
ZONING & PLANNING - MONTANA

Protect the Gallatin River v. Gallatin County, Department of Planning and Community Development

Supreme Court of Montana - February 18, 2025 - P.3d - 2025 WL 520527 - 2025 MT 34

Action was brought by nonprofit environmental advocacy organization against county and landowners, who sought to develop "glamping" resort on unzoned river island, challenging county's issuance of conditional floodplain permit to landowners. Landowners also challenged county's modification of permit to include additional restriction.

Parties filed competing motions for summary judgment. The District Court ultimately affirmed issuance of conditional permit as modified by the county commission.

The Supreme Court held that:

- Administrator did not act arbitrarily or capriciously in declining to re-open public comment period;
- Administrator's preparation of staff report for county commission during administrative appeal did not constitute improper post hoc rationalization of his decision;
- Administrator's presentation to county commission during administrative appeal did not constitute improper post hoc rationalization of his decision;
- Administrator's preparation of county's written findings of fact, conclusions of law, and order was appropriate and lawful; and
- Commission's decision to affirm administrator's issuance of conditional permit was not arbitrary or capricious.

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