

All Planning Commission Meetings are recorded.

**CITY OF CUSTER**  
**PLANNING AND ZONING COMMISSION AGENDA**  
Tuesday November 12<sup>th</sup>, 2019 at 5:00 P.M.  
Custer City Hall, 622 Crook Street, Custer, SD 57730

**1. Call to Order - Roll Call:**

**2. Approve Agenda:** November 12<sup>th</sup>, 2019

**3. Approve Minutes:** October 8<sup>th</sup>, 2019

**4. Declaration of Conflict of Interest:**

**5. Yearly Planning Commission Chair and Vice Chair Appointment -** CMC. 2.32.070

~~**6. Public Hearings:**~~

a.

~~**7. Old Business**~~

a. —

**8. New Business:**

- a. Minor Plat – Plat of Tract Boyum and Tract Nelson Boyum
- b. Minor Plat – Plat of Lots F Through J of Pleasant Acres 2<sup>nd</sup> Addition
- c. Minor Plat – Spring Subdivision Plat of Lots 4 and 5
- d.

~~**9. Discussion Items:**~~

a.

**10. Public Comments** (3-minute max. per person, with total communication period to not exceed 15 minutes):

**11. Planning Administrator Updates:**

**12. 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.

**DRAFT**

Page 1 of 1

**MINUTES OF THE October 9<sup>th</sup>, 2019 MEETING OF THE OF THE CITY OF CUSTER  
PLANNING COMMISSION**

**Roll Call:** 5:00 pm

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

**Members Absent:** Jerad Tennyson-Chairman; Kathy Johnson; Larry Maciejewski.

**Other Parties Present:** Tim Hartmann–Planning Administrator; Mayor Herman; Dixie Whittaker – Council Representative.

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

**Minutes:** Commissioner Mills moved, with a second by Commissioner Moore to approve the September 10<sup>th</sup>, 2019 minutes. Motion unanimously carried.

**Declaration of Conflict of Interest:** None stated.

**Public Hearings:**

a.

**Old Business:**

a.

**New Business:**

a. Final Plat – Akers Subdivision, Tract Wendell 3, Tract Wendell 4, Tract Effertz 1, and Tract 4.

The Commission and Planning Administrator discussed the final plat. After a short discussion, Commissioner Hudson moved, with a second by Commissioner Mills to recommend approval of the final plat by the Council. Hudsons motion carried unanimously.

**Discussion Items:**

a. Revisions to the Extraterritorial Area Policy.

All parties present discussed the status of the 3-mile topic. Commissioners agreed to a short joint meeting with county planning for a brief update and to explain the status of the project.

**Public Comments:**

No public comments were heard.

**Planning Administrator Updates**

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

**Adjournment:**

Being no further business before the Commission, Commissioner Hudson moved, with a second by Commissioner Moore to adjourn. Motion unanimously carried. The meeting adjourned at 5:27 pm.

Approved:

Attest:

\_\_\_\_\_  
Joe Uhrich-Vice Chairman

\_\_\_\_\_  
Tim Hartmann, Planning Administrator

**PLAT OF TRACT BOYUM AND TRACT NELSON BOYUM (FORMERLY LOT 1 AND LOT 2 OF BOYUM RANCH SUBDIVISION OF H.E.S. 80, H.E.S. 107, M.S. 640 AND M.S. 490) LOCATED IN S1/2 SECTION 20, W1/2 SECTION 21, N1/2 SECTION 29, AND W1/2 SECTION 28, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA.**

**NOTE**

A 20' WIDE UTILITY EASEMENT SHALL BE SET CENTERED ON ALL SUBDIVISION LOT LINES AND ON THE INTERIOR SIDE OF LOT LINES THAT BORDER LAND THAT HAS NOT BEEN SUBDIVIDED, UNLESS OTHER SUITABLE UTILITY EASEMENTS HAVE BEEN SHOWN.

**NOTE**

FIRM PANEL 46033C, 0095 F DATED JANUARY 6, 2012 INDICATES THERE IS PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT.

**NOTE**

LOT 1, AND LOT 2 OF BOYUM RANCH SUBDIVISION ARE RECORDED IN PLAT BOOK 12, PAGE 389 FORMERLY RECORDED AS H.E.S. 80 AND 107 AND M.S. 640 AND 490.

