

CHAPTER 3: CORRECTION PLATS AND RE-PLATS

Section

- I-3.001 Correction plats
- ~~I-3.002 Re-plats~~
- I-3.003 Vacation of plats

§ I-3.001 CORRECTION PLATS.

The County Commission may approve a correction plat if the sole purpose of such correction plat is to correct one or more technical errors in an approved plat when the correction plat is consistent with the approved final plat. The correction plat shall comply with all requirements contained within Chapter 5 of this subdivision title, and shall bear an explanation of the relationship between the correction plat and the plat corrected, including a full description of all matters corrected.

(Ord. 14-04, passed 6-30-2015, Ch. 3, Art. 1)

~~§ I-3.002 RE-PLATS.~~

~~(A) Changes other than approved technical corrections (see § I-3.001) to any plat shall be considered a subdivision and must comply with the standards and conditions for subdivided land approval included in this title, unless the Planning and Zoning Director determines that they fall within the exemption plat provisions of Chapter 4 of this subdivision title.~~

~~(B) If the land proposed for platting is a re-subdivision, it shall require a preliminary plat and a final plat of the subdivision, requiring the same review and approval procedures, including fees, as the original preliminary plat and final plats. However, if the re-subdivision meets the following requirements, then it may be submitted as a plat.~~

~~—(1) The perimeter of the tract being re-platted shall not be altered by the re-plat.~~

~~—(2) The previous platting lines shall be shown on the plat.~~

~~—(3) The grades shall not be changed from the drainage plan which was submitted and approved with the original plat, or if the grades are to be changed, or if no drainage plan was submitted with the original plat, then a drainage and grading plan shall be submitted and approved for the re-subdivision.~~

(Ord. 14-04, passed 6-30-2015, Ch. 3, Art. 2)

§ I-3.0023 VACATION OF PLATS.

Any plat or any part of a plat intended to be vacated shall be governed by the requirements of SDCL Ch. 11-3.

(Ord. 14-04, passed 6-30-2015, Ch. 3, Art. 3)

CHAPTER 4: SUBDIVISION EXEMPTIONS AND EXEMPTION PLATS

Section

- I-4.001 Subdivision exemptions
- I-4.002 Types of subdivision exemptions
- I-4.003 General exemption criteria

§ I-4.001 SUBDIVISION EXEMPTIONS.

(A) The County Commission may grant exemptions from the application of the subdivision regulations for any subdivision of un-subdivided land which the Commission determines, pursuant to this chapter, is not within the purposes of the subdivision regulations, as evidenced in SDCL Ch. 11-3.

(B) Subdivision exemptions may be granted only on the basis of the exemption criteria enumerated in § I-4.003.

(Ord. 14-04, passed 6-30-2015, Ch. 4, Art. 1)

§ I-4.002 TYPES OF SUBDIVISION EXEMPTIONS.

Types of subdivision exemptions are as follows:

(A) Boundary line adjustment/**lot line revision/density reduction**;

(B) Community facility lot split for land not owned by the county;

(C) Townsite lot; and/or

(D) Other subdivisions of un-subdivided land which the Commission, in its discretion, based on the applicable criteria of this chapter, determines do not fall within the purposes of the subdivision regulations.

(Ord. 14-04, passed 6-30-2015, Ch. 4, Art. 2)

§ I-4.003 GENERAL EXEMPTION CRITERIA.

(A) *Criteria for all exemptions.*

(1) Any new parcel created shall not increase the degree of nonconformity of an existing structure.

(2) All proposals for the development of parcels created shall conform to the provisions of Chapter 6 of this subdivision title including, but not limited to, access.

(3) Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood.

(B) *Additional criteria for boundary line adjustments.* Divisions which create any number of parcels equal to or less than the number of original un-subdivided parcels are subject to the following conditions.

(1) Where the original building lot is in conformance with the lot requirements of the zoning district in which the parcel is located, any parcels created shall also conform to those requirements.

(2) Where original building lots are nonconforming with respect to the lot requirements of the zoning district in which located, any parcels created should not increase the degree of nonconformity.

(3) A boundary line adjustment shall not be approved solely for convenience of construction.

(C) *Additional criteria for community facility lot splits.* Divisions which create parcels for use as community facilities, including utility land acquisition, are subject to the following conditions.

(1) An exemption may be approved for the placement of a community facility where the size and location of the lot and available services are reasonable, appropriate, and customary for the proposed use.

(2) **COMMUNITY FACILITIES** are public parking areas, public or private educational facilities, public parks and open spaces purchased by a public entity, and utility substations without any dwelling units.

(3) The County Commission may exempt from the definition of the term “subdivision” other divisions of land if the Board determines that such division is not within the purposes of these subdivision regulations.

(D) *Exemption plats.*

(1) The County Commission may grant exemptions for the application of the subdivision regulations, pursuant to the exemption plat requirements of this chapter, in cases where the proposed subdivision involves subdivided land.

(2) Land which is not subdivided land may not go through an exemption plat process. The sole exception to this prohibition shall be where un-subdivided land is proposed to be added to the subdivided land.

(3) This exemption plat process shall be the same as that for approving final plats found in Chapter 5 of this subdivision title.

(E) *Density.* The exemption plat process shall not require a reduction in the number of subdivided lots as delineated in the original plat. While an exemption plat may increase the number of subdivided lots as delineated in the original plat, no exemption plat shall permit an increase in the number of subdivided lots for construction of residential dwelling units.

(F) *Exemption plat standards.* Standards for exemption plats are as follows.

(1) Any structure on a subdivided lot, approved through the exemption plat process, should also conform to the building and structure requirements in Title II of this code.

(2) Subdivided lots approved through the exemption plat process must be greater than one acre in size,

unless served by a public sanitary sewage facility.

(G) *Expiration of subdivision exemption and exemption plat approvals.* The County Commission decision to approve or conditionally approve an exemption plat or subdivision exemption shall be effective for period of 120 days from the date of approval to the date of recordation of all exemption documents. The County Commission may grant extensions of deadlines of no more than one year for those dates specified in this division if it finds that there has been no change in title, the Comprehensive Plan, or the surrounding neighborhood which would substantially affect the approved exemption. The new application shall be reviewed using criteria in effect at the time of the reapplication for extension of deadline. On an annual basis, the Director of Planning and Zoning may present to the County Commission all those applications that will expire in the coming year and may need extensions of processing time.

(Ord. 14-04, passed 6-30-2015, Ch. 4, Art. 3)

CHAPTER 5: PLAT APPLICATION PROCEDURE; APPROVAL PROCESS; SPECIFICATION OF DOCUMENTS

Section

- I-5.001 General procedure
- I-5.002 Layout plan
- I-5.003 Preliminary plat
- I-5.004 Boundary plat
- I-5.005 Final plat
- I-5.006 Construction plans
- I-5.007 Plat filing schedules and fees

§ I-5.001 GENERAL PROCEDURE.

(A) All proposed subdivisions must be approved through a four-phase development process:

- (1) Presentation of a layout plan (if required);
- (2) Preparation and submission of a preliminary plat of the proposed subdivision;
- (3) Preparation and submission of a boundary plat of the proposed boundary of the subdivision (if required); and
- (4) Preparation and submission of a final plat of the proposed subdivision.

(B) The applicant, or authorized agent, should meet with the Planning and Zoning Office prior to submittal of the layout plan or preliminary plat. The purpose of the meeting(s) is to: discuss the application procedure and approval process and criteria; familiarize the applicant with the goals and objectives of the county; and discuss the proposed subdivision in relation to concerns.

(Ord. 14-04, passed 6-30-2015, Ch. 5, Art. 1)

§ I-5.002 LAYOUT PLAN.

(A) *General.*

- (1) The applicant shall provide a layout plan of the proposed subdivision to the Planning and Zoning Department for review and discussion. The layout plan will enable the applicant and the planner to render an informal preliminary review of the proposed subdivision for general scope and conditions which might affect the plat.

(2) Approval of a layout plan does not constitute or indicate that staff, the Planning and Zoning Board, or County Commission 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.

(B) *Procedure.*

- (1) A layout plan shall be required for all subdivisions unless specifically waived by the administrative official.

(2) The applicant shall submit a plat application with each proposed layout plan.

(3) The applicant shall prepare and submit one paper copy of the layout plan on the scheduled due date, together with any necessary supplementary information and all required data set forth in this section.

