

Draft Draft Draft

Updated 5/21/18

MIDDLE CANYON LAND USE ADVISORY COMMITTEE BY-LAWS

ARTICLE 1 Authorization

The Flathead County Board of County Commissioners (Commission) approved and adopted the Canyon Area Land Use Regulatory System (CALURS) on December 29, 1994. CALURS provided for and created a citizen review panel (i.e. land use advisory committee) for Middle Canyon area, defined by the Canyon Plan.

ARTICLE 2 Statement of Purpose

1. The Middle Canyon Land Use Committee (Committee) shall serve as a liaison between Middle Canyon residents and county offices addressing land use and development in the Middle Canyon area. The role of the Committee is to provide recommendations to the planning and zoning office, planning board, board of adjustment and the county commission.
2. The Committee shall also act in their capacity to periodically review and recommend revisions to the Canyon Area Land Use Regulatory System, (CALURS).

ARTICLE 3 Duties and Responsibilities

1. The Committee shall have the duty and responsibility to:
 - A. Review and give recommendations on ~~various~~ Middle Canyon land use applications being processed by the planning and zoning office. Recommendations shall be based on assessing the proposals' compliance with the Canyon Plan and CALURS and other applicable county and State regulations.
 - B. Be governed by the provisions of all applicable statutes, local laws, ordinances and resolutions.
 - C. Solicit ~~and encourage public~~ input from Middle Canyon residents, as well as adjoining residents, as scales of projects *indicate*/warrant.

Page 1 of **10**

- D. Forward written recommendations to the planning and zoning office in a timely fashion on all reviewed land use applications as well as other projects affecting the Middle Canyon area.
- E. *Receive and forward reported* violations of *regulations, in writing*, associated with the Middle Canyon area to the proper authorities such as the planning and zoning office and/or the commission.
- F. Communicate with the residents of the Middle Canyon area through printed media, neighborhood meetings, and any other means deemed necessary or desirable in order to obtain the opinions, comments, and suggestions regarding issues which are of concern to the residents.
- G. Attend meetings of the commission and other county boards and any other meetings where issues of importance to Middle Canyon will be discussed. Attendance may be by the entire Committee or by a *committee* designated representative.
- H. Keep a record of all acts and meetings for the operation of the Committee. Agendas and minutes of meetings are to be provided to Committee members and emailed to the planning and zoning office.

ARTICLE 4

Terms and Appointments

1. The Committee shall include three (3) members appointed by the commission for three (3) staggered year terms ending December 31st. Appointees must reside within the Middle Canyon area, *be a resident of the state of Montana*, and may be re-appointed to successive terms.

In addition: a resident is defined as:

- a) *Committee members are required to be a permanent resident of the Middle Canyon for the majority of the calendar year (8 months),*
- b) *Pay Flathead County property tax or*
- c) *Provide proof of minimum consecutive, two year, long-term, rental status.*
- d) *File Montana State income tax. **

**(per Montana Code Annotated 42.2.304 and MCA Section 1-1-215 Definition of 'Resident)*

2. Special committees may be appointed by the Committee for purposes and terms which the Committee approves. These special committees shall report all analyses, findings and recommendations to the Committee for consideration. The Committee is responsible for forwarding all recommendations to the planning and zoning office and/or commission.
3. No member of the Committee or special committee members appointed by them may serve on the planning board or board of adjustment unless requested to do so as an ad hoc position requested by the commission.
4. Service on the Committee shall be voluntary. There shall be no financial remuneration for services.
5. When a Committee vacancy occurs, the remaining Committee members will suggest and forward to the commission the names of a replacement to fill the remaining term.
6. ~~The Committee shall notify the commission of any member who misses three (3) consecutive meetings with unexcused absences or who has a total of five (5) unexcused absences in a calendar year, as evidenced by the approved meeting minutes, and may recommend dismissal. Members must request an excused absence prior to the scheduled start time of the meeting. The presiding officer at the meeting shall report any excused absences to the Committee which shall be reflected in the meeting minutes.~~ *Any committee member who misses 4 scheduled committee meetings within a calendar year shall be recommended for dismissal from the Committee by a majority vote. Such action shall be reflected in the meeting minutes.*
7. Resignations from the Committee must be in writing and shall be submitted to the secretary with as much notice as practical. The Committee shall forward a copy of any resignation letter to the planning and zoning office.
8. ~~Any member who is unable to continue participation may be recommended to be removed from the Committee by a majority vote of the remaining members.~~
- 8.9. Any member who violates the by-laws of the Committee or engages in any activity deleterious to the Committee ~~may~~ *shall* be recommended for removal by a majority vote of the members.