**NOTE**

UPPER FRENCH CREEK ROAD IS A 66' DEDICATED PUBLIC RIGHT-OF-WAY

**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 OR 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.

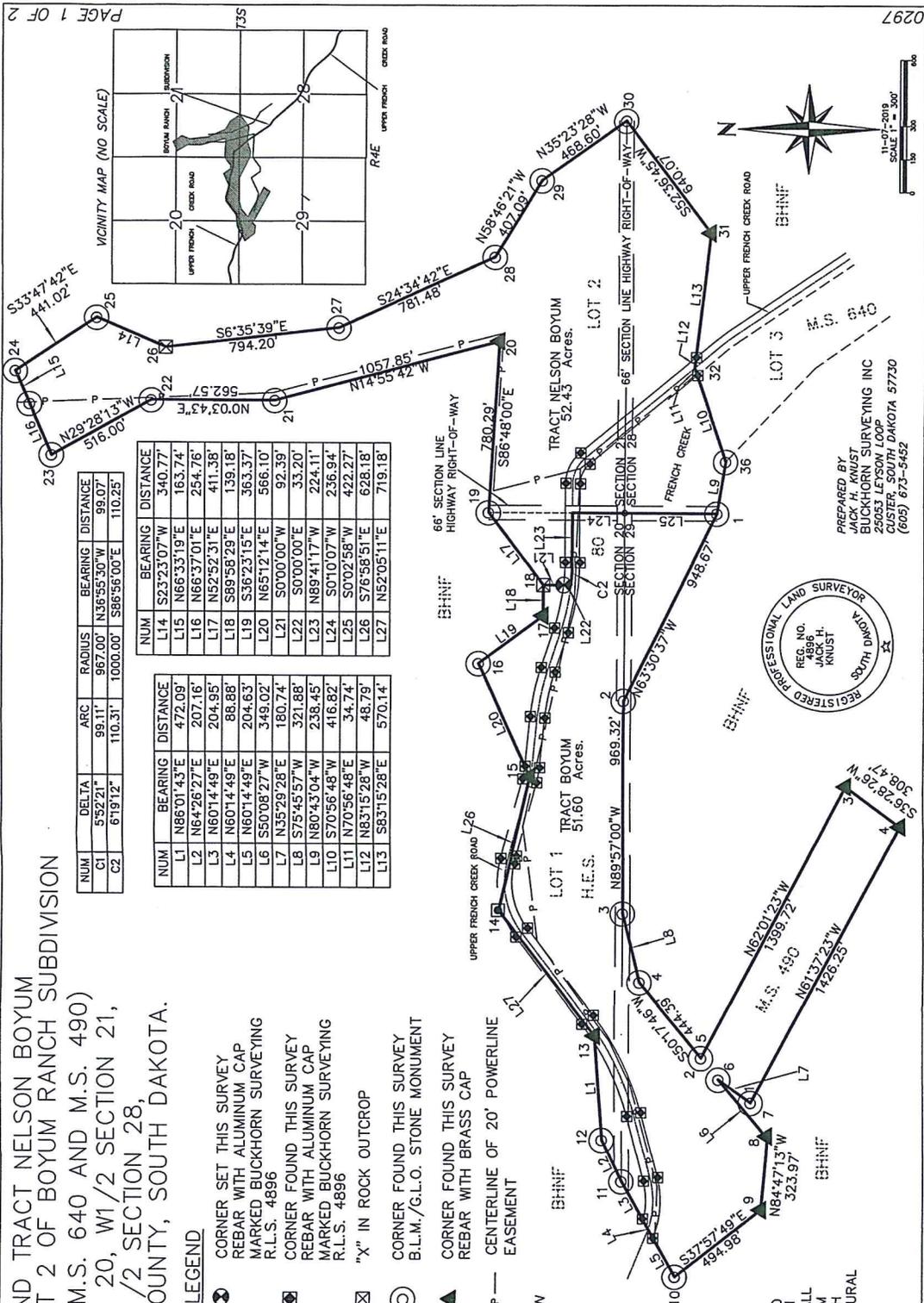
**LEGEND**

- ⊗ CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4896
- ⊠ CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4896
- ⊡ "X" IN ROCK OUTCROP
- ⊙ CORNER FOUND THIS SURVEY B.L.M./G.L.O. STONE MONUMENT
- ▲ CORNER FOUND THIS SURVEY REBAR WITH BRASS CAP
- P — CENTERLINE OF 20' POWERLINE EASEMENT

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	5°52'21"	99.11'	967.00'	N36°55'30"W	99.07'
C2	6°19'12"	110.31'	1000.00'	S86°56'00"E	110.25'

NUM	BEARING	DISTANCE
L1	N86°01'43"E	472.09'
L2	N64°26'27"E	207.16'
L3	N60°14'49"E	204.95'
L4	N60°14'49"E	88.88'
L5	N60°14'49"E	204.63'
L6	S50°08'27"W	348.02'
L7	N35°29'28"E	180.74'
L8	S75°45'57"W	321.88'
L9	N80°43'04"W	238.45'
L10	S70°56'48"W	416.82'
L11	N70°56'48"E	34.74'
L12	N83°15'28"W	48.79'
L13	N83°15'28"E	570.14'

NUM	BEARING	DISTANCE
L14	S23°23'07"W	340.77'
L15	N66°33'19"E	163.74'
L16	N66°37'01"E	254.76'
L17	N52°52'31"E	411.38'
L18	S89°58'29"E	139.18'
L19	S36°23'15"E	363.37'
L20	N65°12'14"E	566.10'
L21	S0°00'00"W	92.39'
L22	S0°00'00"W	33.20'
L23	N89°41'17"W	224.11'
L24	S0°10'07"W	236.94'
L25	S0°02'58"W	422.27'
L26	S76°58'51"E	628.18'
L27	N52°05'11"E	719.18'



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



PLAT OF TRACT BOYUM AND TRACT NELSON BOYUM  
(FORMERLY LOT 1 AND LOT 2 OF BOYUM RANCH SUBDIVISION  
OF H.E.S. 80, H.E.S. 107, M.S. 640 AND M.S. 490)  
LOCATED IN S1/2 SECTION 20, W1/2 SECTION 21,  
N1/2 SECTION 29, AND W1/2 SECTION 28,  
T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA.

