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Press Release

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FOR IMMEDIATE RELEASE
1 P.M. MST, Oct. 12, 2016

MONTANA SUPREME COURT RULING LEAVES IN PLACE THE ADOPTED 2012 FLATHEAD COUNTY GROWTH POLICY

The court ruling is based on its conclusions that under Montana law the Growth Policy is not a regulatory document, the planning board is not an entity subject to the legal requirements of a public “agency,” and that the minimum procedures required by law in revising the Growth Policy were followed.

In declining to rule on a number of the legal issues raised in the court challenge brought by Citizens for a Better Flathead, the Supreme Court ruling places the responsibility for securing more accessible, transparent and accountable opportunities for public input on how a community grows squarely in the hands of local residents and the local governing bodies whom they elect. Thus, the ruling in essence challenges local residents and voters to secure stronger local regulations or state-wide legislation if they wish to better ensure that local planning policies are based on meaningful consideration of facts and the well-being of the whole community, the environment, and future generations.

“We believe that there is nothing more important than citizens being able to have an active role in how the Flathead grows, and we challenge the County to provide the public every opportunity to participate and not simply do the very minimum necessary by law” said Executive Director Mayre Flowers in response to the opinion.

The Montana Supreme Court Ruling leaves in place changes to the adopted 2012 Flathead County Growth Policy, which Citizens for a Better Flathead (CBF) had asked the court to overturn. CBF, members of the public, and a number of public agencies during the County Growth Policy Update process had argued that the county had failed to:

- Provide the public a final copy of the proposed changes to the almost 200 page growth policy, which could have been easily done by highlighting where changes were proposed. Instead the county told the public they could simply compare the prior version with the new version.
- Hold meetings with adequate notice and accessible minutes.
- Develop findings of fact that showed the changes they proposed were based on reasonable consideration of the facts related to the proposed change and addressed the public concerns raised.
- Adopt policies that would ensure land use decisions respected the property rights and well-being of the community as a whole.

“While we are disappointed in the court’s ruling, it serves to only heighten the importance of Flathead County residents coming together to advocate during the pending 2017 Flathead County Growth Policy Update for stronger local policies that can ensure decisions about how the Flathead grows are based on meaningful consideration of facts, public input, and the well-being of the whole community, the environment, and future generations. Democracy is not a spectator sport, but rather requires on-going active participation. As we celebrate this our 25th year, we are stronger than ever in our commitment to secure policies that will grow our local economy and protect the valley’s clean water, natural beauty, friendly communities, and provide for meaningful public input” said Flowers.