

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday June 9th, 2020 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

- 1. Call to Order - Roll Call:**
- 2. Approve Agenda:** June 9th, 2020
- 3. Approve Minutes:** April 28th, 2020
- 4. Declaration of Conflict of Interest:**
- 5. Public Hearings:**
 - a. Conditional Use Permit Request, Campground & Residence – 1500 Washington Street
- 6. Old Business**
 - a. Minor Plat – Spring Subdivision Plat of Lots 4 and 5
- 7. New Business:**
 - a. Minor Plat – A Plat of Lot 18 of Block 1, Stone Hill Subdivision
 - b. Final Plat – A Plat of Wheeler Tract North and Wheeler Tract South
- 8. Discussion Items:**
 - a. 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 Meeting
Tue, Jun 9, 2020 5:00 PM - 6:30 PM (MDT)

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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.

**MINUTES OF THE April 28th, 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; Fred Mills – Alternate; Marc Moore – Alternate. (all parties present by video/teleconference)

Members Absent: Jerad Tennyson-Chairman; Larry Maciejewski.

Other Parties Present: Tim Hartmann-Planning Administrator.

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

Minutes: Commissioner Moore moved, with a second by Commissioner Olson to approve the March 25th, 2020 minutes. Motion carried with Commissioners Johnson, Olson, Mills and Moore all voting yes.

Declaration of Conflict of Interest: None Stated.

Public Hearings:

- a. **Minor Plat – A Plat of Lot 15R and Lot 18R of Tompkins Subdivision**
Planning Commission reviewed the request. A brief discussion was held which included but was not limited to the property line being shifted and the location of the well as shown on the plat. After the discussion, Commissioner Hudson moved, with a second by Commissioner Johnson to recommend approval of the minor plat by the Council. Mills motion carried with Commissioners Olson, Hudson, Mills, Moore and Uhrich all voting yes.
- b. **Subdivision Variance Request – Wheeler Tract North and Wheeler Tract South**
Planning Administrator presented the subdivision variance. Discussion was held including but not limited to the specifics of the variance, minimum lot size requirements, the “bottle neck” area in the plat, and additional access possibilities to Wheeler Tract South. After the discussion, Commissioner Mills moved, with a second by Commissioner Moore to recommend approval of the subdivision variance. Mills motion carried with Commissioners Mills, Moore, Uhrich, Johnson, and Olson all voting yes.
- c. **Preliminary Plat – A Plat of Wheeler Tract North and Wheeler Tract South**
After a brief discussion, Commissioner Moore moved, with a second by Commissioner Mills to recommend approval of the preliminary pat by the Council, with a recommendation to impose a condition that Wheeler Tract South cannot be further subdivided without additional access first being granted. Mills motion carried with Commissioners Moore, Uhrich, Johnson and Mills all voting yes.

Old Business:

- a.

New Business:

- a.

Discussion Items:

- a. **USAF Environmental Impact Statement Input – B-21 “Raider”**
Planning Administrator and Commissioner Johnson explained the request for input and the draft document. A discussion was held. Planning Commission recommends the Mayor sends the draft document as presented.

Public Comments:

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 Olson moved, with a second by Commissioner Johnson to adjourn. Motion unanimously carried. The meeting adjourned at 5:49 pm.

Approved:

Attest:

Joe Uhrich – Vice Chairman

Tim Hartmann, Planning Administrator

622 Crook Street
Custer, SD 57730

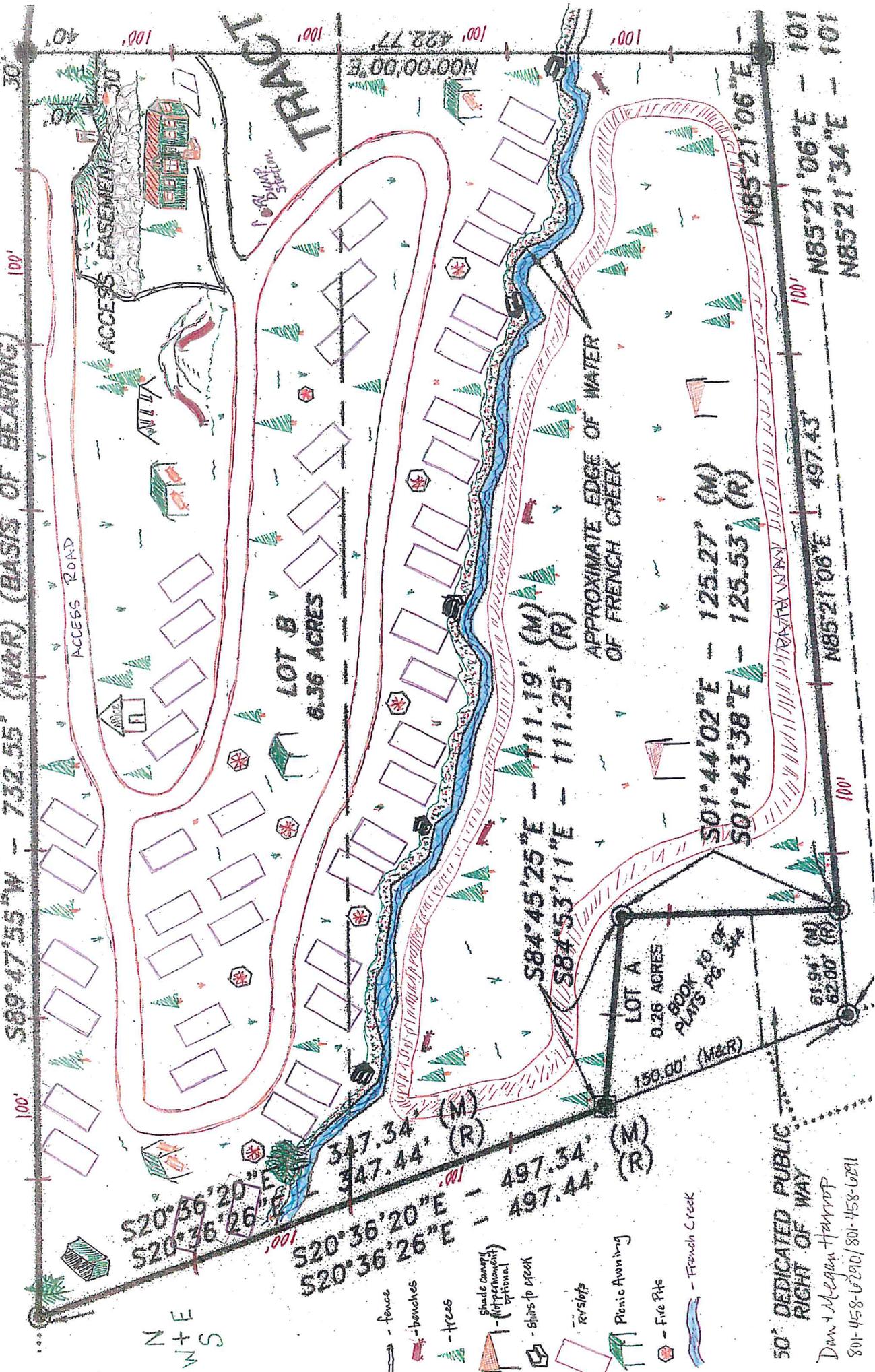
Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

		<u>Official Use Only</u>	
Date Filed	<u>5/5/20</u>	Permit Fee	<u>\$200⁰⁰</u>
Permit/Receipt Number	<u>48173</u>	Parcel ID #	_____
Planning Commission/Public Hearing Date	<u>6/9/2020</u>		
Received By	<u>T.M.H.</u>		

S89°47'55"W - 732.55' (M&R) (BASIS OF BEARING)



N
+
E
W
+
S

- fence
- benches
- trees
- Shade Canopy (Optional)
- chairs to picnic
- awnings
- Picnic Awnings
- Fire Pits
- French Creek

S20°36'20"E - 347.34' (M)
 S20°36'26"E - 347.44' (R)

S20°36'20"E - 497.34' (M)
 S20°36'26"E - 497.44' (R)

S84°45'25"E - 111.19' (M)
 S84°53'11"E - 111.25' (R)

APPROXIMATE EDGE OF WATER
 OF FRENCH CREEK

S01°44'02"E - 125.27' (M)
 S01°43'38"E - 125.53' (R)

LOT A
 0.26 ACRES
 BOOK 10 OF
 PLATS PG 344

50' DEDICATED PUBLIC
 RIGHT OF WAY

Don & Megan Harrop
 801-458-6290 / 801-458-6291

TRAIL

ACCESS EASEMENT

ACCESS ROAD

LOT B
6.36 ACRES

N85°21'06"E

N85°21'06"E - 101
N85°21'34"E - 101

N85°21'06"E - 497.43

100'

100'

100'

100'

100'

N00°00'00"E

Tim Hartmann

From: kitty johnson <kjohnson@montana.gov>
Sent: Friday, May 15, 2020 2:04 PM
To: Tim Hartmann
Cc: Phil Lampert
Subject: 1500 Washington St/Lot B Wood Subdivision

To:
Tim Hartmann, Custer Planning Administrator

I, Kitty Johnson, have signed a purchase agreement with Megan and Dan Harrop for Lot B of the Wood Subdivision; 6.36acres.
They have my permission to apply for a Conditional Use Permit in order to develop the property. I am aware of their development ideas and approve of their plans.

