

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday August 25th, 2020 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

1. **Call to Order - Roll Call:**
2. **Approve Agenda:** August 25th, 2020
3. **Approve Minutes:** August 11th, 2020
4. **Declaration of Conflict of Interest:**
5. **Public Hearings:**
 - a. —
6. **Old Business**
 - a.
7. **New Business:**
 - a. Minor Plat – A Plat of Lots 1A, 1B, 1C and a Private Access and Utility Easement of Zelenka Sub
8. **Discussion Items:**
 - a. Proposed Land Use and Acquisition – A portion of Tract Hospital Revised
 - b. Rewrite of Custer City’s Comprehensive Plan
9. **Public Comments** (3-minute max. per person, with total communication period to not exceed 15 minutes):
10. **Planning Administrator Updates:**
11. **Adjournment**

Planning Commission 8/25/20
Tue, Aug 25, 2020 5:00 PM - 7:00 PM (MDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/360084261>

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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.

DRAFT

MINUTES OF THE August 11th, 2020 MEETING OF THE OF THE CITY OF CUSTER PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Joe Uhrich – Vice Chairman; Kathy Johnson; Scott Olson; Rick Hudson; Marc Moore – Alternate. (Hudson present by GoToMeeting)

Members Absent: Jerad Tennyson-Chairman; Fred Mills; Larry Maciejewski -Alternate.

Other Parties Present: Tim Hartmann–Planning Administrator; Dixie Whittaker – Council Representative; Brian Raber-Public Works Director; Lysann Zeller-BHCoLG.

Agenda: Commissioner Olson moved, with a second by Commissioner Johnson to approve the agenda. Motion carried with Commissioners Uhrich, Johnson, Olson, Hudson and Moore all voting yes.

Minutes: Commissioner Johnson moved, with a second by Commissioner Moore to approve the July 14th, 2020 minutes. Motion carried with Commissioners Johnson, Olson, Hudson, Moore and Uhrich, all voting yes.

Declaration of Conflict of Interest: None Stated.

Public Hearings:

Old Business:

a.

New Business:

- a. Preliminary Plat – A Plat of Lot 18A, 18B, 18C, 18D, 18E and 18F of Block 1, Stone Hill Subdivision Planning Administrator gave a summary and explanation of the plat. A discussion was held including but not limited to the townhouse lots and compliance with townhouse requirements in the residential zoning, location of utilities, and the curbside sidewalks. After the discussion, Commissioner Moore moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Olson, Moore, Uhrich, and Johnson all voting yes.
- b. Sketch Plan – “Coffin Pit” Property (A portion of CCH Sylvan Park Property’s Plan). A discussion was held concerning the sketch plan. The discussion included but was not limited to the topography of the parcels, water services to the parcels and most fitting standards of construction of the access road. After the discussion, Commissioner Johnson moved, with a second by Commissioner Moore to table the sketch plan to align with the schedule of the relating Spring Sub and gather additional input from Mr. Hespen on an asphalt road and infrastructure planned to provide water to the building sites. Commissioner Johnsons motion carried with Commissioners Olson, Moore, Uhrich, and Johnson all voting yes.

Discussion Items:

- a. Rewrite of Custer City’s Comprehensive Plan
Lysann presented the input from the draft document open houses and provided the commission the most recent document. The Commission plans to complete a final review prior to the August work session and then begin publication for a public hearing in September.

Public Comments:

No public comments were heard by the Commission.

Planning Administrator Updates

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

Adjournment:

Being no further business before the Commission, Commissioner Johnson moved, with a second by Commissioner Moore to adjourn. Motion unanimously carried. The meeting adjourned at 6:05pm.

