

Bond Case Briefs

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ZONING & PLANNING - MONTANA

Egan Slough Community v. Flathead County Board of County Commissioners

Supreme Court of Montana - March 22, 2022 - P.3d - 2022 WL 841994 - 2022 MT 57

Community organization brought action against county and operator of commercial water bottling plant following expansion of a citizen-initiated agricultural zoning district through a citizen initiative, seeking mandamus relief to enforce zoning regulations and a declaratory judgment against water bottling operations.

Operator filed counterclaims alleging illegal reverse spot zoning and violations of due process, equal protection, and takings clauses. The District Court entered summary judgment orders and denied operator's motions to compel discovery and for attorney fees. Organization appealed and operator cross-appealed.

The Supreme Court held that:

- Water bottling plant was a valid nonconforming use;
- Initiative complied with statutory requirement of setting out fully the resolution to be repealed;
- Initiative did not impermissibly legislate on multiple subjects;
- Initiative did not create illegal reverse spot zoning;
- Initiative did not violate procedural due process;
- Initiative did not violate equal protection;
- A compensable regulatory taking did not occur; and
- Trial court acted within its discretion in denying attorney fees for defense of petition for writ of mandate.