OPINION

**Guest column: Let process for projects do its job**

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Let’s start with a simple premise: People who own land should, in general, have the freedom to conduct legal activities on that land.

While we allow neighboring landowners some input into development, that input is not endless, must be constrained by law and does not even approach the inherent rights of the landowner.

With that in mind, I am very concerned with what I see happening to the east of Great Falls with the cheese plant, and now the proposed Silver Falls Distillery. It seems apparent to me that opponents of this development have decided to take a “death by process” approach. I’m afraid the County Zoning Board of Adjustment (“ZBOA”) seems all too willing to go along.



Gregg Smith, Great Falls attorney, businessman (Photo: VIA GREGG SMITH)

Further, we now have a “citizens’ group," Montanans for Responsible Land Use (a Montana corporation, formed in October  -- five months ago -- and created with a specified term to expire on Dec. 1) opposing a special use permit to allow the distillery to be built east of Great Falls.

 Perhaps not unsurprisingly, according to the documents filed with the Secretary of State, the directors of this corporation all live on Homestake Lane, a small development … wait for it ... east of town. This smells more like NIMBY than grass roots.

But that’s fine, citizens can participate. More concerning is the ZBOA’s apparent willingness to slow development based on the complaints of a small fraction of the population. For that’s what it is, a small fraction. Even if 1,000 people have contributed to MRLU, that’s about 1.2% of the people in this county.

The first effort by this developer was Big Sky Cheese. After a year or more of wrangling with the county’s regulations, an application was submitted in April 2019. After more than two months, the ZBOA held a long public hearing. But that wasn’t enough, the Board needed *more* information.

After another 1 ½ months, a second, lengthy public hearing was held. After this hearing, the cheese plant was given conditional approval to open. That “conditional” part? Seventeen separate conditions were added. Some of them were sort of silly, in that they simply required the developer to comply with the law.

But some of the conditions seemed draconian, if not an outright effort to kill the project while retaining the ability to tell the public that, well, we gave ’em a chance. Why should the ZBOA dictate the hours of operation of a business? Should they be able to dictate the hours of *your* business?

So, as the developer fights through that process, he started another phase of his operation, the distillery. There was recently a public hearing on the distillery. But instead of deciding the issue, the ZBOA punted. Now we need *another* hearing, with more delay.

We’ll see if there are more “comments” and “conditions.”

It might be easy to shrug this off with, “so what, it’s a big project, and the public should have some input.” Fair enough, but the system should not be set against someone who wants to conduct legal operations on his own land.

I understand reasonable limits on land use. But this country was built on the idea of private property. At some point, we need to let the process work, handle things efficiently, and go forward or don’t.

We’ve heard complaints that this town is dying, that there are no good jobs, that there’s little development. And yet, when someone comes in and proposes to develop his own land, in a way that supports our local agricultural economy (the GFDA website notes Food/Agriculture/BioScience as an important strategic business sector), we allow a small group of people to obstruct, delay and sometimes prevent development, often based on provincial concerns.

As a lifetime member of this community, I am tired of watching developers come before our various boards, commissions and councils, hat in hand, begging for permission to spend a million dollars here.

 It’s time to put a stop to it — hold your hearing, apply the law, and get on with letting this town grow.

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