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 \_\_\_\_\_

STATE OF SOUTH DAKOTA  
COUNTY OF CUSTER S.S.

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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\_\_\_\_.

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

HIGHWAY AUTHORITY: \_\_\_\_\_ DATE: \_\_\_\_\_

RESOLUTION OF GOVERNING BOARD

STATE OF SOUTH DAKOTA

CITY OF CUSTER S.S.

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\_\_\_\_.

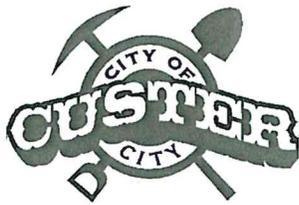
DIRECTOR OF EQUALIZATION: \_\_\_\_\_

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: Minor Plat, A Plat of Tract Boyum and Tract Nelson Boyum  
Applicant: Margaret & Jerry Nelson  
Location: Approximately 1.5 miles North/West of Custer. Upper French Creek Road  
Legal Desc.: A Plat of Tract Boyum and Tract Nelson Boyum  
Fee Paid: \$150.00  
Date Prepared: October 31, 2019  
Planning Commission Meeting: November 12, 2019  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a lot line adjustment with two parcels that are not within the City of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will perform a lot line adjustment between the existing Lot 2 (50.48 acres) and Lot 1 (53.55 acres), creating the proposed Tract Nelson Boyum (52.43 acres) and the proposed Tract Boyum (51.60 acres). The family has agreed to such lot line adjustment to incorporate the small triangle of land with the adjacent property on the N, N/E side of the road.

Individual wells and wastewater systems are available and serve the existing home on the proposed Tract Nelson Boyum.

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 public (incorrect).

#### **ROUTING SHEET RESPONSES**

BHEC – BHEC has power lines running through the property and request such are shown on the plat.

\*\* Upon further discussion, primary interest is line running north through proposed Tr Nelson Boyum..

Others are within Upper French Cr R.O.W.

SDDOT – No Comments.

#### **ACCESS**

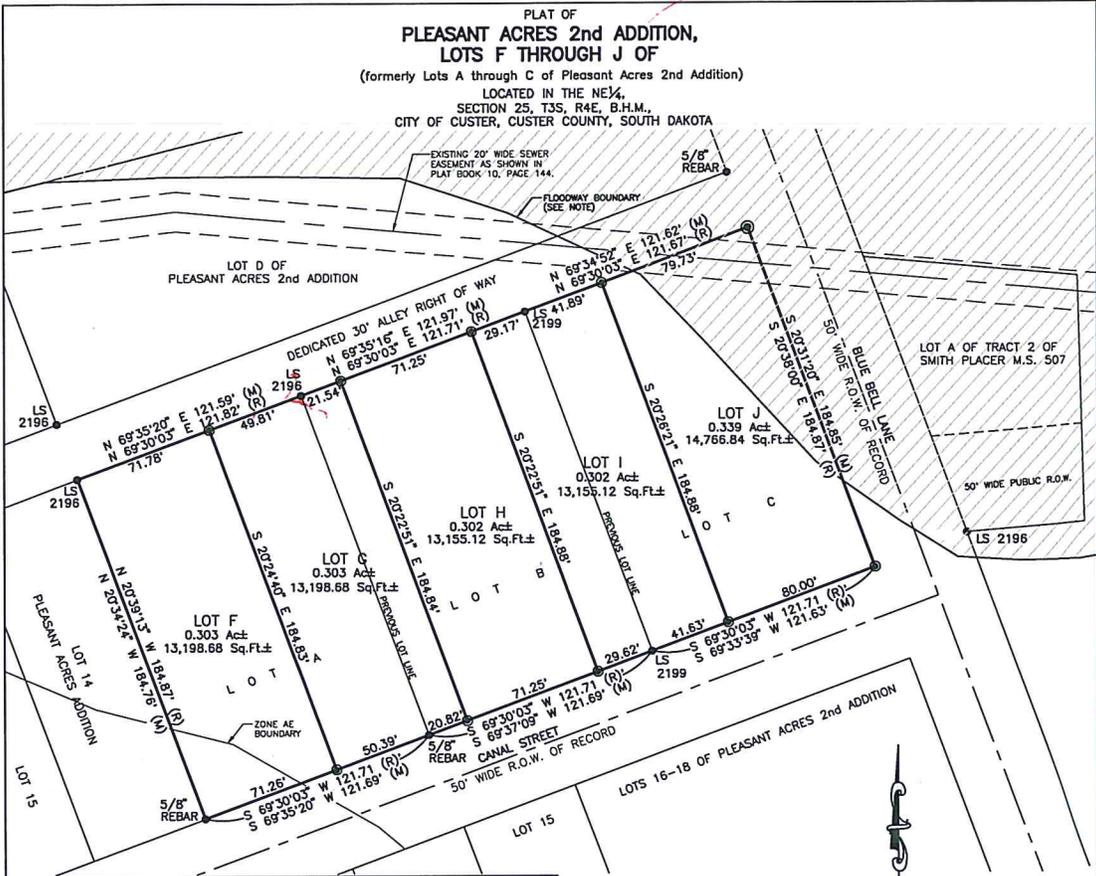
Existing access to the area is provided currently provided and will continue to be provided by Upper French Creek Road. The existing home on the proposed Tract Nelson Boyum has an access directly onto Upper French Creek Road.

