HO#1 Roger Tellinghuizen HB1323

HB1323 amend the time required for filing a petition referring an ordinance or resolution of a political subdivision.

The first two examples (1 and 1A) show how it would work in zoned counties where the County Commission and the Planning Commission are the same body wearing 2 hats – Example 1 shows the CC meeting 2 times a month and Example 1A shows the CC meeting just once a month. Under these scenarios the timeline to adopt a zoning ordinance amendment or rezoning ranges from 58 to 93 days

The second two examples (2 and 2A) apply the proposed changes in state law standards to Examples 1 and 1A. Under these scenarios the timeline to adopt a zoning ordinance amendment or rezoning ranges from 75 to 110 days

Example 1 – Existing State Law Option 1 - The following is an example of a normal timeline for a county to make a rezoning amendment to their zoning ordinance. This assumes:

1. **The County Commission is also the Planning Commission**
2. **There are no special meetings to accelerate the adoption process (County Commission meets on 1st and 3rd Tuesday)**
3. **There is only one weekly paper, and it publishes on a Wednesday.**

Monday, February 2, 2026: Applicant make application to rezone property
Friday, February 13, 2026: County delivers Public Hearing Notice to the Newspaper
Tuesday, February 17, 2026: County Commission has 1st Reading of proposed rezoning ordinance
Wednesday, February 18, 2026: Newspaper publishes required 10-day public hearing notice
Tuesday, March 3, 2026: County Planning Commission and County Commission hold required public hearing (jointly). County Commission has 2nd Reading and approves Rezoning Ordinance
Friday, March 6, 2026: County delivers Notice of Adoption Notice to the Newspaper
Wednesday, March 11, 2026: Notice is published in the newspaper once (per SDCL 7-18A-5) 20-day referendum clock begins ticking
Tuesday, March 31, 2026: Rezoning Ordinance goes into Effect.
Total days start to finish: 58 days

Example 1A – Existing State Law Option - The following is an example of a normal timeline for a county to make a rezoning amendment to their zoning ordinance. This assumes:

1. **The County Commission is also the Planning Commission**
2. **There are no special meetings to accelerate the adoption process (County Commission meets once a month on 1st Tuesday)**
3. **There is only one weekly paper, and it publishes on a Wednesday.**

Monday February 2, 2026: Applicant makes application to rezone property
Friday, February 13, 2026: County delivers Public Hearing Notice to the Newspaper
Wednesday, February 18, 2026: Newspaper publishes required 10-day public hearing notice
Tuesday, March 3, 2026: Planning Commission and County Commission have required Public Hearing; Planning Commission makes recommendation to County Commission and County Commission has 1st Reading of proposed rezoning ordinance
Tuesday, April 7, 2026: County Commission has 2nd Reading and approves Rezoning Ordinance

Friday, April 10; 2026: County delivers Notice of Adoption Notice to the Newspaper
Wednesday, April 15, 2026: Notice is published in the newspaper once (per SDCL 7-18A-5) 20-day referendum clock begins ticking
Tuesday, May 5, 2026: Rezoning Ordinance goes into Effect.
Total start to finish 93 days

Example 2 – Proposed new State Law - The following is an example of a timeline based on HB 1323 (with a 30-day referendum date and 2 notice of adoption publications) for a county to make a rezoning amendment to their zoning ordinance. This assumes:

1. **The County Commission is also the Planning Commission**
2. **There are no special meetings to accelerate the adoption process (County Commission meets on 1st and 3rd Tuesday)**
3. **There is only one weekly paper, and it publishes on a Wednesday.**

Monday, February 2, 2026: Applicant make application to rezone property
Friday, February 13, 2026: County delivers Public Hearing Notice to the Newspaper
Tuesday, February 17, 2026: County Commission has 1st Reading of proposed rezoning ordinance
Wednesday, February 18, 2026: Newspaper publishes required 10-day public hearing notice
Tuesday, March 3, 2026: County Planning and County Commission hold required public hearing (Jointly). Planning Commission makes recommendation to County Commission and County Commission has 2nd Reading and approves Rezoning Ordinance
Friday, March 6, 2026: County delivers Notice of Adoption Notice to the Newspaper
Wednesday, March 11, 2026: First Notice of Adoption is published
Wednesday, March 18, 2026: 2nd Notice of Adoption is published - 30-day referendum clock begins ticking
Friday, April 17, 2026: Rezoning Ordinance goes into Effect.
Total days start to finish: 75 days

Example 2A– Proposed new State Law - The following is an example of a timeline based on HB 1323 (with a 30-day referendum date and 2 notice of adoption publications) for a county to make a rezoning amendment to their zoning ordinance. This assumes:

1. **The County Commission is also the Planning Commission**
2. **There are no special meetings to accelerate the adoption process (County Commission meets once a month on 1st Tuesday)**
3. **There is only one weekly paper, and it publishes on a Wednesday.**

Monday February 2, 2026: Applicant makes application to rezone property
Friday, February 13, 2026: County delivers Public Hearing Notice to the Newspaper
Wednesday, February 18, 2026: Newspaper publishes required 10-day public hearing notice
Tuesday, March 3, 2026: Planning Commission and County Commission have required Public Hearing; Planning Commission makes recommendation to County Commission and County Commission has 1st Reading of proposed rezoning ordinance
Tuesday, April 7, 2026: County Commission has 2nd Reading and approves Rezoning Ordinance
Friday, April 10; 2026: County delivers Notice of Adoption Notice to the Newspaper
Wednesday, April 15, 2026: First Notice of Adoption is published
Wednesday, April 22, 2026: 2nd Notice of Adoption is published - 30-day referendum clock begins ticking

May 22, 2026: Rezoning Ordinance goes into Effect.
Total start to finish 110 days

The next examples deal with the situation where the county commission is not the planning commission. Example 3 shows the CC meeting 2 times a month and Example 3A shows the CC meeting just once a month. Under these scenarios the timeline to adopt a zoning ordinance amendment or rezoning ranges from 58 to 93 days – you will note this is the same timeframe regardless of if the County Commission is the planning commission or there is a separate appointed planning commission

The second two examples (4 and 4A) apply the proposed changes in state law standards to Examples 3 and 3A. Under these scenarios the timeline to adopt a zoning ordinance amendment or rezoning ranges from 75 to 110 days – you will note this is the same timeframe regardless of if the County Commission is the planning commission or there is a separate appointed planning commission

Example 3 – Existing State Law - The following is an example of a normal timeline for a county to make a rezoning amendment to their zoning ordinance. This assumes:

1. **The County Commission has an appointed Planning Commission which is not the County Commission**
2. **The County Commission and Planning Commission do not meet jointly**
3. **There are no special meetings to accelerate the adoption process (County Commission meets on 1st and 3rd Tuesday, Planning Commission meets on 4th Monday)**
4. **There is only one weekly paper, and it publishes on a Wednesday.**

Monday, February 2, 2026: Applicant make application to rezone property
Friday, February 6, 2026: County delivers Public Hearing Notice to the Newspaper
Wednesday, February 11, 2026: Newspaper publishes required Planning Commission 10-day public hearing notice
Tuesday, February 17, 2026: County Commission has 1st Reading of proposed zoning ordinance amendment/rezone
Wednesday, February 18, 2026: Newspaper publishes required County Commission 10-day public hearing notice
Monday, February 23, 2026: Planning Commission holds required public hearing and makes recommendation to County Commission
Tuesday, March 3, 2026: County Commission has 2nd Reading and approves Rezoning Ordinance
Friday, March 6, 2026: County delivers Notice of Adoption Notice to the Newspaper
Wednesday, March 11, 2026: Notice is published in the newspaper once (per SDCL 7-18A-5) 20-day referendum clock begins ticking
Tuesday, March 31, 2026: Rezoning Ordinance goes into Effect.
Total days start to finish: 58 days

Example 3A – Existing State Law - The following is an example of a normal timeline for a county to make a rezoning amendment to their zoning ordinance. This assumes:

1. **The County Commission has an appointed Planning Commission which is not the County Commission**
2. **The County Commission and Planning Commission do not meet jointly**

3. **There are no special meetings to accelerate the adoption process (County Commission meets once a month on 1st Tuesday, Planning Commission meets on 4th Monday)**
4. **There is only one weekly paper, and it publishes on a Wednesday.**

Monday, February 2, 2026: Applicant make application to rezone property
Friday, February 6, 2026: County delivers Public Hearing Notices to the Newspaper
Wednesday, February 11, 2026: Newspaper publishes required Planning Commission 10-day public hearing notice
Wednesday, February 18, 2026: Newspaper publishes required County Commission 10-day public hearing notice
Monday, February 23, 2026: Planning Commission holds required public hearing and makes recommendation to County Commission
Tuesday March 3, 2026: County Commission has 1st Reading of proposed zoning ordinance amendment/rezone
Tuesday, April 7, 2026: County Commission has 2nd Reading and approves Rezoning Ordinance
Friday, April 10, 2026: County delivers Notice of Adoption Notice to the Newspaper
Wednesday, April 15, 2026: Notice is published in the newspaper once (per SDCL 7-18A-5) 20-day referendum clock begins ticking
Tuesday, May 5, 2026: Rezoning Ordinance goes into Effect.
Total days start to finish: 93 days

Example 4 – Proposed new State Law Option 2 - The following is an example of a timeline based on HB 1323 (with a 30-day referendum date and 2 notice of adoption publications) for a county to make a rezoning amendment to their zoning ordinance. This assumes:

1. **The County Commission has an appointed Planning Commission which is not the County Commission**
2. **The County Commission and Planning Commission do not meet jointly**
3. **There are no special meetings to accelerate the adoption process County Commission meets on 1st and 3rd Tuesday, Planning Commission meets on 4th Monday)**
4. **There is only one weekly paper, and it publishes on a Wednesday.**

Monday, February 2, 2026: Applicant make application to rezone property
Friday, February 6, 2026: County delivers Public Hearing Notice to the Newspaper
Wednesday, February 11, 2026: Newspaper publishes required Planning Commission 10-day public hearing notice
Tuesday, February 17, 2026: County Commission has 1st Reading of proposed zoning ordinance amendment/rezone
Wednesday, February 18, 2026: Newspaper publishes required County Commission 10-day public hearing notice
Monday, February 23, 2026: Planning Commission holds required public hearing and makes recommendation to County Commission
Tuesday, March 3, 2026: County Commission has 2nd Reading and approves Rezoning Ordinance
Friday, March 6, 2026: County delivers Notice of Adoption Notice to the Newspaper
Wednesday, March 11, 2026: First Notice of Adoption is published
Wednesday, March 18, 2026: 2nd Notice of Adoption is published - 30-day referendum clock begins ticking
Tuesday, April 17, 2026: Rezoning Ordinance goes into Effect.

Total days start to finish: 75 days

Example 4A – Proposed new State Law Option 2 - The following is an example of a timeline based on HB 1323 (with a 30-day referendum date and 2 notice of adoption publications) for a county to make a rezoning amendment to their zoning ordinance. This assumes:

1. **The County Commission has an appointed Planning Commission which is not the County Commission**
2. **The County Commission and Planning Commission do not meet jointly**
3. **There are no special meetings to accelerate the adoption process (County Commission meets once a month on 1st Tuesday, Planning Commission meets on 4th Monday)**
4. **There is only one weekly paper, and it publishes on a Wednesday.**

Monday, February 2, 2026: Applicant make application to rezone property
Friday, February 6, 2026: County delivers Public Hearing Notices to the Newspaper
Wednesday, February 11, 2026: Newspaper publishes required Planning Commission 10-day public hearing notice
Wednesday, February 18, 2026: Newspaper publishes required County Commission 10-day public hearing notice
Monday, February 23, 2026: Planning Commission holds required public hearing and makes recommendation to County Commission
Tuesday March 3, 2026: County Commission has 1st Reading of proposed zoning ordinance amendment/rezone
Tuesday, April 7, 2026: County Commission has 2nd Reading and approves Rezoning Ordinance
Friday, April 10, 2026: County delivers Notice of Adoption Notice to the Newspaper

Wednesday, April 15, 2026: First Notice of Adoption is published
Wednesday, April 22, 2026: 2nd Notice of Adoption is published - 30-day referendum clock begins ticking
Tuesday, May 22, 2026: Rezoning Ordinance goes into Effect.
Total days start to finish: 110 days

So applying state law to Examples 1 and 1A, (most common for counties) or Examples 3 and 3A, if the county adopts ordinance on Tuesday March 10th, publication is 8 days later (March 18th) and then there is the 20-day referendum window (April 7). So, under existing law, there are 28 days in place to gather signatures an ordinance. While you can't start collecting signatures until after the 2nd reading (March 10th), a person can begin getting the referendum paperwork in order in between 1st and 2nd readings – in this example anytime after February 17th – So now its really 14 days to prepare and 28 days to collect signatures or 42 days in total.

If the County Commission only meets once a month the time to prepare necessary paperwork and strategies for petition gathering go from 14 days to 42 days with still 28 days to collect signatures or 70 days in total.