

ZONING AND PLANNING BOARD MEETING MINUTES

April 22, 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, Matt Jones, Amy Laban, Reagan Hooton, Jacob Sebens, Niki Griffis and Rachael Tollison were present. Lee Nellis (consultant for Impact Fees and Zoning/Subdivision Regulation rewrite) attended via Zoom; City Planner Randy Carpenter was excused. (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 members, and the meeting was held. The minutes were completed by City Clerk Crystal Turner after the meeting.

Kelly Smith called the meeting to order.

Public Present: Ryan Malmquist, Mike Stenberg, Lisa Malmquist, Daryl Malmquist, Diane Phillips, Smith Sopp.

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

CONSENT AGENDA

A. Approval of the 3/24/25 Meeting Minutes

Amy Laban moved to approve the minutes. Niki Griffis seconded the motion. Motion passed unanimously.

PUBLIC HEARINGS

Public Hearing and Recommendation for a Text Change Application for Title 11, Chapter 9, Section 2 to Add "Conditional Uses: Home occupation" submitted by the City of Three Forks

KS explained that when the Malmquist application was submitted (next public hearing on this agenda), she called Randy Carpenter and informed him that home occupations are not a listed use in the Public Lands Zoning District. (67 N. 7th Avenue E. is the ONLY residence on any land in the City limits which is zoned Public Lands. The home predates when the zoning designations were assigned.) Kelly had called Randy because she was unsure how to handle the application but he told her not to worry. "At 4:50PM on Friday, Randy called City Hall and said the best way to handle the Malmquist application was to amend the Zoning to conditionally allow home occupations," Kelly explained. She said when the Zoning Code is rewritten, the City could amend the Zoning Map to remove this property from Public Lands.

Matt Jones asked if there were any board comments or questions. Seeing none, Kelly Smith moved to approve the zone text amendment to allow home occupations as conditional use in Public Lands. Rachael Tollison seconded the motion. Motion passed unanimously.

Public Hearing and Recommendation for a Conditional Use Application for a Greenhouse / Plant nursery by Ryan Malmquist at 67 N. 7th Avenue E., COS 789A

Matt Jones read Randy Carpenter's staff report into the record.

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Applicant Presentation: Ryan Malmquist stated he wished to open a small nursery and vegetable garden. He explained his educational and hobby history, noting this style of business fits him perfectly. He plans to build on property owned by the family at 67 N. 7th Avenue E. He said they will focus on native perennials, grasses and shrubs as well as seasonal flowers and vegetables. There will be enough room for 5 parking spaces, including one handicap space. Water use will be efficient and minimal. He has a state business license approved. "If approved, I plan to construct the greenhouse in the next couple weeks and have the business open shortly after the City Council's approval. I hope for this to be more than a nursery, but also offer local workshops and work with the schools," Ryan said.

Board Questions: Reagan Hooton asked if the temporary structure is a greenhouse? Ryan answered yes. Amy Laban asked what the anticipated hours are. Ryan answered Wednesday through Sunday, 9am-5pm, but it may be adjusted as the summer progresses. Kelly Smith asked if he planned to have any signage. Ryan said he would love to put a sign on the nearby power pole, which is not a functional one (it is cut to half height). Kelly asked what size sign he planned. He was thinking 4 feet. The Board has consistently approved a 2-foot x 2-foot sign. Ryan was agreeable to that. Matt Jones asked if it would be a year-round greenhouse. Ryan said no. Diane Phillips said the entrance to the greenhouse would be a different driveway than her existing driveway. "It will be a roundabout style immediately left from Diane's driveway," Ryan said. Amy Laban asked if the existing screening/shrubbery would remain. Ryan said yes. Ryan said he also purchased another 16x40-foot greenhouse will be the main greenhouse, and then overflow would be in the 10x20-foot greenhouse.

Public Comment: There was none.
Chairman Jones closed public comment.

Applicant Rebuttal: There was no applicant rebuttal.

Board Discussion: Niki Griffis said it seemed like a good fit. Amy Laban added she thought it was a good location for such a business. (There were side whispers that were hard to hear on the recorder.) Amy Laban brought up that previous applications, the Board has assigned operational hours. There was discussion on recommended hours.

Kelly Smith moved to approve the conditional use permit request by Ryan Malmquist to have a home occupation with the following findings and conditions: 1) that the hours have to be between 8AM and 7PM, 2) all statements and explanations of use presented in the application of Ryan Malmquist are made conditions of this approval, 3) the sign would be 2-feet by 2-feet. Amy Laban seconded the motion. There was no other discussion. Motion passed unanimously.

