

**CITY OF CUSTER PLANNING AND ZONING COMMISSION  
AGENDA**

**Tuesday February 13, 2018 at 5:00 P.M.**

**Custer City Hall, 622 Crook Street, Custer, SD 57730**

**Call to Order - Roll Call:**

**Approve Agenda:** February 13, 2018

**Approve Minutes:** January 23, 2017

**Declaration of Conflict of Interest:**

~~Old Business:~~

**New Business:**

Preliminary Plat – Phillips Subdivision

Preliminary Plat – Tract Williamson Revised of Needles View Sub and Willow Creek Tract

Subdivision Variance – Busskohl - Jenniges Subdivision Phase I

Preliminary Plat - Busskohl - Jenniges Subdivision Phase I

~~Discussion Items:~~

**Planning Administrator Updates:**

**Communications from The Public:**

**Adjournment:**

**DRAFT**  
**MINUTES OF THE January 23<sup>rd</sup>, 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:** Rick Hudson moved, with a second by Joe Uhrich, to approve the January 23<sup>rd</sup>, 2018 agenda, Motion Carried.

**Minutes:** John Dvorak moved, with a second by Jerry Stites, to approve the January 9<sup>th</sup>, 2018. Motion carried.

**Declaration of Conflict of Interest:** None

**New Business:**

Subdivision Variance Request – Rosse Subdivision 2 – Planning Commission members and Planning Administrator discussed the Rosse Sub 2 plat and the legal access along the Little Teton Road corridor and the need to establish 66’ legal access along this collector route. After some discussion it was determined the 33’ would be adequate at this time and additional access could be established in the future from neighboring properties. After the discussion, Joe Uhrich moved, with a second by Jerry Stites, to recommend to council approval the Rosse Subdivision 2 variance. Motion carried.

Preliminary Plat – Rosse Subdivision 2 – Some further conversation was held concerning the plat and multiple easements affecting this plat. After the discussion, John Dvorak moved, with a second by Joe Uhrich to recommend approval of the preliminary plat by the City Council contingent upon approval of the subdivision variance and contingent upon no easements from the previous plats being lost. Commission member Dvorak also recommended forwarding the final plat directly to the City Council for review. Motion Carried.

**Discussion Items:**

Revisions to the Extraterritorial Policy – Planning Administrator gave a brief explanation of past documents pertaining to the extraterritorial policy. Planning Administrator and Planning Commission discussed the working document. Planning Administrator plans to continue to work with legal council and continue work on the preliminary document. Staff will also work to complete a map showing properties within the 3-mile platting jurisdiction.

**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, Jerry Stites moved, with a second by Joe Uhrich, to adjourn. Motion carried. The meeting adjourned at 6:16 pm.

Approved:

\_\_\_\_\_  
Jerad Tennyson, Chairman

Attest:

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

**PHILLIPS SUBDIVISION**  
**PLAT OF TRACTS 1 AND 2 OF PHILLIPS SUBDIVISION**  
 (FORMERLY LOT 1 OF TRACT B OF M.S. 2063)  
 OF SECTIONS 15/16, T3S, R4E, BHM,  
 CUSTER COUNTY, SOUTH DAKOTA

**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.

**NOTE**  
 LOT 1 IS RECORDED IN PLAT BOOK 6 PAGE 117  
 TRACT B IS RECORDED IN PLAT BOOK 6 PAGE 72

**NOTE**  
 FIRM PANEL 46033C 0095 F DATED JANUARY 01, 2012 INDICATES NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT

**NOTE**  
 ANY CONSTRUCTION WITHIN A DESIGNATED FLOOD HAZARD AREA SHALL REQUIRE A PERMIT AND BE IN ACCORDANCE WITH CUSTER COUNTY ORDINANCE 6

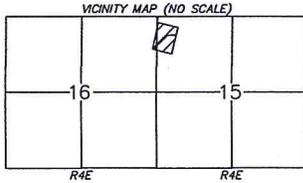
**NOTE**  
 WOODFORD ROAD IS A 66' PUBLIC ACCESS AND UTILITY EASEMENT AS PER SDCL 31-3-1

**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.

**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
- ☒ CORNER FOUND THIS SURVEY REBAR WITHOUT ALUMINUM CAP
- ⊙ CORNER FOUND THIS SURVEY B.L.M./G.L.O. STONE MONUMENT



SECTION LINES ARE 66' PUBLIC ACCESS AND UTILITY EASEMENTS

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



WOODFORD ROAD  
 EASEMENT IS RECORDED IN  
 MISC BOOK 35 PAGE 297

STATE OF SOUTH DAKOTA  
 COUNTY OF CUSTER S.S.  
 I, ME  
 DO HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT I DO AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND. I FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SUBDIVISION 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, A SURVEYOR IN GOOD STANDING WITH THE BOARD OF SURVEYORS OF THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT BEING A LICENSED SURVEYOR, I HAVE PERSONALLY CONDUCTED THE SURVEY AND DESCRIBED HEREON AND THAT I AM A REPRESENTATIVE OF SAID SURVEY. IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.



