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PENNINGTON COUNTY SUBDIVISION REGULATIONS

SECTION 100 - GENERAL PROVISIONS

100.1 - Purpose

This Ordinance is adopted to provide for the orderly, physical, social, economic and environmental development of Pennington County; to anticipate and thereby lessen governmental expenditure; for the coordination of streets within subdivisions and with other existing or planned streets; for adequate open space; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, and convenience through the economical and adequate provisions of streets, sanitation, water supply, drainage, and other improvements as land is subdivided.

100.2 - Jurisdiction

This Ordinance is established under the authority of South Dakota Codified Laws (SDCL) § 11-2 (authority of a County Planning Commission to adopt regulations for the purpose of promoting health, safety, and the general welfare of the county) and SDCL § 11-3 (requirements for platting of town sites, additions, and subdivisions) and shall govern all subdivision of land, as defined herein, located within Pennington County, and not under the planning jurisdiction of any incorporated municipality as provided in SDCL § 11-3-6 (conformity to existing plats and regulations) and SDCL § 11-6-26 (extraterritorial jurisdiction of municipality). Proposed parcels which contain 40 acres or more, inclusive of public roadways and which are subject to SDCL § 43-21 (when any parcel is divided and cannot be described except by metes and bounds, the parcel shall be platted) shall meet the minimum requirements in this Ordinance.

100.3 - Amendments

Any provisions of the Ordinance may be amended, supplemented, changed, modified or repealed by the Board of County Commissioners according to law.

100.4 - Interpretation, Conflict, and Severability

- 1. Interpretation:** In its interpretation and application, this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 2. Conflict:** Whenever any provision of this Ordinance conflicts with other legally adopted regulations, the more restrictive Ordinance or regulation shall apply.
- 3. Severability:** Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the Ordinance as a whole, but only that portion so adjudged.

100.5 - Effective Date

This Ordinance shall take effect after its passage and publication according to law. The effective date is November 12, 2008.

SECTION 200 - DEFINITIONS

200.1 - Words and Terms Defined

AASHTO (American Association of State Highway and Transportation Officials): Design Standards defined as A Policy on Geometric Design of Highways and Streets Current Edition.

Adequate: Sufficient in quality, quantity, or requirement to meet a need for planning and/or these Subdivision Ordinances.

Applicant: The owner of land proposed to be subdivided or a representative as evidenced by written consent from the legal owner of the premises.

Base Flood: The flood having a 1 percent chance of being equaled or exceeded in any given year, also known as the 100-year or 1 percent chance flood. (The base flood is a statistical concept used to ensure that all properties are protected to the same degree against flooding.)

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Comprehensive Plan: A document which describes in words and may illustrate by maps, plats, charts, and other descriptive matter, the policy, goals and objectives of the Board of County Commissioners to interrelate all functional and natural systems and activities relating to the orderly development of the territory under its jurisdiction.

Cul-De-Sac: A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

Developer: See Subdivider.

Dwelling Unit: Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.

Easement: Authorization, filed/recorded with Register of Deeds, by a property owner for the use by another, and for specified purpose, of any designated part of his/her property.

Final Plat: The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Forested Land: Property with at least 10 percent crown cover by forest trees of any size, or formerly having such cover and not currently developed for non-forest use.

GPM: Gallons per minute.

Grade: The slope of a road, street, or any other public way measured at the centerline specified in percentage (%) terms.

Layout Plan: A sketch prior to the preparation of the Preliminary Plat (or subdivision plat in the case of minor subdivisions) to enable the Subdivider to reach a general agreement with the Board of County Commissioners as to the form of the plat and the objectives of these regulations.

Lot: A tract, plot, parcel or portion of a subdivision or other parcel of land intended as a unit for building development or transfer in ownership.

Master Plan: A Master Plan is an exhibit that identifies the proposed future development of all contiguous platted or unplatted lands which are held in the same ownership. A Master Plan exhibit shall be provided at a scale of not more than 1 inch = 200 feet and shall include the following information: proposed street and lot configurations, proposed water and sewer service, and the proposed residential, commercial or other uses of the property. The purpose of the Master Plan is to identify potential development issues and to provide for cohesive development which complies with County and/or State regulations in regard to items such as access and water distribution system requirements.

NFPA (National Fire Protection Association): An authority on fire, electrical, and building safety.

Opposing Frontage Lot: A lot with frontage on two generally parallel streets or highways having access only from the lesser order roadway.

Owner: Any person, group of persons, firm(s), corporation(s), or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Potable Water Facilities: Facilities that deliver water which meets acceptable standards for drinking purposes.

Preliminary Plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission and Board of County Commissioners for approval.

Right(s)-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other utilities, or for another special use. The usage of the term “right(s)-of-way” for land platting purposes shall mean that every right(s)-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right(s)-of-way and not included within the dimensions or areas of such lots or parcels.

Roads:

Private Road: Road located on private property (i.e. roadway lot or easement). The use of a private road is subject to approval of the Board of Commissioners unless otherwise specified.

Public Road: Road located within dedicated public right-of-way, can be used in all subdivisions and to provide right-of-way beneath it for utilities, sewer, water, and storm drainage pipes.

Alley: A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a different street and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Local Road: A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Collector Roads: A road intended to move traffic from local roads to minor arterials. A collector road serves a neighborhood or large subdivision and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Minor Arterial: A road intended to collect and distribute traffic in a manner similar to Major arterials, except that these roads service minor traffic generating areas, such as community-commercial areas, primary and secondary educational facilities, hospitals, recreational areas, churches, and offices. A road designed to carry traffic from collector streets to the system of major arterials and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Major Arterial: A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas. Also, to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Sanitary Sewer Facilities: A system of components that transports wastewater from the place it is generated to and including the means with which it is treated in accordance with the “Recommended Design Criteria for Wastewater Collection and Treatment Facilities” as prepared by the South Dakota Department of Environment and Natural Resources (DENR) dated March 1991.

SDCL: South Dakota Codified Laws.

Subdivider: Any person, partnership, joint venture, association or corporation who shall participate as owner, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision: The division of land which creates one (1) or more lots inclusive of public roadways and recorded with a subdivision name in order that the title to or possession of the lots may be conveyed and shall include any re-subdivision.

Surety: Any form of security, including a cash deposit, surety bond, or instrument of credit from a federally insured financial institution in an amount and form satisfactory to the Board of County Commissioners. All sureties required by these regulations shall be approved by the Board of County Commissioners.

SECTION 300 - APPLICATION PROCEDURE AND APPROVAL PROCESS

300.1 - General Procedure

The procedure for reviews and approval of a subdivision plat shall consist of a Minor Plat or the following three separate steps in sequence: First, the presentation of a Layout Plan; Second, preparation and submission of a Preliminary Plat of the proposed subdivision; and, finally, the preparation and submission of a Final Plat of the proposed subdivision. The Subdivider, developer, or authorized agent should meet with the County Planning Department prior to submitting the required Layout Plan or Preliminary Plat. The purpose of the meeting(s) is to discuss the Application Procedure and Approval Process and criteria; to familiarize the Subdivider with the goals and objectives of the County; and to discuss the proposed subdivision in relation to such concerns.

