

ZONING AND PLANNING BOARD MEETING MINUTES

December 12, 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, Matt Jones, Amy Laban, Reagan Hooton and Niki Griffis were present at City Hall. Jacob Sebena was excused. City Planner Randy Carpenter was present at City Hall. (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 who also was present at 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 were no public comments.

CONSENT AGENDA

There were no consent agenda items.

PUBLIC HEARINGS

There were no Public Hearings.

NEW BUSINESS

A. Discussion on Chapter 4 – Permits

Randy Carpenter said this mainly addresses exemptions to permits, then also the conditional use procedure. He asked how the Board wished to proceed with this chapter. Kelly Smith said she had some questions. Crystal Turner has some comments as well.

Kelly asked about Conditional Use Permits, "I thought the Z&P was only a recommending board. By State law that is how it is. But Lee has it as a final decision?" Randy replied, "Lee said he thought this was a Zoning Commission – which could be changed via resolution, but I will double check."

Kelly cited, "*Requires a permit for all development: new uses as well even if the building is not changing, required for temporary uses (with some exemptions see section 11-4-5), permits required for outdoor sales and storage.* What about meeting the setbacks for car storage/sales lots?" Randy said it could be discussed – but usually commercial adheres to the setbacks, and residential would not have to if it was a vehicle. Kelly asked if it is pretty typical for certain structures under a certain size from being exempt? She also asked how you ensure the setbacks are met if you do not require a permit? Randy replied that if/when you see it, then you enforce it.

Crystal provided her comments for the proposed 11-4-5 (see packet for copy). Randy said he would relay these to Lee Nellis.

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Amy Laban asked Randy to expand on *the any size structure being put in the setback would have to permit it*. Kelly commented that just because it is exempt from obtaining the permit, it should still meet the setbacks. She said, "My biggest thing is they come in with their drawing for a shed right on the property line and we go out there and they have to move it. They figure 'I'll just build it and move it if they make us move it.' That is our biggest violation – unless you say sheds do not have to meet setbacks." Randy replied that to some extent ignorance of the law is no excuse, "If you are building a shed and you just go ahead and build it because 1) you don't know or 2) don't care. Does the board want to exempt certain sizes AND no setbacks for that? Let's discuss this. Or not exempt in the setback because we will have to enforce it?" Amy said she would be OK with 80SF not having to meet the setbacks. Kelly and Reagan Hooton agreed up to 120SF seemed reasonable to not have to meet the setbacks nor apply for a permit.

Matt Jones asked, "What if I put in three sheds? Should we put it in there [the zoning regulation] of max of one shed? And why not collect a permit fee?" Amy agrees we do not need a permit for every single thing, but we need to shore up 11-4-5F to have a little more clarification. Randy asked what makes sense then? Amy said 80SF. Kelly still liked up to 120SF; others agreed. Amy asked if there needs a height restriction as well? Matt asked Kelly how tall her shed is. She said 6 feet, "You can stand up inside but you have to duck to get in the door." Discussion on 8 foot seeming low, maybe 10 feet is normal for pre-fabbed sheds. Reagan asked what if you put a shed in and you want a greenhouse? Kelly said maybe the second structure should have a permit. Discussion on limitations of accessory structures up to a certain square footage, and then requiring a permit. Randy asked if there is anything else that should be exempted? Kelly said nothing can be exempted from floodplain so that still needs referenced that if they are in the floodplain they still must follow that ordinance and building guideline. Randy recommended doing the best you can to communicate to the public We are changing the ordinances, here are the rules, here are the exemptions, and if people do otherwise and build a shed in the setback – ignorance of the law does not preclude your behavior. Kelly again was in support of zero setbacks for truly exempt sheds. Randy said it would need to clearly state that includes the eaves. Reagan liked that, Amy agreed and then ensured that the eaves in the setbacks would not hinder emergency services. Crystal provided several examples of existing structures, even of those properties for Zoning Board members' who are right on the alley and there remains 20-foot clearance for a fire truck to drive down the alley if needed. The Board agreed to this exemption.

Randy asked about a shed next to another shed? Board seemed ok but wanted Lee's advice.

