwood, South Dakota

June 27, 2023 (DRAFT)



Declaration of reservations and restrictive covenants and conditions for the RIDGE

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Article VI:	Project Development Requirements
Article VII:	Description of Project, Division of Property, Creation of Property Rights, Future Development Rights
Article VIII:	Maintenance and Assessments



Homeowners Association General Information

the RIDGE Homeowners Association shall have as its purpose the promotion of the health, safety, recreation, welfare, and enjoyment of the residents of the Residential Property.

Committees:

Homeowners Association Board
Design Review Committee

Monthly Fee for Vacant Lot:

\$ 50 / Monthly for all Residential Properties

Monthly Fees:

\$ 100 / Monthly for all Residential Properties (once house is complete)

HOA fees begin when the Lot is purchased starting at \$600/yearly. Upon completion of the house, fees will change to \$1,200/yearly.

Fees that are to be collected and used for the purpose of lease of HOA and covenants enforcement and construction/maintenance of the open space and planned trail system. Fees are to be paid annually, due January 31st.

HOA fees shall commence in the year 2025. The first HOA fees shall be paid and due by January 31, 2025.

The developer, during the first five (5) year period, will serve as the Board until a maximum of the five (5) year period has expired. Fees outlined in this section are the applicable minimum fees for a duration of 15 years following the recording of this document.

The HOA has two general business meetings throughout the year: The Semi-annual in the Fall and the Annual Meeting in the Spring.

The development website is: theridgesd.com and provides resources such as governing documents. Email contact is: info@theridgesd.com

Summary of the RIDGE Legal Requirements

Protective Covenants, Conditions & Restrictions (CCRs), and Planned Unit Development (PUD) requirements have been put into place at the RIDGE Development, see Exhibit A for a map of the Development area, for the purpose of enhancing and protecting the value and attractiveness of property and to set the stage for a positive experience for all homeowners in the neighborhood.



ARTICLE I:
Definitions

- I) "Owner" shall mean and refer to the record owner.
- II) "Properties" shall mean and refer to that certain real property herein before described, and such additions thereto as may hereafter be brought within the jurisdiction of the Declarant in the RIDGE.
- III) "Lot" shall mean and refer to any plot of land shown up on any recorded subdivision map of the Properties.
- IV) "Association" shall mean and refer to the RIDGE Homeowners Association, Inc. a non-profit corporation registered with the Secretary of State, the Members of which shall be the Owners of Lots in the Project.
- V) "Dedicated Common Area" means all real property owned or which may hereafter be acquired by the Association.
- VI) "Member" shall mean every owner holding membership in the Association.
- VII) "Declarant" means TRD LLC, and/or its successors or assigns.
- VIII) "Developer" Means TRD LLC, and/or its successors or assigns.
- IX) "Covenants" shall mean the Covenants, Conditions, Restrictions and Reservations Set forth in this Declaration.
- X) "Architectural Review Committee" (ARC): shall mean and refer to those persons appointed by the Developer to maintain control and consistent high quality of all buildings, structures, and improvements including all new construction, additions, and alterations within the Development.

Article II:

ASSOCIATION ADMINISTRATION, MEMBERSHIP AND VOTING RIGHTS

Membership

The Owner of a Lot shall automatically upon becoming the Owner of same, be a Member of the Association, and shall remain a Member thereof until such time as his ownership ceases for any reason, and consents to such membership in the Association. Membership shall be appurtenant to and may not be separated from ownership of a Lot. Membership shall be held in accordance with this Declaration, the Articles, Bylaws and Rules. Declarant shall be a Member of the Association for all Lots owned by Declarant and all parcels designated in the Master Plan to become Lots in the future.



Transferred Membership

Membership in the Association shall not be transferred, encumbered, pledged, or alienated in any way, except upon the sale or transfer of the Lot to which it is appurtenant, and then only to the purchaser, in the case of a sale, or to a Mortgagee that has foreclosed or received a deed in lieu of foreclosure, in the case of an encumbrance. On any transfer of title to an Owner's Lot, Membership shall automatically pass with such transfer. A Mortgagee shall not have Membership rights until it obtains title to the Lot through foreclosure or deed in lieu thereof. Any attempt to make a prohibited transfer is void. No Member may resign his Membership. On receipt of notice of a transfer, the Association shall record the transfer on its books.

Membership Voting Rights

There shall be two classes of voting rights.

Class A

Class A members shall be the owners of the single-household and townhouse lots. Class A members shall be entitled to one (1) vote for each Lot owned. When more than one person holds an ownership interest in any Lot, all such persons shall be Members, but no more than one vote shall be cast with respect to any Lot. The vote for any such Lot shall be exercised as the Members holding an interest in such Lot determine among themselves.

Class B

Class B members shall be the owners of the commercial use lots in Phase 1A and multi-family apartment lots in Phase 1B (this excludes the PUD approved areas of CH-L). When more than one person holds an ownership interest in any Lot, all such persons shall be Members, but no more than one vote shall be cast with respect to any Lot. The vote for any such Lot shall be exercised as the Members holding an interest in such Lot determine among themselves.

- i. Class B Members shall be applicable to all section of this document except as noted in the following items.
- ii. Class B Members shall not have to pay HOA fees.

Association Operations

The Association shall be governed and operated by a Board of Directors consistent with this Declaration and the Association's Articles of Incorporation and Bylaws. Declarant shall have the right to appoint all members of the Board of Directors until such time as the Development Period terminates or Declarant voluntarily relinquishes control at an earlier date as provided herein. After the Development Period, Declarant shall transition the governance of the Association via the Board of Directors to the other Owners who shall elect the Board in the manner provided in the Bylaws.

ARTICLE III:

DUTIES AND POWERS OF THE ASSOCIATION

In addition to the duties enumerated in the Articles and Bylaws, or elsewhere provided in this Declaration, and without limiting the generality thereof, the Association, acting through its Board of Directors, shall perform the following duties & powers:

- A. Owners shall be responsible for keeping their Lots in good maintenance and repair, at the Board's discretion. If the responsible Owner fails to take the necessary steps to keep its Lot in good repair and well maintained, make the repairs within a reasonable time



under the circumstances, but no more than 90 days, the Association shall cause the repairs to be made and charge the cost thereof to the responsible Owner, which costs shall bear interest at the rate of ten percent (10%) per annum until paid in full.

- B. Assessments: The Association shall fix, levy, collect and enforce Assessments as set forth in Article V hereof.
- C. Payment of Expenses and Taxes: The Association shall pay all expenses and obligations incurred by the Association in the conduct of its business including, without limitation, all licenses, taxes, assessments, and governmental charges levied or imposed upon, or which are or may become a lien against, the property of the Association.
- D. Preparation of Financial Documents: The Board shall cause the preparation of budgets and financial statements as required by the Bylaws.
- E. Manager: The Association may employ a manager or other Persons and contract with independent contractors or managing agents to perform all or any part of the duties and responsibilities of the Association, except for the responsibility to levy fines, impose discipline, hold hearings, file suit, record or foreclose liens, or make capital expenditures.
- F. Adoption of Rules: The Board shall have the right to adopt, promulgate and enforce reasonable rules and regulations ("Rules"), not in conflict or inconsistent with this Declaration relating to the Project and all aspects thereof including, without limitation, the operation, maintenance, use and enjoyment of the Project, and individual Lots. It is the intent of this section that the Board have broad discretion with respect to the Rules and that the Board's authority in this regard be construed liberally in order to effectuate the objectives of the Board with respect to the Rules. In general, the objectives of the Board should be to promote and enhance the Project, its attractiveness and economic viability, and provide for the orderly operation, maintenance, repair, and upkeep of the Project, including procedures relating to the conduct of Association business. Anything contained herein to the contrary notwithstanding, until a majority of the Lots planned for the overall Project (including subsequently planned phases), the adoption or amendment of any Rules shall require the consent of Declarant.
- G. Assessments, Liens, Penalties, and Fines: The Board shall have the power to levy and collect Assessments in accordance with the provisions of Article VIII hereof. The Association may impose fines or take disciplinary action against any Owner for failure to pay Assessments or for violation of any provision of the Project Documents and the unrecorded Rules adopted by the Board or the Association. Penalties may include but are not limited to fines, temporary suspension of voting rights, or other appropriate discipline, provided the Member is given notice and a hearing as provided in the Bylaws before the imposition of any fine or disciplinary action. The Board shall have the power to adopt a schedule of reasonable fines and penalties for violations of the terms of this Declaration, and for violations of any Rules adopted. The penalties prescribed may include suspension of all rights and privileges of Membership; provided, however, that suspension for failure to pay Assessments shall be for a maximum period of thirty (30) days, renewable by the Board for an additional thirty (30) day period or periods until paid; and provided further that suspension for infraction of Rules or violation of this Declaration, other than for failure to pay Assessments, shall be limited to a maximum period of thirty (30) days per infraction or violation, and shall be imposed only after a hearing before the Board. The Board may extend said period for an additional period or periods in the case of a continuing infraction or violation, and no hearing need be held



for such extension. The Board shall assess fines and penalties and shall enforce such Assessments as appropriate under applicable law.

- H. **Enforcement:** The Board shall have the power to enforce this Declaration, the Articles, Bylaws and Rules.
- I. **Acquisition and Disposition of Property:** The Board shall have the power to acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, or otherwise dispose of real or personal property in connection with the affairs of the Association. Except to the extent authorized herein, any transfer of fee title to Association property shall be by document signed or approved by majority of the total voting power of the Members of the Association.
- J. **Contracts:** The Board shall have the power to contract for goods and/or services subject to limitations set forth in the Bylaws, or elsewhere herein.
- K. **Delegation:** The Association, the Board, and the officers of the Association shall have the power to delegate their authority and powers to committees, officers, or employees of the Association, or to a manager employed by the Association, provided that the Board shall not delegate its responsibility:
- 1) To make expenditures for capital additions or improvements chargeable against the reserve funds.
 - 2) To conduct hearings concerning compliance by an Owner or his tenant, lessee, guest or invitee with the Declaration, Bylaws or Rules promulgated by the Board.
 - 3) To make a decision to levy monetary fines, impose special Assessments against individual Lots, temporarily suspend an Owner's rights as a Member of the Association or otherwise impose discipline.
 - 4) To make a decision to levy general or special Assessments; and
 - 5) To make a decision to bring suit, record a claim of lien or institute foreclosure proceedings for default in payment of assessments.
- L. **Other Powers:** In addition to the powers contained herein, the Board may exercise the powers granted to a nonprofit mutual benefit corporation under SOUTH DAKOTA law.

ARTICLE IV: USE RESTRICTIONS

Use of Lot

Each residential lot shall be used for the residential purposes only and not for any business, trade, commercial, or industrial purposed whatsoever except that individuals may conduct non-nuisance, inoffensive businesses as established by the HOA Board. Traffic to all businesses within the development may be restricted by the HOA Board if traffic becomes an issue.



Nuisance

No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the community or which endangers the health or unreasonably disturbs the quiet of the occupants of adjoining Lots. No grass, weeds or other vegetation will be grown or otherwise permitted to commence or continue, and no dangerous, diseased, or otherwise objectionable shrubs or trees will be maintained on any Lot so as to constitute an actual or potential public nuisance, create a hazard or undesirable proliferation, or detract from a neat and trim appearance. Vacant Lots shall not be used for dumping of earth or any waste materials. No vegetation on vacant Lots, excluding vacant Lots owned by Declarant, shall be allowed to reach a height in excess of eighteen (18) inches. In the event vegetation on a vacant Lot not owned by the Declarant is allowed to reach a height in excess of eighteen (18) inches, the Association shall have the right to enter and mow the Lot, and to assess the mowing charges against the owner. See the City of Deadwood Ordinances pertaining to abatement.

Commercial Activity

No business, professional or commercial activity shall be conducted on any Residential Lot, except for Declarant's activities in connection with development of the Project and marketing and sales of the Lots as provided or contemplated herein. Nothing in this section is intended to restrict or prohibit Owners from using portions of their homes or units for home offices and related purposes such as operations of personal computers, the internet and similar equipment and facilities, so long as such activities do not materially increase the volume of vehicular traffic into the Project, are conducted within the home or unit, and there are no signs or other indications of home-based business activities occurring on the premises.

Signage

No advertising signs, billboards, or other advertising devices shall be erected, placed, or permitted to remain on any Lot except a Short Term Rental / Vacation Rental by Owner (VRBO) sign, no larger than 480 Sq. Inches (example: 16"x30") may be displayed. However, Declarant may erect signs advertising Lots for sale within the Residential Property and a sign advertising a lot as "For Sale" may be erected upon any Lot.

Repair on Lot

No repair of any boats, automobiles, motorcycles, trucks, campers, or similar vehicles requiring a continuous time period in excess of one (1) week or one hundred sixty-eight (168) hours shall be permitted on any Lot at any time; nor shall vehicles offensive to the neighborhood be visibly stored, parked, or abandoned on any Lot.

Storage on Lot

No more than (2) properly licensed trailer, camper, RV or motor vehicle or other type of motorized or non-motorized vehicle, not in normal daily use may be kept on any part of a Lot other than in an enclosed structure. Equipment of this type shall not be kept between the home and roadway fronting the property. No tractors or semi tractors/trailers shall be stored, parked, kept, or maintained in any yards, driveways, or streets. No campers or recreational vehicles shall be maintained on a Lot and used as a temporary or long-term residence for more than (14) consecutive days, within a month. Rentals of RV's or space to rent RV's, etc., is not permitted. Parking of any vehicles, including trailers, campers, cars/trucks, boats, RV's, etc., is prohibited on all roadways within the RIDGE Development. However, this Paragraph shall not apply to trucks, tractors or commercial vehicles which are necessary for the construction of residential dwellings or other improvements during the period of construction.



Animals

No animals, pets or insects of any kind shall be raised, bred, or kept on any Lot except that no more than Five (5) usual and ordinary household pets such as dogs or cats provided, they are not kept, bred, or maintained for any commercial purposes, and are always kept under reasonable control. No dangerous or poisonous animals, pets or insects of any kind shall be allowed in the Project. Owners shall prevent their pets from soiling other's property and shall promptly clean up any mess left by their pets. Owners shall be fully responsible for any damage caused by their pets. Conventional household pets are permitted subject to the condition that the pet(s) is not allowed to unreasonably annoy and/or disturb the normal residential occupancy of the neighborhood or constitute a hazard to public health or safety.

Garbage and Refuse Disposal

All rubbish, trash and garbage shall be regularly removed from the Lots and shall not be allowed to accumulate thereon. Trash, garbage, and other waste must be kept in appropriate containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition, and shall be screened from view of neighboring Lots, and streets. No toxic or hazardous materials shall be disposed of within the Project by dumping in the garbage containers or down the drains, or otherwise.

Power Equipment and Car Maintenance

No offensive power equipment, hobby shops, or recreational vehicle, truck, car, motorcycle, or boat maintenance (other than emergency work) or similar maintenance shall be conducted or stored outside of a garage as defined by the HOA Board. The Association shall have sole discretion in determining what constitutes "offensive"; provided however, the Association recognizes that the reasonable use of lawnmowers, string trimmers, power washers and other power tools that are operated in the normal course of conducting maintenance and repair of the grounds and structures on a Lot at reasonable hours are not offensive. All hazardous waste shall be disposed of properly by each Owner.

Temporary Structures

No structure, facility or appurtenance of a temporary character shall be placed upon any Lot except in accordance with the Rules.

Owner's Right and Obligation to Maintain and Repair

Each Owner shall, at his sole cost and expense, maintain and repair his Unit and Lot and all improvements and lawn and landscaping thereon, including snow removal, keeping the same in good condition. In the event an Owner of any Lot shall fail to so maintain his Lot, the Association's agents may, after notice and a hearing as provided in the Bylaws, enter the lot, and perform the necessary maintenance. The cost of such maintenance shall immediately be paid to the Association by the Owner of such Lot, together with interest at the rate of ten percent (10%) per annum (but not to exceed the maximum interest rate authorized by law) from the date the cost was incurred by the Association until the date the cost is paid by the Owner.



ARTICLE V: **ARCHITECTURAL REVIEW COMMITTEE**

Lots Subject to Architectural Controls

All Lots are subject to architectural review to determine compliance with the Design Regulations, the Declaration, and the other Project Documents. A \$250 review fee is required and can be reduced or waived at the ARC's discretion based on approval involvement. If a pre-approved builder is selected the review fee of the ARC shall be \$0. See the pre-approved builders list within this Article.

No structure shall be placed, erected, or installed upon any Lot, and no improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials) shall take place except in compliance with this Declaration and approval of the Architectural Review Committee (ARC); provided, however, that homes constructed by and for Declarant do not require Committee approval. Plans and specifications showing the nature, kind, shape, color, size, materials, and location of all proposed structures and improvements shall be submitted to the Committee for review in accordance with the Design Regulations.

Purpose of Architectural Review Controls and Committee

The purpose and intent of this Article V is to empower the Declarant to preserve property values within the Project. Until the end of the Development Period, the Declarant shall act as the ARC, but may delegate that authority to the Association and a separately created Committee. To the extent any building or landscape design provisions in this Declaration conflict with the Design Regulations, this Declaration shall control.

Modifications to Existing Improvements

Any Owner may remodel, paint, or redecorate the interior of structures on his or her Lot without approval. Modifications to the exterior of a structure (and the interior of screened porches, patios, and similar portions of a structure visible from outside the structure on a Lot) shall be subject to review by the ARC. No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme or to repair or rebuild in accordance with originally approved plans and specifications.

ARTICLE IV: **PROJECT DEVELOPMENT REQUIREMENTS**

The architectural review process, the following requirements must be met for the development of any Lot.

Driveways

All driveways and parking areas shall be surfaced in concrete or asphalt.

Driveway Swale Prohibitions

No Lot owner shall fill or obstruct the natural flow of any borrow ditch or drainage swale except for the materials placed for the location of the driveway culvert. No borrow ditches may be filled.

Fences

Visible perimeter fences shall be permitted to be constructed on residential lots within this subdivision, no above ground fencing is allowed in the front yard. Rear yard fencing, kennel or dog runs area are allowed but must be approved by the ARC.

Tanks

All tanks and elevated tanks including tanks for fuel, propane, gas, or water must be temporary or sufficiently concealed them from view of neighboring lots, roads, and street. All tanks that are not temporary in nature must be buried.

No Fire Pits

No outdoor incinerators or open fire pits shall be constructed on the property. Outdoor fireplaces for fire pits that are operated solely on natural gas or liquid propane gas are permissible.

Accessory Buildings

No detached accessory buildings, sheds, greenhouses, or any structure of any kind (not including swing sets) shall be constructed or placed on any Lot without the prior written approval of the Declarant/ARC/HOA.

- Storage needs (in the form of exterior storage sheds) should be anticipated in the planning stage and will be required to be an integral part of the design of the garage so that all storage is within the garage or attached structure.

Privacy Screening

Privacy screens will be allowed but must be constructed of wood siding, stucco, brick, stone, or may be vegetative and shall be an integrated part of the main building. Privacy Screening shall not extend into more than 1/3 of the required setback on the front or sides, nor more than 1/3 of the setback on the rear elevation, nor be more than 1/3 the width of the structure on the front (street) or rear elevation, nor 2/3 the length on the side elevations.

Exterior Lighting

Incandescent or residential fluorescent lighting is encouraged, and the use of mercury vapor, and obtrusive flood lighting is prohibited. All light fixtures shall be arranged to deflect down and/or away from adjoining properties or streets. They will be placed at a minimum height of six (6') feet measured from the top of the sidewalk adjacent to it to the bottom of the light fixture itself. Light fixtures must incorporate cut-off shield to direct light downward. Fixtures should be compatible with architecture and site design. Luminaries shall not be visible from adjacent streets or properties.

Utilities

All utilities including, but not limited to, natural gas, electricity, telephone, and cable T.V. shall be located underground.

Temporary Structures

No temporary structures, trailers, campers, motor homes, tents, shacks, or similar structures shall be used as a residence on any Lot.

Solid Waste Containers

All solid waste containers must be stored out of view except during reasonable periods prior to and after pick-up, and only on day of pick-up.

Recreational Vehicles

Recreational vehicles and boats may not be stored or parked at any location within the Project except within a fully enclosed garage or designated area approved by the Association so as not to be visible from the Right-of-Way or from any other Lot within the Project.

No Mobile Homes

No tents, barns, teepee, or temporary living or camping structures shall be placed on the property. This excludes the Motorcoach Park/Lots. All construction shall be new. No building or structure previously used at another location no building or structure originally constructed as a mobile dwelling or mobile home shall be moved onto the property. Notwithstanding the foregoing, however, construction trailers, and portalets for use in connection with construction on the property shall be permitted but shall be promptly removed when a) no longer used for their designated purpose, or b) upon substantial completion of the dwelling structure, whichever event the Architectural Review Committee Determines first occurs.

Completion

Once a lot is purchased the owner has 24 months to commence construction. Once construction has commenced all work must proceed continuously and must be fully completed in 12 months unless written approval of an extension has been granted by the Declarant/ARC/HOA.

