

# THREE FORKS ZONING & PLANNING BOARD BYLAWS

## ARTICLE I: PURPOSE AND OBJECTIVES

The purpose of the Three Forks Zoning and Planning Board (hereinafter referred to as the Board) is to advise and assist the Three Forks City Council in promoting the orderly development of the City, and in improving the health, safety, convenience and welfare of the residents living with its jurisdictional area, to include the City of Three Forks and other districts as may be established from time to time.

### A. Planning Objectives.

The Board shall encourage the Three Forks City Council and other units of government to plan for the future development of the jurisdictional area such that:

1. The community of Three Forks and its surrounding region shall grow only with adequate regard for its present and future residents;
2. The regions shall grow only with adequate highway, utility, health, educational and recreational facilities;
3. The needs of agriculture, industry and business be recognized in future growth;
4. Residential areas provide healthy surroundings for family life;
5. The built environment, the heritage, and the special sense of place characteristic of Three Forks shall be protected and enhanced; and
6. The growth of the jurisdictional area promotes the efficient and economical use of public funds.

### B. Zoning Objectives.

1. Zoning regulations made to carry out the planning objectives shall be designed to:
  - a. Lessen congestion in the streets;
  - b. Secure safety from fire, panic and other dangers;
  - c. Provide adequate light and air;
  - d. Prevent the overcrowding of land;
  - e. Avoid undue concentration of population;

- f. Facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements and amenities; and
  - g. Enhance the unique architectural qualities and sense of place of the community of Three Forks.
2. Such regulations shall be made with reasonable consideration for the character of the district and its suitability for particular uses, for the heritage and traditions of the community, for the long-term value of land and buildings, and for the most appropriate uses of land throughout the jurisdictional zoning area of the City of Three Forks.
  3. Regulations made to carry out the planning objectives shall made in accordance with the Three Forks **Growth Policy** and requirements of the city code.

## **ARTICLE II: JURISDICTION**

The Board shall have planning and zoning jurisdiction within the City of Three Forks and within any duly established extraterritorial jurisdictions.

## **ARTICLE III: POWERS AND DUTIES**

1. The Board shall have such powers and duties as are provided in Title 76, Montana Code Annotated. The Board shall also have such powers and duties as set forth in the Three Forks Growth Policy, the Three Forks Zoning Ordinances, applicable subdivision regulations, and other applicable regulations. Regulations made to carry out these powers and duties shall be made in accordance with the Three Forks Growth Policy and the Three Forks Zoning Ordinances. Regulations shall be destined to ensure a rational, orderly and efficient planning for the future development of the City of Three Forks and its surrounding area.
2. The Board shall prepare, propose, and periodically review the Growth Policy for the jurisdictional area, and shall assist in the preparation, review and amendment of the Three Forks Zoning Ordinances.
3. The Board shall advise the City Council in all matters pertaining to the approval or disapproval of plats or subdivisions.

## **ARTICLE IV: OFFICE OF AGENCY**

The Board shall maintain its offices in the Three Forks City Hall, 206 Main Street, Three Forks, Montana, 59752.

## ARTICLE V: MEMBERSHIP

### A. Appointment

The Board shall consist of seven members to be appointed as follows, in accordance with Section 76-1-221, Montana Code Annotated (MCA):

1. One member to be appointed by the City Council from its membership.
2. One member to be appointed by the City Council, who may in the discretion of the City Council be an employee or hold public office in the city of Three Forks or Gallatin County.
3. One member to be appointed by the Mayor upon the designation by the county commissioners of Gallatin County.
4. Four citizen members to be appointed by the Mayor, two of whom shall be resident freeholders within the urban area, if any, outside the city limits over which the Board has jurisdiction under Chapter 76-1, Montana Code Annotated, and two of whom shall be resident freeholders within the city limits. The citizen members shall:
  - a. Be qualified by knowledge and experience in matters pertaining to the development of the city; and
  - b. Hold no other office in the city government.

### B. Certification

The City Clerk shall certify all members appointed by its body. The certificates (oath of office) shall become a part of the records of the Board.