300.2 - Minor Plat

1. General

When the proposed subdivision is greater than 40 acres and is required, pursuant to SDCL Chapter 43-21 and SDCL § 11-3-8, or contains five (5) or fewer new lots and the unplatted balance of the original subdivided tract which is provided with existing access in accordance with Section 500.5-1a and no land within the proposed subdivision is to be dedicated to public use for parks, rights-of-way, with the exception of the dedication of additional right-of-way adjacent to an existing right-of-way, and playgrounds, and no problem areas have been determined by the County Planning Department, the Subdivider may submit a Minor Plat. The Minor Plat procedure cannot be used more than once on the platted or unplatted balance of the original subdivided tract, with the exception of a lot reconfiguration of the existing lots where there will be no increase in density.

2. Procedure

- a. The original and six (6) copies of the Minor Plat and required supplemental material as specified in Section 400.3 and one (1) 8½ x 11 reduction shall be filed with the Pennington County Planning Department. Such filing shall take place at least twenty-five (25) calendar days prior to the meeting of the Planning Commission at which it is to be considered.
- b. The County Environmental Planner, County Highway Department, County Fire Coordinator, Pennington County Sheriff's Office, Emergency Services Communications Center and any other agency deemed appropriate shall be given a fourteen (14) day review period for the purpose of verifying that the Minor Plat conforms to all regulations. If no comments have been received by the end of the fourteen (14) day review period, the Planning staff shall assume the departments approve the Minor Plat.
- c. The Planning Commission shall review the Minor Plat to verify consistency with the standards set forth in this Ordinance and the County Zoning Ordinance and that no public improvements are required. The Planning Commission shall transmit two copies of the Minor Plat to the Board of County Commissioners, together with its recommendations.

- d. Upon receipt of the Planning Commission's recommendations, the Board of County Commissioners shall hold a hearing on the proposed Minor Plat and shall approve, disapprove, or request modification in the Minor Plat within ninety (90) days from filing of the Minor Plat by the subdivider. The Board of County Commissioners shall impose those requirements or grant those Subdivision Variances deemed necessary and appropriate for final approval.

3. Minor Plat Information

The Minor Plat shall contain all information required in a Final Plat application (see Section 400.3).

4. Minor Plat Review Fee

A fee shall be charged at the time of the Minor Plat submittal to cover the cost of review. The fee is due and payable at the County Planning Department at the time of the Minor Plat submittal. A schedule of fees for plats shall be established by the County Planning Commission and approved by the Board of County Commissioners by resolution. See Section 300.6 for Fee Schedule.

300.3 - Layout Plan

1. General

The Subdivider shall provide a Layout Plan of the proposed subdivision to the County Planning Department for review and discussion. The Layout Plan will enable the Subdivider and the Planner to render an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

NOTICE: Approval of a Layout Plan does not constitute or indicate that the Planning Department, Planning Commission or Board of County Commissioners will support the conditions of the Layout Plan. It merely indicates a list of items that must be completed or met in order for the property to be subdivided.

2. Procedure

- a. Subdividers shall submit six (6) copies of a Layout Plan with supplementary material, as specified in Section 400.1, and one (1) 8½ x 11 reduction to the County Planning Department. The Layout Plan shall be submitted to the Planning Department at least twenty-five (25) calendar days prior to the meeting of the County Planning Commission at which it is to be discussed. The Planning Department shall transmit copies of the plan to the County Environmental Planner, County Highway Department, County Fire Coordinator, Pennington County Sheriff's Office, and the Emergency Services Communications Center and any other agency deemed appropriate by the Planning Department for their review and comment.
- b. The Planning Commission shall forward the Layout Plan, with recommendations, to the Board of County Commissioners for their consideration and action.

3. Layout Plan Review Fee

A fee shall be charged at the time of the Layout Plan submittal to cover the cost of review. A schedule of fees shall be established by the County Planning Commission and approved by the Board of County Commissioners by resolution. See Section 300.6 for Fee Schedule.

300.4 - Preliminary Plat

1. General

The Subdivider shall submit to the Planning Commission, for review and recommendation, a Preliminary Plat of the proposed subdivision which conforms to the requirements of this Ordinance.

2. Procedure

- a. A minimum of six (6) copies of the Preliminary Plat with supplementary material, as specified in Section 400.2, and one (1) 8½ x 11 reduction and written application, along with the required fee, shall be submitted to the County Planning Department at least twenty-five (25) calendar days before the County Planning Commission meeting at which it is to be considered. The Planning Department shall transmit copies of the plat to the County Environmental Planner, County Highway Department, County Fire Coordinator, Pennington County Sheriff's Office, the Emergency Services Communications Center and any other agency deemed appropriate for review and comment.
- b. The Planning Commission shall review the Preliminary Plat to verify consistency with the standards set forth in this Ordinance, the County Zoning Ordinance, and any other applicable regulations. The Planning Commission shall forward its recommendations to the Board of County Commissioners. After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall hold a hearing on the proposed Preliminary Plat and shall approve, disapprove, or request modification of the Preliminary Plat within ninety (90) days from the date of filing of the Preliminary Plat unless such date is extended by agreement with the Subdivider or agent.
- c. Approval of the Preliminary Plat shall not constitute acceptance of the Final Plat. The approval shall lapse unless a Final Plat, based thereon, is submitted within two (2) years from the date of approval. The Subdivider may submit a written request for an extension of this 2-year deadline. The requested extension is subject to staff approval. The Subdivider shall submit the request at least thirty (30) days prior to the expiration of the approved Preliminary Plat. For phased developments, Phase One shall be submitted within two (2) years from the date of approval of the Preliminary Plat, and each subsequent phase shall similarly be submitted within two (2) years from approval of the preceding phase.

3. Preliminary Plat Review Fee

A fee shall be charged at the time of a Preliminary Plat submittal to cover the cost of review. The fee is due and payable at the Planning Department at the time of the Preliminary Plat submittal. A schedule of fees for plats shall be established by the Planning Commission and approved by the Board of County Commissioners by resolution. See Section 300.6 for Fee Schedule.

300.5 - Final Plat

After approval of a Preliminary Plat, a Final Plat of the subdivision may be submitted.

1. General

The Final Plat shall substantially conform to the approved Preliminary Plat. However, the Final Plat may constitute only a portion of the approved Preliminary Plat. The Final Plat submission shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Board of County Commissioners and shall incorporate all required modifications from its review. Any phasing of the development shall not create conflicts in access to any proposed or previously platted lots. The Final Plat and all supplementary documents shall be submitted to the Planning Department at least thirty (30) calendar days prior to the expiration of the Preliminary Plat approval or any extension thereto.

2. Procedure

- a. The original plat signed by the surveyor, owner(s), street authority, Director of Equalization and Treasurer, and six (6) copies of the Final Plat with supplemental material, as specified in Section 400.3, and one (1) 8½ x 11 reduction shall be submitted to the Pennington County Planning Department. The Planning Department shall transmit copies of the plat to the County Environmental Planner, County Highway Department, County Fire Coordinator, the Director of Equalization, Pennington County Sheriff's Office and the Emergency Services Communications Center and any other agency deemed appropriate for their review and comment.
- b. The Planning Department shall review the Final Plat and verify conformance to the approved Preliminary Plat. The Planning Director shall approve, or disapprove the Final Plat within thirty (30) days of the complete submittal unless such date is extended by agreement with the Subdivider or his agent. Upon approval of the Final Plat, the approved plat document shall be presented to the County Register of Deeds for filing/recording.

3. Final Plat Information

The Final Plat shall meet the conditions of approval of the Preliminary Plat approval as set forth by the County Board of Commissioners and shall clearly show the information as specified by Section 400.3.

4. Final Plat Review Fee

A fee shall be charged at the time of the Final Plat submittal to cover the cost of review. The fee is due and payable at the Planning Department at the time of the Final Plat submittal. A schedule of fees for plats shall be established by the Planning Commission and approved by the Board of County Commissioners by resolution. See Section 300.6 for Fee Schedule.

