

**AGENDA**  
**CUSTER COUNTY PLANNING COMMISSION**  
**REGULAR MEETING MARCH 3, 2026**  
**4:00 PM, COMMISSIONERS' ROOM, CUSTER COUNTY**  
**COURTHOUSE**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

The Chairman may change the order of agenda items during the meeting for the convenience of the meeting attendees.

**A. Approval of Minutes.**

Approval of the Draft Minutes for February 3, 2026 Meeting

**B. Conflict of Interest Declaration**

**C. Public Comment**

**D. PERMIT, PETITION AND PLAT REVIEW:**

**AGENDA ITEM #1:**

Appointment of Chairman & Vice Chair

**AGENDA ITEM #2:**

PRELIM/FINAL PLAT OF: DRAKE TRACT 1 AND DRAKE TRACT 2 OF GOLDEN WILLOW SUBDIVISION, LOCATED IN THE NE ¼ OF SECTION 11 AND THE NW¼ OF SECTION 12, T5S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

**Applicants:** Mark & Paulette Drake & Ed & Tracy Pulse

**Current Parcel ID:** 014010

**AGENDA ITEM #3:**

VARIANCE: *To Ordinance #2, Article IV (4), Section 1, 7, C.*

*The minimum distance between any structure and any property line other than a right-of-way shall be fifteen feet (15').*

**Applicants:** Kay Smith & Larry Heinemann

**Current Parcel ID:** 006154

**E. Discussion Items:**

**F. Items from Members:**

**Meeting Adjourned**

The next Planning Commission meeting will be held at 4:00 P.M. on Tuesday April 7, 2026 in the in the Commissioners' Room of the Custer County Courthouse Facility.

**NOTE:** More than two commissioners may be in attendance at this meeting.

**CUSTER COUNTY PLANNING COMMISSION**  
**March 3, 2026**

**STAFF REPORT**

**Agenda Item No. 2**

**REQUEST: Preliminary Plat of:**

DRAKE TRACT 1 AND DRAKE TRACT 2 OF GOLDEN WILLOW SUBDIVISION,  
LOCATED IN THE NE ¼ OF SECTION 11 AND THE NW¼ OF SECTION 12, T5S,  
R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

**CURRENT PARCEL ID:014010**

**PROPERTY CLASSIFICATION Residential**

**APPLICANTS: Mark Drake**

**DEED HOLDER: Mark & Paulette Drake & Ed & Tracy Pulse**

**GENERAL INFORMATION:**

This preliminary plat is proposing a lot split. Tract 1 will be 1.00 +/- acres. Tract 2 will be 1.00 +/- acres. There are currently 2 homes on this property. The new property line will split the homes. Home #1 will be 31.4' from the property line. Home #2 will be 15' property line. The current wastewater is on Tract 2 and serves both homes. Access to Tract 1 is from Golden Willow Parkway. Tract 2 is 40' private access across Tract 1.

**COMPREHENSIVE PLAN:** The proposed land use does not conflict with the intent or goals of Custer County's Comprehensive Plan.

**ORDINANCE 2 SUBDIVISION AND USE OF LAND** the proposed plat ***generally*** meets the standards as set forth in Ordinance 2.

**ORDINANCE 6 FLOOD DAMAGE PROTECTION:** Firm Panel 46033C0425F dated January 6<sup>th</sup>, 2012 indicates there is no presence of a flood hazard area within the subdivision area represented on this plat.

**PLANNING DEPARTMENT COMMENTS:** Planning department advises against sharing the septic system due to potential issues with capacity and shared responsibility for repairs and maintenance.

A shared system risks being overloaded if one neighbor has higher water usage or if a neighbor uses the house for an Airbnb or if they add bedrooms. Current system was not designed or installed to handle the waste from 2 dwellings.

This system is currently at max capacity and will not be permitted to add to the system for any future development. Rv drops, outbuilding with bathroom etc. will need a separate system installed.

Planning Department recommends installing a separate system for Drake Tract 1.

**INTERNAL REVIEW COMMENTS:**

**CONSERVATION DISTRICT** “The concern is two lots using one septic system. Is that system large enough to accommodate both homes? What about potential issues down the road where one owner wants to build an addition? What about routine maintenance on the system (e.g., tank cleanout) or if repairs are needed, who pays for that? Might not be an issue with the current landowners, but could be a problem when the properties change hands.”

