

## ZONING AND PLANNING BOARD MEETING MINUTES

**November 20, 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 Rachael Tollison, Kelly Smith, Jacob Sebena, Reagan Hooton, Niki Griffis and Amy Laban. Matt Jones was excused. City Planner Randy Carpenter attended at City hall. Zoning Consultant Lee Nellis 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 six Zoning Board members. The minutes were completed by City Clerk Crystal Turner.

Vice Chair Amy Laban called the meeting to order. She reminded everyone that the meeting was being recorded. She reminded all to read page 2 of the agenda which defines the policy and conduct for this public hearing.

Public Present: Whitney Taylor, Cody Taylor, Marcia Underwood, Glen Underwood, E.B. Love, Mary Bentz. Scott Hazelton attended via Zoom at 7:18PM.

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

### CONSENT AGENDA

#### Approval of the 10/16 and 10/22/2025 Meeting Minutes

Niki Griffis moved to approve the minutes. Kelly Smith seconded the motion.

**Motion Passed Unanimously.**

### PUBLIC HEARINGS

#### Public Hearing and Recommendation for a Conditional Use Application for a Dog Training Facility by Whitney Taylor at 115 South Kansas St.

Randy Carpenter read his staff report into the record.

He noted condition #4 says 6 square feet, but it should be 4 square feet.

Applicant Presentation: Whitney Taylor, owner of Shadow Paws Dog Training, stated she intends to use her garage as an indoor private training facility. Training will be for one to 5 dogs at a time as well as small classes (1 hour with 30 minutes between classes for cleanup), and she wants to provide an indoor area since no one else offers that service. Mrs. Taylor said, "It would be rambunctious inside with five at a time before class, but then they settle down when the owners are paying attention and we begin class. There will be no more than 4 classes/day as it would be too much teaching for her in day," Whitney said. She also proposed the following changes from her original application:

- Max of 3 dogs/class.
- Regarding parking, she is not sure how to do another 2 spaces. If she goes more toward Front Street her yard goes downhill. "If I limit the dog numbers in class, would that reduce the required parking? Also, it would make for more feasible space in the garage."
- Regarding fencing, "If I fence an outdoor training area on my property line, it is not large enough to do an agility course. I don't want a fence in the front yard anymore at all, so will not using that

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as part of the facility. From the garage to the neighbors' fence would be fence for the dog relief area." She asked what kind of fence would be recommended or required?

- Last, Whitney asked if there would be a deadline for all these things to be done before she could officially hold a class.

Board Questions: Amy Laban asked if reducing the number dogs from 5 to 3, would that officially subtract two spaces off the required? Randy Carpenter replied he believed the Board has discretion, and assuming some on-street parking could be used as well if the Board agreed. Niki Griffis asked how many parking spaces fit now? Randy answered four. Kelly Smith asked if there would be any outdoor training. Whitney said no, she would find an alternate location if so. Kelly said her concern for training outdoors was that dogs would run into the street, so if there is no longer outdoor training in the front yard, that alleviates her concern. Reagan Hooton asked if these were classes while the dog owner was there. Whitney said yes, and added that she does not do (nor will offer) day boarding or overnight boarding. Kelly Smith asked how many days a week the applicant thought she would hold classes? Whitney answered either Saturday or Sunday, but not both days back to back, or a Thursday. Kelly confirmed just two days/week but the days may alternate. Whitney agreed. Niki Griffis asked if there was a specific fencing requirement by the City. Randy Carpenter said there are not specific requirements, but it could be at the Board's discretion. Whitney said she would want to match the neighbor's fence, which is 8-feet tall.

Public Comment: Elizabeth Love (108 Front Street) asked what the Board's thoughts were on safety, odor from feces, and what kind of training and certifications the applicant holds. She spoke that this town is a pedestrian-heavy so she is concerned for safety, and drainage of the streets. She cited there is a barking dog epidemic in this town and feels this would reduce property values with owners having to disclose a noisy business nearby. "Bozeman and Belgrade do not allow this type of business within their city limits at all; you have to go to the County," Elizabeth said. Mary Bentz (Front Street) spoke that as a homeowner living in a residential area, she does not support a business nearby.