(4) Layout plans shall be legibly presented, be drawn to a legible scale and shall show the information

listed in division (D) below.

(C) *Layout plan review fee.* ~~There shall be no fee for a layout plan review.~~ A fee shall be charged at the time of the layout plan submittal to cover the cost of review. The fee is due and payable at the Planning and Zoning Department at the time of the layout plan submittal. A schedule of fees for plans shall be established by the Planning and Zoning Board and approved by the County Commission by resolution.

(D) *Document format.* The document format is as follows:

- (1) Proposed legal description or description of land to be subdivided (must include section, township, and range);
- (2) Names and addresses of the owner and/or developer having control of the lands included in said plan;
- (3) North arrow;
- (4) Preparation date;
- (5) **Proposed and existing:** property lines, easements, rights-of-way, general boundaries of existing forested areas, general location of 100-year floodplain limits, general location of waterbodies, wetlands, and drainage ways, platted or proposed streets, names and location of streets within 100 feet from the affected property;
- (6) Approximate location and size of existing and proposed sewers, water mains, drainage, roads, wells, utilities, easements, and other structures within the tract, and immediately adjacent;
- (7) Preliminary proposals for extension of public utilities, location of discharge of surface water drainage, and general information describing the water system, including storage capacity;
- (8) Location, dimensions, and areas of all proposed and/or existing lots; and
- (9) The location of existing structures within the proposed subdivision.

(Ord. 14-04, passed 6-30-2015, Ch. 5, Art. 2)

§ I-5.003 PRELIMINARY PLAT.

(A) *General.* The developer shall submit a preliminary plat of the proposed subdivision to the Planning and Zoning Board for review and recommendation. The plat must conform to the requirements of this title.

(B) *Procedure.*

- (1) The applicant shall submit a plat application with each proposed preliminary plat.
- (2) The applicant shall prepare and submit one paper copy and a digital version of the preliminary plat on the scheduled due date, together with any necessary supplementary information and all required data set forth in this section.
- (3) The Planning and Zoning Board shall review the preliminary plat to ensure it is consistent with the standards set forth in this title, Title II of this code, and any other applicable regulations. The Planning and Zoning Board shall recommend to the County Commission approval, conditional approval, or disapproval of the preliminary plat, giving the reasons thereof, and, when necessary, shall recommend those variances to this title deemed necessary and appropriate for approval of the preliminary plat.
- (4) After receiving the recommendation of the Planning and Zoning Board, the County Commission shall review the preliminary plat and shall approve, disapprove, or request modification to the preliminary plat within 90 days from the date of submittal of the preliminary plat to the County Commission unless such date is extended by agreement with the developer/applicant.
- (5) 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 years from the date of approval of the preliminary plat. An extension of this two-year deadline may be requested in writing by the developer/applicant. The developer shall submit the request at least 30 days prior to the expiration of the approved preliminary plat. If an extension is not granted, then the developer shall be required to resubmit a new plan for preliminary approval subject to any new subdivision regulations. For phased developments, phase one shall be submitted within two years from the date of approval of the preliminary plat, and each subsequent phase shall similarly be submitted within two years from approval of the preceding phase.

(C) *Preliminary plat review fee.* A fee shall be charged at the time of the preliminary plat submittal to cover the cost of review. The fee is due and payable at the Planning and Zoning Department at the time of the preliminary plat submittal. A schedule of fees for plats shall be established by the Planning and Zoning Board and approved by the County Commission by resolution.

(D) *Document format.*

(1) The preliminary plat shall be prepared by a state registered land surveyor, a professional registered engineer, or a landscape architect at a legible scale. However, each profession shall restrict work performed for the preliminary plat to what is defined as the practice for his or her registered profession in SDCL Ch. 36-18A.

(2) Plan sheets shall be sequentially numbered. The plat shall include the following items:

(a) Names and addresses of the owner and/or developer having control of the lands included in said plat, the designer, surveyor, engineer, and all such other persons contributing to the creation of the plat as part of a technical profession as defined in SDCL Ch. 36-18A;

(b) Legal description to include: section, township, and range; graphic scale; north arrow; and preparation date;

(c) Total acreage in said preliminary plat computed to one-tenth of an acre;

(d) Current zoning; ~~proposed use of all lots (single family, multifamily, townhouse, nonresidential, and the like)~~; current school districts, and postal areas;

(e) If the proposed subdivision is a rearrangement or a re-plat of any former plat, the lot and block arrangement of the original plat along with its original names shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated;

(f) The location of the parcel with respect to surrounding property and streets, and the names of adjoining streets within 100 feet of the subdivision;

(g) Boundary line survey, including measured distances and angles, which shall close by latitude and departure with an error of closure meeting all standards of the profession;

(h) The location of existing and proposed streets, alleys, easements, and other public rights-of way, and railroad rights-of-way;

(i) **Improvements including, but no limited to:** buildings, bridges, gravel pits, culverts, or other **visible** underground facilities within the tract and to a distance of 100 feet beyond the tract; also such data as grades, invert elevations, and location of catch basins, manholes, and hydrants;

(i) The location and size of existing and proposed sewer systems and water systems, if any; the location, size, and material type of proposed sewer and water lines; the source of water supply; storage capacity of any aboveground or belowground tanks; appropriate elevation of aboveground tanks and belowground tanks existing wells or pumps; proposed location of fire hydrants; all drainage courses, waterbodies; and the location of existing catch basins and manholes. **(All of these items must be shown or noted on the plat if it exists) if any;**

(j) The dimensions and areas of proposed or existing lots;

(k) The location and dimensions of all property proposed to be dedicated for public or private use;

(l) Boundary lines and name and address of property owners of adjoining platted or un-platted land within 100 feet of the tract;

(m) Blocks shall be consecutively numbered, or lettered, in alphabetical order;

(n) Complete topographic map with contour intervals, watercourses, marshes, rock outcrops, and other significant features; all superimposed **(overlaid)** on the **subject property shown on the** preliminary plat; legible scale

(o) A vicinity map **indicating for the general location; adjacent properties and existing access and public roads** ~~to include current and proposed access roads~~; legible scale

(p) Special flood hazard areas as delineated on current effective FEMA FIRM Map;

(q) Location and size of proposed and **greenspace; common area; utility lots**; existing parks, playgrounds, cemeteries, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the

subdivision and any conditions of such dedication or reservation; and

(r) Building setback lines shall be shown **or noted** on the preliminary plat and no building or portion thereof shall be built between this line and the street line.

(E) *Certificates for preliminary plat.* Certificates shall be on the preliminary plat in the following form.

Planning and Zoning Approval Approval of the preliminary plat is hereby granted by the Lawrence County Planning and Zoning Board on this ____ day of _____, 20 ____.	
_____	_____
Planning and Zoning, Chair	Planning and Zoning, Secretary
County Commission Approval Approval of the preliminary plat is hereby granted by the Lawrence County Commission on this ____ day of _____, 20 ____.	
_____	_____
Chairperson, Lawrence County Commission	Lawrence County, Auditor
Approval of this preliminary plat shall expire within two years after the certificate of approval is signed by the Planning Director or the County Commission. This plat will expire on the ____ day of _____, 20 ____ at 5:00 p.m.	

(F) *Supplemental requirements.* Supplemental requirements are as follows:

- (1) Construction plans in accordance with this chapter;
 - (2) Wildfire mitigation plan in accordance with § I-6.015(E);
 - (3) Centerline grades of all existing and new streets and alleys, and a complete set of profiles prepared by a registered professional engineer for all new streets and alleys, showing both existing and proposed grade lines with drainage and typical cross-sections, shall be submitted to and reviewed by the County Highway Superintendent **or County's designee**;
 - (4) Other pertinent information, as required, to include, but not be limited to, e.g., **outside engineer review of all plans & drawings**; wetland information, streams, geotechnical information, on-site wastewater disposal systems, percolation tests, soil profiles, and the like, **solely at the developer's expense**;
 - (5) ~~The existing drainage pattern for the area should be generally shown along with any proposed cut and fill operations which would alter the existing drainage patterns;~~
 - (6) In any proposed subdivision in which an area greater than one acre will be disturbed, or in areas where topographic features are such that erosion siltation or temporary runoff problems may occur, a site plan shall be required showing how these problems will be resolved;
 - (7) Engineering design data conforming in all respects to the requirements of Chapter 6 of this subdivision title, **solely at the developer's expense**; and
 - (8) As required, a master plan shall be provided at a scale of not less than one inch equals 200 feet and shall include the following information: proposed street and lot configurations; proposed water and sewer service; proposed and existing water resources within one-half mile of the proposed development; 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.
- (Ord. 14-04, passed 6-30-2015, Ch. 5, Art. 3)

§ I-5.004 BOUNDARY PLAT.