Right of First Refusal

During the ROFR Period (defined below), Declarant reserves a first right of refusal to repurchase any Lot subject to these Covenants in the event the Owner of that Lot receives a bona fide offer to purchase which the Owner intends to accept. In that event, the Owner shall provide Declarant with a copy of such bona fide offer, and shall grant to Declarant the right to exercise this right of first refusal to purchase the Lot subject to the bona fide offer for a period of thirty (30) days following Declarant's receipt of a copy of the bona fide offer (such period, the "ROFR Election Period"). At any time within the ROFR Election Period, Declarant may elect to repurchase the Lot on the same terms and conditions as set forth in the bona fide offer. Any election by Declarant to repurchase the Lot shall be set forth in a written notice provided to the Owner prior to the expiration of the ROFR Election Period (such written notice, an "Election Notice"). Upon the exercise of this right of first refusal, the closing for the sale and repurchase of the Lot shall occur not later than thirty (30) days following the date the Owner receives the Election Notice unless the bona fide offer provides for a different closing date. In the event Declarant shall fail to elect to repurchase the Lot subject to the bona fide offer prior to the expiration of the ROFR Election Period, the right of first refusal granted to Declarant as to the Lot in question shall lapse and be null and void, and the Owner, and all successors and assigns of the Owner shall be free to sell that Lot without any further restriction of the right of first refusal in favor of Declarant. Any failure of the part of Declarant to exercise the right of first refusal granted herein shall not, however, excuse the Owner from again extending the right of first refusal to Declarant if the sale to the buyer making the bona fide offer is not completed or if the Owner and the buyer making the bona fide offer agree to sell the Lot on terms and conditions which differ materially from those contained in the bona fide offer. In such event, the Owner shall be required to provide Declarant with a copy of any new bona fide offer or such different terms and conditions between the Owner and the buyer that made the bona fide offer and Declarant shall be granted a right of first refusal to purchase the Lot on such different terms and conditions in accordance with this paragraph. The right of first refusal provided for in this paragraph applies to each Lot sold by Developer to an Owner beginning on the date of the recording of the deed for the conveyance of the Lot in question and expiring eighteen (18) months after the recording of such deed (or, if a ROFR Election Period extends



past such eighteen (18) month period, then expiring at the end of that ROFR Election Period) (as applicable, the "ROFR Period") without the need for any party to take any further action or record any further document. All references to "the Owner" in this paragraph mean only the first Owner that receives a deed for the Lot in question from Declarant and not any subsequent Owner of that Lot. Notwithstanding anything in this paragraph to the contrary, the term "bona fide offer" as used in this paragraph includes a transfer of a Lot for no or nominal consideration (unless Declarant waives its right of first refusal as to that transfer in writing) in which event (a) the right of first refusal shall continue to be applicable as to any subsequent transfer of the Lot in question during the ROFR Period, but (b) the beginning of the ROFR Period shall continue to be measured from the recording of the first deed from Declarant to the first the Owner of that Lot.

Plan Approval

- Improvements: Prior to the construction on any Lot, a set of building plans along with a five-hundred-dollar (\$250) review fee shall be submitted by the Lot Owner to the Declarant for approval.
- Said building plans shall be signed and certified by the Lot Owner as a true and correct copy of the building plans for the structure(s) to be constructed on such Lot and contain a statement that the Lot Owner will submit to the Declarant, for written approval, any amendments, modifications, or changes to such building plans.
- Such building plans shall show the size, exterior material, design, and plot plan for the residence to be constructed on such Lot and shall indicate the location of the structure, attached or detached garage and any other structures to be placed or constructed on such Lot.
- Such plans shall also include erosion control measures which will contain erosion of soil on the Lot during construction.
- One set of such building plans, and all amendments, modifications, and changes thereto, signed by the Lot Owner shall be left on permanent file with the Declarant.
- Declarant shall have the right to request the Lot Owner provide samples of the Lot Owner's proposed exterior materials.
- No construction of any single-family residence on any Lot shall be commenced unless and until written approval of the building plans for such residence has first been obtained from the Declarant. Written approval or disapproval of such building plans shall be given by the Declarant within ten (10) days from and after receipt thereof by the Declarant.
- Approval of such building plans shall not be unreasonably withheld; provided, however, that the Declarant shall have the sole and exclusive right, in its sole discretion, to approve or reject any such building plans if, in the opinion of the Declarant, either the style, size, material or plot plan of such does not conform to the general standard and character of the structures constructed or to be constructed on other Lots located within the Property.
- Prior to the construction of any addition to any residence constructed on any Lot, or the change or modification in the exterior of any residence constructed on any Lot, the Lot Owner shall first obtain the written approval of the Declarant to proceed with any such construction, change or modification, which approval shall not be unreasonably withheld.

Landscaping

Prior to the occupancy of any single-family residence on any Lot, a landscape plan signed by the Lot Owner shall also be submitted to the Declarant for approval. Any landscape plan must include at a minimum:

- i. A landscape plan for the entire portion of the Front Yard.



- ii. Show a minimum planting schedule for such Lot of:
- iii. all the plantings required will be installed within nine (9) months of completion of construction of the single-family residence to be constructed on such Lot, and that such Lot will be seeded or sodded, as required herein, prior to occupancy of the single-family residence.

No single-family residence constructed upon a Lot shall be occupied unless and until written approval of the landscape plan has first been obtained from the Declarant. Written approval or disapproval of such landscape plan shall be given by the Declarant within ten (10) days from and after receipt of such plans by the Declarant. Approval of such landscape plan shall not be unreasonably withheld; provided, however, that the Declarant shall have the sole and exclusive right, in its sole discretion, to approve or reject any such landscape plan if, in its opinion, such landscape plan does not conform to the general standard and character of landscape plans for other Lots located within the Residential Property.

Minimum Standards

The minimum standards to be applied in the review of any plans for any residence submitted for approval within the Residential Property. The standards, requirements and restrictions set forth below shall not be relied upon, interpreted, or applied as absolute requirements for plan approval. The Declarant shall have the right, in the Declarant’s sole and absolute discretion, to modify the application and interpretation of these standards, requirements and restrictions when exercising plan approval authority.

Building Setbacks

The minimum building setbacks for all structures on any Lot shall be 25 ft front and rear, 15 ft on all side Lot lines or as set forth by the plat or established City Ordinance, whichever is greater.

Minimum Floor Area

The minimum floor area for any single-family residence constructed upon a Lot, exclusive of basements, garages, porches, patios, decks, or enclosed decks, are set forth below. Each dwelling must have at least a three (3) car garage, attached or detached, with the option of having one stall, only, capable of parking a recreational vehicle with the maximum height of 16’ side walls for the RV stall. One detached outbuilding is permitted of not more than 2,000 sq. ft in size, 16’ maximum sidewalls, Detached building exterior must match the exterior of the house.

Ranch Style Home	1,200 sq.ft.	(Main Floor)
One story with loft	1,400 sq. ft.	(Total both floors)
One and One-half story home	1,600 sq. ft.	(Total both floors)
Two Story Home	1,800 sq. ft.	(Total both floors)
	With exception to twin/triple/quad homes shall be 1,400 sq. ft. (Total both floors)	
Bi/Tri-level or More	1,200 sq.ft.	(Main floor)

Unless written approval has been granted by the Declarant/ARC/HOA.

Tree Removal and Protection

Any removal of a tree on a site, equal or greater than three (3) inch caliper or six (6) feet in height, must have Developer or HOA Board Approval. Construction practices must use extreme care during grading and excavation to avoid damage to existing trees, shrubs, and their root structures. Trees to be removed shall be identified with surveyor ribbon and pre-approved.



- Any tree removed without prior review and approval shall result in penalty and fine at the discretion of the Developer or HOA Board.

Exterior Finish Requirements

The front and any side of any single-family or multi-family residence constructed upon a Lot that faces a public street or private roadway must be faced with at least twenty five percent (25%) any combination of brick, natural stone, wood or metal product, and each side (excluding the rear) not facing a street or private roadway must be faced with at least twenty five percent (25%) any combination of brick, natural stone, wood or metal product. The front of any single-family or multi-family residence constructed upon a Lot shall be faced with at least twenty five percent (25%) any combination of brick, natural stone, wood or metal product. All fireplace chimneys constructed as part of a single-family or multi-family residence on any Lot shall be faced with any combination of brick, natural stone, wood or metal product. All exposed foundations constructed as part of a single-family or multi-family residence on any Lot exceeding 12 inches in height shall be faced with brick or natural stone, except on a side yard when the slope is 4:1 or greater, then all exposed foundations on such side yards exceeding 18 inches in height shall be faced with brick or natural stone. Prohibited exterior materials include: vinyl siding, unless written approval has been granted by the Declarant/ARC/HOA.

Short Term Rentals / Vacation Rentals by Owner (VRBO)

Short Term Rentals / VRBO's are permitted in designated areas "CH-L" as approved by the City of Deadwood within the PUD boundary, on file with the City of Deadwood.

The CH-L designation is for Commercial Highway – Limited Use area, by use in commercial highway district to use as specified as in the R2 District of the City of Deadwood except the lots have the option of Short Term Rentals as specified or restricted by the City of Deadwood.

The owners and renters are required to operate/use the vacation rental in compliance with City, State and HOA Rules and Regulations, and any amendments thereto. The current City of Deadwood requirements are as follows but it is the responsibility of the property owner to verify current requirements and stipulations at all times:

South Dakota State Excise Tax through the Department of Revenue.

Proof of Lodging License from the South Dakota Department of Health.
SD Lodging License information

Proof of enrollment into Business Improvement District Tax 1 - 6.
Please contact the City Finance Office for assistance (605) 578-2600 Ext 5

Obtain City of Deadwood Business License.
Deadwood Business License

Establishment of commercial accounts for water, sewer and refuse.
Please contact the City Finance Office for assistance (605) 578-2600 Ext 5

It's the responsibility of the owner to require/enforce 10 p.m. quiet time, plan for excess garbage and make sure adequate parking is available to accommodate all renters on the VRBO Lot, no on street parking is allowed to carry overflow.



ARTICLE VII:

**DESCRIPTION OF PROJECT, DIVISION OF PROPERTY,
CREATION OF PROPERTY RIGHTS, FUTURE DEVELOPMENT**Description of Project

The Project is a development consisting of the property on Exhibit A, including but not limited to, the Residential Lots, commercial Lots, multi-family Lots and all improvements thereon. The Project is intended to be developed in phases. All phases are subject to the terms of this Declaration.

Application of Declaration to the Project

All the Property shall be held, sold, used, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of and which shall run with title to the real property subjected to this Declaration. This Declaration shall be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each owner thereof.

Delegation of Use

Any Owner may delegate, in accordance with the Rules, his or her right of enjoyment to the facilities to the members of his or her household, guests, tenants, or contract purchasers, who occupy such Owner's Lot.

Annexation of Additional Property

Declarant reserves the right from time to time to add additional property ("Annexed Property") to the Project. This right is irrevocable. Declarant shall not be required to add such additional lands to the Project and Declarant may add a portion or all thereof at Declarant's discretion. Declarant reserves an easement through the Common Elements herein described for access, ingress, and egress, and for utility and service lines, and the hookup to existing access and utility and service lines. The manner of subjecting the Annexed Property to this Declaration shall be accomplished by the filing of record in the office of the County Clerk and Recorder for Lawrence County an amendment to the legal description of the lands covered by this Declaration. Any Annexed Property shall be deemed annexed to the Project and made subject to the Declaration and the jurisdiction of the Association, and shall be held, sold, leased, transferred, occupied, and conveyed subject to the terms, provisions, covenants, conditions, restrictions, reservations, and easements of this Declaration. The right of unilateral annexation provided for in this paragraph constitutes a covenant running with the land and is as such enforceable by any successor or assignee of Declarant who acquires any part of the Annexed Property, and who assumes the role of Declarant.

No Subdivision of Lots

There shall be no further division of any Lot without written approval of Declarant and the Board, which approval may be withheld or conditioned in the discretion of Declarant and the Board, and which approval would be subject to the Laws of the State of South Dakota.

No View Rights

This Declaration is not intended and shall not in any way confer or grant (or be construed to confer or grant) to any Residential Lot or Residential Unit or the Owner thereof any right to the maintenance of any view, viewscape or scenic corridor or area. Each Owner, by acceptance of a deed to his or her Lot, acknowledges and agrees that no representations or warranties have



been made concerning any view, present or future, that may be enjoyed from all or any portion of the Project or such Owner’s Lot or Unit, and that the same may change and/or be affected or obstructed by construction or installation of improvements, structures, fences, walls and/or landscaping by Declarant or other owners of property within or outside the Project and/or the growth of trees, landscaping and/or vegetation within or outside the Project. This Declaration does not contain any provisions intended to protect the view from any Lot or Unit or any other portion of the Project.

ARTICLE VIII:
MAINTENANCE AND ASSESSMENTS

Creation of the Lien and Personal Obligation of Assessments

Each Owner of any Lot by acceptance of a deed or conveyance thereto, whether or not it shall be so expressed in such deed or conveyance, covenants, and agrees:

- 1) to pay to the Association general and special Assessments, to be established and collected as hereinafter provided; and
- 2) to allow the Association to enforce any Assessment lien established hereunder by non-judicial proceedings under a power of sale or by any other means authorized by law.

The general and special Assessments, together with interest, late charges, collection costs, and reasonable attorneys’ fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such Assessment is made, the lien to become effective upon recordation of a notice of delinquent Assessment. Each such Assessment, together with interest, late charges, collection costs, and reasonable attorneys’ fees, shall also be the personal obligation (joint and several) of each Person who was the Owner of such property at the time when the Assessment fell due.

Purpose of Assessments

The Assessments levied by the Association shall be used to pay expenses, to promote the economic interests, recreation, health, safety, and welfare of Owners in the Project, and to enable the Association to perform its obligations hereunder.

Assessments:

- A. General Assessments: The Board shall annually establish and levy general Assessments in an amount that the Board estimates will be sufficient to raise the funds needed to pay expenses and perform the duties of the Association during each fiscal year. The general Assessments shall include a portion for reserves in such amounts as the Board in its discretion considers appropriate to meet the costs of the future repair, replacement or additions to the major improvements and fixtures that the Association is obligated to maintain and repair. Reserve funds shall be deposited in a separate account and the signatures of at least two (2) Persons, who shall either be Members of the Board or one officer who is not a Member of the Board and one Member of the Board, shall be required to withdraw monies from the reserve account. Except to the limited extent otherwise provided herein, reserve funds may not be expended for any purpose other than repairing, restoring, maintaining, or replacing the major components that the



Association is obligated to maintain without the consent of Owners holding a majority of the voting power either at a duly held meeting or by written ballot.

- B. **Special Assessments:** The Board may at any time levy a special assessment in order to raise funds for unexpected operating or other costs, insufficient operating or reserve funds, or such other purposes as the Board in its discretion considers appropriate. Special Assessments shall be allocated among the Lots in the same manner as general Assessments, except in the case of an Assessment levied by the Board against a Member to reimburse the Association for costs incurred in bringing the Member and his Lot into compliance with provisions of the Project Documents.

Restrictions on Increases in General and Special Assessments

The Board may not impose a general Assessment on any Lot which is more than twenty percent (20%) greater than the general Assessment for the immediate preceding fiscal year, or levy a special Assessment to defray the cost of any action or undertaking on behalf of the Association which in the aggregate exceeds ten percent (10%) of the budgeted gross expenses of the Association for that fiscal year, without the vote or written assent of Members casting a majority of the votes at a meeting of the Association at which a quorum is present. Any meeting of the Association for purposes of complying shall be conducted in accordance with the South Dakota Non-Profit Corporation Act. The Board may increase general Assessments by more than twenty percent (20%) over the general Assessment for the immediately preceding fiscal year only if the Board has complied with the provisions set forth in the Bylaws and this Declaration.

Notwithstanding the foregoing, the Board, without Membership approval, may increase general Assessments or levy special Assessments necessary for an emergency. For purposes of this section, an emergency situation is one of the following:

- 1) an extraordinary expense required by an order of a court.
- 2) an extraordinary expense necessary to repair or maintain the Project or any part of it for which the Association is responsible where a threat to personal safety on the Project is discovered; or
- 3) an extraordinary expense necessary to repair or maintain the Project or any part of it for which the Association is responsible that could not have been reasonably foreseen by the Board in preparing and distributing the pro forma operating budget, provided, however that prior to the imposition or collection of the Assessment, the Board shall pass a resolution containing written findings as to the necessity of the extraordinary expense involved and why the expense was not or could not have been reasonably foreseen in the budgeting process and the resolution shall be distributed to the Members with the notice off the Assessment.

Notice and Quorum for Action Authorized

Any action authorized which requires a vote of the Membership, shall be taken at a meeting called for that purpose, written notice of which shall be sent to all Members no less than ten (10) days, no more than sixty (60) days in advance of the meeting, specifying the place, day, and hour of the meeting and, in the case of a special meeting, the nature of the business to be undertaken. The action may also be taken without a meeting pursuant to the provisions of the Bylaws.

Date of Commencement of General Assessment Due Dates



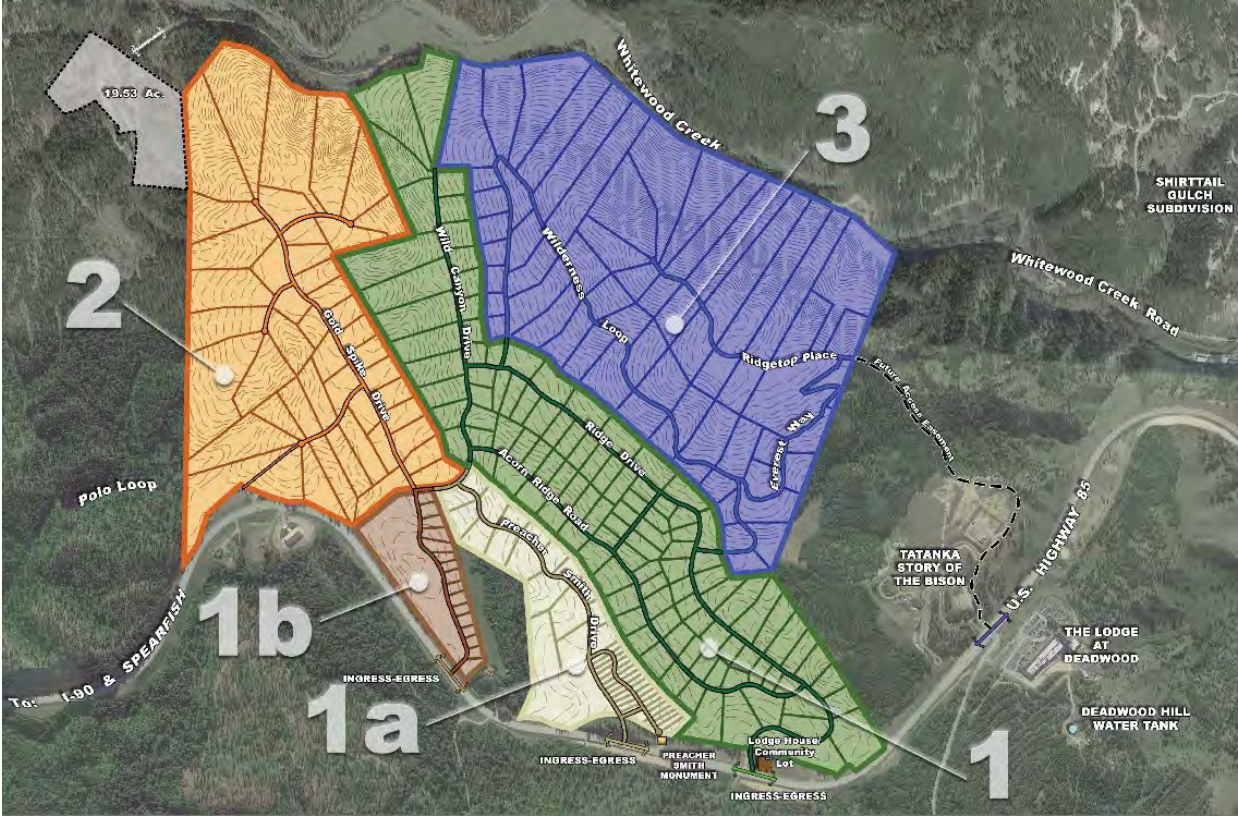
The General Assessments provided for herein shall commence as to each Lot on the first day of the month following the conveyance from Declarant of the Lot to an Owner. However, in no case shall any Lot owned by the Declarant be subject to any assessment, whether General Assessment or Special Assessment, at any time while owned by Declarant. As Lots in each phase become subject to Assessments, the Board shall determine whether the amount of general Assessments payable by all Owners will change and, if so, the amount of such change, and the Board shall then send out revised Assessment notices as appropriate. The Board of Directors shall use its best efforts to fix the amount of the general Assessments against each Lot and send written notice thereof to every Owner at least forty-five (45) days in advance of each fiscal year, provided that failure to comply with the foregoing shall not affect the validity of any Assessment levied by the Board. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association stating whether the Assessments on a specified Lot have been paid. Such a certificate shall be conclusive evidence of such payment.