9.10. Upon recommendation of removal of any member for the reasons set forth in 7 *and 8 above* ~~or 9~~, the commission may, at the request of the Committee, remove that member and appoint a replacement to serve the remaining term of the dismissed member. *The replacement must meet the criteria set forth under Article 4 #1.*

ARTICLE 5 Officers *and Duties*

1. *Each committee member has the responsibility to hold an office. The Committee shall elect from its members a Chairman, a Vice Chair and a Secretary.*
- 2.1. Chairman: The chairman shall be elected annually from within the Committee by the members. The chairman will preside over all meetings, call special meetings from time to time as needed, prepare *and post* meeting agendas, *forwarding Committee agendas and minutes to the planning and zoning office,* ~~and~~ direct the work of the Committee and serve as a voting member.
- 3.2. Vice Chairman: The vice chairman shall be elected annually from within the Committee by the members. The vice chairman shall act as chairman in the chairman's absence and shall serve as a voting member. This position may be combined with the secretary's position by a majority vote of the members present at a regular or special meeting.
- 4.3. Secretary: The secretary shall be elected annually from within the committee, shall be responsible for maintenance of files, records and correspondence pertaining to the Committee business; shall take minutes of meetings and distribute them to committee members prior to the next scheduled meeting. ~~post Committee agendas and shall forward Committee agendas and minutes to the planning and zoning office~~ The secretary shall act as chairman in the event the ~~chairman and vice chairman are absent from a meeting~~ and shall serve as a voting member.
- 5.4. The terms of officers shall be for one year commencing at the first regular or special meeting after their election.
5. ~~The Committee may remove any officer, at any time, from his duties upon a majority vote of the members.~~

ARTICLE 6 Meetings

1. Regular meetings: The Committee shall meet when land use issues or applications are proposed in the Middle Canyon area or at least one time per year. Notices of meetings shall be posted by the ~~secretary~~ *Chairman* at least ~~two~~ *five* days, ~~but preferably five days,~~ in advance to ~~alert~~ *notify* the public as to the agenda items, location, date, time and place of the meeting. Regular meetings will comply with the open meeting laws of Montana. The ~~secretary~~ *Chairman* shall forward copies of the meeting agenda to the planning and zoning office for posting on the county web site.

2. Special meetings: Special meetings of the Committee may be called by the *Chairman* or by a majority of Committee members at any time provided that the Committee and public receive at least 24 *to 48* hours notice. Special meetings will comply with the open meeting laws of Montana. The ~~secretary~~ *Chairman* shall forward copies of the meeting agenda to the planning and zoning office for posting on the county web site.

3. Quorum: A quorum shall consist of a majority of the Committee (two (2) members). ~~Participation by telephone conference is allowed to meet a quorum.~~ No action of the Committee may be taken unless authorized by a quorum at a regular or special meeting which complies with open meeting laws.

4. *Rule of order: General principles of parliamentary procedures shall guide all committee meetings, discussions, and actions unless the context requires otherwise.*

ARTICLE 7

Code of Ethics

1. The holding of public office is a public trust. All Committee members shall carry out his/her duties with integrity and openness *to support and carry out the standards, goals and policies of The Canyon Plan and CALURS.*

2. No committee member shall:
 - A. ~~Disclose or~~ *Use confidential* information acquired in the course of his/her duties to further substantiate his/her personal economic interest;

 - B. Accept a gift of *any value or any economic benefit* ~~substantial value or a substantial economic benefit tantamount to a gift~~ related to the carrying out of specific business of the committee.

3. Conflict of Interest: A member who may have a financial or personal interest in an item under consideration by the Committee shall declare that he/she may have a conflict of interest *and shall recuse themselves*. ~~In certain circumstances~~ *The* Committee shall ~~then~~ decide whether such a conflict exists. If it is determined that such member has a conflict, the member shall not vote or be part of the discussion of such item. Any disqualification shall be entered into the minutes of the meeting.
4. *Perceived Conflict of Interest: If a Committee member perceives a conflict of interest not declared by another Committee member said member shall bring it to the attention of the committee for discussion and resolution.*
5. The attached “Principles for Civil Dialogue” shall apply to the Committee and all in attendance.

ARTICLE 8
Order of Business

1. Unless otherwise determined by the chairman, the order of business shall be:
 - A. Call to order
 - B. Roll call
 - C. ~~Recognition of excused absences~~ Approval of the minutes
 - D. Communication received
 - E. Committee reports
 - F. Unfinished business
 - G. New business
 - H. Public comments (which may be limited if circumstances warrant limitation, to 3 minutes each or as determined by the Committee)
 - I. Adjournment
 - J. _____
2. The land use application review procedure shall include:
 - A. Present application (staff or someone to present it)
 - B. Applicant presentation
 - C. Open for public comment
 - D. Committee discussion
 - E. Committee recommendation to approve, modify or deny goes to the planning and zoning office to be included in the staff report. Any recommendation should be supported by “reasons why” so the county can better understand the rationale.

ARTICLE 9
Flathead County Assistance and Support

1. Legal assistance may be provided to the Committee by the County Attorney.
2. The Flathead County Planning and Zoning Office shall provide technical assistance and support to the Committee.

ARTICLE 10
Amendments

1. Amendments to the by-laws may be introduced by any Committee member at a regular or special meeting called for that purpose. All amendments proposed must be in writing and be approved by at least a majority of the members before being submitted to the commission for consideration and adoption *within 60 days*.

ARTICLE 11
Severability

2. If any provision of these by-laws or any section, sentence, clause, phrase or word or the application thereof in any circumstance shall be held contrary to law, such portion is severable from the remainder of these by-laws.

ARTICLE 12
Procedures

1. All Committee meetings shall be publicly noticed and open to the public.
2. Major land use applications are activities of such a scale that they require a public hearing before the planning board, board of adjustment or commission. Typical activities include major subdivisions, major land use permits, variances and amendments to the Canyon Plan or CALURS.
3. The planning and zoning office shall ~~attempt to~~ send a copy of the application and all pertinent information to each member at least two weeks prior to the Committee meeting. The packet shall note the time frame for the Committee's response and provide a list of the names and addresses of the adjoining property owners who have been notified.
4. ~~Where possible, The planning and zoning office may~~ *shall* reference the Committee meetings ~~in the legal notice placed in the official county newspaper~~ *on the County's website. Public service announcements will be sent to local media.*
5. In addition to the public meeting notices sent out by the planning and zoning office, the Committee shall place written notice at convenient places throughout

the area or within the immediate vicinity of the property in question as deemed appropriate or necessary by the Committee.

6. ~~When possible, the~~ Committee members shall conduct a site review of the property ~~in question.~~
7. Based on the site review and input received at the Committee meeting, the Committee shall forward a recommendation, approved by a majority of members. This recommendation shall go to the appropriate county board and be included in the public record.
8. The Committee will not review minor land use applications (e.g. minor subdivisions, minor land use permits, etc.) that do not necessitate a public hearing.

ARTICLE 13
Adoption

The foregoing by-laws were adopted by the Committee on _____, 2010.

_____, Chairman

_____, Vice Chairman

_____, Member

Approved by the Flathead Board of County Commissioners on

_____, 2010.

COMMISSIONERS
Flathead County, Montana

Joe D. Brenneman, Chairman

Dale Lauman, Member

James Dupont, Member

ATTEST:
Paula Robinson, Flathead County Clerk and Recorder

By _____ Deputy