

All Planning Commission Meetings are recorded.

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

Tuesday April 9th, at 5:00 P.M.

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

Call to Order - Roll Call:

Approve Agenda: April 9th, 2019

Approve Minutes: March 26th, 2019

Declaration of Conflict of Interest:

New Business:

Minor Plat – Henderson Subdivision

Minor Plat – Block 82 Subdivision

~~Old Business:~~

Discussion Items:

Revisions to the Extraterritorial Area Policy - Discussion with the Custer County Planning Commission

Planning Administrator Updates:

Communications from The Public:

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
**MINUTES OF THE March 26th, 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; Marc Moore – Alternate (voting in place of Commissioner Maciejewski).

Members Absent: Larry Maciejewski; Rick Hudson; Fred Mills – Alternate.

Other Parties Present: Tim Hartmann–Planning Administrator; Mayor Herman; Lysann Zeller & Garth Wadsworth - BHCLG.

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

Minutes: Commissioner Uhrich moved, with a second by Commissioner Johnson to approve the March 12th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

New Business:

Old Business:

Discussion Items:

Rewrite of Custer City's Comprehensive Plan Black Hills Council of Local Governments presented the public information and public input compiled from the Comprehensive Plan Stakeholder meetings. Black Hills Council of Local Governments also presented and discussed community profile information with the Commission. Next steps with the project include "visioning" meetings, tentatively scheduled for May 2nd and then beginning drafting of the plan.

Planning Administrator Updates

Planning Administrator and commission members gave various updates.

Communications from The Public

No communications from the public were heard.

Adjournment:

Being no further business before the Commission, Commissioner Uhrich moved, with a second by Commissioner Moore to adjourn. Motion unanimously carried. The meeting adjourned at 6:26 pm.

Approved:

Attest:

Jerad Tennyson, Chairman

Tim Hartmann, Planning Administrator

C
4/2/19

HENDERSON SUBDIVISION

PLAT OF TRACT HOLLAND REVISED AND LOT JK47 OF HENDERSON SUBDIVISION
(FORMERLY TRACTS HOLLAND, JK47, ALL A PORTION OF HES 198)
LOCATED IN SECTIONS 9, 10, AND 15, T4S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

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.

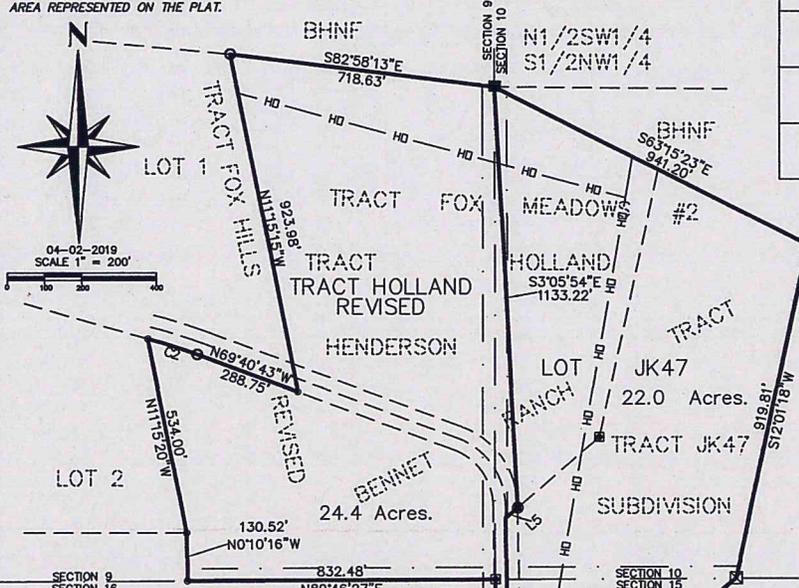
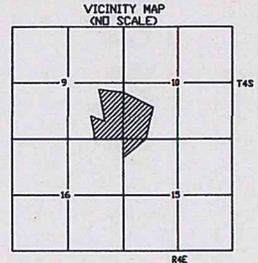
NOTE
FIRM PANEL 46033C 0400 F DATED JANUARY 06, 2012 INDICATES NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THE PLAT.

