NOVEMBER 2026
CLARK COUNTY
BOARD OF ADJUSTMENT
PLANNING COMMISSION/COUNTY COMMISSION
STAFF REPORT

TUESDAY – NOVEMBER 17, 2026 – 9:00 a.m.

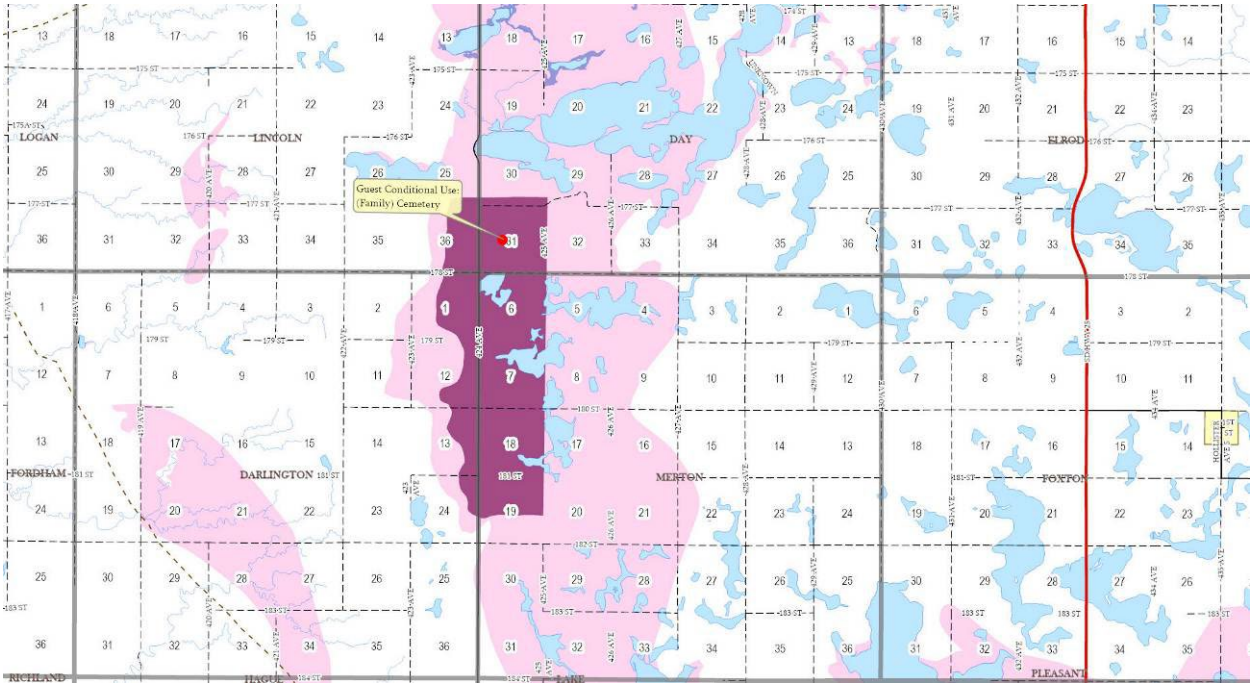
CLARK COUNTY BOARD OF ADJUSTMENT

ISSUE #1 CONDITIONAL USE

Applicant/Owner: John Guest

Property Description:

- the South Half of the Northwest Quarter and the North Half of the Southwest Quarter, less Guests Addition and Less the North 702 Feet of the West 445 Feet of Section 31, Township 116 North, Range 57 West of the 5th P.M. (Day Township), Clark County, South Dakota.



Request: The applicant seeks to establish a family cemetery.

