



PENNINGTON COUNTY SUBDIVISION REGULATIONS

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**PENNINGTON COUNTY
PLANNING DEPARTMENT
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**PENNINGTON COUNTY SUBDIVISION REGULATIONS
PENNINGTON COUNTY, SOUTH DAKOTA**

SECTION 100 – STATUTORY AUTHORIZATION

This Ordinance is established under the authority of SDCL 7-18A-2, SDCL Ch. 11-2, SDCL Ch. 11-3, SDCL Ch. 11-6, and SDCL Ch. 43-21.

SECTION 101 – JURISDICTION

This Ordinance governs the subdivision of all land that is within the unincorporated lands that are under the jurisdiction of the Board of County Commissioners for Pennington County, South Dakota. Proposed parcels which contain 40 acres or more, inclusive of public roadways and which are subject to SDCL § 43-21 must meet the minimum requirements in this Ordinance.

SECTION 102 – CONSTRUCTION AND EFFECT OF ORDINANCE

The following provisions apply to the construction and interpretation of this Ordinance and its sections.

- A. *Plain and Ordinary Language.* The words used in this Ordinance must be given their plain and ordinary meaning.
- B. *Application of Definitions.*
 - 1. *Defined Words Apply Throughout.* Whenever the meaning of a word or phrase is defined in this Ordinance, then that definition is applicable to the same word or phrase wherever it occurs, except where a contrary intention plainly appears.
 - 2. *Conflict Between Definitions.* If a word is defined in both this Ordinance and PCZO § 103 and a conflict between the definitions exists, then the definition from this Ordinance controls—not the definition incorporated by reference.
- C. *Conflict with Other Ordinances.* If a provision of this Ordinance conflicts with another ordinance, then the more restrictive one controls.

SECTION 103 – CONFORMITY WITH STATUTES, ORDINANCES, AND OTHER REGULATIONS

In addition to the requirements established in this Ordinance, all subdivision plans and plats must comply with (1) the applicable statute; (2) the Pennington County Comprehensive Plan; (3) the Pennington County Zoning Ordinance; (4) the Floodplain Damage Protection Ordinance; and (5) other regulations and plans (such as the Nuisance Ordinance and Comprehensive Plan “View-to-2040”).

SECTION 104 – VIOLATIONS, PENALTIES, AND REMEDIES

A. *Violations.*

1. *Compliance.* Compliance with this Ordinance is mandatory unless the Board of Adjustment has approved a Variance in accordance with PCZO § 509.
2. *Continuing Offense.* Each day a violation of this Ordinance occurs is a separate offense.
3. *Restriction on Alienability.* Unless a plat exemption applies, a property owner, a property owner's agent, developer, or applicant of any parcel of land located in a proposed subdivision may not transfer or sell any part of the parcel before a Final Plat of the subdivision has been approved in accordance with this Ordinance and filed with the Pennington County Register of Deeds.

B. *Penalties.*

1. *Maximum Punishment.* The maximum punishment for a violation of this Ordinance is 30 days incarceration in the Pennington County Jail, a \$500 fine, or both.

C. *Remedies.*

1. *Injunction.* In addition to the other remedies available, Pennington County may seek injunctive relief under SDCL Chapter 21-8 against a property owner, a property owner's agent, a permittee, or other person in violation of this Ordinance or in violation of the conditions of an approved Permit.
2. *Abatement.*
 - a. *Abatement of Nuisances.* A violation of this Ordinance that constitutes a public nuisance as defined under SDCL Chapter 21-10 is subject to abatement.
 - b. *Planning Director May Summarily Abate.* The Planning Director has authority to declare and summarily abate a public nuisance that does not exceed \$1,000 under this Ordinance and SDCL 21-10-6.

SECTION 105 – AMENDMENTS

Any provisions of the Ordinance may be amended, supplemented, changed, modified, or repealed by the Board according to the following procedures.

- A. *Application.* An application for a proposed amendment must be filed with the Planning Department by a property owner, a property owner's agent, a governmental agency, the Commission, or the Board.

B. *Public Hearing.*

1. *Notice.* Notice of the public hearing—including the time and place—must be given in accordance with SDCL ch. 11-2.
2. *Hearing.*
 - a. *Planning Commission.* The Commission will hear the application and must then submit its recommendation to the Board.
 - b. *Board of Commissioners.* The Board will hear the application and then must decide to adopt or decline the amendment in accordance with law and its procedures.

C. *Restrictions on Applications.*

1. *General Rule.* Only one application concerning the same or similar section of this Ordinance may be filed for any 12-month period by a property owner or a property owner's agent.
2. *Change in Circumstance Exception.* If a property owner or a property owner's agent can establish a material change in circumstances that would make consideration of an amendment to the same or similar section of this Ordinance reasonable, then the Planning Director may accept the application.
3. *Government Exception.* This section does not apply to a governmental agency, the Commission, or the Board.

SECTION 106 – SEVERABILITY

The provisions of this Ordinance are severable. So, if any provision of this Ordinance is held invalid, then its invalidation will not affect any other provisions of this Ordinance that can be given effect without the invalid provision.

SECTION 200 – DEFINITIONS

- A. *Introduction.* The terms used in this Ordinance are defined below.
- B. *PCZO § 103 Incorporated.* The words defined in PCZO § 103 are incorporated by this reference.
- C. *Definitions.*
1. *AASHTO (American Association of State Highway and Transportation Officials).* Design Standards defined as “A Policy on Geometric Design of Highways and Streets Current Edition.”
 2. *Access Easement.* A privately owned and maintained right-of-way that provides vehicular access to each of not more than 5 lots. A private access easement shall be a part of one or more lots.
 3. *Adequate.* Sufficient in quality, quantity, or requirement to meet a need for planning or this Ordinance, or both.
 4. *Applicant.* The owner of land proposed to be subdivided or the owner’s agent, as evidenced by written consent from the legal owner of the premises. The applicant can be a person, partnership, joint venture, association, or corporation who participates as owner, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.
 5. *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.
 6. *Board.* The Pennington County Board of Commissioners.
 7. *Bond.* Upfront payment in the form of a cash deposit or surety bond made to the County from the Applicant for subdivision improvements required under this Ordinance. (*See also Surety.*)
 8. *Cul-De-Sac.* A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.
 9. *Dead-End Road System.* A dead-end road system is the total number of roadways (dead-end and connecting) that provide only a single means of vehicular ingress and egress. (**Revised 04-12-23**)
 10. *DANR.* The South Dakota Department of Agriculture and Natural Resources or its successor agency.
 11. *Developer.* *See Applicant.*
 12. *Easement.* Authorization, filed and 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.
 13. *Final Plan.* The map or plan or record of a subdivision and any accompanying material, as described in this Ordinance.

14. *Forested Land*. Property with at least 10% crown cover by forest trees of any size, or formerly having such cover and not currently developed for non-forest use.
15. *GPM*. Gallons per minute.
16. *Grade*. The slope of a road, street, or any other public way measured at the centerline; specified in terms of percentage.
17. *Layout (Concept) Plan*. A generalized plan that:
 - a. indicates the boundaries of the lot or tract; and,
 - b. identifies proposed land use, land-use intensity, utilities, and road alignment.
18. *Master Plan*. An exhibit that identifies the proposed future development of all contiguous platted or unplatted lands that are held in the same ownership. A Master Plan exhibit must be provided at a scale of not more than 1 inch = 200 feet and must 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 that complies with County or State regulations (whichever apply) in regard to items such as access and water distribution system requirements.
19. *Minor Plat*. The Minor Plat is an exception to general rule for the subdivision of land that:
 - a. has a maximum of 5 lots;
 - b. abuts an existing road; and,
 - c. meets the requirements in § 303.
20. *NFPA (National Fire Protection Association)*. An authority on fire, electrical, and building safety.
21. *PCZO*. Pennington County Zoning Ordinance.
22. *Plat*. A map or representation on paper (or when required for recording and microfilming purposes, mylar or similar substances) of a piece of land subdivided into lots, parcels, tracts, or blocks, including roads, commons, and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.
23. *Potable-Water Facilities*. Facilities that deliver water that meets acceptable standards for drinking purposes.
24. *Preliminary Plan*. The preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission and Board of County Commissioners for approval. The Preliminary Plan consists of the:
 - a. preliminary subdivision plan;
 - b. preliminary drainage plan;
 - c. preliminary grading plan;
 - d. preliminary erosion-control plan;
 - e. location, described legally; and,
 - f. type of utilities.

25. *Right-of-Way*. A strip of land that is 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. A right-of-way used for access or vehicular travel shown on a Final Plat is separate and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of the lot or parcel.
26. *Roads (type)*.
- a. *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.
 - b. *Collector Roads*. A road intended to move traffic from local roads to minor arterials. A collector road serves a neighborhood or large subdivision that also provides a right-of-way beneath it for sewer, water, and storm drainage pipes.
 - c. *Local Road*. A road intended to provide access to other roads from individual properties that also provides a right-of-way beneath it for sewer, water, and storm drainage pipes.
 - d. *Major Arterial*. A road intended to:
 - i. move through traffic to and from such major attractions (such as central business districts, regional shopping centers, colleges or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit);
 - ii. serve as a route for traffic between communities or large areas; and,
 - iii. provide right-of-way beneath it for sewer, water, and storm drainage pipes.
 - e. *Minor Arterial*. A road intended to:
 - i. 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);
 - ii. carry traffic from collector streets to the system of major arterials; and,
 - iii. provide right-of-way beneath it for sewer, water, and storm drainage pipes.
 - f. *Private Road*. A road located on private property (*i.e.*, roadway lot or easement).
 - g. *Public Road*. A road located within public right-of-way that:
 - i. can be used in all subdivisions; and,
 - ii. provides right-of-way beneath it for utilities, sewer, water, and storm drainage pipes.

27. *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 SD DANR.
28. *SDCL.* South Dakota Codified Law.
29. *Subdivision.* The division of land that creates 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.
30. *Surety.* A form of security, including a cash deposit or surety bond, in an amount and form satisfactory to the Board of County Commissioners.
31. *Writing.* Something written, no matter the form or medium, that conveys a communication. This includes an email.

SECTION 300 – SUBDIVISION APPLICATION PROCEDURES AND PROCESS

The following sections detail the subdivision application process.

SECTION 301 – OVERVIEW OF THE SUBDIVISION PROCESS

- A. *General Rule.* The division of land must go through the three-step process shown in this table and discussed in §§ 400 through 600 of this Ordinance.

Step 1:		Layout (Concept) Plan
	Review by:	Planning Director, County Floodplain Administrator, County Fire Administrator and County Highway Superintendent. (30 days)
	Approval by:	Staff – Administrative
Step 2:		Preliminary Plan (in coordination with rezoning, if necessary)
	Review by:	Planning Director, County Floodplain Administrator, and County Highway Superintendent
	Approval by:	Planning Commission and Board of County Commissioners
Step 3:		Final Plan and the Plat (before a Building Permit Application is submitted to the Planning Department)
	Approval by:	Planning Director

- B. *Exception.* If the requirements detailed in § 303 of this Ordinance have been met, then the division of land may go through the Minor Plat or Lot Line Adjustment Plat process shown in this table.

Step 1:		Layout (Concept) Plan
	Review by:	Planning Director, County Floodplain Administrator, County Fire Administrator, and County Highway Superintendent. (30 days)
	Approval by:	Staff – Administrative
Step 2:		Plat (before a Building Permit Application is submitted to the Planning Department)
	Review by:	Planning Director, County Floodplain Administrator, County Fire Administrator, and County Highway Superintendent.
	Approval by:	Planning Commission

SECTION 302 – FILING FEES

- A. *PCZO § 511 Incorporated.* The fees established in PCZO § 511 are incorporated by this reference.
- B. *Fees.*
 - 1. *Schedule.* The schedule of fees, charges, and expenses for matters pertaining to this Ordinance is available in PCZO § 511.
 - 2. *Fee Must be Paid to Complete Application.* No action will be taken on any application under this Ordinance until all applicable fees, charges, and expenses have been paid in full.

SECTION 303 – SUBDIVISION PLAN EXCEPTIONS: MINOR PLAT AND LOT LINE ADJUSTMENT PLAT

- A. *Introduction.* A Minor Plat and a Lot Line Adjustment Plat are exceptions to the general rule that requires the subdivision of land to go through the three-step process.
- B. *Minor Plat.*
 - 1. *Application.* On a form provided by the Planning Department.
 - 2. *Fees.* In accordance with PCZO §511.
 - 3. *Requirements.* There must be 5 lots or less that not only abut an existing road but also don't:
 - a. affect the remainder of the parcel or adjoining property adversely by compromising access;
 - b. change any plans that have been prepared for the placement of any other utilities in the subdivision;
 - c. conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or these regulations;
 - d. create a lot or tract eligible for any public or private improvements other than sidewalks;
 - e. landlock or otherwise impair ingress or egress to or from the rear side of the subject tract or any adjacent property;
 - f. require the dedication of public right-of-way;
 - i. *Exception.* The dedication of additional right-of-way adjoining an existing right-of-way; and,
 - g. require the construction of new roads.
 - 4. *Approval.* A Minor Plat must:
 - a. comply with the requirements in § 602 of this Ordinance; and
 - b. be approved by the Planning Commission in accordance with § 502(C).