Effect of Nonpayment of Assessments

- Any Assessment not paid within fifteen (15) days after the due date shall be delinquent, shall bear interest at the rate of ten percent (10%) per annum from thirty (30) days after the due date until paid, and shall incur a late payment penalty in an amount to be set by the Board from time to time, such interest, and penalties not to exceed the maximum permitted under South Dakota law.
- Board has the ability to file a lien if general Assessment is not collected within sixty (60) days after the due date. Property will not be sold or transferred until fees on Assessment Lien have been paid in full



EXHIBIT A



Master Plan of the RIDGE development property, Phases shown: 1, 1a, 1b, 2 & 3

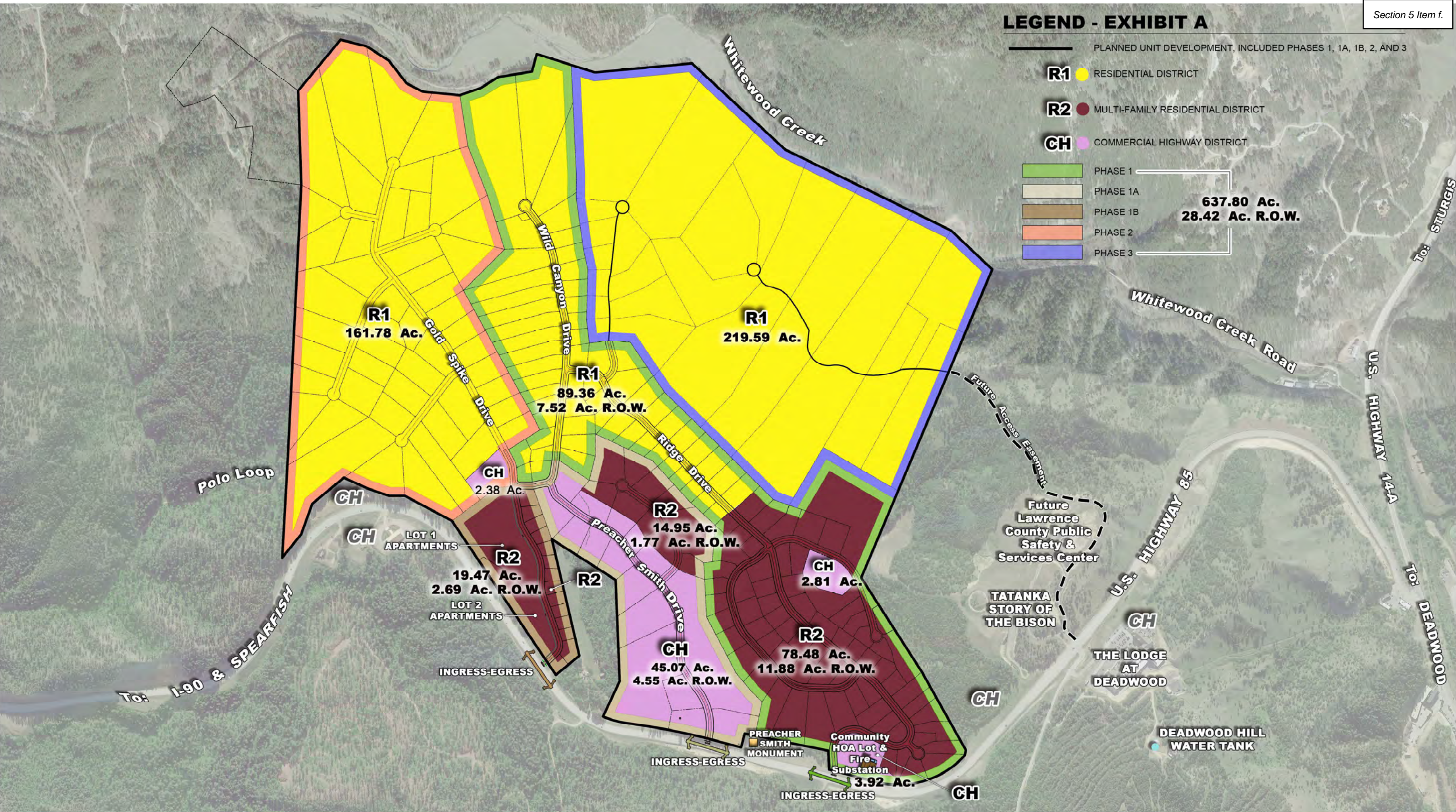
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LEGEND - EXHIBIT A

- PLANNED UNIT DEVELOPMENT, INCLUDED PHASES 1, 1A, 1B, 2, AND 3
- R1** RESIDENTIAL DISTRICT
- R2** MULTI-FAMILY RESIDENTIAL DISTRICT
- CH** COMMERCIAL HIGHWAY DISTRICT
- PHASE 1
- PHASE 1A
- PHASE 1B
- PHASE 2
- PHASE 3

637.80 Ac.
28.42 Ac. R.O.W.



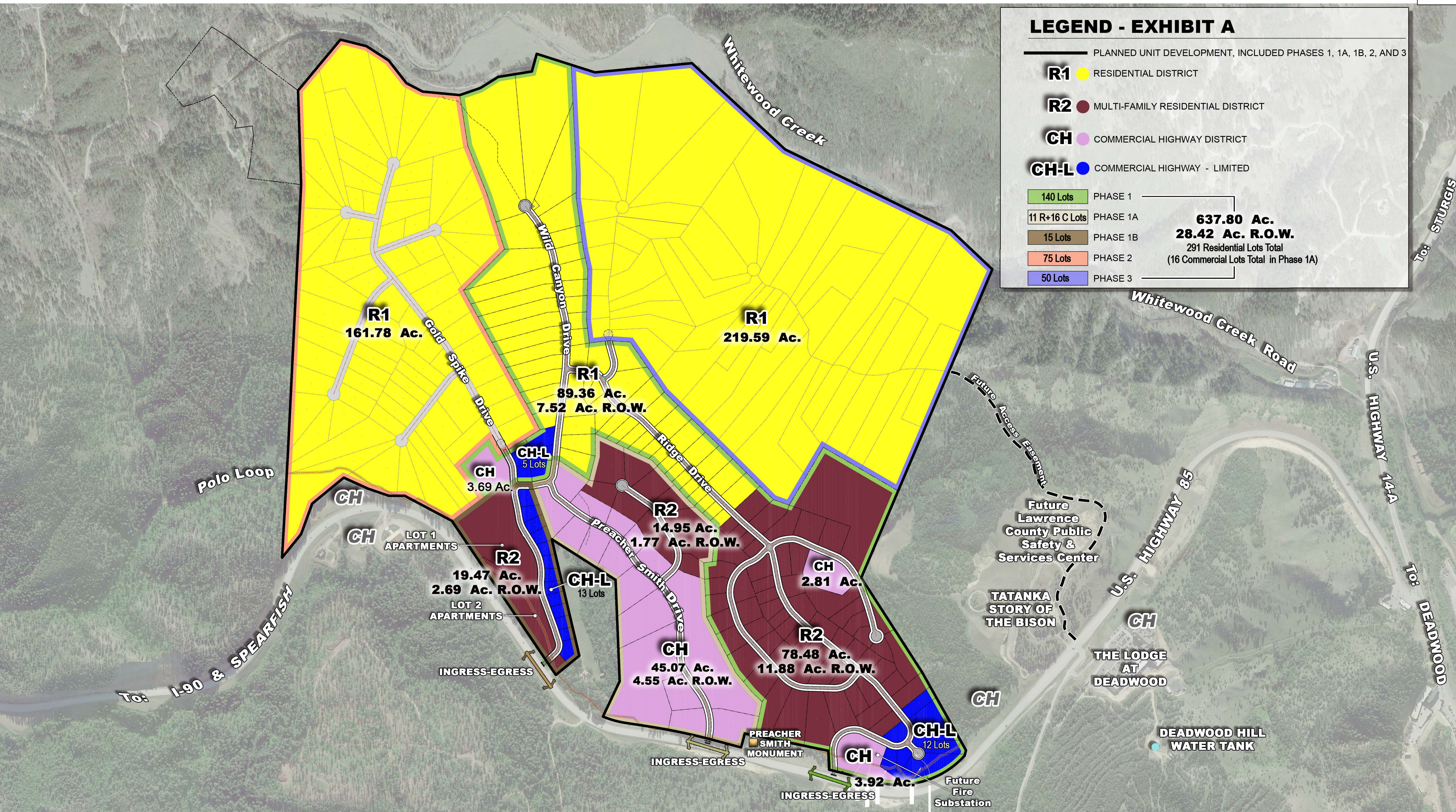
the RIDGE Development PUD - PLANNED UNIT DEVELOPMENT MAP

DEADWOOD, SOUTH DAKOTA



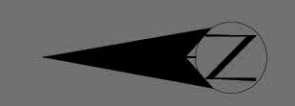
LEGEND - EXHIBIT A

- PLANNED UNIT DEVELOPMENT, INCLUDED PHASES 1, 1A, 1B, 2, AND 3
 - R1** RESIDENTIAL DISTRICT
 - R2** MULTI-FAMILY RESIDENTIAL DISTRICT
 - CH** COMMERCIAL HIGHWAY DISTRICT
 - CH-L** COMMERCIAL HIGHWAY - LIMITED
- | | | |
|----------------|----------|--|
| 140 Lots | PHASE 1 | 637.80 Ac.
28.42 Ac. R.O.W.
291 Residential Lots Total
(16 Commercial Lots Total in Phase 1A) |
| 11 R+16 C Lots | PHASE 1A | |
| 15 Lots | PHASE 1B | |
| 75 Lots | PHASE 2 | |
| 50 Lots | PHASE 3 | |



the RIDGE Development PUD - PLANNED UNIT DEVELOPMENT MAP

DEADWOOD, SOUTH DAKOTA



**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Zoning Amendment for a Planned Unit Development as allowed under Section 17.100 Amendments.

APPLICANTS: TRD, LLC (Randy & Cheri Horner)

LEGAL DESCRIPTION: REMAINDER OF PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); LOTS 1 & 22, BLOCK 1B OF THE RIDGE DEVELOPMENT; AND BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: The RIDGE at Deadwood development
Deadwood, Lawrence County, South Dakota

ZONE: PUD – Planned Unit Development

NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, August 7, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Zoning Amendment for the Planned Unit Development is on file and available for public examination at the Deadwood Planning, Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 12th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July ____, 2023

Published once at the total approximate cost of \$_____

OFFICE OF
PLANNING, ZONING AND
HISTORIC
PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

**PLANNING AND ZONING MEETING
BOARD OF ADJUSTMENT
STAFF REPORT
July 11, 2023**

APPLICANT: TRD, LLC (Randy Horner)

PURPOSE: Preliminary Plat of Lots 90-94 of Block 1 of The RIDGE development

GENERAL LOCATION: Located near the Preacher Smith Monument

LEGAL DESCRIPTION: PRELIMINARY PLAT OF LOTS 90 THRU 94 OF BLOCK 1 OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF BLOCK 1 OF THE RIDGE DEVELOPMENT.

AND

LOT 1 OF BLOCK 2 OF THE RIDGE DEVELOPMENT AND LOT 15 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT.

AND

THE DEDICATED PUBLIC RIGHT-OF-WAY OF WILD CANYON DRIVE AND GOLD SPIKE DRIVE ALL LOCATED NIN GOV'T LOT 5 IN SECTION 12 AND GOV'T LOTS 10 & 12 IN SECTION 11 OF TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ZONE: Currently PUD – R1 – Residential
R2 – Residential Multi-Family
CH – Commercial Highway
PUD amendment – Changes all to CH – Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:

North: Planned Unit Development
South: Planned Unit Development
East: Planned Unit Development
West: Planned Unit Development

Surrounding Land Uses:

PUD – [R1-Residential]
PUD – [R2-Multi-Family]
PUD – [R1-Residential]
PUD – [R2-Multi-Family]

SUMMARY OF REQUEST

The purpose of this preliminary plat is to create proposed property lines to establish lots for sale. These lots are proposed to be allowed as a future storage facility (Lot 1) as well as vacation home establishment lots (Lots 15 & 90-94) through the draft covenants dated 06/27/2023. The developer understands the lots sold for use of a vacation home establishment would need to have a conditional use permit.

The preliminary plat also includes platted portions of Gold Spike Drive (0.430[±] Acres) and Wild Canyon Drive (1.203[±] Acres). This represents the dedicated 66' wide public right-of-way not yet accepted by the City of Deadwood.

FACTUAL INFORMATION

1. The property is currently zoned Planned Unit Development.
 2. The proposed lots are comprised as follows:
 - Lot 1 = 3.697 Acres[±]
 - Lot 15 = 0.567 Acres[±]
 - Lot 90 = 0.867 Acres[±]
 - Lot 91 = 0.566 Acres[±]
 - Lot 92 = 0.707 Acres[±]
 - Lot 93 = 0.478 Acres[±]
 - Lot 94 = 0.751 Acres[±]
 3. The property is not located within a flood zone or flood hazard zone.
 4. Public facilities are currently being installed to serve the property but has not been accepted by the City of Deadwood at this time.
-

STAFF DISCUSSION

Attached is the preliminary plat of Lots 90-94 of Block 1 of The RIDGE development. The developer is desiring to start the process of selling these lots to potential buyers. All lots are compliant with the City of Deadwoods Zoning Codes and meet the requirements for bulk area as required by Deadwood City Ordinance. Any use for vacation home establishments would require conditional use permit through the City of Deadwood.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.

ACTION REQUIRED:

1. Approval / Denial by the Deadwood Planning and Zoning Commission.
2. Approval / Denial by Deadwood Board of Adjustment.

*Preliminary Plat of
Lots 90 thru 94 of Block 1 of The Ridge Development.*

Formerly a Portion of Block 1 of The Ridge Development.

-AND-

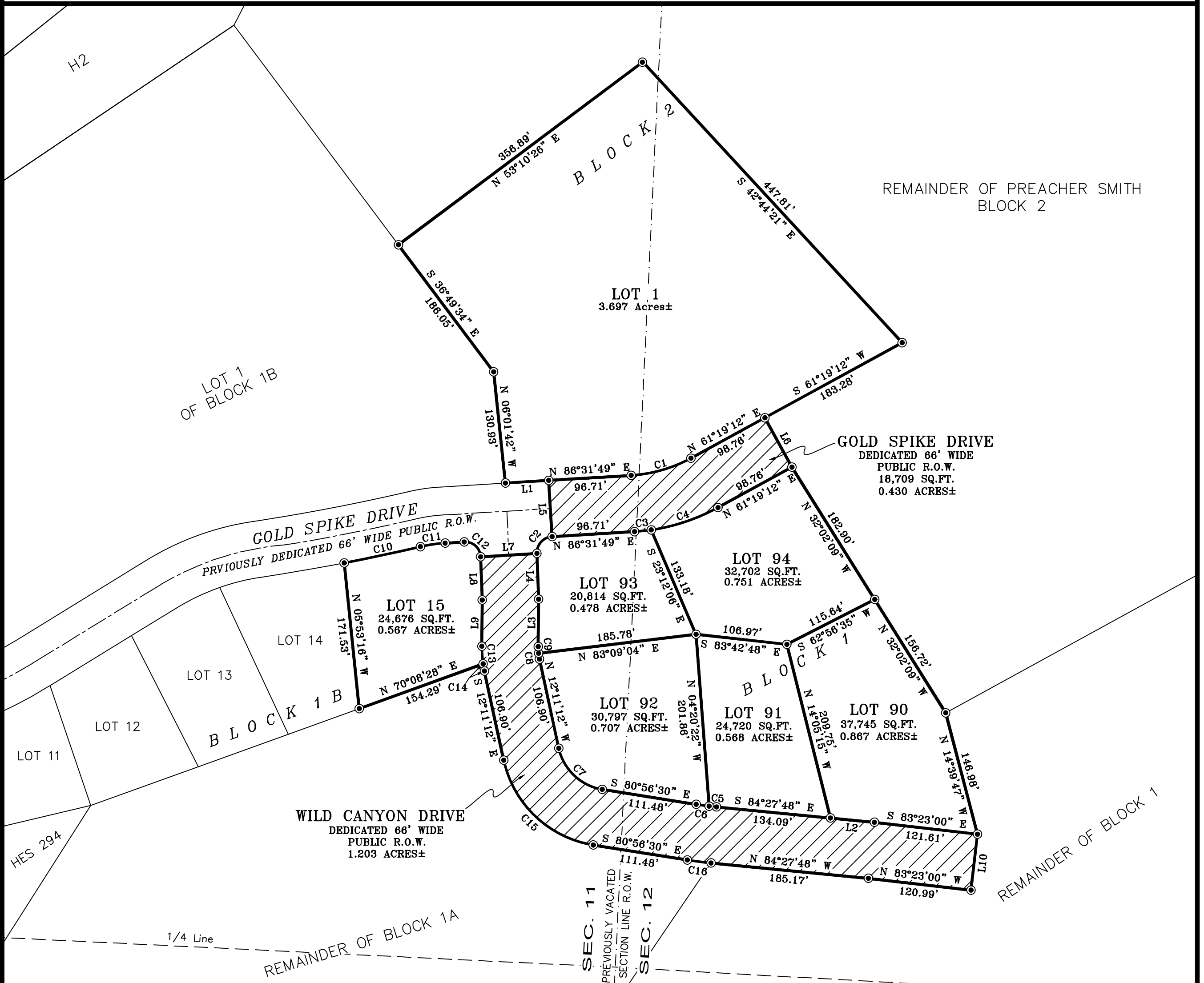
Lot 1 of Block 2 of The Ridge Development and Lot 15 of Block 1B of The Ridge Development.

Formerly a Portion of Preacher Smith Tract.

-AND-

The Dedicated Public Right-of-Way of Wild Canyon Drive and Gold Spike Drive

All Located in Gov't Lot 5 in Section 12 and Gov't Lots 10 & 12 IN Section 11 of Township 5 North, Range 3 East, Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota.

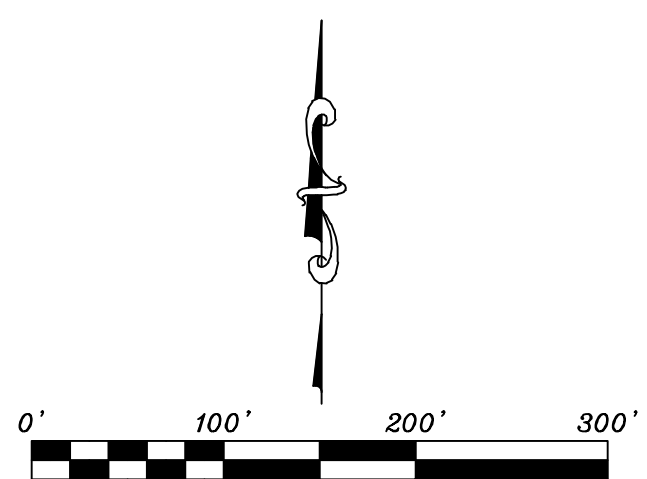


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	167.00'	73.48'	72.89'	N 73°55'30" E	25°12'37"
C2	19.00'	29.40'	26.55'	S 42°12'05" W	88°39'52"
C3	233.00'	19.71'	19.70'	N 84°06'24" E	4°50'49"
C4	233.00'	82.81'	82.37'	S 71°30'06" W	20°21'48"
C5	390.00'	8.70'	8.70'	S 83°49'27" E	1°16'42"
C6	390.00'	15.27'	15.27'	S 82°03'48" E	2°14'36"
C7	61.99'	74.40'	70.02'	S 46°33'54" E	68°45'55"
C8	67.00'	6.94'	6.93'	S 09°13'14" E	5°55'56"
C9	67.00'	7.80'	7.80'	S 02°55'05" E	6°40'23"
C10	2316.88'	91.22'	91.22'	N 77°57'06" E	2°15'21"
C11	173.31'	29.36'	29.32'	N 81°40'39" E	9°42'20"
C12	18.13'	28.83'	25.89'	N 47°41'18" W	91°06'59"
C13	133.00'	20.75'	20.73'	N 04°03'07" W	8°56'26"
C14	133.00'	8.51'	8.50'	S 10°21'16" E	3°39'52"
C15	128.00'	153.60'	144.55'	S 46°33'51" E	68°45'18"
C16	456.00'	28.03'	28.02'	N 82°42'09" W	3°31'18"

LINE	BEARING	DISTANCE
L1	N 86°31'49" E	50.80'
L2	S 84°27'48" E	51.70'
L3	S 00°25'06" W	55.55'
L4	S 02°07'40" E	53.71'
L5	N 03°28'11" W	66.00'
L6	N 28°40'48" W	66.00'
L7	S 86°31'52" W	66.02'
L8	N 02°07'40" W	50.70'
L9	N 00°25'06" E	54.09'
L10	S 06°37'00" W	66.00'

Major Drainage Easement

All major drainage easements shown hereon shall be kept free of all obstructions including, but not limited to, buildings, walls, fences, hedges, trees, and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems necessary to facilitate drainage from any source.



SCALE: 1" = 100 FEET
JUNE 2023

LEGEND

● Found or Set 5/8" Rebar with Cap Marked 'VASKNETZ RLS7719'.

PLATTED LAND

Platted Lots: 7.635 Acres±
Gold Spike Drive: 0.430 Acres±
Wild Canyon Drive: 1.203 Acres±
Total land Platted: 9.268 Acres±

SURVEYOR'S CERTIFICATE

I, Shanon E. Vasknetz, 2305 Junction Ave., being a Registered Land Surveyor in the State of South Dakota, do hereby state that at the request of the Owner listed hereon, I have surveyed and platted the property shown and described hereon. I have marked upon the ground the boundaries in the manner shown, and that the plat is correct to the best of my knowledge, information and belief.