Lat/Long *(Existing Approach): 44.812307°; -97.734837°*

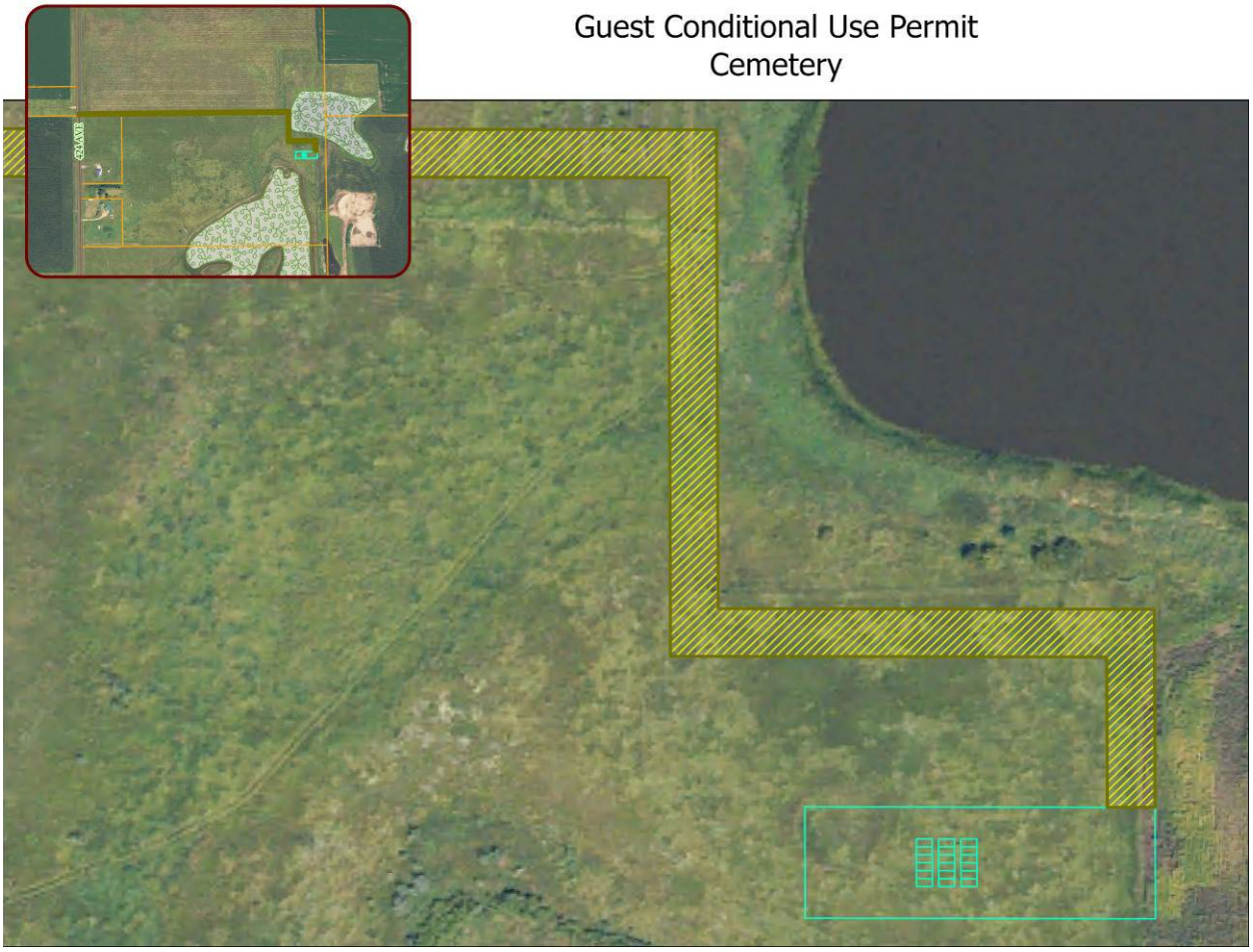
Action Item – Church or Cemetery (2.04.04.2)

Zoning Designation: Agricultural; Zone A – Aquifer Protection District

History/Issue(s):

Specifics of Request:

1. The applicant owns and farms the above property and some surrounding property in this section.
2. He seeks to establish a family cemetery with up to eighteen (18) 5' x 10' plots.
3. The applicant proposes to utilize the existing access to 424th Avenue (county paved) for a long 30' easement across and to the east end of the property.
4. The site is over the Clark Rural Water Wellhead Protection District. (Applicant was not aware at time of application.)



Ordinance and Comprehensive Land Use Plan regarding this request:

1. Cemeteries are listed as Conditional Uses in the Ag District; however they are PROHIBITED ("graveyards") in Zone A of the Aquifer Protection District.
2. The Clark County Comprehensive Land Use Plan is very clear that uses which may conflict with water sources (rural water and municipal water) should be prohibited.

Staff Summary:

If a use is listed as "Prohibited" by the zoning ordinance, the Board of Adjustment lacks the authority to even issue the permit. Therefore the conditional use permit needs to be denied. If the intent is to place headstones, but no remains; no conditional use permit is necessary, but staff recommends that the cemetery plat be denied/not recorded to ensure that that the site is not mistaken in the future for a typical cemetery.

Staff Recommendation

Conditional Use Permit – ***Cemetery*** The Board may postpone the request, deny the request based upon the use being prohibited; or approve the request but specify that it not function as a normal cemetery by assigning appropriate conditions.

