

# Memorandum

**REPORT TO:** City Commission

**FROM:** Greg Sullivan, City Attorney  
Erin George, Director of Community Development  
Chuck Winn, City Manager

**SUBJECT:** A Resolution Restructuring the Community Development Board, a Resolution Authorizing Remote Participation by a Board Member to Qualify for Determining a Quorum, and Provisional Adoption of an Ordinance Repealing Divisions 4, 15, 16, 17, and 18 of Chapter 2, Article 5, BMC Related to the City Planning Board, Zoning Commission, Design Review Board, Wetlands Review Board, and Board of Adjustment

**MEETING DATE:** October 7, 2025

**AGENDA ITEM TYPE:** Ordinance

**RECOMMENDATION:** **Consider the Motion:** *I move to Approve the Resolution Restructuring the Community Development Board*  
AND  
*I move to approve the Resolution for Remote Participation*  
AND  
*I move to provisionally adopt the Ordinance repealing Chapter 2, Article 5, Divisions 4, 15, 16, 17, and 18 of the Bozeman Municipal Code.*

**STRATEGIC PLAN:** 4.2 High Quality Urban Approach: Continue to support high-quality planning, ranging from building design to neighborhood layouts, while pursuing urban approaches to issues such as multimodal transportation, infill, density, connected trails and parks, and walkable neighborhoods.

**BACKGROUND:** This agenda item contains three actions: (i) a Resolution reforming the membership of the Community Development Board (CDB); (ii) a Resolution amending the Commission's rules allowing for remote participation by board members; and (iii) an Ordinance repealing [provisions of the Bozeman Municipal Code](#) related to the planning board, zoning commission, design review board, board of adjustment, and wetlands review board.

The CDB, and other boards, have had, at times, difficulty obtaining a quorum resulting in the cancelling of meetings and delaying land use applications and policy recommendations. The Resolution amending the Commission's current rules for remote participation for board members (see [Resolution](#)

[5421, section 12](#)) is an aspect of addressing this issue. This proposed Resolution would change the current rule requiring a quorum of the board to be in the room and replace it with a rule allowing one remote member to count toward the quorum. See Sect. 1.12.a of proposed Remote Participation Resolution. Recognizing the need to ensure remote participation remains a lesser role in the conduct of the meeting, the proposed rule would also require a majority of the quorum to be in the meeting room and the presiding officer also be the room. This change would be applicable to all boards. This proposed Resolution does not propose adjusting the rules related to the City Commission's remote participation.

We also recommend a second approach to address the quorum issues the CDB has been facing: reduce the number of members of the CDB from nine to seven. When the CDB was first established in 2021, see [Resolution 5330](#)) nine members were established to ensure the [statutory requirements for a planning board](#) were met (seven members) along with an *additional* member to meet the [requirements of an impact fee advisory committee](#) (representative of the development community) and a *ninth* member to meet the requirements of a design review board. Due to [legislative changes at the State level](#), the City no longer is authorized to have a design review board. As for still meeting the statutory requirements for the impact fee advisory committee, the proposal would require at least one of the citizen members to meet the statutory qualifications for the CDB to function as the City's impact fee advisory committee. The result would take the CDB from nine to seven allowing for a quorum to be reduced from five to four. See Sect. 4.2.B of the proposed CDB Resolution. This brings the member of the CDB to the same number as other City Boards. Please note there are currently only seven appointed members so no current member will be affected.

The reduction in the number of CDB members along with the ability of a remote member to count toward the quorum is anticipated to facilitate the CDB's ability to obtain a quorum.

The Resolution amending the CDB's structure also recognizes the CDB will function as the Planning Commission when the City is under the jurisdiction of the [Montana Land Use and Planning Act](#) (MLUPA). See Sect. 4.2.C and H of the proposed CDB Resolution. The City is currently undergoing a process to adopt the MLUPA required Land Use Plan. This process is anticipated to be completed prior to the end of this year.

The final item (Ordinance repealing five different divisions of [Chapter 2, Article 5, BMC](#)), allows the City to rely on current statutory requirements for the planning board and zoning commission and structure the CDB and its duties pursuant to resolution. The proposed Ordinance also eliminates municipal code references to boards the City no longer has (board of adjustment, wetlands review, and design review). Upon the City's compliance with MLUPA, the statutory requirements for a planning commission will control the operation and duties of the City's Planning Commission along with the resolution structuring the CDB.

We are not proposing any changes to the [High Performing Boards resolution](#).

**UNRESOLVED ISSUES:**

[MLUPA](#) requires a minimum of three members for a Planning Commission. This proposal does not reduce the number of members of the CDB beyond eliminating the Design Review Board member and incorporating the statutory requirement for an Impact Fee Advisory Committee to have the CDB include a representative of the development community as a citizen member. If the Commission is interested in further reform to the CDB, we suggest doing so at a later time.

**ALTERNATIVES:**

As suggested by the Commission.

**FISCAL EFFECTS:**

None.

Attachments:

[Res for CDB Adjustments 9 30 25 FINAL.docx](#)

[Res Adjusting Remote Participation for Brds 9 29 25 gs.docx](#)

[Ord Repeal chtp 2 art 5 div 4 15 16 17 and 18 9 29 25 gs.docx](#)

Report compiled on: September 30, 2025