

ZONING AND PLANNING BOARD MEETING MINUTES

August 27, 2025, Zoning & Planning Board meeting was called to order at 6:30PM at City Hall, located at 206 S. Main Street, Three Forks, MT.

Zoning Members present were Matt Jones, Kelly Smith, Jacob Sebens, Amy Laban, Reagan Hooton, Niki Griffis and Racheal Tollison. City Planner Randy Carpenter and Lee Nellis (consultant for Zoning/Subdivision Regulation rewrite) attended in person at City Hall; 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 seven Zoning Board members. The minutes were completed by City Clerk Crystal Turner.

Matt Jones called the meeting to order. He reminded all that the meeting was being recorded.

Public Present: There was no public comment.

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

CONSENT AGENDA

A. Approval of the 7/22/25 Meeting Minutes

Reagan Hooton moved to approve the minutes. Kelly Smith seconded the motion. Motion passed unanimously.

PUBLIC HEARINGS

A. Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding Chapter 1 – Purpose – Authority – Jurisdiction – Basic Principles

Lee Nellis said he had nothing to add to the draft. "I think it is just time to start accumulating these chapters and get them onto the Council for ordinance readings," he said. The Board held a hearing on July 22nd to make the final edits; what is presented tonight is a clean copy. There were no questions.

Amy Laban motioned to send Chapter 1 to the City Council. Reagan Hooton seconded the motion. Motion passed unanimously.

B. Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding Chapter 2 – Vested Rights – Nonconforming Lots, Uses, Structures

Again, Lee stated there is nothing new tonight; the Board held a hearing on July 22nd to make the final edits; what is presented tonight is a clean copy.

Amy Laban motioned to send Chapter 2 to the City Council. Jacob Sebens seconded the motion. Motion passed unanimously.

C. Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding Chapter 3 – Actors in the Administration of these Regulations

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Lee said the only thing we have changed in this ordinance is that we will have to draft and adopt bylaws for the Board of Adjustment. "This is not an overwhelming task, but it is an outstanding task," Lee said. There were no questions or discussion.

Jacob Sebens moved to send Chapter 3 to the City Council. Racheal Tollison seconded the motion. Motion passed unanimously.

D. Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding Chapter 5 – Zoning Permit Procedures

Reagan Hooton questioned 11-5-8.D, "What does *"required public improvements"* mean?" Lee Nellis replied that sometimes the approved plans for a project may include access to the street, or stormwater retention pond or system. "We'll get to a whole chapter on required improvements that will be anything that is required by the city to develop, which could be a tree or sewer drains," he explained. There were no further questions.

Reagan Hooton moved to forward Chapter 5 to the City Council. Niki Griffis seconded the motion. Motion passed unanimously.

E. Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding Chapter 7 – Appeals and Variance Procedures

Lee Nellis said he was glad the Board of Adjustment members attended last month's meeting. To the Zoning Board he said, "You won't participate in these parts, but this chapter is finalized." There were no questions.

Amy Laban moved to send Chapter 7 on to the Council. Niki Griffis seconded the motion. Motion passed unanimously.

OLD BUSINESS

A. Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding Chapter 4 – Permits

Kelly Smith said she made an error on the agenda, this is not a public hearing, just a discussion. Kelly apologized. Lee Nellis said, "The key thing is this chapter defines *development*. It sets up things that do not require a permit, those are listed in 11-4-4, and sets up the types of permits like you guys just acted on in Chapter 5. It also establishes the idea that permits expire, which is important."

11-4-4.H states, "*Additional exemptions will appear here after Planning Board discussion,*" so we could add things to this chapter later as we see the remaining chapters.

Amy Laban recommended holding off sending Chapter 4 to Council until 11-4-4.H is completed. There were no other edits suggested to the remaining sections of this chapter.