Thank you Tim with help in facilitating this process for them. If I can be of any assistance, please do not hesitate to call or email me.

Sincerely,
Kitty Johnson

Also, Phil Lampert, my realtor, can be contacted if for some reason I am unavailable.

Sent from my iPhone



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

Staff Report

Request: 1500 Washington St - Conditional Use Permit, Campground and Residential Dwelling
Applicant: Megan & Dan Harrop
Fee Paid: \$200.00
Location: Wood Subdivision - Lot B of Tract 2, Part of Smith Placer #507
Date: June 2, 2020
Planning Commission Meeting: June 6, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property to consider a request to utilize this property as a commercial campground with their residential dwelling on site, as specified on the site plan and application. This property is currently zoned Highway Commercial. Per Custer Municipal Code 17.20, neither of the proposed uses are a principal use, but both are eligible as conditional uses.

SURROUNDING AREA

1500 Washington Street is along the main highway corridor of Custer City (16A). The vacant parcels to the east and west are zoned commercial while the properties to the south and south/west are zoned residential. Woodland Meadows to the north is zoned primarily Highway Commercial with one residential property.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and traffic flow standpoint. The access point to the property aligns with the existing Washington St/16A intersection for a standard intersection and the loop drive should lend itself well to larger RVs and campers.

WATER AND SEWER SERVICES

Harrops continue to discuss with City staff and research their most desirable option to connect this proposed use to City sewer and water services should the permit be granted, and they purchase the property. Easements are established and in place for a water and sewer service to be installed across the property to the east and connect to the existing City mains (near the east line of Lot C).

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on June 3. No specific ordinance violations were found. Some of the stored dirt and materials will likely be cleaned up should Harrops move forward with their development.

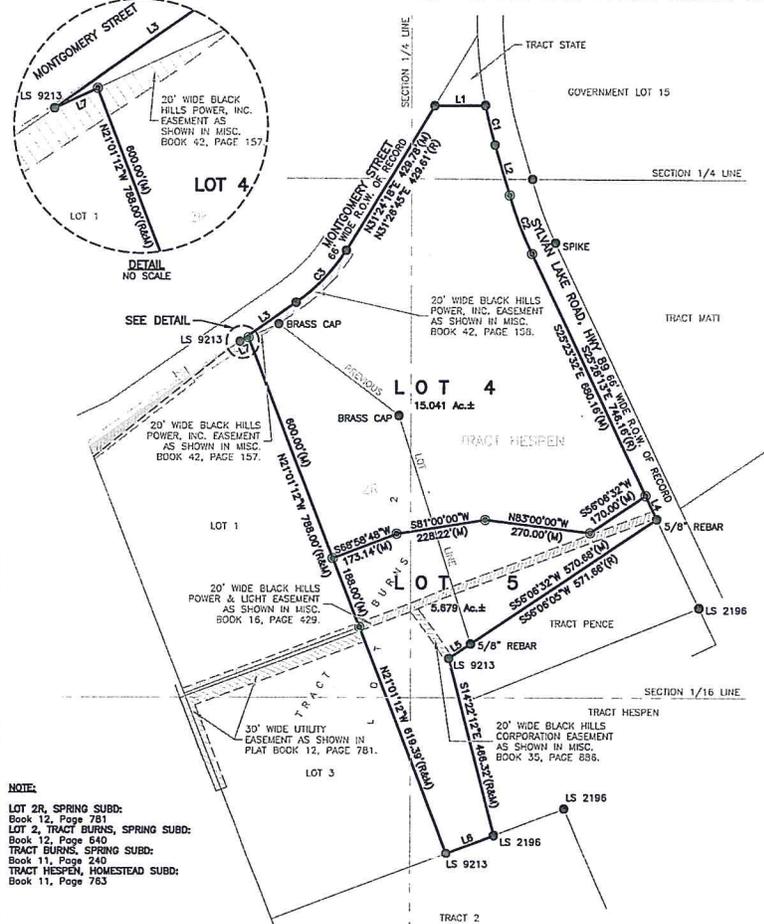
SUMMARY & RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Staff feels this is an appropriate use of this property and the proximity to a main arterial road will support the use well. Easements are established for the connection of sewer and water services, and per CMC the home and campground shall be connected to City sewer and water services. Staff supports approval of the Conditional Use Permit by the Planning Commission.