### C. Removal from Office

1. Any citizen appointee may be removed from office by a majority vote of the City Council.
2. Three unauthorized consecutive absences from Board meetings shall be reported to the City Council by the Board chairperson and may be grounds for removal from office. Absences may be authorized by the Board Chairperson.

### D. Terms of Members

1. The term of the appointed member of the City Council shall be coextensive with the term of office to which he or she has been elected or appointed unless the City Council, on its

first regular meeting of each year, appoints another to serve as its representative or unless his or her term is terminated.

2. The terms of the other members shall be three years. Terms shall be staggered so that the terms of approximately one third of said members shall expire in any given year.

#### E. Resignation and Vacancies

1. Vacancies occurring on the Board shall be filled for the unexpired term by the governing body appointing them.
2. Resignations from the Board shall be made in writing to the appropriate governing body and to the Board chairperson.

### **ARTICLE VI: OFFICERS AND THEIR DUTIES**

- A. At its first regular meeting each year, the Board shall elect from its members a chairperson and vice-chairperson per Section 76-1-302, MCA. The vice-chairperson shall have authority to act as chairperson during the absence or disability of the chairperson.
- B. The chairperson shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary practice to this office. The chairperson shall further be empowered to call special meetings, and generally to perform other duties as may be prescribed in these by-laws or by Board action.
- C. The chairperson shall have the privilege of participating in discussions of all matters before the Board and shall have the privilege of voting on all matters before the Board, other than when prohibited under Article VII.F of these bylaws.
- D. In the event of the absence of the chairperson and vice-chairperson, the members of the Board shall select an acting chairperson.

### **ARTICLE VII: MEETINGS**

#### A. Regular Meetings

The Board shall hold a regular meeting on the third Thursday of each month. However, the Board may by resolution amend the time for holding regular monthly meetings, subject to approval by the city council. Any individual meeting may be cancelled by the chairperson of the Board if no business has been placed on the agenda. However, the Board shall meet at least once in months of January, April, July and October per Section 76-1-301, MCA.

#### B. Special Meetings

Special meetings of the Board may be called by the chairperson or by two members upon written request to the city clerk. The city clerk shall send to all members and to a newspaper of general

circulation within the jurisdiction, at least two days in advance of a special meeting, a written notice fixing the time and place of the meeting.

C. Quorum

A majority of members constitutes a quorum per Section 76-1-304, MCA. No action of the board is official unless authorized by a majority of members of the quorum at a regular or properly called special meeting.

D. Open Meetings and Document

1. All meetings of the Board and its committees shall be open to the public and all minutes of Board meetings shall be available to the public pursuant to Section 2-3-2, MCA.
2. However, the presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy, and then only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual to whom the discussion pertains and, in that event, the meeting shall be open.
3. Further, a meeting may be closed to discuss a strategy to be followed with respect to litigation or collective bargaining when an open meeting would have a detrimental effect on the bargaining or litigating position of the public agency.

E. Rules of Order

Meetings of the Board shall be conducted according to the current edition of Robert's Rules of Order.

F. Conflict of Interest

A member of the Board who has a financial interest in an item under consideration by the Board, or who is related by blood or marriage to an applicant or principal in an item before the Board, shall declare a potential conflict of interest and abstain him or herself from the discussion and vote regarding the item. Such declaration shall be entered into the minutes of the meeting. In the event that a Board member is representing a party with an item before the Board or one of its committees, that member shall refrain from participating in the discussion and vote regarding the item.

**ARTICLE VIII: PROCEDURES FOR THE PLACING OF ITEMS OF BUSINESS BEFORE THE BOARD**

A. Items Not Requiring a Public Hearing

No special committee reports, staff reports, or communications submitted for action by the Board shall be acted upon unless it is submitted to each Board member four (4) days prior to a regular meeting date. New Business may be introduced without five days' notice for the purpose of

Board action at a future meeting or referral to a committee or staff for study or consideration. Provisions of this section may be waived by the unanimous vote of the members present.

