

# **Bond Case Briefs**

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## **ZONING - SOUTH DAKOTA**

### **High Plains Resources, LLC v. Fall River County Bd. of Com'rs**

**Supreme Court of South Dakota - December 9, 2015 - N.W.2d - 2015 WL 8482740 - 2015 S.D. 95**

Applicant sought writ of prohibition seeking to prohibit county board of commissioners from rescinding approval of proposed petroleum-contaminated soil farm. The Circuit Court issued writ. Board appealed.

The Supreme Court of South Dakota held that:

- Board had authority to consider whether to rescind resolution, and
- Applicant could have challenged decision through direct appeal.

County board of commissioners had authority to consider whether to rescind resolution approving proposed petroleum-contaminated soil farm, even though statute prohibited rescission unless certain conditions had been met. Commission had to deliberate whether those conditions had been met in determining whether rescission was authorized and warranted.

Applicant could not use writ of prohibition to challenge decision of board of county commissioners rescinding approval of proposed petroleum-contaminated soil farm, where applicant had right to directly appeal board's decision.