300.6 - Plat Submittal and Fee Schedule

Plat	Submittal Deadlines	Max. Time for Co. Reviews	Copies (Min.)	Fee
MINOR	Twenty-five (25) calendar days prior to the Planning Commission meeting at which it is to be discussed.	Ninety (90) days from submittal	6	\$350.00, plus \$25.00 per lot
LAYOUT PLAN	Twenty-five (25) calendar days prior to the Planning Commission meeting at which it is to be discussed.	Ninety (90) days from submittal	6	\$100.00
PRELIMINARY	Twenty-five (25) calendar days prior to the Planning Commission meeting at which it is to be discussed.	Ninety (90) days from submittal	6	\$350.00, plus \$25.00 per lot
FINAL	Thirty (30) calendar days prior to expiration of Preliminary Plat approval or any approved extension thereto.	Thirty (30) days from submittal	6	\$100.00

SECTION 400 - SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

400.1 - Layout Plan

Layout Plans shall be legibly presented in either pen or pencil and shall be drawn to a scale of not more than one hundred (100) feet to an inch and shall show the following information:

1. Name:

- a. Name of subdivision if property is within an existing subdivision.
- b. Proposed name, if not within a previously recorded subdivision.
- c. Name of property if no subdivision name has been chosen.

2. Ownership:

- a. Name and address, including telephone number of legal owner and/or authorized representative, and citation of last instrument conveying title to each parcel, including book and page number of the instrument.
- b. Legal right(s)-of-way and easements, as known.
- c. Name and address, including telephone number of any professional person(s) responsible for subdivision design, improvements and/or surveys.

3. Description: Location of the property by legal description, including graphic scale, north arrow, and date.

4. Features: The following features shall be noted and properly explained on the Layout Plan:

- a. Property lines, easements, rights-of-way, general boundaries of existing forested areas, general location of 100-year floodplain limits, general location of water bodies, wetlands and drainage ways, platted or proposed streets, names and location of streets within one hundred (100) feet from the affected property, as known.
- b. Approximate location and size of existing and proposed sewers, water mains, drainage and other structures within the tract, and immediately adjacent thereto.
- c. Topography from any source.
- d. Preliminary proposals for extension of public utilities, discharge of surface water drainage, and general information describing the water system, including storage capacity and GPM flow from wells.
- e. Location, dimensions and areas of all proposed and/or existing lots.
- f. A vicinity map showing the proposed subdivision in relation to the surrounding area.

- g. The location of existing structures within the proposed subdivision.
- h. Proposed improvements to be installed or constructed.
- i. Present use of adjoining lands.
- j. Master Plan as applicable.

400.2 - Preliminary Plat

- 1. General:** The Preliminary Plat shall be prepared in ink by a South Dakota Registered Land Surveyor at a scale not more than one (1) inch equals one hundred (100) feet. Plan sheets shall be sequentially numbered and shall not be larger than twenty-four (24) by thirty-six (36) inches.
- 2. Features:** The supplementary documents shall show the following, in addition to all information required on the Layout Plan. A lack of specified information or improper information supplied by the applicant shall be cause for disapproval of the Preliminary Plat.
 - a. The location of the parcel with respect to surrounding property and streets, and the names of adjoining streets within one hundred (100) feet of the subdivision.
 - b. The dimensions of all boundary lines, expressed in feet and decimal feet.
 - c. The location of existing streets, buildings, bridges, easements and other pertinent features, such as water bodies; railroad rights-of-way; parks; cemeteries; drainage courses; including one hundred (100) year floodplain limits, in accordance with current FEMA maps.
 - d. The location and width of all existing and proposed streets, alleys, easements and other public rights-of-way.
 - e. The location and size of existing sewer system and water system if appropriate; the location, size, and material type of proposed sewer and water lines; the source of water supply; storage capacity of any aboveground or below ground tanks; appropriate elevation of aboveground tanks; GPM flow of any wells or pumps; proposed location of fire hydrants.
 - f. Percolation tests and eight (8) foot deep soil profile hole information for each lot, which will utilize on-site wastewater disposal systems. Number, location of the tests, and soil profiles shall be representative of the site and in compliance with State Standards. The location and number of percolation tests and soil profiles shall be approved by the Environmental Planner.
 - g. The dimensions and areas of proposed or existing lots.
 - h. The location and dimensions of all property proposed to be dedicated for public or private use.
 - i. The name and address of the owner of the land, the Subdivider, if other than the owner, and the land surveyor.

- j. Date of the map, north point, scale, and subdivision title.
- k. Names of all existing and proposed streets.
- l. Indication of the use of all lots. Residential use shall be (single-family, multi-family, townhouse, etc.).
- m. Blocks shall be consecutively numbered or lettered in alphabetical order.
- n. Topography with a minimum contour interval of five (5) feet, referred to a National Geodetic Survey datum, where available, or an identified local datum.
- o. A vicinity map.
- p. Certification on plat by a South Dakota Registered Land Surveyor.
- q. Engineering design data conforming in all respects to the requirements of Section 500 of these regulations.
- r. Construction Plans in accordance with Section 400.4.
- s. Other pertinent information as requested in writing by the Pennington County Planning Department (i.e.: wetland information, geotechnical information, Special Use Permit, etc.).
- t. Easements as applicable.
- u. Master Plan as applicable.
- v. Fire Mitigation Plan as applicable.

400.3 - Final Plat (and Minor Plat)

1. **General:** The Final Plat shall be presented in ink on tracing cloth or reproducible mylar. Sheets shall be fifteen (15) by twenty six (26) inches or 8½ by 14 inches or as specified by SDCL § 11-3-10. The following shall be shown on the Final Plat:
 - a. Name of the subdivision.
 - b. Name and address of the applicant and/or his authorized representative.
 - c. North point, scale, and date.
 - d. True bearings and distances to the nearest established street lines or official monuments shall be accurately described on the plat; municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and bearings, where applicable.
 - e. Accurate location, name and width of streets, alleys, and ways.

- f. Geometric information for all lots, areas of dedication and easements including: bearing and distance, and curve information, including delta, radius, arc length, chord bearing and chord distance.
- g. All easements and rights-of-way, which are established by this plat shall be indicated by general note, or geometrically related to the subject lot lines. Easements that traverse across more than one lot shall be geometrically related or tied to the lot lines crossed.
- h. All block numbers or letters, lot numbers and lot lines with accurate dimensions in feet and hundredths, and bearings and angles to street and alley lines.
- i. The accurate location and identification of existing and proposed boundary monuments.
- j. The accurate location of all property offered for dedication to public use.
- k. All affidavits, notes and like information required by South Dakota Codified Laws.
- l. One hundred (100) year floodplain limits in accordance with current FEMA maps.
- m. Other pertinent information as requested in writing by the Pennington County Planning Department.
- n. Certifications:

1. Certificate of Ownership

Certificate of Ownership
 State of South Dakota
 County of Pennington

We _____ and _____ do hereby certify that we are the owners of the tract of land shown and described hereon, that the plat was done at our request for the purposes indicated hereon, and that we do hereby approve the within plat of said land, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

- a. Any land shown on the within plat as public right-of-way is hereby dedicated to public use and public utility use.

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

Owner: _____

Owner: _____

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

Notary Public: _____

My Commission Expires: _____

2. Certificate of Surveyor

Certificate of Surveyor
State of South Dakota
County of Pennington

I, Registered Land Surveyor No. _____, 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, said plat is an accurate representation of said survey.