C. *Lot Line Adjustment Plat.*

1. *Application.* On a form provided by the Planning Department.
2. *Fees.* In accordance with PCZO §511.
3. *Requirements.* Land may be subdivided or combined with a Lot Line Adjustment Plat, if these requirements are met:
 - a. the requirements of a Minor Plat in § 303(B) of this Ordinance;
 - b. the vacation of existing platted lines is done to achieve either
 - i. a reconfiguration of the existing recorded plat; or,
 - ii a change in the number of recorded lots in the subdivision only where the perimeter of the tract being platted is not altered by the plat.
4. *Approval.* A Lot Line Adjustment Plat must:
 - a. comply with the requirements in § 602 of this Ordinance; and,
 - b. be approved by the Planning Commission.

D. *Required Information.* The following must be included in the submittal of a Minor Plat and Lot Line Adjustment Plat:

1. All the information in §§ 501(B)(3-14).
2. Certificates as required in §§ 1701(A) and 1702.

E. *Effective Period.*

1. *Expiration.* The Minor Plat or Lot Line Adjustment Plat expires if the conditions of approval have not been completed within 1 year of approval by the Planning Commission.
 - i. *Exception.* The Planning Commission may extend the effective period for good cause.
2. A new Minor Plat or Lot Line Adjustment can be submitted following an expired application.

SECTION 400 – LAYOUT (CONCEPT) PLAN

The following section details the first step in the subdivision process—the Layout (Concept) Plan.

SECTION 401 – APPLICATION

- A. *Introduction.*
1. The Planning Director, County Floodplain Administrator, County Fire Administrator and the County Highway Superintendent will review and provide comments, recommendations and conditions of approval for the Layout (Concept) Plan.
- B. *Required Information.* An applicant may provide the required information in one of two ways.
1. *General Rule.* The following information is required in a Layout (Concept) Plan.
 - a. *Application.* On a form provided by the Planning Department.
 - b. *Physical and Legal Information.* The following physical and legal information:
 - i. the general layout of the roads;
 - ii. a to-scale site plan (includes existing buildings, driveways, utilities and setbacks);
 - iii. reservations of land (drainage easements, common areas, etc.);
 - iv. existing roads or access;
 - v. general drainage patterns;
 - vi. floodplain;
 - vii. utility services availability; and,
 - viii. conformance with the Comprehensive Plan and goals.
 - c. *Map.* A vicinity map, drawn to scale, that shows the locations of the Layout (Concept) Plan and other parcels, lots or tracts of land for at least 500 feet in every direction.
 - d. *Contact Information.* The address, email, and telephone number for the applicant, developer, and owner.
 - e. *Fees.* In accordance with PCZO §511.
 2. *Exception: Preliminary Plan Requirements.* The applicant may provide all the necessary information required for a Preliminary Plan detailed in PCZO § 501(B) and (C).
 3. Incomplete applications will not be accepted.
- C. *Submittal to the Planning Department.* The applicant must submit all the completed Layout (Concept) Plan materials to the Planning Department electronically or in person.
- D. *Review.*
1. *Comments.* Once a completed Layout (Concept) Plan has been submitted, County Staff will review and provide comments.
 2. *Timeline.* Comments will be sent to the applicant within 30 calendar days. If the comments are not done in that time due to a request by the applicant or for good cause, the Planning Director or designee will notify the applicant and provide a revised timeline.

SECTION 500 – PRELIMINARY PLAN

The following sections detail the second step in the subdivision process—the Preliminary Plan.

SECTION 501 – REQUIREMENTS

- A. *General Requirements.* The following requirements apply when submitting a Preliminary Plan.
1. *Scale.* The Preliminary Plan must be prepared at a legible scale by a South Dakota Registered Professional Land Surveyor.
 - a. *Exception.* The County cartographer may require a different map scale.
 2. *Copies.* The applicant must submit 3 copies of the Preliminary Plan, along with a .pdf copy of the plan to the Planning Department.
- B. *Required Information.* The Preliminary Plan must contain the following information:
1. *Application.* On a form provided by the Planning Department.
 2. *Fees.* In accordance with PCZO §511.
 3. *Name and Location of Subdivision.* The name of the proposed subdivision and location by quarter section, section, township, and range.
 - a. Subdivision names must not duplicate or be alike in pronunciation with any existing subdivision, unless it is an extension of or adjoining an existing subdivision.
 - b. The Register of Deeds must approve a subdivision name.
 4. *Adjacent Subdivisions.* The names of all adjacent subdivisions and their platting pattern.
 5. *Legal Description.* The correct legal description, as well as notations stating acreage, scale, and north arrow.
 6. *Contact Information.* The owner, developer, and surveyors must provide their names, email addresses, and telephone numbers on the application.
 7. *Vicinity Map.* A vicinity map that shows locations of the preliminary plan and surrounding property for at least ½ mile in every direction.
 8. *Exterior Boundary and Total Acreage.* Exterior boundaries of the proposed subdivision and the total acreage encompassed thereby.
 9. *Location of Existing Infrastructure and Features.* The location of:
 - a. existing lot line locations;
 - b. proposed road rights-of-way, including width;
 - c. existing structures, including setbacks;
 - d. easements, including width;
 - e. railroad rights-of-way, including width;
 - f. streams and water courses;

- g. lakes; and,
 - h. wetlands, from Army Corps of Engineer maps or US Geological Survey maps.
10. *Floodplain Information, where applicable.*
 - a. *Boundary Lines.* The limits of the special flood hazard area, including the floodway and 100-year flood zones per referenced FIRM panel number(s) and effective date(s).
 11. *Contours of Existing Vertical Intervals.*
 - a. *General Rule.* The existing contours at vertical intervals of a minimum of 5 feet.
 - b. *Exceptions.* A lesser interval may be required if:
 - i. the character or topography of the land is difficult to determine; or,
 - ii. the lots are greater than or equal to three acres in size (20-foot contour intervals could be accepted).
 12. *Lot and Block, Lot Lines, and Road Names.* A systematic lot and block numbering pattern, lot lines, and existing and proposed road names.
 13. *Lot Dimensions and Acreage.* The dimensions and acreage of all lots.
 14. *Road Information.* The following road information:
 - a. the location of all existing roads abutting or serving the proposed subdivision.
 - b. an estimate of the vehicular traffic (Institute of Transportation Engineers (ITE) Common Trip Generation Rates) to be created by full development of the subdivision.
- C. *Required Documents, Instruments, and Plans.* The following plans, documents, or instruments must be submitted with the Preliminary Plan.
1. *Preliminary Drainage and Grading.* The existing drainage pattern for the area shown along with any proposed cut and fill operations that would alter the existing drainage patterns.
 2. *Erosion Control.* If a proposed subdivision has an area greater than 1 acre that will be disturbed or an area that has topographic features are such that erosion, siltation, or temporary runoff problems may occur, a grading plan is required showing how these problems will be resolved.
 3. *Water and Sewer Plan.* The location and type of proposed water and sewer utilities for the subdivision. That includes the approval from SD DANR for the proposed water and sewer systems, water and sanitary districts, or any other authority providing water or sewer service to the proposed subdivision.
 4. *Utility Plan.* The location of all proposed and existing utilities and types of services (i.e. water, sewer, electric, gas, fiber optic, etc.).

