

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday October 8th, 2019 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

- 1. Call to Order - Roll Call:**
- 2. Approve Agenda:** October 8th, 2019
- 3. Approve Minutes:** September 10th, 2019
- 4. Declaration of Conflict of Interest:**
- 5. Public Hearings:**
 - a.
- 6. Old Business**
 - a. —
- 7. New Business:**
 - a. Final Plat – Akers Subdivision, Tracts Wendell 3, Tract Wendell 4, Tract Effertz 1 and Tract 4
 - b.
- 8. Discussion Items:**
 - a. Revisions to the Extraterritorial Area Policy
- 9. Public Comments** (3-minute max. per person, with total communication period to not exceed 15 minutes):
- 10. Planning Administrator Updates:**
- 11. Adjournment**

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

MINUTES OF THE September 10th, 2019 MEETING OF THE OF THE CITY OF CUSTER
PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Joe Uhrich-Vice Chairman; Kathy Johnson; Scott Olson; Rick Hudson; Fred Mills – Alternate (voting in place of Commissioner Maciewski); Marc Moore – Alternate (voting in place of absent members).

Members Absent: Larry Maciejewski;

Other Parties Present: Tim Hartmann–Planning Administrator; Public Attendees.

Agenda: Commissioner Hudson moved, with a second by Commissioner Uhrich to approve the agenda. Motion unanimously carried.

Minutes: Commissioner Uhrich moved, with a second by Commissioner Mills to approve the August 13th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

Public Hearings:

- a. Public Hearing – Conditional Use Permit Request Short Term Rental – 146 S 7th Street
Planning Administrator provided a staff review of the CUP request. Commissioner Uhrich moved with a second by Commissioner Johnson to approve the short-term rental Conditional Use Permit. The applicant was present and provided input and answered questions of the commission. Commissioner Uhrichs motion carried unanimously with Commissioners Uhrich, Johnson, Olson, and Mills all voting Yes.
- b. Public Hearing – Conditional Use Permit Request Short Term Rental – 945 Harney Street
Planning Administrator provided a staff review of the CUP request. Commissioner Mills moved with a second by Commissioner Olson to approve the short-term rental Conditional Use Permit. A discussion was held. Discussion included but was not limited to land use of the surrounding area and the proposed use. Commissioner Mills motion carried unanimously with Commissioners Johnson, Olson, Mills and Uhrich all voting Yes.

Old Business:

- a.

New Business:

- a. Minor Plat – Childers Tract and Warne Tract North of Deer Ridge Subdivision.
The Commission and Planning Administrator discussed the minor plat. Discussion included but was not limited to the topography of the parcels, the addition of the private access easement, and the recent plat in the area. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Hudson to recommend approval of the minor plat by the Council. Uhrichs motion carried unanimously.
- b. Minor Plat – A Plat of Lot A North and Lot A South.
The Commission and Planning Administrator discussed the minor plat. Discussion included but was not limited to the location of the property, the Chickadee Ln. easement, and structures on the property. The applicant was present and provided input and answered questions of the commission. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Johnson to recommend approval of the minor plat by the Council. Uhrichs motion carried unanimously.
- c. Preliminary Plat – Akers Subdivsion, Tract Wendell 3, Tract Wendell 4, Tract Effertz 1, and Tract 4.
The Commission and Planning Administrator discussed the preliminary plat. Discussion was primarily focused on the lot lines affected by the plat and comparison of such with the recently filed plat of the properties. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Hudson to recommend approval of the preliminary plat by the Council. Uhrichs motion carried unanimously.

Discussion Items:

- a. —

Public Comments:

No public comments were heard.

Planning Administrator Updates

Planning Administrator and commission members gave various updates and discussed scheduling.

Harassment Video

Planning Commission watched a harassment video.

Adjournment:

Being no further business before the Commission, Commissioner Uhrich moved, with a second by Commissioner Hudson to adjourn. Motion unanimously carried. The meeting adjourned at 6:25 pm.

