

## ZONING AND PLANNING BOARD MEETING MINUTES

**October 17, 2024**, Zoning & Planning Board meeting was called to order at 7:00PM at City Hall at 206 Main Street, Three Forks, MT 59752.

Members Kelly Smith, Racheal Tollison, Jacob Sebena, Matt Jones, Niki Griffis, Amy Laban, and newly appointed Council representative Reagan Hooton, City Planner Randy Carpenter and Lee Nellis (consultant for Impact Fees and Zoning/Subdivision Regulation rewrite) were present at City Hall; no one 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 members, and the meeting was held. The minutes were completed by City Clerk Crystal Turner after the meeting.

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

Public Present: There was no public present.

**PUBLIC COMMENT** (items not on the agenda): There was no public comment.

### CONSENT AGENDA

#### Approval of the 9/19/2024 Meeting Minutes

Amy Laban moved to approve the minutes of 9/19/2024. Kelly Smith seconded the motion. Motion Passed Unanimously.

### PUBLIC HEARINGS

There were no Public Hearings.

### NEW BUSINESS

There was no new business.

### OLD BUSINESS

#### A. Update on Discussion with Lee Nellis Regarding the Recommendation from the Impact Fee Advisory Committee and Impact Fee Amounts

Lee Nellis explained the IFAC had an extensive discussion about affordability. We are still working on how much grant money we may be able to get for wastewater improvements, so they will meet the day before you do in November, and should be able to make a final recommendation based on the cash-on-hand process Kelly [Smith] and I did last month. They will also discuss again the commercial fees in hopes of incentivizing building downtown. But hopefully you will see the final recommendation to the Mayor and Council at your next meeting.

#### B. Discussion regarding Chapter 2 Zoning Code

Chapter 1 was the introduction for the purpose of the regulations and principals behind the regulation. The second question that comes up, is if we make a change what happens as a result of the change? There are two vested rights and nonconforming uses but it will be important to keep those two separate. "A vested right is *I have a permit, but not completed the project*. A nonconforming use could be like *the setback was 15-feet and now it is 20-feet*. We need to have some sort of provision to allow

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the use to continue. The way the current code is written is quite strict. When you have a nonconforming structure there is not much you can do to change, so the consequence is that people let their properties deteriorate. We don't want to encourage that," Lee said. His proposed draft allows for the change of nonconforming use or structures via a conditional use permit. Which would still come before the Zoning and Planning Board. "I think this will provide a better way for people to manage and maintain their properties," Lee said. He said a goal should be that the City has as few conditional use permits as possible. Kelly Smith asked if they need to have a caveat about a nonconforming structure and how it relates to the floodplain. Lee said it is a really good question, and the floodplain should have its own chapter. Niki Griffis asked about boundary realignments. Lee said the Subdivision Regulations do address that process, but the cost falls onto the property owner. Amy Laban commented that she liked the suggested addition about progress for permit expirations. "I like how you defined it," she said. Lee also discussed the time line is "good for a year and extendable for a year" but if the Board wishes to drop back to the six month expiration he is fine with that. Kelly asked if the permit extension is automatically approved or would one have to apply. Lee said he has it written as automatic. Kelly questioned why not just make it a two year permit process then, but she personally would not want to live next door to something being built for two years. Amy said she thinks that finding a contractor to actually get the work done often takes a long time. Niki added that they over promise and then often times cannot get the supplies. Lee will drop the extension back to six months, and leave the permit of one year. This will be in the next draft review.

Kelly questioned the conditional use permit, and wondered if the Board thought it should have an alternate price for those that are nonconforming use or structure. Lee agreed that \$500 (the current CUP application fee) is a lot and for some nonconforming uses it may be pretty steep just to have someone be able to keep their property "as is". "I hear what Kelly is saying and maybe we need to reduce it for noncompliance issues," Lee said. "If we are too strict, it's impossible to comply and so that is a good point," he added.

### **C. Breakdown of likes and dislikes from housing tour on October 16**

Reagan Hooton said she liked the tour, one area had quite a variety of single-family, multifamily, and tiny houses. She likes the green scape with lots of trees. Randy Carpenter asked if anyone has driven up North 15<sup>th</sup> Avenue in Bozeman, near Smith's grocery store and headed south to Durston Road. He encouraged all to drive through that area.

Jacob Sebena said he believes a successful part is the speed limit and setback from the road. "If we have a speed limit of 25mph or more, we should have a boundary for pedestrians so they can feel safe and hear each other talking if there is traffic along that road," he added. Randy agreed and said if the road is wide and feels comfortable to drive 30mph, people will drive 30 so the code will need to think about that as we design/regulate.

Kelly said she liked the one on Fen Way as a higher density style example. Jacob agreed the little islands were nice. Racheal informed Amy (who was unable to attend the tour) that there was a large parking lot and then the houses were all around that. Randy encouraged Amy and Matt (who also was unable to attend the tour) to drive and check them out. Racheal said she felt like all the structures toured, especially the Fen Way area, were too close together for her taste. There was discussion about

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the lot sizes (some of which were 7,000SF for a duplex). Lee also attended the tour, and said they were probably 5-6 units per acre, but wondered if the community gardens and shared open space appealed to the Board. "Does something like that mitigate for the homes being closer together?" he asked. Jacob said it would help his opinion, rather than a park a few blocks away being considered *your yard*. He recommended everyone look at a development off Graff and 19<sup>th</sup> (near Grace Lutheran Church) – there are three-story condos with parking all on the main floor and then walking paths, shared yards, and feels very comfortable. Randy also encouraged Bridger Drive and Story Mill to review that neighborhood's design. It has single family combination, single family detached, four-plexes attached in a row and then duplexes.

### D. Continued discussion on the Kyd Road Zoning District

Lee said he distributed the most recent draft, changes the Board recommended are highlighted in yellow (see packet). He reviewed each proposed language section, as amended at the last meeting by the Board, with all.

In the last bullet highlighted on page 1, he asked the Board if *seniors, teachers and hospitality workers* was sufficient, and then if they wished to add any other professionals? Kelly suggested adding law enforcement.

Lee explained that he originally had "an administrator" but realistically it could be a number of staff depending on Three Forks' growth, so he changed that word to "staff". Randy Carpenter chimed in that he would work with Lee to provide some density language. Niki asked if the term "use of dwelling structure" does that mean one dwelling? Lee said no, it could be several units in one building but it would be considered 16 dwelling units if it was an apartment building with 16 units. Lee said he also added off-street parking area to 11-?-4.4. Next, he said he has a question about the building height, we start with 36-feet but the question remains on whether or not the Fire Department can service a building that high. "I think we'll need to get with the Fire Department and be as specific as we can," Lee suggested. Niki said she wished to go back to the daycare center comment that we discussed at the last meeting, but she does not see it clarified here in this draft. "There may never be a daycare center..." sounds like it is prohibited.

Regarding Performance Standards, Lee said he has not made any substantive changes to the draft so far. "In thinking about the parking, I rewrote the *there shouldn't be excessive parking* section in 11-?-9. And with the Performance Approach, where they have to show you how/that it works, we are not setting up the typical table of parking diagrams so they can show us how it works," Lee said. "Everything else is pretty much the same as you saw previously, but I added regarding neighborhood design – since you all thought a focal point was a good idea – I have reworded that as well," Lee presented to the Board. He added, "There will also be a chapter that has all the specifications regarding landscaping."

Next steps will be Chapter 3: the actors, the roles, the ethical conduct, ex parte communication, and will include language regarding behavior and decorum. Chapter 4 will cover permitting. Lee will also send the landscaping draft chapter. Those will be heard at the November meeting. This will be offered via Zoom as well because Lee will most likely attend remotely.

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Niki asked what the total number of chapters would be. Roughly 20. Niki asked if we are planning to approve the Kyd Road zoning district first, then continue on to the rest? Lee said that is how he has planned it out but the Board is not required to do that just because he has recommended it. "They are rearing to go, they would like to have the zoning. They gave Randy and I a huge list of things they would like to have included in the zoning. Instead of changing all the numbers and details, I would prefer to put the obligation on them to let us know what they would like to present. The application for annexation and subdivision will have to show you all these different things. It would be a futile exercise to discuss setbacks from streets and buildings, and we don't need to do that. The Planning Board tours are extremely valuable I think so you can see how it will look and work. I want us to have a set of standards that guides the developer into preparing an application that they have to answer all the questions.

"When we get to zoning districts that already have buildings in them, we will have to wrestle with the numbers. I believe we will have to go back to 7,000SF lots to ensure conformity. You guys will have to decide about apartments. When we get to commercial, we will probably return to the performance based stuff," Lee said. There were no further questions regarding the upcoming chapters. Lee said if there are any questions that come up, please email those to him and Randy Carpenter.

Matt Jones moved to adjourn. Jacob Sebena seconded the motion.  
Meeting was adjourned without a vote and the meeting adjourned at 7:55PM.