

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING A PLANNING
COMMISSION REQUIRED BY 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 Planning Commission for the City of Billings for the purposes of implementation of MLUPA and the requirement to develop a City Growth Policy that reflects the requirements of MLUPA.

WHEREAS, the City of Billings, the Town of Broadview, and Yellowstone County currently operate a City-County Planning Board pursuant to a 1995 Interlocal Agreement. Therefore, the Planning Commission established by this Resolution will be an interim body until the City is in a position to create a permanent Planning Commission.

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 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. Planning Commission Established

A Planning Commission for the City of Billings is established as required by MLUPA and is subject to Billings, Montana City Code (BMCC) Article 2-500. The 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.

2. Duties and Responsibilities

The 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. The land use plan and future land use map as provided in Title 76, Chapter 25, Part 2;
- B. Zoning regulations and map as provided in Title 76, Chapter 25, Part 3;
- C. Subdivision regulations as provided in Title 76, Chapter 25, Part 4; and
- D. Any other legislative land use planning document the City Council designates.

3. Planning Commission Composition

The Planning Commission shall consist of seven (7) members previously appointed by the City Council to the City-County Planning Board: five (5) members from each City Ward and the remaining two (2) members being the chair of the City Zoning Commission and the chair of the City Board of Adjustment. If a member from those entities is unable or unwilling to serve, then applications from the remaining members will be sought and considered by City staff and a recommendation will be forwarded to Council for consideration.

4. Terms

The initial members appointed in accordance with this Resolution shall initially serve until: 1) May 17, 2026, 2) the creation of the permanent Planning Commission, 3) until re-appointed as a member of the permanent Planning Commission, if applicable, or 4) until their successors are otherwise appointed and qualified, whichever occurs first.

5. Planning Commission Qualifications

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

6. Removal

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. Planning Commission Vacancies

Vacancies occurring on the Planning Commission will be filled for the unexpired term by the City Council subject to BMCC Article 2-500. Any appointment would also fill the vacancy on the respective board outlined within Section 3 of this Resolution and will be made in the same manner and subject to the same qualifications as an appointment to the respective board or commission.

8. Meetings of the Planning Commission

The Planning Commission shall meet monthly, on the date and time established within the Planning Commission By-Laws. Special meetings may be called as often as required to advance the roles and duties of the Planning Commission outlined in Section 2 of this Resolution. A quorum shall consist of a majority of currently appointed voting members of the Planning Commission. A quorum must be present for the 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 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 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 on the 1st meeting of each calendar year. The Secretary of the 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 Planning Commission are paid from the City of Billings Planning Division Budget. Authorization for any related planning expenses incurred by the Planning Commission is the responsibility of the Planning Division or as directed by the City Administrator. The Planning Commission has no authority to establish a budget, levy taxes, or indebt the City or itself.

12. Organization and By-Laws

The 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 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 ____ day of _____ 2024.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk