CITY OF CUSTER PLANNING AND ZONING COMMISSION
AGENDA
Tuesday January 23, 2018 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

Call to Order - Roll Call:

Approve Agenda: January 23, 2018

Approve Minutes: January 09, 2018

Declaration of Conflict of Interest:

New Business:

Subdivision Variance Request – Rosse Subdivision 2

Preliminary Plat – Rosse Subdivision 2

~~**Old Business:**~~

Discussion Items:

Revisions to the Extraterritorial Area Policy

Planning Administrator Updates:

Communications from The Public:

Adjournment:

DRAFT

MINUTES OF THE January 9th, 2018 MEETING OF THE OF THE CITY OF CUSTER PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Joe Uhrich-Vice Chairman; Craig Walz; John Dvorak; Jerry Stites; Rick Hudson – 3 Mile Representative.

Members Absent: Tim Behlings - Alternate;

Other Parties Present: Tim Hartmann–Planning Administrator; Larry Maciejewski – Council Representative; Corbin Herman – Mayor;

Agenda: Joe Uhrich moved, with a second by John Dvorak, to approve the January 9th, 2018 agenda, Motion Carried.

Minutes: Joe Uhrich moved, with a second by Jerry Stites, to approve the December 12th, 2017 minutes. Motion carried.

Declaration of Conflict of Interest: None

Discussion Items:

Preliminary Plat – Rosse Subdivision 2 – Significant conversation was held concerning the multiple easements affecting this plat. Staff explained the concern with the "bottle neck" of legal access across the parcels involved in this plat, which serves additional land to the north. 66' easement is desired on the Little Teton Road portion of the plat to provide adequate access to the parcels behind the proposed subdivision. After the discussion, Joe Uhrich moved, with a second by Jerry Stites to approve the preliminary plat with a 50' Public Access and Utility Easement on the West side, a 30' Utility Easement on the south, and a 33' Public Access and Utility Easement on the Little Teton Road Corridor. Motion Carried. Staff advised this would require a subdivision variance. This plat will return to the Commission following an approval or denial of variance.

Preliminary Plat – Ramsey Subdivision Phase II - Planning Administrator gave a brief background of the plat. He explained the plat was brought forth to address a building setback issue. After a brief discussion, John Dvorak moved, with a second by Rick Hudson to recommend approval of the preliminary plat by the City Council, with a recommendation to forward the final plat directly to the City Council. Motion unanimously carried.

Planning Administrator Updates

Planning Administrator and Commission Members gave various updates.

Communications from The Public

No publics comments were heard.

Adjournment:

Being no further business before the Commission, John Dvorak moved, with a second by Joe Uhrich, to adjourn. Motion carried. The meeting adjourned at 6:40 pm.

Approved: _____

Jerad Tennyson, Chairman

Attest: _____

Tim Hartmann, Planning Administrator

Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Subdivision Variance Rosse Subdivision 2
Applicant: Lampert Properties/Jennial Martin
Location: Adjacent to W Mount Rushmore Road, west of Little Teton Rd, Custer SD
Legal Desc.: Tracts 1 and 2, Rosse Subdivision 2
Date Prepared: December 20, 2017
Planning Commission Meeting: January 23, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The owner and applicant have requested a variance from the subdivision regulations CMC Chapter 16 for the legal access along the currently established Little Teton Road. Per CMC a collector route requires a 66' easement or right of way to provide adequate access from the accessing properties to the arterial route. The applicant wishes to allow half of the easement on the proposed plat (33') leaving the additional to be acquired from neighboring property owners in the future. Should all conforming access on the proposed plat has be acquired at this time the applicant believes the property is extremely burdened by this. Please see the attached variance application.