CERTIFICATE OF COUNTY TREASURER  
 I, TREASURER OF CUSTER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE DUE 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:  
 IF 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  
 CITY OF CUSTER S.S.  
 BECAUSE 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 HEREIN CONFORMS 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\_\_\_\_.

DIRECTOR OF THE CITY OF CUSTER:  
 I, FINANCE OFFICER OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, THE CITY COUNCIL, BY RESOLUTION DO 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: Preliminary Plat, Phillips Subdivision  
Applicant: Laura Inman  
Location: Approximately 1.3 miles NW of Custer, Woodford Road  
Legal Desc.: Tracts 1 and 2, Phillips Subdivision  
Date Prepared: January 12, 2018  
Planning Commission Meeting: February 13, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a subdivision that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. The proposed plat will split an existing 10.04 acres into a proposed Tract 1, 4.52 acres and the proposed Tract 2, 5.52 acres. Private well and septic system serve the proposed Tract 1. The proposed Tract 2 would be served by private well and septic should sanitary facilities be needed. The proposed parcels will remain of adequate size to support the water and waste water systems.

#### **COMPREHENSIVE PLAN**

The comprehensive plan identifies this area as countryside residential.

#### **ROUTING SHEET RESPONSES**

CC Planning – Various grammatical and clerical concerns. All issues addressed.

SD DOT – No Comments

USFS – Concern of two isolated parcels of federal land within the area. No requirements to approve the plat.

#### **ACCESS**

Access to the subdivision is gained via Woodford Road (66' Public Access and Utility Easement). A short 33' easement exists across the neighboring Tract 18 and a 33' Private Access Easement has been dedicated across the proposed Tract 2 to provide adequate access to Proposed Tract 1. A Private Access Easement appears by staff to be applicable for legal access across the neighboring Tract 18 and the proposed Tract 2 as the subdivision is low density and a Private Easement is applicable for access to 1 or 2 parcels. Should the proposed Tract 2 or Tract 1 further subdivide they would then have the responsibility of pursuing Public Access at that time. (CMC 16.20.100, CC Ordinance #2)

\*\* Private access easements are intended to serve only one residence. The Board may allow a Private Access Road to be shared by two adjoining residences where topography or access restrictions onto Federal, State, or County highways make such sharing necessary. Development of Private Access Roads in not required. (CC Ordinance #2 Section 1 #5)

#### **ADDITIONAL REGULATIONS**

Custer County standards require all lots and parcels be a minimum of one acre in order to allow for proper building setbacks and separation from other wells and septic's. The tracts within the Phillips subdivision comply with any of these regulations.

#### **RECCOMENDED ACTION BY PLANNING COMMISSION**

County subdivision standards appear to be satisfied. Adequate access has been provided, lot size is compliant, no road upgrades should be needed. Staff has no concerns with this plat. Staff supports a recommendation to the council for approval of the preliminary plat.

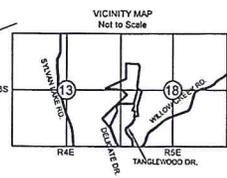
Rec 1/29/18  
 f

# A PLAT OF TRACT WILLIAMSON REVISED OF NEEDLES VIEW SUBDIVISION AND WILLOW CREEK TRACT CONTAINING ALL OF TRACT WILLIAMSON OF NEEDLES VIEW SUBDIVISION AND RAAD TRACT (LESS LOT 1R) A SUBDIVISION OF H.E.S. 60, LOCATED IN THE W 1/2 OF SECTION 18, T3S, R5E, AND THE E 1/2 OF SECTION 13, T3S, R4E, BHM, CUSTER COUNTY SOUTH DAKOTA

NOTE: See Book 12 of Plats on Page 450 for plat of TRACT WILLIAMSON OF NEEDLES VIEW SUB  
 NOTE: WILLOW CREEK TRACT CONTAINS +/- 2.0 ACRES OF TRACT WILLIAMSON  
 NOTE: See Book 6 of Plats on Page 148 for a plat of REVISED PLAT OF RAAD TRACT SUBDIVISION OF H.E.S. 60 INCLUDING LOT 1