(A) *General.*

(1) The developer shall submit a boundary plat of the proposed subdivision to the Planning and Zoning Board for review and recommendation. The boundary plat is required to further implement the purpose of this title as described in § I-1.001. The plat must conform to the requirements of this title.

(2) A boundary plat shall be required for all subdivisions unless specifically waived by the administrative official. Factors used by the administrative official in determining whether or not to waive the boundary plat shall be based in part on the following conditions:

- (a) Number of lots;
- (b) Total acreage of subdivision;
- (c) Underlying conditions (mineral surveys, floodplain, previously existing lots, and the like);
- (d) Geographic location; and
- (e) Access existing and proposed.

(3) The boundary plat may be submitted at the same time as the preliminary plat unless other arrangements are approved by the administrative official and/or the Planning and Zoning Board.

(4) The final plat shall be prepared by a state registered land surveyor.

(B) *Procedure.*

(1) The applicant shall submit a plat application with each proposed boundary plat.

(2) The applicant shall prepare and submit one paper copy and a digital version of the boundary plat on the scheduled due date, together with any necessary supplementary information and all required data set forth in this section.

(3) The Planning and Zoning Board shall review the boundary plat to ensure it is consistent with the standards set forth in this title, Title II of this code, and any other applicable regulations. The Planning and Zoning Board shall recommend to the County Commission approval, conditional approval, or disapproval of the boundary plat, giving the reasons thereof.

(4) After receiving the recommendation of the Planning and Zoning Board, the County Commission shall review the boundary plat and shall approve or disapprove the boundary plat within 90 days from the date of submittal of the boundary plat to the County Commission unless such date is extended by agreement with the developer/applicant.

(5) Approval of the boundary plat shall be contingent upon the plat being recorded within 120 days after the certificate of approval is signed by the Planning Director or the County Commission. Any approved boundary plat not recorded within 120 days is null and void.

(C) *Boundary plat review fee.* A fee shall be charged at the time of the boundary plat submittal to cover the cost of review. The fee is due and payable at the Planning and Zoning Department at the time of the boundary plat submittal. A schedule of fees for plats shall be established by the Planning and Zoning Board and approved by the County Commission by resolution.

(D) *Document format.* The boundary shall be presented in waterproof black ink on drafting linen, matte film, or Mylar, and all signatures must be made with permanent ink. The plat shall include the following items:

(1) Names and addresses of the owner and/or developer having control of the lands included in said plat and the surveyor;

(2) Appropriate legal descriptions and a subdivision name which shall not duplicate the name of any recorded plat in the county;

(3) Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close;

(4) Graphic scale, north arrow, and preparation date;

(5) If the proposed subdivision is a rearrangement or a re-plat of any former plat, the lot and block arrangement of the original plat along with its original names shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated;

(6) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines,

including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature, and points of tangency on street lines, and at each angle point on the boundary of the subdivision. All property corner markers shall be in accordance with state law and state administrative rules. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings, and distances;

(7) Location of lots, streets, public highways, alleys, parks, and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot line;

(8) 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;

(9) 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. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the center of the block;

(10) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use;

(11) Dedication of all streets, alleys, and other public areas not previously dedicated shall be shown on the plat;

(12) Proposed access to the nearest public road shall be platted; and

(13) Whenever a platted lot(s) overlies an existing mineral survey(s), the amount of acreage being removed from the mineral survey(s) shall be listed as a notation on the plat.

(E) *Notes.* The following notes shall be added to all plats, where appropriate.

(1) “We hereby dedicate to the public for public use forever, the streets, roads, alleys, 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 streets, 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 portions of land designated hereon as easements.”

(2) If a homeowners’ association is required, include: “We also certify that ownership and maintenance of streets, roads, alleys, parks, other open space, drainageways, detention areas, invasive species plan, and fire plan, and compliancy with the plans, if any, as shown on said plat, and any improvements thereto, shall be provided by the (Name) Homeowners’ 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.”

(3) If private roadways are shown, include: “I further grant and certify that the roadway(s) shown as (names of private roads) are private roadways which are hereby reserved as permanent unobstructed access. Said roadways are for vehicular and pedestrian travel for the purposes of access to the abutting property. It is understood the owner, their lessees and successors or assigns 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 successors or assigns, of the property platted as (subdivision name), 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 may 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.”

(4) If access easements are shown, include: “We further grant and certify that the access easement is hereby created as a perpetual common unobstructed access in favor of the abutting lots. The easement is for

vehicular and pedestrian travel for the purpose of access to the abutting property. The owner, successors, and assigns 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.”

(5) ~~If the plat is a re-plat, include: “We further certify that this platting of said described (new-subdivision name) does hereby vacate the following platting: (legal description of old plat) on file at the Register of Deeds office in Document Number _____, said plat, hereby vacated, being situated within described (new subdivision name) as surveyed.”~~

(F) *Supplemental requirements.* Supplemental requirements are as follows:

(1) Certification furnished to the Planning Office that the developer has complied with one of the following:

(a) All required public or private improvements shall have certification of completion from a state registered professional engineer or the developer/owner that the improvements were completed in accordance with the approved plans and these regulations; and

(b) A surety has been posted with the County Auditor in sufficient amount to cover the costs of all required improvements.

(2) Wildfire mitigation plan in accordance with § I-6.015(E);

(3) Perpetual maintenance agreements, covenants, and/or deed restrictions that provide for the preservation and care for structures, improvements, conditions, or areas so that they remain attractive, safe, and presentable and carries out the purposes for which it was installed, constructed, or required (i.e., weed plan, fire plan, water system, fire hydrants, and the like) The county is not a party to any of the above and takes no responsibility in their enforcement;

(4) The owner/developer shall present all such documents in recordable form to be recorded in the office of the County Register of Deeds at or before the time of recording the final plat, adequately demonstrating compliance with Chapter 5 Article 4 Section 1.6c;

(5) Information relevant to on-site wastewater disposal systems, percolation test, and soil profiles;

(6) All affidavits, notes, and like information required by state law;

(7) Other pertinent information as requested by the County Planning Department; and

(8) Prior to approval of a final plat, the provisions of Chapter 7 of this subdivision title must be met.

(Ord. 14-04, passed 6-30-2015, Ch. 5, Art. 4)

§ I-5.005 FINAL PLAT.

(A) *General.*

(1) A developer shall submit a final plat, after approval of a preliminary plat and a boundary plat (if required), of the proposed subdivision to the Planning and Zoning Board for review and recommendation. The plat must conform to the requirements of this title.

(2) 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 County Commission and shall incorporate all required modifications from its review. As part of the final plat process, the Planning and Zoning Department, the Planning and Zoning Board, and the County Commission shall review the final engineering plans, the development agreement, letters of credit, conservation easements, homeowners’ covenants, perpetual maintenance agreements, the plat, and any other documents, reports, or studies as necessary.

(3) Any phasing of the development shall not create conflicts in access to any proposed or previously platted lots.

(4) The boundary or final plat prepared for recording purposes shall be prepared in accordance with provisions of state statutes and applicable county regulations.

(B) *Procedure.*

(1) The applicant shall submit a plat application with each proposed final plat.

(2) The applicant shall prepare and submit one paper copy and a digital version of the final plat on the scheduled due date, together with any necessary supplementary information and all required data set forth in this section.

(3) The Planning and Zoning Department shall review the final plat and verify conformance to the approved preliminary plat. The County Commission shall review the final plat and consider the recommendations of the Planning and Zoning Board and the conformance of the final plat with the approved preliminary plat.

(4) After receiving the recommendation of the Planning and Zoning Board, the County Commission shall approve or disapprove the final plat within 90 days of the official filing of a complete submittal, unless such date is extended by agreement with the developer or his or her agent. Upon approval of the final plat by the County Commission, as certified thereon, one copy of the plat shall be returned to the developer, one copy shall be returned to the Planning Department, one copy shall be transmitted to the County Director of Equalization, and the original copy shall be presented to the County Register of Deeds for filing/recording.