STAFF RECOMMENDATIONS

Staff supports a recommendation to council to approve the subdivision variance request. Staff believes it may be more feasible to work to acquire additional legal access from adjoining landowners should adjacent land be further developed.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

VARIANCE APPLICATION

Applicant: LAMPERT PROPERTIES
Address: PO BOX 832
CUSTER SD 57730
City State Zip
Phone: 605-673-4567
Fax: 605-673-4700
Signature: Phil Lampert
Date 1-13-18

(Owner of property if different than applicant)
Owner: JENNIAL K MARTIN
Address: 5936 E. LEONORA ST
MESA, AZ 85215
City State Zip
Phone: 406-868-2830
Signature: Jennial K Martin (Rosse)
Date 01-14-18

Describe Nature of Variance (Include Site Plan of Request)

Applicant requests a variance for the Little Teton Road easement to be no more than 33 feet along the North and Northeast property lines of this plat. This plat is encumbered on all three sides by easements. The City is requesting that all three of these easements be increased in width, and that the additional lands needed for the additional width of all three easements, to be taken from this plat. Doing so, greatly diminishes the building envelope of the plat. Applicant feels that it is extremely unfair for the City to ask applicant to absorb all of the requested additional width of these easements from this plat, and that the additional land needed for the wider easements requested by the City should be shared equally by the adjoining land owners.

Legal Description: TRACTS 1 & 2 OF ROSSE SUBDIVISION OF LOT 1, 2 & 3 AND REMAINING UNPLATTED PLATTED PORTION OF GOVERNMENT LOT 1

Lot(s)
Block
Subdivision
Section 27
Township 3 SOUTH
Range 4 EAST

Size: _____ (acres) Location: WEST EDGE OF CUSTER

Water: _____ Sewer: _____

OFFICE USE ONLY

Date Received: _____ Parcel ID #: _____
Received By: _____ Planning Commission Date: _____
Filing Fee: _____ City Council Date: _____
Receipt #: _____

Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Preliminary Plat, Rosse Subdivision 2
Applicant: Lampert Properties/Jennial Martin
Location: Adjacent to W Mount Rushmore Road, west of Little Teton Rd, Custer SD
Legal Desc.: Tracts 1 and 2, Rosse Subdivision 2
Date Prepared: December 20, 2017
Planning Commission Meeting: January 09, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL
This plat is for a subdivision that is within the corporate limits of the City of Custer. City utilities are near and will serve the parcels. The area was most recently platted in 2008 but that plat was later vacated.

COMPREHENSIVE PLAN
The comprehensive plan identifies this area as suburban residential on the north side of the plat while the southern part is identified as suburban commercial.

ROUTING SHEET RESPONSES
CC Planning – Various easement comments. Previous vacated plat contains a smaller utility easement still in effect.
CC ROD – 4 Plat 109 & 110 show a 25' access easement.
Custer Public Works – 30' utility easement should be established adjacent to Hwy 16 ROW.
SDDOT – Access questions and discussion

ACCESS
Access to the area is provided by Little Teton Road to the north east and Pinewood Lane to the west. These roads access directly to Mount Rushmore Road.Little Teton Road currently crosses the north-east side of the property via a 30 Access easement. CMC Chapter 16 requires all collector routes provide 66' feet of legal access from local streets to arterial streets. Staff believes Little Teton Road provides access to multiple parcels and should be treated as a collector route. An additional easement exists on the west side of the plat. This easement provides legal access to 2 parcels directly to the arterial street. Therefor, staff believes marginal access standards are applicable and has requested this 30' easement be expanded to 50'. The upgraded easements will provide adequate access to the proposed Tract 2 as well as other adjacent parcels. The proposed Tract 1 will have legal access from Little Teton Road, Pinewood Lane and directly on to Mount Rushmore Road. After some discussion with the SDDOT access to Mount Rushmore Road should be feasible along a large portion of the property line directly adjacent to the highway right of way.