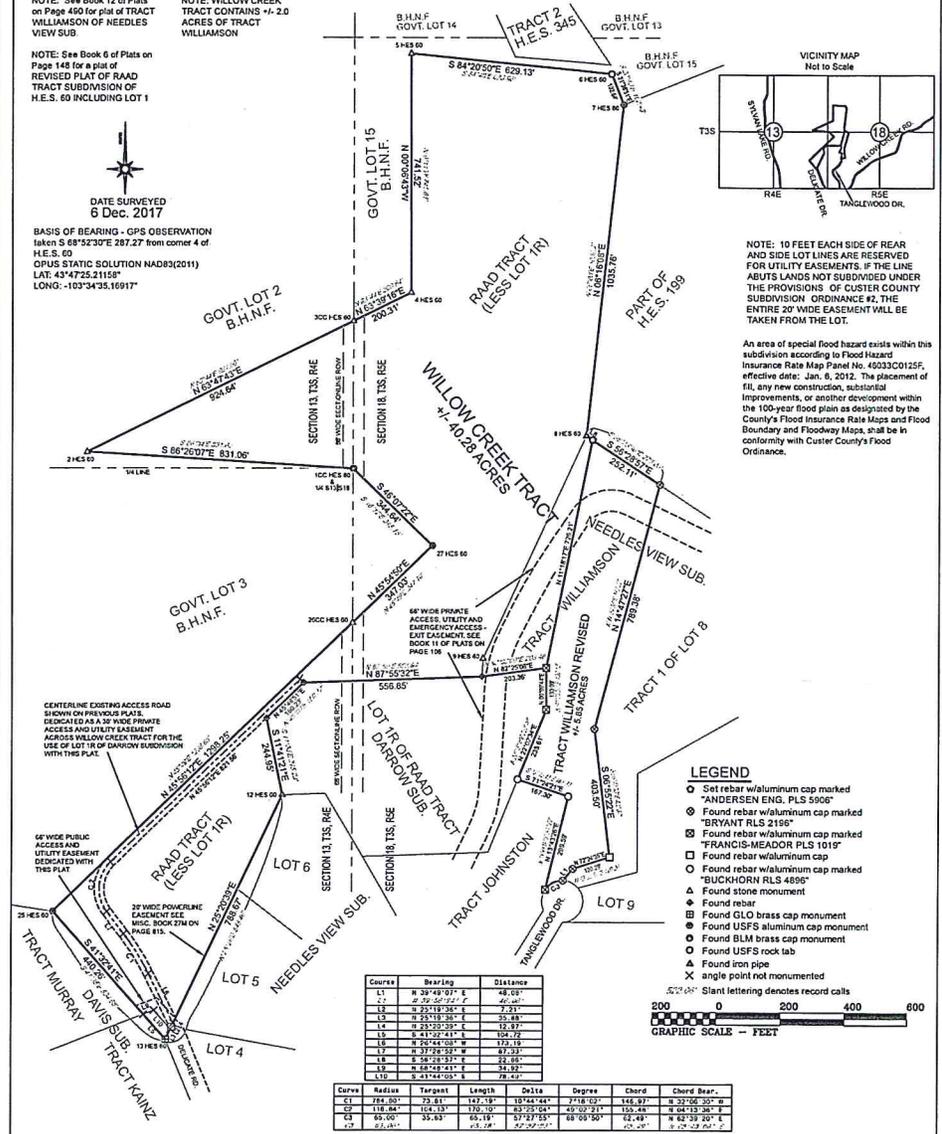


DATE SURVEYED  
 6 Dec. 2017  
 BASIS OF BEARING - GPS OBSERVATION taken S 68°52'30"E 287.27' from corner 4 of H.E.S. 60  
 OPUS STATIC SOLUTION NAD83(2011)  
 LAT: 43°47'25.2115"  
 LONG: -103°34'35.16917"

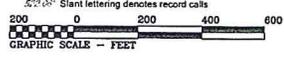


NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF THE LINE ABUTS LANDS NOT SUBDIVIDED UNDER THE PROVISIONS OF CUSTER COUNTY SUBDIVISION ORDINANCE #2, THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

An area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 45033C0125F, effective date: Jan. 6, 2012. The placement of fill, 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 Flood Ordinance.