SECTION 502 – SUBMITTAL AND APPROVAL PROCESS

- A. *Plan Submitted to the Planning Department.* An applicant must submit the Preliminary Plan and fee to the Planning Department.

- B. *Planning Department Review.* The Planning Director or designee will review the Preliminary Plan to determine whether all required information, as required by § 501 of this Ordinance, has been provided.
 - 1. *Compliant with § 501.* If the Planning Director or designee determines that the Preliminary Plan complies with § 501 of this Ordinance, then the plan must be scheduled for a public hearing before the Planning Commission in accordance with the submittal deadline dates.
 - 2. *Sufficiently Compliant with § 501.* If the Planning Director or designee determines that the Preliminary Plan sufficiently complies with § 501 of this Ordinance but has a deficiency (such as design, improvement, compliance, or the like), then the Director or designee may require remedying the deficiency as a condition of approval before the Planning Commission and Board.
 - 3. *Non-Compliant with § 501.* If the Planning Director or designee determines that the application does not comply with § 501 of this Ordinance, then the Director or designee must:
 - a. notify the applicant, in writing, of the reason for noncompliance; and,
 - b. refrain from scheduling a public hearing before the Planning Commission.

- C. *Planning Commission.*
 - 1. *Role.* The Planning Commission reviews the application and submittal information and then acts on the Preliminary Plan.
 - 2. *Recommendation.* In making its recommendation on a Preliminary Plan, the Planning Commission may:
 - a. approve, approve with conditions, continue, or deny.
 - 3. *Hearing.* The recommendation must come at a public hearing.

- D. *Board.*
 - 1. *Role.* The Board reviews the Preliminary Plan and then decides on how to proceed.
 - 2. *Review.*
 - a. *Process.* In making its decision, the Board must
 - i. give the Planning Commission’s recommendation due regard; and,
 - ii. approve, approve with conditions, continue, or deny.

- b. *Approval with Conditions.* If a Preliminary Plan has been approved with conditions, then the following steps apply:
 - i. *Submit Proof of Completion.* An applicant must submit proof to the Planning Director or designee that the conditions of approval have been met before moving to the next step in the platting process.
 - ii. *Administrative Approval.* If the Planning Director or designee reviews the proof that the conditions of approval have been met and agrees, then that will be noted on the appropriate document and the platting process may proceed to the next step.
- 3. *Hearing.* The Board’s decision must be made at a public hearing.
- 4. *Appeal.*
 - a. *General Rule.* An appeal from the Board’s decision must be done in accordance with SDCL ch. 7-8.
 - b. *Exception.* If the Legislature enacts a law that institutes an appellate process for planning decisions from a board of county commissioners in SDCL ch. 11-2, then an appeal must be taken in accordance with that process—not the general rule.

SECTION 503 – EFFECTIVE PERIOD OF PRELIMINARY PLAN

- A. *Introduction.* Preliminary Plans expire after a certain time that then requires a new plan to be submitted.
- B. *Effective Period.*
 - 1. *2-Year Effective Period.* If the Board has approved a Preliminary Plan (and, if applicable, the applicant has completed all conditions of approval), then the plan is effective for 2 years from the date of approval.
 - 2. *Expiration.* The Preliminary Plan expires if the conditions of approval have not been completed within 2 years of approval by the Board.
 - i. *Exception.* The Board may extend the effective period for good cause.
 - 3. A new *Preliminary* Plan can be resubmitted following an expired application.

SECTION 600 – FINAL PLANS AND THE PLAT

The following sections detail the Final Plan and the plat—the final two steps in the subdivision process.

SECTION 601 – FINAL PLANS

- A. *Introduction.* The Final Plan is the final step in the subdivision process.
- B. *Process.* If the Preliminary Plan is approved, then an applicant may submit a Final Plan to the Planning Director and County Highway Superintendent that must include:
1. *Application.* On a form provided by the Planning Department.
 2. *Fees.* In accordance with PCZO §511.
 3. *Grading, Drainage and Utility plans.*
- C. *Required Documents.* The following documents must be submitted to the Planning Director and County Highway Superintendent for review and approval.
1. *Grading Plan.* The grading plan must meet the following requirements.
 - a. Compliance with § 1001. A plan must comply with § 1001 of this Ordinance.
 - b. *Additional Requirements.* The requirements set forth in PCZO § 507 and the Storm Water Quality Manual are required and incorporated by this reference.
 2. *Drainage Plan.* If required by the Planning Director or County Highway Superintendent, the Drainage Plan must meet the following requirements:
 - a. Compliance with § 1002. A plan must comply with § 1002 of this Ordinance.
 - b. *Additional Requirements.* The requirements set forth in PCZO § 507 and the Storm Water Quality Manual are required and incorporated by this reference.
 3. *Utility Plan.* The Utility Plan must meet the following requirements:
 - a. *Utility Systems.* The plan must include utility systems for the development.
 - b. *Industry Standards.* The plan must conform to industry-accepted standards.
 - c. *Construction Documents.* Construction documents, including plans, must not only be prepared but also show, in detail, the following:
 - i. stationing; and,
 - ii. plan and profile for water and sanitary-sewer layouts.
 - d. *SD DANR Prior Approval Possible.* Water and sewer systems may require prior approval from SD DANR.

