

RESOLUTION 24-11241

A RESOLUTION ESTABLISHING AN INTERIM PLANNING COMMISSION TO IMPLEMENT THE MONTANA LAND USE PLANNING ACT

WHEREAS, the 2023 Montana Legislature passed Senate Bill 382, the Montana Land Use Planning Act (MLUPA), codified in Title 76, Chapter 25, of the Montana Code Annotated to provide a comprehensive land use planning system that promotes the health, safety, and welfare of the people of Montana.

WHEREAS, a Planning Commission is authorized and required by MLUPA in §76-25-104, MCA.

WHEREAS, as required by MLUPA, the City of Billings must either establish a municipal Planning Commission or so designate an existing, legally authorized planning board, zoning commission, or planning and zoning commission as a Planning Commission for the purposes of MLUPA.

WHEREAS, the City desires to establish a separate Interim Planning Commission for the City of Billings for the purposes of implementation of MLUPA and its requirement to develop a City Land Use Plan and Future Land Use Map.

WHEREAS, the City of Billings, the Town of Broadview, and Yellowstone County currently operate a County Planning Board with City representation pursuant to a 1995 Interlocal Agreement. The Interim Planning Commission established by this Resolution will be an interim body until the City creates a permanent Planning Commission in 2026 and at that time the current Planning Board will transition to a County Planning Board without City representation.

WHEREAS, the City desires to have the City Zoning Commission and City Board of Adjustment continue to exist under current City and State regulations and apply current City Zoning Regulations during the life of the Interim Planning Commission established by this Resolution.

WHEREAS, the City desires to appoint the existing five City Ward members of the City-County Planning Board and one member each from the City Zoning Commission and City Board of Adjustment to the Interim Planning Commission until the City fully implements the MLUPA and creates a permanent Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA AS FOLLOWS:

1. Interim Planning Commission Established

An Interim Planning Commission for the City of Billings is established as required by MLUPA and pursuant to Billings, Montana City Code (BMCC) Section 2-224. The Interim Planning Commission shall have the duties and responsibilities set forth below until such time as the MLUPA has been fully implemented by the City of Billings and a permanent

Planning Commission is created, which shall happen no later than May 17, 2026, or as otherwise required by Montana law.

2. Duties and Responsibilities

The Interim Planning Commission shall review and make recommendations to the City Council regarding development, amendment, review, adoption, and approval or denial of the following documents:

- A. Development of the land use plan and future land use map as provided in Title 76, Chapter 25, Part 2;
- B. Changes to zoning regulations and the zoning map as provided in Title 76, Chapter 25, Part 3;
- C. Changes to the subdivision regulations as provided in Title 76, Chapter 25, Part 4; and
- D. Any other legislative land use planning document the City Council designates as part of the initial development of the land use plan and future land use map.

3. Interim Planning Commission Composition and Initial Appointment

The Interim Planning Commission shall consist of nine (9) members: five (5) members previously appointed by the City Council to the County Planning Board from each City Ward, the chair of the City Zoning Commission (ZC), the chair of the City Board of Adjustment (BOA), the Executive Director of the Home Builders Association of Billings, and the Executive Director of the Billings Association of REALTORS. If a member from the County Planning Board is unable or unwilling to serve, then applications will be sought pursuant to BMCC Section 2-501.2 to represent the applicable City Ward. If the chair of the ZC or BOA is unable or unwilling to serve, then applications will be sought pursuant to BMCC Section 2-501.2.

4. Terms

The initial members appointed in accordance with this Resolution shall initially serve from the first meeting of the Commission after confirmation of their willingness to serve and selection of the two at-large positions until:

1) May 17, 2026, 2) the creation of the permanent Planning Commission, or 3) until their successors are otherwise appointed and qualified, whichever occurs first.

5. Interim Planning Commission Qualifications

The members of the Interim Planning Commission shall be residents of the City of Billings and meet the minimum qualifications set forth in BMCC Section 2-501.1.

6. Removal

Interim Planning Commission members serve at the pleasure of the City of Billings City Council and may be removed as set forth in BMCC Article 2-500.

7. Interim Planning Commission Vacancies

Vacancies occurring on the Interim Planning Commission will be filled for the unexpired term by the Mayor with the consent of City Council in accordance with Section 3 above.

8. Meetings of the Interim Planning Commission

The Interim Planning Commission shall meet monthly, on the date and time established within the Interim Planning Commission By-Laws. Special meetings may be called as often as required to advance the roles and duties of the Interim Planning Commission outlined in Section 2 of this Resolution. The Interim Planning Commission shall hold at least two working sessions jointly with the Adjacent Neighborhood Committee of the City of Billings.

A quorum shall consist of a majority of currently appointed voting members of the Interim Planning Commission. A quorum must be present for the Interim Planning Commission to take official action. A favorable vote of at least a majority of the quorum is required to authorize an action at a regular or properly called special meeting.

9. Meeting Notifications

All meetings of the Interim Planning Commission shall be open to the public. Meeting notices shall be posted as required by the MCA for noticing meetings of public bodies and as otherwise required by Billings Code or the City Council approved Planning Division Public Participation Plan.

10. Officers

The Interim Planning Commission shall include a Chairperson, Vice-Chair and Secretary. The Chair and Vice-Chair shall serve one (1) year terms. Officer elections shall be held at the first meeting of the Commission when all members are selected or at the 1st meeting in 2025 and 2026. The Secretary of the Interim Planning Commission shall be an ex officio, non-voting staff liaison or other staff member as assigned by the Planning Director.

11. Compensation and Budgeting

All expenses for the operation of the Interim Planning Commission are paid from the City of Billings Planning Division Budget. Authorization for any related planning expenses incurred by the Interim Planning Commission is the responsibility of the Planning Division or as directed by the City Administrator.

The Interim Planning Commission has no authority to establish a budget, levy taxes, or indebt the City or itself.

12. Organization and By-Laws

The Interim Planning Commission shall adhere to the requirements specified in MLUPA, applicable ordinances, resolutions, policies, and regulations of the City of Billings that govern boards and commissions. The Interim Planning Commission shall follow Roberts Rules of Order, Newly Revised for meeting procedures.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 23rd day of September, 2024.

CITY OF BILLINGS



By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk