

ZONING AND PLANNING BOARD MEETING MINUTES

March 24, 2025, Zoning & Planning Board meeting was called to order at 6:35PM in the “Annex” of the United Methodist Church, located at 116 E. Cedar Street, Three Forks, MT.

Members present were: Kelly Smith, Reagan Hooton, Jacob Sebens, Niki Griffis and Racheal Tollison. Matt Jones and Amy Laban were excused. Lee Nellis (consultant for Impact Fees and Zoning/Subdivision Regulation rewrite), City Planner Randy Carpenter and City Attorney Susan Swimley were present. (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 five members, and the meeting was held. The minutes were completed by City Clerk Crystal Turner.

Kelly Smith called the meeting to order.

Public Present: Candace Miller, Saul Abel, Daryl Miller, Victoria Miller, Katy Hansen, Joe Robbins, Doug Carr, Suzanna Soileau, Shane Soileau, Tanya Jevning, Bruce Schendel, Mike Stenberg, Andy Willett, Natalie Jennings.

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

CONSENT AGENDA

A. Approval of the 2/20/25 Meeting Minutes

Rachael Tollison moved to approve the minutes. Jacob Sebens seconded the motion. Motion passed unanimously.

PUBLIC HEARINGS

There were no public hearings.

OLD BUSINESS

A. Public Information/Work Session on Landscaping Chapter

Kelly Smith explained this is not a public hearing, this is just an information session because there will be changes to this chapter the Board has reviewed a few times and is still making edits prior to sending it on to the City Council to be adopted as an ordinance.

Lee Nellis explained the requirement of this chapter is for multi-family housing and commercial uses, which will require buffers between varying uses. This chapter will require screening of things like dumpsters from the public's view. He asked if any public or the Board had any questions on the requirement of the landscaping chapter.

Randy Carpenter encouraged Lee to go through some of the questions in the draft. He explained the buffers and what he referred to as a complex table of the distances of buffers required for varying uses. He explained screening of mechanical equipment and garbage, which could be accomplished with a fence or bushes. There is some requirement for landscaping in parking lots as well, which would apply as the community grows. It also requires boulevard trees to maintain the character of the community. It also includes some

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language of plant materials and hardy plants for this area, and encourages sand point wells for irrigation as opposed to city-treated water. "This will all come back to the Board in final draft form at a public hearing in the near future, but our purpose here this evening is to inform the public prior to getting to the hearing stage," Lee said.

Tanya Jevning asked if sand point wells are allowed anymore, as she thought they were not. Kelly Smith replied they are, but cased wells are not allowed in city limits. Someone asked about the Legislature's current proposed laws. Susan Swimley replied that until the Legislature adopts law disallowing exempt wells, they are still allowed.

B. Public Information/Work Session on Southeast District (Formerly Kyd Road District)

Lee Nellis said this is probably the topic the majority of folks present tonight are here to discuss. "This will be the most significant change in land use that Three Forks has seen in a very long time, so we want to provide some guidance. So, the chapter you see will set the standard. Most of this talks about the character and function, and give the developer guidance for what they need to bring when they apply for annexation and subdivision. It is a little different than the zoning of the existing neighborhoods. It provides for some commercial use which would be near the railroad tracks because it would be a good buffer. It does not provide what type of commercial is allowed, except by saying it will not create certain types of nuisances. It allows any building form of residential to have a density between 3-5 dwelling units for each acre, but no more than 5-12 dwellings. We are not talking about messy apartment buildings, but townhomes and duplex/triplex style. The idea is to have a framework for the development which requires street trees, parks, the installation of fundamental utilities like water and sewer," Lee explained. Rachael Tollison said it requires street widths as well. Lee explained it does not make sense to use the grid-style pattern in this area because of the wetlands in the vicinity. "It will be a neighborhood that is different in character than the rest of Three Forks, but will be separated by a big part of the railroad and transportation and the trail," Lee stated.