Upper French Creek Road is a 66' Dedicated Public Right of Way.

#### **SUMMARY AND STAFF RECCOMENDATION**

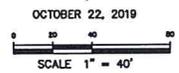
This plat is presented as a lot line adjustment plat with a sole purpose to align the small piece with the more contiguous parcel. Staff supports a recommendation to Council for approval of the Minor Plat.

3  
11/05/19



FLOOD INSURANCE RATE MAP PANEL 4803300114F WITH AN EFFECTIVE DATE OF JANUARY 8, 2012 INDICATES THE PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT.

NOTE: PLAT OF LOTS A-C FOUND IN PLAT BOOK 11 PAGE 225.



**NOTES:**

- Denotes set 5/8" rebar with survey cap marked "Janis LS 11700"
- Denotes Found Survey Monument as noted
- (R) Denotes Recorded in previous plat or description.
- (M) Denotes Measured this survey.
- CB Denotes Chord Bearing
- CD Denotes Chord Distance

Basis of Bearings: Geodetic North determined by Global Positioning (GPS)

Utility and Minor Drainage Easements: 10' on the interior sides of all lot lines, except where major drainage easements exist.

**CERTIFICATE OF OWNERSHIP**  
State of South Dakota  
County of Pennington s.s.

I, \_\_\_\_\_ do hereby certify that I am a Member of SCHRINER INVESTMENTS L.L.C., a South Dakota Limited Liability Corporation, and the owner of the land shown and described hereon; that the survey was done at my request for the purposes indicated hereon; that I do hereby approve the survey and within plat of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Any land shown on the within plat as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever, but such dedication shall not be construed to be a donation of the fee of such land.

In witness whereof, I have set my hand and seal.

Owner: SCHRINER INVESTMENTS, L.L.C.

Member \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_ known to me to be the person(s) described in the foregoing instrument and acknowledged to me that they signed the same.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL**  
State of South Dakota  
City of Custer s.s.

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 thereof have been accepted 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 \_\_\_\_\_, 2019.

Mayor \_\_\_\_\_

**CERTIFICATE OF FINANCE OFFICER**

I, Finance Officer of Custer City, 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 \_\_\_\_\_, 2019.

Finance Officer: \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**  
State of South Dakota  
County of Pennington s.s.

I, Jeffrey L. Janis, Registered Land Surveyor No. 11700 in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

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

Jeffrey L. Janis, Registered Land Surveyor \_\_\_\_\_ Date \_\_\_\_\_

**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 DIRECTOR OF EQUALIZATION**

I, Director of Equalization of Custer County, do hereby certify that I have on record in my office a copy of the within described plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Director of Equalization: \_\_\_\_\_

**CERTIFICATE OF REGISTER OF DEEDS**

State of South Dakota  
County of Custer s.s.

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

In Book \_\_\_\_\_ of Plats, on Page \_\_\_\_\_

Register of Deeds: \_\_\_\_\_



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

### Staff Report

Request: Minor Plat, Lots F Through J of Pleasant Acres 2<sup>nd</sup> Addition  
Applicant: Schriener Investments, L.L.C.  
Legal Desc.: Lots F Through J of Pleasant Acres 2<sup>nd</sup> Addition - See Plat for full legal  
Fee Paid: \$1025.00  
Date Prepared: October 31, 2019  
Planning Commission Meeting: November 12, 2019  
Prepared by Tim Hartmann, CFM Planning Administrator

#### **GENERAL**

This plat is for a subdivision of land within Custer City located near the intersection of Canal Street and Blue Bell Lane Right of Way. The proposed plat will divide the existing 3 lots, Lots A, B, & C, into the proposed 5 lots, Lots F, G, H, I & J. The proposed lots meet minimum lot size requirement of 7500 sqft ranging in size from 13155.12 sqft to 14766.84sqft and average about 1357.84 sqft.

The proposed parcels have City sewer and water services available. See Access and Public Services

#### **ZONING**

Per the City zoning map the property affected by this plat is currently zoned Highway Commercial. The applicant may re-zone to residential upon completion of the platting process.

#### **COMPREHENSIVE PLAN**

The plat is within the area projected as Suburban Residential of the 2013 Comprehensive Plan Land Use Map.

#### **ROUTING SHEET RESPONSES**

SDDOT – No comments.