- LEGEND**
- Set rebar w/aluminum cap marked "ANDERSEN ENG. PLS 5906"
  - ⊙ Found rebar w/aluminum cap marked "BRYANT RLS 2155"
  - ⊙ Found rebar w/aluminum cap marked "FRANCIS-MEADOR PLS 1019"
  - ⊙ Found rebar w/aluminum cap marked "BUCKHORN RLS 4896"
  - ▲ Found stone monument
  - ▲ Found rebar
  - ⊙ Found GLO brass cap monument
  - ⊙ Found USFS aluminum cap monument
  - ⊙ Found USFS brass cap monument
  - ▲ Found USFS rock tab
  - ▲ Found iron pipe
  - X angle point not monumented
- Slant lettering denotes record calls



Course	Bearing	Distance
L1	N 39°49'07" E	48.08'
L2	S 25°18'35" E	7.31'
L3	S 25°18'35" E	23.88'
L4	S 23°20'39" E	12.87'
L5	N 41°22'43" E	104.72'
L6	N 77°28'52" E	172.18'
L7	S 76°28'52" E	22.00'
L8	S 48°48'21" E	34.92'
L9	S 41°41'03" E	78.02'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	764.80'	73.81'	142.18'	10°44'04"	7°18'02"	146.97'	S 33°06'35" W
C2	118.84'	124.13'	176.75'	43°25'04"	49°02'31"	159.44'	S 48°15'30" W
C3	65.00'	35.83'	65.19'	57°27'55"	68°09'50"	12.48'	N 62°33'20" E
C4	81.41'	131.76'	158.76'	52°22'51"	57°02'02"	142.48'	S 12°28'02" W

**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 \_\_\_, 2018.

John D. McBride SDRLS No. 5906

OFFICE OF THE REGISTER OF DEEDS  
 Filed for record this \_\_\_ day of \_\_\_, 2018, at \_\_\_ o'clock \_\_\_ M., and recorded in Book \_\_\_ of Plats on page \_\_\_  
 Custer County Register of Deeds

**ANDERSEN ENGINEERS**  
*Land Surveyors, Professional Engineers, & Environmental Consultants*

Drawn by DR	Date 1/8/2018	P.O. Box 445 Edgemont, SD 57735 (605) 662-5500 andersenengineers@guts.net
Approved by McB	Date 1/8/2018	
Scale 1"=200'	Sheet 1 of 2	File Name: RAAD_TR_S13_T3S_R4E

**A PLAT OF TRACT WILLIAMSON REVISED OF NEEDLES VIEW  
SUBDIVISION AND WILLOW CREEK TRACT  
CONTAINING ALL OF TRACT WILLIAMSON OF NEEDLES VIEW SUBDIVISION AND RAAD TRACT (LESS  
LOT 1R) A SUBDIVISION OF H.E.S. 60, LOCATED IN THE W 1/2 OF SECTION 18, T3S, R5E, AND THE E 1/2  
OF SECTION 13, T3S, R4E, BHM, CUSTER COUNTY SOUTH DAKOTA**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
We, Randall K. Knox and Peggy A. Smith, 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 \_\_\_\_\_, 2018.

**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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Randall K. Knox

\_\_\_\_\_  
Custer County Treasurer

\_\_\_\_\_  
Peggy A. Smith

**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.  
Date: \_\_\_\_\_  
Highway Authority \_\_\_\_\_

**ACKNOWLEDGMENT OF OWNERSHIP**  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
On this \_\_\_ day of \_\_\_\_\_, 2018, before me, a Notary Public, personally appeared Randall K. Knox and Peggy A. Smith, 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.

**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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

\_\_\_\_\_  
Director of Equalization of Custer County

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
I, Ronald F. Williamson, do hereby certify that I am the owner of the within described lands and that the within plat was made at my 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 \_\_\_\_\_, 2018.

**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 stress 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 executed 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ronald F. Williamson

\_\_\_\_\_  
Mayor

**ACKNOWLEDGMENT OF OWNERSHIP**  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
On this \_\_\_ day of \_\_\_\_\_, 2018, before me, a Notary Public, personally appeared Ronald F. Williamson, 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.