In witness whereof, I have hereunto set my hand and seal this _____ day of _____, 20_____.

South Dakota Registered Land Surveyor _____.

3(a). Certification on Plat by County Auditor (Minor Plat)

Resolution By Governing Board
State of South Dakota
County of Pennington

I, Auditor of Pennington County, do hereby certify that at an official meeting held on the _____ day of _____ 20_____, the County Commissioners by resolution did approve the plat as shown and described _____

Auditor of Pennington County

3(b). Certification on Plat by County Auditor (Final Plat)

State of South Dakota
County of Pennington

I, Auditor of Pennington County, do hereby certify that the Pennington County Planning Director has reviewed and approved this Final Plat as shown hereon.

Dated this _____ day of _____, 20_____.

Auditor of Pennington County

4. Certificate of Director of Equalization

Certificate of Director of Equalization

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

Dated this _____ day of _____, 20_____.

Director of Equalization of Pennington County

Approved _____ Date _____

5. Certificate of County Treasurer

Certificate of County Treasurer

I, Treasurer of Pennington County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this _____ day of _____, 20_____.

Treasurer of Pennington County

6. Certificate of Register of Deeds

Certification of Register of Deeds
State of South Dakota
County of Pennington

Filed this _____ day of _____, 20_____.

at _____ o'clock _____ M Book _____ Page _____.

Register of Deeds of Pennington County

By: _____ Fee: \$ _____

7. Certificate of Street Authority

Certificate of Street Authority

The location of the proposed property lines abutting the County or State Highway, or the County Road, as shown hereon, is hereby approved. Any change in the location of the proposed access shall require additional approval.

Highway Authority of Pennington County

8. Floodplain Statement

Floodplain Statement

The 100-year floodplain, as shown hereon, is based on the elevations identified on Flood Insurance Rate Map Number_____, Effective Date_____, or as graphically depicted on said map in unstudied areas. The floodplain information shown hereon serves as constructive notice that certain flood hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.

9. 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.

10. Certificate of Planning Director

I, Planning Director of Pennington County, have reviewed this plat and have found it to conform to all of the Subdivision requirements of the Pennington Subdivision Regulations and, as such, I have approved this Plat as a Final Plat.

Dated this _____ day of _____, 20_____.

Planning Director of Pennington County

- o. Certification furnished to the Planning Department that the Subdivider has complied with one of the following:
 - 1. All required public or private improvements have been installed in accordance with the requirements of this Ordinance attested by a South Dakota Registered Professional Engineer.
 - 2. A surety has been posted with the County Auditor in sufficient amount to cover the costs of all required improvements.
 - p. Percolation tests and eight (8) foot deep soil profile information for any lot or subdivision that will utilize on-site wastewater disposal systems. The number and location of the tests shall be representative of the site and in compliance with State standards.
- 2. **Preparation:** The Final Plat shall be prepared by a South Dakota Registered Land Surveyor.
 - 3. **Improvement Maintenance Agreement,** per Section 600.1-8, must be submitted prior to filing the plat with Register of Deeds.

400.4 - Construction Plans

- 1. General:** Construction plans and specifications for all required improvements shall be prepared and sealed by a South Dakota Registered Professional Engineer. Such documents shall be clear, neat, legible, detailed and in a form acceptable to Local, County, State, Federal or other reviewing agencies.

SECTION 500 - REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

500.1 - General Improvements

- 1. Conformance to Applicable Rules and Regulations:** In addition to the requirements established herein, all submittals in the platting process shall comply with the following laws, rules, ordinances and regulations:
 - a. All applicable statutory provisions, including, but not limited to, South Dakota Codified Laws, Title 11-Planning, Zoning, and Housing Programs.
 - b. The Pennington County Zoning Ordinance and Comprehensive Plan and all other applicable laws of the appropriate jurisdictions.
 - c. Zoning Ordinance and Capital Improvements Program of Pennington County, including all improvements shown on the Official Zoning Map.
 - d. The special requirements of these regulations and any rules of appropriate State agencies.
 - e. The rules of the South Dakota Department of Transportation and/or Pennington County Highway Department, if the subdivision or any lot contained therein abuts a State Highway, County Road, or connecting street.
 - f. The standards and regulations heretofore adopted by Pennington County.
 - g. Plat approval may be withheld if a subdivision is not in conformance with the above guides or policy and purpose of these regulations.
- 2. Self-Imposed Restrictions (Covenants):**
 - a. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, the restrictive covenants should be recorded with the Final Plat at the County Register of Deeds. However, the County is not a party to the covenants and takes no responsibility in their enforcement.
- 3. Monuments:** A South Dakota Registered Land Surveyor shall place permanent reference monuments in the subdivision, as required by South Dakota Codified Laws and South Dakota Administrative Rules.
- 4. Subdivision Name:** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Board of County Commissioners shall have final authority to designate the name of the subdivision.

500.2 - Non-Residential Subdivisions

- 1. General:** Property proposed to be subdivided for commercial or industrial purposes shall be subject to such provisions as the Board of County Commissioners deems reasonable.

2. **Standards:** In addition to the principles and standards of these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission and Board of County Commissioners that the street, parcel, and block pattern proposed is specifically adapted to the uses proposed, and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - a. Proposed commercial and industrial parcels shall be suitable in area and dimension to the type of development anticipated.
 - b. Street rights-of-way and surfacing shall be adequate to accommodate the type and volume of traffic anticipated.
 - c. Specific design and construction requirements may be imposed by the Board of County Commissioners with respect to the construction of streets, water, sewer and drainage.
 - d. Every effort shall be made to protect adjacent residential areas, including the provision of extra-depth parcels and permanently landscaped buffer strips. Screening may be required of the applicant.

500.3 - Mobile Home Parks

Mobile home parks proposed on land within the jurisdiction of Pennington County shall comply in all respects to the requirements of these regulations and the Zoning Ordinance of Pennington County.

500.4 - Lot Improvements

1. **Lot Arrangement:** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing Building Permits to build on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on such lots from an approved street.
2. **Lot Dimensions:** Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Board of County Commissioners may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will provide a better street or lot plan. Dimensions of corner lots shall be large enough to allow for construction of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

3. **Opposing Frontage Lots and Access to Lots**

- a. **Opposing Frontage Lots:** Opposing frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
 - b. **Access From Major and Minor Arterials:** Lots shall not, in general, derive access from a major arterial. Where driveway access from a major or minor arterial, State Highway or County Road may be necessary for several adjoining lots, the Board of County Commissioners may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such arterial. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on major or minor arterials. All driveway access points must be approved by the appropriate road authority.
4. **Soil Preservation, Grading, and Seeding:** In general, topsoil should not be removed from residential lots or used as spoil, but should be redistributed so as to provide cover on the lots and shall be stabilized by seeding and erosion control measures prior to release of sureties.
 5. **Lot Drainage:** Lots shall be configured and graded so as to accommodate positive drainage from proposed structures. Grading and drainage plans should be designed to conform to the general storm drainage patterns for the area. Grading and drainage shall be designed so as to avoid concentration of storm drainage water onto adjoining property. Where applicable, grading and drainage design shall be in compliance with the adopted Drainage Basin Master Plan.
 6. **Debris and Waste:** Construction debris or construction waste materials must be disposed of properly.
 7. **Fencing and Screening:** The developer may be required to furnish and install fences and/or screening when the Board of County Commissioners determines that a hazard or a nuisance may exist. The Board of County Commissioners shall approve the location and material for fencing and/or screening and no surety shall be released until the fencing and/or screening improvements have been duly installed and approved.
 8. **Sureties to Include Lot Improvement:** Sureties shall be provided in an amount to assure completion of all requirements contained in Section 600.1. Assurance for the completion and maintenance of improvements of these regulations, may include, but not be limited to, soil preservation, final grading, lot drainage, forest thinning, removal of debris and waste, fencing and screening and all other lot improvements required by the Board of County Commissioners.