(5) Approval of the final plat shall be contingent upon the plat being recorded within 120 days after the certificate of approval is signed by the Planning Director or the County Commission. Any approved final plat not recorded within 120 days is null and void.

(6) Under the authority of SDCL § 11-3-8, the County Commission may, by resolution, designate the administrative official to approve plats in lieu of approval of the County Commission.

(C) *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 and Zoning Department at the time of the final plat submittal. A schedule of fees for plats shall be established by the Planning and Zoning Board and approved by the County Commission by resolution.

(D) *Document format.* The final plat shall be presented in waterproof black ink on drafting linen, matte film, or Mylar, and all signatures must be made with permanent ink. The plat shall include the following items:

(1) Names and addresses of the owner and/or developer having control of the lands included in said plat and the surveyor;

(2) Appropriate legal descriptions; name shall not duplicate the name of any plat recorded in the county;

(3) Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close;

(4) Graphic scale; north arrow; preparation date;

(5) If the proposed subdivision is a rearrangement or a re-plat of any former plat, the lot and block arrangement of the original plat along with its original names shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated;

(6) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature, and points of tangency on street lines, and at each angle point on the boundary of the subdivision. All property corner markers shall be in accordance with state law and state administrative rules. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings, and distances;

(7) Location of lots, streets, public highways, alleys, parks, and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot line;

(8) 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;

(9) 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. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the center of the block;

(10) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use;

(11) Dedication of all streets, alleys, and other public areas not previously dedicated shall be shown on the plat;

(12) Proposed access to the nearest public road shall be platted; and

(13) Whenever a platted lot(s) overlies an existing mineral survey(s), the amount of acreage being removed from the mineral survey(s) shall be listed as a notation on the plat.

(E) *Notes.* The following notes shall be added to all plats, where appropriate.

(1) “We hereby indicate to the public for public use forever, the streets, roads, alleys, 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 streets, 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 portions of land designated hereon as easements.”

(2) If a homeowners’ association is required, include: “We also certify that ownership and maintenance of streets, roads, alleys, parks, other open space, drainageways, detention areas, invasive species plan, and fire plan, if any, as shown on said plat, and any improvements thereto, shall be provided by the (Name) Homeowners’ 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.”

(3) If private roadways are shown, include: “I further grant and certify that the roadway(s) shown as (names of private roads) are private roadways which are hereby reserved as permanent unobstructed access. Said roadways are for vehicular and pedestrian travel for the purposes of access to the abutting property. It is understood 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 (subdivision name), 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.”

(4) If access easements are shown, include: “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, 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.”

~~(5) If the plat is a re-plat, include: “We further certify that this platting of said described (new-subdivision name) does hereby vacate the following platting: (legal description of old plat) on file at the Register of Deeds office in Document Number _____, said plat, hereby vacated, being situated within described (new subdivision name) as surveyed.”~~

(F) *Certificates for plats, re-plats, and correction plats.*

Ownership Certificate:

Notarized certification by owner, or his or her duly authorized agent, that the plat was made at his or her request and under his or her direction for the purposes indicated therein, that he or she is the owner of all lands included therein, and that

development of the land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Certificate of Surveyor:

Certification by a registered land surveyor to the effect that the plat represents a survey made on the ground by them or under their supervision and a statement as to the correctness or standard of care.

Certificate of the Planning and Zoning Board:

Approval of the final plat is hereby granted by the Lawrence County Planning and Zoning Board on this ____ day of _____, 20____.

Planning and Zoning, Chair

Planning and Zoning, Secretary

Resolution of Governing Board:

BE IT RESOLVED that the Lawrence County Board of Commissioners having examined the within plat, do hereby approve the same for recording in the office of the Register of Deeds, Lawrence County, South Dakota. Dated this ____ day of _____, 20____.

Signed:

Chairperson, Lawrence County Commission Attest:

Lawrence County Auditor

Certificate of County Treasurer:

Certification by the County Treasurer that all taxes, which are liens upon any land included in such plat, as shown by the records of his or her office have been fully paid.

Certificate of Director of Equalization:

Certification by the County Director of Equalization that he/she has received a copy of the plat.

Water Protection Statement:

Pursuant to SDCL §§ 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

Approval of this final plat shall expire within 120 days after the certificate of approval is signed by the Planning Director or the County Commission. Any approved final plat not recorded within 120 days is null and void. This plat will expire on the ____ day of _____, 20 ____ at 5:00 p.m.

Certificate Street/Road Authority:

Approval of the access, if any, to an abutting political subdivision highway or street: _____

Highway or Street Authority

Pursuant to SDCL § 11-3-12, the county/state shall not be required to open, improve, or maintain any such dedicated right-of-way, streets, alleys, ways, commons, or other public ground solely by virtue of having approved a plat or having partially accepted any such dedication, donation, or grant.

No certification, approval, or endorsement contained herein shall be construed as acceptance of any public right-of-way, dedicated street, alley, or road depicted or described herein, as part of the state or Lawrence County highway system.

Certificate of Register of Deeds:

State of South Dakota, County of Lawrence

Filed for record this ____ day of _____, 20 ____ at ____ o'clock ____ m., and recorded as document # ____.

Register of Deeds: _____ Fee:\$ _____

(G) *Supplemental requirements.* Supplemental requirements are as follows:

- (1) Certification furnished to the Planning Office that the developer has complied with one of the following:
 - (a) All required public or private improvements shall have certification of completion from a state registered professional engineer or the developer/owner that the improvements were completed in accordance with the approved plans and these regulations; and
 - (b) A surety has been posted with the County Auditor in sufficient amount to cover the costs of all required improvements.
- (2) Wildfire mitigation plan in accordance with § I-6.015(E);
- (3) (a) Perpetual maintenance agreements, covenants, and/or deed restrictions that provide for the preservation and care for structures, improvements, conditions, or areas so that they remain attractive, safe, and presentable and carries out the purposes for which it was installed, constructed, or required (i.e., weed plan, fire plan, water system, fire hydrants, and the like).
 - (b) The county is not a party to any of the above and takes no responsibility in their enforcement;
- (4) The owner/developer shall present all such documents in recordable form to be recorded in the office of the County Register of Deeds at or before the time of recording the final plat, adequately demonstrating compliance with Chapter 5 Article 4 Section 1.6 c;
- (5) Information relevant to on-site wastewater disposal systems, percolation test, and soil profiles;

- (6) All affidavits, notes, and like information required by state law;
- (7) Other pertinent information as requested by the County Planning Department; and
- (8) Prior to approval of a final plat, the provision of Chapter 7 of this subdivision title must be met.

(Ord. 14-04, passed 6-30-2015, Ch. 5, Art. 5; Ord. 16-02, passed 6-3-2016)

§ I-5.006 CONSTRUCTION PLANS.

(A) Construction plans and specifications for all required improvements shall be prepared and sealed by a registered professional engineer.

(B) Such documents shall be clear, neat, legible, detailed, and in a form acceptable to local, county, state, and federal or other review agencies.

(Ord. 14-04, passed 6-30-2015, Ch. 5, Art. 6)

§ I-5.007 PLAT FILING SCHEDULES AND FEES.

<i>Plat</i>	<i>Submittal Deadlines for Planning and Zoning</i>	<i>Max. Time for County Commission Reviews</i>	<i>Number of Copies (Min.)</i>	<i>Fees</i>
Layout	22 calendar days prior to Planning and Zoning meeting at which it is to be discussed	90 days from submittal	1 paper copy	NA
Preliminary	22 calendar days prior to Planning and Zoning meeting at which it is to be discussed	90 days from submittal	1 paper copy and digital version	\$350 for review plus \$25 per lot
Boundary	22 calendar days prior to Planning and Zoning meeting at which it is to be discussed	90 days from submittal	1 paper copy and digital version	NA if submitted with preliminary plat or \$100 if submitted separately
Final	30 calendar days prior to expiration of preliminary plat approval and/or 22 calendar days prior to Planning and Zoning meeting at which it is to be discussed	90 days from submittal	1 paper copy and digital version	\$100

(Ord. 14-04, passed 6-30-2015, Ch. 5, Art. 7)

CHAPTER 6: REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGNS

Section

- I-6.001 General improvements
- I-6.002 Nonresidential subdivisions
- I-6.003 Mobile home parks
- I-6.004 Lot improvements
- I-6.005 Grading, drainage, and erosion control plans
- I-6.006 Roads and streets
- I-6.007 Private roads
- I-6.008 Driveways
- I-6.009 Drainage easements
- I-6.010 Water supply systems
- I-6.011 Wastewater systems
- I-6.012 On-site wastewater disposal systems
- I-6.013 Utilities
- I-6.014 Public uses
- I-6.015 Fire protection

§ I-6.001 GENERAL IMPROVEMENTS.