#### **ACCESS AND PUBLIC SERVICES**

Access to the area is provided by Canal Street Frontage to the South. A 30 alley right of way to the north and Blue Bell right of way to the east is also present.

City water and sewer services are available in the Canal Street Right of Way. A 6" sewer main is on the North side of Canal Street and an 8" water main currently sits on the South side of Canal. Although connections to such would be the responsibility of the developer/owner, staff would like to discuss the developer bringing one adequately sized water line across the street to limit street cutting. Individual service lines could then be stubbed and attached into such line. CMC 16.24.030

Access appears to be adequate with the primary access, Canal Street, already being an accepted and developed street.

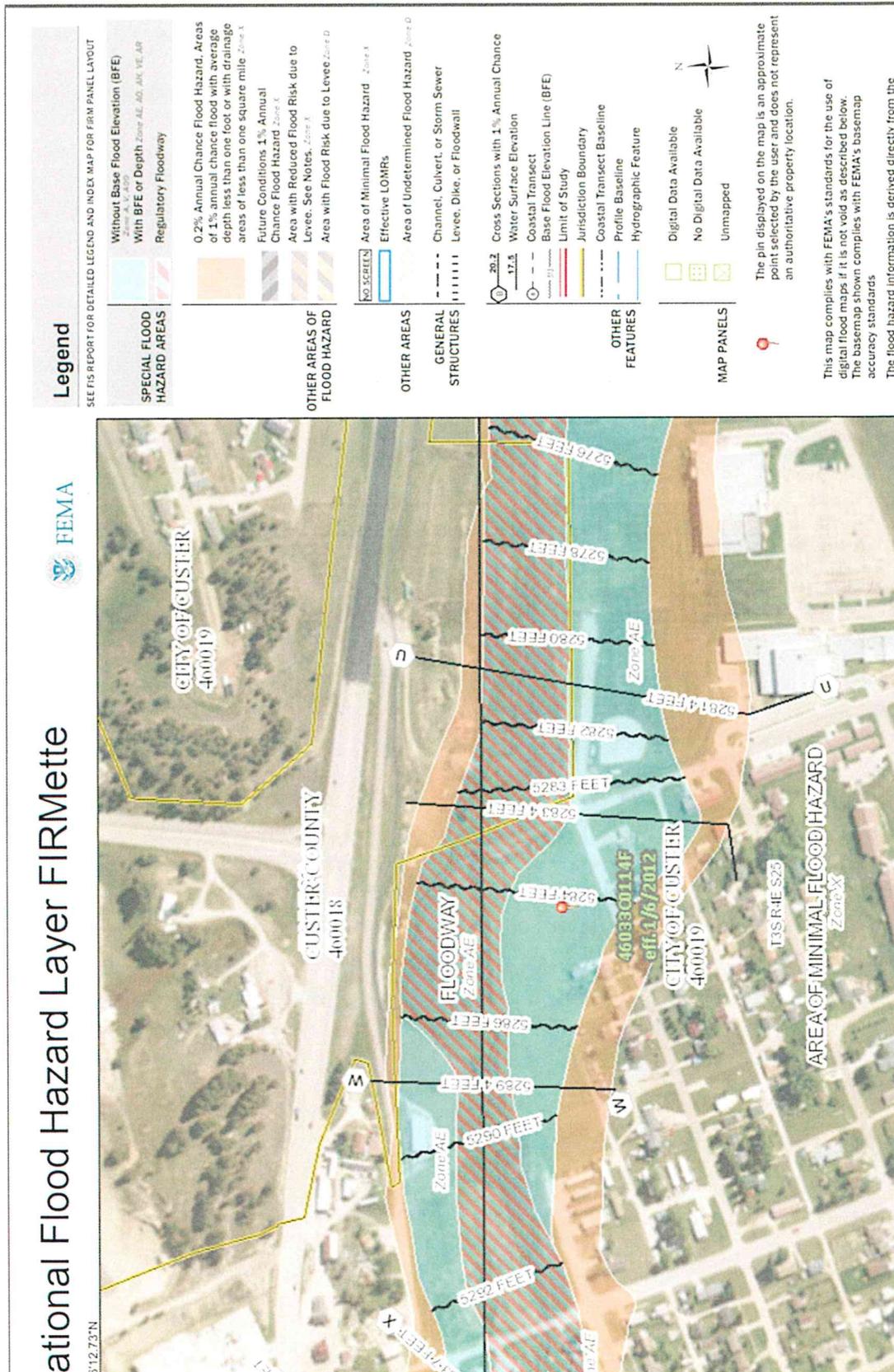
#### **REGULATORY FLOODPLAIN**

Per flood insurance rate map panel 46033C0114F it can be noticed a large portion of the property is affected by regulatory floodplain and within such, also a small portion of Floodway near the N/E corner of the plat. The presence of the flood hazard has been noted and shown on the plat, and any building or qualifying development within will be subject to local and FEMA Flood Damage Prevention regulations administered by the local floodplain administrator. CMC Chapter 15.16

For construction of a single-family home such requirements will include but are not limited to elevating of the lowest floor 1 foot above the base flood elevation, and proper construction and venting of any enclosure built below the base flood elevation.

