

ZONING AND PLANNING BOARD MEETING MINUTES

October 1, 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, Niki Griffis and Amy Laban were present at City Hall; City Planner Randy Carpenter and Lee Nellis (consultant for Impact Fees and 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.) Matt Jones and George Chancellor were excused. 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.

Kelly Smith called the meeting to order since no Chair or Vice Chair were present. She reminded all that the meeting was being recorded.

Public Present: There were no public present.

PUBLIC COMMENT (items not on the agenda): Kelly Smith reported that George Chancellor has officially resigned as the Council Liaison member for the Zoning and Planning Board. Crystal Turner has informed the rest of the City Council to let them know a Council seat is vacant, "So, hopefully we will have that filled soon," Kelly said.

CONSENT AGENDA

There was no Consent Agenda.

PUBLIC HEARINGS

There were no Public Hearings.

NEW BUSINESS

A. Discussion regarding Additional Dwelling Units, Use as Short-Term Rentals

Lee Nellis thanked Amy Laban for sending pictures of landscaping. "I am hoping we get more pictures from some of you before we meet again next time, as we will be talking about landscaping at that meeting," Lee said. Kelly and Lee had discussed with Kelly after the meeting reviewing draft Chapter 1 about adding an acknowledgement that Zoning Permits do not last forever. "I believe the City have an expiration of 6 months now, with possibility of 6 month extension. So I have put in here a year, or happy to change it to 6 months if the Board wishes," Lee said. Kelly asked if that means the Zoning Permit must be complete within one year or just started within one year? Lee said he could add more clarity but it does not state that now, nor state that the applicant would need to obtain a certificate of completion. "But we can add clarity to make it complete have be at least substantially complete," Lee said. Kelly said that there are several around town that have been dragging their buildings on so it would be nice to have "substantial" defined within the Chapter. Amy Laban agreed it would be good to add a completion requirement. Lee said he will incorporate that into the draft Chapter 1.

B. Discussion regarding "Kyd Road" Zoning District

Amy said there were discussions early on for this development to have land set aside for the school. "What happened with that?" she asked. Kelly answered that the developer has talked to the school but they wanted the school to buy the land and so the school wasn't interested in purchasing land.

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Amy asked if the Board could bring in someone from the school to talk about capacity. "I feel that brand new double-in-size school is already at capacity and that by us adding an extra X number of homes, we will be over capacity again," she added. Kelly said she knows the developer has spoken with the school, so the school is aware of the potential development. Lee and Niki Griffis agreed it would be good to get the school into the conversation. Kelly said when the [Jeffer] mitigation project is complete, the 25-acres the school owns north of the Frontage Road would be out of the floodplain, so they could expand over there. Niki asked what the timeline is for the floodplain project. Kelly replied it would be complete within two years.

Kelly said she has some minor recommendations, "Throughout the draft so far it says *Chapter 11* and it's actually *Title 11, Chapters 1, 2, 3...*," she explained. Lee said he will cross-reference. 11-?-3-2-A says notices of the agenda will be posted...are we going to be defining where that posting will be done? Lee said let's discuss that when we get to that section.

Kelly continued, "On page 2 there is a note about daycare centers would be allowed but childcare would not be allowed. What's the difference between?" Lee argued that there is a statement that "childcare should always be welcomed." Kelly argued 11-?-4-2 states, "daycares centers may never be present..." Lee explained that means they may never come into the neighborhood, not that they are not allowed. Amy, Niki and Kelly all said aloud, "Ahhh," and Niki recommended rewording that to be clearer.

Kelly resumed, "Page 3, 11-?-4-7 talking about churches and schools, are we going to define parking in some section down the road?" Lee said yes, there will be a parking chapter that will address uses and affect all chapters. He explained parking, landscaping, accessory uses will be addressed in what he refers to as *topical chapters*. "We will be building this up a block at a time," he explained.

Amy asked if there will be any discussion about school bus routes in any of this, "Is that a normal thing to discuss in a new subdivision?" Lee said school but routes can change all the time so pinning it down in an ordinance is usually impractical. "We can talk about whether school bus stops or loading areas should be designated," Lee added.