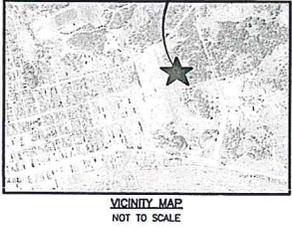
A
10/22/19

SPRING SUBDIVISION PLAT OF LOTS 4 AND 5

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



LINE	BEARING	DISTANCE
L1(M)	N89°32'39"E	128.85'
L1(R)	N90°00'00"E	128.80'
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)	S25°23'32"E	86.00'
L5(RAM)	S56°10'13"W	87.22'
L6(RAM)	S69°02'05"W	129.57'
L7(RAM)	S85°26'19"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 HESPEREN, HOMESTEAD SUBD:
Book 11, Page 763

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1(M)	102.82'	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°52'08"	S20°59'42"E	159.61'
C2(R)	159.77'	1032.22'	6°00'00"	S21°02'23"E	159.61'
C3(M)	185.12'	448.67'	23°38'22"	N43°34'22"E	183.80'
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 S.S.
County of Custer
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 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: _____
Matthew Hesperen

On the _____ day of _____, 20____, before me, a Notary Public, personally appeared Matthew Hesperen, 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 4896, unless otherwise noted.
(R) Denotes Recorded in previous plat or description.
(M) Denotes Measured in this survey.
Beats 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 S.S.
County of Pennington
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 plat 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 plat of the above described lands, and it appearing to the Council that said plat 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 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 _____, 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 S.S.
County of Custer
Filed this _____ day of _____, 20____ at _____ o'clock _____ M.
In Book _____ of Plats, Page _____

Register of Deeds Fee: \$ _____



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, in Conjunction with Custer County Housing Authority
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.

UPDATE - JUNE 2020

Planning Commission reviewed this preliminary plat at their November 12th, 2019 meeting, in conjunction with the planned Custer County Housing (CCH) development. See the excerpt from such meeting minutes below.

- a. *Minor Plat – Spring Subdivision Plat of Lots 4 and 5.*
The Commission and Planning Administrator discussed the minor plat. Discussion included but was not limited to the nature of planned developments, the parties involved, sewer extensions, and needed details of potential construction. After the discussion, Commissioner Mills moved with a second by Commissioner Uhrich to table the Minor Plat until a site plan depicting plan development on the proposed Lot 4 is presented to the Commissioner for further review.

The preliminary site plan and supporting information for the development is attached to this meeting packet.

MOVING FORWARD (Summarized)

1. Establish Lot 4 of Spring Sub – The individual lot is needed for reference in agreements to follow. This will be the actual parcel involved in land transfer and development.
2. Establish land transfer and development agreement(s) - Legal and City Staff will work with CCH Legal and CCH Board to establish an agreement for land development.
3. Annexation – Lot 4 would be annexed into the City
4. Zoning – CCH would submit request for zoning of proposed Lot 4.
5. Development and Construction

Tallgrass Landscape Architecture, LLC
413 North 4th Street
Custer SD, 57730
605.673.3167
info@tallgrasslandscapearchitecture.com
www.tallgrasslandscapearchitecture.com



MEMORANDUM

Project Name: Custer County Housing and Redevelopment Commission

Sylvan Park Properties

RE: Site Master Plan

City of Custer

Please find attached to this memorandum a seven-page master plan document that outlines our intent for the development of the "Sylvan Park Properties".

This document is preliminary in nature. The commission is interested in beginning part of the phase 1 work within a year's time and has focused most of its discussion on installing 2-bedroom Governor's Homes in a duplex fashion (shared garages). The number of these that we will build initially has not been determined yet. Future work on phase 2 would be at an undetermined later date. For now, our intention is to use the first phase to lay the ground work for future phases of work by installing the sewer and water in a manner that allows logical tie in locations.

Any questions can be directed to me or Dennis Moulton.

Thanks,

A handwritten signature in dark ink, appearing to read "Matt Fridell", with a long horizontal flourish extending to the right.