SECTION 602 – THE PLAT

- A. One signed mylar plat, one reduced 8.5” x 11” copy, and an electronic PDF must be submitted to the Planning Director for review and approval. If more than two sheets are required, an index sheet of the same dimension must be attached and filed. The plat must contain the following information:
1. The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names must not duplicate, be the same spelling, or alike in pronunciation with any existing subdivision located in the same section, unless it is an extension of or adjoining an existing subdivision.
 2. Scale and north arrow.
 3. The names of all adjacent subdivisions, all lot and block lines, easements (noted or shown graphically), and rights-of-way.
 4. A systematic lot and block numbering pattern, lot lines and road names, and the square footage or acreage of all lots.
 5. The location and width of all proposed and existing rights-of-way, easements and private roadways.
 6. The boundary lines of the area being subdivided with -curves or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or platted lot lines, or other recognized permanent monuments which must be accurately described on the plat as required by SDCL.
 7. Location of all monuments, and all survey property corners, either set or located as required by SDCL.
 8. The location and description of any portions of the property intended to be dedicated or granted for public use.
 9. All dimensions, both linear and curvatures, necessary for locating the boundaries of the subdivision lots, roads, easements and type of easement, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
 10. The radii, chords, length of curve, points of tangency, and central angles for all curvilinear roads and radii for rounded corners.
 11. The limits of the special flood hazard area, including the floodway and 100-year flood zones with FIRM panel number and effective date, where applicable.
 12. Acknowledgment of the owner or owners of the plat of any restrictions, including dedication to public use of all roads, alleys, parks, or other open spaces shown thereon and the granting of easements required.

13. All formal irrevocable offers of dedication for all roads and other uses as required.
 14. Assurances as required in § 1600.
 15. Certificates as specified in § 1700.
- B. The Plat must be prepared by a South Dakota Registered Professional Land Surveyor.
- C. Protective covenants or deed restrictions must be filed with the County Register of Deeds at the same time as the filing of the mylar with the County Register of Deeds.

SECTION 700 – PLAT VACATIONS

A plat or any part of a plat may be vacated in accordance with SDCL Ch. 11-3.

SECTION 800 – BLOCKS AND LOTS

The following sections detail blocks and lots.

SECTION 801 – BLOCKS

- A. *Blocks: How Determined.* To determine the length, width, and shape of a block, the following criteria must be used.
1. *Access.* There must be convenient access to the proposed block.
 2. *Building Sites.* There must be adequate building sites suitable to the needs of the use contemplated.
 3. *People Circulation.* The circulation of pedestrian traffic.
 4. *Topography.* The topographical conditions of the land must be considered.
 5. *Traffic Circulation.* The circulation of automobile (and other powered vehicle) traffic.
 6. *Traffic Safety.* The proposed safety measures for managing traffic.
- B. *General Rule for Blocks.* The following requirements are a general rule and may give way if the criteria above better suit a proposed block.
1. *Length.* A block's length must not exceed 1,200 feet.
 2. *Width.* A block's width must be wide enough to provide for two tiers of lots of an appropriate length.

SECTION 802 – LOTS

- A. *Arrangement.* Lot must be arranged so that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing permits to build on all lots in compliance with the zoning regulations.
- B. *Access.*
1. *Lots Must Abut a Road.* A lot must abut a:
 - a. dedicated right-of-way;
 - b. mutual access;
 - c. common area; or,
 - d. private road.
 2. *Private Roads.*
 - a. *Indicated on the Grading Plan.* A private road must be indicated on the Grading Plan as a private roadway easement.

C. *Easements.*

1. *Drainage and Utility Easement.*
 - a. *General Rule.* An 8-foot-wide Utility and Minor Drainage Easement must be provided on the interior side of all lot lines.
 - b. *Exceptions.* This does not apply to common-wall lot-lines or where existing legal non-conforming structures exist.
2. *Additional Easements.* The reservation of additional easements to accommodate utilities, drainage facilities, or pedestrian/vehicle traffic may be required.

D. *Lot-Lines.*

1. *Frontage.*
 - a. Double frontage and reverse frontage lots must be avoided except where essential to separate a development from traffic arteries, or to overcome specific disadvantages of topography and orientation. Driveways for such lots must have access only to an interior subdivision road. Where double frontage lots are used, an extra lot depth or width is required to provide for an extra setback to offset the impact of higher traffic volumes.
2. *Interior Lot-Lines.*
 - a. *General Rule.* All interior lot-lines must be a straight line or a series of straight lines.
 - b. *Exception.* Curved interior lot-lines are strongly discouraged unless topographical challenges exist or unless the property lines are following natural boundaries.
3. *Side Lot-Lines.*
 - a. *General Rule.* A side lot-line is recommended to be at right angles to roads.
 - b. *Exception.* A side lot-line may curve when they are radial.

E. *Lot Size.*

1. The minimum lot size and setbacks under the PCZO excludes the following:
 - a. a private road;
 - b. a private easement (i.e. well, onsite wastewater (septic), etc.); or,
 - c. a public right-of-way.

F. *Lot Width.*

1. *Corner Lots.* A corner lot that is used for a residential use must have sufficient width to permit adequate building setbacks from both roads.
2. *How Measured.* To measure the minimum lot width required under the PCZO, the measurement must be taken from along the building-setback line.

G. *Railroad Adjacent.* If a plat for residential development is adjacent to a functioning railroad right-of-way, then additional lot depth or width or both must be provided to offset the impact of the railroad traffic. In most cases, at least 100-feet of right-of-way is required.

SECTION 900 – ROAD IMPROVEMENTS AND DESIGN STANDARDS

The following sections detail road improvements and design standards (**Revised 07-24-24**).

A. Applicability.

This Section applies to all road systems in Pennington County, outside the jurisdiction of a municipality or township. This Section does not apply within the boundaries of a road district located within Pennington County, if the district regulates road improvements or has design standards. The road district or township must be established and levy taxes prior to a request for subdivision of property within its boundaries.

SECTION 901 – ROAD ARRANGEMENT AND DESIGN

- A.** As a general rule, roads must be related to topography and arranged so building sites are at or above road grade.
- B.** Roads must be properly integrated with the existing system of roads, including connecting adjacent subdivisions where topographical and land use considerations permit.
- C.** Roads must extend to subdivision boundary lines, unless prevented by topography or other physical conditions.
- D.** Roads must be arranged to allow access to future subdivisions on abutting land.
- E.** All subdivision roads must be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, a maintenance agreement that describes the legal responsibilities for construction, repair and maintenance of said roads must be filed as a miscellaneous document with the Register of Deeds at the time of plat filing.
- F.** Public rights-of-way or private roadways serving more than 5 lots must create a Road District for management, construction, repair and maintenance of said roads.
- G.** Where a subdivision abuts or contains an existing or proposed arterial road, the following may be required: frontage roads, reverse frontage lots with screen planting along the rear property line, or other such treatment as may be necessary for adequate protection of residential properties.
- H.** Subdivisions platted along existing roads must dedicate additional right-of-way if necessary to meet minimum right-of-way width requirements.
- I.** Road jogs with center line offsets of less than 125 feet are not permitted.
- J.** Dead end road systems as permanent features are prohibited.
- K.** Roads subject to inundation or flooding must not be approved unless essential for unusual circumstances which exist. Where flooding appears possible, road profiles and elevations are required in order to determine the advisability of approving the proposed subdivision.