NEW BUSINESS

A. Discussion Regarding Chapter 11 – Zoning Map

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Lee Nellis said this is a short chapter. He explained that this will be the adopted map and if any property owner disagrees with staff's zoning designation on the map, they could appeal it to the Board of Adjustment. Crystal Turner asked, "If the map is color coded, how would we determine the zoning incorrectly?" Lee said that the boundary could be challenged. Crystal asked if the boundary of each district would be the center of the right-of-way and Lee replied, "Ideally, yes." Susan Swimley said in the past these maps were drawn in crayon and one could challenge the thickness of the crayon line as the boundary of zoning to their property line. Lee added that it is unlikely to be challenged in Three Forks since the zoning is uncomplicated, and technology has made this less relevant. Kelly Smith gave the example of Chris Lien's property (which is two parcels, half in City and half in County jurisdiction). Lee said hopefully we never have to use this section.

Kelly asked if this chapter would be ready for a public hearing at Zoning & Planning's next meeting to move it on to the City Council? Reagan Hooton motioned to forward this on to the Council. Crystal clarified this chapter is not heard tonight to be forwarded on to them yet, and Kelly said it would have a public hearing at Zoning & Planning Board first. She made a motion to do that and then the Board decided a motion was unnecessary. Motion rescinded.

B. Discussion Regarding Chapter 12 – Agricultural District

Lee Nellis introduced this chapter as being pretty straightforward. He gave the example of a miniature golf course wanting to be on someone's agricultural land and use 3 acres of a larger parcel to do it. Lee explained, "The problem is, that eventually as more things happen near the golf course, you would want to run utility lines and streets to it. It would be a disadvantage to not plan the whole area at one time. So to accomplish that, I have drafted a very strict agricultural policy. That way they can't divide it or use it for anything more than what is listed in this chapter. They would have to apply for a zone map amendment so the City would have full control of extension of streets, or utility lines. In some areas, a Zone Map Change is a lot more complicated, but in Three Forks, a CUP and a Zoning Map Amendment are essentially identical. Feel this is best for the City, and because we are in Montana, and in Three Forks how we are used to doing things, when ag is ready they come in with a proposal and you'll be able to review a zoning map amendment. That lets you have full say in the basic things like utility lines, street extension: the practical reality of how you will extend the City."

Kelly Smith stated the current ordinance suggested that RV parks would only be in Agricultural. "There are three choices as I see it: 1) allowed everywhere, which I don't like, 2) allowed only in Agricultural, or 3) not allowed in Three Forks city limits anymore. That way we don't have to put them in our chapters. What is allowed would be grandfathered in and continue, but no new. I would prefer, if we allow them, for them to be in Agricultural zoning." Amy Laban agreed and said, "No more. We have plenty." Racheal Tollison and Jacob Sebens agreed. Niki Griffis said she believes they should be allowed in the Agricultural zone. Amy asked Niki what her thoughts were on size limits. Niki said she thinks it should be allowed but they have to come with a plan to the Board to have conditions applied to the use. Crystal clarified, "Then you would like to see them listed as conditionally allowed." Niki said she did not want to infringe on property rights on the property right to develop that land. Susan Swimley disagreed that zoning them out would not take away property rights to say *No RV Parks in city limits*. Kelly said from the city standpoint she would prefer seeing the land developed for a tax base. RV parks are only taxed on land. "So if it was going to be developed and use the City services, and say there are 30 RV