NOTE
FOX RIDGE ROAD IS A 66' PUBLIC ACCESS AND UTILITY EASEMENT

NOTE
VACATION OF SECTION LINES ARE RECORDED IN BOOK 46 MISC PAGE 195

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
TRACT HOLLAND AND TRACT JK 47 OF HENDERSON SUBDIVISION ARE RECORDED IN PLAT BOOK 12 PAGE 731. BENNETT RANCH TRACT OF HENDERSON SUBDIVISION IS RECORDED IN PLAT BOOK 12 PAGE 11. HES 198 IS RECORDED AT BLM OFFICE IN BILLINGS, MONTANA. TRACT FOX MEADOWS #2 OF HENDERSON SUBDIVISION IS RECORDED IN PLAT BOOK 12 PAGE 5. TRACT FOX HILLS REVISED OF HENDERSON SUBDIVISION IS RECORDED IN PLAT BOOK 11 PAGE 12. TRACT FOX MEADOWS OF HENDERSON SUBDIVISION IS RECORDED IN PLAT BOOK 10 PAGE 347. HES 198 IS RECORDED AT BLM OFFICE IN BILLINGS, MONTANA.



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	33°54'42"	59.49'	100.52'	S33°28'02"E	58.63'
C2	5°43'20"	139.76'	1399.39'	N72°27'33"W	139.70'

NUM	BEARING	DISTANCE
L1	N50°43'02"E	33.14'
L2	N50°43'02"E	112.61'
L3	N34°06'14"W	35.01'
L4	N0°41'15"W	545.19'
L5	N49°14'32"E	43.12'

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 DO 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 _____

I, WE, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT WE DO 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 _____

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____.

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 PERSONAL SUPERVISION AND REPRESENTATION OF SO, TO BEST OF MY KNOWLEDGE AND BELIEF, THE WITHIN PLAT IS A REPRESENTATION OF THE TRUE STATE OF THE MATTER AS SHOWN BY THE SURVEY AND PLAT.



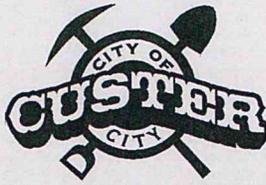
CERTIFICATE OF HIGHWAY AUTHORITY:
IT APPEARS THAT EVERY LOT HAS AN ACCEPTABLE APPROACH LOCATION ONTO A PUBLIC ROAD AND THE LOCATION OF THE INTERSECTIONS OF ANY PROPOSED SUBDIVISION ROAD(S) OR PRIVATE ACCESS ROAD(S) WITH THE EXISTING PUBLIC ROAD IS HEREBY APPROVED.

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

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

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, Henderson Subdivision
Applicant: Tim & Dawn Holland
Location: Approximately 2.8 miles S S/W of Custer. Fox Ridge Road
Legal Desc.: Henderson Subdivision - Plat of Lot Holland and Lot JK47 - See Plat for full legal
Fee Paid: \$125.00
Date Prepared: March 18, 2019
Planning Commission Meeting: April 9, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This proposal is for a plat 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 perform a lot line adjustment between the recently subdivided existing Tract Holland (31.4 acres) and Tract JK47(15.0 Acres), creating the proposed Tract Holland Revised (24.4 acres) and Lot JK 47 (22.0 acres).

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 Rural Residential.

ROUTING SHEET RESPONSES

CC Highway – No concerns
CC ROD – Redline items and section line verification.
CC Planning – Redline items
USFS – No concerns, legal access through Custer County FRTA
SDDOT – No concerns

ACCESS

Existing access to the area is provided from US Hwy 385, Carroll Creek Rd, and Fox Ridge Road.

Carroll Creek Road is a public road serving numerous properties between the Custer and Pringle area.

Fox Ridge road is a 66' Public Access and Utility Easement. Fox Ridge road currently crosses Bennet Ranch Tract. The two proposed Lots will share the 66' public access (33' on each) on the south end and the easement will then turn (to follow the location of the existing road) and be located within Lot Holland as it continues through the property.