Randy Carpenter asked Lee to explain the parking requirements. Lee informed the public that the parking standards the City has now will be amended, which at this time require 2 spaces per residential unit. The commercial will vary based on whatever type of use is proposed, which generally requires 2-4 parking spaces for every 1,000-square-feet of use. "There won't be any significant change from what we require of parking now," Lee said. "The landscaping requirements we just discussed will also be required," he added. Kelly Smith said the chapter includes lot coverages as well, so not all lots can be completely covered in structures – there will be setbacks and some open space required. Lee added that the Three Forks Fire Department can only handle so much, so there will be building height requirements. Someone from the public asked what height limit that is, and Lee replied 24-feet for the wall height, so basically a two-story home.

Susan Swimley asked about the half-mile requirement of a park, "What I wonder is if that can be modified by an annexation agreement?" Lee said yes, but it does not seem to be a hard requirement to make, which Susan agreed. Childcare will be a use allowed by right, but that

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would be the only commercial use allowed in the residential area. "It is an attempt to provide a good neighborhood to live in, given the constraints of the land," he added.

John Hansen asked he believed this was all going to be single family residential. Lee replied there has not been a proposal submitted yet, so we cannot speak to the specifics, but they would be allowed (via this zoning chapter) to submit uses that include commercial.

Joe Robbins asked if the plan would be to connect into the Ridgeview subdivision, at the cul-de-sac. Kelly Smith said we do not have a plan of what they have proposed yet. He also said that they have strict regulations in Ridgeview about lighting so wondered how lighting would be addressed. Lee replied that the Ridgeview Subdivision rules will stay in the zoning it has now, and its rules will remain.

Katie Hansen asked how this is not considered wetlands. Lee said there is only one-quarter that is deemed developable. "What is true about this land is that there will be a lot of open space because of that. If you had 400-acres without wetlands there would be a lot more development possible," Lee said. Susan Swimley said those things will be addressed upon the subdivision application and process, which will address the wetlands, wildlife, and all the public health and safety issues.

Suzanne Soileau asked what the developable acreage is. Lee replied that there is 125 of the 400-acres that have been deemed developable. "The developer, I think is going to be in that ballpark. What is important is that this chapter provides what is important to the people of Three Forks, like street trees for example. We give them the framework, the developer submits their proposal and the Planning Board will review that it meets those requirements," Lee said.

John Hansen asked if the trees could be taller than the streetlights. Lee said they will be someday. John asked if they would be required to put in a larger tree, or a smaller light. Lee said his understanding is that Northwestern Energy puts in the lights and the City does not tell them what to do. There could be a lot of trees which will not be taller than the streetlights for several years. However, in some instances in a larger commercial development we could require larger tree to be installed to buffer the rest of the neighborhood. Kelly added that the streetlights with full cutoff luminaires shall be provided throughout the district, so it will not necessarily be larger than what Northwestern Energy typically installs.

Katie Hansen asked how many entrances onto Kyd Road will there be. Lee said we have not received a proposal yet, but the number of trips/day and density may designate the number of access points, as well as the quality of them (paved, width, etc.). "One thing the City could require is deeper setback on busy streets," Lee stated. "If you assume that Kyd Road is the busiest road out there, there will be protective measures," he said. Randy Carpenter explained to the public that the City has a Growth Policy, which the City updated and adopted 3-4 years ago which is the guiding document. "Then you have Zoning Regulations, which is what Lee is talking about tonight. Then any subdivision that comes in has to meet those Zoning Regulations plus the subdivision review of the State Laws like how many access points,

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or impacts mitigated effectively and adequately. So, it's the Growth Policy, Zoning Regulations, and then each subdivision comes in with its own plan," Randy explained. Lee added that the public has the right to participate, ask questions, and be involved in all those public hearings as they arise. That way any issues can be addressed, and all the questions the public raises are open to conversation.

Bruce Schendel informed all that there is a lot of agriculture use in this area. "There are times that those tractors are still driving slow." Someone added there are a lot of semi-trucks too. Lee informed everyone that the City has adopted Design Standards, so whatever application for development comes in, the City's engineers will review to ensure it meets the design standards. Kyd Road is a county road, so at some point the County will probably be involved in this discussion, as well as the Railroad company will need to be involved.