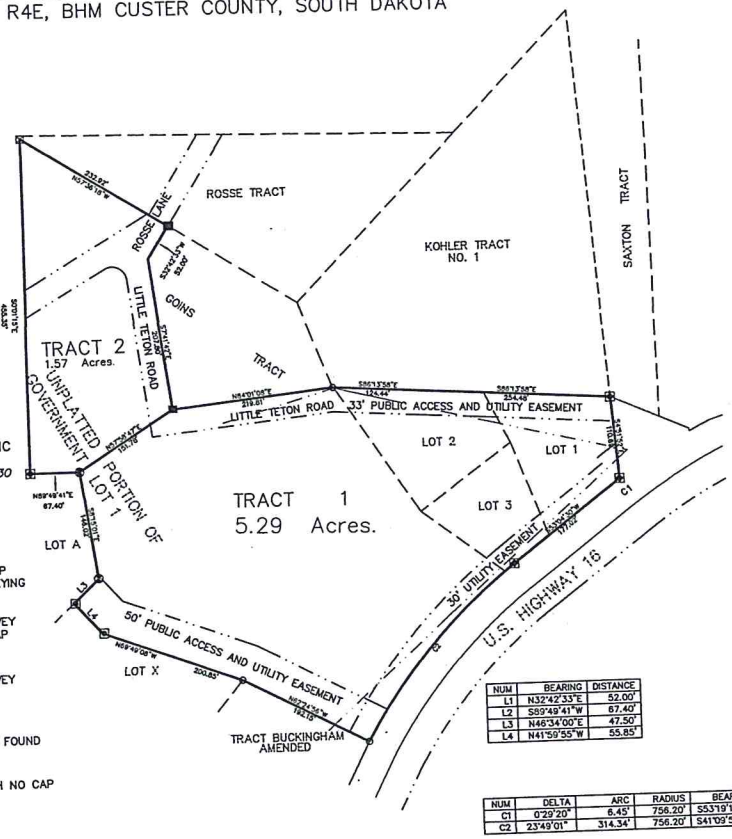
PREVIOUS PLAT WITHIN THE AREA
The proposed subdivision area was platted in a similar way in 2008. That plat was later vacated, however all rights to maintain or establish utilities or subsequent easements was retained with the vacation. The proposed plat will not affect any of the retained easements but will further define and expand them.

Rec 4/5/18

C

ROSSE SUBDIVISION 2

PLAT OF TRACTS 1 AND 2 OF LOTS 1 THROUGH 3 AND THE REMAINING UNPLATTED PORTION OF GVT. LOT 1
(FORMERLY RECORDED AS THE E1/2 SE1/4 NE1/4) LOCATED IN SECTION 27, T3S, R4E, BHM CUSTER COUNTY, SOUTH DAKOTA



NUM	BEARING	DISTANCE
L1	N32°42'33"E	52.00'
L2	S89°49'41"W	67.40'
L3	N46°34'00"E	47.50'
L4	N41°59'55"W	55.85'

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	0°29'20"	6.45'	756.20'	S53°19'10"W	6.45'
C2	23°49'01"	314.34'	756.20'	S41°09'59"W	312.08'

PREPARED BY
JACK H. KNUST
BUCKHORN SURVEYING INC
25053 LEYSON LOOP
CUSTER, SOUTH DAKOTA 57730
(605) 673-5452

LEGEND

- CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4896
- CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT 4896
- CORNER FOUND THIS SURVEY REBAR WITH CAP MARKED FMG LS 1019
- B.L.M. BRASS MONUMENT FOUND THIS SURVEY
- FOUND 5/8" REBAR WITH NO CAP
- FOUND 1/2' IRON PIPE
- CENTERLINE OF 20' OVERHEAD POWERLINE EASEMENT

WATER PROTECTION STATEMENT

PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

NOTE

ACCORDING TO FIRM PANEL 46103 C 1575 H DATED JUNE 03,2013 THERE IS NO FLOOD PLAIN INVOLVED ON THIS PLAT.

