

ZONING AND PLANNING BOARD MEETING MINUTES

September 18, 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, Reagan Hooton, Niki Griffis and Racheal Tollison. Amy Laban was excused. City Planner Randy Carpenter attended in person at City Hall; Lee Nellis (consultant for Zoning/Subdivision Regulation rewrite) 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 everyone that the meeting was being recorded.

Public Present: There was no public present.

PUBLIC COMMENT (items not on the agenda): There were no comments for items not on the agenda.

CONSENT AGENDA

A. Approval of the 8/27/25 Meeting Minutes

Reagan Hooton moved to approve the minutes. Jacob Sebens seconded the motion. Motion passed unanimously.

PUBLIC HEARINGS

A. Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding Chapter 11 – Zoning Map

Lee Nellis provided a brief synopsis of this chapter.

Kelly Smith moved to approve Chapter 11 – Zoning Map and move it on to the City Council for an ordinance hearing. Reagan Hooton seconded the motion. Motion passed unanimously.

OLD BUSINESS

A. Discussion Regarding Chapter 12 – Agricultural District

Lee Nellis said this chapter is very minimal. He asked the Board if it wished to restore some uses that are listed in the old Ag District chapter. Kelly Smith commented on the lot area being a minimum of 10 acres. “Do we want a limit on size to be agricultural? I mean if someone wants to change their zoning to Agricultural, do we want to have a minimum lot size?” she asked. Lee said the 10 acres would add clarity and suggested adding language that any lot be capable of further subdivision in the same grid pattern that aligns with the streets of the existing city (add to dimensional and performance standards). Matt Jones said he thinks acreage should be big. Niki Griffis agreed 10 acres was sufficient. Reagan Hooton agreed. Matt directed Lee to make those changes.

NEW BUSINESS

A. Discussion Regarding Chapter 21 – Home Businesses

Lee said, “You guys are familiar with regulating home businesses. I put the simplest ones [home businesses be allowed] by-right so a person could come in and obtain a Zoning Permit by staff and move

ZONING AND PLANNING BOARD MEETING MINUTES

on.” (These were businesses that only operated in the day, had no employees other than those who live in the home, customers do not come on site, do not have heavy truck traffic, do not have signs, etc.) Reagan Hooton agreed the list makes sense as written for by-right. Jacob Sebens said it seems reasonable for those businesses to be by-right. Niki Griffis asked about some regulations being necessary, “Because something like taxidermy or someone who would want to cut wild game up on their garage? These things could be done at a home, has no employees, you could pick up the game elsewhere from the home...but still have smells.” There was discussion on this and the Board agreed that “smells, chemicals, etc.” not be by-right. Edit needed in 11-23-4 as it should be 11-21-4. Then, move 11-21-4.A in 11-21-3.A. and subject to noise, dust, smoke which will be covered in chapters not yet seen by the Board. Change the title of 11-21-4 to CONDITIONAL HOME BUSINESS STANDARDS. Crystal Turner said “noise” was discussed in the staff meeting to be added, but she does not see it in the new 11-21.

Kelly asked about the italicized sections in the draft chapter presented to the Board. Lee said, “The way it is written, there would be no off-site employees, but do you want to allow a small number of employees who do not live in the home? Kelly asked if daycares are excluded from that? Lee said that daycares are regulated by State laws and said childcare is its own reality. There was discussion about daycares and how many employees are needed per number of children, as well as allowing a conditional business for off-site employees. Does the Board wish to have a max number of employees? Matt suggested five; Racheal Tollison said she would be fine that, but also feels comfortable limiting it to three. Lee said you would be naturally limited by space as to how many employees the home could support. After much discussion, the Board agreed three non-occupant employees to be the max. Lee will make that change.

