



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, October 02, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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## 1. Call to Order

The meeting of the Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, October 2, 2024 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 (Chair) John Martinisko  
Commissioner (Vice-Chair) Josh Keehn  
Commissioner (Secretary) Dave Bruce  
Commissioner Charles Eagleson  
Commissioner Ken Owens  
City Commissioner Blake Joseph  
City Attorney Quentin Riggins

### STAFF PRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer  
Trent Mohr – Building Official  
Leah Blue-Jones – Zoning Coordinator

## 3. Approval of Minutes

- a. Approve the minutes from the September 19, 2024 Planning and Zoning Commission meeting.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes from the September 18, 2024 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

## 4. Sign Review Commission

## 5. Planning and Zoning Commission

- a. Plat Application - Move Lot Line and Create New Lot - Tract F1, F2 and G1 of McGovern Hill Road (J. Martin) legally described as Plat of Tracts F1, F2 and G1 of the Crawford Addition II formerly Tracts F and G of Crawford Addition II and a portion of Probate Lot 299 City of Deadwood, Lawrence County, South Dakota located in the NE 1/4 of Section 27 and the NW 1/4 of Section 26, T5N, R3E, B.H.M.

Action Required:

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

Mr. Kuchenbecker introduced Plat Application - Move Lot Line and Create New Lot - Tract F1, F2 and G1 of McGovern Hill Road (J. Martin) and introduced Joseph Martin and Joel Westcott, property owners, to the commission.

Commissioner Eagleson requested clarification on lot ownership. Mr. Martin explained Lot F2 is currently owned by Mr. Westcott as un-platted land. Once the properties are re-platted, he plans to purchase Lot F2 from Mr. Westcott.

***It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Plat Application - Move Lot Line and Create New Lot - Tract F1, F2 and G1 of McGovern Hill Road (J. Martin). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

- b. Continuation of Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (Kenneth Steier) legally described as Lots X, a replat of Lots 1, 2, and 3, Block 1, Miricks Addition and a portion of MS 735, located in the City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public discussion
2. Approve/Deny continued use of Conditional Use Permit

Mr. Kuchenbecker discussed Continuation of Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (K. Steier) and reviewed the Staff Report. Mr. Kuchenbecker advised the Commission that an email request had been received by the Property Manager, Amber Galbraith, stating the property would be turned into a Long-Term Rental and introduced Ms. Galbraith to the Commission.

Ms. Galbraith stated she would like further information on any requirements needed to convert the property into a Long-Term Rental. She would also like to continue to advertise on websites geared towards Short-Term Rental establishments. Mr. Riggins responded the concern with advertising on Short-Term Rental websites is the temptation for an owner to allow tenants to stay for a term shorter than thirty (30) days by continually cancelling signed leases after a tenant has only stayed a few nights. Allowing tenants to stay only a few days at a time is clearly a Short-Term Rental. In addition, the Department of Revenue has different tax requirements for Long-Term versus Short-Term Rentals. If the property remains a Short-Term Rental when it is supposed to be renting to Long-Term tenants, an injunction to stop the activity may be required.

Mr. Riggins reminded Ms. Galbraith the city has the capability to track the length of time a property is rented to a tenant and will know if the property is being rented out for shorter periods of time. Ms. Galbraith responded she does not intend to release leases prior to their thirty (30) day expiration.

Mr. Riggins advised Ms. Galbraith any online advertising must reflect the property is only available as a thirty (30) day rental. Ms. Galbraith assured Mr. Riggins this would be the case and stated she had already begun to make updates to the current listings.

Further discussion occurred regarding the advertisement of Long-Term Rentals on Short-Term Rental websites. Suggestions for Long-Term Rental websites were

provided to Ms. Galbraith by city staff. Mr. Riggins reiterated that any advertisement on a typical Short-Term Rental website would need to explicitly allow bookings for a minimum thirty (30) day term.

Ms. Galbraith responded the websites advertising the property are in the process of being updated to reflect a thirty (30) day rental period. She would also like information on any legal requirements for Long-Term Rentals, as the owners have an interest in renting to the local workforce. She had a recent inquiry from a local business owner who would like to provide housing for six (6) to eight (8) of his employees. Mr. Kuchenbecker advised city ordinance dictates there cannot be more than three (3) adult occupants who are unrelated residing within the property. Further discussion about occupancy limits occurred between the Commission, city staff and Ms. Galbraith.

Both Commissioner Martinisko and Commissioner Owens expressed concern that renting the property to a local company for their workforce could result in a constant turnover of occupants, essentially causing the same effect on the neighborhood as a Short-Term Rental. Ms. Galbraith stated that she would like to avoid that scenario. Further discussion between the Commission and City staff occurred regarding the enforcement of workforce housing and an excessive number of occupants.

Ms. Galbraith expressed concern about obtaining a new Conditional Use Permit, should the owners decide to rent the home as a Bed and Breakfast Establishment in the future. Mr. Kuchenbecker explained the Conditional Use Permit would need to be re-applied for and there could not be another Bed and Breakfast Establishment within two hundred (200) feet of the property.

Ms. Galbraith inquired if licensing was required to rent a property as a Long-Term Rental. Mr. Riggins advised there was no special licensing requirement from the city. Any licensing required by the state would need to be investigated by the property owner.

Commissioner Martinisko asked Ms. Galbraith how she plans to handle the current reservations already in place. Ms. Galbraith responded the current reservations are solely for the owners to utilize the property, except for the Sturgis Rally and Kool Deadwood Nites.

Commissioner Bruce inquired how the property would be rented with a thirty (30) day lease if the property owners are consistently staying at the property for a few days here and there. Ms. Galbraith stated the owners would surrender any lease affected by their vacation plans.

Mr. Riggins suggested the best course of action would be for the property owners to surrender their Conditional Use Permit since they no longer wish to operate a Short-Term Rental. This would help to prevent casting the property owners in a negative light to future Commission members. Mr. Kuchenbecker further suggested the Commission allow the property owners two (2) weeks to submit a formal letter of surrender.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to continue the discussion of the Conditional Use Permit until the next Planning and Zoning Commission meeting scheduled for October 16, 2024, contingent upon receipt of a formal letter of surrender of the Conditional Use Permit from the property owners. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

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

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

**7. Items from Staff**

Mr. Kuchenbecker shared the sidewalk on Water Street is being poured today. Telephone poles along the sidewalk will be down within the next two (2) weeks. A spur off the Mickelson Trail from the hardware store down to the creek will be created soon.

Mr. Kuchenbecker stated that he and Commissioner Eagleson will be attending the West River History Conference on October 3 and 4. In addition, the South Dakota Planners Association conference is coming later in the month.

Mr. Kuchenbecker discussed the enforcement of Short-Term Rentals. A citation has gone out to a property on Main Street and an additional property will be cited as well.

Mr. Kuchenbecker advised the Commission that the owners of a home-based business are no longer operating, and their Conditional Use Permit will be terminated as a result.

**8. Adjournment**

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

There being no further business, the Planning & Zoning Commission adjourned at 4:37 p.m.

ATTEST:

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Chairman, Planning & Zoning Commission

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Secretary, Planning & Zoning Commission

***Minutes by Leah Blue-Jones, Zoning Coordinator***