**SUMMARY AND STAFF RECCOMENDATION**

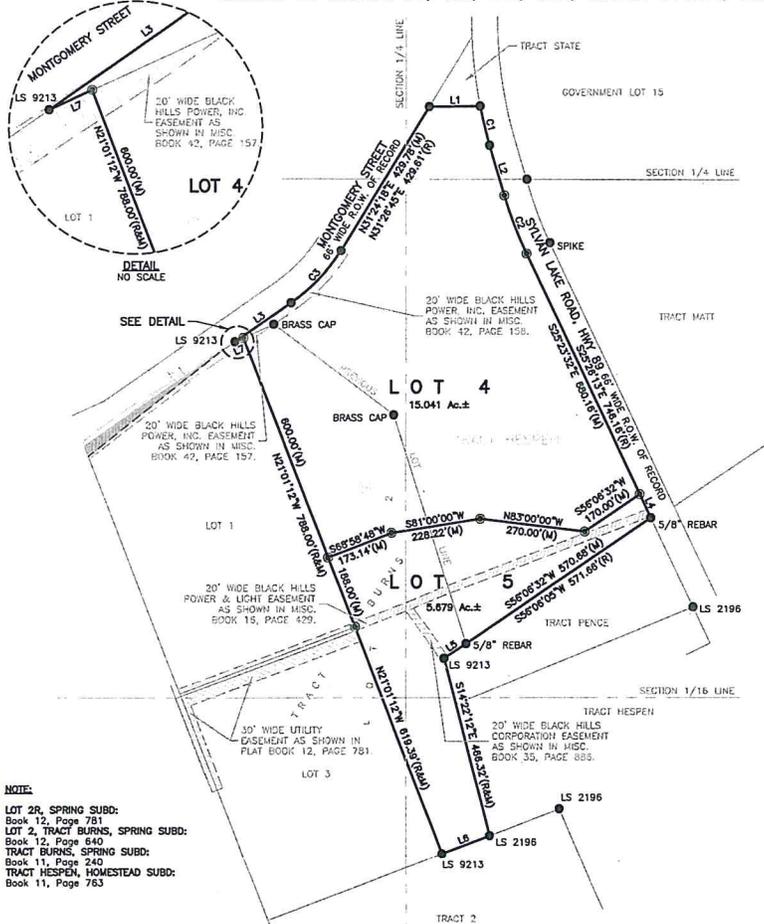
The proposed plat appears to have all services and improvements already available and established near the parcels. Staff is comfortable that the City's Flood Damage Prevention regulations will adequately address development within the special flood hazard area. Staff supports a recommendation of approval by the Council, and although not required, would also support a recommendation that the developer stub 1 adequately sized water line across Canal Street to support water services for the parcels.



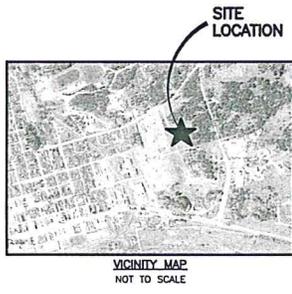
# SPRING SUBDIVISION PLAT OF LOTS 4 AND 5

(formerly Lot 2R of Lot 2 of Tract Burns of Spring Subdivision and  
Tract Hespern of Homestead Addition of Homestead Subdivision)  
LOCATED IN SECTION 24, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

(A)  
10/22/19



LINE	BEARING	DISTANCE
L1(M)	N89°32'30" E	128.85'
L1(R)	N89°00'00" E	128.60'
L2(M)	S16°30'44" E	133.35'
L3(M)	N55°03'30" E	173.74'
L3(R)	N55°04'47" E	173.40'
L4(M)	S28°23'12" E	68.00'
L5(R&M)	S56°10'13" W	67.22'
L6(R&M)	S69°02'05" W	129.57'
L7(R&M)	S65°28'19" W	23.96'



**NOTE:**  
LOT 2R, SPRING SUBD:  
Book 12, Page 781  
LOT 2, TRACT BURNS, SPRING SUBD:  
Book 12, Page 640  
TRACT BURNS, SPRING SUBD:  
Book 11, Page 240  
TRACT HESPERN, HOMESTEAD SUBD:  
Book 11, Page 763

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1(M)	102.62'	1144.15'	5°08'20"	S13°48'04" E	102.59'
C1(R)	101.72'	1144.15'	5°00'00"	S14°01'17" E	101.68'
C2(M)	159.77'	1032.22'	8°52'06"	S20°59'42" E	159.61'
C2(R)	159.77'	1032.22'	8°00'00"	S21°02'23" E	159.61'
C3(M)	185.12'	448.67'	23°38'22"	N43°34'22" E	183.90'
C3(R)	185.08'	448.67'	23°00'00"	N43°15'48" E	183.77'

**NOTE:**  
AN AREA OF SPECIAL FLOOD HAZARD DOES NOT EXIST ON SUBJECT PROPERTY.  
PREVIOUS PLAT OF SUBJECT PROPERTY IS SHOWN ON PLAT BOOK 12, PAGE 640.  
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 OWNERSHIP**  
State of South Dakota  
County of Custer  
S.S.  
I, the undersigned do hereby certify that I am the owner of the tract of land shown and described herein, that said land is free from any encumbrance, that I did authorize and do hereby approve the survey and within plot of said land for the purposes indicated herein. I further certify that the development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.  
Any land shown on the within plot as dedicated to public right-of-way is hereby dedicated to public use and public utility use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.  
In witness whereof, I have set my hand and seal.

