

ZONING AND PLANNING BOARD MEETING MINUTES

May 16, 2024, Zoning & Planning Board meeting was called to order at 7:00PM at City Hall at 206 Main Street, Three Forks, MT 59752.

Chairman George Chancellor, Members Matt Jones, Niki Griffis, Kelly Smith, Racheal Tollison and City Planner Randy Carpenter were present at City Hall. Amy Laban was excused. 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 five members, and the meeting was held. The minutes were completed by City Clerk Crystal Turner after the meeting.

Public Present: Ken Landgaard, Mike Stenberg and Sherry Kerr.

Chairman Chancellor reminded everyone the meeting was being recorded.

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

CONSENT AGENDA

Minutes from the meeting held on 4/18/2024

Rachael Tollison moved to approve the minutes of July and October meeting minutes. George Chancellor seconded the motion. **Motion Passed Unanimously.**

NEW BUSINESS

Randy Carpenter to bring Single Family Home (SFH), Multi Family Home (MFH), Apartments draft and pictures of what Bozeman and Belgrade have in their Zoning.

Agenda adjustment – this will be discussed after the public hearing.

PUBLIC HEARINGS

Public Hearing and Recommendation on a Request by Ken Landgaard with Christopher Trent and Charles Trent for a Conditional Use Permit for the Property Located at Block 28, Lots 3, 4, 5 & 6, of Three Forks Original Townsite (Plat D-18) That Will be Known as 410 S. Main Street. Said Request is for Approval to Building Two buildings, Each Containing Four Residential Units Within the Central Business District Designation

Randy Carpenter read his staff report into the record. He noted there are several deficiencies in the submission including there are two different site plans submitted, and in order for him to provide a recommendation, there needs to be consistency. The plans do not show adequate building setbacks, the vehicular circulation pattern is not shown, and he is concerned that the amount of paving proposed is more than necessary (especially as a concern in the floodplain). Mr. Carpenter said, "Residential units at this location is certainly not something that Staff would necessarily oppose, we need more housing, more housing that close to downtown benefits the downtown. I generally think it is a good idea at this location, but without a clear site plan I do not think we can have a good understanding or discussion. I would propose the applicant get all that organized and bring that back to the Board at the next meeting." He continued reading the rest of his staff report.

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Applicant Presentation: Ken Landgaard said he does not believe there will be any issues with meeting the setbacks. He said the traffic flow will go from the front (Main Street) to the alley. He said the pavement is just drawn on there to look better, but he is happy to make it gravel if the City needs a pervious surface, and he will address a retention pond/stormwater holding area as necessary when he gets the elevation certificate. “If it is in the floodplain, we will meet floodplain requirements of height and the other option would be to not enclose the garage below and leave open parking underneath and have a total of 16 [parking] spaces on the property. I really would like to know if this plan is something that would be approved before we went too much farther with the design,” Mr. Landgaard said.

Randy Carpenter recommended buildings not cross over property lines, in the event that someone or the applicant himself wishes to condominium-ize the property later. Mr. Landgaard said that the lots are so narrow it would be nearly impossible to make one building, while meeting the setbacks, fit onto one 25-foot lot.

Board Questions/Comments/Discussion with staff and/or applicant:

Rachael Tollison asked what the plans’ setbacks show now? Ken Landgaard said they are at 10-feet right now. Randy Carpenter said he could see Staff supporting a variance application for the setbacks, which is not his call; it would be a Board of Adjustments’ call. Kelly Smith added another variance for the floodplain (if the property is determined to be in the floodplain) would also need to be obtained. Niki Griffis asked about the pavement design. Mr. Landgaard said it was just filled in by the designer. Kelly Smith asked if WGM had done both the site plans. Mr. Landgaard said yes. Randy Carpenter argued neither site plan was done by WGM, adding this is not the work WGM would do. Mr. Landgaard said, “It was a draft they provided me and allowed me to play with.” George Chancellor asked where the pond would be located if required. Mr. Landgaard said it would not be a true pond, but a depression for the stormwater. Kelly Smith asked if the units would be two- or three-stories like the pictures provided? Mr. Landgaard said yes, and that he likes the recommendation of one on each lot, but it just will not work out that way. Kelly Smith discussed the floodplain variance needed and the process. She added the City just had its first “built on piers” style variance requested and approved. “That lot was 7-feet in the floodplain though, and this lot is barely in the floodplain according to FEMA’s map,” she added. She encouraged the Board to ask questions about this so the applicant can prepare a better site plan. Randy Carpenter said it is challenging during a public hearing to get precise on where things will be located – like where the dumpster will be located. “We can approve your CUP under X, Y and Z conditions, parking here, facing this or that way, it gets really difficult to do,” Randy said. Niki said she feels this is too preliminary to make a recommendation on as well. Randy said he hopes the Board can at least give the applicant direction that it is supportive, or feels this is an appropriate use, for the number of buildings on these lots. Matt Jones verified there were four units in each of these buildings. George said he does not see any issue with it being appropriate to the area but would like to see a preliminary plan with setbacks and parking, paving, and know if it is in the floodplain, vegetation/landscaping. He added that the applicant has already designated the traffic flow pattern from the front to alley. Rachael agreed, if it meets the requirements [in the ordinance] for a multifamily dwelling the Board could decide. Kelly confirmed they were about 700-square-feet per unit, and if they were 1- or 2-bedroom units. Mr. Landgaard said 2 bedrooms, 1 bath and he is trying to make them affordable to rent. Matt asked if he would maintain ownership of both buildings then? Mr. Landgaard said it is contingent upon this plan’s approval, but that is what the intention is if the sale goes through, and he has a business partner. Randy reminded the applicant that there are only 1.5 parking spaces required per unit, so only 12 parking spaces would be required, not 16 as he is proposing.