Does the board want to limit the parking of commercial vehicles associated with a home business? He provided examples that some communities do not allow commercial vehicles in the residential area. He also asked what the Board’s thoughts were on outdoor activity, like those raising plants. “If I put up a home sawmill, they may be covered by the noise standards but those are questions that arise,” Lee said. Kelly said the City has an ordinance which limits semi trucks being parked if they do not idle them for so long within a 12-hour period, and that they are not hauling something unsafe like a flammable material. Niki asked what Lee’s definition of a commercial vehicle? Lee said if would only be there for the purpose of the business, “What if he had a mail order/internet order, retail business in my home – and a person orders a product from me, or I bake at home and deliver cinnamon rolls, I may have a delivery van.” Reagan said the City cannot limit commercial vehicles driving home who work outside of the home. She does not feel there is an issue, because right now there is no way to regulate a delivery driver from coming home and parking, or a food truck business not operating at home and coming back to the residence to park for the day/night/season. Don’t think we want to limit there. Lee said he thinks we should let the other ordinances enforce that.

Reagan returned to the “outdoor activity” and asked what Lee means specifically. Lee provided a ceramic hobby/business and wanted to have a kiln outdoors. “It’s not really going to have much nuisance, but I would be out there loading wares I was going to fire in the kiln. Something that doesn’t create adverse impact. Would that be ok?” Lee asked. Reagan said as long as it fits with in the noise and smell ordinance the city already has. Jacob agreed and did not see a reason to make a specific rule about business activities outside. Lee would like to drop 11-21-4.G altogether. Matt said he would

ZONING AND PLANNING BOARD MEETING MINUTES

encourage outdoor businesses to move outside of the City or move to a commercial lot. Reagan asked, "Even a kiln?" "How can you prove it will never make noise or cause odor? To me, a home business is inside your home. If we go back to my home-based painting company and all my employees come to my home and get in my fleet of vehicles, and leave their vehicles on the street. They all leave during the day, but I have to get a permit because it is based out of my home. Are we requiring the employees park off street?" Matt said. Kelly said you would be limited to three vehicles. Matt replied, "But I could work there, my wife, my kids – we're 5 and then we have 3 employees. If we can only require 2 off-street parking spaces, then 5 of my businesses' vehicles are parked on the street, and now let's move it up the hill where we're going to allow smaller lots and then what do we do?" Randy Carpenter asked if that should be considered a home business? "Shouldn't that be in a commercial district?" Randy asked. Reagan asked why, because of the fleet? Matt replied with various ways it could pass as a home business. Lee said he did not think you would want to encourage anyone to operate a home business that has a fleet of vehicles. "Unless there is just a home office and their fleet of vehicles are parked somewhere off-site in a commercial district. But if I have my home business and I have one delivery van to deliver my cinnamon buns, that would be more legitimate. The Board considered limiting commercial vehicles. There is a way a CUP process can address any off-street parking. The bigger issue is on-street parking," Lee said.

The discussion turned to storage, such as a painting contractor may store ladders in the yard too – there is always going to be a home business you can imagine that is just different and unusual enough, that it is hard to write a standard for. Kelly suggested the business equipment must be stored in a garage, or shed, or something. Niki suggested saying any outdoor business is just conditional, so we do not have to write it. No more than two commercial vehicles associated with the business (once you exceed two, you need to go to a commercial zone). Matt asked if we want to encourage people to have home businesses like this? Board shook head no. Matt suggested just going back to one non-occupant employee though, or if they are bigger, they should move to a commercial zone. Reagan did not want to limit the nurse style businesses from growing. Matt asked, "Can't you just make one concession?" There was some discussion about growth and existing businesses which have conditional use permits. Lee said you could add outdoor businesses to conditional. Reagan said and then if we get an application that does not work, we could say no. Crystal said, "You would have to have a standard to say to NO to though, you can't just say "oh that's your business, we don't like that, so no." Lee said he knows someone who carves doors, and he works outside or in the driveway to work on these doors. "He works outside on nice days. It's hard for me to see banning that," Lee said but added that he would hate to crank the regulations down too hard because home businesses allow people to afford those homes as well as it keeps them maintained. He said he would reduce the number of employees and the parking down to limit the scale on home business. Kelly said she would support one employee. Niki said that makes sense. Jacob agreed. So, one non-occupant employee, and leave the parking at two spaces (one for employee and one for customer). Kelly also liked limiting storing of equipment and things outside. Randy Carpenter agreed. Jacob said he did not see a big issue with outdoor work and gave the example of 12-foot boards and the garage/workshop being 12-feet, "So you'd move it outside to maneuver around." The discussion led to the same jobs as household chores...or remodeling a home and the work trickles outside temporarily. All were OK with this type of outdoor activity. Lee will bring back another version with quite a few changes. Bring it back to the next meeting.