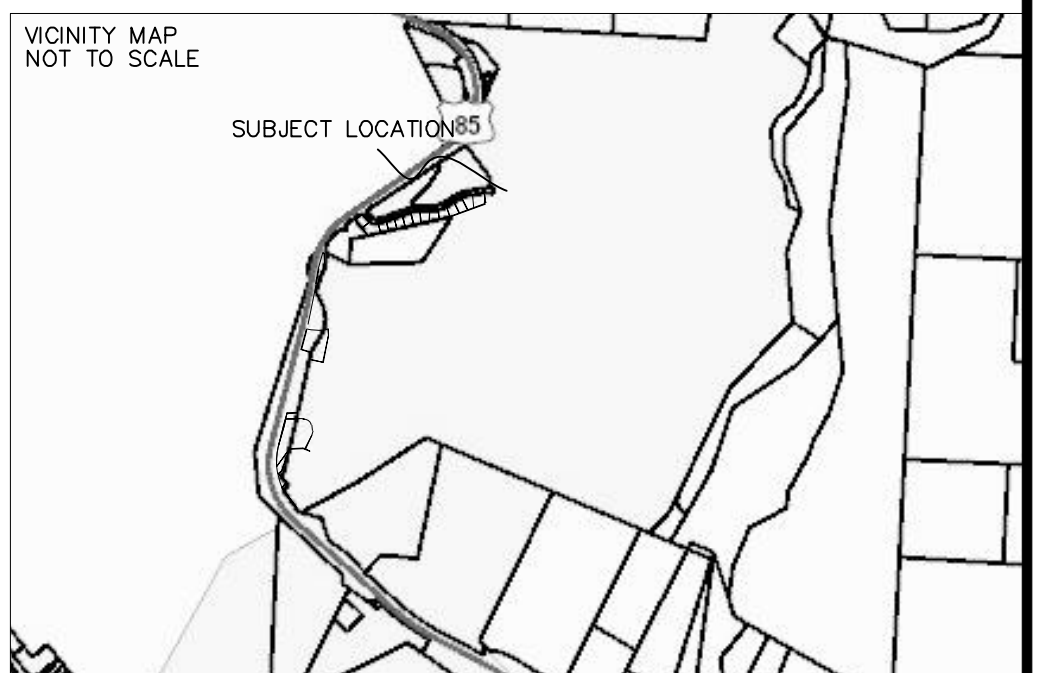
IN WITNESS WHEREOF
I hereunto set my hand and seal

this _____ day of _____, 20____.

Shanon E. Vasknetz
Registered Land Surveyor No. 7719

SURVEYOR'S NOTES

- Utility & Minor Drainage Easements:
8' Wide on the interior side of all lot lines.
- Building Setbacks: Per City of Deadwood Ordinance.
Principal uses and Building Set back 20' from front lot lines, 15' from side lot lines and 10' from rear lot lines..
- Basis of Bearings using Geodetic North Determined from Global Positioning System (GPS).
- Per Fema map panel 46081C0225F effective 4/17/2012. This property is located in an area of minimal flood hazard Zone X.



PREPARED BY: BASELINE SURVEYING, INC.,

2305 JUNCTION AVENUE, STURGIS, S.D. 57785

PHONE: (605) 490-1401 EMAIL: BASELINE@STURGISSURVEYING.COM JOB NO. 20-270

Preliminary Plat of
Lots 90 thru 94 of Block 1 of The Ridge Development.
Formerly a Portion of Block 1 of The Ridge Development.

- AND -

Lot 1 of Block 2 of The Ridge Development and Lot 15 of Block 1B of The
Ridge Development.

Formerly a Portion of Preacher Smith Tract.

- AND -

The Dedicated Public Right-of-Way of Wild Canyon Drive and Gold Spike
Drive

All Located in Gov't Lot 5 in Section 12 and Gov't Lots 10 & 12 IN Section 11 of Township 5 North, Range 3 East,
Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota.

COUNTY TREASURER'S CERTIFICATE

I _____, Lawrence County Treasurer, do hereby
certify that _____ taxes which are liens upon the herein
Platted property have been paid.

Dated this _____ day of _____, 20____.

Lawrence County Treasurer

OWNER'S CERTIFICATE

I, Preacher Smith, LLC., I do hereby certify that I am the Owner of the
land shown and described hereon and that I did authorize and do join in
and approve the survey and plat. I further certify that the development
of this land shall conform to all existing applicable zoning, subdivision,
erosion and sediment control regulations. Dedicated right-of-way as
shown hereon is dedicated to public use.

IN WITNESS WHEREOF
We hereunto set our hands

this _____ day of _____, 20____.

Randall D. Horner Representative of Preacher Smith, LLC., Owner

CERTIFICATE OF
DIRECTOR OF EQUALIZATION

I, Lawrence County Director of Equalization, do hereby certify that I
have on record in my office a copy of the within described Plat.

Dated this _____ day of _____, 20____.

Lawrence County Director of Equalization

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA

COUNTY OF _____

} SS

On this _____ day of _____, 20____, before me, the
undersigned officer, personally appeared Randall D. Horner, Representative
of Preacher Smith, LLC., known to me to be the persons who executed
the foregoing Owner's Certificate and acknowledged to me that they
executed the same for purposes therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal.

Notary Public

My commission expires:

CITY OF DEADWOOD
PLANNING COMMISSION

This plat approved by the City of Deadwood Planning Commission.

Dated this _____ day of _____, 20____.

Attest: _____
City Planner

Chairman

APPROVAL OF THE CITY OF DEADWOOD
BOARD OF COMMISSIONERS

State of South Dakota County of Lawrence. Be it Resolved
that the City of Deadwood Board of Commissioners having
viewed the within plat, do hereby approve the same for
recording in the office of the Register of Deeds,
Lawrence County, S.D..

on this _____ day of _____, 20____, that
We did Approve this Plat.

Attest: _____
Fincance Officer Mayor

OFFICE OF REGISTER OF DEEDS

State of South Dakota County of Lawrence. Filed for Record
this _____ day of _____, 20____, at _____ o'clock, _____ M., and
Recorded in Doc. _____.

Lawrence County Register of Deeds

OFFICE OF
PLANNING, ZONING AND
HISTORIC
PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

**PLANNING AND ZONING MEETING
BOARD OF ADJUSTMENT
STAFF REPORT
July 19, 2023**

APPLICANT: Randy & Cheri Horner

PURPOSE: Creating Property Lines for Transfer of Property

GENERAL LOCATION: Located in the Ridge Development

LEGAL DESCRIPTION: PLAT OF UTILITY LOT 1 AND LOTS 3-14 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN GOV'T LOTS 10 AND 12 OF SECTION 11, T.5N., R.3E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

ZONE: Currently PUD - R2 – Residential Multi-Family
PUD amendment – Changes to CH – Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:

North: Planned Unit Development
South: Planned Unit Development
East: Planned Unit Development
West: Planned Unit Development

Surrounding Land Uses:

Apartment Complex
Vacant Land
Vacant Land
Vacant Land

SUMMARY OF REQUEST

The purpose of this plat is to create property lines. These lots are proposed to be CH – CH Commercial Highway lots to be allowed as townhomes. Part of the intended use has been stated as vacation home establishments. The developer understands a conditional use permit would be required to operate the townhomes as vacation home establishments.

FACTUAL INFORMATION

1. The property is currently zoned PUD R2 – Residential Multi-Family.
2. The proposed lots are comprised as follows: Utility Lot 1 = 0.396 Acres \pm , Lot 3 = 0.643 Acres \pm , Lot 4 = 0.313 Acres \pm , Lot 5 = 0.348 Acres \pm , Lot 6 = 0.385 Acres \pm , Lot 7 = 0.419 Acres \pm , Lot 8 = 0.418 Acres \pm , Lot 9 = 0.385 Acres \pm , Lot 10 = 0.351 Acres \pm , Lot 11 = 0.392 Acres \pm , Lot 12 = 0.449 Acres \pm , Lot 13 = 0.482 Acres \pm , and Lot 14 = 0.487 Acres \pm
3. The property is not located within a flood zone or flood hazard zone.
4. Public facilities are currently being installed to serve the property but has not been accepted by the City of Deadwood at this time.

STAFF DISCUSSION

Attached is a plat of Lots 1 and Lots 3-14 in The Ridge Development. The street and infrastructure have not been accepted by the City of Deadwood as of this date. The plat meets the requirements for bulk area as required by Deadwood City Ordinance. The developer has submitted a variance from other City requirements for this development.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.

ACTION REQUIRED:

1. Approval / Denial by the Deadwood Planning and Zoning Commission.
2. Approval / Denial by Deadwood Board of Adjustment.

*Plat of
Utility Lot 1 and Lots 3-14 of Block 1B of The Ridge Development.
Formerly a Portion of Preacher Smith Tract
Located in Gov't Lots 10 and 12 of Section 11, T.5N., R.3E., B.H.M., City of Deadwood, Lawrence
County, South Dakota.*

LINE	BEARING	DISTANCE
L1	N 72°14'37" E	30.07'
L2	S 58°28'13" W	4.04'

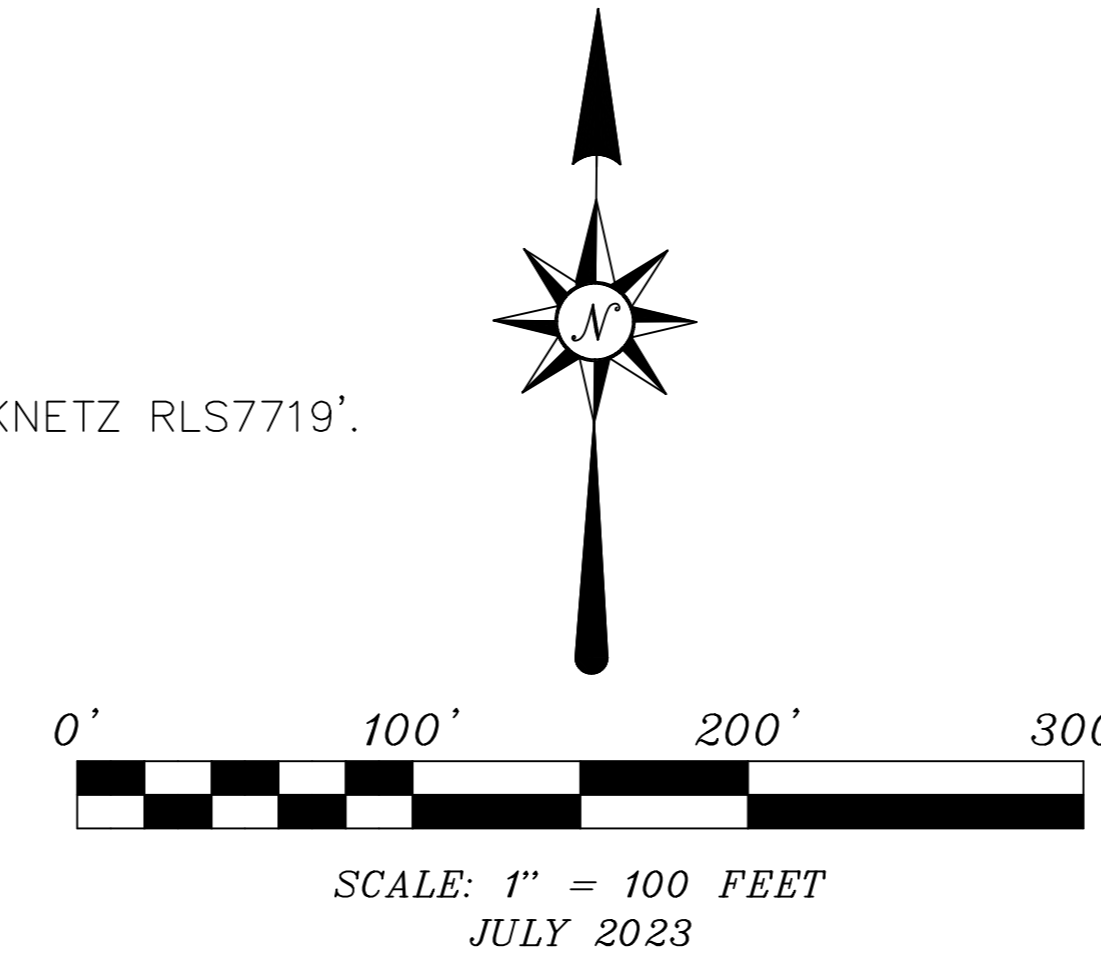
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	133.14'	18.70'	18.68'	S 47°57'27" E	8°02'46"
C2	133.00'	122.48'	118.19'	S 78°21'57" E	52°45'43"
C3	133.00'	6.99'	6.99'	S 73°44'54" W	3°00'35"
C4	365.61'	14.96'	14.96'	S 71°17'50" W	2°20'38"
C5	365.65'	123.54'	122.96'	N 82°08'54" E	19°21'31"
C6	365.65'	25.21'	25.20'	S 86°11'51" E	3°56'59"
C7	504.33'	102.25'	102.08'	S 89°58'08" W	11°37'01"
C8	504.33'	115.10'	114.85'	S 77°37'20" W	13°04'35"
C9	504.33'	111.03'	110.80'	N 64°46'38" E	12°36'49"
C10	267.00'	56.62'	56.52'	N 64°32'45" E	12°09'03"
C11	267.00'	50.72'	50.64'	S 76°03'47" W	10°53'01"
C12	2316.88'	98.07'	98.06'	S 80°17'32" W	2°25'31"

LEGEND

- Found or Set 5/8" Rebar with Cap Marked 'VASKNETZ RLS7719'.
- ⊙ Found IR unless otherwise noted.
- ⊕ Found Limbo Cap unless otherwise noted.

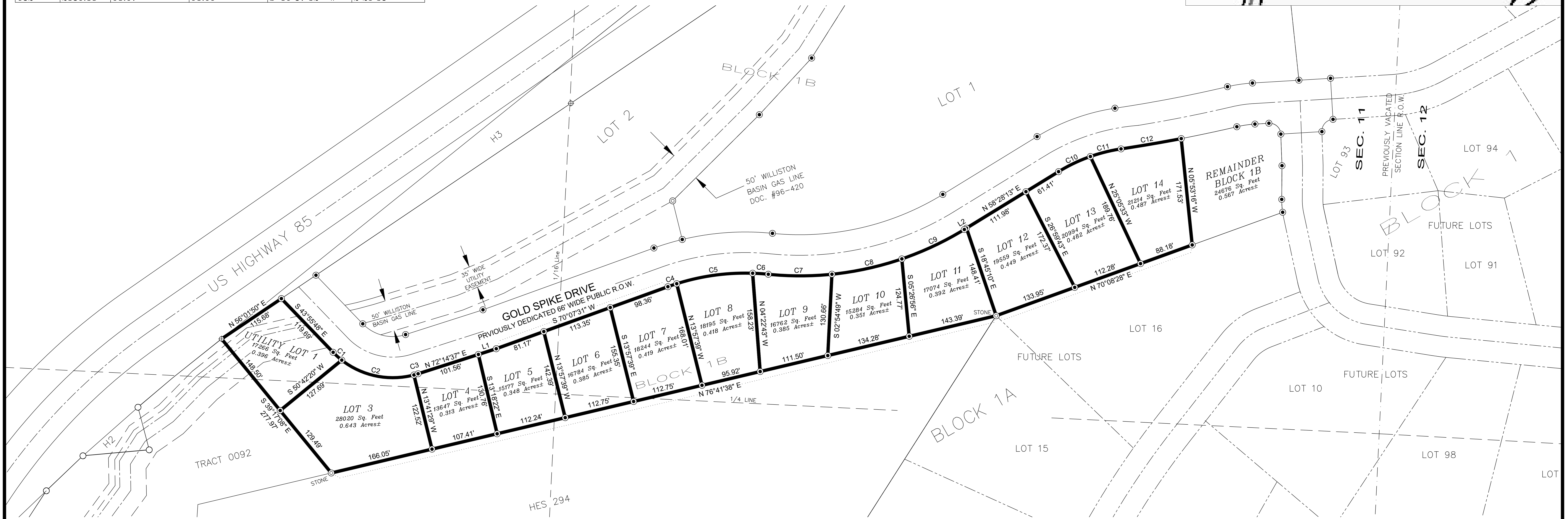
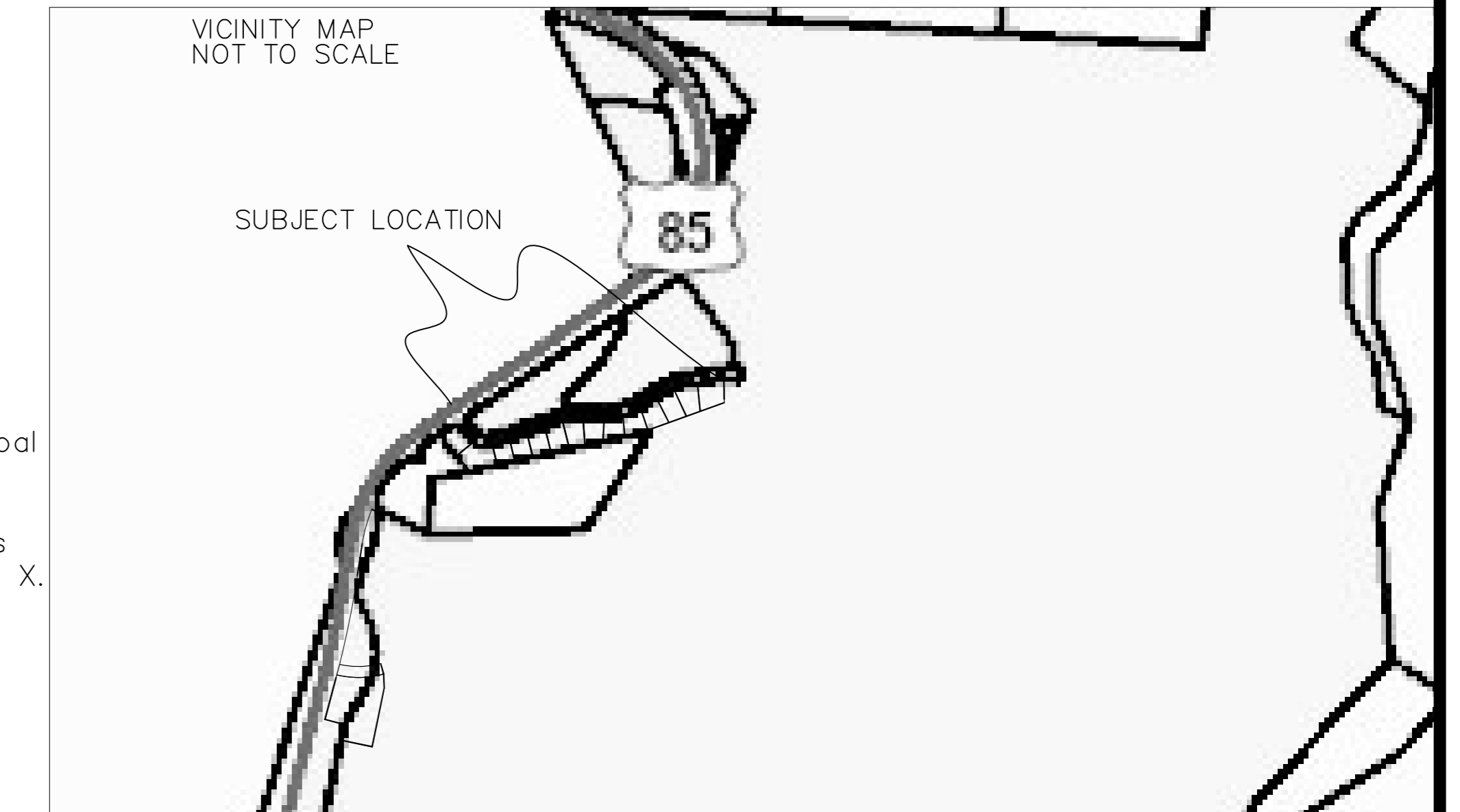
PLATTED LAND

Land Platted per this Plat: 6.035 Acres±



SURVEYOR'S NOTES

- 1) Utility & Minor Drainage Easements:
8' Wide on the interior side of all lot lines.
- 2) Building Setbacks: Per City of Deadwood Ordinance,
Per approved Planned Unit Development Zoning.
- 3) Basis of Bearings using Geodetic North Determined from Global
Positioning System (GPS).
- 4) Per Fema map panel 46081C0225F effective 4/17/2012. This
property is located in an area of minimal flood hazard Zone X.
- 5) Property constricted to Covenants, Restrictions and
Reservations of Record.



*Plat of
Utility Lot 1 and Lots 3-14 of Block 1B of The Ridge Development.
Formerly a Portion of Preacher Smith Tract
Located in Gov't Lots 10 and 12 of Section 11, T.5N., R.3E., B.H.M., City of Deadwood, Lawrence
County, South Dakota.*

COUNTY TREASURER'S CERTIFICATE

I _____, Lawrence County Treasurer, do hereby certify that _____ taxes which are liens upon the herein Platted property have been paid.

Dated this _____ day of _____, 20____.

Lawrence County Treasurer

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Lawrence County Director of Equalization, do hereby certify that I have on record in my office a copy of the within described Plat.

Dated this _____ day of _____, 20____.

Lawrence County Director of Equalization

CITY OF DEADWOOD PLANNING COMMISSION

This plat approved by the City of Deadwood Planning Commission.

Dated this _____ day of _____, 20____.

Attest: _____
City Planner

Chairman

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS

State of South Dakota County of Lawrence. Be it Resolved that the City of Deadwood Board of Commissioners having viewed the within plat, do hereby approve the same for recording in the office of the Register of Deeds, Lawrence County, S.D..

on this _____ day of _____, 20____, that We did Approve this Plat.

Attest: _____
Finance Officer Mayor

SURVEYOR'S CERTIFICATE

I, Shanon E. Vasknetz, 2305 Junction Ave., being a Registered Land Surveyor in the State of South Dakota, do hereby state that at the request of the Owner listed hereon, I have surveyed and platted the property shown and described hereon. I have marked upon the ground the boundaries in the manner shown, and that the plat is correct to the best of my knowledge, information and belief.

IN WITNESS WHEREOF
I hereunto set my hand and seal

this _____ day of _____, 20____.

Shanon E. Vasknetz
Registered Land Surveyor No. 7719

OWNER'S CERTIFICATE

I, Preacher Smith, LLC., I do hereby certify that I am the Owner of the land shown and described hereon and that I did authorize and do join in and approve the survey and plat. I further certify that the development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations. Dedicated right-of-way as shown hereon is dedicated to public use.

