



2024 South Dakota Legislature

Senate Bill 189

Introduced by: **Senator Schoenfish**

1 **An Act to include impacted townships in the issuance of a conditional use permit.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That a NEW SECTION be added to chapter 11-2:**

4 Prior to the approval of a conditional use permit, pursuant to § 11-2-17.3, the
 5 applicant for the permit must provide to the board of supervisors of any affected township
 6 a statement describing the potential impact on the township roads of the anticipated traffic
 7 produced by the requesting entity.

8 The applicant for the permit must enter into a contract or haul road agreement
 9 with the affected township or obtain an economic development grant for infrastructure
 10 improvement that addresses the traffic impact, as a condition of the permit.

11 **Section 2. That § 11-2-17.3 be AMENDED:**

12 **11-2-17.3.** A county zoning ordinance adopted under this chapter that authorizes
 13 a conditional use of real property shall specify the approving authority, each category of
 14 conditional use requiring approval, the zoning districts in which a conditional use is
 15 available, the criteria for evaluating each conditional use, and any procedures for certifying
 16 approval of certain conditional uses. The approving authority shall consider the stated
 17 criteria, the objectives of the comprehensive plan, ~~and~~ the purpose of the zoning ordinance
 18 and the relevant zoning districts, and if the applicant has entered into a contract or haul
 19 road agreement with an affected township or has obtained an economic development
 20 grant, pursuant to section 1 of this Act, when making a decision to approve or disapprove
 21 a conditional use request. Approval of a conditional use request requires the affirmative
 22 majority vote of the members of the approving authority who are present and voting.