NOTE

U.S. HIGHWAY 16 IS AN 80' DEDICATED PUBLIC RIGHT-OF-WAY. LITTLE TETON ROAD IS 30' ACCESS EASEMENT PLATTED IN PLAT BOOK 1 PAGE 156, 4 PLATS PAGE 109 AND PLAT BOOK 11 PAGE539 CHANGED TO A 66' ACCESS AND AND UTILITY EASEMENT WITH THIS PLAT
THE ACCESS EASEMENT TO LOT A IS A 30' ACCESS PLATTED IN PLAT BOOK 1 PAGE 156. CHANGED TO A 66' ACCESS AND UTILITY EASEMENT WITH THIS PLAT

NOTE

LOTS 1-3 ARE RECORDED IN PLAT BOOK 1 PAGE 156.
THE UNPLATTED PORTION OF GVT. LOT 1 OF SECTION 27 HAS NEVER BEEN PLATTED

NOTE

10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENT

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S.

I, WE _____
DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT WE DID AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND. WE FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SEDIMENT CONTROL REGULATIONS.

OWNERS: _____

ON THE _____ DAY OF _____ 20____ BEFORE ME , A NOTARY PUBLIC, PERSONALLY APPEARED _____
KNOWN BY ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

STATEMENT OF SURVEYOR
FOR BUCKHORN SURVEYING INC

I, JACK H. KNUST, REGISTERED LAND SURVEYOR NO. 4896 OF THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT BEING SO AUTHORIZED, THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON WERE MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE WITHIN PLAT IS A REPRESENTATION OF SAID SURVEY. IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL

THIS _____ DAY OF _____ 20____.

BY JACK H. KNUST, REGISTERED LAND SURVEYOR
BUCKHORN SURVEYING INC.

REGISTERED PROFESSIONAL LAND SURVEYOR
REG. NO. 4896
JACK H. KNUST
SOUTH DAKOTA

CERTIFICATE OF COUNTY TREASURER

I, TREASURER OF CUSTER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE WITHIN DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE. DATED THIS _____ DAY OF _____ 20____

TREASURER: _____

CERTIFICATE OF HIGHWAY AUTHORITY:

IT APPEARS THAT EVERY LOT HAS AN ACCEPTABLE APPROACH LOCATION ONTO A PUBLIC ROAD AND THE LOCATION OF THE INTERSECTION(S) OF ANY PROPOSED SUBDIVISION ROAD(S) OR PRIVATE ACCESS ROAD(S) WITH THE EXISTING PUBLIC ROAD IS HEREBY APPROVED

HIGHWAY AUTHORITY: _____

RESOLUTION OF GOVERNING BOARD

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S.

WHEREAS THERE HAS BEEN PRESENTED TO THE COUNTY COMMISSIONERS OF CUSTER COUNTY, SOUTH DAKOTA THE WITHIN PLAT OF THE ABOVE DESCRIBED LANDS, AND IT APPEARING TO THIS BOARD THAT:
a. THE SYSTEM OF ROADS CONFORMS TO THE SYSTEM OF ROADS OF EXISTING PLATS AND SECTION LINES OF THE COUNTY.
b. ADEQUATE PROVISION IS MADE FOR ACCESS TO ADJACENT UNPLATTED LANDS BY PUBLIC DEDICATION OR SECTION LINE WHICH PHYSICALLY ACCESSIBLE.
c. ALL PROVISIONS OF THE COUNTY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH.
d. ALL TAXES AND SPECIAL ASSESSMENTS UPON THE PROPERTY HAVE BEEN FULLY PAID, AND
e. THE PLAT AND SURVEY HAVE BEEN LAWFULLY EXECUTED.
NOW THEREFORE, BE IT RESOLVED THAT SAID PLAT IS HEREBY APPROVED THIS _____ DAY OF _____, 20____

CHAIR PERSON, COUNTY COMMISSIONERS

I, AUDITOR OF CUSTER COUNTY, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON THE _____ DAY OF _____ 20____ THE COUNTY COMMISSIONERS BY RESOLUTION DID APPROVE THE PLAT AS SHOWN HEREON.

CUSTER COUNTY AUDITOR:

STATE OF SOUTH DAKOTA
CITY OF CUSTER S.S.