Lee posed to the board, "There are two things that could be in the list of purposes which are not: design/aesthetics of architecture within the project, and encouraging affordability. These are things that will get into the weeds so-to-speak but if you want the developer to show you in what they are doing for architecture or affordability we want to include that now. Amy explained she worked in the early stages with Elk Grove Development and did not feel that is a Three Forks value. "I don't feel we need to get into the detail of species of trees to be planted or color of homes," she said. Jacob Sebena added that he does not want to include the things that everyone hates what HOAs do and officially codify that kind of thing. Amy asked if Randy Carpenter had any input on this topic. Randy said that he has his own sense of what he likes to see in a neighborhood, "Which for me lines up with what old neighborhoods look like than new neighborhoods, but I would be very careful on trying to legislate appearance in our code," he replied.

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“Do you want to at least jab the developer about affordability?” Lee asked. Jacob said he would like to see it and nice to require anybody coming to state *this is what we are doing on affordability* even if they do not have a plan, “It would be good to have each developer have to address it.” Randy posed, “What do you think about having a density development requirement that would enhance affordability? “All things equal when you can get more homes on a land,” Randy said. Lee recommended that be at the end of the Purposes section. Randy said, “The last bullet *offers a variety of housing choices* kind of gets at that, but I think it would be nice to have it a little clearer.” Lee said he will add something in there regarding affordability, and then when the Board gets to the density section we can get into Randy’s suggestion. Niki asked if there is really anyone that can make anything affordable in the Gallatin Valley. Amy said it’s relative for our area. “Everyone says they are going to do it, but then it’s still an \$800,000 house when it’s done,” Niki added. Jacob said, “The only secure way to do it is social housing, and Americans hate social housing for some reason.” Lee said, “There could be a housing trust the City puts up, like other entities do, and restrict home price but it is based on some sort of subsidy to the land or the homes. And that is not really part of the development review,” Lee said.

Lee explained the proposed 11-?-3 which will allow the Administrator to refer to the Planning Board when it needs helps with a second opinion prior to making an administrative decision. The Board will not make a decision, but it would still need to be noticed in time to be on an agenda in order to be heard, and the discussion would help the Administrator make his/her decision.

Lee then explained the proposed 11-?-4 section. It will touch on allowed uses, including accessory dwelling units. What the City of Three Forks classifies as a dwelling will need to be address. “I did put in short-term rentals, which are a commercial use in my mind, and I would not present them in a residential zoning district, but if the Board wishes to I will amend that,” Lee said. Rachael, Amy and Jacob all agreed to keep the language as is. Kelly added that the law addressing affordable housing was more for accessory dwellings and was not approved with the short-term housing, which when all are short-term they actually provide less long-term housing options. Kelly asked about the density, “Right now we allow a minimum of four per acre and you have it as five. So not sure if we wanted to have the City Council review that and make a decision first?” Lee explained that 5 units per acre is not crowded, 7 may be, but if we are trying to strive towards affordability we are going to have to get it a little denser. The 5 is an average – some may have 20 (like apartment buildings) and some may have 3. Kelly and Amy both recommended it be defined since they both read it as a minimum of 5 dwellings. There was discussion regarding maximum lot sizes. There was discussion about viewing this on the 10/16/2024 tour for reference.

Regarding 11-?-4.5 and 4.6 – this is something to think about. “The Kyd Road property does abut the tracks, the wastewater treatment, and probably there will need to be something besides residential in close proximity to those *potential nuisances*. In Randy and my initial conversations with the developer was they were thinking storage units were a good buffer. This would allow them to do something that prevents noise, odor and other conflicts between the adjoining uses and homes,” Lee explained. Jacob said he agrees there needs to be a buffer and discouraged storage units/ “They are hideous, there is no way for groundwater to get back into the ground. If it were in my neighborhood, I would want a buffer in between that as well,” Jacob said.

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Lee continued on signage, and then churches and schools. “We do need to get the School District to talk to us about their vision for the future,” Lee said. “I can also theoretically see a church as part of a buffer. They are associated with residential neighborhoods and they can provide a great buffer,” he added.

“Traditional standards have all sorts of standards like setbacks. I’m not going to go that way with this district. But there is one dimensional standard that you do need to address and that is that you can’t have any building higher than your Fire Department can access. So there is a height restriction of 36-feet. That is traditional for small fire departments. That is one we have to implement and not allow any flexibility,” Lee said. “Performance Standards are a series of questions you can ask the developer and they respond. This can be extremely successful to allow some creativity and flexibility. Pretty much every developer comes in with a video nowadays and shows their development and how they plan for it to look. The first standard is *compatibility with adjoining uses*. They are going to have to show you how they are arranging the lot, streets, open spaces, building, landscaped buffers or berms, etc,” Lee said. Kelly asked if the regulation will address that accessory structures will be smaller than the main structure? Lee said that is a good question, “The Chapter above talking about accessory structures that will address that, and you will see that pretty soon.” He continued on the performance standards of laying out the neighborhood, “They will provide it all and yes it will have a lot of moving parts, but you will be able to review it and say *this works for us or it doesn’t*. Regarding pedestrian-friendly neighborhoods, there is a section in there about the sidewalk or a trail. We aren’t going to have an apartment buildings that you just get to from a parking lot and no direction to get to the building or to the rest of the neighborhood or town. Where they use cul-de-sacs there needs to be a bicycle or pedestrian path that cuts through and gives people a quicker option to get to another location. We need to make sure there are good ways for pedestrians to get around,” he said.

For discussion with the Board, Lee posed *Focal Points* and was curious how something like this would sit with this Board. During the previous tour you probably looked at some focal points. “Typically you see something in a park, or a trail or sidewalk winding through an area – these typically have to do with the pedestrian-friendly routes – what do you think?” Lee asked. Amy and Jacob both said they loved it. Kelly asked who would maintain it? Lee responded that the City could take over maintenance of the park areas, but it could remain with the Homeowner’s Association. “I think it’s great and even having a variety of different focal points could be encouraged – open space, a gazebo, a play structure,” Amy said. Jacob said he feels that Stevenson Park has a good variety of things so that would be a solid multi-use park. Lee said we will come back to this topic on the tour and then add some specific language.

The rest is pretty standard – yes, transportation throughout will be required and infrastructure for stormwater and to water and wastewater will be required so that is covered in the next couple sections. “Another one for discussion is street trees. I am a big fan of requiring street trees, but they do require water. I think we will have some language about conserving water in one of the master chapters, not individual,” Lee said. Niki said that the water table is very high in Three Forks and may not require so much watering of individual trees or have a pond that could pump water to be used for

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irrigation. Amy suggested having them drill a sandpoint well too which could help for irrigation and not use city water. Lee said he will refine a street tree requirement chapter then as well.

Lee said this list of performance standards will be converted into a checklist for staff to review and make it much easier to verify compliance of each section, when each zoning district is complete.

Rachael Tollison asked about the driving access into the subdivision. "I know the developer is probably thinking about this already, but there really should be another access point that can support the traffic that will be going in and out of there," she said. Kelly said their biggest challenge is that the railroad is there. There was a little brainstorming discussed on this topic, but nothing recommended to be included in the Zoning District Regulation.

Lee said his hope is to have shorter meetings like this for each chapter. "I will not make any changes until after the tour and then get that back to you guys. I will make the changes to the Purpose Chapter and get those out to you again very shortly. And if you have any other landscaping pictures please keep those coming," he said. Kelly asked if she should invite the school to the 10/17/2024 meeting, and Lee said it would not hurt to invite them.

Jacob asked a follow-up question regarding last month's discussion of the County and the 1-mile jurisdiction. "Does anyone think it would be prudent to get ahold of our higher elected officials and say *Hey our County won't do their job nor give us the tools to do it for them?* Could we write our congress people or a letter from the City?" he asked. Randy Carpenter responded by asking Jacob to give him a month or two to continue working on the relationship to resolve this issue before moving it to a higher level.

OLD BUSINESS

There was no Old Business.

Jacob Sebena moved to adjourn. Kelly Smith seconded the motion.

Meeting was adjourned without a vote and the meeting adjourned at 8:11PM.