

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 25- 112

Resolution 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.

WHEREAS, on September 2, 2025, the Yellowstone County Board of County Commissioners passed a resolution of intent to consolidate the Yellowstone County Zoning Commission and Yellowstone County Board of Adjustment and set a public hearing on the consolidation for September 16, 2025. On September 5, 2025 and September 12, 2025, the Yellowstone County Clerk and Recorder published notice of the public hearing in the *Yellowstone County News*. On September 16, 2025, the Board held a public hearing on the consolidation. The Board heard comments on the consolidation and considered the consolidation and comments. The Board determined that it would be in the best interest of the public to consolidate.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners consolidates the Yellowstone County Zoning Commission and the Yellowstone County Board of Adjustment into a Consolidated Yellowstone County Zoning Commission. The Consolidated Yellowstone County Zoning Commission shall perform the function of both the Zoning Commission and Board of Adjustment. The consolidation is effective immediately. The consolidation shall continue until superseded by another resolution. The Board appoints the current members of the Zoning Commission and Board of Adjustment to the Consolidated Zoning Commission – Tyler Bush, Carlotta Hecker, Todd Hewett, and Pam Ellis. The Consolidated Yellowstone County Zoning Commission shall adopt new bylaws for itself.

Passed and Adopted on the 16th day of September 2025.

BOARD OF COUNTY COMMISSIONERS

YELLOWSTONE COUNTY, MONTANA

Mark Morse, Chair

Michael J. Waters, Member

ATTEST:

Chris White, Member

Jeff Martin, Clerk and Recorder