

## CHAPTER 3 – ACTORS IN THE ADMINISTRATION OF THESE REGULATIONS

### 11-3-1: PURPOSE:

This chapter replaces Title 2, Chapter 1, which established a City Zoning and Planning Board; establishes a Planning Board and Zoning Commission (PBZC) and a Board of Adjustment (BOA); and describes the roles of the actors who make these regulations work in the City of Three Forks.

### 11-3-2: ROLE OF APPLICANT:

- A. The Applicant for a permit required by these regulations must be the owner-of-record of the property on which development is proposed or a representative authorized by the owner-of-record's written and signed statement. That statement must accompany the application for a permit.
- B. Applicants must acknowledge the general principles of compliance adopted at Section 11-1-4 with their signature and abide by the expectations of Section 11-3-7.
- C. Applicants must meet with Staff before filing an application when that is required by these regulations. **It is advisable to meet with Staff before filing any application.**
- D. Where these regulations require a public hearing on an application, the applicant must be present. Applicants are not required to make a statement, but must be there to answer questions.

### 11-3-3: ROLE OF STAFF:

- A. "Staff" refers to the city employees and/or contractors assigned by the Mayor and City Council to administer these regulations.
- B. Staff accepts applications for permits and determines whether they are complete; reviews and acts on or refers complete applications for review by the PBZC as provided by Chapter 11-4; reviews and refers appeals to the BOA as provided by Chapter 11-7; issues permits or denials; and ensures that development complies with these regulations and any conditions imposed upon permit approval.
- C. Staff may seek the advice of the PBZC on applications for zoning permits, as provided by Section 11-5-4.C.
- D. Staff also answers questions from the public; prepares and distributes meeting agendas, notices, and minutes; conducts pre-application conferences, assists the PBZC, the BOA, the Mayor and Council, and other city committees and officials in conducting meetings; and otherwise implements requirements of these regulations and state law.

- E. Staff is hereby empowered to prepare application forms and checklists, and any other forms needed for the administration of these regulations. Use of the forms prepared by Staff is required.

#### **11-3-4: ROLE OF PLANNING BOARD AND ZONING COMMISSION:**

- A. A PBZC consists of citizens as provided by §76-1-101, et seq, MCA and §76-2-307, MCA is hereby established.
- B. The PBZC shall review these regulations and their administration annually.
- C. The PBZC may propose and conduct hearings on amendments to these regulations; will review and conduct hearings on amendments proposed by others; and may, by majority vote, forward proposed amendments to the Council with a recommendation for action.
- D. The PBZC may advise Staff on applications for zoning permits, as provided by Section 11-5-4.C.
- E. The PBZC reviews and makes recommendations to the Council on applications for Conditional Use Permits (CUPs, as provided by Chapter 11-6.
- F. The PBZC reviews and makes recommendations to the Council on proposed subdivisions, as provided by §76-1-107, MCA and Chapter 11-8.
- G. The PBZC is also responsible for the maintenance of Three Forks' Growth Policy, as provided by §76-1-601-607, MCA.

#### **11-3-5: ROLE OF BOARD OF ADJUSTMENT:**

- A. A Board of Adjustment (BOA) consists of citizens as provided by §76-1-321 and 322, MCA is hereby established.
- B. The BOA hears appeals from decisions of the Staff, specifically including appeals for a variance, as provided by Chapter 11-7.

#### **11-3-6: ROLE OF CITY COUNCIL (COUNCIL):**

- A. The Council is Three Forks' elected governing body. It adopted these regulations and may, after receiving a recommendation from the PBZC, act on proposed amendments, as provided in Chapter 11-10.
- B. The Council reviews and acts on proposed annexations. See Chapter 11-10.
- C. The Council, after receiving recommendations from the PBZC, reviews and acts on

proposed subdivisions as provided by Chapter 11-8.

- D. The Council establishes non-refundable fees to support the administration of these regulations. These fees will be established by resolution on or before the effective date of these regulations then reviewed annually to ensure that they are consistent with the costs of administering them.

#### **11-3-7: RULES OF CONDUCT:**

- A. It is expected that all who participate in the procedures established by these regulations will conduct themselves with respect for the process and the rights and dignity of others. Whoever is presiding over any meeting conducted pursuant to these regulations is empowered to ask anyone who cannot meet this expectation of civility to leave. Disrupting a public meeting may be a violation of §45-8-101, MCA.
- B. It is expected that anyone who wishes to speak during any of the procedures established by these regulations will be well prepared and confine their statements to the matter being considered. It is further expected that everyone involved will be courteous and refrain from personal attributions or attacks. Whoever is presiding over any meeting conducted pursuant to these regulations is empowered to ask anyone who cannot meet this expectation of civility to leave. Disrupting a public meeting may be a violation of §45-8-101, MCA.
- C. Staff, PBZC, and BOA members are subject to the Code of Ethics established by §2-2-101, et seq, MCA. These regulations restate the provisions of that Code that are most likely to apply: conflicts of interest and ex parte contacts.
  - i. A conflict of interest occurs when a member of the Staff, the PBZC, or the BOA are applying for a permit; when their board is going to act on an application from a business in which they have a financial interest; or when their board is going to act on an application from a relative, by blood or marriage, or a business partner.
  - ii. Any actor in the administration of these regulations who has a conflict of interest shall declare that conflict and refrain from participating in the review of the application.
  - iii. An ex parte contact occurs when any board/Council member discusses a pending quasi-judicial application for a permit required by these regulations with the applicant or anyone who is potentially affected by the proposed development outside a public meeting.
  - iv. Members should avoid ex parte contacts, but because that may be impossible, the required standard of conduct is to disclose such contacts for the record. Following disclosure of an ex parte contact, the board/Council may discuss the extent and nature of that contact and ask the member who made the disclosure to refrain from participation in the review of the

application.

- v. Failure to meet the expectations of civility adopted here, to declare a conflict of interest, or to disclose an ex parte communication may be grounds for removal from the PBZC or BOA.