(A) *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:

- (1) All applicable statutory provisions including, but not limited to, SDCL Title 11, Planning, Zoning and Housing Programs;
- (2) Title II of this code, and all other applicable laws of the appropriate jurisdictions;
- (3) All improvements shown on the Official Zoning Map;
- (4) The special requirements of these regulations and any rules of appropriate state agencies;
- (5) The rules of the State Department of Transportation and/or County Highway Department, **federal highways**, if the subdivision or any lot contained therein abuts a state highway, county road, or connecting street;
- (6) The standards and regulations heretofore adopted by the county; and
- (7) Plat approval may be withheld if a subdivision is not in conformance with the above guides or policy and purpose of these regulations.

(B) *Self-imposed restrictions.* Perpetual maintenance agreements, covenants, and/or deed restrictions required in Chapter 5 of this subdivision title shall be recorded prior to the first final plat or at the time of the boundary plat at the County Register of Deeds. The county is not a party to any of the above and takes no responsibility in their enforcement.

(C) *Monuments.* A ~~state~~ registered land surveyor **duly licensed in the State of South Dakota** shall place permanent reference monuments in the subdivision, as required by state law ~~and state administrative rules.~~

(D) *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 County Commission shall have final authority to designate the name of the subdivision.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 1)

§ I-6.002 NONRESIDENTIAL SUBDIVISIONS.

(A) *General.* Property proposed to be subdivided for commercial or industrial purposes shall be subject to the principals and standards of these regulations, which are appropriate to the planning of all subdivisions and all such other reasonable requirements as the County Commission may deem necessary.

(B) *Standards.*

(1) The applicant shall demonstrate that the street, parcel, and block pattern is specifically adapted to the uses proposed, and takes into account other uses in the vicinity.

(2) The following principles and standards shall be observed at a minimum.

(a) Proposed commercial and industrial parcels shall be suitable in area and dimension to the type of development anticipated.

(b) Specific design and construction requirements may be imposed by the County Commission with respect to the construction of streets, water, sewer, and drainage. Street rights-of-way and surfacing shall be adequate to accommodate the type and volume of traffic anticipated.

(c) 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.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 2)

§ I-6.003 MOBILE HOME PARKS.

Mobile home parks proposed on land within the jurisdiction of the county shall comply in all respects to the requirements of these regulations and Title II of this code. A planned unit development is required.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 3)

§ I-6.004 LOT IMPROVEMENTS.

(A) *Lot arrangements.* 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 Title II of this code and in providing driveway access to buildings on such lots from an approved street.

(B) *Lot dimensions.* Lot dimensions shall comply with the minimum standards of Title II of this code. Where lots are more than double the minimum required area for the zoning district, the County Commission 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 Title II of this code 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 Title II of this code.

(C) *Access to lots.* 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 County Commission 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.

(D) *Debris and waste.* Construction debris or construction waste materials must be disposed of properly and promptly.

(E) *Fencing and screening.* The developer may be required to furnish and install fences and/or screening when it is determined that a hazard or a nuisance may exist. The County Commission shall approve the location and material for fencing and/or screening and no sureties shall be released until the fence and/or screening improvements have been duly installed and approved.

(F) *Easements.* An eight-foot-wide utility and drainage easement for the benefit of the subdivision shall be provided on the interior side of all lot lines with the exception of common wall lot lines, unless sufficient alternative easements are provided. The reservation of additional easements to accommodate utilities, drainage facilities, or pedestrian traffic may be required.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 4)

§ I-6.005 GRADING, DRAINAGE, AND EROSION CONTROL PLANS.

(A) *Grading plan.* The final grading plan for the subdivision shall be submitted to and approved by the Planning and Zoning Board, the Planning Director, Highway Department, and the County Commission.

(1) *Final site grading plan.* The grading plans shall show the contours with intervals acceptable to the Planning Director. The site grading plan shall also show drainage arrows for each lot.

(2) *Final grading plan.* The road grading plan shall show percent slope for all proposed roads, drainage arrows, and location and size of culverts.

(B) *Drainage plan.* All drainage facilities including on-site detention, drainageways, detention ponds, and drainage channels shall be shown on the drainage plan and is subject to the approval of the Planning and Zoning Board, Planning Director, Highway Department, and County Commission. 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 exiting drainage pattern. Drainageways and detention ponds shall be designed for a 25-year storm occurrence. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated;

(2) The boundaries of all drainage easements and detention ponds. A maintenance agreement for upkeep of the detention ponds shall be filed with the plat;

(3) Individual lot drainage shall be coordinated with the general surface water 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;

(4) Surface water shall not be carried across or around any intersection; and

(5) Driveways shall not inhibit or restrict the flow of surface water. It shall be the responsibility of each lot owner to install and maintain culvert under the driveway when construction commences, if needed.

(C) *Erosion control plan.* Stripping of vegetation, and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as

much as possible, natural vegetation shall be retained, protected, and supplemented. Every effort shall be made to retain the natural vegetation on all ditches and drainageways. Ditches and drainageways will not be disturbed without the approval of the County Commission. Erosion control plans shall show:

(1) All proposed land disturbance including areas of excavation, grading, filling, removal, or destruction of topsoil and spreading of earth material;

(2) Provisions for erosion control during construction will include the sequence of the operations listed above, with an estimated time of exposure. The proposed temporary measures to control erosion will be designed to withstand two-year rain and be shown on the plan; and

(3) Existing natural features which would add value to residential development or to the community as a whole, such as trees, watercourses, and similar irreplaceable assets, should be preserved in the design of the subdivision.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 5)

§ I-6.006 ROADS AND STREETS.

(A) General requirements.

(1) *Access.* No subdivision shall be approved unless the area to be subdivided has access to one of the following:

(a) An existing federal, state, county, city, road district highway, or township highway; or

(b) Rights-of-way shown upon a plat as a platted private drive or dedicated public rights-of-way approved by the county and recorded in the County Register of Deeds office. Such rights-of-way, private drives, or highways must be improved as required under these subdivision regulations.

(2) *Access easements.* The county shall not approve a plat with 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. ~~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 the tables in division (D) below.

(c) Proposed easements shall be shown on the final plat and/or copies of the existing easements 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 lots served by a dead-end road shall comply with division (B) below.

(3) *Road improvements.* Roads shall be improved per construction plans as approved by the Highway Superintendent **or their designee**. Acceptance of the final plat and approval of street design does not guarantee that the completed street will be maintained by the County Highway Department or recognized as a part of the County Highway System.

(4) Topography and arrangement.

(a) A combination of steep grades and curves should be avoided. Specific standards are contained in the design standards of these regulations. (See the tables in division (D) below.)

(b) All streets should be properly integrated with the existing and proposed systems of roads and dedicated rights-of-way as required by county ordinance.

(c) All roads shall be properly classified for the pattern of existing and proposed land uses.

(d) The use of curvilinear streets, cul-de-sacs, or U-shaped streets are encouraged where such use will result in a more desirable layout.

(e) 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 to/for future development of adjoining/adjacent properties.

(f) Maximum length and number of lots served by a dead-end road shall comply with division (B)

below.

(5) *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:

(a) 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;

(b) 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; and

(c) A marginal access or service road (separated from the major arterial by a planting or grass strip and having access thereto at suitable points).

(6) *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 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. The Planning and Zoning Office shall review proposed street names with the appropriate agencies and/or departments and provide a recommendation to the County Commission.

(7) *Road regulatory signs.* The applicant shall install, in accordance with the standards of the County Highway Department, all road and street name signs, the type and location of which shall be approved by the County Commission, prior to the release of surety.

(8) *Street lights.* The applicant may be required to furnish and install street lights.

(B) *Construction of roads, dead-end roads, and cul-de-sacs.*

(1) *Construction of roads.* The arrangement of roads shall provide for the continuation of principal roads between adjoining properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient extension of utilities.

