What is a Drainage Permit?

A drainage project shall require a permit. Drainage projects constructed as a part of a drainage district or coordinated drainage area shall require one permit. Downstream landowner waivers shall be required for each separate landowner as detailed in the Drainage Ordinance.

Prior to commencement of work, drainage permits are required for, but not limited to the following:

1. Construction or installation of a surface or closed drain
2. Any draining or filling, in whole or in part, of a pond, wetland, or lake
3. Construction of any lateral drain
4. Modification of any permitted drainage with the intent of deepening or widening any drainage channel, increasing the size of any drainage tile, or the extending or rerouting any drainage work
5. Repairing, replacing, or improving any drain
6. Improvements to a drainage district or a coordinated drainage area which were not included in the original plans

MINNEHAHA COUNTY

Strong Foundation. Strong Future.

Minnehaha County Planning & Zoning
415 N Dakota Avenue
Sioux Falls, SD 57104

Phone: (605)367-4204
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www.minnehahacounty.org

Planning Information Bulletin #102
Last Amended December, 2016

DRAINAGE ORDINANCE

Minnehaha County Planning & Zoning

Do I need to get a Drainage Permit?

Yes. A drainage permit is not required for:

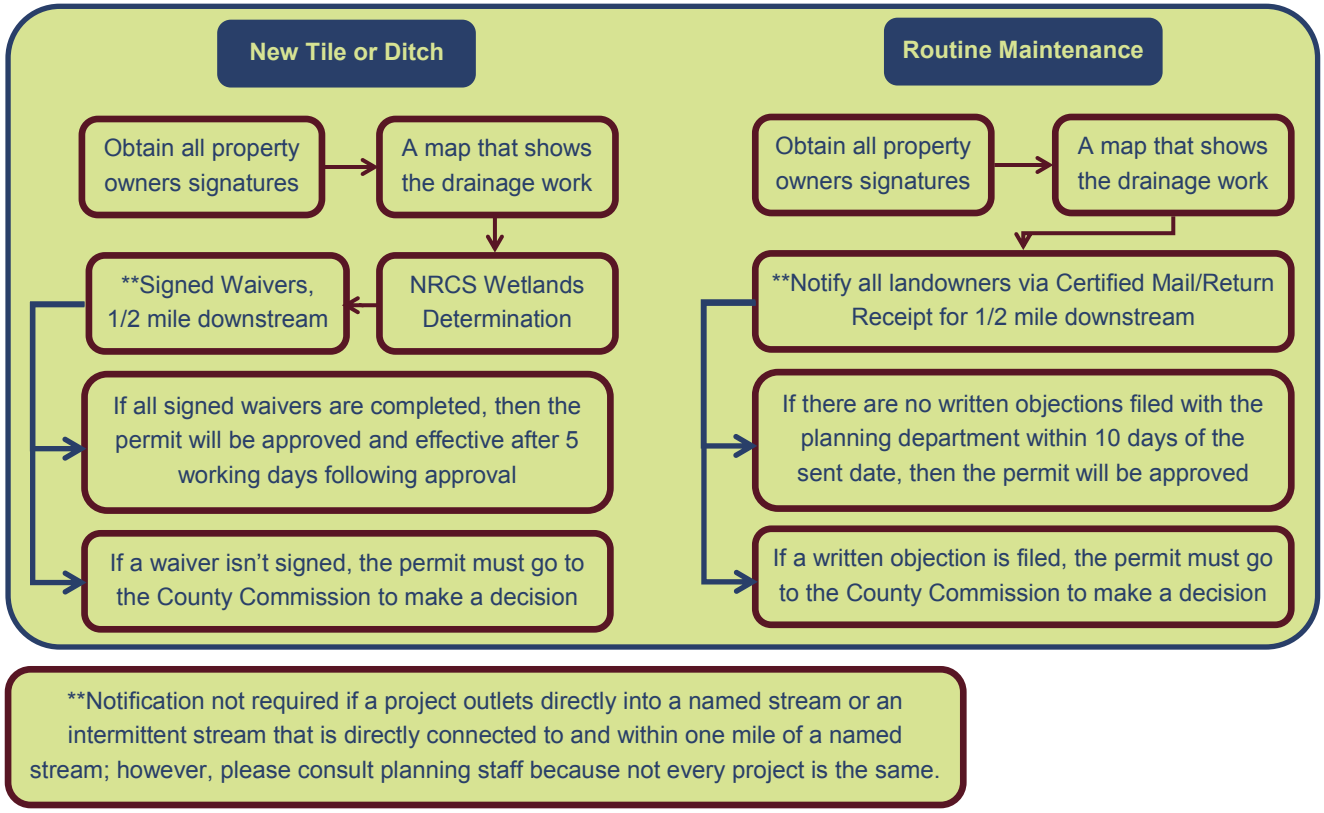
* Repair, replacement, or improvement of any drain if the work requires less than 1 cubic yard of dirt to be removed or if less than 20 feet of drain is to be repaired or replaced.
* Construction or installation of a surface or closed drain is located within a watershed area of twenty acres or less.