9. Easements:

- a. An 8-foot-wide utility and minor drainage easement shall be provided on the interior side of all lot lines with the exception of common wall lot lines.
- b. The reservation of additional easements to accommodate utilities, drainage facilities, or pedestrian traffic may be required.

500.5 - Roads and Streets

1. General Requirements

- a. **Access:** No subdivision shall be approved unless the area to be subdivided has access to one of the following:
 - 1. An existing Federal, State, County, City, Road District Highway or Township Highway;
 - 2. Right-of-way shown upon a plat as a platted private drive or dedicated public right-of-way approved by Pennington County and recorded in the County Register of Deeds office. Such right-of-way, private drives or highways must be improved as required under these Subdivision Regulations; or,
 - 3. Access Easements: The County shall not approve the use of an existing or proposed easement to provide access to a proposed subdivision unless the following requirements are met:
 - a. The width of the access easement is a minimum of 40 feet in width and shall serve a maximum of two lots in General Agriculture Districts only. Minimum driving surface width is not specified.
 - b. Roadways within easements that serve greater than two lots shall be improved to the standards defined for a Local/Collector Road and said easements shall comply with the minimum right-of-way widths for Local/Collector Roads as specified in Section 500.5 – Table 1.
 - c. Proposed easements shall be shown on the Final Plat and/or copies of the existing easement documents or previously platted easements shall be provided and recording information shall be referenced on the Final Plat.
 - d. If existing platted or miscellaneous easements specifically restrict or limit the use and terms of any easement intended for use to the proposed subdivision, the written consent of the underlying property owner(s) shall be provided.
 - e. The number of units served by an easement or easements shall comply with the requirements of a Dead End Road or Dead End Road system as defined in Section 500.5 – Table 1.

- b. Road Improvements:** Roads shall be improved, per construction plans, as approved by the Board of County Commissioners. Acceptance of the Final Plat and approval of Street Design does not guarantee that the completed street will be maintained by the Pennington County Highway Department or recognized as a part of the County Highway System.
- c. Topography and Arrangement**
1. A combination of steep grades and curves should be avoided. Specific standards are contained in the Design Standards of this Ordinance. (See Section 500.5 - Table 1).
 2. All streets should be properly integrated with the existing and proposed systems of roads and dedicated rights-of-way as required by County Ordinance.
 3. All roads shall be properly classified for the pattern of existing and proposed land uses.
 4. The use of curvilinear streets, cul-de-sacs, or U-shaped streets is encouraged where such use will result in a more desirable layout.
 5. Roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography, other physical conditions, or unless such extension is not necessary or desirable for future development of adjoining/adjacent properties.
 6. Maximum length and number of dwelling units for a dead end road shall be in accordance with Section 500.5 - Table 1 (Dead End Roads).
- d. Access to Major Arterials:** Where a subdivision borders on or contains an existing or proposed major arterial, access to such streets shall be limited by one of the following means:
1. The configuration of lots, so as to establish rear lot lines adjoining major arterials and front lot lines adjoining parallel local streets. No access shall be provided from the major arterial, and screening may be required in a strip of land along the rear property line of such lots.
 2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial.
 3. A marginal access or service road (separated from the major arterial by a planting or grass strip and having access thereto at suitable points).
- e. Road Names:** The Preliminary Plat, as submitted, shall indicate names of proposed streets. Names shall be sufficiently different in sound and in spelling from other road names in the Pennington County jurisdiction so as not to cause confusion. A road which is or is planned as a continuation of an existing road, shall bear the same name. Planning Department staff shall review proposed street names with the appropriate agencies and/or departments and provide a recommendation to the Board of County Commissioners.

- f. **Road Regulatory Signs:** The applicant shall install, in accordance with the standards of the Pennington County Highway Department, all road and street name signs, the type and location of which shall be approved by the Board of County Commissioners prior to the release of surety.
- g. **Street Lights:** The applicant may be required to furnish and install street lights.

2. Construction of Roads and Dead End Roads

- a. **Construction of Roads:** The arrangement of streets shall provide for the continuation of principal streets between adjoining properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient extension of utilities. If the adjoining property is undeveloped and the street must be a dead end street temporarily, the right-of-way shall be extended to the property line. A temporary turnaround shall be provided on all temporary dead end streets, as designated in Figure 1.
- b. **Dead End Roads (Permanent):** Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Board of County Commissioners for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Board of County Commissioners may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A turnaround shall be provided at the end of a permanent dead end street (See Figure 1 - Design Standards for Roads). For greater convenience to traffic and more effective police and fire protection, permanent dead end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

3. Design Standards

- a. **Road Surfacing and Improvements:** After sewer and water utilities have been installed by the developer the applicant shall construct curbs and gutters, where required, and shall surface roadways to the widths prescribed in these regulations. Types and thickness of surfacing shall be determined by a South Dakota Registered Professional Engineer and shall be consistent with Pennington County's Ordinance 14 Standards. Adequate provisions shall be made for culverts, drains, and bridges. All road surfacing, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all design and construction standards and specifications of these Ordinances.
- b. **Additional Right-of-Way:** Additional right-of-way shall be provided to maintain adequate slopes, per Section 500.5 - Table 1 of this Ordinance.
- c. **Railroads and Limited Access Highways:** In residential districts a buffer strip at least twenty-five (25) feet in depth, in addition to required setbacks, shall be provided adjoining a rail road right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

d. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. Intersections shall not be less than a 75 degree angle. A 100 foot tangent shall be provided from the intersection to the first horizontal curve. Not more than two (2) streets shall intersect at any one point.
2. New intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted. Intersections with arterial roads shall have a minimum 800 foot separation. Intersection separation of all other road classifications shall be at least equal to AASHTO stopping sight distance.
3. Minimum driving surface radius at any intersection shall be 25 feet. Adequate right-of-way or easement shall be provided at intersections to accommodate the 25 foot radius.
4. Wherever practical, intersections shall be designed with a minimum grade of 1% and a maximum grade of 3%. A leveling or landing area shall be provided at the approach to the intersection. The grade at the landing area shall not be greater than 5% for a distance of 50 feet, as measured from the nearest right-of-way line of the intersection.
5. Adequate sight distances shall be provided and maintained at all intersections per Pennington County Zoning Ordinance.
6. The cross-slopes on all streets, including intersections, shall be not less than two (2) percent and not greater than three (3) percent.

- e. Bridges:** Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant. The sharing of expenses for the construction of bridges, not of primary benefit to the applicant, as determined by the Board of County Commissioners, will be fixed by special agreement. Bridges shall be constructed to the same width as the roadway, at a standard appropriate to traffic and legal load requirements. Plans for such bridges shall be designed and sealed by a South Dakota Registered Professional Engineer. All bridges shall be posted with the weight limit.