Approved:

Attest:

Jerad Tennyson, Chairman

Tim Hartmann, Planning Administrator

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9/5/19

AKERS SUBDIVISION

PLAT OF TRACT WENDELL 3, TRACT WENDELL 4, TRACT EFFERTZ 1 AND TRACT 4
(FORMERLY TRACT WENDELL 1, TRACT WENDELL 2, TRACT EFFERTZ, TRACT LYLE-ROSE,
TRACT WENDELL REVISED, TRACT WENDELL, LOT 1, LOT 2, LOT 4 OF AKERS SUBDIVISION)
LOCATED IN THE NE1/4 SE1/4 AND SE1/4 NE1/4 OF SECTION 33. T3S. R4E, BHM
CUSTER COUNTY, SOUTH DAKOTA

LEGEND

- CORNER SET THIS SURVEY
REBAR WITH ALUMINUM CAP
MARKED BUCKHORN SURVEYING
R.L.S. 4896
- ▲ CORNER FOUND THIS SURVEY
REBAR WITH ALUMINUM CAP
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- CORNER FOUND THIS SURVEY
B.L.M./G.L.O. BRASS MONUMENT
- POWER POLE
- P— CENTERLINE OF 20' POWER
LINE EASEMENT

NOTE

FIRM PANEL 46033C 0400 F DATED
JANUARY 09, 2012 INDICATES THERE
IS NO PRESENCE OF A FLOOD HAZARD
AREA WITHIN THE SUBDIVISION AREA
REPRESENTED ON THIS PLAT

NOTE

A 20' WIDE UTILITY EASEMENT SHALL
EXIST CENTERED ON ALL SUBDIVISION LOT
LINES NOT ADJACENT TO PUBLIC
RIGHTS-OF-WAY OR UNPLATTED LAND
AND ON THE INTERIOR SIDE OF LOT LINES
THAT BORDER LAND THAT HAS NOT BEEN
SUBDIVIDED, UNLESS OTHER SUITABLE
UTILITY EASEMENTS HAVE BEEN SHOWN.

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

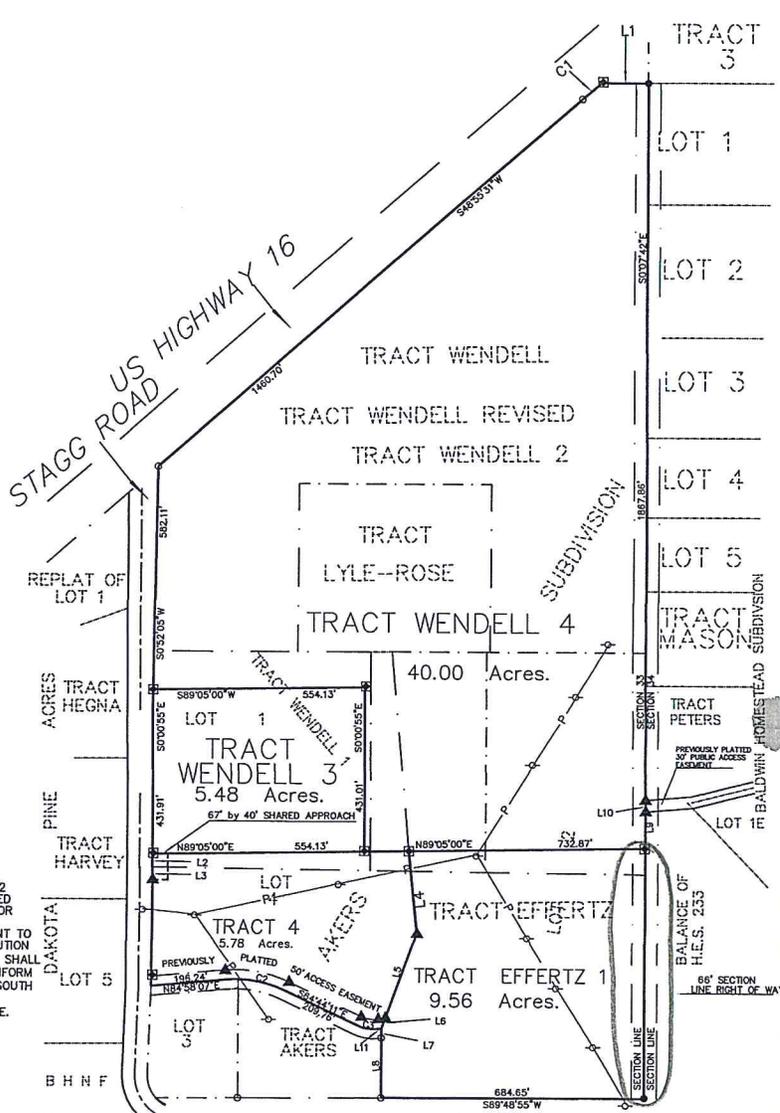
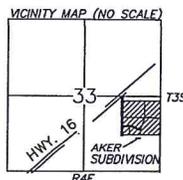
US HIGHWAY 16 IS A 120' PUBLIC RIGHT-OF-WAY
STAGG ROAD IS A 66' DEDICATED
PUBLIC ACCESS AND UTILITY EASEMENT
AS PER SDCL 31-3-1.