WHEREAS THERE HAS BEEN PRESENTED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WITHIN PLAT OF THE ABOVE DESCRIBED DESCRIBED LANDS AND IT APPEARING TO THE COUNCIL THAT:
a. THE SYSTEM OF STREETS SET FORTH THEREIN CONFORM TO THE SYSTEM OF STREETS OF THE EXISTING PLATS OF THE MUNICIPALITY.
b. ALL PROVISIONS OF ANY THREE MILE LIMIT SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH.
c. ALL TAXES AND SPECIAL ASSESSMENTS UPON THE SUBDIVISION HAVE BEEN FULLY PAID, AND
d. THE PLAT AND SURVEY THEREOF HAVE BEEN EXECUTED ACCORDING TO LAW.
NOW THEREFORE, BE IT RESOLVED THAT SAID PLAT IS HEREBY APPROVED IN ALL RESPECTS.
THIS _____ DAY OF _____ 20____

MAYOR OF THE CITY OF CUSTER:

I, FINANCE OFFICER OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON THE _____ DAY OF _____ 20____ THE CUSTER CITY COUNCIL , BY RESOLUTION DID APPROVE THE PLAT AS SHOWN HEREON.

CUSTER CITY FINANCE OFFICER:

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF CUSTER COUNTY DO HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE WITHIN DESCRIBED PLAT. DATED THIS _____ DAY OF _____ 20____

DIRECTOR OF EQUALIZATION: _____

CERTIFICATE OF REGISTER OF DEEDS

FILED FOR RECORD THIS _____ DAY OF _____ 20____ AT _____ O'CLOCK ____M.
AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____

REGISTER OF DEEDS, CUSTER COUNTY:

1535

Working Doc – Changes made prior to PC 1/23/18

EXTRATERRITORIAL AREA POLICY AGREEMENT

Between

CUSTER COUNTY, SOUTH DAKOTA

And the

CITY OF CUSTER, SOUTH DAKOTA

Preliminary Draft for Review
_____, 2018

CUSTER COUNTY, SOUTH DAKOTA
RESOLUTION _____

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO SIGN AND THE COUNTY AUDITOR TO ATTEST TO AN AGREEMENT BETWEEN CUSTER COUNTY, SOUTH DAKOTA AND THE CITY OF CUSTER, SOUTH DAKOTA ESTABLISHING POLICIES FOR DEVELOPMENT OF LAND WITHIN THE EXTRATERRITORIAL AREA OF CITY OF CUSTER IN CUSTER COUNTY.

WHEREAS, two (2) or more local governments enabled under Section 1-24-3 of the South Dakota Codified Law to enter into agreements to cooperate for the mutual advantage of the governments involved; and

WHEREAS, Custer County deems a land use policy agreement with the City of Custer for orderly growth and development within the extraterritorial jurisdiction of the City of Custer within Custer County, to be to the mutual advantage of the City of Custer and Custer County.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioner of Custer County hereby authorizes the Chair of the Board of County Commissioners to sign and the County Auditor to attest to the attached Agreement between Custer County and the City of Custer establishing land use policies for the extraterritorial jurisdiction of the City of Custer in Custer County.

Passed and approved this _____ day of _____, 2017.

_____
Board of County Commissioners Chair

ATTEST:

_____
County Auditor

CITY OF CUSTER, SOUTH DAKOTA
RESOLUTION _____

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE FINANCE OFFICER TO ATTEST TO AN AGREEMENT BETWEEN CUSTER COUNTY, SOUTH DAKOTA AND THE CITY OF CUSTER, SOUTH DAKOTA ESTABLISHING POLICIES FOR DEVELOPMENT OF LAND WITHIN THE EXTRATERRITORIAL AREA OF THE CITY OF CUSTER THAT IS LOCATED WITHIN CUSTER COUNTY.

