

Date: July 03, 2024

Case No. 240108

Address: 20845 Majestic Heights Rd.

Staff Report

The applicant has submitted an application for Project Approval for work at 20845 Majestic Heights Rd., located within the National Historic Landmark District.

Applicant: Kim Tschetter

Owner: BOOT HILL ESTATES LLC0

Constructed:

CRITERIA FOR THE ISSUANCE OF A PROJECT APPROVAL

The Historic Preservation Commission shall use the following criteria in granting or denying the Project Approval:

General Factors:

1. Historic significance of the resource:

This undeveloped property is located within the National Historic Landmark District.

2. Architectural design of the resource and proposed alterations:

The applicant is requesting permission to build a road from bottom of property to the top. Level area at bottom of property for parking lot or grass flat. The road will be widened utilizing dirt from bottom lot by hauling up the road. Install culverts, build slopes, and perform reclamation, including topsoil to disturbed areas and hydroseeding. Install Rock checks and armor outfalls of culverts. Please reference the landscape architect's plans for more details.

Attachments: Yes

Plans: Yes

Photos: No

Staff Opinion: The City of Deadwood has received an application for a permit to allow "reclamation" and construction of a parking lot on the parcel of land identified as Boot Hill Estates. Plans were submitted after the application had been submitted. To date, no permit has been issued by the City of Deadwood.

At a previous site visit, it was stated that the City would need confirmation that the DANR approval must be obtained for a SWPPP, a set of plans would be submitted for staff review, and an application and permit issued prior to additional work.

After receiving the plans, staff began the review process including establishing the fee based upon the verbal description given from previous site visit and the plans submitted. After staff review of the plans, additional requirements are required under Deadwood Codified Ordinances.

The plans include work outside the "reclamation" project of the road which was the primary purpose of the explained project originally, along with a potential future parking area. Due to the sizeable hillside cut within the National Historic Landmark District, the project requires Project Approval from the Deadwood Historic Preservation Commission for the additional work beyond the "reclamation".

Typically, "reclamation" is the process of restoring or reclaiming land that has been previously used for industrial, commercial, or residential purposes. This appears to be a continuation and completion of the construction of the road pioneered by the previous contractor with a small section now

verbalized as reclamation. This includes adjusting the grades, horizontal and vertical alignments, road width and erosion control. Staff recognizes this portion of the project is positive and will “clean-up” previous work which began a couple years ago but never finalized. The hillsides surrounding the private road will be hydroseeded to expedite the vegetation of the property.

Upon consideration and possible approval from the Deadwood Historic Preservation Commission, a performance bond shall be required from the developer in the amount of the project to secure the completion of improvements. In this case, a minimum of a \$500,000 bond will be required from the developer prior to any work completed.

The plans as submitted include a future parking area which the contractor stated could be utilized as overflow parking if interested by the City of Deadwood. After the most recent site visit, it has been stated the developer is attempting to create a building site as a demonstration of how the land can be altered to allow for future development and market the property for sale. This portion of the project should be considered as a grading project outside of the scope of the “reclamation”.

The plans show 67,040 cubic yards of excavation, it would appear a larger portion of the proposed excavation is to fill the draw and create the future building site. The project does begin to repair and clean-up the scars made under the previous grading done. It is important for the environs to minimize the cuts and alterations of the landscape. While the work previously completed was beyond any scope of work approved by the City, this will begin to vegetate the hillsides making it less obvious.

In the staff's opinion, the work proposed is beyond staff's original understanding of the intended scope of work under this project as conveyed in a previous site visit. A Project Approval has been now submitted by the developer and staff has indicated a willingness of the City to hold a special meeting of the Deadwood Historic Preservation Commission to expedite a decision and allow work to continue after the stop work order was verbally given last week.

Staff have conducted site visits with the contractor and owner to review the proposed project to garner a better understanding of the scope of work. Attached are the plans submitted; however, based on last week's visit, there are changes being made to the plans with the road alignment which are not shown.

The proposed work and changes begin to correct some of the damage and encroachment of previous work completed and does not have more damage or destruction of the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District already done except for the creation of the building site.

Motions available for commission action:

A: If you, as a commissioner, have determined the Project DOES NOT Encroach Upon, Damage or Destroy a historic property then:

Based upon all the evidence presented, I find that this project **DOES NOT** encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore move to grant a project approval.

If you, as a commissioner, have determined the Project will Encroach Upon, Damage or Destroy a historic property then:

B: First Motion:

Based upon all the evidence presented, I move to make a finding that this project **DOES** encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places. [If this, move on to 2nd Motion and choose an option.]

C: Second Motion:

Option 1: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **NOT ADVERSE** to Deadwood and move to **APPROVE** the project as presented.

OR

Option 2: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **ADVERSE** to Deadwood and move to **DENY** the project as presented.

OR

Option 3: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **ADVERSE** to Deadwood, but the applicant has explored **ALL REASONABLE AND PRUDENT ALTERNATIVES**, and so I move to **APPROVE** the project as presented.