**B. Items Requiring a Public Hearing**

1. **By noon**, at least twenty-one (21) days prior to the date of a requested public hearing, applicants shall submit to the city clerk the required documents, to include application form and fee, and documentation to include architectural and engineering plans necessary to undertake a complete review of the case.
2. Upon receipt of a completed application, and at least fifteen (15) days prior to the date set for the public hearing, the Board shall have published in a newspaper of general circulation in the Board's jurisdictional area a notice of the subject, time and place of the hearing.
3. Also upon receipt of a completed application, the city clerk shall provide one copy of the application form and documentation to the city planner, if applicable, for planning review and recommendation to the Board. This review shall be completed and submitted to the city staff no later than three (3) days prior to the public hearing.
4. At least two (2) days prior to the date set for the public hearing, the city staff shall distribute one copy of the documentation and planning report to each member of the Board for discussion at the public hearing.

**ARTICLE IX: ORDER OF BUSINESS AT MEETINGS**

A. Unless otherwise determined by the chairperson, the order of business a regular meeting shall be:

1. Call to order and roll call.
2. Communications and statements from the public (not on the agenda).
3. Approval of minutes of previous meetings.
4. New business, to include public hearings.
5. Old business, to include previously tabled or postponed items.
6. Reports from Board members, committees, city council and city staff as applicable.
7. Other business.
8. Adjournment.

B. A motions from a member of the Board must be made, seconded and passed in order to dispense with any agenda item or to change the order of business.

C. Public hearings shall be conducted as follows:

1. The chairperson or acting chairperson shall preside at public hearings.

2. A recording secretary shall take the minutes, or the proceedings shall be recorded by a sound recording device. Proceedings of the hearings shall be incorporated into the minutes book of the Board to become a permanent part of that record.
3. All testimony, comments and questions must be directed to the chairperson, and only after being properly recognized by the chairperson.
4. All persons recognized shall give their name and address and, if applicable, the name of the person, firm or organization they represent.
5. Copies of prepared statements shall be given to the chairperson and shall become part of the record.
6. The applicant or applicant's representative must be in attendance to respond to questions that might arise. Failure to attend will result to postponement of the hearing.
7. The Chairperson shall assure an orderly hearing and shall reserve the right to terminate the hearing in the event the discussion becomes unruly or unmanageable.
8. The order of procedure for a public hearing shall be:
  - a. Chairperson shall introduce and open the hearing and summarize the item to be heard. Chairperson shall explain the procedure for the hearing.
  - b. City Planner/Staff will read/present the staff report, as applicable. The hearing shall be conducted only for the purpose of taking testimony to be considered in the Board's deliberations relating to an item.
  - c. Questions to staff by Board members.
  - d. Presentation or comments by applicant.
  - e. Questions to applicant by Board members.
  - f. Comments by the public.
  - g. Chairperson shall ask if all those who wish to speak have spoken. If no further comments, chairperson closes the public comment. (May be reopened by the Chairperson only, as they see fit.)
  - h. **Rebuttal** comments by applicant, as appropriate.
  - i. Additional comments by staff, if applicable.
  - j. Deliberation and action by Board.

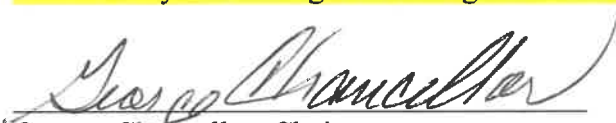
**ARTICLE X: COMMITTEES**

Special committees may be appointed by the chairperson for purposes and terms approved by the Board. In referring items to committees, the chairperson shall stipulate a deadline for reporting back to the Board. Copies of the committee report, if in written form, shall be submitted to the chairperson of the Board.

**ARTICLE XI: AMENDMENTS**

Amendments to these bylaws not in conflict with this resolution of the city council may be introduced in writing by any member of the Board at a regular meeting. Action by a majority of the Board on the amendment may be taken on second reading at a forthcoming regular meeting.

Approved by the Zoning & Planning Board dated this 2/27/1996 via Resolution #693.  
Amended by the Zoning & Planning Board dated this 2/16/2023.



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George Chancellor, Chairperson

Agreed to the changes dated 2/16/2023 by the Three Forks City Council this 14<sup>th</sup> day of March 2023 via Resolution # 391-2023.



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Randy Johnston, Mayor