How do I apply for a Drainage Permit?

Applications for a drainage permit are available in the planning office or on the website. The staff can assist you in completing the form, but you are responsible for obtaining all of the needed information prior to the administrative decision. Every application shall contain the following information:

- Name, Address, Phone #, and Signature of Parcel Owner and Contractor
- Legal Description of Parcel
- Detailed Site Plan of Proposed Work
- Any Other Information Requested By the Office of Planning and Zoning

The project description must be included on the application. Any application for a proposed drainage project which would empty into an existing drainage system shall include a description of the type and general location of the existing system.



The site plan shall include a description of the type and size of the drain, and the location of the proposed outlet.

If the Administrative Official determines that the application is incomplete or if the information contained is insufficient to make an informed decision on the application, the application shall be returned to the applicant for revision. The Administrative Official may also require that the applicant provide a detailed survey prepared by a professional engineer or surveyor.

The drainage permit application process is shown in the flow chart above, which outlines the basic steps an applicant must take to obtain a permit. Staff uses the application submittals to make a determination on the proposed drainage project.

The 2010 Revised Drainage Ordinance should be consulted prior to beginning drainage work for complete details on application requirements. Once the drainage tile permit becomes effective, the permit shall expire and become void if the authorized construction is not commenced within 1095 days (3 years) of the effective date of the permit. The contractor, installer, or landowner shall provide the planning department, the GPS data for installed tile or an as-built map for the tile within 180 days from final date of installation.

Drainage Permit Information

Minnehaha County

Getting A Drainage Permit

This Planning Information Bulletin (PIB) is designed to help you through the drainage permit process when you want to construct, install, repair, replace, or improve any drain in Minnehaha County.

Routine Maintenance **$25.00**

- Vested Drains
  - clean out to original depth and repair or replacement of tile line
  - Notification shall be sent by certified/return receipt required mail a minimum of 10 days prior to start of the project and receipts submitted to the Planning Office prior to issuance of a permit.
- Non-Vested Drains (man made)
  - clean out of 2 foot maximum, or to original depth, whichever is less
  - Notification shall be sent by certified/return receipt required mail a minimum of 10 days prior to start of the project and receipts submitted to the Planning Office prior to issuance of a permit.
- Natural Drainage Ways
  - clean out of 2 foot maximum, or to original depth, whichever is less
  - Notification shall be sent by certified/return receipt required mail a minimum of 10 days prior to start of the project and receipts submitted to the Planning Office prior to issuance of a permit.
- Intermittent Streams
  - A drainage project which outlets directly into an intermittent stream, provided that the intermittent stream is within 1 mile of a named stream, and that the intermittent stream is directly connected to the named stream as defined by the most recently published USGS 7.5 minute topographic maps.
  - Notification shall be sent by certified/return receipt required mail a minimum of 10 days prior to start of the project and receipts submitted to the Planning Office prior to issuance of a permit.