**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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

\_\_\_\_\_  
Custer City Finance Officer

Prepared by  
**ANDERSEN ENGINEERS**  
*Land Surveyors, Professional Engineers, & Environmental Consultants*

Drawn by DR	Date 1/8/2018	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 anderseneengineers@gwtc.net
Approved by kcd	Date 1/8/2018	
Scale 1"=200'	Sheet 2 of 2	File Name: RAAD_TR_S13_T3S_R4E



Planning Department

622 Crook Street

Custer, SD. 57730

Phone: 673-4824

Fax: 673-2411

e-mail: [timh@cityofcuster.com](mailto:timh@cityofcuster.com)

#### Staff Report

Request: Preliminary Plat, Needles View Subdivision & Willow Creek Tract  
Applicant: Peggy Smith & Randy Knox  
Fee Paid: \$125.00  
Location: Approximately 0.5 miles NE of Custer, Delicate Drive Area  
Legal Desc: Tract Williamson Revised of Needles View Subdivision & Willow Creek Tract  
Date Prepared: January 17, 2018  
Planning Commission Meeting: February 13, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a subdivision that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. The plat performs a lot line adjustment between the existing Raad Tract and existing Tract Williamson. Existing Raad Tract is proposed to acquire approximately 2.00 acres from existing Tract Williamson making the proposed Willow Creek Tract 40.28 acres and the proposed Tract Williamson Revised 5.58 acres. The land in this plat is in the county so there is no zoning.

A private well and septic system serve the proposed Willow Creek Tract. The proposed Tract Williamson Revised would be served by private well and septic should sanitary facilities be needed. The proposed parcels will remain of adequate size to support the water and waste water systems.

#### **COMPREHENSIVE PLAN**

The comprehensive plan identifies this area as countryside residential.

#### **ROUTING SHEET RESPONSES**

BHE – No issues

CC Planning – Various spelling and clerical changes

SDDOT – No issues

USFS – Public Access verified for Delicate Drive. No concerns for approval of plat.

#### **ACCESS**

Access to the subdivision is gained via County Road 344 (Willow Creek Road) and Delicate Drive (66' Public Access and Utility). A 30' Private Access and Utility Easement also currently exists through part of proposed Willow Creek Tract to provide access to the neighboring Lot 1R. Tract Williamson Revised has most direct access from Tanglewood Drive (66' Public Access and Utility). These roads all appear to provide adequate access into the area. The 30' Public Private Access and Utility Easement across proposed Willow Creek Tract to the Neighboring Lot 1R also appears to be adequate due to the access providing only one residence from the point of the intersection of Delicate Drive and Davis Drive.

\*\* Private access easements are intended to serve only one residence. The Board may allow a Private Access Road to be shared by two adjoining residences where topography or access restrictions onto Federal, State, or County highways make such sharing necessary. Development of Private Access Roads in not required. (CC Ordinance #2, Section 1 #5)

Note: A small portion of 66' Public Access and Utility Easement has been dedicated on this plat along the Delicate Drive/Davis Drive corridor (south end of Proposed Willow Creek Tract). The short radius at the far south end of the plat had not been consented upon by previous owners of the land involved in that area, making that portion not officially 66'. The owner and surveyor have agreed to address this issue on this plat.

**ADDITIONAL EMERGENCY ACCESS**

An additional Emergency Access Easement can be seen on the east side of proposed Willow Creek Tract, proposed Tract Williamson Revised and neighboring Parcels. This easement appears to be unused and exists as a minor two track road in spots, but during staff investigation and discussion with the surveyor it is believed this easement does exist and could be improved upon in the future should higher density development occur.

**RECCOMENDED ACTION BY PLANNING COMMISSION**

County subdivision standards appear to be satisfied. Adequate access has been provided, lot size is compliant, no road upgrades should be needed. Staff has no concerns with this plat. Staff supports a recommendation to the council for approval of the preliminary plat.

Rec 1/19/18

# BUSSKOHL-JENNIGES SUBDIVISION PHASE I

PLAT OF LOTS A, B, AND C (FORMERLY TRACT 1-A, TRACT JENNIGES, AND THE BALANCE OF TRACT E) OF TRACT E OF CLARK PLACER OF M.S. 506 AND HALL PLACE OF M.S. 594 LOCATED IN SE1/4 OF SECTION 24, T3S,R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA.

