

Bond Case Briefs

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ZONING - NORTH DAKOTA

Dockter v. Burleigh County Bd. of County Com'rs

Supreme Court of North Dakota - July 2, 2015 - N.W.2d - 2015 WL 4041146 - 2015 ND 183

Property owners sought judicial review of county board of commissioners' decision to rezone a 311 acre tract of land from agricultural to industrial use. (North Dakota can't spare 311 acres of ag land?) The District Court affirmed. Property owners appealed.

The Supreme Court of North Dakota held that:

- County commissioners' decision did not constitute impermissible spot zoning, and
- Substantial evidence supported commissioners' decision to rezone.

Rezoning of landowner's 311 acre tract of land from agricultural to light industrial use did not constitute impermissible "spot zoning." Although landowner may have individually benefited from the zoning change, there was evidence the county commissioners' decision benefited the county as a whole, as the county needed large blocks of property for affordable industrial development and the size of the parcel and its proximity to the interstate could help satisfy that need and bolster economic development.

Substantial evidence supported county commissioners' decision to rezone landowner's 311 acre tract of land from agricultural to light industrial use, where county commissioners had found that rezoning would be consistent with the comprehensive land use plan because the rezoning application promoted quality growth of manufacturing within the county convenient to transportation facilities.