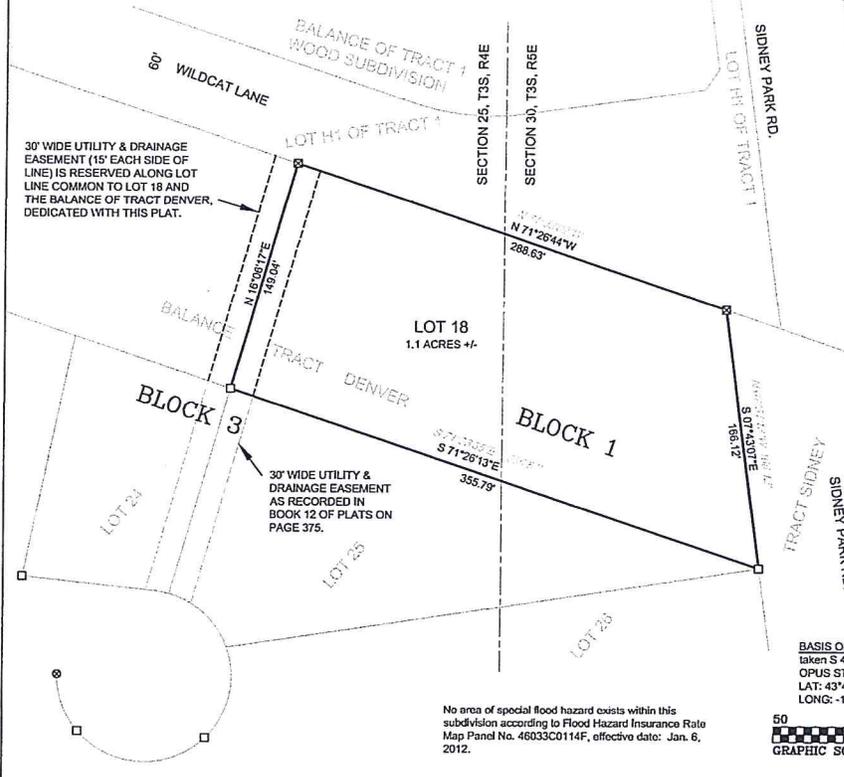
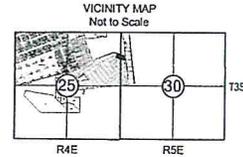
Matt Fridell

Landscape Architect

A PLAT OF
LOT 18 OF BLOCK 1, STONE HILL SUBDIVISION, CITY OF CUSTER, CUSTER COUNTY, SOUTH DAKOTA
 FORMERLY A PORTION OF TRACT DENVER

A

See Book 12 of Plats on page 222 for a plat of Tract Denver.



- LEGEND**
- ☒ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5506"
 - ☐ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
 - ⊙ Found rebar w/plastic cap marked "ANDERSEN PLS 2842"
 - SLANT LETTERING denotes record calls



THE 66' SECTIONLINE R.O.W. WITHIN TRACT DENVER WAS VACATED WITH PLAT RECORDED IN BOOK 12 OF PLATS ON PAGE 375.

A 20' WIDE UTILITY & DRAINAGE EASEMENT IS RESERVED ALONG THE INSIDE OF ALL EXTERIOR LINES TO TRACT DENVER.

BASIS OF BEARING - GPS OBSERVATION
 taken S 42°48'00"W 1627.64' from the SW corner of Lot 18, Block 1.
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°45'38.084707"
 LONG: -103°34'58.49773"

50 0 50 100 150
 GRAPHIC SCALE - FEET

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0114F, effective date: Jan. 6, 2012.

CERTIFICATE OF SURVEYOR
 I, Dustin M. Ross Registered Land Surveyor No. 13405 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.

Dustin M. Ross SDRLS No. 13405

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.

STATE OF _____ COUNTY OF _____
 The SHS Development, LLC does hereby certify that it is the owner of the within described lands and that the within plat was made at its 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 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.

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this ___ day of ___, 2020, before me, the undersigned officer, personally appeared _____, Member of SHS Development, LLC, 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 purposes therein contained.
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

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 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 ___, 2020.

Notary Public _____ My commission expires _____

Mayor _____

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 _____

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.

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.

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 _____.

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

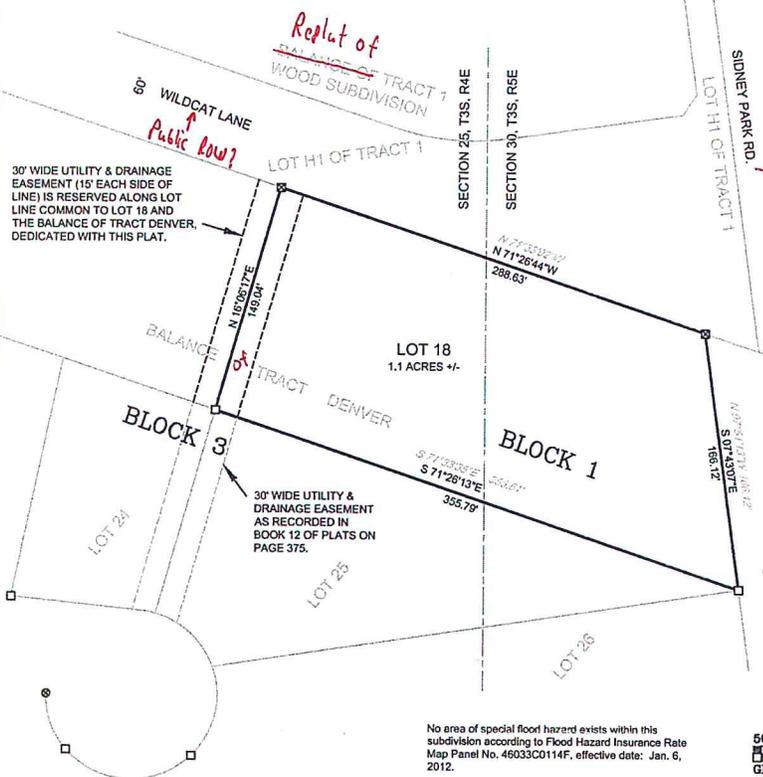
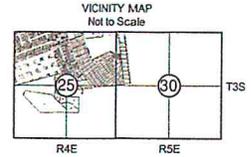
Drawn by RW	Date 3/3/2020	P.O. Box 448 Edgemont, SD 57735 (605)-662-5500 andersenengineers@gwtc.net
Approved by McB	Date 3/4/2020	
Scale 1"=50'	Sheet 1 of 1	File Name: 111818 STONE Hill