(2) *Temporary dead-end roads.*

(a) Any road with only one means of vehicular ingress/egress. A dead-end road may be permitted provided that it does not provide access to no more than two lots and does not exceed 500 feet in length (as measured along the centerline from intersection of the adjoining roadway to the center of the terminus) unless a longer length is deemed appropriate.

(b) If a dead-end road abuts adjoining undeveloped property, such dead-end road may only be allowed temporarily and the developer may be required to dedicate the right-of-way on the plat and show it as extending to the adjoining property line. All temporary dead-end roads shall be designed per the standards set out in the tables in division (D) below, and Figure 1 in division (D) below.

(3) *Cul-de-sac.* A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement. Unless indicated otherwise for reasons of grade, vegetation and/or topography, the following apply.

(a) The maximum length for a cul-de-sac serving lot(s) with an acreage of two acres or less shall be no more than 500 feet.

(b) The maximum length for a cul-de-sac serving lot(s) with an acreage of more than three acres and less than ten acres shall be no more than 800 feet.

(c) The maximum length for a cul-de-sac serving lot(s) with ~~the~~ an acreage of more than 11 acres and less than 40 acres shall be no more than 1,000 feet.

(C) *Design standards.* In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads in a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required.

(1) *Road surfacing and improvements.* When 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 at a minimum of four inches for asphalt and six inches for concrete or in each case greater as determined to be necessary by a state

registered professional engineer. Adequate provision 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.

(2) *Additional rights-of-way.* Additional rights-of-way or construction and maintenance easements shall be provided to maintain adequate slopes.

(3) *Railroads and limited access highways.* In residential districts a buffer strip at least 25 feet in depth, in addition to required setbacks, shall be provided adjoining the railroad 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."

(4) *Intersections.*

(a) Streets shall be laid out 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 streets shall intersect at any one point.

(b) New intersections along one side of an existing street shall, wherever practicable, 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 unless specifically approved by the County Commission. Intersections with arterial roads shall have a minimum 800-foot separation. Intersections separation of all other road classifications shall be at least equal to AASHTO stopping sight distance.

(c) Minimum driving surface radius at any intersection will be 25 feet. Adequate right-of-way or easement shall be provided at intersections to accommodate the 25-foot radius.

(d) Wherever practical, intersections shall be designed with minimum grades 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.

(e) Adequate sight distances shall be provided and maintained at all intersections.

(f) The cross-slopes on all streets, including intersections, shall be 2% or more.

(5) *Bridges.* Bridges of primary benefit to the applicant, as determined by the Planning and Zoning Board, shall be constructed at the full expense of the applicant. The sharing of expense for the construction of bridges not of primary benefit to the applicant, as determined by the County Commission, will be fixed by special agreement. Bridges shall be constructed to the same width as the roadway, at a standard appropriate to traffic and loading requirements. Plans for such bridges shall be designed and sealed by a registered professional engineer. All bridges shall be posted with the weight limit if less than state standards.

(6) *Culverts.* Culverts under roadways and driveways shall be C.M.P. flared end sections or slopes and concrete headwalls are required on all culverts within the right-of-way. The size of culverts shall be determined by a drainage study for the entire subdivision. The minimum culvert diameter shall be 15 inches.

(7) *Driveway.* Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards.

(D) *Road dedications and reservations.*

(1) *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, except 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 County Commission 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.

(2) *Widening and realignment of existing roads.*

(a) Where a subdivision borders an existing narrow road or when the Comprehensive Plan, Major Street Plan, or Capital Improvements Program, if any, 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 or her expense, such areas for widening or realignment of such roads.

(b) Such frontage roads and streets shall be improved and dedicated by the applicant at his or her own expense to the full width as required by the subdivision regulations.

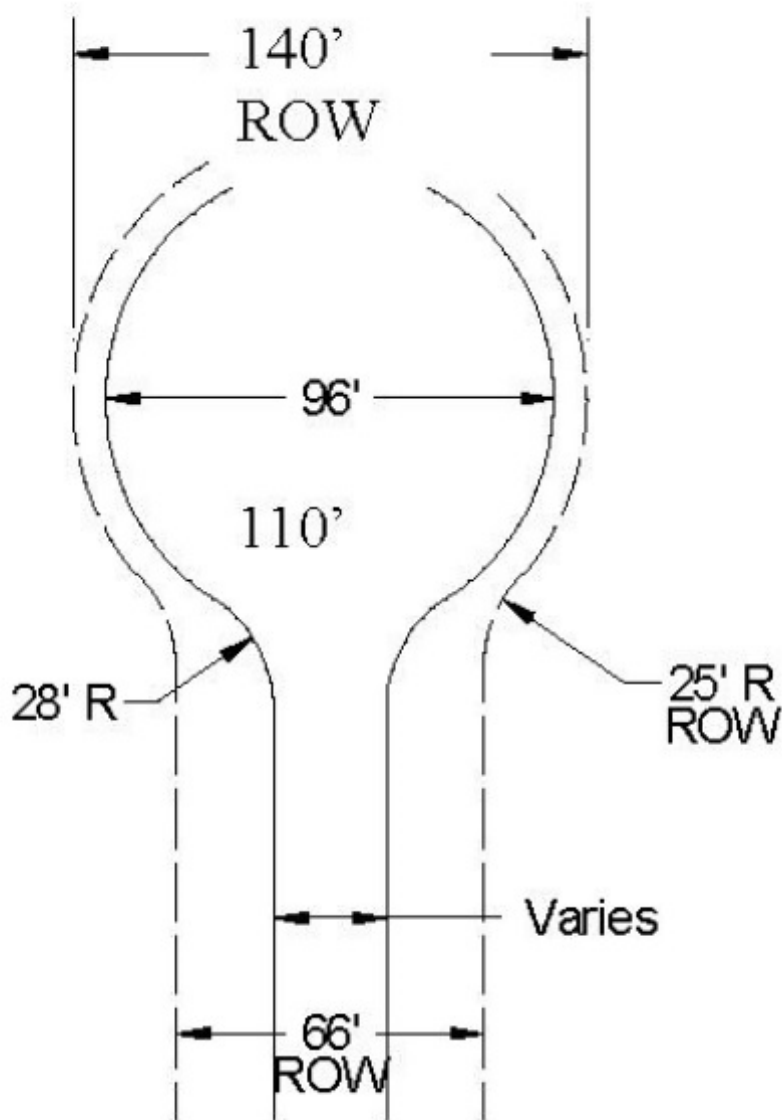
(c) Land reserved for any road purposes may not be counted in satisfying yard or area requirements of Title II of this code whether the land is to be dedicated in fee simple or an easement is granted to the public.

(3) *Design standards.* The standards required in the tables below may not fully comply with the minimum standards established by the County Highway Department for roads to be **considered for** ~~accepted-acceptance~~ on the County Highway System for maintenance and snow removal.

Design Standards for Roads and Development Density					
<i>Min. Lot Size: District:</i>	<i>40 ac A-1</i>	<i>8 ac A-2</i>	<i>2 ac PF RR SRD No Improvements</i>	<i>7,500 sf SRD with Improvements</i>	<i>Nonresidential GC RC HSC C/LI I-1</i>
Minimum Width Right-of-Way (In Feet)					
Local/collector road	*	66	66	66	66
Minor arterial	-	66	80	80	80
Major arterial	-	100	100	100	100
Minimum Width Travel Route (In Feet) and Surface					
Minimum surface requirement shall be designed by a state registered professional engineer					
Local/collector road	*	24 ¹	24 ¹	24 ^{3,4,6,7}	32 ³
Local/collector road with parking	-	24 ¹	24 ¹	32 ^{3,4,5,7}	32 ³
Minor arterial	-	32 ²	32 ²	32 ^{3,4,6,7}	42 ³
Major arterial	-	48 ³	48 ³	48 ^{3,4,6,7}	48 ³
Maximum Grade (Percent)					
Local	-	10**	10**	9	8
Collector	-	10	10	8	6
Minor arterial	-	7	7	6	5
Major arterial	-	7	7	6	5
Minimum grade	-	1	1	0.5	0.5
<p>Table notes:</p> <p>*: A 40-foot easement for access is allowed for a maximum of two lots. Minimum driving surface width is not specified.</p> <p>** : In areas of steep topography for grades greater than 10% and less than 14% in straight lengths of 200 feet or less and subject to straight lengths before curves or intersections that have grades less than 7% or as deemed reasonable may be allowed.</p> <p>¹: 4" gravel surface, compacted</p> <p>²: 6" gravel surface, compacted</p> <p>³: Paved surface: asphalt - minimum of 4"; concrete - minimum of 6"</p> <p>⁴: With curbs state DOT Type B-66 and/or Type D</p> <p>⁵: On-street, parallel parking permitted</p> <p>⁶: On-street, parallel parking prohibited</p> <p>⁷: Sidewalks (5'-wide lot line)</p>					