- L. The road layout of the proposed subdivision must provide for the continuation or projection of roads already existing in areas adjacent to the area being subdivided. In addition, roads in the proposed subdivision must correspond in name, direction and width to existing roads and must be in conformance with the Major Street Plan and Comprehensive Plan as adopted.
- M. Intersections.
 - 1. Acute angles are to be avoided if possible, but no angle of less than 80 degrees will be permitted.
 - 2. Not more than two roads must intersect at one point unless specifically approved.
 - 3. Intersection offsets of less than 250 feet are not permitted.

SECTION 902 – MINIMUM ROAD RIGHT-OF-WAY

- A. *Cul-De-Sacs.*
 - 1. *Minimum.* A cul-de-sac must conform to the requirements that are described in Pennington County Ordinance 14 Standards or obtain a Variance.
 - 2. *Roads.* The length of the road—whether private or public—served by a cul-de-sac is limited to two miles.
- B. *Easements.* An easement must have a minimum width as described in Pennington County Ordinance 14 Standards or obtain a Variance.
- C. *Roads.* A road must have a minimum right-of-way as Pennington County Ordinance 14 Standards or obtain a Variance.

SECTION 903 – ROAD CONSTRUCTION

- A. *Access.*
 - 1. *Individual Lots.* Access from individual lots within a subdivision onto an arterial road is prohibited.
 - a. *Exception(s).* Existing development and Lot Line Adjustment Plats.
 - 2. *Frontage Roads.* The use of frontage roads is discouraged.
- B. *Culvert.* Must be designed and installed with Pennington County Ordinance 14 Standards or obtain a Variance.
- C. *Ditch and Driveway.* Must be designed in accordance with Pennington County Ordinance 14 Standards or obtain a Variance.
- D. *Erosion Control.*
 - 1. *Seeding and other Measures.* After grading has been completed, erosion-control measures, including seeding, must be done.
 - 2. *Additional Requirements.* The requirements set forth in PCZO § 507 and the Storm Water Quality Manual are required and incorporated by this reference.

- E. *Private Roadway.*
 - 1. *Certificate Required.* If a plat presented for approval shows that a private roadway is the only means of access, then the applicant must provide language on the plat that reserves the private road for permanent, unobstructed access to abutting property.
 - 2. *Indicated on Plat.* A private roadway must:
 - a. be indicated on the plat; and,
 - b. not included as part of any required lot area or setback.
 - 3. *Unobstructed Access.* Private roadways must remain unobstructed to the areas served.
- F. *Roadway.* All streets and roads must be designed and constructed in accordance with Pennington County Ordinance 14 Standards or obtain a Variance.
- G. *Engineered Plans.* Engineered plans may be required as a condition of approval when recommended by the Planning Commission and approved by the Board of Commissioners.

SECTION 904 – DEAD-END ROADS

- A. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Board for access to adjoining property, its terminus must normally not be nearer to such boundary than 100 feet.
- B. *Turnarounds.*
 - 1. *Turnaround Required on a Dead-End Road.* There must be a turnaround at the end of a dead-end road.
 - 2. *Intermediate Turnaround Required ½ Mile.* There must be an intermediate turnaround every ½ mile.
- C. *Dead-End Road System. (Revised 08-21-24)*
 - 1. *Fire Protection Districts.* If subdivision occurs on a dead-end road system, within the boundaries of a fire protection district, a Fire Mitigation Plan for the proposed subdivision must be provided in accordance with § 1400.
 - 2. *Flood Hazard Areas.* If subdivision occurs where a FEMA Special Flood Hazard Area or Regulated Floodway may restrict ingress or egress of a dead-end road system, the system must not provide access to more than 40 lots.
 - 3. *In all cases.* A dead-end road system must not exceed 40 lots or 2 miles in cumulative length (as measured along the centerline of all roads from intersection to intersection or center of terminus).

****Exception:** This section does not apply to subdivisions that result in no net gain in lot density on a dead-end road system.

SECTION 905 – ROAD NAMES

- A. *Conformity with Existing Roads.* A road that is in alignment with an existing road must bear the name of the existing road.
- B. *Naming Requirements.* The following naming requirements apply to all roads:
 - 1. *Distinct Name.* A road name must:
 - a. be different from a road that is already in existence in the county;
 - b. sound (*i.e.*, pronounced) differently from a road that is already in existence in the county; and,
 - c. be coordinated and approved through County Emergency Services.
 - 2. *Limitation on Letters.* The maximum number of letters a road name may have is 15.
- C. *Applicant Responsible for Signage.* The applicant is responsible for all material and costs for installation of road signage.

SECTION 1000 – GRADING AND DRAINAGE

The following sections detail grading and drainage.

SECTION 1001 – GRADING PLAN

The Final Grading Plan for the subdivision shall be submitted to and approved by the County Highway Department. The plan shall include the following information:

- A. *Final Site Grading Plan:* The grading plans shall show the contours with intervals acceptable to the Highway Superintendent. The site grading plan shall also show the drainage arrows for each lot.
- B. *Final Road Grading Plan:* The road grading plan shall show percent slope for all proposed roads, drainage arrows, and location and size of culverts.
- C. The Highway Department may require stamped engineered plans.

SECTION 1002 – DRAINAGE PLAN

- A. *Introduction.* A drainage plan is required for a Final Plan.
- B. *Approved by County Highway Department.* The County Highway Superintendent must approve the drainage plan. All drainage facilities, including on-site detention, drainageways, detention ponds and drainage channels shall be shown on the drainage plan and approved by the County Highway Department and other appropriate county officials. The developer may be required to expand the drainage plan to include other properties within the drainage basin when the County determines that the potential exists for impact beyond the development area, both upstream and downstream. The plan shall provide the following information:
 - 1. Existing and proposed contour lines and the surface water drainage system, including any major alteration of the existing drainage pattern.

