



SPINK COUNTY COMMISSIONERS

210 East Seventh Avenue
Redfield, SD 57469-1299
Phone: (605) 472-4580 Fax: (605) 472-4582
Email: spinkcoauditor@nrctv.com

July 19, 2022

Mr. Chris Nelson, Chairman
South Dakota Public Utilities Commission
500 E Capitol Avenue
Pierre, SD 57501-5070

Re: Moratorium on Pipeline Conditional Use Permits in Spink County, South Dakota

Dear Chairman Nelson,

Upon review of Spink County's current zoning ordinances the Board of Spink County Commissioners, who also sit as the Planning and Zoning Board, have determined that the County's zoning ordinances are void of any performance standards associated with, arising from, or pertaining to the issuance of either hazardous waste pipeline conditional use permits or hazardous waste pipeline building permits. Therefore, in order to establish a series of standards that will promote the stability of existing land uses, and protect existing land uses from inharmonious influences and harmful intrusions, the Board of Commissioners enacted a resolution imposing a temporary moratorium on the issuance of conditional use permits and building permits for hazardous waste pipelines located within the territorial jurisdiction of Spink County. Attached for your review and recordkeeping is a copy of said resolution.

Furthermore, the Board of Spink County Commissioners petition to the South Dakota Public Utilities Commission, during the next twelve months, to forbear from approving the application of any and all parties desiring to place new hazardous waste pipelines traversing through, or upon, the unincorporated lands of Spink County. The forbearance would be a means to allow for ordinances to be amended or created and adopted to include the proper performance standards the Board of Spink County Commissioners is desirous of.

We, the Board of Spink County Commissioners, appreciate your kind consideration of this letter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Suzanne Smith".

Suzanne Smith, Chair
Spink County Board of Commissioners

**A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF
CONDITIONAL USE PERMITS AND BUILDING PERMITS ON HAZARDOUS WASTE PIPELINES
IN SPINK COUNTY, SOUTH DAKOTA(22-24)**

Whereas, in order to promote the health, safety, and general welfare of the County, the Board of Commissioners for Spink County adopted Title 17 Spink County Zoning Ordinances for the purpose of establishing zoning regulations upon all land within the unincorporated areas of Spink County, South Dakota; and

Whereas, Title 17, otherwise known as the Spink County Zoning Ordinance, categorizes all land within the unincorporated areas of Spink County into Districts with each District having its own unique set of permitted uses, conditional uses, and prohibited uses; and

Whereas, Title 17.02 of the Spink County Zoning Ordinance defines a conditional use as a use of property in a zone for a particular purpose that is allowed under conditions set forth in the zoning ordinance, and, as such, a conditional use is therefore subject to evaluation and approval by the Spink County Board of Adjustment in accordance with the procedures contained in Chapter 17.22 of the zoning ordinance; and

Whereas, the Spink County Board of Planning & Zoning has never been tasked with establishing, siting, or performance standards necessary for the granting of a hazardous waste pipeline conditional use permit; and

Whereas, pipelines, particularly those requiring the approval of the South Dakota Public Utilities Commission, can impact the health, safety, and general welfare of a large portion of this County's population, Spink County has begun the process of compiling, studying, reviewing, composing, and siting performance standards that it believes are necessary to safeguard the health, safety, and general welfare of the public prior to the issuance of a hazardous waste pipeline conditional use permit.

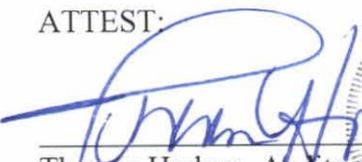
Now, therefore, be it resolved that the Board of Spink County Commissioners does hereby impose a temporary moratorium on the issuance of any and all permits, licenses, or approvals for the construction, installation, or use of any hazardous waste pipeline, particularly those pipelines requiring the approval of the South Dakota Public Utilities Commission, traversing those lands contained within the unincorporated areas of Spink County, South Dakota, with said moratorium running for such a length of time that will give the Planning and Zoning Commission an opportunity to complete their review process, however, the temporary moratorium may be in effect for the length of one (1) year with a provision of an extended length of time of no longer than one (1) additional year from the date this Resolution is ratified.

Be it further, resolved that this Resolution reflects a concern for the health, safety, and welfare of Spink County, and shall become effective upon passage.

Dated at Redfield, South Dakota, this 19th day of July, 2022



Suzanne Smith, Chair
Spink County Board of Commissioners

ATTEST:


Theresa Hodges, Auditor
Spink County, South Dakota