Public Hering, Discussion and Decision to Send a Recommendation to the City County Regarding the Southeast Zoning District

Lee Nellis said the Board has seen this draft chapter numerous times, so unless the Board had specific questions, he asked that they open it up for public comment.

Public Comment: Smith Sopp asked about ingress and egress that will be when the new subdivision is built. Kelly Smith said that property has not annexed into the city limits yet, and the City does not

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know the design, plan, and ingress/egress will be. He asked when that will be heard at the City so he can attend. Kelly replied that it will be noticed, and this hearing is for the zoning that does not exist for that area yet. Mr. Sopp asked about the reference to a public hearing on May 13th regarding the Southeast Zoning District. Kelly answered that it is regarding a first hearing of the Southeast Zoning District ordinance first reading, and that is IF the Zoning & Planning Board recommends the draft tonight. Amy Laban added that this board is only a recommending board. Mr. Sopp asked mention of a dimension of the property and if it was 125 acres. Kelly answered it is pretty much from Bench Road to the Ridgeview Subdivision; not all will be developable because of the wetlands, but it is all that property.

With no other public comments, Chairman Jones closed public comment.

Kelly Smith moved to send this to the City Council, a recommendation to approve the Southeast Zoning District to the City Council. Amy Laban seconded the motion. Motion passed unanimously.

Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding the Landscaping Zoning Chapter

Amy Laban 11-23-15 Landscaping Along Streets, item C – perhaps it is just a typo or needs clarification. Should it state six “feet”? Lee Nellis answered yes. Mike Stenberg asked if the boulevard size can vary? Kelly Smith said it is set (in the Public Design Standards) at six feet. She then asked if Lee had additional changes that he had sent over this morning and the Board has not seen yet. Lee replied, “In prior discussions, we needed to clarify if a buffer needs to be on both sides of a lot line. And another thing that is not clear, if there is a street between you and another use, you would not have to provide a buffer (this is 11-23-7A), we could change what currently reads *Required landscaped buffers may replace rear and side yard requirements. They do not replace front setback requirements which can be found in the chapters establishing zoning districts.* If the Board wanted to amend that in before sending to Council, it would be a minor change to instead read *Required landscaped buffers may replace rear and side yard requirements. They do not replace front setback requirements which can be found in the chapters establishing zoning district, because no buffer is required where uses are separated by a street.* There are also a couple misspellings of “multi-family” where multi is spelled M-U-T-L-I.

There was no **Public Comment**. Chairman Jones closed public comment.

Kelly Smith made a motion to amend the Landscaping ordinance to add the buffers are not needed if there is a street separating uses. Matt Jones seconded the motion. Motion passed unanimously.

Amy Laban moved to submit landscaping to the City Council at the same we submit the Southeast Zoning District chapter. Niki Griffis seconded the motion. Motion passed unanimously.

Lee Nellis thanked the Board for its hard work thus far, and noted they will be receiving more chapters soon while we figure out travel plans to return to Three Forks. He asked what May date would be best for the Board.

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OLD BUSINESS

A. Discussion on the Chapter on Off-Street Parking

Lee Nellis stated that parking is important and the board had good discussion on the Central Business District. "I think we can rely on on-street parking in this District. I took the language in Title 11, Chapter on Parking – and tried to clarify how many spaces a particular use would have to have. The current code seems in the ballpark, but may be a little light for commercial uses. This probably reflects an assumption that owners will create as many spaces as they think they need, but that will not be the case if this is adopted as recommended, with a cap on total spaces. This draft chapter also adds modest requirements for bicycle parking, which seems appropriate given Three Forks' extensive trail system. There is a table for the required vehicle and bicycle parking spaces. Currently, in Title 11 there is a drawing depicting styles and shapes of parking lots, which I recommend be in the Public Design Standards rather than in the Zoning Code," Lee explained. "This also requires a little bit of landscaping for all parking spaces, which is more than the current code as now," he added.

Reagan Hooton asked regarding 11-?-12, "Is this where you are saying there should be a cross-referencing link?" Lee Nellis agreed. Kelly Smith asked about 11-?-13 regarding freight loading space, "What if the use does not require a loading area?" Lee replied this is true, since not all uses require a loading dock, but returned the comment with, "What if the use changes? I think having a loading space or loading dock for buildings that size, but we can revise if the Board thinks we should." He added that it could remain in there as a requirement, and the applicant could appeal that requirement to the Board based on its use. Reagan Hooton questioned what maintenance would be required in 11-?-17? Lee said there will be a chapter that will apply to all developments which will address whatever you are required to build for specific uses. Lee continued, this is planning for the future not just the use applying and saying that one will maintain what they promised to do.