Approved:

Attest:

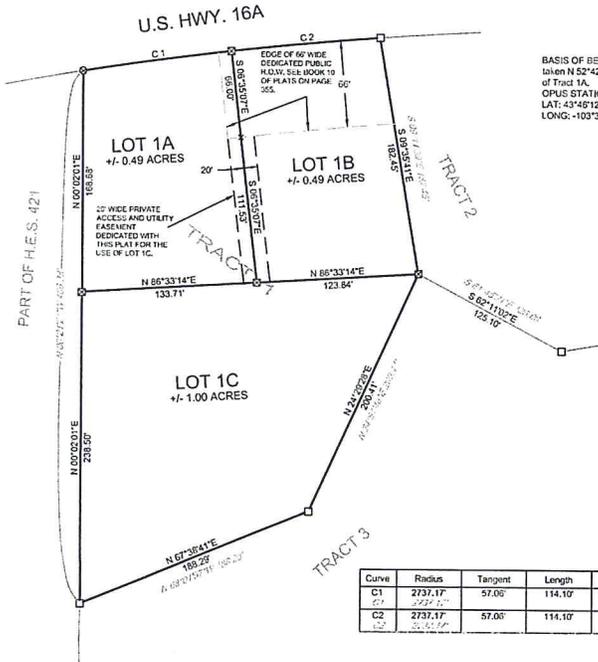
Joe Uhrich – Vice Chairman

Tim Hartmann, Planning Administrator

A

A PLAT OF LOT 1A, LOT 1B, LOT 1C AND A PRIVATE ACCESS AND UTILITY EASEMENT OF ZELENKA SUBDIVISION, LOCATED IN THE NE 1/4 OF SECTION 19, T3S, R5E, BHM, CUSTER COUNTY, SOUTH DAKOTA FORMERLY TRACT 1

NOTE: See Book 10 of
Plats on Page 355 for Plat
of Tract 1 of Zelenka Sub.



DATE SURVEYED
1 July 2020

BASIS OF BEARING - GPS OBSERVATION
taken N 52°42'42" E 107.52' from the NW corner
of Tract 1A,
OPUS STATIC SOLUTION NAD83(2011)
LAT: 43°48'12.61873"
LONG: -103°33'56.69129"



LEGEND

- Found rebar w/aluminum cap marked "FRANCIS - MEADOR LS 1019"
- Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- Found aluminum cap marked "BRYANT FLS 2100"
- × Angle point not monumented
- Slant lettering denotes record calls



Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	2737.17'	57.06'	114.10'	2°23'18"	2°05'36"	114.09'	N 82°05'08" E
C2	2737.17'	57.06'	114.10'	2°23'18"	2°05'36"	114.09'	N 84°26'26" E

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF BOTH SIDES OF THE LOT LINES ARE NOT CONTROLLED BY THIS PLAT THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 4603320114F, effective date: Jan. 6, 2012. The placement of, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the County's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Custer County's Flood Ordinance.

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.

CERTIFICATE OF SURVEYOR

I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.
Dated this ____ day of ____, 2020.

John D. McBride SDRLS No. 5906

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 the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority _____ Date: _____

STATE OF _____ COUNTY OF _____

We, Mark Hartman and Cheryl Hartman, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ____ day of ____, 2020.

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
Dated this ____ day of ____, 2020.

Director of Equalization of Custer County

RESOLUTION OF THE CITY COUNCIL

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereon have been examined according to law, now therefore,
BE IT RESOLVED, that said plat is hereby approved in all respects.
Dated at Custer, South Dakota this ____ day of ____, 2020.

Mayor _____

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ____ day of ____, 2020.

Custer City Finance Officer

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
On this ____ day of ____, 2020, before me, a Notary Public, personally appeared Mark Hartman and Cheryl Hartman, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public _____

My commission expires _____

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
Dated this ____ day of ____, 2020.

Custer County Treasurer

OFFICE OF THE REGISTER OF DEEDS

Filed for record this ____ day of ____, 2020, at ____ o'clock ____ M, and recorded in Book ____ of Plats on page ____.