2. Drainageways and detention ponds shall be designed for a 25-year storm occurrence and requires a stamped drainage report and plans from a South Dakota Registered Professional Engineer.
3. No road over-topping is permitted for a 25-year storm occurrence. Maximum over-topping for a 50-year storm occurrence is 0.5 feet.
4. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated.
5. A natural or established watercourse requires a minimum of a forty (40) foot easement.
6. The boundaries of all drainage easements and detention ponds. A maintenance agreement for the upkeep of all drainage facilities, including on-site detention, drainageways, detention ponds and drainage channels, and natural or established watercourses shall be filed with the plat.
7. Individual lot drainage shall be coordinated with the general surface drainage pattern for the area. Drainage shall be designed so as to avoid a concentration of storm drainage water from each lot to adjacent lots.
8. Surface water shall not be carried across or around any intersection.
9. Driveways shall not inhibit or restrict the flow of surface water. It shall be the responsibility of each lot owner to install and maintain a culvert under the driveway when construction commences.
10. Stamped engineered plans may be required for drainage plans and improvements.

SECTION 1100 – EROSION CONTROL PLAN

The following sections detail erosion-control plans.

SECTION 1101 – SPECIFICATIONS

- A. *Introduction.* Pennington County strives to keep erosion to a minimum, maintain natural vegetation, and, whenever feasible, have development plans be made in conformance with topography in order to create the least erosion potential.
- B. *Minimum Requirements.*
 1. *Compliance with Pennington County's Storm Water Quality Manual.* The erosion-control plan must meet the Pennington County Storm Water Quality Manual.
 2. *Additional Requirements.* The Planning Director, with assistance of the County Highway Superintendent, may require further measures as necessary to prevent erosion on building sites and developments from depositing wastes or sediments on roads or other property.

- C. *Erosion-Control Plan.* An erosion control plan must show:
1. All proposed land disturbance, including areas of excavation, grading, filling, removal, or destruction of topsoil and spreading of earth material; and,
 2. Provisions for erosion control during construction, including:
 - a. the sequence of the operations listed above, with an estimated time of exposure; and,
 - b. how the proposed temporary measures to control erosion will be designed to withstand the 2-year rain event.

SECTION 1102 – EXISTING FEATURES

Existing natural features that would add value to the development or to the county as a whole—such as trees, water courses, historical or scenic sites, and similar assets—should be preserved in the subdivision’s design.

SECTION 1200 – UTILITY PLANS

- A. *Underground Installation.* All electric and communication utility lines and services, and all road lighting circuits, except as hereinafter provided, must be installed underground, and road lighting shall be provided by means of the utility’s standard ornamental facilities.
- i. *Exception.* If existing utilities exist and do not allow for underground installation, then above-ground installation is permitted.
- B. *Exceptions from Underground Utility Requirements.*
1. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessary appurtenant to such underground and road lighting facilities may be placed above ground within the utility easement provided therefore, or within the road or other public place after plans for such facilities and location thereof, have been approved by the County.
 2. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.
 3. Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new utility facilities used or useful in serving the subdivision.
- C. *Utilities Required to be Installed.*
1. All utility mains and service laterals shall be installed within the right-of-way prior to completion of the public improvements. Public improvements will not be considered complete unless utility facilities are installed.
 2. A Utility Permit is required by the County Highway Department to work within the County Right-of-Way.

3. No Building Permits for any residential, commercial, or industrial structures shall be issued until public improvements are considered complete. If the utilities cannot be installed prior to completion of public improvements, they shall be installed in utility easements outside of the right-of-way.
4. Prior to filing the plat with the Register of Deeds, a letter of agreement between the applicant and the utility serving the site shall be submitted to the County for evidence that provisions have been made for facility sites, easements, and rights of access for electrical and natural gas.

SECTION 1300 – WATER FACILITIES

- A. A central drinking water system shall be required in subdivisions of 15 or more lots and the following information shall be required:
 1. Written authorization from a local water supplier or a water right obtained is required to show that adequate water supply is available to serve the proposed subdivision.
 2. Water supply systems providing domestic water shall be submitted to SD DANR for review and approval.
 3. 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.
 4. Design calculation reports shall be submitted with construction plans.
 5. Under Layout (Concept), Preliminary, and Final Plan: A Master Plan is required for unplatted balances to prevent piece meal water system development.
 6. A water system serving 14 or fewer lots may also be subject to State and/or Federal regulations.
- B. Fire Protection: For purposes of initial attack and fire control the following are the minimum water supply requirements for any subdivision consisting of 15 or more lots that is deemed to be in a moderate, high, or extreme fire hazard area:
 1. 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.
 2. 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.
 3. 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.

4. 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.
5. All water capacities for fire protection shall be above and beyond the anticipated domestic and landscape water consumption.
6. 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 Administrator.
7. The fire flow requirement will be reduced by 50 percent if all structures referenced in § 1301(B)-2-a and 1301(B)-2-b have an operational fire sprinkler system, per NFPA Standards.
8. A surety shall be provided in sufficient amount to cover the costs of all required improvements per § 1600.

SECTION 1400 – FIRE MITIGATION PLAN

- A. A Fire Mitigation Plan is required for any subdivision consisting of seven (7) or more 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 Administrator for review and approval prior to approval of the Final Plan. A Fire Mitigation Plan should include the following information:
1. Copy of the subdivision site plan.
 2. 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.
 3. 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.
 4. Type of general building construction materials being used for roof covering, exterior walls, and decks.

SECTION 1500 – SEWER FACILITIES

- A. *Public Sewer.* Written authorization from a publicly owned treatment works is required to show that adequate capacity is available to serve the proposed subdivision.
- B. *Community Sewer (Lagoons or Community OSWTS).* Written authorization from the sanitary district or overseeing body is required to show that adequate capacity is available to serve the proposed subdivision.
- C. *Onsite Wastewater Treatment System (OSWTS).* If public or community sewer is not available for the proposed subdivision, then onsite wastewater treatment systems are required in accordance with PCZO § 331. **(Revised 07-24-24)**

SECTION 1600 – ASSURANCES FOR COMPLETION OF IMPROVEMENTS

The following sections detail assurances for completion of improvements.

SECTION 1601 – ASSURANCES FOR SUBDIVISIONS

- A. *Introduction.* An assurance ensures that the improvements, if any were imposed as part of the subdivision process, will be made according to the Board’s approval.
- B. No plat of any subdivision shall be approved unless the improvement(s) required by this Ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit or acceptable cash deposit assuring completion of all required improvements.
- C. No Building Permits shall be issued until assurances have been filed or all required road improvements have been completed.

SECTION 1602 – MAINTENANCE AGREEMENTS

Where the subdivision contains sewers, community onsite wastewater treatment systems, water supply systems, park areas, storm drainage systems, road systems, or other facilities or services which are necessary to or desirable for the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by trust agreement for the proper and continuous maintenance and supervision of such facilities. A final and signed copy of the agreement must be recorded with every plat having a facility or service covered by such an agreement.