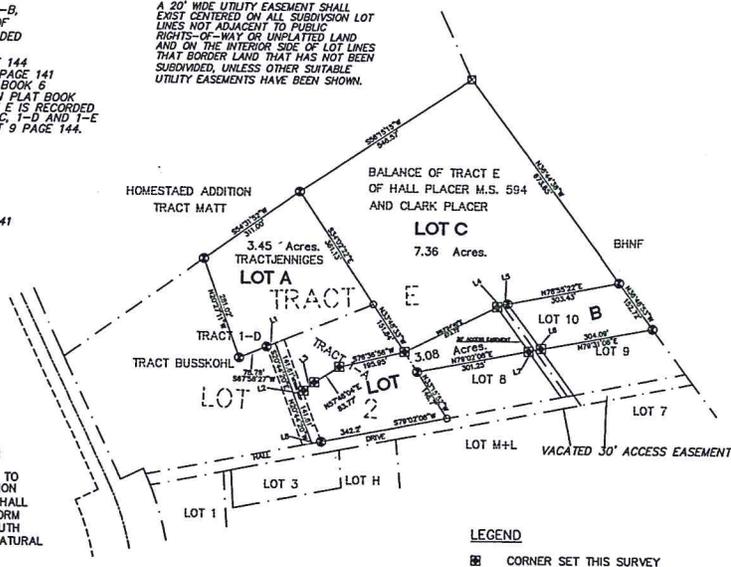
**NOTE**  
TRACT JENNIGES AND BUSSKOHL OF TRACT 1-B, 1-C, 1-D, AND 1-E OF LOT 2 OF TRACT E OF BUSSKOHL-JENNIGES SUBDIVISION ARE RECORDED IN PLAT BOOK 10 PAGE 52.  
TRACT E IS RECORDED IN PLAT BOOK 9 PAGE 144.  
LOTS 8-10 ARE RECORDED IN PLAT BOOK 9 PAGE 141.  
BALANCE OF TRACT E IS RECORDED IN PLAT BOOK 9 PAGE 56.  
LOT 2 OF TRACT E IS RECORDED IN PLAT BOOK 6 PAGE 111.  
TRACT 1-B OF LOT 2 OF TRACT E IS RECORDED IN PLAT BOOK 9 PAGE 144.  
TRACTS 1-A, 1-C, 1-D AND 1-E OF LOT 2 OF TRACT E ARE RECORDED IN PLAT 9 PAGE 144.

**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.

**NOTE**  
30' ACCESS EASEMENT IS RECORDED IN PLAT BOOK 6 PAGE 111 AND PLAT BOOK 9 PAGE 141

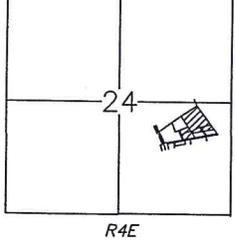
**NOTE**  
FIRM PANEL 46033C 0114F DATED JAN 05, 2012 SHOWS NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT

**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.



- 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
  - CORNER FOUND THIS SURVEY REBAR WITH CAP MARKED BUCKHORN SURVEYING
  - ⊞ REBAR IN CONCRETE FOUND THIS SURVEY REBAR WITHOUT CAP

VICINITY MAP (NO SCALE)



NUM	BEARING	DISTANCE
L1	N67°58'27"E	24.56'
L2	S77°21'15"W	27.55'
L3	N50°11'06"E	31.14'
L4	S62°43'23"W	13.00'
L5	N79°02'08"E	16.69'
L6	N79°02'08"E	16.69'
L7	N79°02'08"E	16.69'
L8	S79°16'31"W	25.44'



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

STATE OF SOUTH DAKOTA  
COUNTY OF CUSTER S.S.

### RESOLUTION OF GOVERNING BOARD

STATE OF SOUTH DAKOTA  
CITY OF CUSTER, S.D.  
WHEREAS THERE HAS BEEN PRESENTED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WITHIN PLAT OF THE ABOVE DESCRIBED...  
I, FRANKIE OFFICER OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON...  
CUSTER CITY FINANCE OFFICER:

### CERTIFICATE OF COUNTY TREASURER

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

### CERTIFICATE OF HIGHWAY AUTHORITY

IT APPEARS THAT EVERY LOT HAS AN ACCEPTABLE APPROACH LOCATING INTO A PUBLIC ROAD AND THE LOCATION OF THE...  
HIGHWAY AUTHORITY:

### 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...  
DIRECTOR OF EQUALIZATION:

### CERTIFICATE OF REGISTER OF DEEDS

FILED FOR RECORD THIS... DAY OF... AT... O'CLOCK...  
AND RECORDED IN BOOK... OF PLATS ON PAGE...  
REGISTER OF DEEDS, CUSTER COUNTY:

### 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...  
THIS... DAY OF...  
BUCKHORN SURVEYING INC.  
BY JACK H. KNUST, REGISTERED LAND SURVEYOR





Planning Department

622 Crook Street

Custer, SD. 57730

Phone: 673-4824

Fax: 673-2411

e-mail: [timh@cityofcuster.com](mailto:timh@cityofcuster.com)

#### Staff Report

Request: Subdivision Variance, Plat for Buszkohl-Jenniges Subdivisions Phase 1  
Applicant: Jack Knust  
Fee Paid: \$125.00  
Location: NE of Custer City, Hall Drive Area  
Legal Desc: Plat of A,B,C of Tract E of Clark Placer of M.S. 506 and Hall Place M.S. 506  
Date Prepared: February 8, 2018  
Planning Commission Meeting: February 13, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a subdivision that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. The plat performs a lot line adjustment between the existing Tract Jenniges(2.54ac), Tract 1A(2.33ac), and Balance of Tract E(9.09ac). The proposed plat shifts the lot lines for these three parcels creating Lot A(3.45ac) Lot B(3.08ac) and Lot C(7.36ac). The land in this plat is currently in the county so there is no zoning.