4. Road Dedications and Reservations

- a. Section Line Right-of-Way:** Where an existing Section Line right-of-way or portion of a Section Line right-of-way is located within a new subdivision or adjoining any portion of a new subdivision, the entire 66 feet of Section Line right-of-way shall be dedicated and improved by the developer. In such instances where an adjoining landowner may decline to participate in the right-of-way dedication, or if it is not practical or not desirable to construct the street within the existing Section Line right-of-way, the Board of County Commissioners may authorize a new right-of-way where the developer will improve and dedicate the entire required street right-of-way within the boundaries of the developing property.

- b. Widening and Realignment of Existing Roads:** Where a subdivision borders an existing narrow road or when the Comprehensive Plan, Major Street Plan or Capital Improvements Program indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense, such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant, at his/her own expense, to the full width as required by this Ordinance. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated in fee simple or an easement is granted to the public.
- c. Design Standards:** The standards required in Section 500.5 - Table 1 (Design Standards for Roads) may not fully comply with the minimum standards established by the Pennington County Highway Department for roads to be accepted on the Pennington County Highway System for maintenance and snow removal.

**TABLE 1
DESIGN STANDARDS FOR ROADS
DEVELOPMENT DENSITY**

District:	GAD	LAD	LDR	SRD	Non-Residential General Commercial Highway Service Light Industrial Heavy Industrial
Minimum Width of Right-of-Way (in Feet)					
Local/Collector	66*	66	66	66	66
Minor Arterial	66	66	80	80	80
Major Arterial	100	100	100	100	100
Minimum Width of Travel Route (In Feet) and Surface					
Minimum surface requirement shall be designed by a Registered Professional Engineer.					
Local/Collector	24*	24 (1)	24 (1)	24 (3,4,6,7)	32 (3)
Local/Collector with parking	24	24 (1)	24 (1)	32 (3,4,5,7)	32 (3)
Minor Arterial	32 (2)	32 (2)	32 (2)	32 (3,4,6,7)	42 (3)
Major Arterial	48 (3)	48 (3)	48 (3)	48 (3,4,6,7)	48 (3)
<ol style="list-style-type: none"> 1. 4" Gravel Surface 2. 6" Gravel Surface 3. Paved Surface (Asphalt or Concrete). Shall meet the requirements of Section 20.2 of Ordinance 14. 4. With Curbs (South Dakota Department of Transportation Type B-66) 5. On-Street, Parallel Parking Permitted 6. On-Street, Parallel Parking Prohibited 7. Sidewalks (Five-Foot-Wide, One foot from Lot Line) 					
Maximum Grade (Percent)					
Local	12**	12**	12**	10	8
Collector	10	10	10	8	6
Minor Arterial	7	7	7	6	5
Major Arterial	7	7	7	6	5
Minimum Grade	1	1	1	0.5	0.5

* A 40-foot-wide easement for access is allowed for a maximum of two lots. Minimum driving surface width is not specified.

** Special consideration may be given in areas of steep topography for grades of 17% or less and lengths of 500 feet or less.

**TABLE 1
DESIGN STANDARDS FOR ROADS
DEVELOPMENT DENSITY
(Continued)**

	GAD/LAD	LDR	SRD	Non-Residential Industrial
Minimum Centerline Radius of Curve (In Feet)				
Local	100	100	100	200
Collector	100	100	200	200
Minor Arterial	Per AASHTO Standards			
Major Arterial	Per AASHTO Standards			
Minimum Length of Vertical Curve				
Local Collector	100 feet, but not less than 20 feet for each 1 percent change in algebraic difference in grade			
Minor Arterial	Per AASHTO Standards			
Major Arterial	Per AASHTO Standards			
Minimum Length of Tangents Between Reverse Curves (In Feet)				
Local	100	100	150	200
Collector	100	100	150	200
Minor Arterial	Per AASHTO Standards			
Major Arterial	Per AASHTO Standards			

Side Slope and Ditch Depth

Inslopes shall be 4:1 or flatter.

Backslopes shall be 3:1 or flatter.***

Road Ditches shall have a minimum depth of two (2) feet.

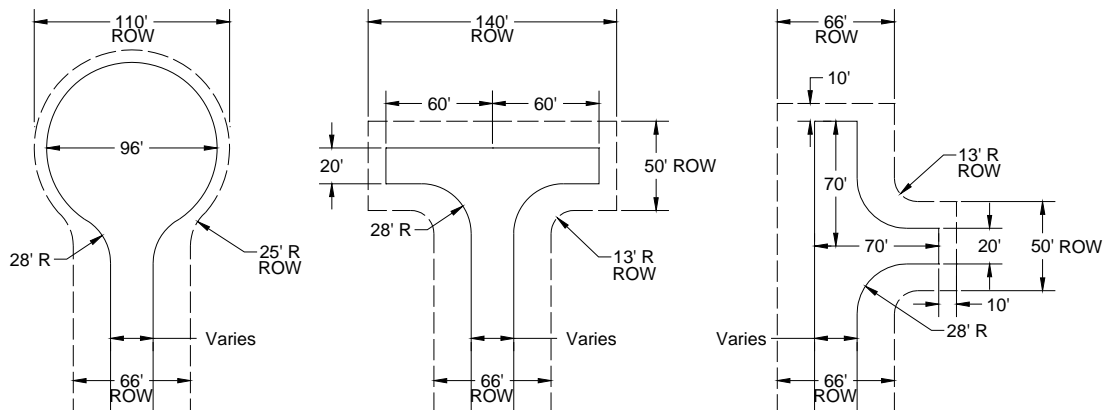
*** Special consideration may be given in areas of steep topography or in areas of stable material that cannot support vegetation. Under no condition shall backslopes be steeper than 1:1.

Minimum Stopping Sight Distance (In Feet): Per AASHTO Standards.

**TABLE 1
DESIGN STANDARDS FOR ROADS
DEVELOPMENT DENSITY
(Continued)**

	GAD/LAD	LDR	SRD	Non-Residential Industrial
Design Speed (Miles Per Hour)				
Local Road	25	25	25	25
Collector	30	35	35	35
Minor Arterial	40	40	40	40
Major Arterial	40	40	40	50
Minimum Turnaround (In Feet) for Cul-De-Sac and Intermediate Turnaround				
Local Road				
Right-of Way Diameter	110	110	110	160
Surfacing	96	96	96	140

**Figure 1
Turnaround Dimensions**



Dead End Road: any road with only one means of vehicular ingress/egress. A dead end road shall not exceed 20 units and one mile in length (as measured along the centerline from intersection of the adjoining roadway to the center of the terminus).

Dead End Road System: the total number of roadways (dead end and connecting) that provide only a single point of connection to a roadway that functions as an arterial. A dead end road system shall not exceed 40 units and two miles in cumulative length (as measured along the centerline of all roads from intersection to intersection or center of terminus).

Intermediate Turnarounds shall be provided every one-half (1/2) mile.