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Public Comment: Sherry Kerr wanted to know about parking and height and wanted to ensure there would be 16 parking spaces because most people have two cars, and she did not want to see or have people parking in front of her house (she lives across Main Street). “I also had concern about how you were going to go, but three stories seems OK. I also wondered where will visitors park as well?” she asked. Matt Jones said Ms. Kerr’s point is valid and asked if the Board can condition/require additional parking spaces? Randy Carpenter said 1.5 parking spaces is what is code. Matt said but if it is a conditional use permit, we could address this and require more. Randy agreed. “Everyone will park on Main Street, and it becomes a cluster if no one parks in the garages. It happens in my neighborhood too. You could have a 2-bedroom place, and that could be a husband and wife and a teenager, meaning more than two cars. I would like to see nice yellow stripes on the pavement too, no, just joking.” Ken Landgaard said he would have done two stories but with the floodplain and setbacks, it not possible. Kelly Smith asked how close the property line to the building is. Mr. Landgaard thought it was 15 feet. Mr. Landgaard verified that elevation and parking are the big issues for the board to have answered. Matt said, “If you came back with the legitimate plan of where the doors are, the parking spaces, the specific height, I don’t see why we wouldn’t be able to look at a harder plan than a concept plan and forward it on to the Council with a recommendation.” Kelly encouraged the applicant to also address where landscaping/trees would be located on the site plan.

Applicant Rebuttal: There was no rebuttal.

George Chancellor **closed public comment.**

George Chancellor and said they would see Mr. Landgaard at next month’s meeting.

Return to NEW BUSINESS

Randy Carpenter to bring Single Family Home (SFH), Multi Family Home (MFH), Apartments draft and pictures of what Bozeman and Belgrade have in their Zoning.

(There were several minutes on the recording just waiting for logging in and screen sharing.)

Randy showed pictures on the screen of building types from Bozeman and Belgrade to see if the Board felt these would be appropriate types of buildings for Three Forks. He said, “We either have large single-family homes or apartment buildings. It’s the stuff in the middle that is missing. The Growth Policy actually tries to fill that.” He showed what appeared to be a single-family dwelling from the street view, but it was a duplex, as well as others that have four-units. He showed a row of condos that were very modern looking. He showed a development in construction that had “normal size” single-family in the front and mixed in various sizes of smaller single-family dwellings. He then showed a “cottage style” development. He showed an alley loaded neighborhood, which is like Three Forks’ traditional style. There were no street frontages though, only a sidewalk. Kelly Smith said that means no one would *park in front of your house* then, which was interesting. George Chancellor commented on one of the pictures showing the house very close to the sidewalk/property line, and Randy replied that Bozeman’s property lines start inside 1-foot of the front sidewalk.

Randy explained that the Baxter Meadows examples have both residential and commercial. He said, “This subdivision/development is not that new – it’s been around maybe 20-25 years, and the commercial part has only been built on in the last 10.” Randy said he also likes the Kagy corner area where there are little shops;

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one can jump on their bike or walk down to grab an item rather than jump in the car and drive to a store. “The best thing I think that would help the Board is to do a tour. It would take a couple hours most likely, and I’d be happy to tour you around,” Randy said. George and Niki said they were agreeable to doing a tour.