N/S EW SECTION LINE VACATIONS

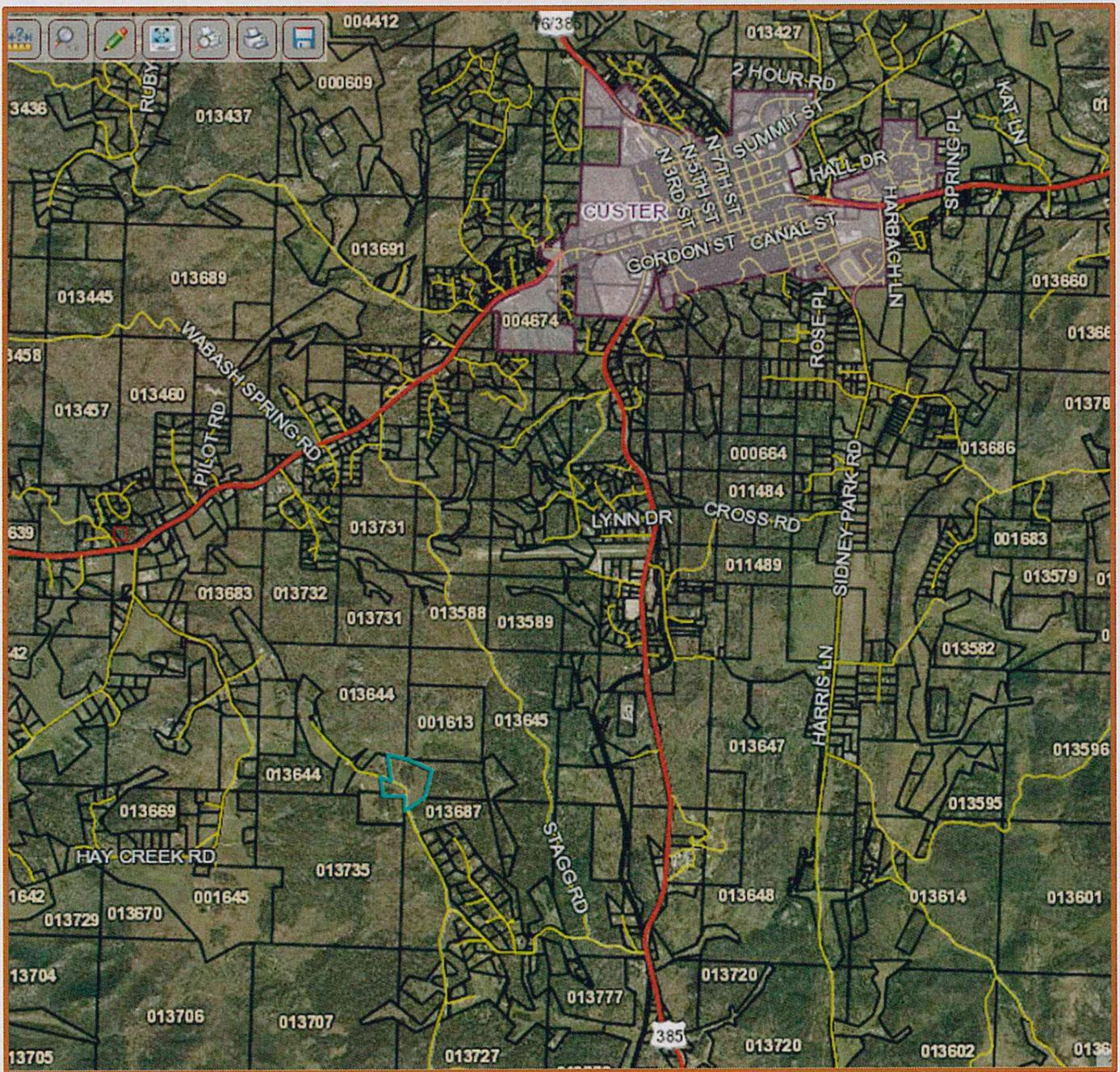
The section line rights of way that run north and south and east and west within the boundaries of Henderson Subdivision have been vacated per Amended Resolution 2016-8 recorded in Book 46 Misc. 195. (vacations noted on plat)

PREVIOUS PLAT IN THE AREA

City staff, Planning Commission and Council recently reviewed a subdivision plat (filed Oct 2018) involving the property currently under review. Such plat being a subdivision plat of the existing Tract Holland and Tract JK 47. This plat will conduct a lot line adjustment of the property line added with the October plat.

SUMMARY AND STAFF RECCOMENDATION

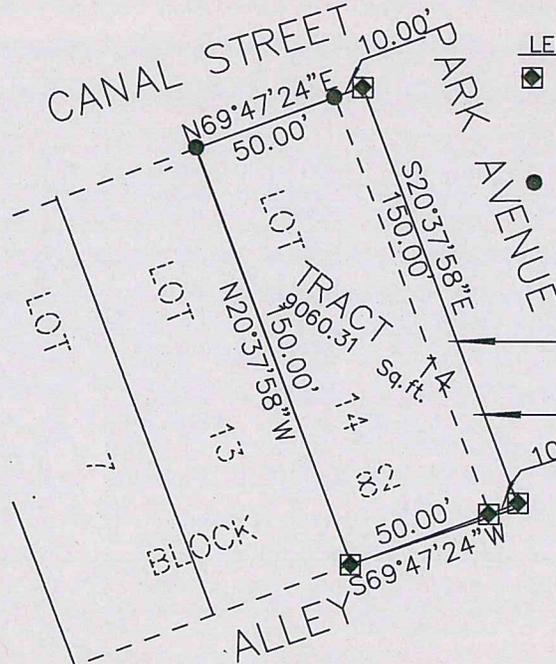
Redline items have been addressed by the surveyor. The existing Fox Ridge Road easement will serve the two proposed parcels. Staff has no additional concerns and supports a recommendation to the Council for approval of the Minor.