500.6 - Drainage and Storm Sewers

1. **General Requirements:** Subdivision and subsequent development will increase the peak discharge and volume of storm water runoff. Reducing peak discharges to predeveloped flows from a subdivision must be accomplished to prevent damage to downstream properties. Subdivisions in all zoning districts except General Agriculture District and Limited Agriculture District must provide drainage facilities that do not increase peak discharge. The Planning Commission shall not recommend for approval any subdivision which does not make adequate provision for storm or flood water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. Drainage facilities and easements shall be designed by a South Dakota Registered Engineer to accommodate a 100-year storm event. A copy of the design calculations shall be submitted along with the plans
2. **Nature of Storm Water Facilities**
 - a. **Location:** Drainage facilities shall be located in the road right-of-way where feasible, or in perpetual easements.
 - b. **Drainage Basin Design Plans:** If a subdivision is located within a drainage basin that has an existing Drainage Basin Design Plan, the design of drainage facilities must be consistent with the approved Drainage Basin Design Plan.
 - c. **Aboveground Systems:** The use of aboveground systems for storm water drainage is encouraged.
 - d. **Accommodation of Upstream Drainage Areas:** Drainage facilities shall be adequately sized to accommodate existing runoff from the entire upstream drainage area.
 - e. **Floodplain Areas:** In those areas in which a Federal Emergency Management Agency study has been completed, the provisions of the Pennington County Flood Damage Prevention Ordinance shall apply.
3. **Storm Sewers:** Storm sewer facilities for roads within a subdivision shall be designed in accordance with the Rapid City Drainage Criteria Manual (current edition).
4. **Dedication of Drainage Easements**
 - a. **General Requirements:** Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a major drainage easement shall be provided.
 - b. **Drainage Easements**
 1. Drainage facilities not located within road right-of-ways, shall be located in perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.
 2. When a new drainage system proposes to alter or modify existing drainage patterns, such that flows will cross adjoining lands outside of

existing drainage patterns, appropriate permanent drainage easements shall be secured from the adjoining landowners.

3. The applicant shall dedicate, by drainage or conservation easement, land on both sides of any existing watercourses.

500.7 - Water Facilities: A central water system shall be required in subdivisions of 15 or more lots in Suburban Residential, Low Density Residential and Planned Unit Developments and the following information shall be required:

1. Domestic Use

- a. Written authorization from a local water supplier that adequate water is available to serve the proposed subdivision.
- b. Water supply systems providing domestic water shall be submitted to the South Dakota Department of Environment and Natural Resources for review and approval.
- c. All water supply improvements must be shown on the construction plans. All water supply systems shall be designed by a South Dakota Registered Professional Engineer.
- d. Design calculation reports shall be submitted with construction plans.
- e. Under Layout, Preliminary, and Final Plat: a Master Plan is required for unplatted balances to prevent piecemeal water system development.
- f. A water system serving 14 or fewer lots may also be subject to State and/or Federal regulations.

2. Fire Protection: For purposes of initial attack and fire control the following are the minimum water supply requirements:

- a. One and two family dwellings: The required fire flow for one and two family dwellings shall be 1,000 gallons per minute for a minimum duration of 30 minutes.
- b. Buildings other than one and two family dwellings: The fire flow required for a building other than one and two family dwellings shall be approved by the Pennington County Fire Coordinator but shall not be less than 1,500 gallons per minute for a minimum duration of two (2) hours.
- c. The developer will provide the engineer's design calculations of the fire flow for each fire hydrant in the subdivision for review and approval. These calculations will be based on the storage tank at 50% and 100% of capacity.
- d. All water storage tanks, either above or below grade, fire hydrants and related infrastructure shall be installed and operational prior to Building Permits being issued.

- e. All water capacities for fire protection shall be above and beyond the anticipated domestic and landscape water consumption.
- f. All fire hydrants shall be designed and installed in accordance with the City of Rapid City's specifications. The location of fire hydrants shall be approved by the Pennington County Fire Coordinator. No property shall be more than 750 feet from the nearest fire hydrant without prior approval from the Pennington County Fire Coordinator.
- g. The fire flow requirement will be reduced by 50 percent if all structures referenced in Section 500.7-2-a and 500.7-2-b have an operational fire sprinkler system, per NFPA Standards.
- h. A surety shall be provided in sufficient amount to cover the costs of all required improvements per 400.3-o-2.

500.8 - Fire Mitigation Plan: Required for any subdivision consisting of more than seven (7) lots that is deemed to be in a moderate, high, or extreme fire hazard area. A Fire Mitigation Plan shall be developed and presented to the Pennington County Fire Coordinator for review and approval prior to approval of the Preliminary Plat.

A Fire Mitigation Plan shall describe action that will be taken to prevent a fire from being carried toward or through a subdivision. A Fire Mitigation Plan should include the following information:

- a. Copy of the subdivision site plan.
- b. Methods and timetables for controlling, changing, or modifying areas on the property. Elements of the plans shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels, dead trees, and the thinning of live trees.
- c. A plan for maintaining the proposed fuel reduction measure. To be considered a fuel modification plan for purposes of this Ordinance, continuous maintenance of the clearance is required.
- d. Type of general building construction materials being used for roof covering, exterior walls, and decks.
- e. Copy of Homeowner's Association requirements or covenants for the subdivision where applicable.

500.9 - Sewer Facilities

1. **General Requirements:** The applicant shall install sanitary sewer facilities in a manner prescribed by the South Dakota Department of Environment and Natural Resources construction standards and specifications. All plans shall be designed by a South Dakota Registered Professional Engineer in accordance with the rules, regulations, and standards of the South Dakota Recommended Design Criteria Manual. Plans shall be approved by the appropriate agencies.
2. **Residential and Non-Residential Districts:** Public sanitary sewer facilities shall be required in subdivisions where lots are less than 20,000 square feet in area with individual water systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system shall be permitted. Public sanitary sewer facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the South Dakota Department of Environment and Natural Resources.
3. **Design Factors:** Water facilities and sanitary sewer systems should be designed for the ultimate tributary population. Due consideration shall be given to current zoning regulations and approved Planning and Zoning reports where applicable. Sewer capacities shall be adequate to handle the anticipated maximum hourly quantity of sewer and industrial waste, together with an adequate allowance for infiltration and other extraneous flow.
4. **Locations:** Water facilities shall be located within street or alley right-of-ways unless topography dictates otherwise. When located in easements on private property, access shall be provided. End lines shall be extended to provide access from street or alley right-of-way where possible. Imposed loadings shall be considered in all locations. Not less than six (6) feet of cover shall be provided over top of pipe in street and alley right-of-ways.
5. A surety shall be provided in a sufficient amount to cover the costs of all required improvements, per Section 400.3-o-2.

500.10 – On-Site Wastewater Treatment System Preliminary Evaluation

1. **Required Soil Information:** Percolation tests and eight (8) foot deep soil profile hole information shall be required for each proposed lot which will utilize an on-site wastewater treatment system. The location and number of percolation tests and soil profiles holes shall be representative of the site and approved by the Environmental Planner.
2. **Design of On-Site Wastewater Treatment Systems:** When the Environmental Planner observes inadequate soil conditions within a soil profile hole or when percolation test results are deemed insufficient to support a conventional septic system, an alternate type of on-site wastewater treatment system shall be required. In these cases, unconventional, alternative or experimental systems, including, but not limited to, mound systems, evapotranspiration systems, holding tanks and vault privies, may be utilized with the approval of the Environmental Planner. Some types of alternate systems may also require approval from the South Dakota Department of Environment and Natural Resources. Additionally, the Environmental

Planner may require an on-site wastewater treatment system to be designed by a registered, professional engineer.

- 3. Existing On-Site Wastewater Treatment Systems:** Lots that contain an existing on-site wastewater treatment system will not be required to submit percolation tests and soil profile hole information unless required by the Environmental Planner. No existing lot shall be altered such that an existing on-site wastewater treatment system or reserve area would be adversely affected.
- 4. Lot Configuration:** Upon review by the Environmental Planner, lot sizes larger than the minimum district lot sizes may be required when utilizing on-site wastewater treatment systems in order to protect the public health. Reasons to consider larger minimum lot sizes may include, but are not limited to, the presence of aquifer recharge areas, shallow groundwater, areas of flood hazard, and restrictive soils and/or rock. When there is insufficient lot area or improper soil conditions for adequate on-site wastewater treatment for the land use proposed, the lots may need to be reconfigured or enlarged.
- 5. Reserve On-Site Wastewater Treatment Area:** All lots being proposed shall have adequate area for a reserve on-site wastewater treatment area, separate from the primary on-site wastewater treatment area. The Environmental Planner may require additional percolation tests and soil profile information to be provided for the reserve area. Additionally, the Environmental Planner may require the reserve area to be dedicated as an easement on the plat document and/or shown on a site plan for a Building Permit.