WHEREAS, two (2) or more local governments enabled under Section 1-24-3 of the South Dakota Codified Law to enter into agreements to cooperate for the mutual advantage of the governments involved; and

WHEREAS, the City of Custer deems a land use policy agreement with Custer County for orderly growth and development within the extraterritorial jurisdiction of the City of Custer within Custer County, to be to the mutual advantage of the City of Custer and Custer County.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Custer hereby authorizes the Mayor to sign and the Finance Officer to attest to the attached Agreement between Custer County and the City of Custer establishing land use policies for the extraterritorial jurisdiction of the City of Custer in Custer County.

Passed and approved this _____ day of _____, 2017.

_____
Mayor

ATTEST:

_____
Finance Officer

EXTRATERRITORIAL AREA POLICY AGREEMENT
BETWEEN CUSTER COUNTY AND THE CITY OF CUSTER, SOUTH DAKOTA

THIS AGREEMENT is entered into pursuant to Section 1-24-3 of the South Dakota Codified Law by and between Custer County, South Dakota, a local government in the state of South Dakota, and the City of Custer South Dakota, a local government in the state of South Dakota, to wit:

WHEREAS, the CUSTER County Board of Commissioners support the preparation and adoption of development plans and agreements between County and the City regarding the municipality and its environs; and

WHEREAS, the City of Custer Comprehensive Plan outlines the extent of urban development expected in the future and projects annexation of extraterritorial areas; and

WHEREAS, it is in the interest of Custer County and the City of Custer to establish policies for the orderly growth and development within the extraterritorial jurisdiction of the City within Custer County; and

WHEREAS, CUSTER County and the City of Custer mutually agree that such policies are necessary to more effectively and economically provide services for future growth and development.

NOW THEREFORE, the parties hereto agree for themselves and their respective successors as follows:

I. INTENT, DEVELOPMENT AREA ESTABLISHMENT, AND IMPLEMENTATION MEASURES.

The parties accept and agree to the following development policies and implementation measures regarding annexation, zoning, and ~~subdivision~~ platting review of areas located within the extraterritorial jurisdiction of the City of Custer in Custer County.

A. Statement of Intent.

In order to facilitate the purposes of Chapter 11-2, 11-3, 11-4, and 11-6 of the South Dakota Codified Law (SDCL) and to further the policy of this State to provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, whenever possible, land boundary disputes or real estate title problems; to provide for a balance between land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city or county is developing or enforcing land use regulations; to provide for statewide, uniform procedures and standards for the platting of land while allowing the widest possible latitude for cities and counties to establish and enforce ordinances regulating the division and use of land; to encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions consistent with approved community plans.

This Agreement was developed in the interest of providing for orderly and effective development patterns in those areas of Custer County within the extraterritorial jurisdiction of the City of Custer. It also hopes to define how services will be provided for such development at the least cost to all the citizens of Custer County. The City of Custer and Custer County agree, as provided in Chapter 11 of the SDCL, to the following development policies and implementation measures regarding annexation, zoning, and subdivision review for various designated areas outlined herein.

This Agreement, authorized in 1-24-3 of the SDCL, between Custer County and the City of Custer will pertain to the extraterritorial jurisdictional area of the City of Custer located within Custer County, as shown in Exhibit A.

B. Development Areas.

Area #1. Adjacent and Contiguous.

Development type:

Developments that are intended to be served by municipal utilities and are to be constructed to City subdivision and design standards. It is probable that development in this area is in conjunction with annexation and reclassified into the appropriate City zoning district.

Policy:

Primary Land Use:..... Residential and Highway Commercial.

Sewer:..... City Subdivision and Design Standards are Required.

Water:..... City Subdivision and Design Standards are Required.

Streets:..... City Subdivision and Design Standards are Required.

~~Public Road to Subdivision:..... Asphalt.~~

Land Use/Zoning:..... County with city zoning implemented should annexation occur.

Construction Permitting/Code:.....County, transfer to city should annexation occur.

Design Standards:..... City.

Subdivision Standards:..... City.

