

Bond Case Briefs

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ZONING & PLANNING - SOUTH DAKOTA

Save Centennial Valley Association, Inc. v. McGruder

Supreme Court of South Dakota - May 6, 2026 - N.W.3d - 2026 WL 1255698 - 2026 S.D. 26

Citizens' association filed petition for writ of mandamus seeking to compel a referendum on county commission's amendment of zoning ordinance to substitute board of adjustment for commission to consider conditional use permit (CUP) applications.

The Circuit Court of the Fourth Judicial Circuit granted county's motion for judgment on the pleadings and denied the writ. Citizens' association appealed.

The Supreme Court held that commission's substitution of board for commission to consider CUP applications was not a legislative decision subject to referendum.

County commission's amendment of zoning ordinance to substitute board of adjustment for county commission to consider conditional use permit (CUP) applications was not a "legislative decision" subject to referendum, but rather was an administrative decision; amended ordinance did not establish a new rule or policy for CUP applications, and amended ordinance merely put into execution a plan already adopted by the governing body itself or by Legislature by providing that the commissioners sitting as the board of adjustment were responsible for CUP decisions.