4/1/19

BLOCK 82 SUBDIVISION

PLAT OF TRACT 14 OF BLOCK 82 OF CUSTER CITY (FORMERLY LOT 14 AND THE VACATED WEST 10' OF PARK AVENUE CONTIGUOUS TO LOT 14 OF BLOCK 82) ALL LOCATED IN CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA



LEGEND

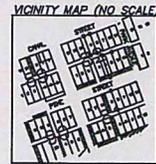
- ◆ CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN R.L.S. 4896
- CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT RLS 2196

UTILITY EASEMENT

VACATED 10' OF PARK AVE.



PREPARED BY
 JACK H. KNUST
 BUCKHORN SURVEYING INC
 25053 LEVISON LOOP
 CUSTER, SOUTH DAKOTA 57730



NOTE

FIRM PANEL 46033C0114F DATED JANUARY 6, 2012 INDICATES THE 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.

NOTE

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

NOTE

LOT 14 OF BLOCK 82 IS RECORDED ON THE OFFICIAL MAP OF CUSTER CITY

NOTE

CANAL STREET IS A 120.00' DEDICATED RIGHT A WAY PARK AVENUE IS A 66' DEDICATED PUBLIC RIGHT A WAY

NOTE

FOR THE RESOLUTION VACATING THE ADJACENT AREA OF PARK AVE SEE BOOK 46 MISC 956

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 HEREIN AND THAT WE DO 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 SEGMENT 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 DESCRIBED 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 I HAVE PERSONALLY CONDUCTED THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREIN WERE MADE UNDER MY RESPONSIBLE CHARGE 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____

REGISTERED SURVEYOR NO. 4896
 BY JACK H. KNUST, REGISTERED LAND SURVEYOR



STATE OF SOUTH DAKOTA
 CITY OF CUSTER S.S.

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

SEAL OF THE CITY OF CUSTER
 I, SHAWNEE OFFICER OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ P.M., BY RESOLUTION ENTITLED _____ THE PLAT AS SHOWN HEREIN.

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 _____ A.M. AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____

REGISTER OF DEEDS, CUSTER COUNTY: _____

CERTIFICATE OF COUNTY TREASURER

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

TREASURER: _____

CERTIFICATE OF STREET AUTHORITY

IF IT APPEARS THAT EVERY LOT HAS AN ACCESSIBLE APPROACH LOCATED OVER A PUBLIC ROAD AND THE LOCATION OF THE INTERSECTIONS OF ANY PROPOSED SUBDIVISION ROADS OR PRIVATE ACCESS ROADS WITH THE EXISTING PUBLIC ROAD IS HEREBY APPROVED

STREET AUTHORITY: _____



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

Staff Report

Request: Minor Plat, Block 82 Subdivision
Applicant: Jason and Machelles Williams
Location: Intersection of Canal Street and Park Avenue
Legal Desc.: A Plat of Tract 14 of Block 82 - See Plat for full legal
Fee Paid: \$125.00
Date Prepared: March 18, 2019
Planning Commission Meeting: April 9, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a non-subdivision intended to incorporate the adjacent Park Avenue street vacation into the total lot area of the existing Lot 14 of Block 82. This incorporation will be another step in resolving a structure setback issue.

This property is within Custer City and is zoned Residential. The manufactured home on the proposed Tract 14 is connected to municipal services.

Access to the parcel is directly from Canal Street to the North.

VACATION RESOLUTION

Resolution #02-04-2019A and on file with the Custer County Register of Deeds formally vacated the West 10' of Park Avenue Contiguous to Block 82. All existing and future utility easement within such area is retained.

ROUTING SHEET RESPONSES

BHE – Existing line running N/S would need to stay in place if possible.
CC Highway – No concerns
CC ROD – Redline items
SDDOT – No concerns
USFS – No concerns, within City

COMPREHENSIVE PLAN

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

SUMMARY AND STAFF RECCOMENDATION

This plat is presented as a non-subdivision plat intended to incorporate the adjacent street vacation. Staff supports a recommendation to Council for approval.