With no other public to comment, Amy Laban closed public comment.

Applicant Rebuttal: Whitney Taylor said she attended K9 Trainers Academy online, which is a 2-year course. Trained at Zelda's Dog Academy for a year as well. "I have trained dogs for four years, including CBDD which is a positive reinforcement program. To get that knowledge-assessed certification, you must do a minimum of 300 hours of dog training," she explained. She holds insurance for her business. Whitney said all the waste will be picked up daily, by the [dog] owner if at class, and she will get the rest, and place it in her dumpster which is taken to the Logan Landfill. If there is any overflow, she will take it to the dump. She has worked at a veterinary hospital for five years and cleans everything with a product called Parvisol, which is designed to kill all bacteria and she has used in her home and around the family. They also will have 3 inches of gravel in the outdoor dog run area. The courses offered will be obedience (manners) positive reinforcement style, AKC trick dog, and K9 conditioning. She does not use e-collars or train for bite work (like the guy with the thing on his arm who trains a Malinois to run after the "bad guy"). The front yard will no longer be used, it will be in the backyard or garage. Regarding the fence for safety, Whitney plans to match the height of the neighbor's and all dogs will be on leash when outside the fence. "If they are not in control of their dog, I will take control of their dog," Whitney said.

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Board Discussion: Reagan Hooton said she felt the Board needed to address parking space requirements. Randy Carpenter said the home itself requires two off-street parking places, which you cannot count the garage since she will be using that for the training area. "There is no [parking] standard for dog training facilities, so I took the square footage of the garage (1,200SF) and the dog run area in the backyard, and the front yard, which she has now said will not be used. So using a parking factor of 1 and multiplied it by the square footage, I came up with four," Randy said. Racheal Tollison asked, "Without the front yard area, how many [parking spaces] would that be reduced by?" Randy said one. Reagan asked if the parking space have to be paved? Amy replied the Board has been lenient in the past for some pavement requirements. Kelly Smith said that was for permeable materials though in a floodplain, but usually it has been a requirement for pavement. Kelly provided the recent example of the cycling home business.

The Board agreed to reduce the maximum dogs in classes to three, making that a total of four parking spaces, allowing for one on-street. Niki Griffis asked how many dogs anyone can have in a residence. The answer is 3. Niki then asked if Whitney has any of her own dogs. Whitney said yes, she has three. Niki asked, "Where will they be during training?" Whitney replied they would remain in the house. She would use an enrichment toy, like a frozen food or a puzzle or toy that they have to use their brain to get the treat, and that keeps them from barking while she is training other dogs. She would work on fixing barking first, if that is what the dog (in training class or her own) presented before moving to other trainings. The applicant has stated she would install a privacy fence.

Kelly Smith moved to approve this application for a home business of a dog training facility with the conditions that everything in the application is a condition, four legal paved or concrete parking spaces will be required, that any signage be limited to four square feet, an 8 foot privacy fence similar to neighbors', no outdoor training, the owners will be on site, classes are limited to only 2 days per week with a maximum of 4 classes in a day, no more than 3 dogs per class, hours to be anytime between 9am-6pm, waste is picked up daily, and all dogs will be on leash when outside. Niki Griffis seconded the motion. There were no other comments from the Board.

**Motion Passed Unanimously.**

Whitney asked when these conditions would need to be completed. Kelly Smith answered that the conditions would need to be complete after the Council's final decision and before opening. (Crystal Turner told her as she walked out that she would also need a business license too.)