George said in thinking of the proposed development near the Talc Plant, we have discussed having some commercial area along the front (there to buffer) then houses in the back. “The developer is going to have a notion of what they are wanting to put in for [number] of houses. We can’t determine what all houses are going to look like, and I’m not sure I want to do that,” George said. Randy agreed that there are [zoning] codes that have pictures and are form based, but he believes they are a nightmare to administer. It may say something like, “You have to have a front porch, you can’t be further back than 10-feet from the property line, doesn’t state things like color, modern or Queen Anne style for instance. I don’t think we should be after what the buildings will look like, but the street pattern, setbacks, lot size, alleys should be clear.” Kelly Smith commented on the larger yards requiring more water. Randy asked if Kelly would look up the recent data Bozeman shared about how much water is used on yards that have large lawns. Kelly responded that the large lots in Ridge View all use city water and their bills are sometimes \$300 for watering their large lawns. Many people in the lower part of town have sand point wells so that is free and does not affect the City’s storage of potable water.

Randy asked Mike Stenberg if he had any feedback. Mike said he believes the Board is on the right track. “For the Kyd Road development, we are looking at higher density and a mixed-use density of the 10,000-square-foot lot and small 2,500-square-foot lots for options. I think there would be some “live/work” or light commercial use, all better than having R1, R2, R3, R4, or R5 which is so concrete within each one,” Mike said. He stated it is better to not dictate lot size only lot coverage, then you have proportions. Randy apologized and said he should have started with that in the intro, “Rather than saying *in this zoning district you must have a 10,500SF lot size, in this zoning district you must have a 5,000SF lot size*. I think it gives more creativity to design by allowing a variety of sized lots,” he said. Niki Griffis said she also thinks it is a clean slate versus dealing with what we have in the town right now, and not cramming as many as we can on one lot. “This is an opportunity to do it right,” she said. Mike added that you need a varying product, some affordable to a varying buyer. We need some smaller lots. He recommended the Board touring N. 15ths (Walton Subdivision in Bozeman) as well which has really small lots. George asked if the Kyd Road developer will eventually provide a plan? Randy said yes, but the City needs to do what it needs to do first (about setting the wishes of the community into a zoning code). “What the Growth Policy described, and the many discussions and comments from you all on the Board, and with what we have heard from the developer, the City still has the final say of what it wants in that area,” Randy said. Kelly reminded George that if the zoning code states one thing – any property with that zoning designation would fall under that regulation. “So, it’s not just what will happen on this proposed development – it’s all in the city limits with that zoning,” she said.

There was discussion on the variety of housing styles/options. Kelly Smith said she believes the City needs more than four-plexes, apartment buildings are needed. Matt Jones commented that his friend lives in Colorado and they have houses just like some of the pictures Randy showed tonight. “I couldn’t do it, because their houses seem right on top of each other, but lots of people do. They must have an HOA because he has a little grass area but he doesn’t mow it. I don’t think Three Forks wants to be a city on the hill with a bunch of houses all next to each other. If you put big open areas between all the houses to break it up, I think it would be better. But I like the 10,000-square-foot lot size, but I know we need to have that as well as some smaller houses but not necessarily a trailer on a large lot since it doesn’t provide more housing,” he said. Matt said

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yes, like dense housing but slightly green around them to break it up. Niki said she agrees, but she does not want to just cram more houses in. Matt added, "It's not the City's obligation to make sure the land is more affordable to develop upon, we do not need to accommodate by hurrying our process. If someone wants to build, then go ahead and build now while we finish the code, we think is best for Three Forks. He commented on when the City grows enough that we need to expand the wastewater treatment plant – we need to really be thinking farther down the road." Mike Stenberg commented that to responsibility develop it takes a lot of communication. "We tell Great West Engineering that we are planning this big development so the City can take that into account when planning water or wastewater for the future. We tell Randy that we are planning this big development so that the Growth Policy includes this land as an area identified to grow. We must look at the topography, wetlands, and all that will dictate lots because you take 50 acres of wetlands out, but you still have to build the same amount of infrastructure. So, you have to factor how much area is still available and how dense the City will allow it," Mike explained. "That way the City and the engineers can plan for the growth as they prepare their preliminary engineering reports," he added. Kelly said they have been included in all the discussions about the City's water capacity, how and when they could annex into the City limits.

Matt asked when the tour is then. Randy said he will give some dates of his availability to Kelly and then have her share that with the Board.

OLD BUSINESS

Continued Discussion to Work on Recommendation of Zoning Regulation Updates due to Growth Policy, and now 2023 Legislative Changes

Essentially this is like the previous discussion, so this was not discussed. Randy said he will provide more information after he meets with the Kyd Development group next week.

Kelly Smith moved to adjourn. Matt Jones seconded the motion.

Motion Passed Unanimously.

The meeting was adjourned at 8:25PM.