ZONING AND PLANNING BOARD MEETING MINUTES

Kelly asked if the Board cares about signs in yard or would they prefer signs on a wall? Matt said he thinks it should be on the wall. Jacob asked what opposition is there to a yard sign? Matt said if everyone on his block had a home business and a 4-foot sign and they were illuminated; it would start to look like 19th Avenue (in Bozeman) and no longer look like a residential district. All existing signs for home businesses would be grandfathered in.

B. Discussion Regarding the Memo on Chapter 17 – Residential District

Randy Carpenter said, "Let's move on to this topic because I am dealing with this in my neighborhood. I have *fun hogs* next door, and they have snowmobiles and boats and invite all their friends over who have those things too and bring them because the neighbors say *we have plenty of room* and now they are parked all the time around my house. The cars will change all the time, but there is always something parked there." Lee Nellis introduced this chapter and said, "The types of homes we choose, will determine a lot of how this district works. Let's talk about types, and then lot size." He went to the Housing Choice Matrix on page 2 of the memo sent to the Board.

Lee demonstrated onscreen a 2-lot property (so 14,000SF) and a 2-story apartment building being 5,000SF, with 20-24 parking spaces. "The green is the required landscaped buffer (per Chapter 23). This fits better on 3 lots. It easily fits on 4 lots, and they'd have to have 28,000SF of lot space but it has plenty of space. I'm going to suggest that we lend the buffering and landscaping requirements already adopted and use the existing maximum lot coverage for the buildings, drive the by-right multi-family." Reagan asked if Lee was suggesting getting rid of the minimum SF for each unit requirement? Lee said yes, because it would regulate itself. "They must have so many parking spaces, meet buffer requirements for the building's square footage, maximum lot coverage and meet the setback in the front yard. Then you have over 3,000SF of greenspace", Lee explained. Kelly asked if the new parking law would limit the off-street parking? Randy thinks it is for 5,000 or more populated cities. Kelly remembered it being for 1200SF homes, you cannot require more than 1 off-street parking space per the 2025 Legislature's HB492.

There was discussion on the Housing Matrix, knowing the existing lot sizes. "Do you want to continue what you're doing now, where even a duplex is conditional? If the answer is yes, this matrix is filled in pretty easily. If you want to consider a duplex by-right, we take one step to make the housing process a little easier. I would recommend going up to four by-right but not recommend anything more than that by-right," Lee said.

Lee asked if the Board agrees with 2 by-right? Reagan said yes. Matt agreed. Niki said she sees some single-family homes, then a triplex, then a duplex here and there, and wondered if the City would have a clean slate at some point? "I don't like the idea of having a fourplex, then a single-family home." Reagan said she thinks having mixed-use housing helps to diversify the neighborhood, even create socio-economic diversity. "I think scattered throughout town is a good thing. We don't have age groups in one neighborhood anymore, or *all the rich people* living in one neighborhood." Randy said he held a tour about 10 years ago and he said to those on the tour, "Check that out, it's a Single Family Home, right? No, it had 2 mailboxes, but you cannot tell it. That's a duplex right there. I agree it increases affordability and diversity." Reagan said she thinks people of different income levels should be able to live in the same neighborhoods. Lee agreed with that.

ZONING AND PLANNING BOARD MEETING MINUTES

[There was discussion about townhomes versus condominiums, which Lee kept saying are exempt from subdivision review. They are but that does not mean they are allowed by-right. There are regulations in each municipality for what is allowed, and it still requires one public hearing and a governing body decision.]