Annexation:..... Shall be considered at the Time of Subdivision and Extension of Municipal Services.

Plat Reviewed by:..... City, recommendation from City Planning Commission to City Council for final review~~Final Approval~~. County comments requested (Routing).

Implementation:

- Land Use/Zoning requests shall be submitted and approved by the City. The City shall provide the County with the opportunity to comment and make recommendations on all requests for conformance with the policies established for this development area,

- City subdivision regulations and design standards will be applied to regulate development. The City will provide the County with the opportunity to comment and make recommendations on all requests for conformance with the policies established for this development area.

- Annexation of, or within, this area is ~~required~~ shall be considered by the City Council if the City provides services during the term of this Agreement, and shall be concurrent with individual subdivision activity and with the extension of utility systems.

Geographic areas:

See Exhibit A, which is attached and made part of this Agreement.

Area #2. Non-Contiguous Within One Mile.

Development type:

Development served either by a common water system, individual private wells, common sewage treatment facility, and/or individual septic system. Smaller lots may be permitted if either a common water system or a common sewage treatment facility is required. The location of these properties is such that they are not beyond a reasonable expectation of future annexation by the City.

Policy:

Primary Land Use:..... Rural Residential.

Sewer:..... Septic System and/or Common Sewer Collection and Treatment Facilities that are consistent with South Dakota Department of Environment and Natural Resources (DENR) and County standards.

Water:..... Private Wells and/or Common Water Distribution and Treatment Facilities that are consistent with DENR and County standards.

Streets:..... Custer County Ordinance #2 and Road Design Criteria~~Combined Subdivision and Design. Standards are Required.~~

Land Use/Zoning:..... County with city zoning implemented should annexation occur.

Construction Permitting:..... County, transfer to city should annexation occur.

Design Standards:..... County.

Subdivision Standards:..... Rural Subdivision standards as required in Section 16.18 of the Custer Municipal Code~~—County/City Combined.~~

Annexation:..... Not Required.

Plat Reviewed by:..... City, recommendation from City Planning Commission to City Council for final review~~Final Approval~~. County comments requested (Routing).

Implementation:

- ~~Land Use/Zoning requests shall be submitted and approved by the County. The County shall provide the City with the opportunity to comment on all requests for conformance with the policies established for this development area.~~

- Plat review shall be conducted with review as outlined in the Policy section of Area 2. ~~Both the County and the City subdivision and design standards shall be applied to evaluate and regulate development~~ The City ~~County~~ shall provide the County ~~City~~ with the opportunity to comment on all requests for conformance with the policies established for this development,

- Annexation of significant portions of this area is not anticipated during the term of this Agreement. However, in the event of annexation within this area, municipal design standards will be applied to facilitate municipal services.

Geographic areas:

See Exhibit A, which is attached and made part of this Agreement.

Area #3. Exceeding One Mile, Within Three Mile Jurisdiction.

Development type:

Development is predominantly served by individual private wells and individual septic systems. The location of these properties is such that they are beyond a reasonable expectation of future annexation by the City.

Policy:

Primary Land Use:..... Agricultural, Rural Residential

Sewer:..... Septic System and/or Common Sewer Collection and Treatment Facilities that are consistent with South Dakota Department of Environment and Natural Resources (DENR) and County standards.

Water:..... Private Wells and/or Common Water Distribution and Treatment Facilities that are consistent with DENR and County standards.

Streets:..... County Subdivision and Design Standards are Required.

Land Use/Zoning:..... County.

Construction Permitting:..... County.

Design Standards:..... County.

Subdivision Standards:..... County.

Annexation:..... Not Required.

Plat Reviewed by:..... City, recommendation from City Planning Commission to City Council for final review~~— City, with comment and recommendation to County for Final~~ County comments requested (Routing).

Implementation:

~~• Land Use/Zoning requests shall be submitted and approved by the County. The County shall provide the City with the opportunity to comment on all requests for conformance with the policies established for this area.~~

- County subdivision and design standards shall be applied to regulate development. The City~~County~~ shall provide the County~~City~~ with the opportunity to comment on all requests for conformance with the policies established for this area.

