

ISSUES

Does SDCL § 11-6-21 authorize a county to use a building located in a residential zoning district as a jail/work release facility after overruling the disapproval of the municipal planning commission despite the municipal governing body's refusal to approve the change of use? The trial court answered in the affirmative.

Does the rule of Lincoln County v. Johnson, 257 N.W.2d 453 (S.D. 1977) apply when the intruding jurisdiction is a county and the host jurisdiction is a municipality located within the county? The trial court answered in the negative.