Custer County Register of Deeds

Prepared by
ANDERSEN ENGINEERS
Land Surveying, Professional Engineering & Environmental Consultants

Drawn by DR	Date 7/13/2020	P.O. Box 446 Edgemont, SD 57735 (605)-662-5200 andersenengineers@gmail.com
Approved by McB	Date 7/13/2020	Scale 1"=40'
Sheet 1 of 1	File Name: TR1_ZELENKA_SUB	



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

Staff Report

Request: Preliminary Plat, Lot 1A, Lot 1B, Lot 1C, Zelenka Subdivision
Applicant: Mark Hartman
Location: Approximately 0.25-miles East of Custer, Hwy 16A, (Parcel #005187)
Legal Desc.: Lot 1A, Lot 1B, Lot 1C and a Private Access and Utility Easement - See Plat for full legal
Fee Paid: \$475.00
Date Prepared: July 28, 2020
Planning Commission Meeting: August 25, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a two-parcel subdivision that is not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will divide the existing Tract 1 (2.01 acres) into three lots. Proposed Lots 1A and 1B both 0.49 acres and proposed Lot 1C, 1 acre. The existing Tract 1 has two homes established. The existing lot has sewer services provided by East Custer Sewer District and an existing well. The applicant plans for the front two lots to share the existing well and remain connected to ECSD. The proposed Lot 1C would then have its own well and could have a private septic or connect to the ECSD.

The area is in the county and therefore has no zoning.

COMPREHENSIVE PLAN

The land use section of the Comprehensive Plan identifies this area as Suburban Residential.

ROUTING SHEET RESPONSES

CC ROD – Looks good, with note of lot sizes.
SDDOT – No Comments
USFS – No Concerns

ACCESS

Existing access to the area is provided from US Hwy 16A. The existing access to the highway is planned to be shared by all parcels and the Proposed Lot 1C has a private access easement shown.

MINIMUM LOT SIZE REQUIREMENTS

Custer County Ordinance #2 and some SD State Regulations require a minimum lot size of 1 acre. Upon additional conversation with county and state officials, staff has found that this requirement is primarily for a septic system installation. A private well does not require a minimum lot size requirement per state laws, but must comply with Administrative Rule 74:02:04:24. The applicant has provided a shared well agreement, but the proposed Lots 1A & 1B could possibly also each support an individual well.

Custer County has approved a variance from their Custer County Ordinance #2 to allow the two 0.49 acre lots.

Prepared by:
Mark Hartman
PO Box 217
Custer, SD 57730
605-673-1362

SHARED WELL AGREEMENT

For the purposes of maintaining a water supply for the mutual benefit of the owners of the following property:

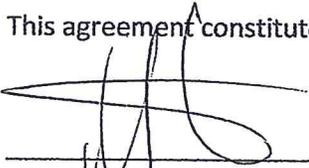
Lot 1A of Zelenka Subdivision, located in the NE ¼ of Section 19, T3S, R5E, BHM, Custer County, South Dakota,
and

Lot 1B of Zelenka Subdivision, located in the NE ¼ of Section 19, T3S, R5E, BHM, Custer County, South Dakota.

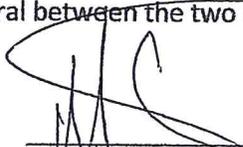
The following terms shall govern the use of the well and water system, and shall run with the land and be binding on all present and succeeding owners of the above described property.

- 1) This agreement shall include a well located on Lot 1A of the above described properties, which shall supply water to each property, and no other property outside the boundaries of the properties.
- 2) Lot 1B described above shall pay a monthly fee of \$5.00 to owner of Lot 1A described above for electrical use of the well. Owners of the properties will revisit this fee every 5 years from the date of signing this agreement in order to determine if an adjustment is needed in the amount paid. Fee can be paid monthly or yearly if so desired by owner of Lot 1A described above.
- 3) If any repairs are required of the well, both property owners of the above described properties agree to equally share in the cost of the repairs.
- 4) Each property owner of the above described properties shall maintain their own supply lines and pressure systems associated with each property.

This agreement constitutes the entire agreement written or oral between the two above described properties.



