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MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

CITIZENS FOR A BETTER FLATHEAD, a  
Montana nonprofit public benefit corporation,  
and SHARON DeMEESTER,

Plaintiffs,

vs.

BOARD OF COUNTY COMMISSIONERS  
OF FLATHEAD COUNTY, a political  
subdivision of the State of Montana and the  
governing body of the County of Flathead,  
acting by and through James R. Dupont,  
Pamela Holmquist, and Dale W. Lauman,

Defendants.

Cause No. DV-12- 010G

Judge: STEWART E STADLER

**ALTERNATIVE WRIT OF MANDATE**

A Verified Complaint and Application for Writ of Mandate, Writ of Review and Declaratory Relief has been filed in the above-entitled action. The Verified Complaint and Application allege that the Board of County Commissioners of Flathead County have violated clear legal duties in the decision-making process leading up to and including the July 27, 2011, approval of Final Resolution (No. 955 HL) to amend the text of the Flathead County Zoning Regulations by creating a new district known as "B-2HG, General Business Highway Greenbelt Zoning District," and approving the Resolution of Intent (No. 837 BW) to amend the Flathead County Zoning Map by changing zoning on approximately 64 acres of land located on U.S. Highway 93, north of Kalispell and south of Church Drive, from "SAG-10 Suburban Agricultural" to B-2HG.

Upon consideration of the Verified Complaint and Application for Writ of Mandate, Writ of Review and Declaratory Relief, and good cause appearing therefor,

IT IS HEREBY MANDATED AND ORDERED, pursuant to § 27-26-203, MCA, that the Defendants immediately upon receipt of this Writ: a) revoke Final Resolution No. 955 HL amending the text of the Flathead County Zoning Regulations by creating a new business district known as "B-2HG, General Business Highway Greenbelt Zoning District," and approving the Resolution of Intent No. 837 BW to amend the Flathead County Zoning Map by changing zoning on approximately 64 acres of land located on U.S. Highway 93, north of Kalispell and south of Church Drive, from "SAG-10 Suburban Agricultural" to B-2HG; and b) conduct any further consideration, deliberation, and action on these rezoning requests in accordance with Montana statutes, case law, and Flathead County Zoning Regulations and Resolution No. 2129.

OR IN THE ALTERNATIVE, the Board of County Commissioners of Flathead County are ordered to appear before this Court at 8:30 Am o'clock on the 2nd day of February, 2012, and show cause why the Board of County Commissioners of Flathead County have not acted in conformity with the Court's command set forth above.

DATED THIS 6<sup>th</sup> day of January, 2012.

  
DISTRICT COURT JUDGE