Design Standards for Roads and Development Density				
	A-1/A-2	PF RR SRD Unless Improvements	SRD with Improvements	Non-Residential GC RC HSC C/LI I-1
Minimum Centerline Radius of Curve (In Feet)				
Local	100	100	100	200
Collector	100	100	100	200
Minor arterial	Per AASHTO standards	Per AASHTO standards	Per AASHTO standards	Per AASHTO standards
Major arterial	Per AASHTO standards	Per AASHTO standards	Per AASHTO standards	Per AASHTO standards
Minimum Length of Vertical Curve				
Local collector	100 feet, but not less than 20 feet for each 1% 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	Per AASHTO standards	Per AASHTO standards	Per AASHTO standards
Major arterial	Per AASHTO standards	Per AASHTO standards	Per AASHTO standards	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 feet				
Minimum Stopping Sight Distance (In Feet): Per AASHTO standards				
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 Diameter Turnaround (In Feet) for Cul-De-Sac and Intermediate Turnaround				
ROW diameter	140	140	140	160
Surfacing	110	110	110	140
Table notes: *Special consideration may be given in areas of steep topography or in areas of stable material that can				

Figure 1 Turnaround Dimension



(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 6)

§ 1-6.007 PRIVATE ROADS.

Private roads shall be indicated on the plat. and shall not be included as part of any required lot area or setback. Any private roads approved by the county shall provide permanent unobstructed access to the area it serves. The erecting of any structures within a private road easement will not be permitted. All road standards specified in this title shall also apply to private roads.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 7)

§ 1-6.008 DRIVEWAYS.

Driveways shall not be included as part of any required lot area or setback. Any driveway approved by the county shall provide permanent unobstructed access to the area it serves and be less than 14% grade and 500-

feet in length.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 8)

§ I-6.009 DRAINAGE EASEMENTS.

(A) *General requirements.* ~~Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a major drainage easement shall be provided.~~ **Drainage easements shall be provided per the drainage plan.**

~~(B) *Drainage easements.*~~

~~—(1) Drainage facilities not located within road rights-of-way shall be located in perpetual unobstructed easements of appropriate 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.~~

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 9)

§ I-6.010 WATER SUPPLY SYSTEMS.

(A) *General.*

(1) In all zoning districts, subdivisions containing ten or more lots shall install a central (public) water system.

(2) The applicant shall install a public water system in a manner prescribed by the State Department of Environment and Natural Resources construction standards and specifications. All plans shall be designed by a state registered professional engineer in accordance with the Recommended Standards for Waterworks (Ten States Standards) and the Criteria for Design of Public Water Supply Systems in the state, or as amended. Plans and specifications shall be submitted and approved by the appropriate agencies and conform to SDCL Ch. 34.

(3) All other water systems shall have a letter from the State Department of Environment and Natural Resources Drinking Water Program stating the proposed system does not fall under the requirements of the State New Water System Planning Manual.

(B) *Domestic use.* The following information shall be required for a public water system:

(1) Written authorization from a local water supplier that adequate water is available to serve the proposed subdivision, if any;

(2) New public water supply systems must demonstrate technical, managerial, and financial viability by providing documentation to the State Department of Environment and Natural Resources for review and approval. Documentation must be in accordance with the State New Water System Planning Manual;

(3) All water supply improvements must be shown on the construction plans. All water supply systems shall be designed by a state registered professional engineer;

(4) Design calculation reports shall be submitted with construction plans;

(5) Under layout plan, preliminary plat, and final plat: a master plan is required for un-platted balances to prevent piecemeal water system development; and

(6) A water system serving ten or fewer lots may also be subject to state and/or federal regulations if the proposed subdivision's population is projected to have 25 people or more.

(C) *Locations.* Water systems shall be located within street or alley rights-of-way 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 rights-of-way where possible. Imposed loadings shall be considered in all locations. Not less than six feet of cover shall be provided over top of pipe in street and alley rights-of-way.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 10)

§ I-6.011 WASTEWATER SYSTEMS.

(A) *General.*

(1) In all zoning districts, subdivisions with lot sizes under two acres shall be served by a central or

public wastewater system.

(2) The applicant shall install a wastewater system in a manner prescribed by the State Department of Environment and Natural Resources construction standards and specifications. All plans shall be designed by a state registered professional engineer in accordance with the rules, regulations, and standards of the State Recommended Design Criteria Manual.

(3) Plans shall be approved by the appropriate agencies. All systems must be installed by a state certified installer.

(4) No person may construct, install, or operate an on-site wastewater system where a public wastewater system is available. In the event a public wastewater system becomes available in an area previously served by individual on-site wastewater systems, an amortization schedule should be determined to bring all effected properties into compliance, and the property owner shall be required to remove or reclaim the old system and hook into the public wastewater system per ARSD 74:53:01:07 and SDCL §§ 9-48 and 9-54-10.

(B) *Residential and nonresidential districts.* Public wastewater systems 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 wastewater systems (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the State Department of Environment and Natural Resources.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 11)

§ I-6.012 ON-SITE WASTEWATER DISPOSAL SYSTEMS.

(A) *General.*

(1) On-site wastewater disposal systems shall conform to state standards. All on-site wastewater disposal systems shall be designed by a state registered professional engineer and installed by a state certified installer.

(2) No person may construct, install, or operate an on-site wastewater system where a public wastewater system is available. In the event a public wastewater system becomes available in an area previously served by individual on-site wastewater systems, an amortization schedule should be determined to bring all effected properties into compliance, and the property owner shall be required to remove or reclaim the old system and hook into the public wastewater system per ARSD 74:53:01:07 and SDCL §§ 9-48 and 9-54-10.

(3) All on-site wastewater systems must follow Title II of this code.

(B) *Design factors.*

(1) On-site wastewater systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved Planning and Zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste.

(2) Clustered on-site wastewater systems using a common drain field system should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste, together with an adequate allowance for infiltration and other extraneous flow.

(C) *Location.* On-site wastewater systems are to be located on the property with the home or business that is generating the wastewater, unless there is an easement to locate it on some adjacent property.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 12)

§ I-6.013 UTILITIES.

(A) *Location.* All **proposed** utility facilities **shall be shown on the plans**. ~~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 within the rights of way and along property boundary easements shall be shown on the construction plans. Underground service connections are the developer's responsibility.~~

~~(B) *Easements.* 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. The reservation of additional easements to accommodate utilities, drainage facilities, or pedestrian traffic may be required.~~

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 14)

§ I-6.014 PUBLIC USES.

Whenever a tract to be subdivided includes a school, recreation uses, or other public use, such space shall be suitably incorporated by the applicant into the layout plan. After proper determination of its necessity by the County Commission 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.

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 15)

§ I-6.015 FIRE PROTECTION.

(A) *General.* It is the intent of the county to work with the Fire Protection Districts and Fire Departments in the county to assure reasonable fire protection service.

(B) *Central water system.* To work towards a reasonable level of fire protection, the following requirements apply:

(1) Where a central water system is required, or unless otherwise approved pursuant to division (D) below, the developer shall install a system with a minimum capacity of 30,000 gallons which will flow a minimum of 1,000 gallons per minute; and

(2) Fire hydrants shall be provided. The fire hydrants shall provide sufficient water for structural and wildfire fighting. The hydrants shall comply with the following items:

(a) All fire hydrants shall be marked with reflective markings or signage and must be visible from the road. All signage must be approved by the County Commission;

(b) Fire hydrants located in parking areas shall be protected by barriers that will prevent physical damage from vehicles without obstructing fire hydrant operation;

(c) Fire hydrants shall be located within the public right-of-way;

(d) Threads on fire hydrant outlets shall be American National Fire Hose Connection Screw Threads and shall be equipped with thread adapters where local Fire Department thread is different;

(e) The area around fire hydrants shall remain clear of obstructions, including vegetation, signs, fences, light posts, snow accumulation, and so forth;

(f) In areas with municipal type water systems, the following requirements for fire hydrants shall be met.

