



2026 South Dakota Legislature

Senate Bill 237

Introduced by: **Senator Davis**

1 **An Act to establish additional notice and hearing requirements for applicants**
 2 **seeking conditional use permits for proposed uses that materially affect**
 3 **public infrastructure or rights-of way.**

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

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

6 An applicant seeking a conditional use permit from a county for a proposed use
 7 that is anticipated to substantially increase the burden on existing public infrastructure or
 8 rights-of-way within the county shall send notice, by certified mail, to the board or other
 9 approving authority, at least forty-five days before submitting the permit application.

10 Within thirty days of receiving the notice, the authority shall schedule a public
 11 hearing to determine whether a haul road agreement or other conditions are necessary
 12 for the applicant's proposed use of the infrastructure or rights-of-way.

13 Within fourteen days after the hearing, the authority shall provide a written
 14 decision to the applicant stating whether the applicant must enter into a haul road
 15 agreement or satisfy other conditions prior to the granting of a permit under this chapter.

16 For purposes of this section, "haul road agreement" means a contract between a
 17 contractor or developer and the governing body of a political subdivision which designates
 18 specific public roads within the jurisdiction of the political subdivision for use by the
 19 contractor or developer in transporting heavy materials to and from a construction or
 20 industrial site.

21 **Section 2. That a NEW SECTION be added to chapter 11-4:**

22 An applicant seeking a conditional use permit from a municipality for a proposed
 23 use that is anticipated to substantially increase the burden on existing public infrastructure
 24 or rights-of-way within the municipality must send notice, by certified mail, to the
 25 approving authority at least forty-five days before submitting the permit application.

1 Within thirty days of receiving the notice, the authority shall schedule a public
2 hearing to determine whether a haul road agreement, as defined in section 1 of this Act,
3 or other conditions are necessary for the applicant's proposed use of the infrastructure or
4 rights-of-way.

5 Within fourteen days after the hearing, the authority shall provide a written
6 decision to the applicant stating whether the applicant must enter into a haul road
7 agreement or satisfy other conditions prior to the granting of a permit under this chapter.