Randy asked if the board was ok with the exemptions on temporary uses listed like garage sales and farmer's markets? Yes, the Board was ok with this also. Kelly said, "Currently we exempt anything flat on the ground like patios, so those should be included as well."

B. Presentation and Discussion regarding Landscaping

Randy showed a PowerPoint presentation. He said it is not just about aesthetics, it about promoting land use compatibility, stormwater management. You can use landscaping to promote stormwater management so that it infiltrates more slowly rather than running off. It improves shade and climate protection. This chapter would cover protecting existing landscaping, requiring buffers and screening. Not sure we ever got to a resolution on what landscaping will be required in a parking lot.

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But screening for dumpsters and electrical boxes would be required. He asked the Board if was ok with the types of plant materials for street trees and boulevards, and maintenance thereof. The Board seemed confused. Lee had not emailed a copy of the draft landscaping chapter so Randy shared it on his screen. He then covered xeriscaping, which is planting native species and requires less maintenance. The Board felt it would be a good idea to mention the high water table of Three Forks in the Zoning Code and state that many homes have sand point wells so that this xeriscaping would not be a requirement. Randy said the landscaping would only apply to commercial and multi-family structures. Reagan and Kelly both said, "So we don't care if anyone leaves their ground as dirt?" The Board was a little confused as no one had read this chapter fully yet, but Randy did his best to briefly cover/introduce this chapter. He was unsure of some of Lee's proposed language and said he would have to clarify.

Board wants a copy and to digest and discuss in January.

OLD BUSINESS

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

Kelly Smith said the Impact Fees were distributed to the City Council this week, and then the public hearing is scheduled for 1/28/2025 to adopt.

B. Continued discussion on the Kyd Road Zoning District (Title 11, Chapter 22)

Kelly Smith said she would prefer to remove the "Z" in "KRZD" – no other districts say "zoning" in their title. The Board agreed.

Matt Jones commented on the lack alleys. "We spent a lot of time when drafting the Growth Policy to make it a goal to include grid style neighborhoods, and alleys and maintenance thereof. There has been a lot of discussion that I have not been privy to that are encouraging no alleys, and maybe this land is special and can't have an alley, but I think we need to stick to the alley requirement and they need to request a variance. So this zoning district still adheres to the Growth Policy and when we write another Zoning district, we are still following our goals." Matt then brought up that 11-22-4A where it talks about 5 minimum and up to 12 [units per acre]. "I've discussed, or Lee has said, that you can do that as an average – for the total acreage of the development. If you have 12 [units] on one acre it equals out to 3,600SF per lot, which is really small. So that is why I sent these pictures to Kelly, and she printed them out for you all. I hate how in Three Forks you drive down the street and see nothing but cars on the road and everyone has parked all sorts of stuff. If you do not have an alley, you push more vehicles on the streets and if you have a whole subdivision without alleys that will not match the vision of the growth policy nor the vision of this town. I don't think this is ready to go to a public hearing. I think it needs to be narrowed down." Randy Carpenter said those are fundamental questions that he cannot answer. He thinks this needs to go back to Lee. Matt said, "I am not trying to hold the process up," and Amy Laban added, "Well, we do not want to do it twice. We want to get it right the first time." Racheal Tollison agreed she felt 12 is pretty dense. Randy reminded the Board that it is not minimum lot sizes, it is minimum/maximum homes per acre. Kelly said Lee stated in a meeting about averages and also questioned what was the significance of having this done on the 27th was? Crystal Turner said it was because Lee would be here on the 28th for the Impact Fee resolution. Kelly agreed