**DOE:** No Response

**ROD:** “There needs to be a wastewater agreement/easement to accompany the plat”

**BH COOP:** No Response

**USFS:** No Respons

**BHE:** “Drake Tract 1 and 2 – this area is served by Black Hills Electric Cooperative. No issues from Black Hills Energy.”

**Hwy:** “None.”

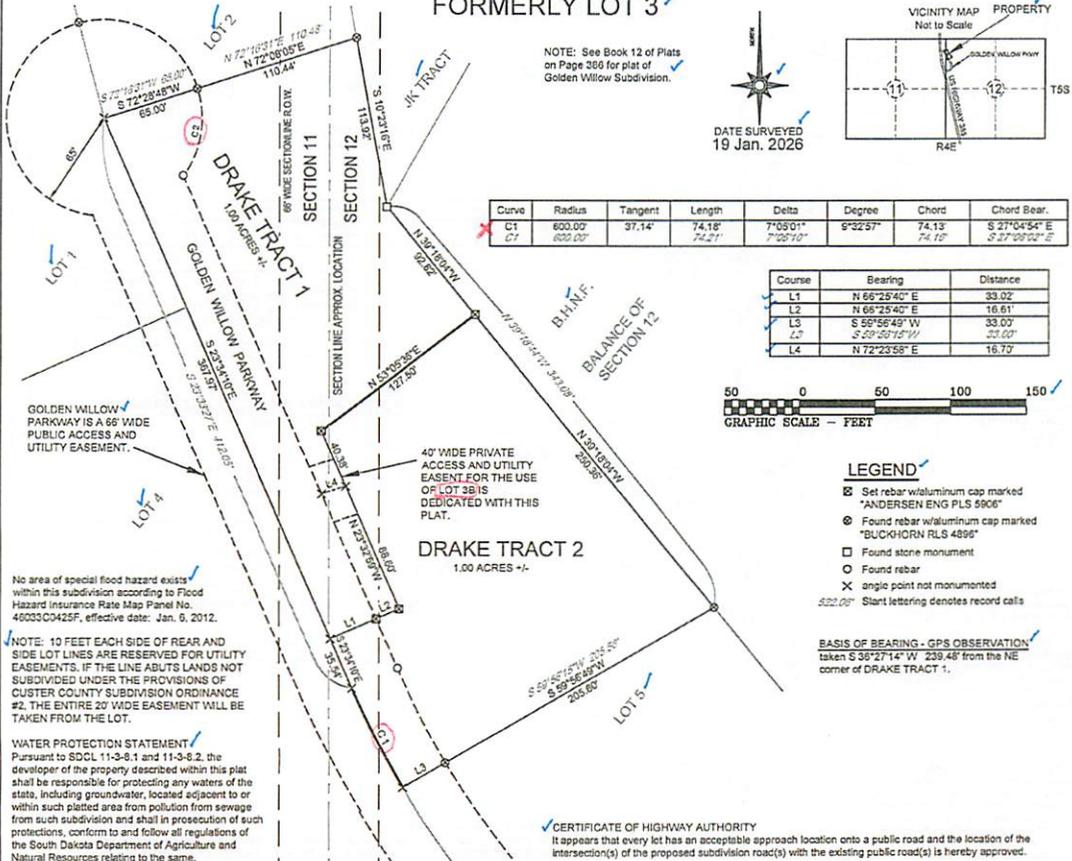
**City:** “No comments”

**Emergency Mgmt:** “I don’t see any issues for EM”

**SD DOT:** “I don’t see any impacts for DOT.”

#14010

# A PLAT OF DRAKE TRACT 1 AND DRAKE TRACT 2 OF GOLDEN WILLOW SUBDIVISION, LOCATED IN THE NE1/4 OF SECTION 11 AND THE N1/4 OF SECTION 12, T5S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA FORMERLY LOT 3



No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 4000300425F, effective date: Jan. 9, 2012.

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

**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 Agriculture and Natural Resources relating to the same.

**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 \_\_\_, 2026.

\_\_\_\_\_  
Dustin M. Ross, SDRLS No. 13405

**CERTIFICATE OF HIGHWAY AUTHORITY**  
It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.  
Highway Authority \_\_\_\_\_ Date: \_\_\_\_\_

**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 \_\_\_, 2026.

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

**STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_**  
We, Ed Pulse and Tracy Pulse, 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 \_\_\_, 2026.

