

WHITEFISH PLANNING COMMISSION
RULES OF PROCEDURE
GENERAL GOVERNING RULES
January 15, 2026

The Planning Commission will be governed by the provisions of all applicable statutes, local laws, ordinances, resolutions and these Rules. Meetings will be conducted using generally accepted principals of parliamentary procedure.

OFFICERS AND DUTIES

1. Chair and Vice-Chair

At its first meeting after January 1st, the Commission will elect annually from its members by a majority vote a Chair and Vice-Chair. In the Chair's absence or incapacity, the Vice-Chair, will preside over meetings and decide all points of order or procedure. Both Chair and Vice-Chair are voting members and may vote on all issues or matters before the Commission.

2. Recording Secretary

The Recording Secretary will be a person hired by the City or a member of the staff to take the minutes of the meetings.

3. Record of Meetings

The proceedings of each meeting and each hearing, which must include date, time and place of the meeting, a list of the Commission members in attendance, the vote of each member on each question or if absent or failing to vote, indicating such fact, the names of members of the public providing testimony, and the substance of all matters proposed, discussed or decided is maintained by the City Clerk. These records are open and available to the public.

AMENDMENT OF RULES OF PROCEDURE

These Rules of Procedure may be amended at any time as an agenda item at a regular public meeting by a majority vote of the Commission present at the meeting.

MEETINGS

1. Quorum

a. A majority of members of the Commission shall constitute a quorum.

- b. No action of the Commission is official unless authorized by a majority of members of the Commission in attendance at a regular or properly called special meeting.

2. Time of Meeting

- a. Regular meetings shall be held on the third Thursday of each month at 6:00 P.M., or at such other day and/or hour as the Chair may designate or as legally noticed. Advance notice of at least 48 hours shall be given by the Chair to each member, by phone or in writing, of any change in meeting day or time.
- b. Special meetings may be called by the Chair at any time, provided at least 48 hours written notice is sent to each member by staff before a special meeting is held. The Chair will call a special meeting within ten (10) days of receipt of a written request from any two members of the Commission. Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting or if all members are present at the special meeting and waive their notification requirement.

3. Place of Meeting

The regular and special meetings of the Commission shall be held at the Whitefish City Council Chambers, as legally noticed, in Whitefish, Montana, or in any other place designated by the Chair. The Chair, either prior to or during the meeting, may change the location of the meeting because of such unforeseen reasons as non-availability of the meeting room or overcrowding.

4. Cancellation of Meetings

Whenever there is no business to be considered at a regular meeting, staff may dispense with such meeting by so notifying each member at least 48 hours prior to the time set for such meeting.

5. Order of Business

Suggested order of business is:

- a. Call to Order and Roll Call.
- b. Agenda Changes.
- c. Approval of Minutes.
- d. Communication from the Public (items not on the agenda).

- e. Unfinished Business.
- f. Public Hearings and Action.
- g. Good and Welfare.
- h. Adjournment.

6. Voting on Matters Before the Commission

- a. Matters must be decided by either a roll call vote or vote by acclamation. The votes of the members must be recorded in the minutes.
- b. Zoning variances (§11-7-7, WCC) and appeals of the zoning administrator (§11-7-6, WCC) require the concurring vote of at least four (4) members.

7. Disqualification of Members

No member of the Commission will sit in hearing, participate in discussion or vote on any matter in violation of the State of Montana Code of Ethics (2-2-1 01 through 2-3-304, M.C.A) or the City of Whitefish Ethics and Conflict of Interest Policy.

ROLES AND DUTIES OF MEMBERS

1. Roles and Duties of Member When Acting as a Planning Commission Member

A member of the Commission has the following roles and duties when acting as a Planning Commission member:

- a. To participate in the preparation of a growth policy and serve in an advisory capacity to the City Council.
- b. To participate in proposing policies for:
 - i. subdivision plats.
 - ii. the development of public ways, public places, and public and private utilities.
 - iii. the issuance of improvement location permits on platted and unplatted land.
 - iv. the laying out and development of public ways and services to platted and unplatted lands.

- c. To participate in providing advice in all matters relating to the approval or disapproval of plats or subdivisions except with respect to responsibility that has been delegated to staff to advise the City Council on proposed minor subdivisions.