#### **ACCESS**

Main access to the subdivision is gained from US Highway 89 to Hall Drive. Hall Drive is a 30' Public Right of Way originally established in the early 1970s. Staff believes this easement would be most appropriate at 66' in width but do to the existing property lines and past platting done in the area staff believes the 30' Right of Way shall remain.

The applicant has applied for a subdivision variance as staff and the Mr. Knust have discussed the lack of Easement/Right of Way along Hall Drive. Mr. Knust wishes to allow the 30' Right of Way to remain through proposed Lot B as acquiring additional Right of Way for the 342' of Lot B will only be a small portion of the Hall Drive and a structure currently exists near the property line, making expansion difficult. Fortunately, the 30' Access seems to be serving the area well and sewer and water will not need to be provided in that access as a different route has been established to the area to the south in the Woodlawn Meadows area.

#### **RECCOMENDED ACTION BY PLANNING COMMISSION**

Hall Drive seems to be effective access does not need to provide easement for public water and sewer facilities and could be challenging to establish further Right of Way. For this reason, staff supports recommending council approve variance for Hall Drive.



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

#### Staff Report

Request: Preliminary Plat Busskohl-Jenniges Subdivions Phase 1  
Applicant: Jack Knust  
Fee Paid: \$125.00  
Location: NE of Custer City, Hall Drive Area  
Legal Desc: Plat of A,B,C of Tract E of Clark Placer of M.S. 506 and Hall Place M.S. 506  
Date Prepared: February 8, 2018  
Planning Commission Meeting: February 13, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a subdivision that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. The plat performs a lot line adjustment between the existing Tract Jenniges(2.54ac), Tract 1A(2.33ac), and Balance of Tract E(9.09ac). The proposed plat shifts the lot lines for these three parcels creating Lot A(3.45ac) Lot B(3.08ac) and Lot C(7.36ac). The land in this plat is currently in the county so there is no zoning.

\*\* A map has been provided to provide reference of change from current existing lot lines to the new platted parcels.

#### **ROUTING SHEET RESPONSES**

- CC Planning - Various minor spelling and grammatical concerns.
- SD DOT – No Concerns

#### **WATER AND WASTE WATER**

The structures on Proposed Lots A and B are currently in the process of connecting to city water. A septic system currently serves the proposed Lots A and B and C with proposed Lot B currently in the process of connecting to city sanitary facilities as well. Proposed Lot A will remain on private septic, and the proposed Lot C will remain of adequate size to provide private water or septic systems if needed. Any of these parcels could also potentially be connected to city facilities using a route established to the south of the area currently being used by the owners of the Proposed Lots A & B.

#### **COMPREHENSIVE PLAN**

The comprehensive plan identifies this area as suburban residential.

#### **ACCESS**

Main access to the subdivision is gained from US Highway 89 to Hall Drive. Hall Drive is a 30' Public Right of Way originally established in the early 1970s. Staff believes this easement would be most appropriate at 66' in width but do to the existing property lines and past platting done in the area staff believes the 30' Right of Way shall remain. Various minor easements also exist for access to the proposed Lot A via a 50' Access and Utility Easement across proposed Lot B and the Neighboring Tract Busskohl, staff recommends noting this on the proposed plat. Access to the proposed Lot C is given via an existing 30' Access and Utility Easement across Proposed Lot B and the neighboring Lots 8&9. Staff recommends adding "Utility" to the note on the plat.