Tanya Jevning said there has been a few times the train has blocked Kyd Road – so that will need to be reviewed at that time. Jacob Sebens said he has given the emergency services a little bit of thought. (There were several people speaking at once which made it hard to note specifics for several minutes.) Tanya's voice was audible in saying that someone had a health emergency at one time when the train was moving cars at the Talc Plant and the road was completely blocked for several minutes. Someone asked about these other emergency entities, or the school, being involved in these conversations. Kelly Smith replied the School has to join these meetings, and so far has not sent a representative to participate. Lee said that the City is collecting money to purchase a new fire engine and there have been impact fees for fire which will be continued. "We are adding an impact fee for a study for a new municipal building need, there will be a stormwater plan (which will not be funded via impact fees). The City has been doing a really good job at looking ahead of each of those facilities and planning. The exception is the school, and that is that in Montana you cannot charge an impact fee for schools, so you'll need to talk to your Legislators about that," Lee said.

Victoria Miller commented that her largest concern is that the City does not have its own police department. She commented about the school, ambulance, and emergency vehicles all needing to be involved in this development's progress. Lee explained what the Impact Fees, which will soon be adopted, are to collect for the planning of growth for these things like fire, transportation, municipal buildings and water and sewer facilities.

Natalie Jennings asked if the Ridgeview subdivision's water use will be affected by this development. She said they get no pressure to even fill a bathtub when the rest of the City was using water. Lee answered that one of the things the City is collecting for is to build an additional transmission line, not an expansion to the existing, but a new one. "Again, we do not have a plan and I don't want to get ahead of ourselves, but the City is looking to the future for that," Lee stated. Kelly asked if the pressure valves Ms. Jennings is referring to is for regulating consistent pressure. Ms. Jennings said it is something she had to have installed that operates a separate pump which allows her to run a sprinkler at the same time as using the household water. Lee said the water systems work is that the closer to the tank you are, you actually have less pressure than further down the hill. Someone complained their covenants

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state they cannot have sand point wells and must use City water to irrigate. Kelly explained that due to the topography the lots in Ridgeview could not have a sand point since they do not have the same groundwater access. Kelly provided a brief update on the City's existing water supply and distribution project the City is currently working on.

Joe Robbins asked if there are any developers interested in building in this lower land? The answer is yes. He also said he noticed there is another driveway installed on Kyd Road, and what that was for. Kelly answered that is an access point to drill a third well, which the landowner has provided the City an easement to drill wells on. Kelly added these roads are temporary access points for the well driller to get the wells drilled, and not planned access points for main arterials. She also stated that once wells are drilled, the City is required to conduct a 72-hour pump test to monitor other wells in the area are not drawn down by using the new well.

Candace Miller asked the staff to explain how sewer will work for this area. Lee answered that the developer will build the lines that will head to the treatment plant, and a lift station to get the water to the treatment ponds. "Eventually, the wastewater treatment plant would need to be expanded once it gets to a certain capacity. The City has been collecting sewer impact fees toward whatever next requirements come from the DEQ or EPA as the system gets larger, or needs increased in size to treat capacity, and will continue to collect impact fee on all new buildings for this as well," he explained. With the recent federal changes, the City is left unsure on what kind of federal grants will be available to help offset any expansion costs. Doug Carr asked if the developer would have to pay for all the sewer improvements. Lee replied they will be responsible for paying for their share only. Everyone who benefits has to pay for improvements; this comes out of your monthly user rates/fees.

Joe Robbins stated that Talc Road is bad and needs repairs. Kelly and Susan replied the County and City have an agreement which says the County maintains Talc Road and the City maintains Kyd Road. Susan said that is a current agreement, and it could change in the future just like we could recommend rules for Zoning tonight, and then it could be sold and some other developer could annex and submit an entirely different plan than what we all have heard could be there so far.

Natalie Jennings asked when this project will break ground. This is unknown at this time.