Drainage Permit **$50.00**

Any tile line or drainage ditch not meeting the definition of routine maintenance is considered to be new drainage or a major repair and requires a drainage permit. This includes the installation of any new tile where none existed previously, any increase in size or length of an existing tile, the construction of any drainage ditch, or the cleaning out of a natural drainage way to depth greater than two feet.

Planning Department staff may issue drainage permits if all of the following conditions are met:

1. The application form is completed and has both the property owner and the contractor's signatures
2. There are no wetlands being drained as defined by the Natural Resources and Conservation Service (NRCS)
3. The drainage is not of inter-county or state significance (flow from drainage does not cross county or state line)
4. The permit application fee of $50 is included with the permit application, and either
   - Waivers have been obtained from the downstream property owners for a minimum of a 1/2 mile downstream from the drainage outlet point, or
   - The drainage system outlets directly into the main channel of one of the 16 officially-named streams in Minnehaha County.

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Drainage Permit Information

Minnehaha County

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Application Site and Time Frame

Application for a drainage permit is made at the Planning & Zoning Office, 3rd floor of the County Administration Building, at 415 N. Dakota Ave. in Sioux Falls. If the required information is provided, the process should take approximately 15 minutes.

Drainage Permits Not Required

Building permits are not required for the following:

- Repair, replacement, or improvement of any drain if the work requires less than 1 cubic yard of dirt to be removed or if less than 20 feet of drain is to be repaired or replaced.
- Construction or installation of a surface or closed drain is located within a watershed area of twenty acres or less.

General Requirements for Obtaining a Drainage Permit

The following items must be submitted when applying for a general drainage permit:

- Name, Address, Phone Number, and Signature of Parcel Owner and Contractor
- Legal Description of Parcel
- Detailed Site Plan of Proposed Work
- Any Other Information Requested By the Office of Planning & Zoning

Staff issued drainage permits become effective 5 working days following the day the permit is issued. The permit shall expire and become void if the authorized construction is not commenced within 1095 days (3 years) of the effective date of the permit. The contractor, installer, or landowner shall provide the planning department, the GPS data for installed tile or an as-built map for the tile within 180 days from final date of installation.

If staff is unable to issue the drainage permit, a permit application may be submitted for a hearing by the Drainage Board (Minnehaha County Commission). Applications to be heard by the commission must include the following:

1. A completed permit application form with both property owner and contractor signatures,
2. An NRCS wetland determination of the applicable area,
3. And a permit application fee of $100.

Staff will set a hearing date before the commission and will notify the applicant and any downstream property owners within a minimum one-mile below the outlet of the hearing date and time. The applicant must be present for the permit hearing. Any individual may appeal the decision of the Drainage Board to Circuit Court.

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DRAINAGE PERMIT APPLICATION CHECKLIST

ROUTINE MAINTENANCE

- □ Obtain all property owner signatures (any property in which work is being commenced needs the owner's signature).

- □ A map that shows where the drainage work (maintenance of a tile or waterway) will be commenced.

- □ Notify all landowners for ½ mile downstream from end of project.

    - o For any Vested Drains, Non-Vested Drains, or Natural Drainage Ways notification shall be sent by certified mail a minimum of 10 days prior to start of the project and the certified receipts must be submitted to the Planning Office prior to issuance of a drainage permit to confirm the date the notification was sent.

        - ◊ Notification should include form letter that can be acquired from the Planning Office or online at http://www.minnehahacounty.org/dept/pl/drainageInfo/drainageInfo.php and map of the proposed work.

        - ◊ Drainage Official will provide names and addresses of those who need to be notified.

- □ Downstream notification is not required for ½ mile downstream from the end of the project when:

    - o A proposed drainage project which outlets directly into Annie Anderson Creek, Beaver Creek, Big Sioux River, Buffalo Creek, Colton Creek, Elce Creek, Fourmile Creek, Long Creek, Pipestone Creek, Silver Creek, Skunk Creek, Slip Up Creek, Split Rock Creek, West Pipestone Creek, West Branch of Skunk Creek, or Willow Creek.

- A drainage project which outlets directly into an intermittent stream, provided that the intermittent stream is within 1 mile of a named stream, and that the intermittent stream is directly connected to the named stream.