**OWNER:** Matthew Hespern  
On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me, a Notary Public, personally appeared Matthew Hespern, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.  
**NOTARY PUBLIC:** \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**  
I, Director of Equalization of Custer County, do hereby certify that I have received a copy of such plat.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Director of Equalization Custer County  
**APPROVED:** \_\_\_\_\_  
Director of Equalization Custer County

**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 \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
City Finance Officer

**LEGEND**  
⊙ Denotes set rebar with survey cap marked "Renner - Assoc. 9213"  
● Denotes Found Survey Monument marked LS 4895, unless otherwise noted.  
(R) Denotes Recorded in previous plat or description.  
(M) Denotes Measured in this survey.  
Basis of Bearings: Geodetic North as determined by Global Positioning System. (GPS) WGS 84.  
**UTILITY EASEMENT:** 10' wide on the interior sides of all side and rear lot lines.

**CERTIFICATE OF SURVEYOR**  
State of South Dakota  
County of Pennington  
S.S.  
I, Eric D. Howard, Registered Land Surveyor No. 9213 in the State of South Dakota, do hereby certify that at the request of the owners listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plot is a representation of said survey. Easements or restrictions of miscellaneous record or private easements that are not known to me are not shown hereon.  
In witness whereof, I have hereunto set my hand and seal.  
\_\_\_\_\_  
Eric D. Howard, Registered Land Surveyor  
Date: \_\_\_\_\_

**RESOLUTION OF CITY COUNCIL**  
Whereas there has been presented to the City Council of Custer, South Dakota, the within plot of the above described lands, and it appearing to the Council that said plot conforms to the existing plots of said City, that the 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 the said plot and the survey thereof have been executed according to law.  
Now therefore, BE IT RESOLVED, that said plot is hereby approved in all respects.  
Dated at Custer, South Dakota this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Finance Officer

**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.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Highway Authority

**CERTIFICATE OF COUNTY TREASURER**  
I, Treasurer of Custer County, do hereby certify that all taxes that are liens upon any land included within the Plat, as shown by the records of his/her office, have been fully paid.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Treasurer of Custer County

**CERTIFICATE OF REGISTER OF DEEDS**  
State of South Dakota  
County of Custer  
S.S.  
Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M.  
in Book \_\_\_\_\_ of Plots, Page \_\_\_\_\_.  
\_\_\_\_\_  
Register of Deeds  
Fee: \$ \_\_\_\_\_

