

# **Bond Case Briefs**

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## **ZONING - SOUTH DAKOTA**

### **In re Conditional Use Permit No. 13-08**

**Supreme Court of South Dakota - October 29, 2014 - N.W.2d - 2014 S.D. 75**

Landowners of property across the road from proposed agronomy facility appealed approval by county commission of applicant's conditional use permit for the facility. The Circuit Court affirmed. Landowners appealed.

The Supreme Court of South Dakota held that:

- Commission's reliance on zoning ordinance criteria was not arbitrary and capricious, and
- Landowners did not meet their burden to prove that commissioner's pre-hearing investigation and ex parte communication with applicant so that the proceeding violated the landowners' due process rights.