A PLAT OF
LOT 18 OF BLOCK 1, STONE HILL SUBDIVISION, CITY OF CUSTER, CUSTER COUNTY, SOUTH DAKOTA
 FORMERLY A PORTION OF TRACT DENVER

A

See Book 12 of Plats on page 222 for a plat of Tract Denver.

Register of Deeds legal notes.....



LEGEND

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- ☐ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
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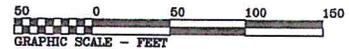


DATE SURVEYED
 19 Feb. 2020

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A 20' WIDE UTILITY & DRAINAGE EASEMENT IS RESERVED ALONG THE INSIDE OF ALL EXTERIOR LINES TO TRACT DENVER.

BASIS OF BEARING - GPS OBSERVATION
 taken S 42°48'00"W 1627.64' from the SW corner of Lot 18, Block 1.
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°45'39.08470"
 LONG: -103°34'58.49773"



No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0114F, effective date: Jan. 6, 2012.

CERTIFICATE OF SURVEYOR

I, Dustin M. Ross Registered Land Surveyor No. 13405 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.

Dustin M. Ross SDRLS No. 13405

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.

STATE OF _____ COUNTY OF _____

The SHS Development, LLC does hereby certify that it is the owner of the within described lands and that the within plat was made at its 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 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

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
 On this ___ day of ___, 2020, before me, the undersigned officer, personally appeared _____ Member of SHS Development, LLC, 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 purposes therein contained.
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public My commission expires _____

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 herein conform 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 ___, 2020.

Mayor

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

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

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

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 Surveyors, Professional Engineering, & Environmental Scientists

Drawn by RW	Date 3/3/2020	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 andersenengineers@gawc.net
Approved by MCS	Date 3/4/2020	
Scale 1"=50'	Sheet 1 of 1	File Name: L18_B1_STONE_HILL



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

Staff Report

Request: Minor Plat - Lot 18 of Block 1, Stone Hill Sub
Applicant: Jerad Tennyson, SHS Development (Tim & Lyle Reindl)
Legal Desc.: Lot 18 Block 1, Stone Hill Sub - See Plat for full legal
Fee Paid: \$525.00
Date Prepared: May 13, 2020
Planning Commission Meeting: June 9, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision of land within Custer City located near the intersection of Wildcat Lane and Sidney Park Road. The proposed plat will create the proposed Lot 18 (1.1 acres) from the existing balance of Tract Denver. This is the first phase for a planned development of townhome units to be built on this property.

ZONING

Per the City zoning map the property affected by this plat is currently zoned Residential.

ROUTING SHEET RESPONSES

BHEC – no comments, BHE territory.
SDDOT – no comments
CC ROD – general comments and legal desc input.

ACCESS AND PUBLIC SERVICES

Access to the area is primarily provided by Wildcat Lane on the North side of the proposed parcel. An access point to the East side from Sidney Park Road may also be feasible and is being researched in conjunction with the most desirable location for the developer's units. City sewer and water services are nearby. Staff will continue to discuss the location of services and the locations from which they will be provided.

TOWNHOME REVIEW

In an initial review to establish the "shell" property for the proposed 6 town house units on this property, staff has no concerns with this lot. Reindls plan to build 3 two-unit townhomes. Per CMC 17.12.080. E a townhome with one common wall must have a minimum lot size of 5000 square feet. With Lot 18 being 47916 square feet total, the total size will support the 3 structures and 6 individual units with oversized lots averaging 7986 square feet. Maintenance easements and individual townhome lots will be established with each phase of townhouse units.

STAFF RECCOMENDATION

This plat and lot are presented as an initial "shell" for proposed townhouse units. Specific townhouse property lines will be established in conjunction with foundations for the structures with following plat(s). Staff supports a recommendation of approval to the Council for this minor plat.

