

## **ZONING AND PLANNING BOARD MEETING MINUTES**

**June 18, 2025**, Zoning & Planning Board meeting was called to order at 6:30PM back at City Hall, located at 206 S. Main Street, Three Forks, MT.

Members present were: Kelly Smith, Jacob Sebens, Niki Griffis and Amy Laban were present. Reagan Hooton and Racheal Tollison were excused. Matt Jones arrived late at 6:40PM. Lee Nellis (consultant for Impact Fees and Zoning/Subdivision Regulation rewrite), City Planner Randy Carpenter and City Attorney Susan Swimley attended via Zoom. (Zoom is a virtual meeting tool allowing people to attend remotely, which started as an option during the COVID-19 pandemic and the City has continued to offer for meetings.) There was a quorum with the attendance of four members, and the meeting was held. The minutes were completed by City Clerk Crystal Turner after the meeting.

Amy Laban called the meeting to order. She reminded all that the meeting was being recorded.

Public Present: None

**PUBLIC COMMENT** (items not on the agenda): There was none.

### **CONSENT AGENDA**

#### **A. Approval of the 5/15/25 Meeting Minutes**

Kelly Smith moved to approve the minutes. Niki Griffis seconded the motion. Motion passed 4:0.

### **PUBLIC HEARINGS**

There were no public hearings.

### **OLD BUSINESS**

#### **A. Chapter 1 – Land Use Regulations**

Lee Nellis said staff had commented there were “too many balls in the air” so he was returning to the original chapters to get those cleared up. He also provided a Table of Contents to Kelly Smith, who provided it to the Board. “There’s four big pieces to the “administrative procedures” which is how you and the staff will go through the review of approval or denial of development, and also how the Board of Adjustment will deal with appeals. The second big piece is the Zoning Districts which is the geography of the regulations. The third big piece is the standards applicable in all zoning districts,” Lee explained and continued with specific examples including how the Board has already dealt with Landscaping. He recommended dealing with home businesses in the near future, and old or dangerous buildings. One more thing to discuss will be temporary uses, like farm stands or a one-time concert, and how to deal with noise, litter, providing restrooms, etc. “There will be a pretty big definitions chapter, which is already like 7 or 8 pages,” he said. “Before we get into anything specific, I thought you should see the table of contents and see where we are headed,” he said. Amy Laban said she found it very helpful.

(Matt Jones arrived.) Lee continued with Chapter 1: He ran through the set of principles (11-4-1). He mentioned the applicant needed to be present, which seems like it need not be written

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in, but this is something that Kelly and Crystal have pointed out to him that many applicants do not show up to the Zoning & Planning meeting. Kelly Smith interrupted and said Lee must have added that after he sent out the draft chapters, because that was not included in the Principles section on the copies before the Board.

Lee continued there will be a definition for *substantial work*, and that there will not be zoning permits that have no expiration date – work will need to be substantially complete or the applicant will need to reapply. Amy Laban questioned when the applicant must be present exactly. Kelly replied she believed Lee meant for any public hearings like conditional use permits, and Lee added Subdivision applications as well. Niki asked if the applicant must be physically present, or would Zoom be allowed as well. The Board agreed virtual attendance would be acceptable. Lee added that when the application forms are redone, which the applicant must sign before they submit, it will state these rules so they know they will be held to that rule.

Kelly asked if the Board should approve this chapter and move it on to the Council, other than the two blanks which could be added later and crossed off the Zoning & Planning Board's "to do list" for now? Lee said he would prefer to have one more final version to be reviewed before the Zoning & Planning Board first, and he would like to incorporate Kelly's questions/comments/cross-references regarding the Floodplain.

Lee said, "Chapter 1 basically answers the question of the purpose of this and what the applicant needs to know to participate..."

### **B. Chapter 2 – Vested Rights**

"...and Chapter 2 answers the question *OK there were regulations, and there are new regulations now, so what happens to those?*" he said. This chapter clearly says those old rules are repealed, but let's say you are a person who got a zoning permit and has not completed the work they could still complete their work under the old rules if their permit was still valid. "The basic rule is, if you have an approval and you are in progress, you can proceed as originally permitted. But in some cases when you have new regulations, you have nonconforming lots and uses," Lee explained.

A nonconforming lot may be too small to accommodate the uses listed in the Zoning District, and it could be non-buildable. These lots can be used for anything legal in their District, and can only be used by violating setback, but must apply for a variance, "We will change the language a little bit to read *they can apply for a permit for a variance*," Lee said.

Lee stated, "If you are too strict about nonconforming buildings, you get blight. I have seen whole neighborhoods where there were changes, and then a bunch of things were nonconforming and people could not improve their property. He provided examples of how to address nonconformities." He then touched upon an abandonment period, so that if a structure or use does not use its previously approved right/use/permit, then it loses its right due to a certain time of lapsing. Kelly said that when staff discussed this the other day, we

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thought we should ask the Board what it felt was a good timeline for abandonment. "Right now our ordinance says 90 days," she said. Niki and Amy felt this was too short. "Seasonality is hard here, so I would like to see one year," Amy said. Lee provided an example of a deployment of a property owner, where one year may be too long. Kelly said the rule could apply as one year and allow the property owner to apply for an extension for those extenuating circumstances. The Board members present agreed.