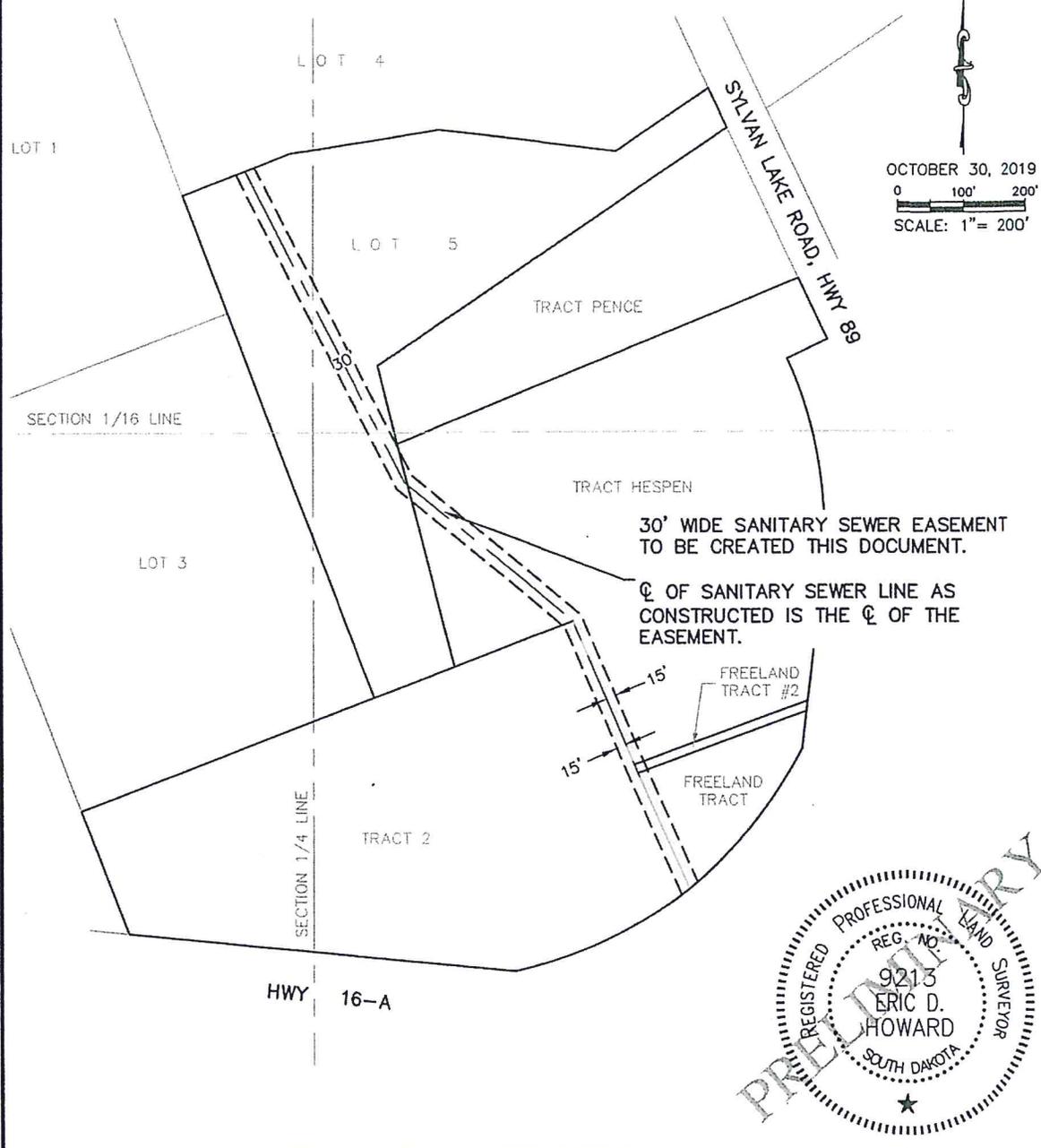


EXHIBIT 'A'

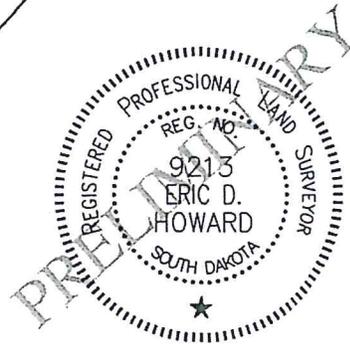
# SANITARY SEWER EASEMENT

LOCATED IN LOT 5, TRACT 2 AND TRACT HESPEN OF SPRING SUBDIVISION AND  
FREELAND TRACT AND FREELAND TRACT #2 OF CLARK PLACER M.S. #506,  
ALL IN SECTION 24, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

11/07/19



S:\2765.01\163PLB-Sensoc-COURT\2765.01 SANSEW EASEMENT.dwg, 10/30/19 8:45:27 AM



**RENNER ASSOCIATES, LLC**

CIVIL ENGINEERING  
LAND SURVEYING

3231 TEWINOT DRIVE, RAPID CITY, SD 57703  
PH: 605. 721-7310 RENNERASSOC.COM

LAR

2765.01



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

#### Staff Report

Request: Minor Plat, Spring Subdivision Lots 4 & 5  
Applicant: Matt Hespen  
Legal Desc.: Spring Subd - Lots 4 and 5 - See Plat for full legal  
Fee Paid: \$150.00  
Date Prepared: October 23, 2019  
Planning Commission Meeting: November 12, 2019  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a subdivision of land adjacent to the E, N/E side of the City. Per SDCL 11-3-6 the City is responsible for reviewing and approving plats adjoining the City. The proposed plat will shift the lot lines of the existing Lot 2R (6.86 acres) and Tract Hespen (13.87 acres) into the proposed Lot 4 (15.041 acres) and Lot 5 (5.679 acres). The existing parcels currently do not have any structures upon such.

The proposed plat is an additional phase of some planned development with this parcel and area East of the new Custer Regional Hospital.

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

#### **COMPREHENSIVE PLAN**

The plat is within the area projected as Suburban Residential on the Comprehensive Plan.

#### **ROUTING SHEET RESPONSES**

SDDOT – I will have to sign this plat. The access location from SD89 is acceptable.

#### **ACCESS AND PUBLIC SERVICES**

Access to the proposed Lot 4 will be primarily provided by Montgomery Street or Sylvan Lake Road. Although the proposed Lot 5 is currently the remainder of the land and may be incorporated within the property to the South, S/E, access would be desired from Sylvan Lake provided an access location could be granted.

Water services have also been stubbed near the N/W corner of the proposed neighboring Lot 4. Sewer services to the property should be a topic of research and discussion.

City staff will continue to research recommendation and requirements pertaining to water and sewer extensions.

#### **ANNEXATION AND ZONING**

City staff and Legal Counsel have met to discuss the most feasible mechanics to address annexation, sewer and water extensions and zoning. As we are aware, this plat is an additional phase related to Custer County Housing Authority planned housing project. City legal has advised that specifics such as annexation, sewer and water extensions, and zoning will be most appropriately addressed in a Land Transfer Agreement when the land is transferred between appropriate parties.