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the Board does not have to rush it through until we are all comfortable. Niki Griffis said we want to do this right and not feel pressure from the developer. “We want to do best for our community,” she said. Matt said this is a ton of houses (referring to his pictures), “I am not sure how many per acre that is exactly but it has parks and grassy areas in between and does not feel cramped. At the last meeting Mike Stenberg said, ‘*If alleys are required, they won’t do it.*’ Amy said she thought he argued that they would apply for a variance. Niki stated this goes back to our *What we do for one, we must do for all* and we need to be consistent. The developer can request a variance. The Board is not comfortable with this being a public hearing to begin adoption at the 1/27 meeting. There was discussion that alleys can be impervious. Matt reminded the Board, “The developer and Randy argued that if we do not want stuff parked on the street, the lots will have to be bigger. If you do not require off-street parking, then the developer could make up the difference in lot size by having narrower street widths.” Comments on parking on one-side only, but lots do not have to be too big. Matt said, “When we were on the tour, where the guy came and said ‘Why are you in my backyard’ – these are things we aren’t in agreement with so that is why I am saying it is not ready.” Kelly suggested a parking lot for vehicles to be parked could be a lot of sorts. Randy agreed there is no hurry and that the Board wants to get it right. We will meet on this chapter again at 6:30 on the 27th of January (dinner will be provided). We will meet again, if needed for continued discussion/work on this chapter, at 6PM on January 29th, and advertise to cancel if needed. Topics of this chapter are: The name, alleys, how and where parking will be addressed, how we are averaging out density.

Other comments for this chapter:

Crystal questioned “defined by what” for the hazardous and toxic waste mentioned in 11-22-4, and commented that the board discussed at length its last meeting about short-term rentals which is not mentioned at all. Randy agreed that there was an AirBnb discussion and that should be addressed in this chapter, but maybe in all residential chapters. Amy agreed that we need to directly address short-term rentals. Kelly added that it is a common question we get is ‘I want to buy this house and do a VRBO’ and we do not currently allow it. Amy said she sees a lot of that being the market so it should be addresses right off the bat. Kelly commented that the wording of “home businesses continue to be defined by city code” because the City does not have a specific thing about home business. “We have *home occupations* currently defined in residential as an incidental use to the residential use,” she said. There was discussion on low impact areas could have short term rentals. Amy suggested perhaps they could be the buffer? Randy agreed and said it makes sense for that in the low-impact commercial area. Amy said she could even see an apartment built above a building that could rented short term as residential.

Crystal commented on the process of a first hearing, meaning this would be written as an ordinance that the Zoning & Planning Board would actually hear and make a recommendation to the City Council, all this would need to be legally advertised to allow the public to attend. There are requirements as to how long prior to, and how far apart, each legal notice must be published. “I do not feel I have the information I need in order to post this on the website, in the newspaper, etc.” Crystal explained.

Matt revisited alleys, “The Growth Policy encourages alleys, sidewalks and landscaping, and this document does not address any of that. We are pushing this and as Crystal and Kelly are saying ‘this chapter is referencing other ordinances’ which Kelly and Crystal are saying do not exist yet so they’re

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having a hard time envisioning how to adequately represent/implement the ordinance. It feels like we are doing what the developer is wanting. I do not have a problem doing it for the developer, but I think we need to have the other chapters done, or at least drafted that we are referencing.”

Amy said her impression of Lee’s proposal is that he left it intentionally to have the developer make the plan and not have us sitting here and saying “we want alleys at this width, and we want sidewalks on every single side of the streets, etc”. Randy said it is always a tradeoff between rigid setbacks and lot sizes, etc, but does not always promote better neighborhoods – vs. too loopy and more performance based, and how you decide what is

Amy said that Matt makes a valid point that another developer could come in and interpret this in a way that sets us for a precedent. Randy said a developer could come in and with our current subdivision regulations and get a plat approved. He added, “Maybe Lee needs to give you a better explanation of what performance based zoning actually is.”

Other items to be included in the Zoning Regulations:

- Ensuring the floodplain ordinance is cross-referenced in all chapters.
- Add Public Design Standards reference, since we cannot use the Growth Policy, which is a guide, not a ordinance.

Randy agreed we need to back up, and have Lee give the Board a better explanation, and the best way to do that is with examples. Crystal is to get Randy these minutes as bullet points. Randy asked if we need to have other chapters ready to, maybe not ready to adopt, but at least the Board has reviewed. The Board agreed. Rachael said if we went to a public hearing now, the public would eat us alive because we do not fully understand it yet.

Matt said the meeting on the 27th there should be some form of a document we think we will want to forward to the Council to adopt, we need to give the public some time to read it before it. The public may have a lot of input/comments that we haven’t thought of yet, or that change the direction.

Amy Laban moved to adjourn. Reagan Hooton seconded the motion.

Meeting was adjourned without a vote and the meeting adjourned at 8:45PM.