SECTION 1603 – EASEMENTS

- A. Easements shall be provided and dedicated where necessary for wires, cables, conduits, fixtures, and equipment for distribution of electric power, wastewater collectors, storm drains, overland storm water flow routes, sidewalks, pedestrian ways, bikeways, private roadways, and water mains at such locations and widths as determined by the County or utility provider.

- B. In any dedication of an easement, the County may:
1. Prohibit or restrict building, fences, driveways, and other improvements.
 2. Enter for construction, reconstruction, replacement, repair, operation, and maintenance purposes.
- C. Hold Harmless. The County will be held harmless for the cost of replacement or damage to any improvement or vegetation within the easement and may make any other appropriate or necessary requirements.
1. All easements for utilities shall be shown on the plat.
 2. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the use of easements for power distribution, telephone service, drainage, water, and sewer services.
 3. The property owner whose property is subject to such easements shall be responsible for its maintenance. The property owners shall keep the easement clear of any structure, debris, trees, shrubs, or landscaping whatsoever except that lawn grass, which shall be regularly mowed, and annual vegetation may be grown thereon.

SECTION 1700 – REQUIRED CERTIFICATES

The following sections list the certificates that are required in the subdivision process.

SECTION 1701 – CERTIFICATES FOR MINOR PLATS AND LOT LINE ADJUSTMENTS PLATS

- A. County Planning Commission Approval.

Approval of the (Minor Plat or Lot Line Adjustment Plat) of (Subdivision Name) Addition is hereby granted by the Pennington County Planning Commission on this _____ day of _____, 20 ____.

Chair, County Planning Commission
Pennington County, South Dakota

SECTION 1702 – CERTIFICATES FOR PLATS THAT REQUIRE A PRELIMINARY PLAN

- A. County Planning Commission Approval.

Approval of the Preliminary Plan of (Subdivision Name) Addition is hereby granted by the Pennington County Planning Commission on this ___ day of _____, 20 ____.

Chair, County Planning Commission
Pennington County, South Dakota

- B. Board of Commissioner’s Approval.

I hereby certify that the Preliminary Plan of (Subdivision Name) Addition was duly submitted to the Pennington County Board of County Commissioners, and that after due consideration the Board approved said Preliminary Plan at its meeting held on the day _____ of _____, 20 ____.

County Auditor
Pennington County, South Dakota

**SECTION 1703 – CERTIFICATES FOR PLATS, MINOR PLATS AND LOT LINE
ADJUSTMENT PLATS**

A. Owner's Certificate.

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

1. Dedication of Land for Public Use.

We hereby dedicate to the public for public use forever, the streets, roads, alleys and parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the roads, alleys, parks and public grounds, whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

2. Owner's certificate for Private Maintenance of Facilities.

I (We) do hereby certify that ownership and maintenance of streets, roads, and alleys, parks and other open space, drainage ways and detention areas and natural or established watercourses, if any, as shown on said plat, and any improvements thereto, shall be provided by the (Name) Homeowner's Association except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

If private roadways are shown, include:

I (We) further grant and certify that the roadway(s) shown as (Names or private roads) are private roadways which are hereby reserved as a permanent unobstructed access. Said roadways are for vehicular and pedestrian travel for the purpose of access to the abutting property. It is understood that the Owner, their lessees and assignees have the responsibility with respect to maintaining said private roadway. Said grant is to run with the land. As no dedication to the public is being made of said private roadways, the Owners, their lessees and assignees, of the property platted as (Name of subdivision) , shall at their own cost and expense keep and preserve said private roadways at all times in a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private roadways which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of said private roadways. This shall remain in effect until a public entity accepts the roadways as a public dedication.

If access easements are shown, include:

I (We) further grant and certify that the access easement is hereby created as a perpetual common unobstructed access in favor of the lots abutting on it. The easement is for vehicular and pedestrian travel for the purpose of access to the abutting property. The owner, their lessees and assignees shall maintain the easement area. They shall, at their own expense, keep the easement area in good repair and maintenance and clear of snow and other obstructions. No improvements of any kind may be erected within the easement area which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of the access easement. This covenant shall run with the land.

State of South Dakota
County of Pennington

On this ____ day of _____, 20____, before me, the undersigned officer, appeared (name), known to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

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

My commission expires:
Notary Public, Pennington County, South Dakota

B. Surveyor Certificate.

I, (Name), a Registered Land Surveyor of the State of South Dakota do hereby certify that I did on or before (Date), survey that parcel of land described as (Legal Description).

Dated this _____ day of _____, 20____.

Registered Land Surveyor (SEAL)

C. County Auditor Certificate. *This certificate shall be placed above the Register of Deeds Certificate on the mylar.*

I do hereby certify that the above certificate(s) of approval are true and correct including the signature thereon.

Dated this ____ day of _____, 20____.

County Auditor
Pennington County, South Dakota

D. County Planning Director Certificate.

I, Planning Director, of Pennington County, do hereby certify that this plat has been reviewed by me or my authorized agent and has been approved.

Approved this ____ day of _____, 20__.

Planning Director
Pennington County, South Dakota

E. Director of Equalization Certificate.

I, Director of Equalization of Pennington County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Director of Equalization
Pennington County, South Dakota

F. County Treasurer Certificate.

I, Treasurer of Pennington County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid.

Dated this ____ day of _____, 20__.

Treasurer
Pennington County, South Dakota

G. Register of Deeds Certificate. *This Certificate shall be placed last on the mylar.*

Filed for record this ____ day of _____, 20__, at ____ o'clock ____ m., and recorded in (*Document Number*) by _____ for a fee of \$_____.

Register of Deeds
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H. Street Authority Certificate. (Revised 07-24-24)

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

Highway Superintendent and/or (enter district)
Road District Authorized Representative

1. Township Acceptance of Road Dedication, if applicable

I hereby certify that the Board of Supervisors of _____ Township, at an official meeting conducted on the ____ day of _____, 20__, accepted the roads indicated on the plat of (Name of subdivision).

Clerk, _____ Township
Pennington County, South Dakota

2. South Dakota Department of Transportation, if applicable

The location of the existing access to the Highway or Street as shown herein is hereby approved. The access approval does not replace the need for any permits required by law, including Administrative Rule of South Dakota 70:09:01:02.

Dated this _____ day of _____, 20 ____.

SD DOT Authority

3. Access through federal lands (i.e. United States Forest Service).

The location of the existing access as shown herein is hereby approved as provided in (document number or other identifier of approval by the federal authority).

I. Floodplain Statement, where applicable.

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.

J. 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.

K. Certification of Completion or Surety, where applicable.

Certification furnished to the Planning Department that the Applicant 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 and the applicant.
2. A surety has been posted with the County Auditor in sufficient amount to cover the costs of all required improvements.