### **Public Hearing, Discussion and Decision to Send a Recommendation to the City Council Regarding Chapter 21 – Home Businesses**

Lee Nellis asked if there were any thoughts or questions that stemmed from the last version of the drafted chapter. Amy Laban commented regarding the 'by-right home business', "Did we want to exclude weekends, or let them to be able to operate on the weekends? Or if they operate on the weekends, should that be a conditional request?" Kelly Smith said she felt 9am-6pm, which matches what they just approved could be the standard, for weekend hours. This could also be weekday, and if they want a different time, then it would not be by-right. Board discussed 9-6 any day of the week being acceptable, but if they want hours outside of that they would have to apply for a CUP. Lee will change 11-21-3.B changed to "Operates only between 9:00 AM and 6:00 PM" as the standard.

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Public Comment: EB Love said truck deliveries happen in a residential area regardless if there is a home business in the area or not.

Kelly Smith moved to send Chapter 21 to the City Council, with the correction of the time, open time is 9-6 any day of the week. Reagan Hooton seconded the motion.

**Motion Passed Unanimously.**

### OLD BUSINESS

#### A. Chapter 17 – Residential District

##### 1. Incorporated Residential / Airport Influenced Overlay

Lee Nellis explained that airports are regulated by the FAA. The City's airport is owned by Gallatin County and they have their own zoning associated with the airport. "Regardless of what the City does, the County regulates/zones this area because of the flight path. After discussion with staff and Susan, if anyone built a new home, we came down to everything in this area should be conditional, then I thought '*everything already is conditional in the sense it requires a permit by the County anyway.*' I guess my question to the Board would be is: *can we just rely on the County permit and leave it residentially zoned and they permit the process. If someone gets a county permit, they can build whatever they want to build with us as a use by-right with a zoning permit.* The only thing I think you can anticipate is an accessory structure. Since this is not vacant land and it's part of a residential neighborhood, I feel it would be a deterrent to the existing property owners to require them to get a new permit," Lee said.

Kelly Smith questioned whether the County actually gives permits or not. They may have regulations, but she is unaware of any permits they have issued for the hangars being built out there right now. After some discussion it did not seem the City should trust whether or not the County issues a permit. Lee said, "Then the City could require a CUP for everything and ensure it meets the zoning requirements." The question to the homeowners could be: If I come in and put in a toolshed or a greenhouse, or any other accessory building, would it need to be conditional in that area? Board thoughts? Reagan Hooton does not think a CUP should be needed for accessory structures. Lee said, "Shall I write it up that everything new, principal building, is conditional?" The Board agreed.

##### 2. Marijuana

Lee Nellis said the Board could simply prohibit dispensaries/businesses in the Residential zone. "Because the way uses are defined, we need to prohibit it in residential. Mostly what the ordinance does, if a use is not listed, it's prohibited. But because the way commercial uses are defined, marijuana will be addressed as a permitted use in commercial, but in residential we just want to make it easy and prohibit, and be equal like bars and other commercial uses are prohibited in the residential chapter," Lee explained.

##### 3. Short-Term Rentals (STR)

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Lee said short-term rentals are very popular in some communities. He was speaking with the building inspector in Red Lodge, probably one-third of the homes in Red Lodge are either seasonal or short-term rentals. "This could displace housing for the workforce. Other places they are even higher percentages. I do not think this would happen as quickly in Three Forks, but we do need to have a policy in place," he said.

Lee reviewed the Short-Term Rental memo he drafted with the Board. We have discussed limiting the number of STR's throughout town, so it is first-come, first-available for permits. We have also considered dispersing them around town like Matt Jones had suggested so each block was not full of them, but this probably does not stand up to a legal challenge. Lee and Susan do not think the dispersion or overall limit methods would stand up in litigation. He recommends the current way the City of Three Forks handles this, which is owner-occupied in the residential district. What does the Board think? Reagan Hooton wanted to clarify that with owner always present, that includes an ADU on your property? Lee answered yes. Niki Griffis asked how many [short-term rentals] we have in town in residential now. Kelly Smith answered there are two (both of which obtained conditional use permits). Niki said, "That shows it's working. Some of these recommendations seem appealing, but staff has enough to do without trying to have to enforce it." Jacob Sebena said it works well the way we have it now, and also prevents investors from buying up properties and turn them into STRs. Kelly added the City allows STRs in the commercial zone, which makes sense, the whole house could be rented out like a hotel would be. Amy Laban said she is on board with the owner always present. Rachael Tollison verified that is how we operate it now. Lee and Kelly replied yes. Rachael is on board.