Victoria Miller questioned if the development includes commercial, would Ridgeview have to allow commercial as well? Susan Swimley said as she understands it, the Zoning plans for commercial to be on the edges along the ditch and the train tracks, which she envisions a good buffer from that heavier area, and then some sort of small commercial as it transitions towards residential. Lee added that they could bring 100% commercial into this area though, it is not designated that it has to be all commercial or residential. Susan added that is where the landscaping kicks in, which becomes more dense as commercial is denser. Kelly said the draft include "low impact commercial" so you would not see another Talc Plant, but you may see something like Manhattan's area that has the gym and Ace Hardware, which is smaller

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impact. Katie Hansen asked if those things are defined, Kelly answer yes and said it is on Item G on page 3. Kelly added this was not required to be sent to each property owner in Ridgeview, but she did that as an additional courtesy. "All of these documents, all the meetings we hold are posted on the City's website and calendar. You can sign up to receive monthly newsletters, or visit our Facebook page as well," Kelly informed the public. Lee said the city does a great job of getting the word spread in the community. Doug Carr disagreed and said this is the first time he has received any notice.

Suzanne Soileau asked if the Zoning Regulations prevent filling in the wetland areas. Lee said the question would be addressed in the State laws, wetland regulations and stormwater regulations that would need to be complied with regarding drainage. "It could be in the zoning, but would be redundant," he said.

Doug Carr asked if additional land will be opened up in this area to be developed with the upcoming Jefferson River mitigation. Kelly said this land will not be affected by that. She added that the City was notified that all FEMA grants were being individually reviewed so it is unsure at this time the status of the City's FEMA grant for the Jefferson River Floodplain Mitigation Project.

Lee thanked everyone for showing up and providing their comments so that they can be included in the draft Zoning Chapter. He encouraged any other questions to be directed to Kelly Smith at City Hall and said there will be another opportunity to review this draft at public hearing, as well when the proposal for annexation comes in, and again at subdivision application and review.

John Hansen expressed that he does not wish our community to become like Durston Street in Bozeman. "They put in a bunch of multi-family and low-income homes right next to the Emily Dickinson School which really changed the neighborhood," he said. Katie Hansen added that it took a very nice, middle-class neighborhood and changed it to the low-income neighborhood because of that.

Randy Carpenter noted the Legislature is in session, and some bills may affect zoning. HB 492 may require more than one parking space for homes over 1200-square-feet, and if this passes the City would have to require more than one. The developer could still do more than that if they wished to. Lee said if he was buying a home he would ask, "Where do I park my boat, my RV, etc." Randy said he just wanted to inform the public that the City will have to do whatever the State legislates.

Katie Hansen asked Lee who is was. Lee introduced himself and explained that he was hired as a consultant to help the City develop its Impact Fees, and then also rewrite the Zoning Code. Randy Carpenter then introduced himself as the Contract Planner. Kelly Smith introduced Susan Swimley to all stating she was the City Attorney.

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Lee said he will prepare the Parking Chapter next, unless the Board wished to direct him elsewhere first. Kelly said she believed the Buttelman property's zoning could be put on the back burner until it can be developed. Rachael said it all has to be dealt with so it did not matter to her. Niki Griffis said dealing with the downtown (Central Business District) would be good to do next. Lee will focus on Central Business then.

NEW BUSINESS

Discussion on HB 492 Restricting Local Planning from Requiring More than One Parking Space for Residences over 1,200 Square Feet and how it Will Affect Three Forks if Passed

Kelly Smith said she saw this bill coming up, and with Matt Jones' previous comments, the Board may want to discuss narrower streets so that makes forces people to park elsewhere.

Items for the next meeting, which will be on April 17, unless there is a better date. Rachael will not be in town that week. After much discussion, it was agreed to hold the meeting on Tuesday, April 22, 2025. Agenda topics are:

- A. Discussion on Chapter 7 on Zoning Permits
- B. Discussion on the Chapter on Off-Street Parking
- C. Discussion on Revisions to Chapter 6 Central Business District

Lee asked if the Board had any final edits to the Landscaping Chapter. No one had additional changes to be included. Lee recommended a hearing day be set for May for a public hearing on Landscaping and the Southeast Zoning District chapters.

Nikki Griffis moved to adjourn. Kelly Smith seconded the motion. Motion passed unanimously. Meeting was adjourned at 8:20 PM.