1. For a required fire flow exceeding 1,500 gpm, the water supply system shall be capable of delivering that fire flow for at least two hours at 20 psi residual pressure.

2. For all required fire flows other than those described above, the water supply system shall be capable of delivering the required fire flow for at least one hour at 20 psi residual pressure.

3. Fire hydrants in partially built-out or built-out areas shall be installed at a spacing not to exceed 500 feet of vehicle travel distance from a building unless the Fire Department having jurisdiction determines that closer fire hydrant spacing is required.

4. In unbuilt areas, fire hydrants shall be installed at no more than 1,550 feet spacing with provisions in place to install fire hydrants to meet the spacing in the above mentioned.

5. The appropriate Fire Department shall approve the location of all fire hydrants.

6. In residential areas, fire hydrants shall be supplied by not less than six-inch-diameter main installed on a looped system, or by not less than an eight-inch-diameter main if the system is not looped or the fire hydrant is installed on a dead-end main exceeding 300 feet in length.

7. In nonresidential areas, detailed fire flow calculations shall be provided and used to determine necessary pipe sizing.

8. Future development in the area shall be considered when fire flow requirements are calculated.

9. Dead-end mains shall not exceed 600 feet in length for main sizes less than ten inches in diameter.

(g) Perpetual maintenance agreements, covenants, and/or deed restrictions that provide for the preservation and care for structures, improvements, conditions, or areas so that they remain attractive, safe, and presentable and carries out the purposes for which it was installed, constructed, or required (i.e., weed plan, fire plan, water system, fire hydrants, and the like). The county is not a party to any of the above and

takes no responsibility in their enforcement.

(C) *No central water system.* In subdivisions which do not have a central water system, or unless otherwise approved pursuant to division (D) below, provision for a water storage system shall be made with the capacity of such system equivalent to a minimum of 2,000 gallons per residential lot in the proposed subdivision and will flow a minimum of 1,000 gallons per minute.

(D) *Dry hydrants.*

(1) As allowed in divisions (B) and (C) above, a dry hydrant system may be used as a water source where a local water source such as a lake or pond is available and the developer proposes to use this source with a dry hydrant. The dry hydrant shall be designed by a Professional Engineer duly licensed in the State of South Dakota and located as follows.

(a) The County Commission shall approve all aspects of the dry hydrant design and construction, including materials, pipe size, and system fittings used.

(b) As a minimum, Schedule 40 pipe and component fittings shall be used.

(c) The system shall be designed and constructed to provide a minimum flow of 1,000 gallons per minute at draft.

(d) The water supply source for the dry hydrant shall provide, on a year-round basis, the required quantity of water.

(e) The system shall be designed and constructed so that the slope and piping configurations do not impede capability.

(f) All exposed surfaces and underground metal surfaces shall be protected to prevent deterioration.

(g) A minimum number of elbows shall be used in the piping system.

(h) Suction hose connection(s) shall be compatible with the Fire Department's hard suction and include a protective cap. The cap and adapter shall be of materials that minimize rust and galvanic corrosion.

(i) The system piping shall be supported and/or stabilized using approved engineering design practices.

(j) Stabilization or equivalent protection shall be employed at elbows and other system stress points.

(k) Design shall specify strength of materials, structural support data, and appropriate aggregates and soil materials used to backfill piping during installation.

(l) All connections shall be clean, and the appropriate sealing material shall be used according to manufactures specifications so as to ensure that all joints are airtight.

(m) System strainers shall be constructed to permit required fire flow.

(n) Adequate working space shall be provided around the dry hydrant to provide for a safe working environment and shall be accessible under all weather conditions.

(2) Written recommendation from the applicable fire agency is required if on-site storage is to be waived, and any such waiver is subject to County Commission approval.

(3) Perpetual maintenance agreements, covenants, or deed restrictions that provide for the preservation and care of structures and improvements.

(E) *Wildfire mitigation plan.*

(1) A wildfire mitigation plan shall be prepared by a wildfire mitigation contractor.

(2) The contractor shall consider and incorporate the standards set out in the County Community Wildfire Protection Plan (CWPP) as is applicable according to best practices.

(3) The Community Wildfire Protection Plan (CWPP) is a living document.

(4) Efforts to pursue implementation of a wildfire mitigation plan will be beneficial to promote safer, more responsible planning and development in the county.

(5) By giving more consideration to developing better roads, more survivable space, more open areas, better water sources, and using more fire resistive building materials and fire-wise building practices, there may be a significant reduction in loss of values from wildfire.

(6) Providing a safer environment for firefighters and the general public will help provide a higher degree of protection for values at risk.

(7) The CWPP is available on the county website at www.lawrence.sd.us.

(8) A wildfire mitigation plan consists of four phases. Each phase coincides with a specific step in the subdivision process. The chart below details the implementation of the phases with respect to approval of a preliminary plat(s), final plat(s), and certificate of occupancy.

<i>Wildfire Mitigation Plan Phase</i>	<i>Schedule of Implementation</i>	<i>Considerations and Additional Requirements</i>	<i>Verifications</i>
Phase 1: Analysis	Required at time of preliminary plat submittal	<p>The plan shall include the date of consultation, owner name, address, and legal description and shall discuss the following considerations:</p> <ul style="list-style-type: none"> • Existing and proposed structures • Description of fire resistant building materials consistent with the CWPP materials list • Water sources/fire flow <ul style="list-style-type: none"> • Ingress/egress • Fire protection systems and equipment <ul style="list-style-type: none"> • Survivable space • Vegetation management and maintenance • Topography, setback, slope, aspect, and the like • Climate conditions and fire history <ul style="list-style-type: none"> • Planned phasing for implementation of treatments (landscape, surface fuels, ladder fuels, and survivable space treatments) 	A written report prepared by a wildfire mitigation contractor
Phase 2: Landscape Treatment	Implementation required prior to final plat approval		Certification of completion by wildfire mitigation contractor
Phase 3: Surface Fuels/Ladder Fuels, and Survivable Space Treatment	Implementation required prior to issuance of certificate of occupancy ¹		Certification of completion by wildfire mitigation contractor
Phase 4: Maintenance/Enforcement	Recommended for inclusion in homeowners' association covenants ²		
<p>Table notes:</p> <p>¹: The requirements of this phase are applicable only to lots created on plats approved on or after September 15, 2010.</p> <p>²: A wildfire mitigation plan shall include provisions to reduce the risks from wildfire, including provisions for continuous proper hazardous fuels management, perpetual maintenance agreements, covenants, and/or deed restrictions that provide for the preservation and care for structures, improvements, conditions, or areas so that they remain attractive, safe, and presentable and carries out the purposes for which it was installed, constructed, or required (i.e., weed plan, fire plan, water system, fire hydrants, and the like). The county is not a party to any of the above and takes no responsibility in their enforcement.</p>			

(Ord. 14-04, passed 6-30-2015, Ch. 7, Art. 16)

CHAPTER 7: ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Section

I-7.001 Improvements and surety

§ I-7.001 IMPROVEMENTS AND SURETY.

(A) *General.* No plat of any subdivision shall be approved unless the improvements required by this title have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit assuring completion of all required improvements. Such improvements may include, but not be limited to, soil preservation, final grading, lot drainage, erosion control, forest thinning, removal of debris and waste, fencing and screening, invasive species, and all other lot improvements required by the County Commission.

(B) *Completion of improvements.* The County Commission shall require, of the applicant, completion of all required improvements.

(C) *Surety.*

(1) Surety for all required improvements not completed shall be provided at the date of final plat submittal. An itemized list of uncompleted improvements and associated costs shall be submitted for review and approval.

(2) Surety (as specified in Chapter 2 of this subdivision title) shall be acceptable to the State's Attorney in form, sufficiency, and manner of execution. The County Commission, 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 years from the date of final approval.

(3) A surety or any portion thereof shall not be released without certification of completion from a state registered professional engineer or the developer/owner that improvements were completed in accordance with the approved plans and these regulations.

(D) *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 County Commission.

(E) *Inspection of improvements.* The developer shall provide for the inspection of required improvements during and upon completion of their construction. The applicant/developer shall furnish, to the County Commission, certification, **reporting or as-builts** from an **appropriate registered South Dakota Technical Professional** ~~state-registered professional engineer, or the developer/owner,~~ that improvements were completed in accordance with the approved plans and these regulations.

(Ord. 14-04, passed 6-30-2015, Ch. 8, Art. 1)