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## FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

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Date: February 15, 2024  
From: Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
RE: Conditional Use Permit – RV Park

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**APPLICANT(S):** B & L Properties, LLC (Brad Kooiker)  
**PURPOSE:** Conditional Use Permit – RV Park  
**ADDRESS:** 20577 US Highway 85  
Deadwood, Lawrence County, South Dakota

**LEGAL DESCRIPTION:** LOT A IN LOT H2 OF H.E.S. NO. 613 IN THE NE/14  
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

**ASSESSORS NO.:** 30930-00503-110-10

**RE: Request for Conditional Use Permit**

WHEREAS, the above application for a Conditional Use Permit for a RV Park in the CH – Commercial Highway district came on review before the Deadwood Planning and Zoning Commission on Wednesday, July 19, 2023. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a RV Park at 20577 US Highway 85, as recommended by the Planning and Zoning Commission, on August 7, 2023.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having considered all comments

offered and all of the evidence and testimony presented for the application; and, after discussion and consideration of the application and being fully advised in the premises, the Deadwood Planning and Zoning Commission and Deadwood Board of Adjustment hereby enter their:

### **FINDINGS OF FACT AND CONCLUSION**

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- Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
- An official sign was posted on the property for which the Conditional Use.
- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.J.
- The subject area is zoned CH – Commercial Highway. The area near the subject property consists of a mixture of multi-family dwellings and national forest.
- The use, as proposed would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the area.
- The granting of the conditional use permit would not increase the proliferation of non-conforming uses. The use is expressly allowed in the CH – Commercial Highway district under certain conditions and the conditions were met.
- The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a conditional use permit for a RV Park. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:

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 of the building codes.
4. Provide City proof of permitted septic and water acceptance by the State of South Dakota Department of Agriculture and Natural Resources.
5. Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes.
6. Proof of City of Deadwood Business License.
7. Obtain lodging license after inspection from the South Dakota Department of Health.
8. Provide City written approval from South Dakota Department of Transportation for entrance(s).

**ATTEST:**

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Jessica McKeown, Finance Officer  
City of Deadwood  
/ / /2024

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David Ruth, Mayor  
City of Deadwood  
/ / /2024

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John Martinisko, Chairman  
Planning and Zoning Commission  
/ / /2024

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David Bruce, Secretary  
Planning and Zoning Commission  
/ / /2024