NOTE

TRACTS WENDELL 1, WENDELL 2, AND
TRACT EFFERTZ OF AKERS SUBDIVISION
ARE RECORDED IN PLAT BOOK 12 PAGE 776.
TRACTS WENDELL REVISED OF AKERS SUBDIVISION
IS RECORDED IN PLAT BOOK 12 PAGE 683.
LOTS 1-4 OF AKERS SUBDIVISION
ARE RECORDED IN PLAT BOOK 12 PAGE 259
TRACTS WENDELL AND LYLE-ROSE OF AKERS SUBDIVISION
ARE RECORDED IN PLAT BOOK 11 PAGE 430.
TRACTS 1 AND AKERS OF AKERS SUBDIVISION
ARE RECORDED IN PLAT BOOK 9 PAGE 193.

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	1°22'14"	66.14'	2764.79'	N50°23'05"E	66.14'
C2	24°17'13"	127.17'	300.00'	N78°52'48"W	126.22'
C3	35°11'50"	61.43'	100.00'	S82°20'06"E	60.47'

NUM	BEARING	DISTANCE
L1	N89°45'30"E	121.54'
L2	N0°07'42"W	34.09'
L3	N1°14'07"E	33.02'
L4	S6°43'41"E	213.62'
L5	S6°11'57"E	233.42'
L6	N20°03'07"E	28.86'
L7	N0°08'28"W	26.13'
L8	N0°08'28"W	155.89'
L9	S0°14'07"E	96.94'
L10	S0°14'07"E	30.07'
L11	N80°03'55"W	4.25'



AKERS SUBDIVISION

PLAT OF TRACT WENDELL 3, TRACT WENDELL 4, TRACT EFFERTZ 1 AND TRACT 4 (FORMERLY TRACT WENDELL 1, TRACT WENDELL 2 TRACT EFFERTZ, , TRACT LYLE-ROSE, TRACT WENDELL REVISED, TRACT WENDELL, LOT 1, LOT 2, LOT 4 OF AKERS SUBDIVISION) LOCATED IN THE NE1/4 SE1/4 AND SE1/4 NE1/4 OF SECTION 33. T3S. R4E, BHM CUSTER COUNTY, SOUTH DAKOTA

STATE OF SOUTH DAKOTA COUNTY OF CUSTER S.S.

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

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



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 EXISTING PUBLIC ROAD IS HEREBY APPROVED. DATED THIS DAY OF , 20 . HIGHWAY AUTHORITY:

RESOLUTION OF GOVERNING BOARD

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 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 HAVE BEEN FULLY 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



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

Staff Report

Request: Final Plat, Akers Subdivision
Applicant: Mark Wendell
Location: East side of Stagg Road, at the intersection of Stagg Road and US HWY 16
Legal Desc.: Tract Wendell 3, Tract Wendell 4, Tract Effertz 1 and Tract 4
Date Prepared: October 4, 2019, 2019
Planning Commission Meeting: October 8, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The Plat is for a lot line adjustment (non-subdivision) that is not within the corporate limits of the City of Custer but is subject to approval by the City under the 3-mile extraterritorial jurisdiction. Individual wells and wastewater systems serve the proposed Tract Wendell 4 and Tract Effertz 1. A well is installed on the proposed Tract Wendell 3. Access is from Stagg Road.

This plat will shift two lot lines involving the existing Tract Wendell 4 (40.00 acres), Tract Effertz (8.50 acres), Tract Wendell 1 (7.29 acres), and Lot 4 of Tract 1 (8.50 acres). Creating the proposed Tract Wendell 4, Tract Wendell 3, Tract 4 and Tract Effertz 1.