IN WITNESS WHEREOF
We hereunto set our hands

this _____ day of _____, 20____.

Randall D. Horner Representative of Preacher Smith, LLC., Owner
3215 Valley Drive
Bismark, ND 58503

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA

COUNTY OF _____

}
} SS

On this _____ day of _____, 20____, before me, the undersigned officer, personally appeared Randall D. Horner, Representative of Preacher Smith, LLC., known to me to be the persons who executed the foregoing Owner's Certificate and acknowledged to me that they executed the same for purposes therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal.

Notary Public My commission expires:

APPROVAL OF HIGHWAY AUTHORITY

The location of the proposed access to the Highway or Street as shown hereon is hereby approved. Any change in the proposed access shall require additional approval.

Dated this _____ day of _____, 20____.

Highway Authority

APPROVAL OF ACCESS BY ROAD AUTHORITY

The location of the exiting access to the Highway or Street as shown herein is hereby approved. This approval does not replace the need for any permits required by law, including Administrative Rule of South Dakota 70.09.01.02.

Dated this _____ day of _____, 20____.

SDDOT Authority

OFFICE OF REGISTER OF DEEDS

State of South Dakota County of Lawrence. Filed for Record this _____ day of _____, 20____, at _____ o'clock, _____ M., and Recorded in Doc. _____.

Lawrence County Register of Deeds

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 722-0786



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

BOARD OF ADJUSTMENT REQUEST FOR A VARIANCE

Staff Report

Date: July 11, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for a Variance – 16.04.020 K Street Grades and Alleys.
Maximum street grades 9%.

APPLICANT(S): TRD, LLC (Randy & Cheri Horner)
PURPOSE: Variance – 16.04.020 (K) Street Grades and Alleys.
ADDRESS: The RIDGE at Deadwood development
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: Remainder of Preacher Smith Tract (Less Lot A of the Ridge Development); Lots 1 & 22, Block 1B of the Ridge Development; and Block 1 and Block 1A of the Ridge Development, City of Deadwood, Lawrence County, South Dakota
ZONE: PUD – Planned Unit Development with the following Zones:
R1 – Residential District
R2 – Multi-Family
CH – Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: Lawrence County	Black Hills National Forest
South: PUD – Planned Unit Development	Tatanka – Justice Center
East: Lawrence County	Residential Housing
West: CH – Commercial Highway	Light – Medium Business

SUMMARY OF REQUEST

The applicant has submitted a request for a variance to the design standards for streets and alleys required by Deadwood City Ordinance 16.04.020 Streets and Alley, K. Street Grades. The ordinance allows for the grade of streets in a residential zoning district to be a maximum grade of 9%. The application states they are proposing street longitudinal slopes in a variety of areas that will be greater than the maximum allowed.

These street grades areas which are greater than the 9 percent requirement of our ordinance are shown on the attached application. The total linear feet is shown below:

- less than 10% = 173± linear feet
- less than 11% = 434± linear feet
- less than 12% = 234± linear feet
- less than 13% = 74± linear feet
- less than 14% = 50± linear feet
- less than 15% = 51± linear feet
- Total greater than 9% 1,016± linear feet

In the application the design engineer states extreme topography and bedrock conditions are present on existing development site which limits lowering grades further. The attached application also shows the longitudinal slopes at each of the intersections within the development.

FACTUAL INFORMATION

1. The property is currently zoned PUD – Planned Unit Development.
2. The development will have three accesses from US Highway 85 via Ridge Drive, Gold Spike Drive, and Preacher Smith Drive.
3. The property is located outside of Flood Zone AE – Areas of 100-year flood and Flood Zone X – Areas of 500-year flood.
4. Adequate public facilities are available to serve the property.

COMPLIANCE

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of the time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by section 17.80.010.B. [Exhibit A]

VARIANCE

The purpose of a variance is to modify the strict application of the specific requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional (Amended 99-952) conditions, whereby, such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his or her land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her lot as the Zoning Ordinance intended.

The Board shall consider and decide all applications for variances within 30 days of such public hearing and in accordance with the standards provided below.

STANDARDS FOR VARIANCES:

In granting a variance, the Board shall ascertain that the following criteria are met and presented at the public hearing or otherwise included in the record.

1. A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of the property. The previously mentioned circumstances or conditions shall be set forth in the Findings of the Board.

According to the application, extreme topography and bedrock conditions are present on existing development site which limits lowering grades further.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

The subject use is part of an overall planned unit development and is not infringed by the issuance of this variance.

3. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

The developer has stated that they have reduced as much as possible while still allowing for buildable lots.

4. The granting of any variance is in harmony with the general purposes and intent of this Ordinance and will not be injurious to the neighborhood, and/or

Request for a Variance – Street Grades
The RIDGE at Deadwood
July 11, 2023

detrimental to the public welfare, or in conflict with the established policies of the City of Deadwood.

This area is currently occupied by vacant land, one apartment complex under construction, and utility work currently being installed. Approval of this variance would allow for new street grades be accepted by the City of Deadwood but does not have any impact on the variance request for sidewalks, curb and gutter and storm sewer systems. Due to the terrain of the surrounding area and this development, the proposed project is compatible with the area. City departments have reviewed the request and believe the granting of the proposed variance will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns.

5. There must be proof of practical difficulty, which may be based upon sufficiently documented economic factors, but such proof shall not be based solely upon or limited to such economic factors. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without the knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

According to the application, extreme topography and bedrock conditions are present on existing development site which limits lowering grades further.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

The use and value of the area adjacent to the property included in the variance request will not be affected in an adverse manner. At this time, we are still determining the impact on our water supply but there will be no significant adverse impacts on the schools, or other services. A variance cannot be granted if it would pose any threat to the public health or safety. Based on review of all City departments, this finding includes concerns such as fire safety, and visual and aesthetic concerns.

7. The fee, as adopted by resolution, was paid to the Zoning Administrator as agent for the Board to cover the costs of notices and other expenses incidental to the hearing.

The applicant has paid the \$200.00 fee to process the variance.

Request for a Variance – Street Grades
The RIDGE at Deadwood
July 11, 2023

8. The applicant has proven that he or she is the owner of the property or is his or her officially designated agent and has presented proof thereof.

The applicant has proven to the City of Deadwood Planning and Zoning office that they are the current owner of the subject property.

REQUIREMENTS FOR THE GRANTING OF A VARIANCE

Before the Board shall have the authority to grant a variance, the person claiming the variances has the burden of showing:

1. That the granting of the permit will not be contrary to the public interest;
2. That the literal enforcement of the Ordinance will result in unnecessary hardship; and,
3. That by granting the permit, substantial justice will be done.

A variance shall be null and void two (2) years from the date it is granted unless completion or substantial construction has taken place. The Board of Adjustment may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay.

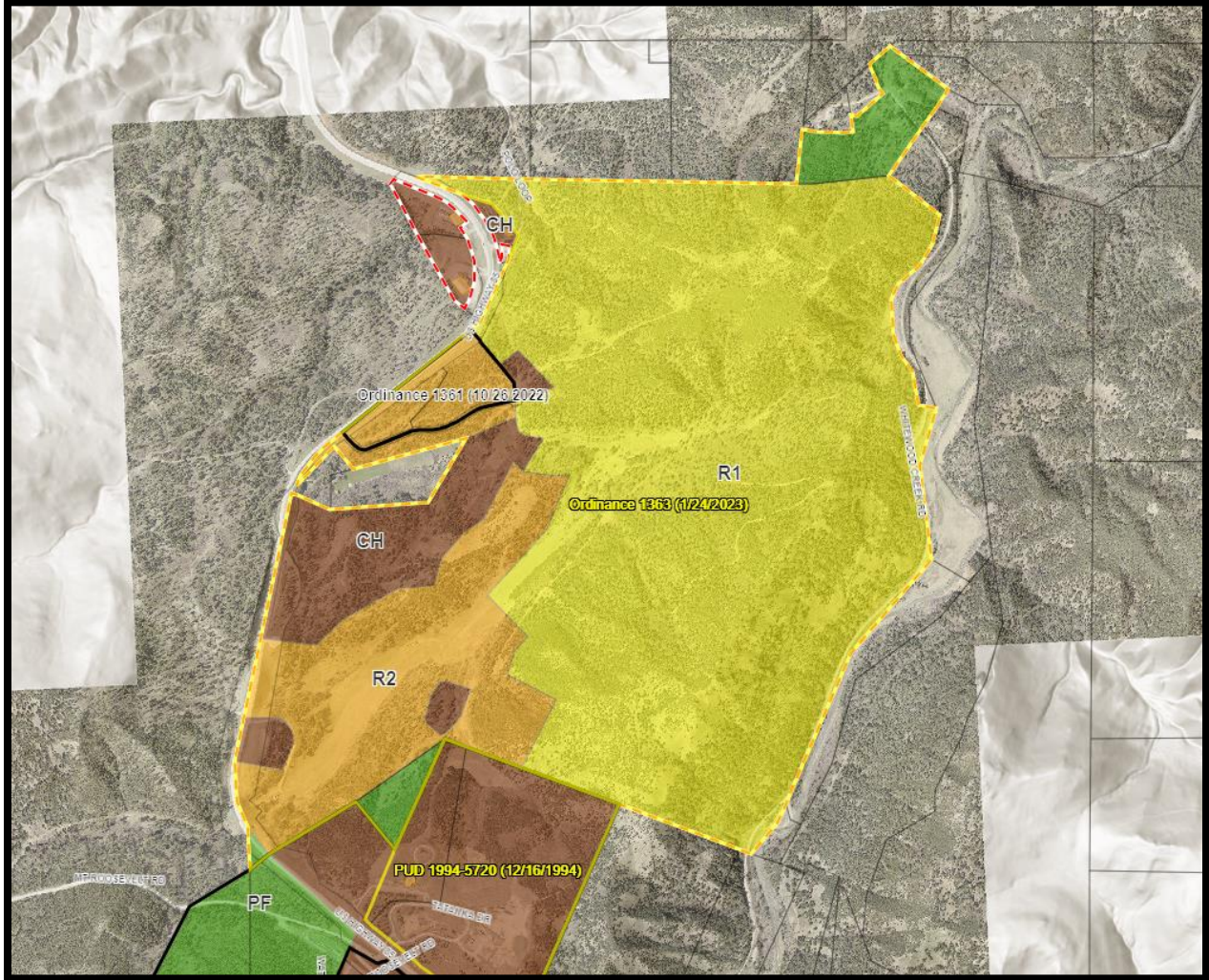
If upon review by the Zoning Administrator, a violation of any condition, imposed in approval of a variance is found, the Administrator shall inform the applicant by registered mail of the violation and shall require compliance within sixty (60) days, or the Administrator will take action to revoke the permit. The Administrator's letter, constituting Notice of Intent to Revoke Variance may be appealed to the Board of Adjustment within thirty (30) days of its mailing. The Board of Adjustment shall consider the appeal and may affirm, reverse, or modify the Administrator's Notice of Intent to Revoke. The applicant must comply with the Board of Adjustment's Order on Appeal of Notice of Intent to Revoke Variance within thirty (30) days of the Board's decision.

ACTION REQUIRED

1. Recommendation by Planning and Zoning to Approve/Deny/Approve with conditions for Request for Variance – 16.04.020 K. Street Grades and Alleys. Maximum street grades R1 (Residential) District 9%.
2. Approve/Deny/Approve with Conditions by City of Deadwood Board of Adjustment.

Request for a Variance – Street Grades
The RIDGE at Deadwood
July 11, 2023

LOCATION MAP



Map showing the general vicinity of the subject property.

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Variance to Ordinance Chapter 16.04.020 (K) – Street Grades and Alleys. (Maximum street grades 9%).

APPLICANTS: TRD, LLC (Randy & Cheri Horner)

LEGAL DESCRIPTION: REMAINDER OF PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); LOTS 1 & 22, BLOCK 1B OF THE RIDGE DEVELOPMENT; AND BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: The RIDGE at Deadwood development
Deadwood, Lawrence County, South Dakota

ZONE: PUD – Planned Unit Development

NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, August 7, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Variance is on file and available for public examination at the Deadwood Planning, Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 12th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July __, 2023

Published once at the total approximate cost of \$ _____

Return Completed Form To:
Planning and Zoning
108 Sherman Street
Deadwood, SD 57732



Section 5 Item i.
Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

REQUEST FOR VARIANCE

Application Fee: \$200.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Petitioner: Randy Horner Telephone: (701) 220-9686

Address: 16 Peck Street Deadwood SD 57732
Street City State Zip

Legal Description of Property: Remainder of Preacher Smith Tract (Less Lot A of the Ridge Dev.);

Lots 1 & 2, Blk 1B of the Ridge Dev. and Blk 1 and Blk 1A of the Ridge Dev, City of Deadwood
Lawrence County, South Dakota

Property Address: N/A
Street City State Zip

Description of Request: Due to extreme topography, street grades are shown on the attached Exhibit
Also, narrative with additional information is attached.

Appeal from Section: 16.04.020: K

Signature of Applicant: Randy Horner Date: 7/6/2023
DocuSigned by: 9DB3C25015A2450...

Signature of Property Owner: Randy Horner Date: 7/6/2023
DocuSigned by: 9DB3C25015A2450...

Fee: \$ _____ Paid On _____ Receipt Number _____

Legal Notice Published Date: _____ **Hearing Date:** _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____



VARIANCE REQUEST

NARRATIVE

the RIDGE Development, Deadwood, SD

- Applicant/Developer/Owner:** Preacher Smith, LLC / TRD, LLC
- Randy and Cheri Horner
16 Peck Street, Deadwood, SD 57732
- Project Agent:** Leah M. Berg, P.E.
LBerg@proacesinc.com Cell: 605-545-1120
- Legal Description:** Remainder of Preacher Smith Tract (Less Lot A of the Ridge Development); Lots 1 & 2, Block 1B of the Ridge Development and Block 1 and Block 1A of the Ridge Development, City of Deadwood, Lawrence County, South Dakota.
- Variance:** **Street Grades**
per City Ordinance 16.04.020:K

1. Request:

- Allow short sections of vertical road grades that exceed 9%.
- The attached map shows the location and length of each short distance that exceeds the 9% grade requirement outlined by Ordinance.
- A Variance to the maximum road grades are requested to be able to use Lots by right as designated by zoning district(s) and due to existing site conditions.

2. Supporting Information:

- Extreme topography and bedrock conditions are present on existing development site which limits lowering grades further.
- The proposed variance will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns.

- Steeper short sections of vertical road sections are located as shown to keep intersections as reasonable as possible. The proposed intersection grades are shown on the attached map.
- When project work commenced in Summer of 2021, following MOU approval and staff receiving Project Plan, the RIDGE Team worked with City Staff and Public Works Director on road grades and short sections up to 14% were discussed as being acceptable due to existing conditions.
 - Written documentation was not drafted to confirm these agreeable terms.
 - Grades have been minimized as much as reasonably possible onsite.
 - Sections exceeding 9% are limited, as shown on the attached map.

END OF NARRATIVE

Attachments:

1. Street Grades Map

REVISIONS: DATE:

ACES PROJECT NO: 20-1122 DATE: 7/6/2023



TITLE: **OVERALL LOT LAYOUT STREET GRADES**

SHEET NUMBER: **1 of 1**
102
© 2023 Affordably Creative Engine

LEGEND

- PHASE 1
- PHASE 1A
- PHASE 1B
- PHASE 2
- PHASE 3

STREET GRADES

- LESS THAN 10%
- LESS THAN 11%
- LESS THAN 12%
- LESS THAN 13%
- LESS THAN 14%
- LESS THAN 15%

INTERSECTION GRADES

WEST: 7.0%
EAST: 4.4%
SOUTH: 2.9%

INTERSECTION GRADES

NORTH: 5.9%
SOUTH: 5.3%
WEST: 1.8%

INTERSECTION GRADES

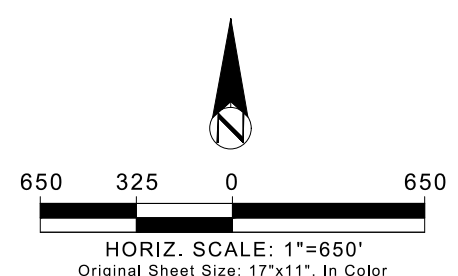
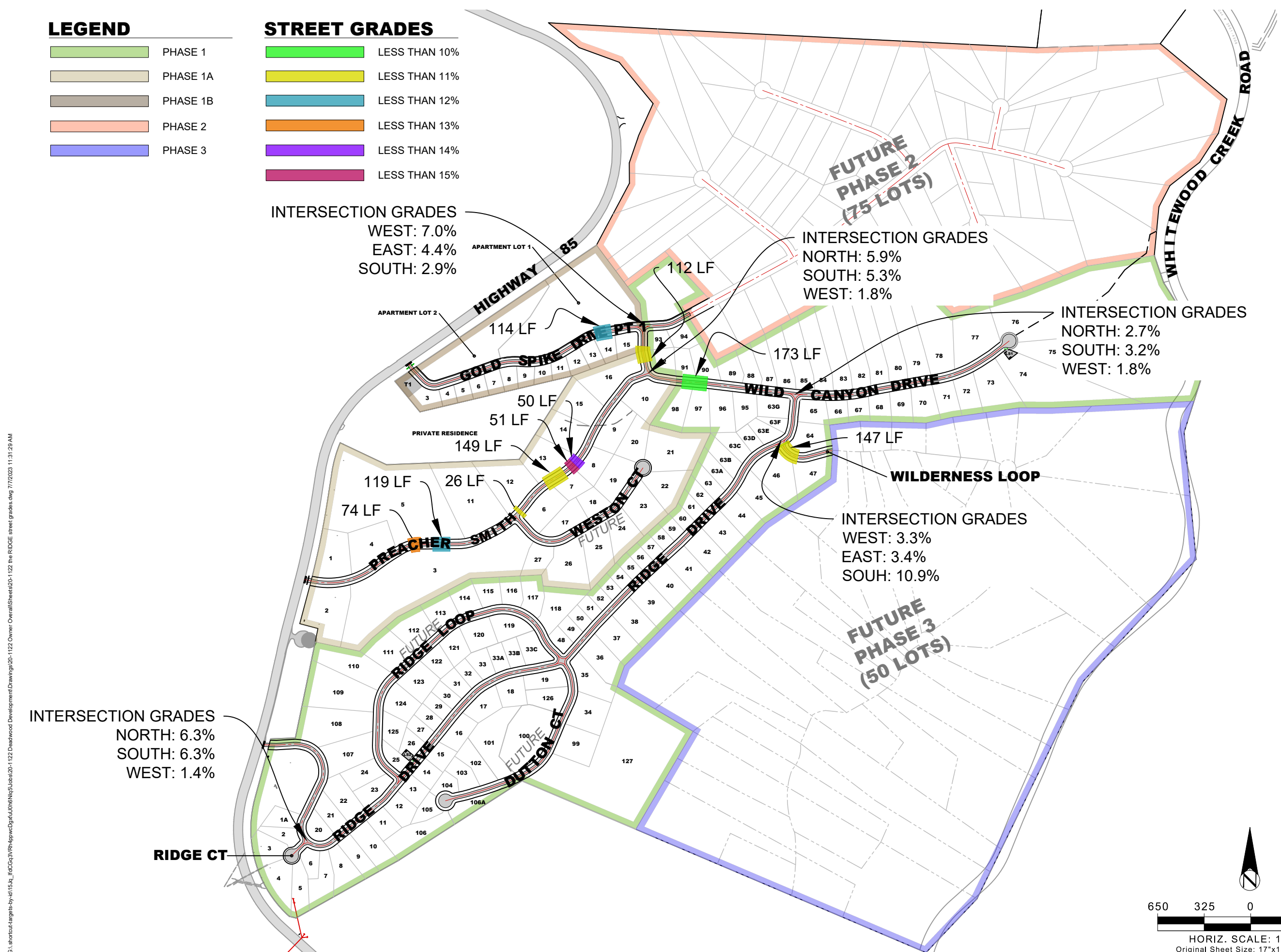
NORTH: 2.7%
SOUTH: 3.2%
WEST: 1.8%

INTERSECTION GRADES

WEST: 3.3%
EAST: 3.4%
SOUTH: 10.9%

INTERSECTION GRADES

NORTH: 6.3%
SOUTH: 6.3%
WEST: 1.4%



G:\projects\20-1122\Drawings\20-1122\Development\Drawings\20-1122\Owner OverallSheet20-1122 the RIDGE street grades.dwg 7/7/2023 11:31:29 AM

**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Variance to Ordinance Chapter 16.04.020 (K) – Street Grades and Alleys. (Maximum street grades 9%).

APPLICANTS: TRD, LLC (Randy & Cheri Horner)

LEGAL DESCRIPTION: REMAINDER OF PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); LOTS 1 & 22, BLOCK 1B OF THE RIDGE DEVELOPMENT; AND BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: The RIDGE at Deadwood development
Deadwood, Lawrence County, South Dakota

ZONE: PUD – Planned Unit Development

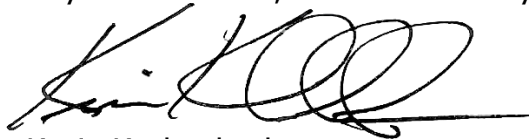
NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, August 7, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

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Dated this 12th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July ____, 2023

Published once at the total approximate cost of \$_____

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 722-0786



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

BOARD OF ADJUSTMENT REQUEST FOR A VARIANCE

Staff Report

Date: July 14, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for a Variance – 16.04.020 Improvements.