 Owner of Lot 1A 8-3-20
 Date



 Owner of Lot 1B 8-3-20
 Date

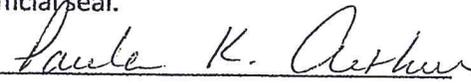
STATE OF SOUTH DAKOTA)

)SS

COUNTY OF CUSTER)

On this the 3rd day of August, 2020, before me, the undersigned officer, personally appeared Mark Hartman and Mark Hartman known to me or satisfactorily have proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



 Notary Public

My commission Expires: 7/13/22



VARIANCE APPLICATION

NAME: Mark Hartman
ADDRESS: P.O. box 817 Custer, SD 57730
PHONE: 605-673-1362

This VARIANCE, executed by the Chairman of the Custer County Board of Commissioners, County of Custer, 420 Mt. Rushmore Road, Custer, South Dakota 57730

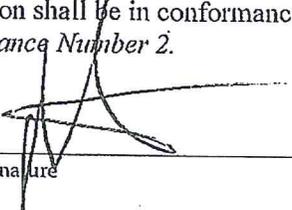
I/We, Mark Hartman own the property described below, provides for the modification of the provisions of *Custer County Ordinance Number 2* with respect to real property legally described as,

LEGAL DESCRIPTION: Zelenka subd. Tr 1 of lot 1-12 of Tr Deming of of TRB of Hcs #481 sec 19 T3R5

ACREAGE: 2.01

REASON FOR VARIANCE REQUESTED: To subdivide 2.01 acre lot into 3 parcels. lot 1A + 1B will be .49 acres. lot 1C will be 1 acre.

The Landowner agrees that the modification described herein is for the instant case only, and that the modification shall be in conformance with the intent and purpose of the regulations set forth in *Custer County Ordinance Number 2*.


Landowner(s) signature

8-3-20
Date

FEE PAID: \$ 2000 STAFF INITIALS R

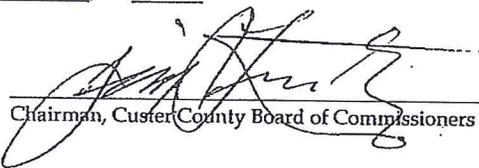
The Custer County Planning Commission recommends Approval Denial of the foregoing VARIANCE, subject to the following terms and conditions: _____


Chairperson, Planning Commission

8-3-2020
Date

The foregoing VARIANCE, subject to the terms and conditions set forth herein, is approved.

Dated this 19th day of August, 2020.