Kelly read Amy Laban's input which she submitted prior to the meeting for the Board's consideration. Amy believes 2 by-right for sure, and 3+ would be conditional.

Reagan asked if there was a triplex on the minimum size lot, do we know that square footage would be for the residences? Kelly replied, a triplex would take up 2,700SF for all three, or 900SF per unit. Lee said the parking could fit too on a nice rectangular lot, but not an odd-shaped lot. The parking will make it look busier than the building itself. Randy agreed. Reagan said she would be OK by-right for a triplex on a minimum lot. Jacob agreed. Matt said if 40% coverage is the maximum, why couldn't we be good with townhomes by-right? Reagan liked that idea. Randy agreed. "There are a lot of nice neighborhoods that are townhomes, but when I look at them, there is no auxiliary parking," Matt said. Lee said in the complex he lives in; they have required visitor parking so that could be added. Niki asked what the difference between a townhome and a duplex? Lee said they may not own the building or land, and it may just be a building with two residences which both get rented out.

Matt said, "I get very confused between the differences of condos and townhomes, so is there a way we can put the language to, let's say you have 80 condos that look like rowhomes. That's the only way I can foresee something being affordable." Randy said he owns a condo, one end of a 4-plex, and everyone owns the common ground, but you cannot tell if it is a condo or a townhome. The difference is in owning the land under your unit or not. Reagan said in our 3- and 4-family home on one lot, they don't own the lot? Kelly said one person would own the lot and then the units are rented out.

Regarding lot size, Lee said he would advocate reducing the minimum lot size to 5,000SF. "Within the R District, you can do how many units if you all [the Board] can agree?" Matt asked what the minimum lot is now? Kelly answered 10,500SF, "There are smaller lots because it was before that rule changed; it was 7,000 back in the day. Lee recommends going back to 7,000." Matt asked the Board if they agreed with going back to 7,000 and allowing up to three units by-right? There were some comments and still questions on the math. Lee explained that Three Forks was laid out for 50x140-foot lots. He went back to the diagram he had onscreen which demonstrated a 2-unit building on one lot. "So a duplex is ok?" Lee asked. The Board members present said yes. Lee asked, "Triplex?" Niki said you said it was doable but parking will be cramped. She thinks it would fit better on 1.5 lots. The rest of the board nodded in agreement. "Fourplex by CUP only?" Lee asked. He again advocated for the Board to allow smaller lots as conditional uses. Randy Carpenter explained "restricted size lots" which is how Bozeman first addressed smaller lots. Now their lots are allowed even smaller, but that was the first step to smaller lot sizes for Bozeman.

Then there was discussion on mobile home parks. Lee said, "The only place you can put one of any size would be on the Buttelman land. There is a set of rules on mobile home parks already [in State subdivision law], so are we going to just work through those rules if someone wants to make a mobile

ZONING AND PLANNING BOARD MEETING MINUTES

home park, and allow like we do now?" Everyone agreed that was the original affordable housing and feels they should be allowed. Lee will draft similar language to what we have now. Regarding Live/Work, this would remain conditional because this goes back to the home business discussion earlier tonight.

Randy asked about the Definitions, "We have been capitalizing so a person knows that is in the Definition Chapter. Are you good with the first time it appears in a chapter being capitalized or do you want it capitalized throughout the whole Code?" Board was agreeable that within each chapter, the first time that word is mentioned have it capitalized then not the rest of the chapter. Randy added that most people are going to access this online, so what about hyperlinking to the definition? This would be done by the codifier. The Board liked the hyperlink suggestion. Randy will go through and capitalize on the first one, and in each chapter. "But I think the final version online can just be hyperlinked," he said.

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

Chapter 17 – Residential District

Chapter 17A – Airport Overlay?

October 16 meeting – Training session on Performance Zoning, which will include affordable housing and how to make it.

October 22 meeting – Residential District and Home Businesses. Racheal cannot attend that date.

Another future date: Public Lands, Industrial/

All pretty much moved to adjourn at once. Racheal Tollison seconded the motion. Motion passed unanimously. Meeting was adjourned at 8:03 PM.