- Annexation of any portions of this area is not anticipated during the term of this Agreement.

Geographic areas:

See Exhibit A, which is attached and made part of this Agreement.

II. ADMINISTRATIVE POLICIES.

Custer County, referred to as the County, and the City of Custer, referred to as the City, accept and agree to the following Administrative Policies, which will be used to implement this Agreement:

Zoning regulation, as a rule, is the County's prerogative while subdivision regulation in these areas comes under the County and City's authority. Annexation is under exclusive rule of the City. Each of these activities, however, affects both jurisdictions and has produced a clear and pressing need for coordination and joint administration. To that end, the County and the City agree to the following procedures for administration of land use regulations.

A. Zoning Regulation:

Zoning regulation for all the unincorporated areas of Custer County shall remain under the authority of the Custer County Land Use Ordinance and the provisions of Chapters 11-2 of the SDCL, as amended.

Each request for zoning property within areas specified in this Agreement shall be forwarded to the City for comment prior to the public hearing before the County Planning Commission. Any zoning change will conform to the policies identified for the area in which the requested change is located.

B. Subdivision Regulations:

Subdivision of land within the extraterritorial jurisdiction of the City of Custer within Custer County shall be required to conform to either the subdivision and design standards of the County or City in accordance with the area policies and implementation measures specified in this Agreement. Persons wishing to subdivide land within Area #1, as specified in this Agreement, shall be required to file a subdivision application with the City. Although the City design standards are required for subdivision in Area #1, each request will be forwarded to the County for review, comment and recommendation prior to the public hearing of the City Planning and Zoning Commission. Persons wishing to subdivide land within Area #2, as specified in this Agreement, shall also be required to file a subdivision application with the City. Both the City and the County design standards will be applied for subdivision in Area #2, each request will be forwarded to the County for review and comment prior to the public hearing before the City Planning and Zoning Commission. Persons wishing to subdivide land within Area #3, as specified in this Agreement, shall be required to file a subdivision application with the County. Although County design standards are required for subdivision in Area #3, each request will be forwarded to the City for review and comment prior to the public hearing before the County Planning Commission. For the purposes of this Agreement, property line adjustments and parcel splits shall be considered a subdivision action.

C. Annexation:

The City of Custer will annex territory only in accordance with the policy statements and implementation measures specified in this Agreement and consistent with State law.

Requests for annexation, within the areas covered under this Agreement, will be forwarded to the County, for comment, prior to consideration by the City Planning and Zoning Commission or City Council.

D. Development in Several Areas:

If a subdivision is in two (2) different development areas, the policy and procedures of the most restrictive shall apply. For the purposes of this Agreement, Area #1 shall be considered the most restrictive and Area #2 shall be considered the less restrictive, and Area #3 shall be considered least restrictive.

III. REVIEW AND AMENDMENT.

The Chair of the Custer County Board of Commissioners and the Mayor of the City of Custer emit initiate a review of the area development policies, implementation measures, and administrative policies each year during the term of this Agreement. Either party to this Agreement shall consider amendments to this Agreement in a manner similar to its initial adoption.

IV. EFFECTIVE DATE AND RECORDING.

This Agreement shall become effective upon acceptance and execution of the parties, and shall be in effect for a period of five (5) years. This Agreement may be modified and extended by the written mutual consent of the parties.

This Agreement shall be filed with the Secretary of the State of South Dakota, and with the Custer County Register of Deeds in accordance with Chapter 1-24-6 of the SDCL, as amended.

CUSTER COUNTY, SOUTH DAKOTA

BY: _____
Board of County Commission Chair

ATTEST: _____
County Auditor

Dated this _____ day of _____, 2017.

CUSTER, SOUTH DAKOTA

BY: _____
Mayor

ATTEST: _____
Finance Officer

Dated this _____ day of _____, 2017.