500.11 - Sidewalks

- 1. Required Improvements:** Sidewalks shall be in accordance with Section 500.5 - Table 1.
- 2. Pedestrian Accesses:** The Board of County Commissioners may require perpetual unobstructed easements at least ten (10) feet in width in order to facilitate pedestrian access to schools, parks, playgrounds or like amenities. Easements shall be indicated on the Minor/Final Plat.

500.12 - Utilities

- 1. Location:** All utility facilities, including, but not limited to, gas, electric power, telephone, and CATV cables, shall be located throughout the subdivision at the extreme edge of the right-of-way, exclusive of areas dedicated to sidewalks. All utility facilities, existing and proposed, throughout the subdivision shall be shown on the Construction Plans. Underground service connections are the developer's responsibility.
- 2. Easements:**
 - a. Eight-foot-wide utility and minor drainage easements shall be provided on the interior side of all lot lines with the exception of common wall lot lines.

- b. The reservation of additional easements to accommodate utilities, drainage facilities, or pedestrian traffic may be required.

500.13 - Public Uses

1. **General:** Whenever a tract to be subdivided includes a school, recreation uses or other public use, such space shall be suitably incorporated by the applicant onto his/her Layout Plan. After proper determination of its necessity by the Board of County Commissioners and the appropriate local government official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the Preliminary and Final Plats.
 - a. **Referral to Public Body:** The Board of County Commissioners shall refer the Layout Plan to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition for its consideration and report. The Board of County Commissioners may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
 - b. **Notice of Property Owner:** Upon receipt of an affirmative report, the Planning Commission or its designee shall notify the property owner. The property owner shall designate on the Preliminary and Final Plats that area proposed to be acquired by the public body.
 - c. **Duration of Land Reservation:** The acquisition of land reserved by a public agency on the Final Plat shall be initiated within 12 months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a Layout Plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed 12 months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

SECTION 600 - ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

600.1 - Improvements and Surety

1. **Completion of Improvements:** The Board of County Commissioners shall require of the applicant completion of all required improvements.
2. **Surety**
 - a. Surety for all required improvements not completed shall be provided at the date of Final Plat submittal. An itemized list of incomplete improvements and associated costs shall be submitted for review and approval.
 - b. Surety, as specified in Section 200 – Definitions, shall be acceptable to the State’s Attorney and Board of County Commissioners in a form, sufficiency, and manner of execution. The Board of County Commissioners, in its resolution approving the Final Plat, shall set forth the period within which improvements shall be completed, but in no event shall such time period exceed two (2) years from the date of final approval.
 - c. A surety or any portion thereof shall not be released without certification of completion from a South Dakota Registered Professional Engineer.
3. **Failure to Complete Improvements:** Where a surety has been posted and required improvements have not been completed within the terms specified by the surety, the surety shall be declared in default and the required improvements be installed, regardless of the extent of development at the time of declared default, as directed by the Board of County Commissioners.
4. **Inspection of Improvements:** The developer shall provide for the inspection of required improvements during and upon completion of their construction. The applicant shall furnish to the Board of County Commissioners certification from a South Dakota Registered Professional Engineer that improvements were completed in accordance with the approved plans and this Ordinance.
5. **Maintenance of Improvements:** The applicant shall be required to file a Maintenance Agreement with the Board of County Commissioners, in a form satisfactory to the State’s Attorney, to ensure the continuous satisfactory condition of required improvements for a period of five (5) years after the date-of-acceptance by the Board of County Commissioners.

SECTION 700 - SUBDIVISION REGULATIONS VARIANCE AND APPEALS PROCEDURE

700.1 - Subdivision Regulations Variance

- 1. General:** The Board of County Commissioners may grant Variances from this Ordinance when strict compliance would result in undue hardship to the developer/applicant and if it would not adversely affect the public. The granting of this Variance shall not have the effect of nullifying the intent and purpose of this Ordinance. The Board of County Commissioners may not, by Variance, permit subdivision for building purposes in areas situated within the floodway of a flood of one hundred (100) year frequency, as defined by FEMA, without compliance with all applicable provisions of the Pennington County Flood Damage Prevention Ordinance.

The Board of County Commissioners shall review the following criteria when considering a Subdivision Regulations Variance request:

- a. The granting of the Variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
- b. Because of the particular physical surroundings, shape, or topographic conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of this Ordinance were enforced;
- c. The Variance will not cause a substantial increase in public costs; and,
- d. The Variance will not, in any manner, place the subdivision in nonconformance with the Pennington County Zoning Ordinance or the Pennington County Comprehensive Plan.

2. Procedure

- a. The applicant shall provide a written statement describing the requested Variance and the facts of hardship upon which the request is based. The Planning Commission and Board of County Commissioners shall consider each requested Variance at a public meeting.
- b. In granting Variances, the Board of County Commissioners may impose such conditions, as will, in its judgment, secure substantially the objectives of this Ordinance, including the preparation and filing of a recordable document describing the Variance and conditions in full.

700.2 - Appeals

- 1. General:** A decision of the Board of County Commissioners approving or rejecting a proposed subdivision plat may be reviewed, as provided by South Dakota Codified Laws.

SECTION 800 - VIOLATIONS AND PENALTIES

800.1 - Applicability

This Subdivision Regulations Ordinance shall apply to all of the unincorporated land located within Pennington County, South Dakota. Other subdivision requirements may exist within the planning jurisdiction of municipalities.

800.2 - Enforcement and Penalties

1. No Final Plat of a subdivision shall be approved unless it conforms to the provisions of this Subdivision Regulations Ordinance.
2. No Building Permit, or permit of any kind from any County office or official, will be issued for the construction of any structure or other improvement upon land for which a plat is required by this Ordinance unless and until all the requirements of this Ordinance have been complied with.
3. The Board of County Commissioners shall withhold all public road improvements and public maintenance from all right-of-ways which have not been accepted for such purposes by the Board of County Commissioners.
4. Violation of these Subdivision Regulations Ordinances is punishable by a fine and imprisonment as provided below:
 - a. In addition to all other remedies available to the County to prevent, correct or abate Ordinance violations, a violation of the Subdivision Ordinance is also punishable by a fine and/or imprisonment pursuant to SDCL 7-18A-2 as provided below:
 1. A fine not to exceed \$500.00 for each violation or by imprisonment for a period not to exceed 30 days for each violation, or by both the fine and imprisonment. Each day the violation continues shall constitute a separate violation. The date of the first violation shall be the date upon which the property owner first received notice of the violation.
5. The Board of County Commissioners may seek to enjoin, in any court of competent jurisdiction, the violation or attempted violation of any provision of this Ordinance.
6. No changes, erasures, modifications or revisions shall be made in a Final Plat after approval of the plat.
7. All platting applications submitted after the effective date of this Ordinance, November 12, 2008, shall comply with the provisions set forth herein.
8. The construction of roads or other improvements shall not be commenced until the Preliminary Plat has been approved by the Board of County Commissioners. Approval of a Construction Permit for road construction does not imply approval of the roads, per this Ordinance.