- If no objection is received by the Planning Office within 10 days of the date on the certified receipts, the drainage permit will be approved.

- Pay $25.00 permit fee.

- If there is an objection then the permit must go to the County Commission to make a decision. There will be a $100.00 permit fee to take the permit to the County Commission.

***The property owners must follow any requirements of the Natural Resources Conservation Service and/or Army Corps of Engineers.**

NEW TILE OR DITCH

- □ Obtain a wetland determination and approval from the NRCS.
- □ Obtain all property owner signatures (any property in which work is being commenced needs the owner's signature).
- □ A map that shows where the drainage work will be commenced (all proposed tiles lines or ditches need to be shown).
- □ Obtain signed waivers from all landowners for ½ mile downstream stating there is no objection to the drainage work.
    - o The downstream waiver can be acquired from the Planning Office or online at http://www.minnehahacounty.org/dept/pl/drainageInfo/drainageInfo.php.
    - o Drainage Official will provide names and addresses of those landowners who need to sign a waiver.
- □ Downstream notification is not required for a ½ mile downstream from the end of the project when:
    - o A proposed drainage project which outlets directly into Annie Anderson Creek, Beaver Creek, Big Sioux River, Buffalo Creek, Colton Creek, Elce Creek, Fourmile Creek, Long Creek, Pipestone Creek, Silver Creek, Skunk Creek, Slip Up Creek, Split Rock Creek, West Pipestone Creek, West Branch of Skunk Creek, or Willow Creek
    - o A drainage project which outlets directly into an intermittent stream, provided that the intermittent stream is within 1 mile of a named stream, and that the intermittent stream is directly connected to the named stream.
- □ If all information is provided the drainage permit will be approved.
    - o The drainage permit shall not become effective until five working days following the approval.

- □ Pay $50.00 permit fee.

- □ If there is an objection then the permit must go to the County Commission to make a decision. There will be a $100.00 permit fee to take the permit to the County Commission.

- □ The contractor, installer, or landowner(s) shall provide GPS data for installed tile in electronic format within 180 days from the final date of installation.

***The property owners must follow any requirements of the Natural Resources Conservation Service and/or Army Corps of Engineers.**

AGRICULTURAL DRAINAGE PERMIT

MINNEHAHA COUNTY

Minnehaha County Planning and Zoning 415 N. Dakota Ave., Sioux Falls, SD 57104
Phone: 605-367-4204 ▌Fax: 605-367-7413 http://www.minnehahacounty.org/dept/pl/pl.php

Type of Permit: *(check all that apply below)*

Routine Maintenance		Ditch	
Drainage Permit		Tile	

No. of Property Owners in Project _____

Inter-county Significance _____

No. of downstream landowners ____

Government Landowners _____

NRCS Wetlands Determination Provided _____

Project Description: _____

The following townships must be notified prior to starting drainage work:

Palisade Twp. – Oran Sorenson 605-594-6319
Burk Twp. – Terry Bohnenkamp 605-529-5320
Red Rock Twp. – Eric Kientopf 605-594-3889

I, the undersigned, affirm that all information submitted as a part of this application is true and correct and agree to comply with all provisions of the regulations of Minnehaha County, South Dakota and the Federal Government, and with the approved plans and specifications accompanying this application. The proposed work is authorized by the property owner and authorization is granted to representatives of Minnehaha County now and in the future to enter the above noted property for inspection purposes.

Conditions and Notes: **Must comply with NRCS required setbacks. An electronic GPS or as-built map must be submitted to the Planning Department within 180 days after installation.**

Owner _____

Address _____

Phone # _____

Legal Description_____

_____

_____

_____
Owner Signature & Date

MPID _____

Contractor _____

Address _____

Phone # _____

_____
Contractor Signature & Date

_____
Issuer: Planning Department or County Commission

PERMIT # _____

Application Date _____

Effective Date _____

Fee $25 $50 $100 $500

Office Copy Owner Copy Contractor Copy NRCS Copy

Receipt # _____