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spots allowed, that takes away from 30 houses that could be built and use the City's supply of water and capacity to treat wastewater," Kelly said. Randy Carpenter said that taxes generated by land, and RV parks would be considered vacant land, the taxes would be minimal. Niki said, "Playing Devil's Advocate, that's 30 homes that would doing schools and the RV park would probably be shut down in the wintertime unless they had permanent people there all year. I'm envisioning a KOA where they come in for the summer and then are gone." Lee said we could make them conditional uses only, and you and the board could say 6 months or whatever. Niki asked, "Would this just apply to what's currently in the zoning? Let's say you extend the zoning out to where I live and then I can't have an RV park." Lee said that is a good question because at some point you will be asked to annex land. "The practical answer is that I'm probably not going to ask to annex until I need City services. So, I won't be thinking about staying in agriculture. I'll probably need water or sewer to develop. The existing chapter allows all sorts of things in Ag: golf courses, RV parks, but remember annexation is not forced, it has to be requested," Lee replied. Niki said that for this particular 92-acres Zoned Ag that is not a good use, "But what about the future? And what if the city limits ends up encompassing Willow Creek in 10 years?" Randy Carpenter said, "Theoretically, a future Council could extend its zoning boundary up to 3 miles outside of city limits, which Susan would probably not recommend, but a future Council may want to do that." Lee replied, "Well, maybe RV parks would go in Highway Commercial District we can address it if allowed there? If we are going to allow them at all, what districts would be appropriate? I would recommend commercial or highway." Kelly said she would not support RV parks in any district. If the Board disagrees with her, she thinks we need a whole chapter on RV parks. Lee said the State of Montana regulates RV parks too [this is because it is considered a subdivision], so one must get a permit from the Department of Public Health and tie into Montana Administrative Rules. "Those definitions are already in the draft Definitions Chapter, so we'd have to tie into that, and say they'd have to get State approval first," Lee said. Amy said she feels strongly that if we are going to entertain RV parks, that it would be through a CUP process. "I don't want them allowed in city limits by right, as I do not see it as conducive to city planning or city living." Kelly said she does not want to allow them. Amy agrees and said she would entertain it at a conditional level. Crystal Turner commented that if you are trying to address affordable housing by allowing RV parks year-round, a better solution would be to allow denser housing in the Residential District, or even designated trailer parks. Lee said, "After spending a winter in Great Falls in an RV at one time, I agree with Crystal. We don't have to decide this tonight, I think you should think about it for a month." Kelly said she will schedule this chapter as Old Business – schedule a public hearing and have a discussion on RVs specifically.

Kelly asked the rest of the Board if they wanted to include/allow golf courses or anything discussed, or just leave it strictly Ag? Everyone agreed to leave it Ag. Niki asked if there are any restrictions on the number of animals? Lee said no. Kelly asked if *animal enclosure* included fencing? Lee said no, but the current ordinance does require a 150-foot setback from property lines. Does anyone want to remove 11-12-5.B.a from a setback requirement? Sounds like we should because who cares if the coral or a fence is on the property line? We could shrink the setback from "b"; Randy Carpenter said at least edit the wording.

C. Memo Regarding Outdoor Storage in Residential District

Lee Nellis read #1 from the memo (see packet) which basically said *what you store on your property, if it is not visible to the public, go for it*. But if it is visible, fence around it. "This is to prevent storage of

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items in the neighborhood.” There was discussion on the City getting complaints about too many paint cans stored on a property, which Lee has seen paint can issues in other communities as well. Reagan Hooton said this would give Three Forks an added leg to stand on – would this give the City’s Code Enforcer a chance to drive around and see these rather than complaint driven?

Regarding #2 in the memo, Lee explained this is to shield store items. Racheal asked, “When you talk about the fence, you say *open storage must not exceed six feet in height* but there is no fencing requirement?” Reagan said there are no fencing limits in Three Forks. Crystal argued, “It states *a Zoning Permit will be required for a fence*.” Lee said in the draft Residential chapter, fences will be addressed/mitigated. Lee suggested the Board decide what is best for Three Forks and he will draft it up. Kelly reminded the Board that three years ago, the Board sent a fencing ordinance onto the Council, which was voted down. “It seems fair if someone puts up a reasonably attractive fence,” Lee said. Matt Jones asked, “If you say not visible due to a fence, what if I live in a 2-story house and it’s behind a fence, but I can see it from my house? Then it is visible. If we talk about lots getting smaller and smaller, can I store 150 buckets of paint and put it behind my fence and that’s good?” Lee said that brings up a good point. Amy said she does not want to go there. Matt does not want to see whatever is stored behind a fence though. Kelly said she wished Susan was still online, but she believes we cannot go onto others’ property to inspect. “If it’s behind a fence, it’s screened.” Amy asked Matt if he does not like one bucket, or two buckets – is that a violation? She asked Matt if he was going to stare into the neighbor’s yard? Randy said, “Kelly are you saying we cannot go onto someone’s property to investigate? What is visible from ground level.” Matt said if I build in the floodplain, and I have to be 3-feet above the neighbor. Jacob Sebens agreed that would be difficult. “What if you live next to a hoarder who happens to have a 6-foot fence, piles more and more, doesn’t stink but attracts say 3,000 mice?” Lee said we can add vermin. Crystal said the City already has ordinances to address debris, rubble, vermin: community decay ordinance has legs, but not a lot of teeth. Kelly recommended maybe cross-referencing the community decay ordinance. Racheal and Amy seemed to nod in agreement.

