

**RESOLUTION 2022 - 56**

**A RESOLUTION ESTABLISHING A BOARD OF ADJUSTMENT  
FOR LEWIS AND CLARK COUNTY**

**WHEREAS**, the Lewis and Clark County Board of Commissioners (Board) is authorized to establish County Zoning in Lewis and Clark County (County), as set forth in Section 76-2-201, MCA; and

**WHEREAS**, the Board is authorized to establish zoning district regulations with criteria and guidelines made in accordance with the growth policy, while encouraging the most appropriate use of land throughout the jurisdictional area, and must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities, as set forth in Sections 76-2-202 and 76-2-203, MCA; and

**WHEREAS**, the Board is authorized to establish a Board of Adjustment, as set forth in Sections 76-2-221 and 76-2-222, MCA; and

**WHEREAS**, the Board of Adjustment shall have all powers under Montana law, including, but not limited to: (a) to hear and decide appeals, (b) to hear and decide special exceptions to the terms of the zoning resolution, and (c) to authorize upon appeal such variances from the terms of the resolution as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the resolution will result in unnecessary hardship and so that the spirit of the resolution shall be observed and substantial justice done, as set forth in Section 76-2-223; and

**WHEREAS**, the Board of Adjustment shall operate in accordance with Sections 76-2-224 through 76-2-226, MCA; and

**WHEREAS**, the Board authorized the creation of a Board of Adjustment under Resolution No. 1972-4; and

**WHEREAS**, the Board authorized the establishment of rules and regulations for the Board of Adjustment under Resolution No. 1972-6; and

**WHEREAS**, both Resolution Nos. 1972-4 and 1972-6 are to be rescinded.

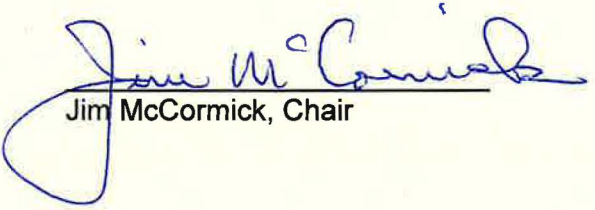
**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners:


1. That Resolution No. 1972-4 establishing a Board of Adjustment is hereby rescinded.
2. That Resolution No. 1972-6 establishing rules and regulations for the Board of Adjustment is hereby rescinded.
3. That this Resolution hereby establishes a Board of Adjustment, as set forth in Sections 76-2-221 and 76-2-222, MCA.

**PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS** on this 2<sup>nd</sup>  
Day of August 2022.



LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

Attest  
  
Amy Reeves, Clerk of the Board