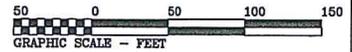
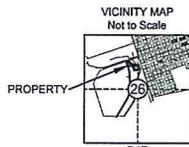
C
5/22/20

A PLAT OF WHEELER TRACT NORTH AND WHEELER TRACT SOUTH, OF BUSSKOHL SUBDIVISION, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

FOR A PLAT OF TRACT 1 OF
BUSSKOHL SUBDIVISION
SEE BOOK 11 OF PLATS ON
PAGE 78.

Formerly Tract 1

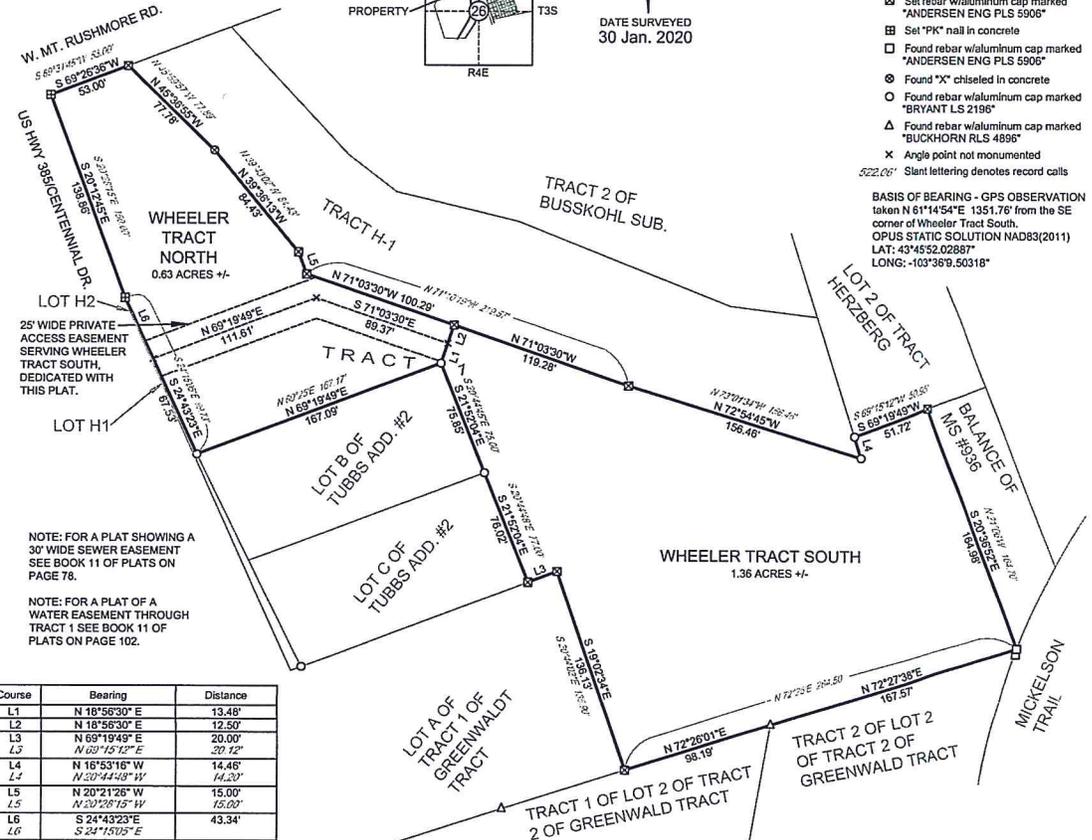
NOTE: FUTURE SUBDIVISION OF WHEELER TRACT SOUTH IS
RESTRICTED, CONDITIONED UPON PROVIDING ADDITIONAL
ACCESS IN ACCORDANCE WITH THE CITY OF CUSTER'S
SUBDIVISION ORDINANCES.



LEGEND

- ☑ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
 - ☑ Set "PK" nail in concrete
 - ☐ Found rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
 - ⊗ Found "X" chiseled in concrete
 - Found rebar w/aluminum cap marked "BRYANT LS 2196"
 - △ Found rebar w/aluminum cap marked "BUCKHORN RLS 4896"
 - × Angle point not monumented
- 322.06' Slant lettering denotes record calls

BASIS OF BEARING - GPS OBSERVATION
taken N 61°14'54"E 1351.76' from the SE
corner of Wheeler Tract South.
OPUS STATIC SOLUTION NAD83(2011)
LAT: 43°45'52.02887"
LONG: -103°36'59.50318"



NOTE: FOR A PLAT SHOWING A
30' WIDE SEWER EASEMENT
SEE BOOK 11 OF PLATS ON
PAGE 78.

NOTE: FOR A PLAT OF A
WATER EASEMENT THROUGH
TRACT 1 SEE BOOK 11 OF
PLATS ON PAGE 102.

