

Chapter 3 – Actors in the Administration of these Regulations

11-3-1 Purpose This chapter replaces the previous ordinance (Title 2, Chapter 1) establishing a City Zoning and Planning Board; establishes a Planning Board and Zoning Commission and a Board of Adjustment; and describes the roles of the actors who make these regulations work in the City of Three Forks.

11-3-2 Role of Applicant in Seeking a Permit

- 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 permit application.
- B. Applicants must acknowledge the general principles of compliance adopted in 11-14 with their signature.

11-3-3 Role of Staff in Administering these Regulations

- A. "Staff" refers to the city employees and/or contractors assigned by the Mayor and Council to administer these regulations.
- B. The Staff accepts applications for permits and determines whether they are complete; reviews and acts on or refers complete applications for review by the Planning Board and Zoning Commission as provided by Chapter 11.4 – Permits; reviews and refers appeals to the Board of Adjustment as provided by Chapter 11-8 – Appeals, including Variances; issues permits or denials; and ensures that development complies with these regulations and any conditions imposed upon permit approval.
- C. The Staff may seek the advice of the Planning Board and Zoning Commission on applications for administrative permits, as provided by 11-7-?.
- D. The Staff also answers questions from the public; prepares and distributes meeting agendas, notices, and minutes; conducts pre-application conferences, assists the Planning Board and Zoning Commission, the Board of Adjustment the Mayor and Council, and other city committees and officials in conducting meetings; maintains meeting transcripts; and otherwise implements the requirements of these regulations and state law.
- E. The Staff is hereby empowered to prepare application forms and checklists, and any other forms needed for the administration of these regulations. The use of forms prepared by the Staff is required.

11-3-4 Role of the Planning Board and Zoning Commission in Administering These Regulations

- A. A Planning Board and Zoning Commission (PBZC) that consists of seven (7) citizens

who are appointed 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 during the previous year at each year's January meeting.
- 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 Mayor and Council with a recommendation for action.
- D. The PBZC may advise the Staff on applications for zoning permits, as provided by 11-7-?.
- E. The PBZC reviews, conducts hearings, and acts on applications for conditional use permits.
- F. The PBZC reviews proposed subdivisions and makes recommendations to the Mayor and Council as provided by §76-1-107, MCA and 11-5 – Subdivisions.
- G. The PBZC is also responsible for the maintenance of Three Forks's Growth Policy, as provided by §76-1-601-607, MCA.

11-3-5 Role of the Board of Adjustment (BOA) in Administering these Regulations?

- A. A BOA that consists of five (5) citizens who are appointed as provided by §76-2-321-322, MCA is hereby established.
- B. The BOA hears appeals from decisions of the Staff and PBZC, specifically including appeals for a variance, as provided by Chapter 11-8 – Appeals, including Variances.

11-3-6 What is the role of the City Council in administering these regulations?

- A. The City 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-? – Amendments.
- B. The City Council reviews and acts on proposed annexations. See Chapter 11-? – Annexation.
- C. The City Council, based on recommendations from the PBZC, reviews and acts on proposed subdivisions as provided by Chapter 11-? – Subdivisions.
- D. The City Council establishes **non-refundable** fees to support the administration of these regulations. Fees will be established by resolution on or before the effective date of these regulations and then reviewed annually to ensure consistency with the costs of administering them.

Do you want to specify a regular time for the Council's review of the administrative

fees? Like at the first meeting in month of each year?

11-3-7 Rules of Conduct for Applicants, the Public, and those Involved in Administering these regulations

- 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.
- D. 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.
- E. 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.
- F. An ex parte contact occurs when a member of the PBZC or BOA discusses a pending 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.
- G. Members should avoid ex parte contacts, but because that may be impossible, the required standard of conduct is to disclose any such contacts for the record. Following such a disclosure, the PBZC or BOA may discuss the extent and nature of the disclosed contact and ask the member who made the disclosure to refrain from participation in the review of the application.
- H. Failure to meet the expectations of civility adopted here or to declare a conflict of interest or disclose an ex parte communication may be grounds for removal from the PBZC or BOA.