2. Roles and Duties of Member When Acting as a Zoning Commission Member

A member of the Commission has the following roles and duties when acting as a Zoning Commission Member:

- a. To participate in recommending to the City Council the boundaries of various zoning districts and appropriate regulations to be enforced therein.
- b. To participate in the drafting of a preliminary report and public hearing(s) therein prior to submitting a final report to City Council.

3. Roles and Duties of Member When Acting as a Board of Adjustment Member

A member of the Commission has the following roles and duties when acting as a Board of Adjustment Member:

- a. To participate in hearing and deciding appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of zoning regulations or any ordinance adopted pursuant thereto.
- b. To participate in hearing and deciding special exceptions to the terms of an ordinance upon which the Commission is required to pass under such ordinance.
- c. To participate in authorizing upon appeal in specific cases such variance from the terms of an ordinance as will not be contrary to the public interest, where, owing to special considerations, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance will be observed, and substantial justice be done. (§ 11-7-7, WCC).

PUBLIC HEARINGS

1. Matters Requiring Public Hearing

A public hearing must be held on matters when required by law. In addition, the Commission may decide to hold a public hearing on any matter on which it deems it necessary or advisable to receive public input.

2. Notice of Hearing

The Whitefish Planning & Building Department is responsible for giving notice(s) of the public hearing required by law. The public hearing notice, at a minimum, will include:

- a. Purpose of the hearing;
- b. Description of the property involved (legal and common address);
- c. Location of the property involved;
- d. Date and time when the hearing will be held;
- e. Place where the hearing will be held;
- f. Place where additional information on the subject matter can be obtained.

No matter involving public hearing will be decided until after due notice has been given and a public hearing has been held. The information and file on the matter involving public hearing must be available for public review at the Planning & Building Department office during regular office hours.

3. Conduct of Public Hearings

Any person may appear in person, by agent or attorney, at any public hearing. The order of proceedings in the hearing of each case at a public hearing will generally be as follows:

- a. Verification of the public notice for hearing by the Chair.
- b. Report by the staff.
- c. Questions by the Commission directed to staff.
- d. Presentation by the applicant or representative.
- e. Public comments in favor or opposed to the proposal.
- f. Applicant's Response to public comments.

4. Time Limits of Public Hearings

To ensure the hearing is conducted in an orderly, fair and timely method, the length of time for public comment may be limited, at the chair's discretion.

- a. Any persons wishing to speak should signify their intent by signing the speakers' sign-up sheet provided at the beginning of the hearing. Failure to sign the sign-up sheet does not preclude a person from speaking.
- b. Written comments are welcome. However, written comments that are also read into the record will be deemed unduly repetitious. All written comments submitted will become part of the permanent record.
- c. The applicant(s) or representative(s) shall be limited to a maximum of 15 minutes for making a presentation.
- d. The hearing shall be open to comments from those persons speaking in favor of the application or opposed to the application. The Chair can set a time limitation of 3 minutes per person depending on public interest to ensure fair participation for all.
- e. Rebuttals shall be limited to five minutes for the applicant.

5. Amendments to Application

Substantial amendment(s) to the application shall not be made after the official notice of the public hearing has been transmitted to the official newspaper for publication.

6. Action by the Commission

Decisions rendered by the Commission on applications must be made based upon written findings of fact and conclusions of law establishing the reason for the decision. Staff will prepare a report for the Commission to consider as part of their deliberations. The Commission, when making a motion to support or reject an application, must make findings of fact and conclusions of law to support the decision. The Commission may adopt all or part of staff's report as findings of fact and conclusions of law.

Alternatively, the Commission can direct staff to assist the Commission for particularly complex projects. If the Commission directs staff to prepare additional findings of fact and conclusions of law, they must be reviewed and approved by the Commission for final action.

The Commission must take one of the following actions:

- a. Approve the request;
- b. Approve the request with conditions;
- c. Deny the request; or

- d. Continue the decision until a future meeting date.
- e. For an appeal action, a concurring vote of four (4) must take one of the following actions:
 - i. Uphold the zoning administrator's determination or decision;
 - ii. Overturn the zoning administrator's determination or decision; or
 - iii. Continue the decision until a future meeting date.
- f. For a variance request, a concurring vote of four (4) must take one of the following actions:
 - i. Approve the variance request;
 - ii. Approve the variance request with conditions;
 - iii. Deny the variance request; or
 - iv. Continue the decision until a future meeting date.