APPLICANT(S): TRD, LLC (Randy & Cheri Horner)
PURPOSE: Variance – 16.05.020 Improvements – Obligations of Developer
ADDRESS: The RIDGE at Deadwood development
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: Remainder of Preacher Smith Tract (Less Lot A of the Ridge Development); Lots 1 & 22, Block 1B of the Ridge Development; and Block 1 and Block 1A of the Ridge Development, City of Deadwood, Lawrence County, South Dakota
ZONE: PUD – Planned Unit Development with the following Zones:
R1 – Residential District
R2 – Multi-Family
CH – Commercial Highway

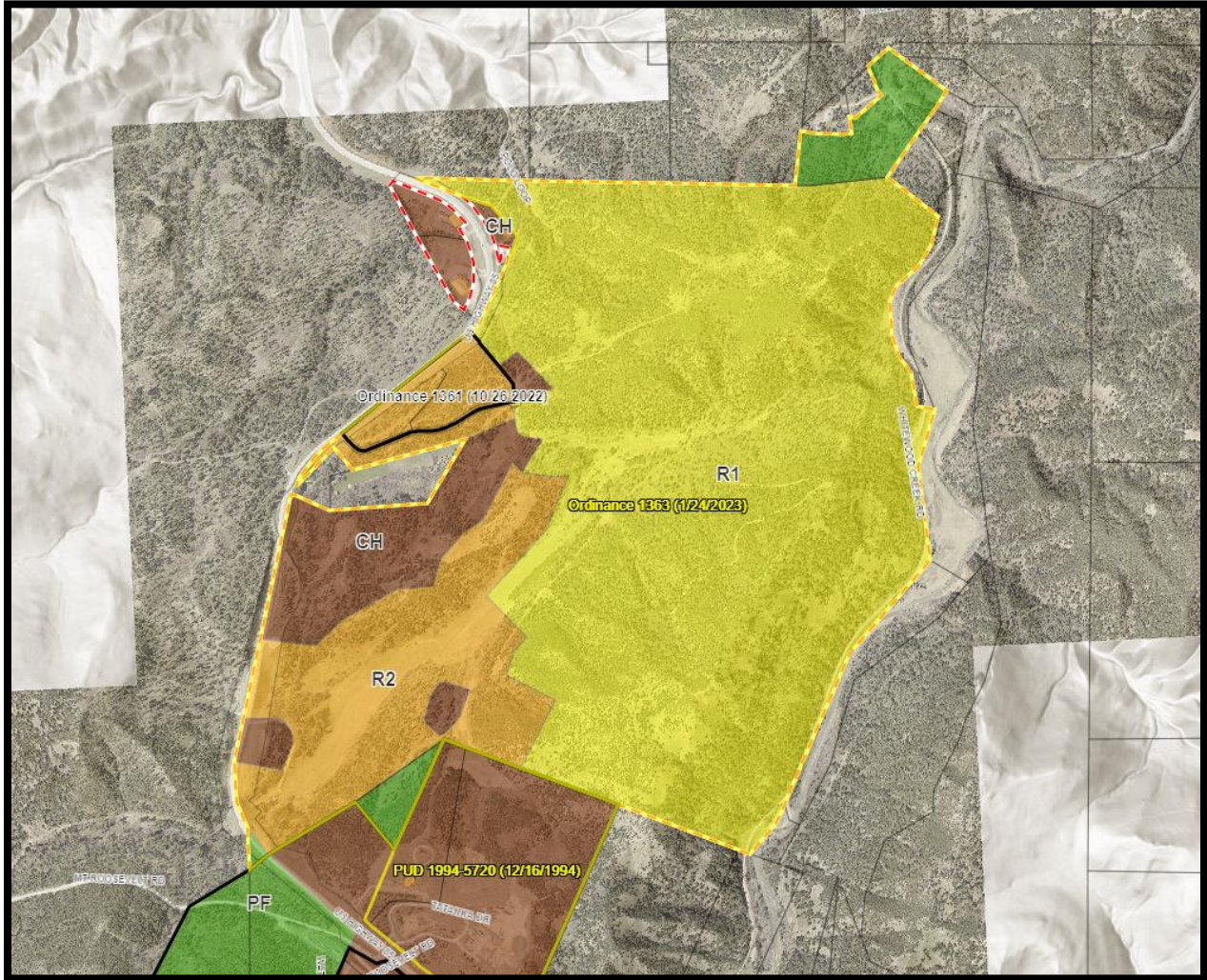
STAFF FINDINGS:

Due to the complexity of the variance, the impact on various city departments, and the potential precedence it would set with the City of Deadwood, the staff report will not be available until late Monday or Tuesday afternoon.

Thank you for your understanding and patience.

Request for a Variance – Street Grades
The RIDGE at Deadwood
July 11, 2023

LOCATION MAP



Map showing the general vicinity of the subject property.

Request for a Variance – Street Grades
The RIDGE at Deadwood
July 11, 2023

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood
Board of Adjustment
Deadwood, South Dakota 57732

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ADDRESS: The RIDGE at Deadwood development
Deadwood, Lawrence County, South Dakota

ZONE: PUD – Planned Unit Development

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Dated this 12th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: July __, 2023

Published once at the total approximate cost of \$ _____

Return Completed Form To:
Planning and Zoning
108 Sherman Street
Deadwood, SD 57732



Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

REQUEST FOR VARIANCE

Application Fee: \$200.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Petitioner: Randy Horner Telephone: (701) 220-9686

Address: 16 Peck Street Deadwood SD 57732
Street City State Zip

Legal Description of Property: Remainder of Preacher Smith Tract (Less Lot A of the Ridge Dev.);
Lots 1 & 2, Blk 1B of the Ridge Dev. and Blk 1 and Blk 1A of the Ridge Dev, City of Deadwood
Lawrence County, South Dakota

Property Address: N/A
Street City State Zip

Description of Request: Based on prior approval of Project Plan, rural section with asphalt roads,
open ditches, and a pedestrian trail is planned, please see attached.

Appeal from Section: 16.05.020: 3. - curb and gutter, sidewalks and inlets and leads

DocuSigned by:
Signature of Applicant: Randy Horner Date: 7/6/2023
9DB3C25015A2450... DocuSigned by:
Signature of Property Owner: Randy Horner Date: 7/6/2023
9DB3C25015A2450...

Fee: \$ 200.00 Paid On 7/11/2023 Receipt Number 00186764

Legal Notice Published Date: _____ Hearing Date: _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____



Deadwood, South Dakota

VARIANCE REQUEST

NARRATIVE

the RIDGE Development, Deadwood, SD

Applicant/Developer/Owner:	Preacher Smith, LLC / TRD, LLC - Randy and Cheri Horner 16 Peck Street, Deadwood, SD 57732
Project Agent:	Leah M. Berg, P.E. LBerg@proacesinc.com Cell: 605-545-1120
Legal Description:	Remainder of Preacher Smith Tract (Less Lot A of the Ridge Development); Lots 1 & 2, Block 1B of the Ridge Development and Block 1 and Block 1A of the Ridge Development, City of Deadwood, Lawrence County, South Dakota.
Variance:	Curb and Gutter, Sidewalks, and Inlets and Leads per City Ordinance 16.05.020:3

1. Request:

- This request is in response to the City request for a formality that was not completed at project commencement and will serve as the official approval for the previously staff approved items. As well as, the previously presented and accepted Project Plan from February 2021. This project plan document is attached for reference. This project plan shows the Developers plan for the development including the road section planned for the RIDGE Development. This section includes a rural section road, open ditches for drainage, asphalt surfacing on the road surface and aggregate pedestrian trail on one side of the roadways, along the property line in most areas. Please see the typical residential section detailed graphically in the attached Project Plan and on the current recreational trails layout sheet.
- The “Project Plan” was referenced in and tied to many City voted on and approved documents such as: the MOU (Memorandum of Understanding) approved June 2021, TIF #14 approved November 2021, and Development Agreement approved January 2022.

- The Developer and property owner proceeded in good faith with staff approval in the Summer of 2021 in order to make every attempt of making TIF #14 be successful.
- Clear transparency of project plan was provided through the multi-page Master Plan Document provided to each member of City Staff necessary, Planning & Zoning Board Members and City Commission members. Visual images were utilized to ensure intent was not misinterpreted in any way. As related to, road section being a rural section with open ditches and aggregate trail on one side of the roadway. Even images of materials planned were included.
 - If this document was not included in agenda packets the Developer has no control over agenda packet items, that is a City item/task.
- The understanding of the Developer, as directed by staff is that the Project plan was accepted and approved as a whole project plan.
- The Developer would not have committed to providing curb and gutter, concrete sidewalk and underground storm sewer and does not commit to those items now. These items are not justifiable in the development location.
- The items listed are a combination of improvements that all work together to be appropriate.
 - Curb and gutter is normally provided to allow for an underground storm sewer system. Also, sidewalk is typically placed along the back of curb so all hard surfacing works as one continuous unit.
- The requirement of Curb and gutter, sidewalk and underground storm sewer create a hardship that makes the Lot pricing unachievable for cost.
 - That is why a project plan was submitted prior to construction and throughout the City approval process for the TIF #14.
 - With the current, responsible City Commission, full understanding of the project plan was reviewed and discussed to ensure full understanding prior to TIF #14 consideration and approval.
 - Multiple meetings were held with staff, Mayor and Commissioners to ensure there was a clear understanding of the project plan, prior to TIF #14 approval.

2. Supporting Information:

- Extreme topography and bedrock conditions are present on the existing development site which limits standard requirement options.

- The proposed variance will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns.
- The aggregate recreational trail allows for a safe alternative for pedestrian movements through the development.
 - The attached layout shows the current trail layout which extends from Whitewood Creek access, to the future planned trolley stop at Highway 85 and Gold Spike Drive, as well as, along Ridge Drive to the under Highway 85, 14'x14' box culvert to allow safe access to the west side of Highway 85.
 - The pedestrian trail is located along the property line and is planned to be 5' wide. This is 15' to 20' off the edge of the asphalt road. Other sections of trail will be along property lines on private property within easement areas.
 - The road crossing areas will be striped out with culvert crossings at the ditch sections to minimize pedestrian on road travel.
 - The HOA shall be responsible for trail maintenance and improvements.
 - The aggregate trail system allows for field fit conditions that exist on the RIDGE.
- The open ditch drainage system provides a variety of uses and benefits:
 - The planned open ditches provide the ability to convey surface drainage safely in and through the development to Whitewood Creek.
 - Open turf ditches promote infiltration and high-quality groundwater recharge.
 - Open turf lined ditches allow for additional greenspace to be retained throughout the development, which is a natural mountainous environment with extreme slopes, grade changes, cliffs, and fully wooded sections.
 - Lots are large with minimum frontage measuring 100 LF.
 - Existing drainage patterns will also be retained through the development.
 - Open ditch areas provide continuous and substantial snow storage areas as well.
 - Snow removal operations are more efficient with the proposed asphalt roads, aggregate shoulders and open ditches.

- Covenants can be revised to reflect the maintenance requirements in the ROW, such as, turf ditches shall be mowed and maintained by each adjacent property owner and culverts shall be cleaned on a regular basis by the HOA.
 - The above conditions would eliminate City responsibilities.
 - The covenants will be enforced by the HOA.
- Fire hydrants are uniformly planned at the edge of the trail and spaced 500' apart. Each hydrant will be marked with a flag as is standard in the Deadwood area.
- Curb stops for Lot water services have also been uniformly planned to be in the center of the Lot near the property line. This is where most driveways will be located and driveways will be hardscaped so curb stops will be located within an asphalt or concrete section for locating by the City as necessary.
- the RIDGE development team has been open to working with the City from the beginning of this project and expansion of the Deadwood Community in a true partnership. A common goal is to have a successful TIF #14 and a great asset added to the Deadwood community.
 - This variance is required to keep the project moving forward as was planned and agreed to in 2021.
 - If the project cannot continue, then both the Developer and the City will be facing legal action due to existing commitments to the work force housing project within the RIDGE Development due to no City utilities (water and sewer) being available to the property.
 - The project plan was created based on what improvements would work best with the existing topography, field conditions and proximity to surrounding developed areas. The development is not adjacent to any developed parcels with curb and gutter, sidewalks, and underground storm sewer.

END OF NARRATIVE

Attachments:

1. Project Plan Document from February 2021
2. Recreational Trails Layout dated July 2023

the  RIDGE

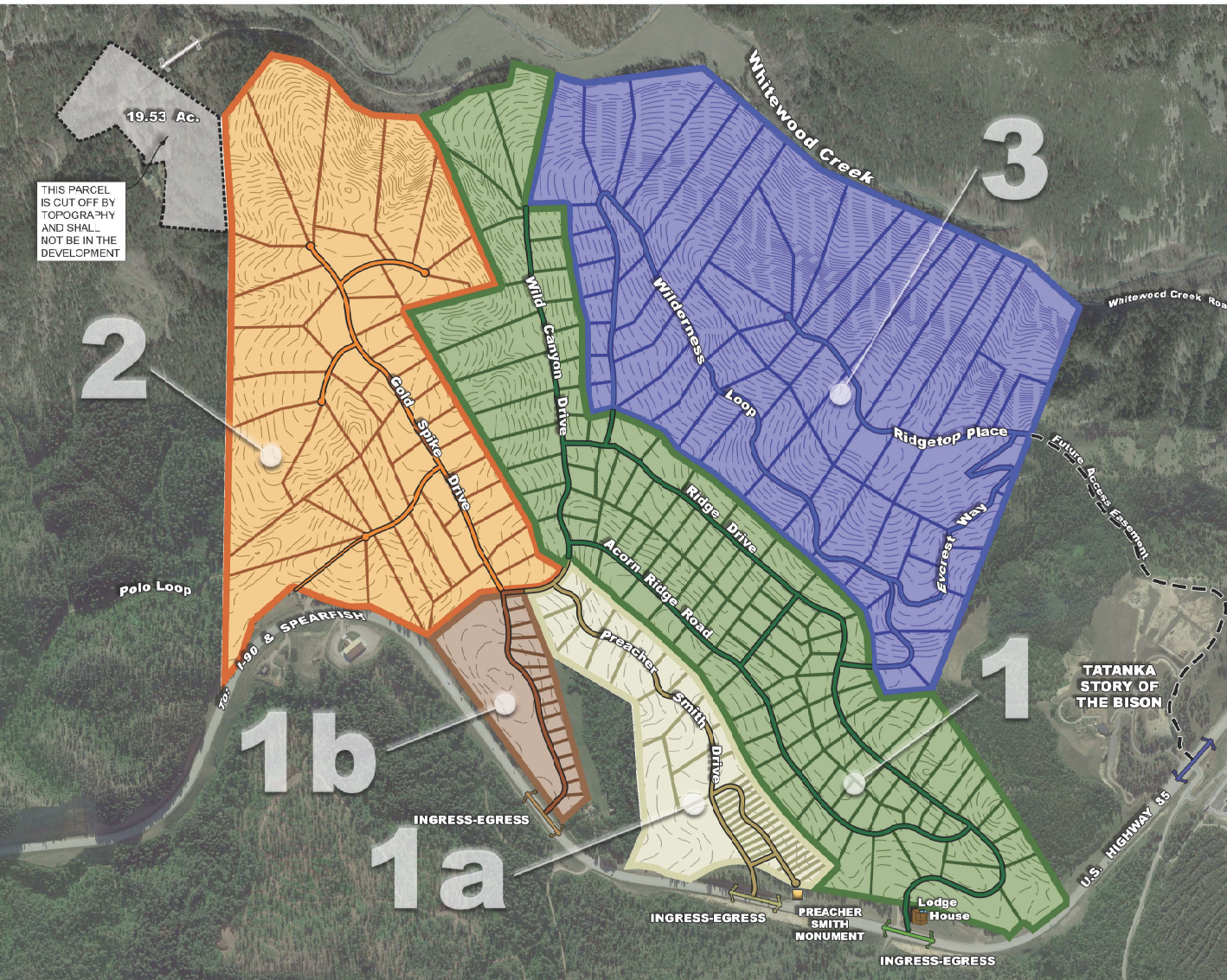
A MASTER PLANNED COMMUNITY

DEADWOOD - SOUTH DAKOTA

ACES

AFFORDABLY CREATIVE ENGINEERING SERVICES





the RIDGE by Preacher Smith LLC, Deadwood, South Dakota

Welcome to **the RIDGE**; a Mountain Modern West community inspired by nature and history. Through the entry are roughly 700 acres of Mountain Modern West vistas and rolling topography. Located just minutes from premium amenities in historic Deadwood and Spearfish, South Dakota. This development is surrounded by an abundance of nature and recreational opportunities. **the RIDGE** will be filled with new home opportunities for the City of Deadwood. There will be multi-family apartments, townhomes, single-family residential Lots and some commercial Lots along Highway 85. The community will include Mountain Modern West style homes which will bring richness and community to the development and local area. Homesites have been created to fit everyone with a range from 0.30 - 11 acre lots. Apartments and homes within **the RIDGE** will be built by some of the area's finest contractors and custom home builders, truly making **the RIDGE** a place that people desire to be part of. **the RIDGE** will include paved roads, underground utilities, City of Deadwood water, fire protection features, Lead/Deadwood Sanitary District sanitary sewer, a community lodge building, green space and trails, recreation opportunities, and true wilderness beauty. **the RIDGE** will offer protected woodlands, quiet springs, and natural areas.

the RIDGE will be a fire wise and environmentally conscious community developed by Preacher Smith LLC, out of Deadwood, South Dakota. Our vision is to create a community that will encompass the best of what the South Dakota lifestyle has to offer, yet provide responsible stewardship for the land and wildlife.

The first part of this large scale development will consist of multi-family housing, townhomes, commercial opportunities and 112 single family residences surrounded by ponderosa pines and aspen trees that light up the fall air. The community will include a trail system that can be used year round for hiking, biking, cross-country skiing, snowshoeing, and nature viewing.

- The community will feature:
- Lodge house available to all community members
 - Trail system - maintained year-round
 - Connections to premium fly fishing along Whitewood Creek
 - Pristine acreages filled with ponderosa pine and grand green spaces

the RIDGE has been divided into multiple phases noted on the map as 1, 1a, 1b, 2, and 3. The phases and options will be constructed over time as the development begins to fill out. The multi-phase concept has been strategically planned out to build the infrastructure by phase, in a complete engineered development.

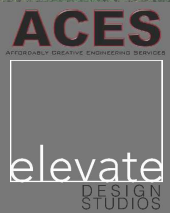
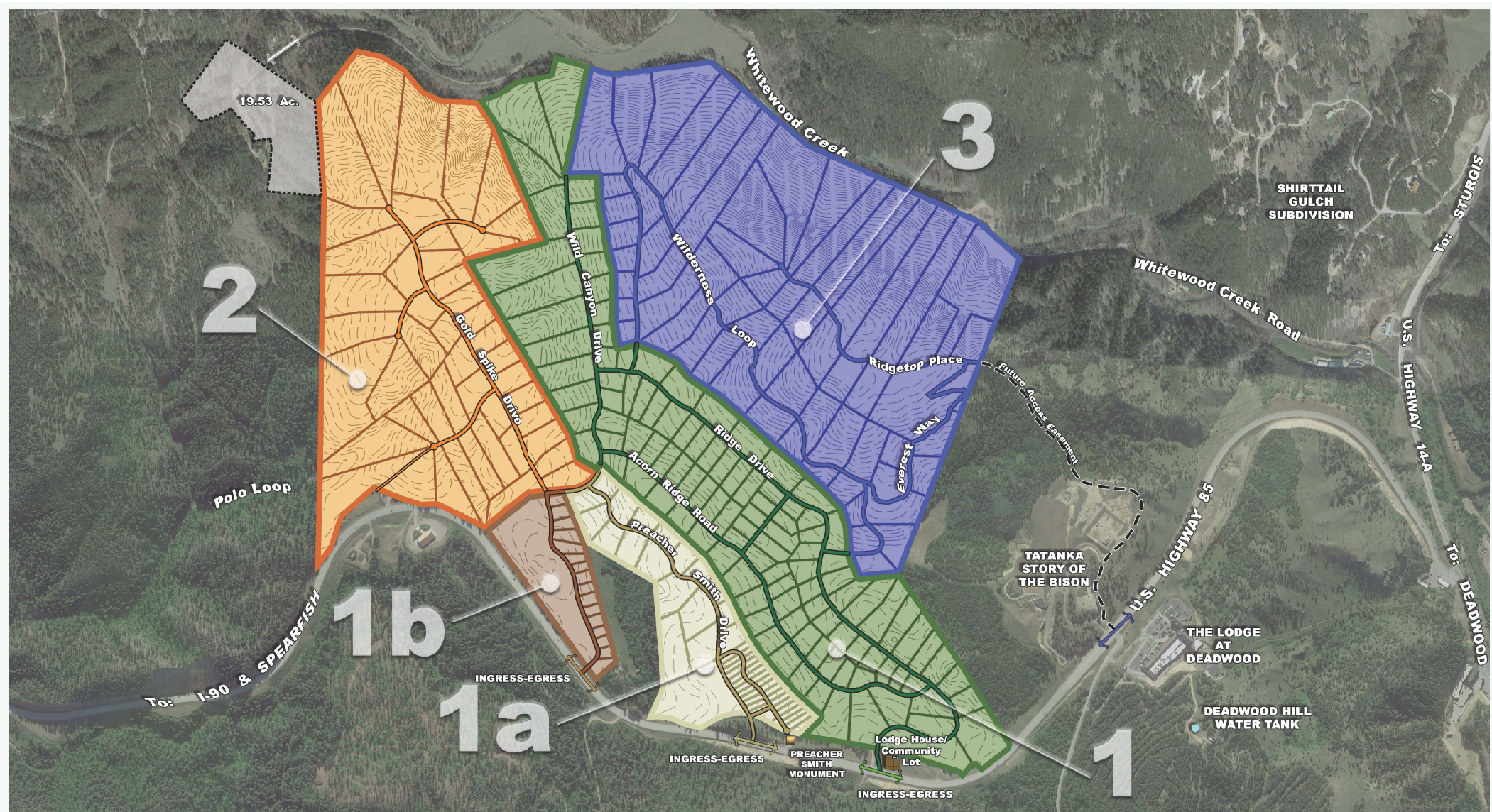
ACES
ARCHITECTURAL DESIGN ENGINEERING SERVICES

