

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 25- 103

Resolution of Intent to Consolidate Yellowstone County Zoning Commission and Yellowstone County Board of Adjustment

WHEREAS, pursuant to Section 76-2-220 of the Montana Code Annotated, a board of county commissioners has the authority to create a county zoning commission. Pursuant to Section 76-2-221 of the Montana Code Annotated, a board of county commissioners has the authority to create a county board of adjustment. Pursuant to Section 76-1-114 of the Montana Code Annotated, a board of county commissioners has the authority to consolidate any combination of planning board, zoning commission and board of adjustment.

WHEREAS, Section 76-1-114 of the Montana Code Annotated, does not provide how a board of county commissioners is supposed to consolidate any combination of planning board, zoning commission and board of adjustment. A board needs to provide the public with the ability to participate in the decision. For the public to participate in the decision, it will need notice of the potential consolidation and an opportunity to comment on the potential consolidation. To allow for public participation, a board should hold a discussion on the consolidation, pass a resolution of intent for the consolidation, set a public hearing, provide notice of the public hearing, accept written comments before the hearing, hold a public hearing, accept written and oral comments at the hearing, discuss the consolidation at the hearing and pass a resolution to either consolidate or not consolidate. The process would allow for public participation in the decision.

WHEREAS, the Yellowstone County Board of County Commissioners created a Yellowstone County Zoning Commission and a Yellowstone County Board of Adjustment. The Board has not been able to obtain enough members for the Zoning Commission to maintain a quorum for the Zoning Commission. The lack of a quorum is adversely affecting Yellowstone County's ability to process zone change requests. To solve the lack of a quorum for the Zoning Commission, the Board has decided to consolidate the Zoning Commission with the Board of Adjustment. If consolidated, the Board would appoint the current members of the Zoning Commission and the Board of Adjustment to the Consolidated Zoning Commission. The Consolidated Zoning Commission would have five members. The Consolidated Zoning Commission would perform the function of both the Zoning Commission and Board of Adjustment.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners intends to consolidate the Yellowstone County Zoning Commission and the Yellowstone County Board of Adjustment into a Consolidated Yellowstone County Zoning Commission. The Consolidated Zoning Commission would perform the function of both the Zoning Commission and Board of Adjustment.

On September 9, 2025, the Board will hold a public hearing on the proposed consolidation. At the hearing, the Board will receive comments on the proposed consolidation. The Board orders the Yellowstone County Clerk and Recorder to provide notice of the hearing, receive written comments on the proposed consolidation and provide the comments to the Board before the hearing.

After the hearing, if the Board believes that it is in the best interest of the public to consolidate, it will pass a resolution to consolidate. If the Board believes that it is not in the best interest of the public to consolidate, it will pass a resolution not to consolidate.

Passed and Adopted on the 26th day of August 2025.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Mark Morse, Chair

Michael J. Waters, Member

ATTEST:

Chris White, Member

Jeff Martin, Clerk and Recorder

Attachments

None

Chronology

Discussion – August 20, 2025

Resolution of Intent – August 26, 2025

Publication of Hearing – August 29, 2025 & September 5, 2025

Public Hearing / Resolution – September 9, 2025

Documents

Report

Proposed Bylaws

Resolution of Intent

Meeting Minutes

Meeting Recording

Notice of Public Hearing

Affidavit of Notice of Public Hearing

Comments

Resolution

Meeting Minutes

Meeting Recording

Comments

Letters of Appointment