

Ordinance No. 2025-05

AN ORDINANCE OF CLAY COUNTY, SD, ORGANIZES THE PLANNING COMMISSION FOR CLAY COUNTY, SOUTH DAKOTA, WITH ALL THE POWERS, AUTHORITIES, JURISDICTIONS, AND DUTIES AS PROVIDED IN SDCL 11-2, AND ACTS AMENDATORY THEREOF, RELATING TO COUNTY PLANNING AND ZONING.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, SOUTH DAKOTA:

**Section 1. Clay County Planning Commission Organization.** The Clay County Board of County Commissioners, which shall be referred to as the Board of Commissioners, hereby organizes the County Planning Commission for Clay County, South Dakota, which shall be referred to as the Planning Commission.

**Section 2. Composition.** The Planning Commission shall consist of four (4) members appointed and confirmed by the members of the Board of Commissioners. The Planning Commission shall also consist of a fifth member, who is a member of the Board of Commissioners. The members of the Planning Commission shall be residents of Clay County, qualified by knowledge or experience to act in matters pertaining to the administration of comprehensive planning and zoning. The four (4) appointed members of the Planning Commission shall be designated as Seat 1, Seat 2, Seat 3, and Seat 4. The fifth member shall be designated as Seat 5 (SDCL 11-2-2).

**Section 3. Terms of Members.** The initial term of each appointed member of the Planning Commission shall be for the following term length:

- Seat 1: one (1) year term
- Seat 2: two (2) year term
- Seat 3: three (3) year term
- Seat 4: four (4) year term
- Seat 5: Clay County Commissioner

Thereafter, appointments of Seats 1 through 4 shall be for terms of four (4) years so that there will be no overlapping of tenures (SDCL 11-2-3). Seat 5 shall be a Clay County Commissioner, annually appointed and confirmed by the Board of Commissioners.

**Section 4. Powers and Duties.** The Planning Commission has all such powers necessary to enable it to fulfill and perform its functions, promote county planning and zoning, or carry out all the purposes of SDCL Chapter 11-2 (SDCL 11-2-3.3).

**Section 5. Vacancies.** Any vacancy in membership of the Planning Commission shall be filled for the unexpired term by the Board of Commissioners in the same manner as for appointment.

**Section 6. Removal for Cause.** Any appointed member of the Planning Commission may be removed for cause, after public hearing, prior to the expiration of their term, by a majority vote of the elected members of the Board of County Commissioners (SDCL 11-2-3).

**Section 7. Compensation.** All members of the planning commission shall serve as such with compensation as set by resolution by the Board of County Commissioners.

**Section 8. Organization of Officers.** Upon appointment, the Planning Commission shall be called together by the Board of County Commissioners and shall organize by electing a chairperson from among its members for a term of one (1) year with eligibility for reelection, and may fill other officer positions it may create in a manner prescribed by the rules of the Planning Commission.

**Section 9. Meetings.** The Planning Commission shall meet at such times as may be necessary, but in no event shall the Planning Commission meet less than once every three months (SDCL 11-2-3.1).

**Section 10. Comprehensive Plan.** The Planning Commission may prepare, or cause to be prepared, a comprehensive plan for the county including those municipalities within the county which are either unincorporated or which have requested by resolution of the governing board of such municipality to be included. Upon preparation, the Planning Commission shall make a recommendation to the Board of Commissioners.

The comprehensive plan shall be for the purpose of protecting and guiding the physical, social, economic, and environmental development of the county; to protect the tax base; to encourage a distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements; to lessen governmental expenditure; and to conserve and develop natural resources (SDCL 11-2-11).

**Section 11. Zoning Regulations.** It shall be the duty of the Planning Commission to develop and recommend a zoning ordinance, in accordance with the Comprehensive Plan, for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density. All applications and proposals for changes in or amendments to the zoning regulations shall first be submitted to the Planning Commission for its recommendations before approval by the Board of Commissioners.

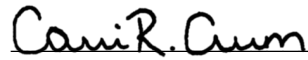
**Section 12. Subdivision Plats and Regulations.** It shall be the duty of the Planning Commission to recommend regulations governing the subdivision of land within its jurisdiction. No amendments or changes thereto shall be made without recommendation by the Planning Commission. All plans, plats or re-plats of subdivisions of land within the jurisdiction of this ordinance, or amendments to the regulations, shall first be submitted to the Planning Commission for its recommendation before approval by the Board of Commissioners.

**Section 13. Authority.** This ordinance supersedes and repeals any ordinance regarding the creation of the Planning Commission or any ordinance in conflict with this ordinance.

Adopted by majority vote of the Clay County Board of Commissioners in regular session this 13th Day of November 2025.

  
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County Commission Chairman

Attest:

  
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(seal)  
Carri R. Crum  
County Auditor



First Reading: November 4, 2025  
Second Reading: November 13, 2025  
Adoption: November 13, 2025  
Publication Date: November 20/21, 2025  
Effective Date: December 11, 2025