Chairman, Custer County Board of Commissioners

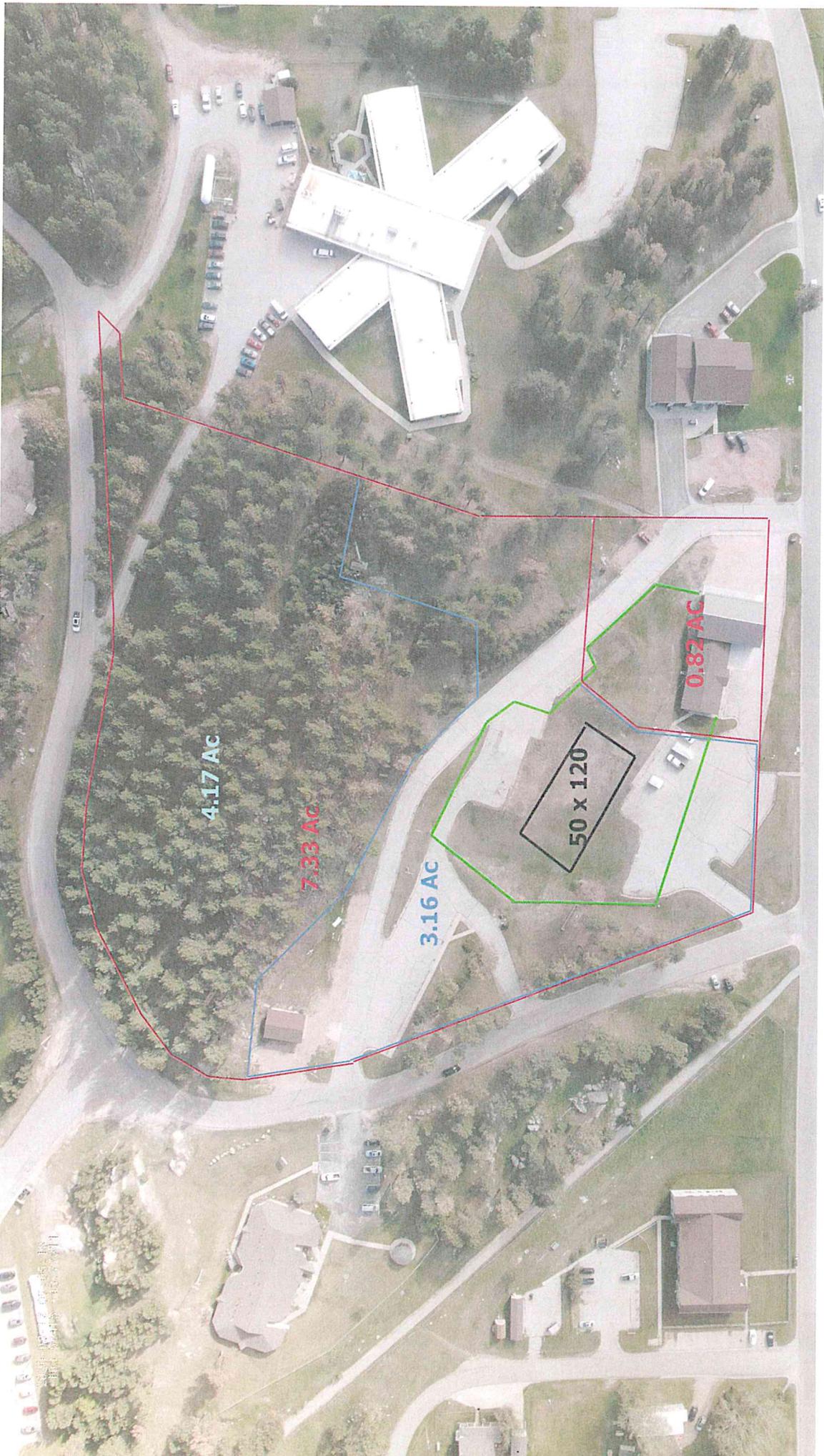
State of South Dakota
County of Custer

On this the 19th day of August, 2020, before me, the under-
signed officer, personally appeared Jim Lutz, of the County of Custer,
known to me or satisfactorily proven to be the person described in the foregoing instrument, and
acknowledged that he executed the same in the capacity therein stated and for the purposed therein
contained.

In witness whereof, I hereunto set my hand and official seal.

Temi Cornelius
Auditor, Custer County





4.17 AC

7.33 AC

3.16 AC

50 x 120

0.82 AC

Tim Hartmann

From: Jesse Sorenson <jsorenson@custercountysd.com>
Sent: Tuesday, August 18, 2020 9:48 AM
To: Tim Hartmann
Subject: Fwd: aquisition
Attachments: August 2020 Proposal.pdf; ATT00001.htm

Tim,

This is the proposal of the land acquisition that we had talked about over the phone. We look forward to working with the city on this. Let me know what else you may need from us.

Thanks again.

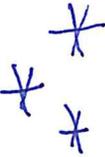
Jesse Sorenson

Sent from my iPhone

Begin forwarded message:

From: Michael Carter <mcarter@custercountysd.com>
Date: August 18, 2020 at 7:47:56 AM MDT
To: Jesse Sorenson <jsorenson@custercountysd.com>
Cc: Rick March <rescue1@custersdsar.org>, Marty Mechaley <MMechaley@custercountysd.com>, Stephen McMillin <smcmillin@custercountysd.com>
Subject: aquisition

Jesse –

 This is our proposal as you requested .We currently own .82 acres and would be requesting an additional 3.16 acres. This would leave the City of Custer 4.17 acres of the plat. The requested property is outlined in blue. A proposed perimeter fence is outlined in lime green. The portion we incorporated to the North incorporates the existing radio tower. As you can see in the short term we would leave access to the present area used for overflow parking during sporting events. A combined use building is identified for joint SAR/Law Enforcement. I realize this is a multi- year project but we tried to incorporate everything for a common operating picture for both governmental agencies. Please call with any additional questions.

Thanks for all the assistance,
Mike