Note the plat under review is a lot line adjustment plat very similar to a recently filed plat but is presented as a preliminary plat rather than a minor plat. Per CMC no property involved or created by a minor plat shall be involved in a subsequent minor plat procedure for a period of one date from the filing of the original minor plat procedure. CMC 16.19.020

This property is in the county and has no zoning.

COMPREHENSIVE PLAN

The Comprehensive Plan identifies this area for Rural Residential development.

ACCESS

Existing access to the proposed Tract Wendell 4 and Tract Wendell 3 has been provided by Stagg Road.

The proposed Tract Effertz 1 and Tract 4 is accessed from Stagg Road, and then via a previously platted 50' Access Easement (Plat Book 9, page 193).

RECENT PREVIOUS PLAT IN THE AREA

A recent plat of the property was reviewed by the City and is filed in Plat Book 12 Page 776.

PREVIOUS ACTION BY THE PC & CC

Planning Commission reviewed preliminary plat at their September 10th meeting. A recommendation was made to City Council recommending approval. City Council then approved the preliminary plat at their September 16th meeting.

SUMMARY AND STAFF RECCOMENDATION

This plat is presented as a non-subdivision plat very similar to the recently approved plat. Staff supports a recommendation of approval by the City Council.

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9/5/19

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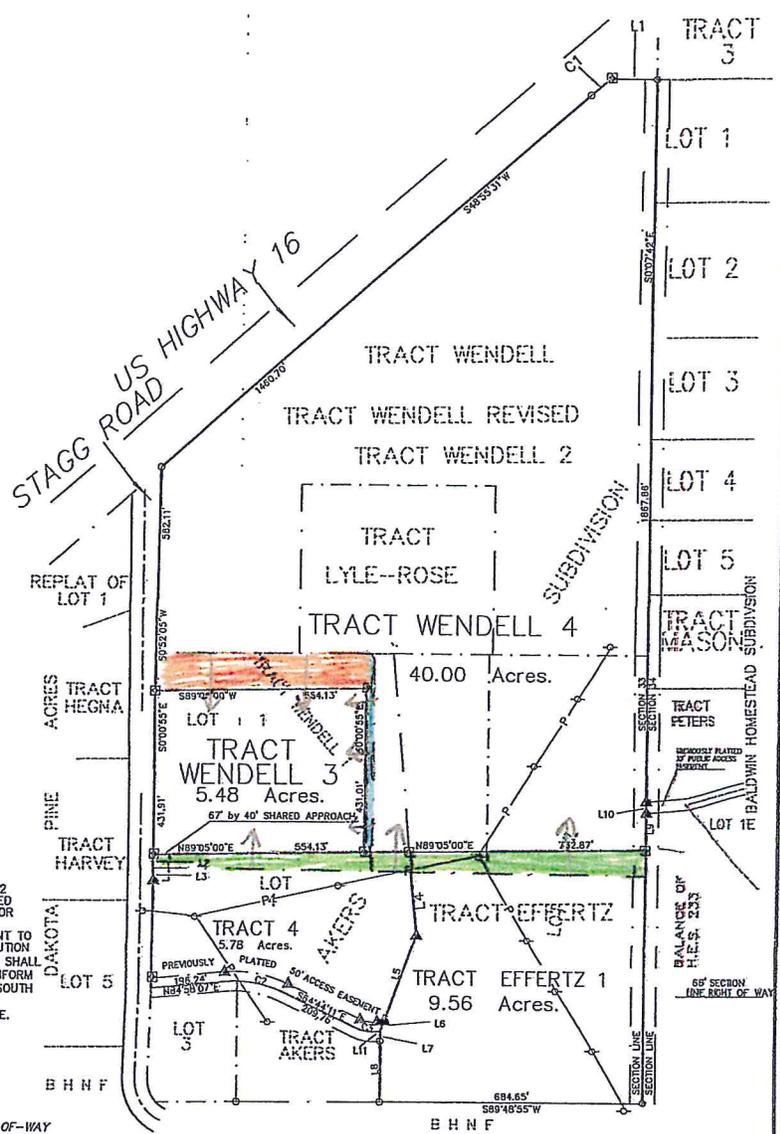
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262.22'
South

5.29'
West

90.36' max
North

78 hsp

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