Kelly Smith questioned 11-?-6D, "So if a restaurant comes in, they don't have to provide any parking?" Lee Nellis said if you have been to Red Lodge, across from the Pollard Hotel, there is a large lot which is used by many businesses for parking. Three Forks does not have many undeveloped lots, by near the hardware store is a large parking lot and so with the already existing parking spaces on Main Street, there is sufficient parking for all uses in the Central Business District. Reagan asked, if passed as written now, the applicant could apply for a variance? Lee replied no, just adding parking spaces would not qualify as a variance. "If you want to give flexibility, tell me now so we can write it in the standard," he said. Matt Jones confirmed we just did a study that has plenty of parking downtown? Yes. Amy Laban said there should be a way to allow the applicant to apply to have off-street parking if the language is going to be so stringent that you CANNOT have off-street parking. Kelly agreed. Lee said there may need to be an adjustment in zoning boundary from Central Business District and the Highway Business to accommodate that. Kelly asked him to further explain. Lee said he would like some examples. Amy said she does not want discourage one from providing off-street parking, and gave the example that if one were to redo the senior center in another language and want ample parking close to the facility. "In an instance like that I would like to be able to have an exception," Amy said. Kelly said she was thinking of the businesses BBG Contracting

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and Tear It Up (on Railway but are zoned Central Business) because both chose to have off-street parking for their larger equipment which would not fit on the street. Matt Jones asked if Lee could write it so you do not have to provide it just on Main Street? Lee said the easiest way would be, "If you want to have additional, private off-street parking in CBD then you come before the board with a Conditional Use Permit." All agreed to this.

Reagan Hooton asked about the table that states 1, +1. Kelly asked, "So if you had 10 rooms, you'd have to have 11 parking spaces?" Lee said yes, that gives a space for guests and a little for employees. Reagan asked what "all weather pedestrian route" meant. Lee replied it means that there is a sidewalk or trail, something paved rather than people traveling down the alley. "We can expand on it if you think it is unclear," he said and added, "for something other than walking through potholes in the alley. I will clarify it."

Mike Stenberg asked if Central Business allowed residential uses. Kelly and Lee answered yes. Mike asked if residential is allowed, it may or may not want to be rear-loaded, but if they are already coming in for a conditional use approval, you may see more residential there for folks to bypass parking requirements. So that was good. Lee said there is parking behind the buildings in CBD as well, and he did the math on the one largest vacant lot, and a number of apartments could be there and still have enough space for 1 parking space per unit. Mike asked if staff parking would require a conditional use then, as it is written? "So you don't have to see so many conditional use permits," he added. Matt replied it would make sense to exclude for staff, because you do not want all the staff parking on the street. "But if it is existing, would it be grandfathered in?" he asked. Lee said yes, it would be a nonconforming, existing use. "Like the Wheat Montana building, which has a sizeable parking lot behind it. That would be grandfathered in. The hope is to have an increased viability and vitality and parking spaces do not generate more business. If you want to allow people to backload along an alley, we could amend the language to be allowed by right," he said. Matt suggested all existing is allowed, new construction on Main Street would allow off-street parking for businesses only without a CUP. Kelly said, "I think the point is to stop having the requirement of so much off-street parking. This seems to read like you have to apply for a conditional use to have off-street parking." Lee said he recommends if the Board wants it allowed, that he can rewrite it to have parking along the alleys, and if they want more parking, allow for a conditional use permit process. Lee will write up something for backloaded parking, and if one wants parking on the street, or larger than 1-deep, one must apply for a CUP.

Amy Laban asked if the Board has any thoughts on permeable or non-permeable surfaces. Lee felt it was a question for the City's engineers since the City has a high water table. Permeable pavement or stones must have a porous soil below it, but Lee thinks it needs to be dealt with in the stormwater management plan.

NEW BUSINESS

There was no new business.

ITEMS FOR THE NEXT MEETING IN MAY.

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Kelly Smith said the Board just needs to pick a date if the 3rd Thursday is not working still. It worked for everyone in May. Lee said it would work for him as well, and he could be present at City Hall.

Amy Laban moved to adjourn. Matt Jones seconded the motion. Motion passed unanimously. Meeting was adjourned at 7:07 PM.

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