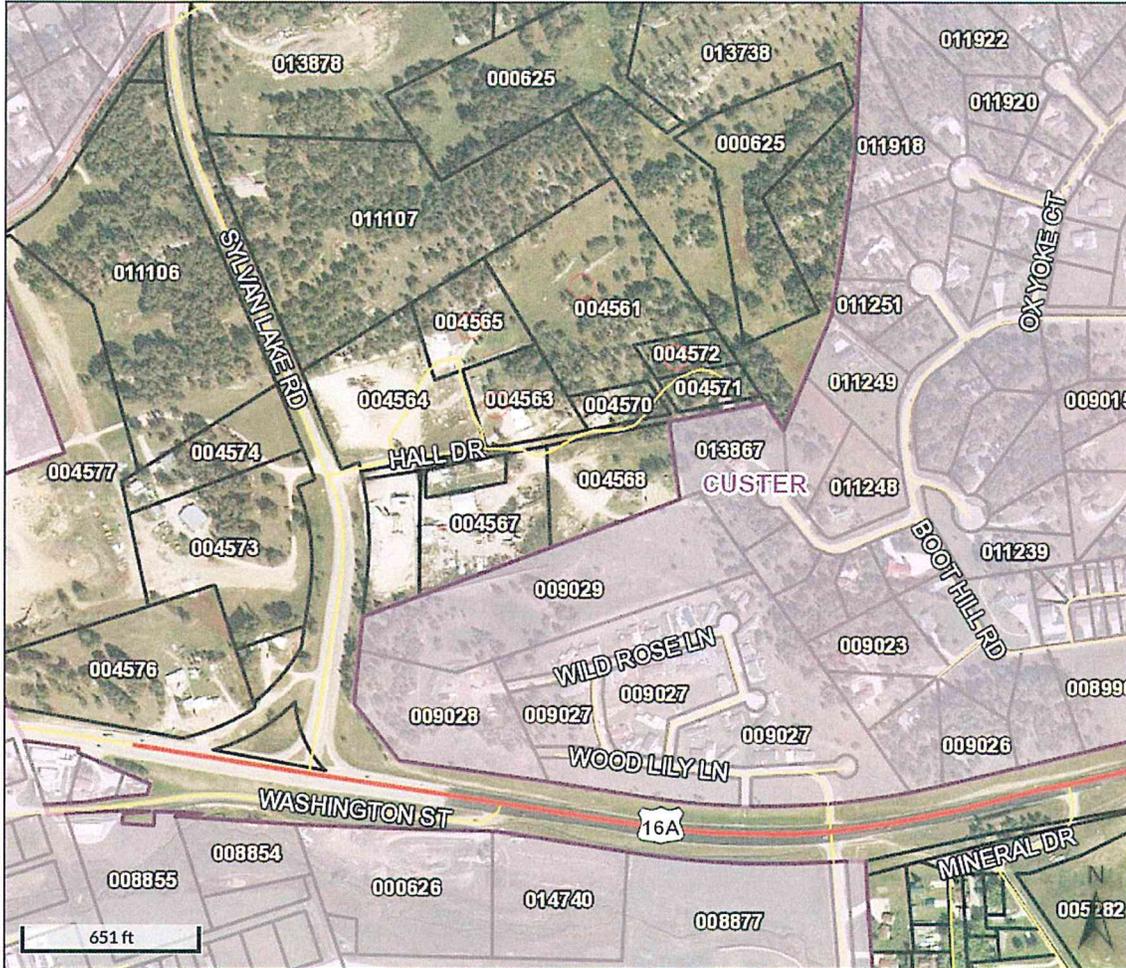
### **RECCOMENDED CHANGES TO THE PRELIMINARY PLAT**

Update notes to clarify easements.

- Hall Drive is a 30' Dedicated Public Access and Utility Easement.
- Add note to easement into proposed Lot A
- Clarify Access and Utility in note to Proposed Lot C.
- Identify Highway adjacent to the area.
- Various minor spelling and grammatical concerns.

### **RECCOMENDED ACTION BY PLANNING COMMISSION**

Hall Drive seems to be effective access does not need to provide easement for public water and sewer facilities and could be challenging to establish further Right of Way. For this reason, staff supports recommending council approve the preliminary plat contingent upon the various changes listed above being completed.



Overview



Legend

-  Corporate Limits
- Highways
  -  SD Hwy
  -  US Hwy
  -  Roads
-  Parcels

Parcel ID	000701	Alternate ID	n/a	Owner Address	SPRING KENNETH C
Sec/Twp/Rng	019/0003/005	Class	Agricultural		12372 US HIGHWAY 16A
Property Address		Acreage	10.33		CUSTER SD 57730-8373
District	16.1-1-1-0-0				
Brief Tax Description	TR B OF MS #1353 SEC 19 T3 R5 10.33 AC 0030501900000400				
	(Note: Not to be used on legal documents)				

Parcels are not adjusted to match aerial background. GIS information is for reference purposes only and is not a legal document. Data may contain errors.

Date created: 2/9/2018  
 Last Data Uploaded: 2/9/2018 12:37:29 AM

 Developed by  
 The Schneider Corporation