

**Red language represents Planning Commission Amendments approved by Planning Commission on April 20, 2021**

**ORDINANCE #2021-01A**

**AN ORDINANCE AMENDING SECTION 1106. "FLOOD DAMAGE PREVENTION" REGULATIONS OF GRANT COUNTY ORDINANCE #2004-1, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR GRANT COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH**

**BE IT ORDAINED by the Board of Grant County Commissioners:**

*That Section 1106.C. Flood Damage Prevention Ordinance, General Provisions, be amended to read as follows:*

3. This ordinance shall apply to **the unincorporated areas** ~~all areas of special flood hazards within the jurisdiction~~ of Grant County.

*That Section 1106.D. Flood Damage Prevention Ordinance, Administration, be amended to read as follows:*

**A. Establishment of Development Permits**

**The following** ~~A development permits~~ shall be obtained **for certain construction or development activities.** ~~before construction or development begins within any area of special flood hazard established in Section 1106.~~

**1. Flood Plain Development Permit (Development Permit)**

**Before construction or development begins within any area of special flood hazard established in Section 1106** Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard Additionally, the following information is required:

- 1-i.** Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- 2-ii.** Elevation in relation to mean seal level to which any nonresidential structure shall be floodproofed;
- 3-iii.** A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article V;
- 4-iv.** Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

## **2. Hydrologic Alteration Development Permit (HADP)**

**A HADP shall be obtained prior to the commencement of any construction or development as described in Section 1106.G.1 in any special flood hazard area, floodway, or Zone X as identified in the most recently adopted Flood Insurance Rate Map for the unincorporated areas of Grant County.**

*That Section 1106.D Flood Damage Prevention Ordinance, Administration, be amended to include a new Section to read as follows:*

### **G. Man-Made Hydrological Alteration**

**1. In order to assess the impacts of man-made hydrological alteration on areas of special flood hazard, to minimize flood damage, and to promote the administration of Flood Damage Prevention Ordinance, a Hydrological Alteration Plan (HAP) shall be filed (for informational purposes only) with the Grant County Zoning Officer, prior to the commencement of the excavation for, or the construction, installation, or modification of, a hydrological alteration project, including but not limited to, the following:**

- i. Construction or installation of a surface drain or closed drain or blind drain;**
- ii. Any draining, filling, diverting, in whole or part, of a pond, wetland, or lake or filling of a drain;**
- iii. Construction of any lateral drain;**
- iv. Modification of any permitted or vested drainage with the intent of deepening or widening any drainage channel, increasing the size and/or depth of any drainage tile, or the extending or rerouting any drainage work;**
- v. Improvements to a drainage district or coordinated drainage area which were not included in the original plans;**
- vi. Modification of any permitted or vested drainage which has the effect of causing an impediment to existing drainage.**

**2. A Hydrological Alteration Plan (HAP) shall consist of written plan which includes the following information:**

- i. The name(s), address(s), and contact information of the legal owner(s) of the land subject to the HAP, and the name(s), address(s), and contact information of any contractor, individual, corporation, if any, who will commence work on behalf of the legal owner of the land subject to the HAP;**
- ii. A detailed site plan showing the location of the proposed construction, a description of the size of the drain, or other man-made hydrological alteration, and the location and elevation of the proposed outlet;**
- iii. Proof of notification by means of certified mail of property in the two (2) Public Land Survey System Sections immediately down stream from the outlet as measured generally along the water course**

**iii.iv.** Not more than *thirty (30) days* following the completion of the man-made hydrological alteration, the applicant shall provide the floodplain administrator, or designated zoning officer with as-built electronic files of all feature data (the size, depth/elevation, and location, etc.) of the materials used in the drainage project. The electronic files shall be provided in an ESRI or CAD based file format with a coordinate system defined.

**3.** Within two weeks of the receipt of the Hydrological Alteration Plan (HAP), the Flood Plain Administrator or Zoning Officer shall publish a notice (once) in the official newspaper of Grant County that a proposed HAP has been filed with the Planning and Zoning Office. The notice shall contain the name(s) of the legal owner(s) of the land subject to the HAP and advise the public that a detailed site plan showing the location of the proposed construction, a description of the size of the drain, or other man-made hydrological alteration and the location of the proposed outlet is available for public inspection at the Grant County Planning and Zoning Office during regular business hours.

**4.** The Flood Plain Administrator or designated Zoning Officer shall keep and administer a HAP filing system within the office of the Planning and Zoning, which shall be the official repository for HAP records and shall be maintained open for public inspection during regular business hours.

**5.** Any contractor, individual, or corporation, who commences work on a man-made hydrological alteration project, defined above, in violation of the filing and notice requirements stated above shall be subject to the violation penalty provisions of Section 808 of the Grant County ~~Compl~~ied Zoning Ordinance.

*That Section 1106.D. Flood Damage Prevention Ordinance, Administration, be amended to read as follows:*

**G.H.** Interpretation of FIRM Boundaries

**H.I.** Variance Procedures

**H.J.** Provision For Flood Hazard Reduction

*That Section 1106.D Flood Damage Prevention Ordinance, Administration, be amended to include a new Section to read as follows:*

**K. Expiration of Development Permits**

Any Development Permit or HADP required by this ordinance shall remain effective unless or until it expires in accordance with Section 805.3 of the Grant County Zoning Ordinance.