Kelly addressed #3 in the memo, we should say “current” license plates because she has saved all her plates from previous states she has lived in and could put license plates on what are unregistered vehicles.

Discussion on fencing requirements, materials and shielding in general. There was discussion on rabbit huts, chicken coops, etc. There had previously been a recommendation to not require a permit for sheds, but Susan Swimley recommended all structures still obtain a permit for documentation, even if the cost is free or without setbacks. The conversation turned to the former wild rabbit problem Three Forks had. Lee said he feels he has heard enough to turn these comments into an ordinance. Crystal posed to the Board to think about, as they go through town and see different fencing materials, what they would like to see if fencing is going to have standard requirements. She gave the example of a neighbor installing a fence now, in an area without sidewalks, curb or gutters. “I told them that we are all responsible for maintaining to the center of the right-of-way anyway, keeping it free of trees and weeds/vegetation, so placing a fence outside of their property line is their own liability. The City could come in and pave, or install curbs or gutter in the future and it would be on them to move the fence,” Crystal said. Kelly added that if a property owner does not place the fence on their property and it overlaps to a neighbor’s property, it becomes a civil issue and the City stays out of it. Racheal said when

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she lived in Texas the property owners were required to have a survey done prior to any work on the property, which gets very expensive, and a fence is expensive anyway. Kelly asked the Board what its thoughts were on requiring a permit for fencing? Reagan asked who finds the property pins? Crystal said she likes it being on the property owner to be responsible for knowing where their property line is because staff are not engineers, we do not hire the City engineer to get involved in this. Reagan said, "If we don't permit a fence, can we still limit the height of fences?" Lee said you could limit that above a certain number of feet would require a permit. Reagan said she has been inside tall fencing and finds the privacy nice. Randy asked, "We are going to allow an 8-foot fence!?" Crystal, Kelly and Reagan all said the City allows them now. Crystal added that her former home has an 8-foot fence on one side, the neighbor on that side is two-story and it was nice to have that privacy when the neighbors were out on their porch. Randy said, "I guess good fences make good neighbors, but I just hate a wall fence, although it could be a good thing with two two-story homes next to each other." Kelly liked the current sentence in Lee's memo that says *screened fences and walls may not be built out of scrap or mismatched materials, but must be consistent with the architectural materials used in the neighborhood*. She also liked how our current ordinance says somewhere that *no barbed wire is allowed*.

Lee said this is good discussion and leads to what chapters the Board would like to see next month, and whether or not the Board wants two meetings next month again? Lee recommended a training session on Chapter 22's checklist where we take a hypothetical development and run it through the standards in that chapter and see how that goes. "I don't think we could do much other business at that meeting," Lee said. Lee also suggested the Board hold an extra meeting for the training session and continue working through chapters to send more to the Council by December. "Industrial [chapter] could be easy, Highway Commercial is not going to be as easy; Central Business we need to revisit and then, the most discussion I believe will be for Residential," Lee said. Niki and Reagan feel the training would be very valuable. However, Niki's work schedule is hectic in September; she would prefer late October for a training session to ensure she could attend. There is no longer a December deadline to have all the chapters finished (which was due to grant funding required) but Lee hopes to continue the momentum.

NEXT CHAPTER(S) TO COME TO THE BOARD & ITEMS FOR THE NEXT MEETING IN SEPTEMBER:

September 18 meeting – Forwarding Chapter 11 Zoning Map public hearing to forward to Council, (Chapter 12 Agricultural will be under Old Business to review last few changes), new review of Residential and Home Occupation Chapters.

October 16 meeting – Public Lands, Industrial, talk about lot sizes, use of residential property, screening and fencing, etc. Lee asked the Board to think about expanding "use by right" in residential for multi-family, including conversions of existing homes. "Once you think about what you would like to see as conditions, we can write those conditions in so that if one meets them, they would allowed by-right," Lee explained.

October 22 meeting – Training session on Performance Zoning, which will include affordable housing and how to make it.

Amy Laban moved to adjourn. Racheal Tollison seconded the motion. Motion passed unanimously. Meeting was adjourned at 8:03 PM.