There was no public comment.

Lee will put some language in Chapter 17 to make this very clear.

### NEW BUSINESS

#### A. Discussion Regarding Chapter 15 – General Industrial (GI)

Lee reviewed the drafted chapter on screen with the Board. "There is a marijuana question in this draft, but we believe it could be processed, but not solely retail in the GI. This district would probably allow sexually oriented businesses when safety and the other requirements of the GI are met, and they'd also have to adhere to Title 4 which I have cross-referenced," Lee said.

"You all are accustomed to the batch plant and other industrial uses already. There is not a lot of room in the existing mapped/defined district of GI for new industries like what you have," Lee said. Lee said he was informed there have been consistent conditions for mini-warehouses, so those should be added to this chapter as a general standard. Kelly will get him those. Kelly asked if marijuana needed to be written in here as a CUP? Lee replied he did not necessarily think it needed to be, "In an industrial area where you allow processing of almost anything, having to process marijuana without a retail sales outlet, will not create additional problems than any other industry," Lee thought. Kelly asked if it would be permitted or conditional? Amy answered it would be permitted. Kelly asked if there would be an SIC code

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associated? Lee answered yes, and explained that since it is federally illegal, there is not a SIC code specifically, but it falls under another industrial/mechanically processed code. Amy said she is fine with this being permitted. Rachael agreed. Reagan asked if this was anything different than what we currently have listed. Crystal said no, it is similar to this where you would have to determine *the use is kind of like a bakery and a little bit of a laundry mat using chemicals* to explain it and obtain a business license. Kelly added that our ordinance now does not list video stores or gyms, those things just were not listed specifically in the 1980s when the Zoning Code was adopted. Randy Carpenter asked how often SIC codes are updated? Lee said constantly.

Other edits noted:

- 11-15-4.D should state “Title”, not “Chapter” 4-4.
- Fix “setbacks” has last “s” as a typo in 11-15-5.C – title.

Lee said he and Randy will do these corrections, add mini-storage standard conditions and have it ready to forward it on to Council at the next meeting.

There was no public comment.

### **B. Discussion Regarding Chapter 16 – Public Lands Institutional**

Lee Nellis said this is a chapter that the city has already had codified. He read the purpose.

Reagan Hooton asked, “What are we doing differently with this than what we currently have?” Lee replied nothing new has been added. “It is just in a new format, the setback requirements are covered by the buffering in the landscaping chapter, the lot coverage is limited to 5% because it’s more about open spaces,” Lee explained.

Kelly Smith questioned on a CUP being required for larger than 5% because the Depot is larger than that, and it could occur again. Jacob Sebena brought up Stevenson Park with the gazebo, tennis court, basketball courts, pool, that all consumes more than 5%.

Other edits noted:

- Fix extra period at end of 11-16-6
- Lee to edit Chapter/Section 11-16-4 to reflect that a CUP is required for any use over 5% lot coverage.
- Amy answered Lee’s italicized question in 11-16-3 – She does not think those terms need to be further defined. The other Board members agreed.

There was no public comment.

After the edits, this one would be ready for a public hearing.

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

#### **A. Chapter 9 – Required Improvements – Enforcement**

Board said not yet.

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### B. Chapter 13 – Central Business District - December

### C. Chapter 14 – Highway Commercial District - December

December's meeting should have Chapter 17 with the edits discussed tonight too.

Then the Board discussed skipping the December meeting and starting up again after the holiday. It was agreed to meet on 1/15/2026 which includes the public hearings for Chapters 21, 15, 16.

Reagan Hooton moved to adjourn at once. Niki Griffis and Racheal Tollison seconded the motion in unison. Motion passed unanimously. The meeting was adjourned at 7:58 PM.

DRAFT