elevate
DESIGN
STUDIOS

MASTER PLAN
NARRATIVE AND PHASING



FEBRUARY 2021

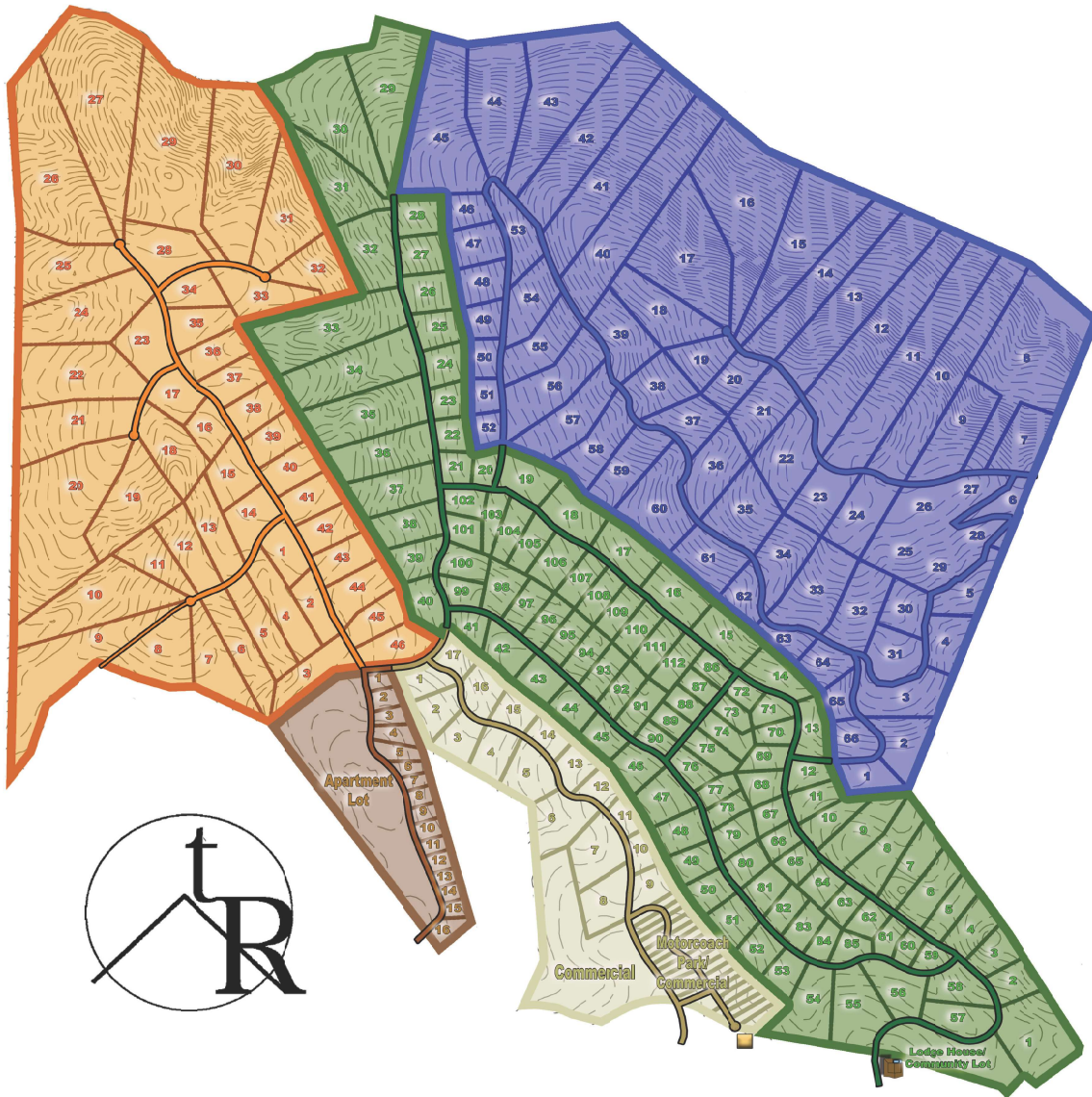


OVERALL MASTER PLAN

DEADWOOD, SOUTH DAKOTA



FEBRUARY 2021



Phase 1	Ac.
Lot 1	4.3
Lot 2	1.4
Lot 3	1.4
Lot 4	1.7
Lot 5	1.5
Lot 6	2.1
Lot 7	2.1
Lot 8	2.7
Lot 9	2.5
Lot 10	1.5
Lot 11	1.3
Lot 12	1.1
Lot 13	1.6
Lot 14	1.9
Lot 15	2.2
Lot 16	2.3
Lot 17	2.3
Lot 18	2.2
Lot 19	2.0
Lot 20	0.8
Lot 21	1.0
Lot 22	1.0
Lot 23	1.1
Lot 24	1.4
Lot 25	1.4
Lot 26	1.7
Lot 27	1.6
Lot 28	1.7
Lot 29	6.4
Lot 30	6.6
Lot 31	3.6
Lot 32	3.3
Lot 33	6.4
Lot 34	5.2
Lot 35	4.7
Lot 36	3.4
Lot 37	2.9
Lot 38	2.1
Lot 39	1.6
Lot 40	1.6
Lot 41	1.1
Lot 42	1.7
Lot 43	1.4
Lot 44	1.3
Lot 45	1.2
Lot 46	1.5
Lot 47	1.9
Lot 48	1.5
Lot 49	1.3
Lot 50	1.3
Lot 51	1.6
Lot 52	1.3
Lot 53	1.2
Lot 54	3.1
Lot 55	3.3
Lot 56	2.2
Lot 57	1.9
Lot 58	1.9
Lot 59	0.8
Lot 60	0.7
Lot 61	0.8
Lot 62	1.0
Lot 63	0.9
Lot 64	1.1
Lot 65	1.0
Lot 66	0.8
Lot 67	0.9
Lot 68	1.1
Lot 69	0.9
Lot 70	0.8
Lot 71	0.9
Lot 72	0.7
Lot 73	0.8
Lot 74	1.2
Lot 75	1.1

Continued:

Lot 76	1.1
Lot 77	0.8
Lot 78	0.8
Lot 79	1.2
Lot 80	1.1
Lot 81	1.2
Lot 82	1.0
Lot 83	1.1
Lot 84	0.8
Lot 85	0.9
Lot 86	0.8
Lot 87	0.7
Lot 88	0.7
Lot 89	0.7
Lot 90	0.8
Lot 91	1.2
Lot 92	1.2
Lot 93	1.2
Lot 94	1.2
Lot 95	1.2
Lot 96	1.2
Lot 97	1.2
Lot 98	1.5
Lot 99	1.0
Lot 100	1.3
Lot 101	0.9
Lot 102	1.0
Lot 103	1.0
Lot 104	1.2
Lot 105	1.2
Lot 106	1.6
Lot 107	1.2
Lot 108	1.2
Lot 109	1.2
Lot 110	1.2
Lot 111	1.2
Lot 112	1.2
Lodge House/Community Lot	4.7

Phase 1a	Ac.
Lot 1	1.4
Lot 2	1.6
Lot 3	1.6
Lot 4	1.8
Lot 5	2.1
Lot 6	2.8
Lot 7	2.5
Lot 8	2.1
Lot 9	1.3
Lot 10	0.9
Lot 11	0.8
Lot 12	1.1
Lot 13	1.2
Lot 14	1.1
Lot 15	1.2
Lot 16	1.6
Lot 17	1.1
Lot 79	1.2
Lot 80	1.1
Lot 81	1.2
Lot 82	1.0
Lot 83	1.1
Lot 84	0.8
Lot 85	0.9
Lot 86	0.8
Lot 87	0.7
Lot 88	0.7
Lot 89	0.7
Lot 90	0.8
Lot 91	1.2
Lot 92	1.2
Lot 93	1.2
Lot 94	1.2
Lot 95	1.2
Lot 96	1.2
Lot 97	1.2
Lot 98	1.5
Lot 99	1.0
Lot 100	1.3
Lot 101	0.9
Lot 102	1.0
Lot 103	1.0
Lot 104	1.2
Lot 105	1.2
Lot 106	1.6
Lot 107	1.2
Lot 108	1.2
Lot 109	1.2
Lot 110	1.2
Lot 111	1.2
Lot 112	1.2
Lodge House/Community Lot	4.7

Phase 1b	Ac.
Lot 1	0.5
Lot 2	0.6
Lot 3	0.6
Lot 4	0.8
Lot 5	0.7
Lot 6	0.4
Lot 7	0.4
Lot 8	0.5
Lot 9	0.4
Lot 10	0.5
Lot 11	0.4
Lot 12	0.5
Lot 13	0.3
Lot 14	0.4
Lot 15	0.4
Lot 16	0.8
Apartment Lot	13.9

Phase 2	Ac.
Lot 1	1.7
Lot 2	1.5
Lot 3	2.5
Lot 4	2.7
Lot 5	2.4
Lot 6	2.8
Lot 7	3.3
Lot 8	3.8
Lot 9	7.6
Lot 10	5.8
Lot 11	2.0
Lot 12	2.4
Lot 13	2.4
Lot 14	2.0
Lot 15	2.0
Lot 16	1.5
Lot 17	1.7
Lot 18	3.0
Lot 19	4.5
Lot 20	11.1
Lot 21	4.8
Lot 22	5.8
Lot 23	2.6
Lot 24	5.6
Lot 25	4.6
Lot 26	10.0
Lot 27	11.3
Lot 28	3.0
Lot 29	10.5
Lot 30	8.5
Lot 31	4.9
Lot 32	2.8
Lot 33	3.0
Lot 34	1.7
Lot 35	2.0
Lot 36	1.9
Lot 37	1.8
Lot 38	1.8
Lot 39	1.8
Lot 40	1.8
Lot 41	1.8
Lot 42	1.8
Lot 43	1.8
Lot 44	2.2
Lot 45	1.9
Lot 46	2.6

Phase 3	Ac.
Lot 1	1.6
Lot 2	2.4
Lot 3	3.3
Lot 4	2.1
Lot 5	2.2
Lot 6	1.8
Lot 7	2.8
Lot 8	10.6
Lot 9	3.9
Lot 10	7.6
Lot 11	8.4
Lot 12	8.0
Lot 13	7.4
Lot 14	5.4
Lot 15	6.9
Lot 16	9.4
Lot 17	7.3
Lot 18	3.5
Lot 19	1.9
Lot 20	1.8
Lot 21	2.8
Lot 22	3.4
Lot 23	2.4
Lot 24	2.9
Lot 25	2.5
Lot 26	2.5
Lot 27	1.4
Lot 28	1.1
Lot 29	1.6
Lot 30	1.7
Lot 31	2.2
Lot 32	3.0
Lot 33	3.9
Lot 34	2.8
Lot 35	3.5
Lot 36	3.0
Lot 37	2.1
Lot 38	2.4
Lot 39	3.0
Lot 40	8.1
Lot 41	7.6
Lot 42	6.9
Lot 43	8.2
Lot 44	5.8
Lot 45	7.9
Lot 46	1.3
Lot 47	1.8
Lot 48	1.7
Lot 49	1.2
Lot 50	1.1
Lot 51	1.0
Lot 52	1.0
Lot 53	2.3
Lot 54	2.6
Lot 55	2.8
Lot 56	4.1
Lot 57	3.5
Lot 58	2.9
Lot 59	2.9
Lot 60	4.1
Lot 61	2.7
Lot 62	1.5
Lot 63	1.2
Lot 64	1.6
Lot 65	1.1
Lot 66	1.6

PHASE LEGEND

- PHASE 1 - 186 ACRES
- PHASE 1a - 46 ACRES
- PHASE 1b - 22 ACRES
- PHASE 2 - 169 ACRES
- PHASE 3 - 235 ACRES
- UNDEVELOPED PARCEL - 26 ACRES
- TOTAL DEVELOPMENT - 679.49 ACRES**

ACES
ARCHITECTURE CREATIVE ENGINEERING SERVICES

elevate
DESIGN STUDIOS

MASTER PLAN
LOTS AND SIZES



FEBRUARY 2021



The gateways to the development will be marked by a beautiful grand entry feature. The feature will signify that you have entered something special. Traveling through the feature you will have a mind set that will change from the business of the highway to a calmness of wilderness and home. The gateway will be made of two bookend feature columns. Base construction of local stone, these columns will support the large timber beams that will include lighting and the development branding.

The overall aesthetic of the feature will be the start of bringing the Mountain Modern West flare to the development.

ACES
AFFORDABLE CREATIVE ENGINEERING SERVICES

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DESIGN
STUDIOS

GRAND ENTRY FEATURE

MAIN ENTRANCE OFF HWY 85



FEBRUARY 2021



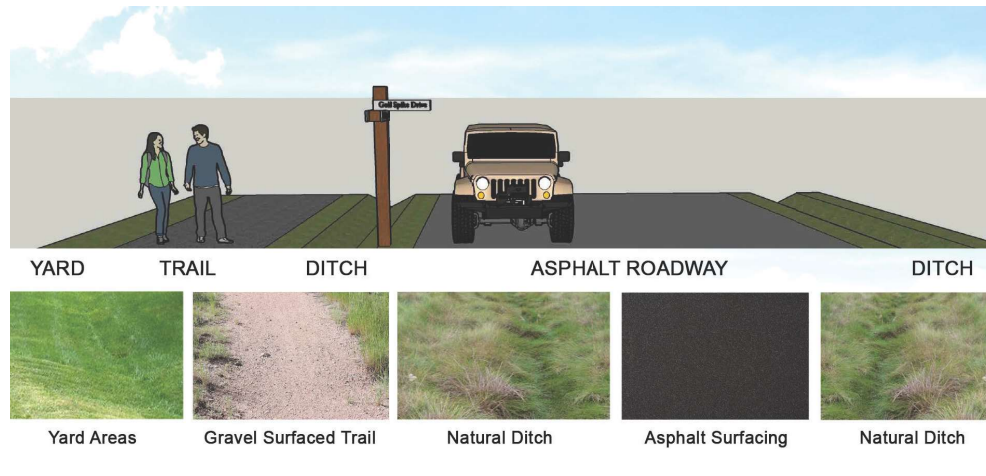
The design of the street lights and light poles throughout the development will be consistent. Specific styles will be determined through design but will include solar powered lights mounted on top of a locally sourced timber post. The timber post will complement elements found throughout the development and the City of Deadwood, such as the 'Deadwood Style Fence' shown below, and new custom entry features. The proposed light concepts are currently being used at the Days of 76 Museum in Deadwood.



POST STYLE OPTIONS



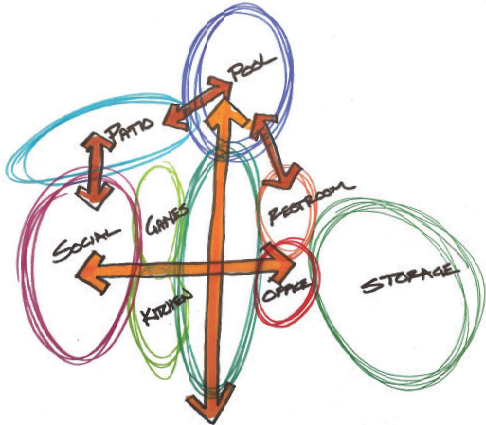
Street name signs and traffic wayfinding and directional signage throughout **the RIDGE** will be constructed of timber posts similar to the street lights, entry feature, and other elements throughout the development. These poles will include a metal branding feature that will bring a richness and sense of community throughout the development.



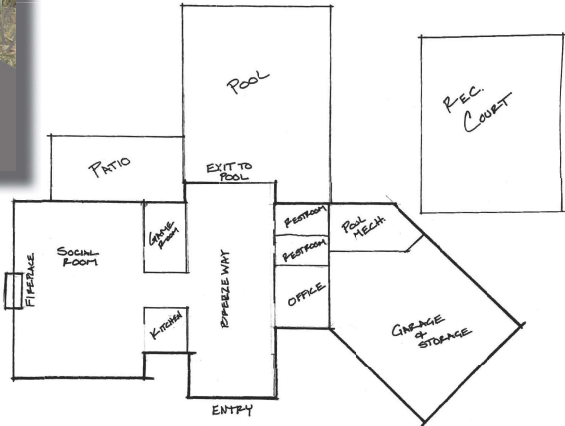
TYPICAL RESIDENTIAL SECTION WITH TRAIL



The name and the brand that have been designed develop a sense of community throughout the development. The brand and name will be seen from the entry of the development and will be incorporated throughout the development and specific features. The Lodge House will include both the name and the brand throughout the design of the lodge, patios, and recreation courts.



LODGE HOUSE SCHEMATIC FLOW

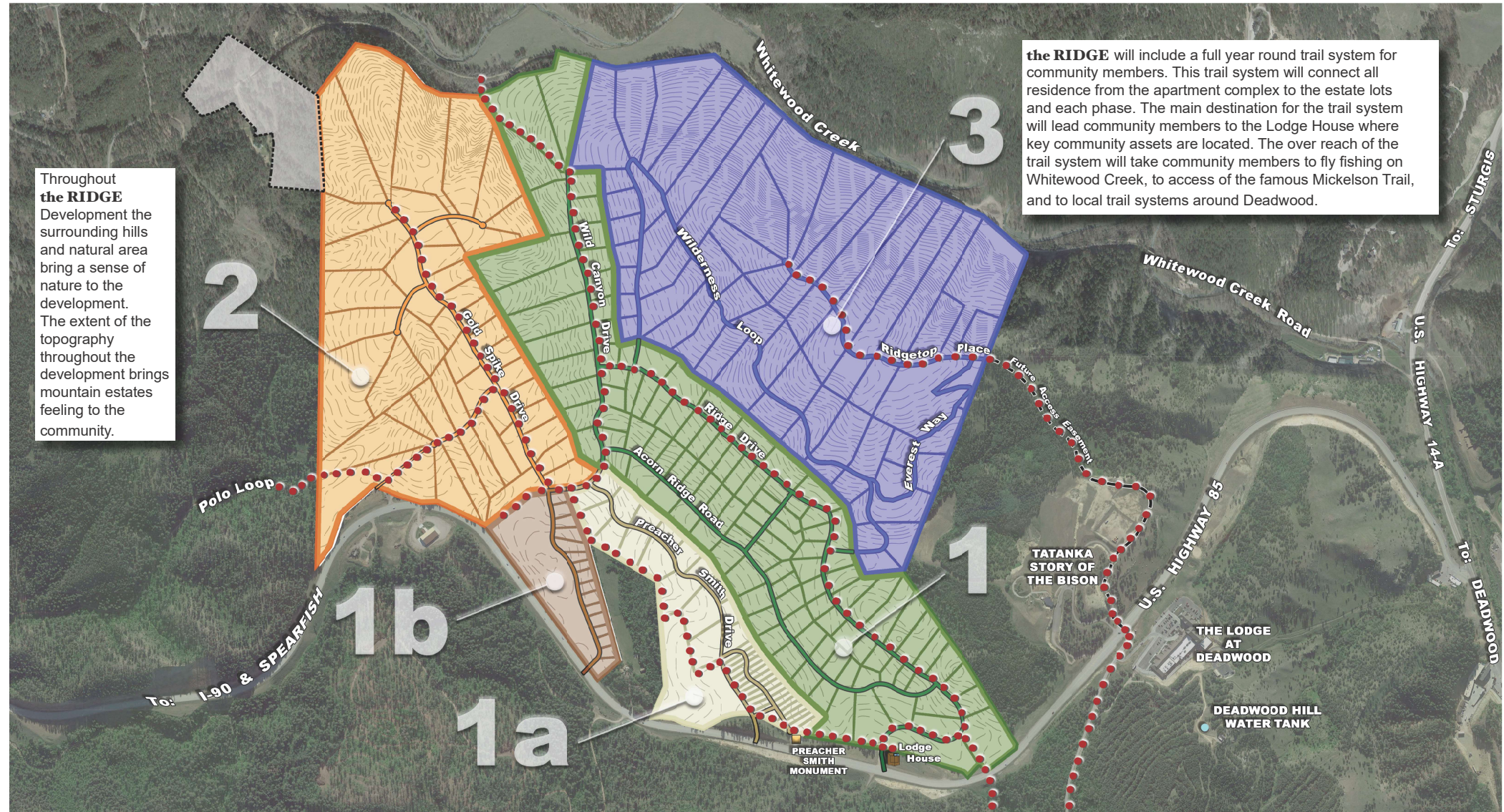


LODGE HOUSE SCHEMATIC FLOOR PLAN

The Community Lodge House will be a gathering place for the entire community of **the RIDGE**. The lodge will include an interior area of 4,000-4,500 square feet. Features provided will be a social room including a kitchen to host smaller gatherings, a game room, a marketing office space, restrooms, outdoor social patio, and a year-round outdoor heated pool and spa with associated patio. Garage type storage space shall be for the homeowners' association (HOA) and the development. The area around the lodge house may include recreation courts and a small natural playground feature. All of these elements and features are key assets for future community members.