### **C. Chapter 3 – Actors in the Administration of these Regulations**

Lee Nellis briefly explained Chapter 3, that the applicant is pivotal and must be the owner of record and meet with staff. It reiterates that they must be present for any public hearings. This chapter defines the role of staff in handling the application, what their other general duties are: answering questions of the general public, going through the checklists. Chapter 3 outlines the roles of the Planning Board: that you are required to hear amendments, the staff can consult with you on zoning permit applications, you can hear conditional use permits (you won't act on them, that is the Council who acts on the application), and maintaining the Growth Policy. This chapter also goes through the role of the Board of Adjustment, and the role of the City Council on zoning (conditional) applications. There is an expectation written in here that those presiding over the meeting can ask someone to sit down and shut up; you guys already have similar language on the back of your agendas. The only two pieces that are terribly relevant to all of you are ex parte contacts and conflicts of interest. Conflicts of interest are financial obligations or interest in the application.

"Ex parte communication is difficult to avoid in a small community. You will probably be approached by people because you are on the board, but the way the law works you are supposed to avoid conversation about an application. Someone will say, *"Look I need a conditional use permit for whatever,"* you should reply, *"Well, I can only reply to that at the meeting,"* and just try to do it politely. If I come up and harangue you about my application, when you meet to consider that and make a recommendation to the Council, just state you talked to Lee and his CUP and say you didn't further the communication." He continued by saying that if you do not state this, it is grounds for removal.

Niki asked if the city already has a Board of Adjustment. Kelly and Amy answered her yes, and Amy added that they only meet when there is an application, not a regular monthly meeting. Kelly added that the most consistent application requested is a small lot or a request for a setback reduction due to the floodplain.

Lee said Kelly and Crystal have provided comments to improve these chapters, they do not change the chapters but make them clearer.

Randy Carpenter said we are not requiring an architect to draw up things for their applications, but we should require something a little more professional on the drawings submitted to the Board. "We want to have it so we can see what the applicant is trying to do clearly but not require them to hire a professional. How do we say that best?" Randy asked. Lee recommended that you require people to come in and talk to staff, and a little hand-holding to

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lead them down the right path to submitting a complete and accurate application. Lee said this may include Crystal or Kelly, or other staff, recommending that the applicant sit down with the contracted planner to help them. He also recommended a checklist and will email Randy an updated copy of one to ensure the applicant has everything they need: stormwater management plan, landscaping, a site plan with dimensions, etc. "The thing that screws things up the most is accepting incomplete applications," he added. Lee recommended the contract planner also meet with the applicants for any conceptual ideas prior to applications being submitted.

Lee asked for anything else from the Board on updating these chapters. Amy said no.

### **NEW BUSINESS**

There was no new business.

### **NEXT CHAPTER(S) TO COME TO THE BOARD:**

Lee said there will be the procedural chapters, "Permits in general, then a chapter on Zoning Permits, then Conditional Use Permits, Subdivisions, there will be a chapter about appeals and variances. I will get these to you soon, except for appeals and variances and Subdivisions. Those are required by law, but I have not written them yet and they will not come until the end. We also talked about the Central Business District and parking at the last meeting, and the Board asked me – or so I understood it this way – that the Board wanted a Highway-Oriented District. I think we should discuss the Central Business and Highway Business at the July meeting."

"One other note, is when we get to the Appeals and Variances, we need to invite the Board of Adjustment so they understand what is going on. That will have to be advertised as a joint meeting of both boards," Lee added. Kelly asked the other board members how many chapters they wanted to review at the next meeting, "Now knowing what needs to be done by roughly November." Amy recommended reaching out to the Board of Adjustment and see how many people could attend in July, since summer gets busy. If they cannot meet, then we could move that chapter to the next month. Lee recommended those chapters, and also adding (in case it went quickly) to review Permits, Zoning Permits and Conditional Use Permits as well on the next meeting's agenda.

Kelly said OK, she would reach out to the Board of Adjustment. Amy said the next meeting would fall on the day before rodeo, which is a busy week. They suggested July 24<sup>th</sup>, but Niki was not available. Matt suggested the 22<sup>nd</sup>, which is also a Council meeting date, but so far nothing is scheduled. Kelly will see if that date works for Racheal and Reagan as well.

### **ITEMS FOR THE NEXT MEETING IN JULY.**

There was discussion on the next meeting date. The meeting will be held on the 22<sup>nd</sup> of July, which is a Tuesday, at 6:30PM. Kelly will try to get the chapters out to the Board in early July after Randy's review of Lee's latest chapters.

Kelly Smith moved to adjourn. Matt Jones seconded the motion. Motion passed 5:0. Meeting was adjourned at 7:30 PM.