\_\_\_\_\_  
Ed Pulse  
\_\_\_\_\_  
Tracy Pulse  
Custer County Treasurer

**ACKNOWLEDGMENT OF OWNERSHIP**  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
On this \_\_\_ day of \_\_\_, 2026, before me, a Notary Public, personally appeared Ed Pulse and Tracy Pulse, 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 \_\_\_\_\_

**STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_**  
We, Mark Drake and Paulette Drake, 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 \_\_\_, 2026.

\_\_\_\_\_  
Mark Drake  
\_\_\_\_\_  
Paulette Drake

**ACKNOWLEDGMENT OF OWNERSHIP**  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
On this \_\_\_ day of \_\_\_, 2026, before me, a Notary Public, personally appeared Mark Drake and Paulette Drake, 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 \_\_\_\_\_

**OFFICE OF THE REGISTER OF DEEDS**  
Filed for record this \_\_\_ day of \_\_\_, 2026, at \_\_\_ o'clock \_\_\_ M., and recorded in Book \_\_\_ of Plats on page \_\_\_\_.

\_\_\_\_\_  
Custer County Register of Deeds

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS**  
Whereas, there has been presented to the County Commissioners of Custer County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,  
BE IT RESOLVED that said plat is hereby approved in all respects.  
Dated this \_\_\_ day of \_\_\_, 2026.

\_\_\_\_\_  
Chairperson, Custer County Board of Commissioners

**CERTIFICATE OF COUNTY AUDITOR**  
I, Custer County Auditor, do hereby certify that the above instrument is a true and correct copy of the resolution adopted by the Board of County Commissioners of Custer County, South Dakota, at a meeting held on the \_\_\_ day of \_\_\_, 2026.

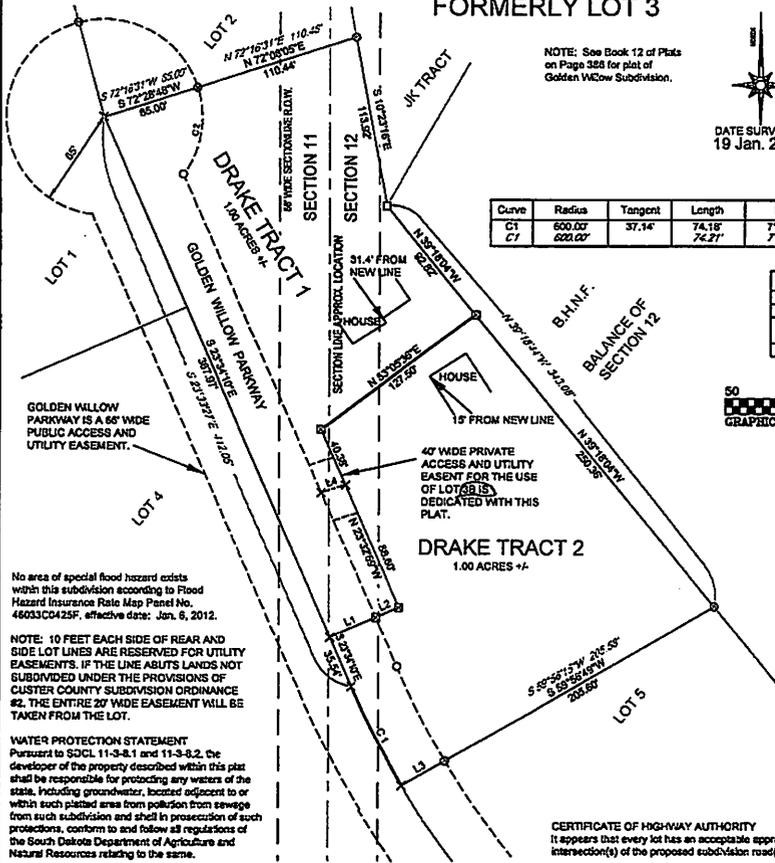
\_\_\_\_\_  
Custer County Auditor

Presented by  
**ANDERSEN ENGINEERS**  
Land Surveyors

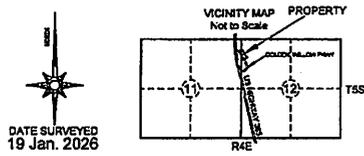
Drawn by RVW	Date 1/28/2026	P.O. Box 446 Edgemont, SD 57725 (605)-692-5500 anderseneng@gwic.net
Approved by DR	Date 2/11/2026	
Scale 1"=50'	Sheet 1 of 1	File Name: L3_GOLDEN_WILLOW

w/ house setbacks

A PLAT OF  
DRAKE TRACT 1 AND DRAKE TRACT 2 OF GOLDEN WILLOW  
SUBDIVISION, LOCATED IN THE NE1/4 OF SECTION 11 AND  
THE N1/4 OF SECTION 12, T5S, R4E, BHM, CUSTER COUNTY,  
SOUTH DAKOTA  
FORMERLY LOT 3



NOTE: See Book 12 of Plats  
on Page 388 for plat of  
Golden Willow Subdivision.



Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	600.00'	37.14'	74.16'	7°03'01"	6°32'57"	74.13'	S 27°04'54" E
C7	620.00'	37.14'	74.21'	7°05'10"	6°32'57"	74.16'	S 27°06'02" E

Course	Bearing	Distance
L1	N 68°28'40" E	33.02'
L2	N 68°28'40" E	18.61'
L3	S 59°58'49" W	33.00'
L4	N 72°23'58" E	18.70'



LEGEND

- Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5000"
- Found rebar w/aluminum cap marked "BUCKHORN RLS 4896"
- Found stone monument
- Found rebar
- angle point not monumented
- Siam lettering denotes record calls

BASIS OF BEARING - GPS OBSERVATION  
taken S 28°27'14" W 239.48' from the NE  
corner of DRAKE TRACT 1.

No area of special flood hazard exists  
within this subdivision according to Flood  
Hazard Insurance Rate Map Panel No.  
46033C0425F, effective date: Jan. 6, 2012.

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

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 Agriculture and  
Natural Resources relating to the same.

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 \_\_\_, 2026.

Dustin M. Ross, SDRLS No. 13405

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the  
intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority \_\_\_\_\_ Date: \_\_\_\_\_

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 \_\_\_, 2026.

Director of Equalization of Custer County

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
We, Ed Pulse and Tracy Pulse, 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 \_\_\_, 2026.

Ed Pulse Tracy Pulse

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 \_\_\_, 2026.

Custer County Treasurer

ACKNOWLEDGMENT OF OWNERSHIP  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
On this \_\_\_ day of \_\_\_, 2026, before me, a Notary Public, personally appeared Ed Pulse and Tracy Pulse,  
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 BOARD OF COUNTY COMMISSIONERS

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BE IT RESOLVED that said plat is hereby approved in all respects.  
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Chairperson, Custer County Board of Commissioners

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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 \_\_\_, 2026.

Mark Drake Paultette Drake

CERTIFICATE OF COUNTY AUDITOR

I, Custer County Auditor, do hereby certify that the above instrument is a true and correct copy of the resolution  
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Custer County Auditor

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Drake, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they  
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Filed for record this \_\_\_ day of \_\_\_, 2026, at \_\_\_ o'clock \_\_\_ M, and recorded in Book \_\_\_\_\_ of Plats on page \_\_\_\_\_

Custer County Register of Deeds

Prepared by  
**A. ANDERSEN ENGINEERS**  
Land Surveyors  
Drawn by RWJ Date 1/29/2026 P.O. Box 446 Edgemont, SD 57735 (605)-682-5500  
Approved by DR Date 2/11/2026 andersenengineers@gowiz.net  
Scale 1"=50' Sheet 1 of 1 File Name: L3\_GOLDEN\_WILLOW

**CUSTER COUNTY PLANNING COMMISSION**  
**March 3, 2026**

**STAFF REPORT**

**Agenda Item No. 3**

**REQUEST: Variance**

To Ordinance #2, Article IV (4), Section 1, 7, C.

*The minimum distance between any structure and any property line other than a right-of-way shall be fifteen feet (15').*

**CURRENT PARCEL ID:** 006154

**PROPERTY CLASSIFICATION** Residential

**APPLICANTS:** Kay Smith

**DEED HOLDER:** Kay Smith & Larry Heinemann

**GENERAL INFORMATION:**

Applicants are requesting a variance from Ordinance #2 setback requirements from property line.

Structure #1 - 18 X24 Carport. Carport will be 5' from neighbor's property line.

Structure #2 10X16 shed. Shed currently is 8.5' from property line.

**ORDINANCE 2 SUBDIVISION AND USE OF LAND** the proposed plat ***does-not*** meet the standards as set forth in Ordinance 2.