Throughout the RIDGE Development the surrounding hills and natural area bring a sense of nature to the development. The extent of the topography throughout the development brings mountain estates feeling to the community.

the RIDGE will include a full year round trail system for community members. This trail system will connect all residence from the apartment complex to the estate lots and each phase. The main destination for the trail system will lead community members to the Lodge House where key community assets are located. The over reach of the trail system will take community members to fly fishing on Whitewood Creek, to access of the famous Mickelson Trail, and to local trail systems around Deadwood.



ACES
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DESIGN STUDIOS

RECREATIONAL TRAILS



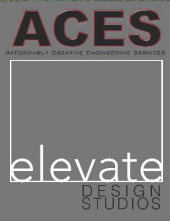
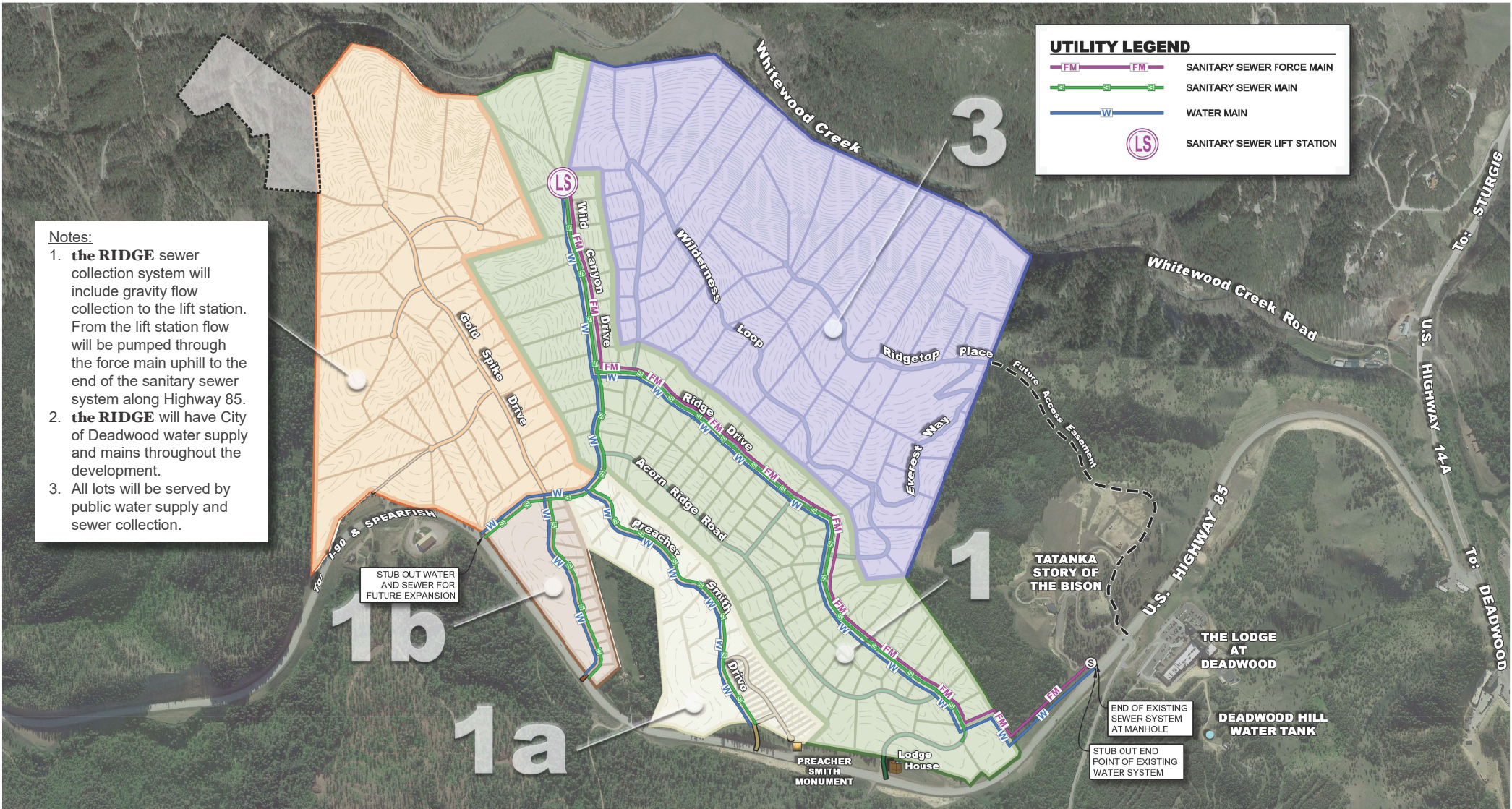
FEBRUARY 2021

Notes:

1. **the RIDGE** sewer collection system will include gravity flow collection to the lift station. From the lift station flow will be pumped through the force main uphill to the end of the sanitary sewer system along Highway 85.
2. **the RIDGE** will have City of Deadwood water supply and mains throughout the development.
3. All lots will be served by public water supply and sewer collection.

UTILITY LEGEND

	FM	SANITARY SEWER FORCE MAIN
	S	SANITARY SEWER MAIN
	W	WATER MAIN
	LS	SANITARY SEWER LIFT STATION









PUBLIC UTILITY LAYOUT

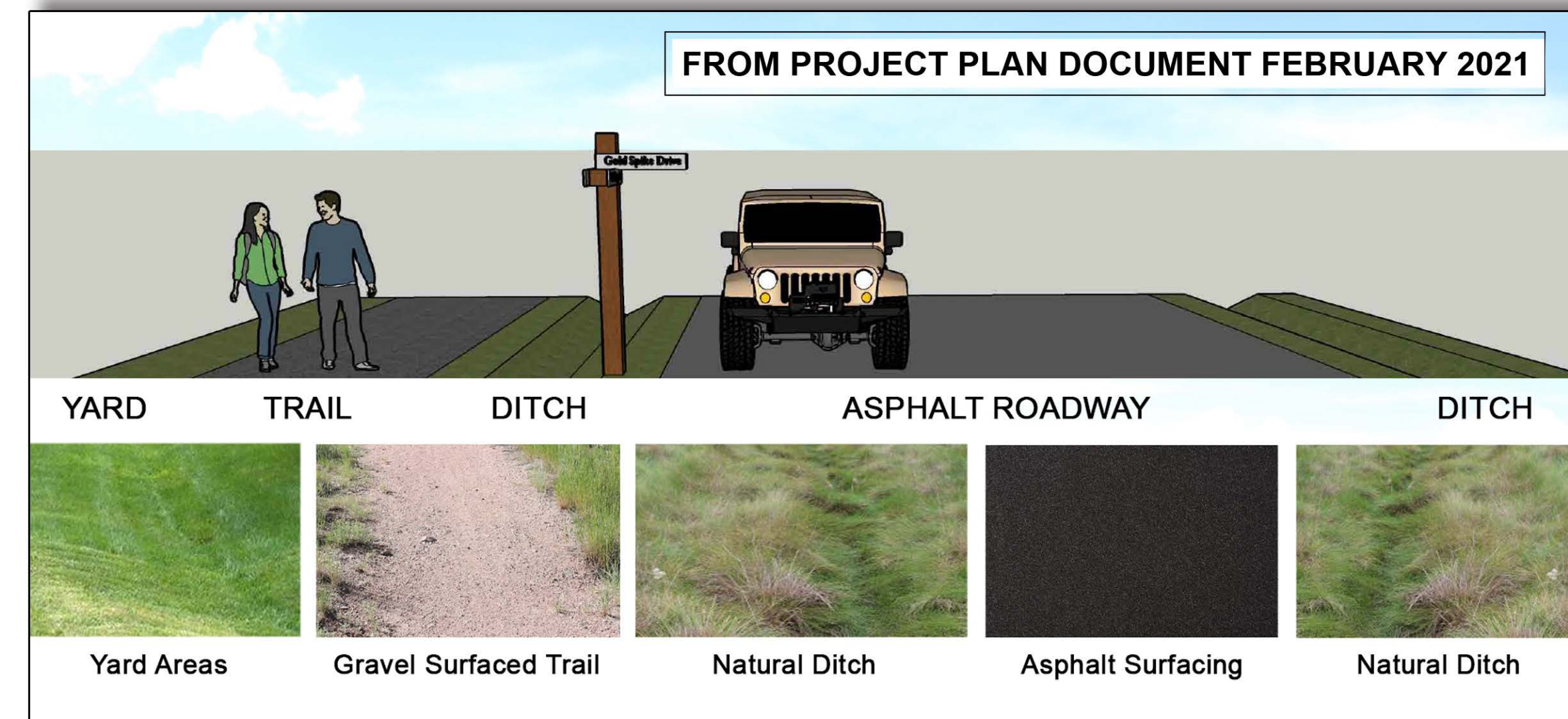
WATER & SANITARY SEWER



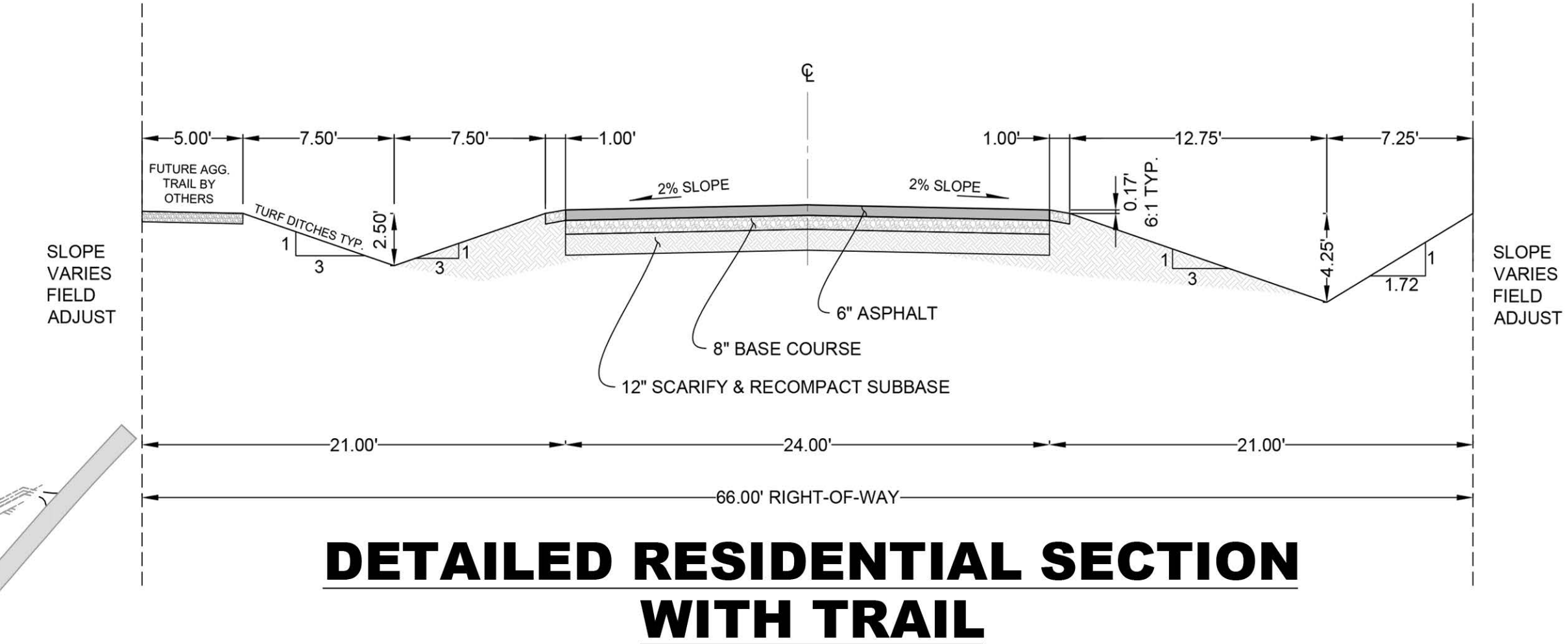
FEBRUARY 2021

LEGEND

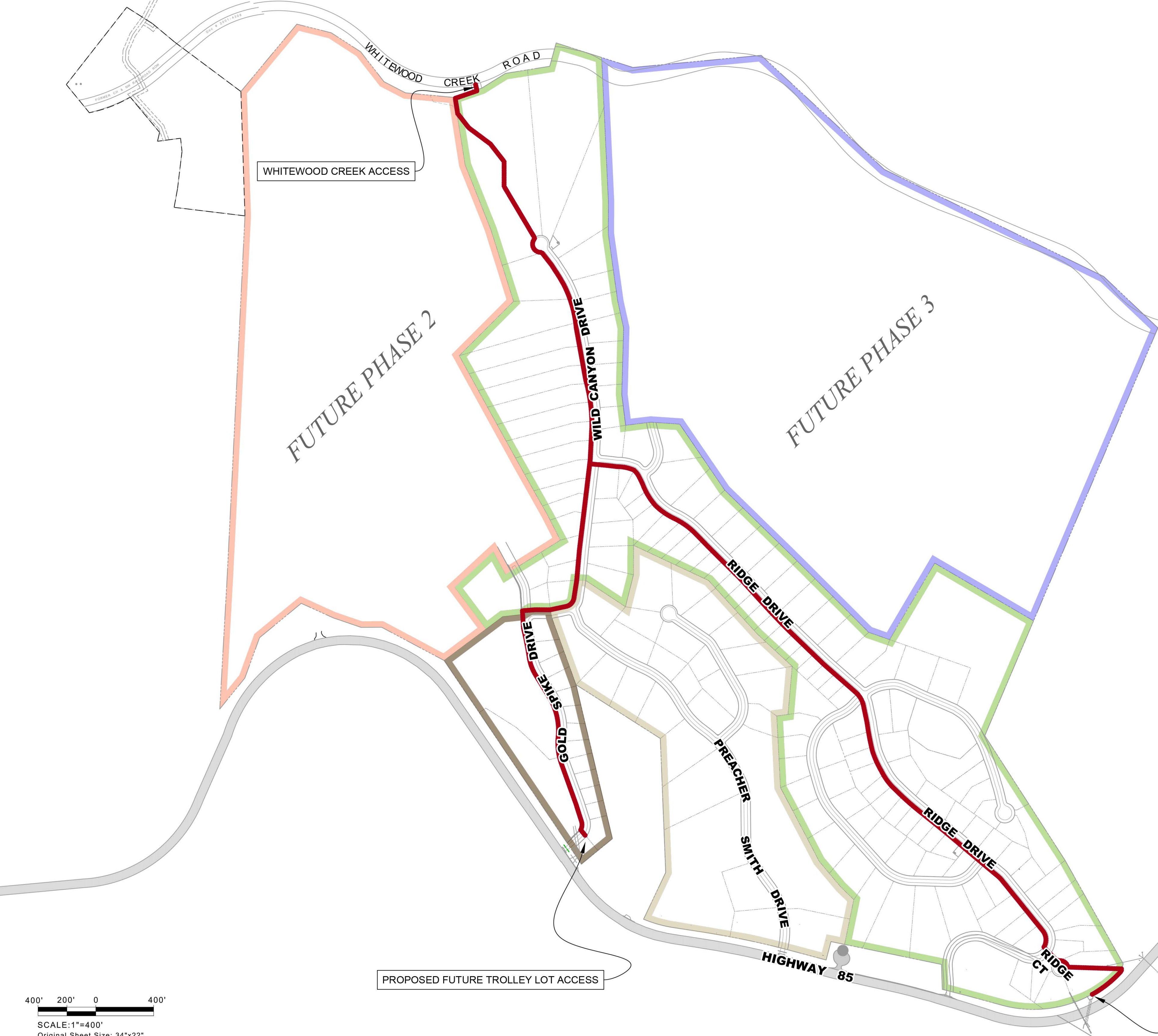
-  5' WIDE GRAVEL SURFACED TRAIL IN ROW OR IN EASEMENT AREAS
-  PHASE 1
-  PHASE 1A
-  PHASE 1B
-  PHASE 2 - FUTURE
-  PHASE 3 - FUTURE



TYPICAL RESIDENTIAL SECTION WITH TRAIL



DETAILED RESIDENTIAL SECTION WITH TRAIL



400' 200' 0 400'

SCALE: 1"=400'

Original Sheet Size: 34"x22"

the RIDGE - RECREATIONAL TRAILS

DEADWOOD, SOUTH DAKOTA



HISTORIC BLACK HILLS STUDIOS

HOME OF THE FASSBENDER PHOTOGRAPHIC COLLECTION

Calendar

July 21 at Noon - History on the Lawn, Historic Adams House in Deadwood. Deadwood Alive Assistant Director Ty Sanford will discuss the rifles of Springfield Armory, their military use, and later civilian use for hunting and defense. Sanford will also touch on some of the big game animals that were found in the Black Hills during the Custer Expedition of 1874 and during the gold rush days.

August 15 and 29 at 3pm - Hidden in the Midden, Outlaw Square Deadwood. Deadwood History will feature Hidden in the Midden on August 15 and 29. Learn what an archaeologist does and dig through a midden (an old garbage pile) to unearth a variety of artifacts that will help solve puzzling questions. Deadwood Outlaw Square; 3:00 p.m. to 4:00 p.m.; these events are free.

TBA Black & White Film Photography Workshop - Shoot a roll of black & white film then learn to process and print the images in a traditional darkroom. Follow Historic Black Hills Studios on Facebook or go to: blackhillshistory.org and click EDUCATION.

Photography Quote:

What makes photography a strange invention is that its primary raw materials are light and time.

- John Berger



Local Historians Honored at 2023 Conference

The 2023 South Dakota History Conference was held April 21-22 in Pierre. More than 100 attendees listened to presenters over the course of the event. The theme for 2023 was “Great Faces, Great Places — History Makers in South Dakota”. Local historians David Wolff and Rick Mills were recognized for their contributions to preserving state history. (More conference photos on page 2)

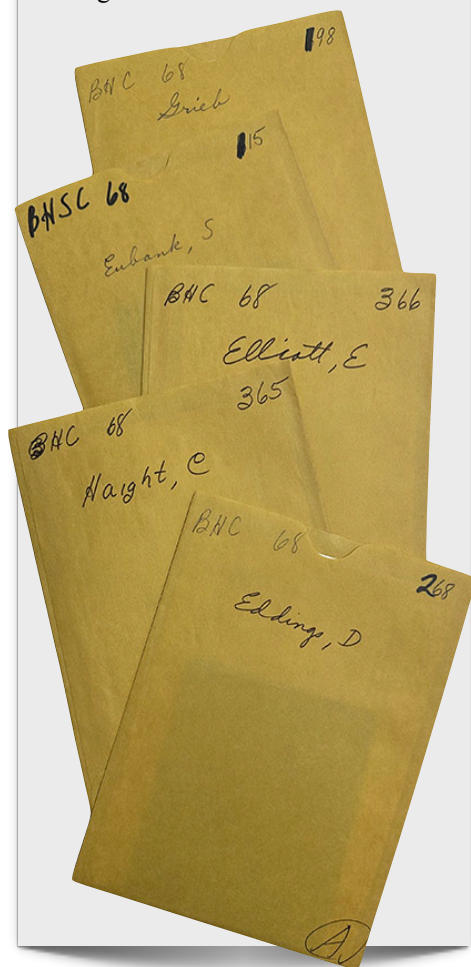


Above and below: Rick Mills, center, of Hermosa (top photo) and David Wolff, center, of Spearfish, (bottom photo) were honored at the conference awards luncheon. Mills received an individual award and Wolff received the Robinson Memorial Award and the Herbert Schell Award. At left is Peggy Sanders, at-large member of the Historical Society Board of Trustees, State of South Dakota. At right is Ben Jones, State Historian and director of the South Dakota State Historical Society.



In Progress...

A box of miscellaneous portraits from Spearfish are currently in the queue for getting organized. These envelopes indicate portraits from Black Hills State College and the year 1968. The negatives will get repackaged and catalogued



Photography Community

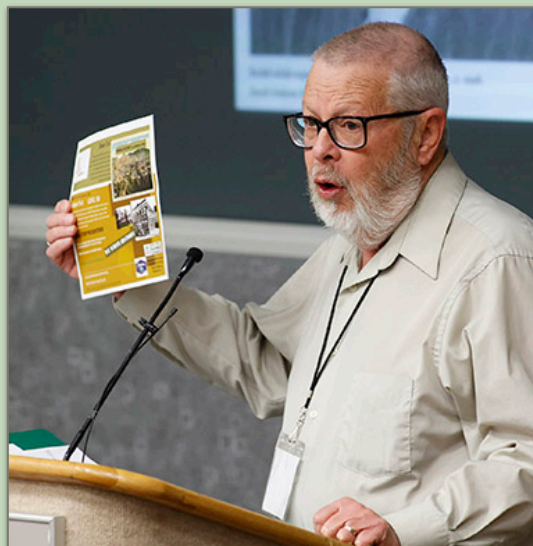
- **Black Hills Focus Group**
(historicblackhillstudios.org/BHFG)
- **Black Hills Photography Club**
(blackhillspartnershipclub.com)
- **Black Hills Photo Shootout** and related photography events
(blackhillphotoshootout.com)
- **Historic Black Hills Studios** on Facebook.
- **Black Hills State University** - <https://www.bhsu.edu/academics/arts-humanities/Photography/>

History Conference (continued from page 1)



Above: Attendees visit with vendors during a break.

Right: Paul Higbee speaks about the upcoming West River History Conference to be held in Lead this fall. The conference theme will be "Lead, SD - Mining History: The Company Town."



Below: Kelly Kirk speaks during a panel discussion titled "Perseverance: Women of the South Dakota Suffrage Movement".

