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Press Release

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FOR IMMEDIATE RELEASE
9 A.M. MST, July 5, 2013

COURT RULES LOCAL GOVERNING BODIES MUST WORK TOGETHER

District Court Ruling Declares Void Flathead County Approval of a New Commercial Zone, which would have allowed strip commercial uses on property along all primary and secondary highways/roads in Flathead County.¹

In a July 1st ruling, the local Montana District Court has concluded that the Flathead County Commissioners' approval of a new highway commercial zone (entitled B-2HG) that would allow for 69 different commercial uses along most major roads in the county is illegal. The court voided the new zone as well as a recent application of that zone to property north of Kalispell. Significantly, the ruling addressed the fact that the proposed zone changes were not, as required by state law, compatible with nearby city zoning and long range planning. (Page 6-8) The court opinion also stated: "Clearly, the map amendment and zone change for the land in question does not comply with the [Flathead County] Growth Policy, constitutes spot zoning, was an abuse of discretion, and must be voided." (Page 14)

The opinion was also strong regarding the county's failure to meaningfully consider public comment. "The Commissioners' blatant disregard of public comment is unsupportable. The Commissioners failed to address the public concerns set forth above, and completely failed to address and incorporate those concerns in explaining its decision to make such [zoning] amendments." (Page 11 of 18)

In January 2011 Citizens for a Better Flathead along with property owner Sharon DeMeester filed this suit to ask the District Court to review and rule on the legitimacy of this new B-2HG zoning policy. Concerns were raised during the public hearing process by almost 900 members of the public. These concerns included well-documented research on the negative impacts of strip commercial zoning and its potential impacts on the Flathead's economy over time, concerns for impacts on road infrastructure and traffic, and concerns for the devaluation of investments that have been made by businesses, homeowners and existing cities and town centers. Only seven individuals submitted comments in favor of this zone change.

¹ See map attached of roads where the B-2HG zone could have been applied had the court not found it illegal.

Citizens for a Better Flathead appreciates the court's clear recognition of the need for the county and municipalities to work together and its recognition of the need for meaningful consideration of public comment in land use decisions. We hope that this ruling will provide a renewed opportunity for county and city residents and their representatives to work together. We are all fortunate to live in a truly "last best place." We are one valley and our quality of life, our economic future, and our children's future all depend on our respectfully working together. This requires each of us to support the community dialogue, necessary research, and visioning needed to find solutions that will sustain the special qualities of the Flathead. By planning to sustain the qualities that attract growth to our region, we can plan together for a prosperous future.

Additional documents and information detailing Citizens for a Better Flathead's concerns with the County's approval of this new zone can be found at www.flatheadcitizens.org.