**PLANNING DEPARTMENT COMMENTS:** Adjacent landowner has provided a signed letter.

**INTERNAL REVIEW COMMENTS:**

**ROD:** "there is plenty of land that these structures would not need to be that close to the property line."

**SD DOT:** "I don't see any impacts for DOT"

**BHE:** "no issues from BHE."

**HWY:** "None"

**Emergency Mgmt:** "I don't see any issues for EM"

**City:** "No comments"

**DOE:** No Response

**BH COOP:** No Response

**USFS:** No Response

Prepared by:

Name: Kay L. Smith / Larry D. Heinemann

### VARIANCE APPLICATION

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

I/We, Kay L. Smith / Larry D. Heinemann own the property described below, provides for the modification of the provisions of *Custer County Ordinance Number 2* with respect to real property legally described as,

LEGAL DESCRIPTION: \_\_\_\_\_

ACREAGE: 1.67

REASON FOR VARIANCE REQUESTED: We have limited access to our property - only a 40' right-of-way over our neighbors land. All of Deer Meadows melt-off runs across the back of our property so the only place for a carport is at the end of our right-of-way on the north side. We placed a shed there too. Previously our carport was crushed by a huge →

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

Larry D. Heinemann Kay L. Smith  
Landowner(s) signature

2-13-26  
Date

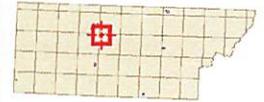
FEE PAID: \$ 250.00 STAFF INITIALS LR

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tree during the December 18th, 2025 windstorm. That's why we need a new carport. Our neighbor to the north, Gary Campbell, said we don't have to follow the 15' setback - he just wants us to avoid any building edging onto his property. Currently our new shed is 7.5' to 8.5' away from his property line. The only place we could put our new carport will be 5' to 6' from his property. He's OK with that. Our old carport was right on his property line & that will not happen with the new one. Please give us a variance so we can get a new carport & not have to move our shed.



Overview



Legend

-  Corporate Limits
- Highways**
-  SD Hwy
-  US Hwy
-  Roads
-  Parcels
-  Sections
- Flood Zones**
-  A
-  AE
-  AE, FLOODWAY
-  AO
-  X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  X, AREA OF MINIMAL FLOOD HAZARD

Parcel ID	006154	Alternate ID	n/a	Owner Address	SMITH KAY L
Sec/Twp/Rng	006/0004/005	Class	Residential		25359 DEER MEADOW RD
Property Address	25359 DEER MEADOW RD	Acreage	1.67		CUSTER, SD 57730-9703
	CUSTER				
District	16.1-1-0-1-136-0				
Brief Tax Description	LOT 10 OF TR A-1 OF TR B OF HES #181 SEC 6 T4 R5 1.67 AC DEER MEADOW ROAD DISTRICT MHBL REC #10831 SITS HERE <i>(Note: Not to be used on legal documents)</i>				

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: 2/13/2026

Last Data Uploaded: 2/13/2026 12:31:25 PM

2/14/26

**Concerning variance for property of Larry D. Heinemann and Kay L. Smith**

We agree that a setback of 15' is not necessary for the property of Larry D. Heinemann and Kay L. Smith that abuts the south end of our property. This is in regards to their new shed and the replacement carport that has not been installed yet.

Their new shed is currently 7.5' to 8.5' from our property line and their new carport will be slightly angled with one corner approximately 5' from our property line – the rest will be a bit further away from our line as it angles to the south. This is fine with us.

Marilyn E Campbell Date 2/17/26  
Marilyn E Campbell  
Gary Campbell Date 2/17/26  
Gary Campbell

Address: 25350 Deer Meadows Rd Custer, SD 57730

Subscribed and sworn to  
before me this 17<sup>th</sup> day  
of February 2026  
My Commission Expires: 9-30-2026

Notary: Laura Rosane



## Laura Rosane

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**From:** Kay Smith [REDACTED]  
**Sent:** Friday, February 20, 2026 11:05 AM  
**To:** Laura Rosane  
**Subject:** Variance for Kay Smith & Larry Heinemann

The first picture shows our right-of-way driveway across our neighbors land. His property on the right goes down to the tree on the right. He let us park our trailer on his land until we can get a carport. The pole & rock on the left is where our property begins. The tall wood fence on the back left by our shed belongs to our neighbor on the left. Gary Campbell and his wife Marlyn gave you a notarized letter saying the shed is fine where we put it and they are ok with our carport going on the strip of land to the left (north) of our driveway. That is the only place a carport will fit and can be accessed on our property. Please help us get a variance for a carport and our shed location.

The picture below shows the large tree and carport that were demolished by the windstorm of December 18, 2025. We lost 9 other trees as well.