Course	Bearing	Distance
L1	N 16°56'30" E	13.48'
L2	N 18°56'30" E	12.30'
L3	N 69°19'49" E	20.00'
L3	N 69°15'12" E	30.12'
L4	N 16°53'16" W	14.46'
L4	N 30°44'49" W	14.20'
L5	N 20°21'26" W	15.00'
L5	N 23°23'15" W	15.00'
L6	S 24°43'23" E	43.34'
L6	S 24°15'03" E	

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

An area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0113F, 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's Flood Ordinance.

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.

STATE OF _____ COUNTY OF _____

We, Rick D. Wheeler and Wanda K. Wheeler, 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.

Rick D. Wheeler

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 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 ___, 2020, before me, a Notary Public, personally appeared Rick D. Wheeler and Wanda K. Wheeler, 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 _____

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 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 ___, 2020.

Mayor

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

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

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

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 Surveyors, Professional Engineering, & Environmental Consultants

Drawn by RW	Date 3/11/2020	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500
Approved by McB	Date 3/11/2020	andersenengineers@gwtc.net
Scale 1"=50'	Sheet 1 of 1	File Name: BUSSKOHL_SUB



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

Staff Report

Request: Final Plat - Wheeler Tract North and Wheeler Tract South
Applicant: Rick Wheeler
Legal Desc.: Wheeler Tract North and Wheeler Tract South, of Busskohl Sub - See Plat for full legal
Fee Paid: \$650.00
Date Prepared: June 2, 2020
Planning Commission Meeting: June 9, 2020
Prepared by Tim Hartmann, CFM Planning Administrator

GENERAL

This plat is for a subdivision of land within Custer City located near the intersection of Mouth Rushmore Road and Highway 385. The proposed plat will divide the existing Tract 1 into the proposed 2 Tracts, Wheeler Tract North (0.63 acres) and Wheeler Tract South (1.36 acres).

The proposed Wheeler Tract North has City sewer and water services available.

ZONING

Per the City zoning map the property affected by this plat is currently zoned Highway Commercial and Industrial.

ROUTING SHEET RESPONSES

SDDOT – No Comments

ACCESS AND PUBLIC SERVICES

Access to the area is provided by Highway 385 to the West.

A proposed private access easement is shown on the plat to serve Wheeler Tract South.

As referenced on the plat, this property does also contain existing sewer, water, and power line easements. The sewer easement (30' wide) currently serves existing sewer infrastructure through the property and the water easement (20' wide) currently serves existing public water infrastructure. To staff's knowledge these easements are adequate for those existing services.

Access & Variance (Approved CC 5/18/20)

~~Staff has reviewed and discussed the access point to the Proposed Wheeler Tract South. The access falls short of full compliance with from two sections of the City subdivision standards. Per standards, a private street shall not be platted in the City, and the 25' easement is lesser than minimum Right of Way standards with the smallest allowed being an alley at 30' in width, and probably more appropriately a minor road standard requiring a 50' right of way (or easement). This parcel is restricted from additional access (width) at this time due to the "bottleneck" where the two proposed parcels meet. For this reason, staff supports the variance as requested and presented and feels that the easement is adequate for this parcel. However, would like to note that if approved, proposed Tract Wheeler S would be restricted for additional subdivision unless additional access was attained. CMC 16.20.020. B & K~~

REGULATORY FLOODPLAIN

Per flood insurance rate map panel 46033C0113F it may be noticed a large portion of the property is affected by regulatory floodplain and within such, also a portion of Floodway. 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. Staff would also like to note that with the LOMR currently in process with FEMA most of the regulatory floodplain will be eliminated. Such LOMR expected to go into effect fall of 2020.

PREVIOUS ACTION BY THE PLANNING COMMISSION & COUNCIL

Planning Commission discussed this plat and subdivision variance at their April 28th meeting. Some discussion was held primarily concerning the “bottle neck” area in the plat and any additional access possibilities to Wheeler Tr South. Planning Commission then recommended approval of the variance and preliminary plat. PC also recommended imposing a stipulation that Wheeler Tract South cannot be further subdivided without additional access first being granted.

City Council reviewed the preliminary plat and the associated subdivision variance at their May 18th meeting. The variance was approved, and the preliminary plat was approved with a recommendation that note be added to the final plat noting that Wheeler Tract South is restricted from further subdivision with the access as provided. Staff and legal have finalized that note and it can be noticed on the final plat.

STAFF RECCOMENDATION

Staff supports a recommendation for approval of the final plat to the Council. Staff and legal counsel feel the subdivision ordinances with the note added to the plat satisfy the concern of incremental development and access to Wheeler Tract South. Staff has no other concerns with this plat.

