

ZONING AND PLANNING BOARD MEETING MINUTES

February 17, 2022, Zoning & Planning Board meeting was called to order at 7:00PM at City Hall at 206 Main Street, Three Forks, MT 59752, and via Zoom (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.)

Chairman George Chancellor, Members Kelly Smith, Niki Griffis and Amy Laban were present at City Hall. City Planner Randy Carpenter attended via Zoom. Mike McDonnell and Matt Jones were excused.

Chris Lien was present.

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 meetings held on 1/20/2022

Amy Laban moved to approve the minutes. George Chancellor seconded the motion.
Motion Passed Unanimously.

NEW BUSINESS

There was no new business.

PUBLIC HEARINGS

Public Hearing and Recommendation on a Request by Lien Rental, LLC to Amend the Zoning Code. The application requests to amend the City of Three Forks Ordinance Section 11-7-2 (Neighborhood Highway Business): Permitted Uses to add "Work-Live Dwellings"

Randy Carpenter introduced the application and read the staff report into the record. The staff report stated this sort of use could be very appropriate for this zoning designation and for the community as a whole by creating affordable space for commercial uses (such as light manufacturing or for contractors), while also providing residential space for the owners of those businesses.

George Chancellor read the comments from Matt Jones who could not attend tonight (see packet). Matt commented the Board should take caution – housing is needed but be careful how it is implemented. The staff report stated, "...while also providing residential space for the owners of those businesses to live," Matt would add the recommendation for the Ordinance Committee consider adding "or currently employed worker" to that as well. This would allow the work-live unit to house current and active employees. He also suggested some sort of percentage be added to the terminology that would limit the structure to be more commercial than residential (commercial being the primary use and residential being the secondary use).

Randy Carpenter agreed with Mr. Jones' comments – and is actually what he means to recommend.

Applicant Presentation: Chris Lien agreed with the comments and staff report. He would like to provide some affordable housing, and has had a lot of interest from people to live in a facility like what could be both a business and the residential use.

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Board Questions/Comments: Niki Griffis asked how many spaces he would consider providing. Kelly Smith reminded the Board it is not considering a specific plan yet, but changing the NHB language to allow work-live in all the land zoned NHB. "This change could be allowed next to the Family Dollar lot, or the residential homes across from the School on N. 2nd Avenue E, not just Chris' land," Kelly said. Amy Laban said, "Right now we know what our NHB jurisdiction is, but with the Growth Policy update this could expand a lot." She also verified this is not a conditional use permit to discuss tonight. Kelly Smith responded that the application is presented as a permitted use, but I think it should be a conditional use so each application can be reviewed. Amy Laban and Niki Griffis agreed.

Randy Carpenter said the Board could certainly limit the commercial uses, but more often the parking requirements often limit the business use. There was discussion between the Board and Randy regarding the percentage limitation of residential vs. commercial in a work-live project. Amy Laban recommended "No more than 50% live than work". Kelly Smith suggested also adding that condominiums be disallowed; if you allow conversion to condominiums it would remain more residential. Amy Laban asked if that would something like owner-occupied. Kelly replied, "Let's say Chris owns the whole building, but he could rent it out to businesses below (1 for the whole area or 4 if that is the way it is designed) and anyone could rent the above residences. Hopefully it's for his workforce, but who would know if he rents them to others? Who would enforce knowing he is renting to his own employees? I would prefer the City not get into verifying who the renters are and where they work."

Public Comment: There was no public comment.

Applicant Rebuttal: Chris Lien said he does not like "commercial below and residential upstairs" being defined. "The buildings I envision building would have a 14-foot [garage] door for large equipment to be able to be brought in. I would prefer residential in the back of a building, so I don't like the idea that it has to be residential upstairs and business on the main level," Chris explained.

Board Discussion: The Board discussed 50/50 addressing their intentions accurately. Niki Griffis asked about any pet situation needing addressed. Kelly Smith said currently NHB does not allow for residential at all, therefore no dogs live in NHB. However, if the Board propose work-live style applications be conditional uses, the Board could address dogs for the units at that time. If the Board changes the application from "permitted" which is 11-7-2 to "conditional" use which is 11-7-3, pets could be addressed at that hearing and have conditions placed upon it. Amy Laban agreed.

Kelly Smith made a motion to approve the request to add to zoning code section 11-7-3 Neighborhood Highway Business Conditional Uses to allow a work-live situation with no more than 50% residential, and it could not be made into condos and only owned by one person [entity]. George Chancellor seconded the motion.

Motion Passed Unanimously.

Public Hearing and Recommendation on a Request by Lien Rental, LLC to Amend the Zoning Classification from Agricultural to Neighborhood Highway Business for the Properties Located at Tract 5 being part of the South half of the Southeast quarter of the Northwest quarter

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Randy Carpenter introduced the application and read the staff report into the record. The staff report had the following items corrected: the title should be "Zoning Map Amendment", in the Zoning Text Amendment Criteria section, (1)(a) should have "work-live" replaced by "NHB from Agricultural", and the Staff Recommendation should have "as a conditional use" struck from the last sentence.

The staff recommendation is it would be very appropriate for this site and for the community as a whole to be rezoned to the NHB District.

Applicant Presentation: There was no applicant comments.

Board Questions/Comments: There were no Board questions or comments.

Public Comment: There were no public comments.

Applicant Rebuttal: There was no applicant rebuttal.

Board Discussion: There was no further discussion, so George Chancellor moved to approve they change the zoning classification from Agricultural to Neighborhood Businesses for the properties located at Tract 5, being a part of the south half of the southeast quarter of the northwest quarter of the city limits. Amy Laban seconded the motion.

Motion Passed Unanimously.

OLD BUSINESS

Update on Growth Policy Rewrite (if any)

Kelly Smith informed the Board there has not been a final draft completed of the Growth Policy yet. As soon as it is ready for review, she will forward it on to the Board. She said the first two chapters are available online and you can input comments. George Chancellor asked if the comments are entered, or just available for all to see and consider. Kelly replied the comments are just considered at this time, and then the Steering Committee will need to review them and incorporate as they see would be best, before the draft is sent to the Zoning & Planning Board.

With no other business before the Board tonight, Chairman Chancellor asked for a motion to adjourn. Amy Laban moved to adjourn the meeting. Kelly Smith seconded the motion.

Randy Carpenter asked prior to the Board members leaving, it is challenging to do zoning amendments when the City is in process of completing a Growth Policy, which could be changing zoning. "It's always a tricky situation, and I have seen communities place a moratorium until the zoning text and map revisions are adopted. That would delay any project for at least a year, but Matt [Jones] made a good point last month about why the Board is changing things piece by piece and individual request when we will re-write it. Can we at least talk applicants out of these changes? Ultimately, it's a Council decision but I would like to throw that out for discussion," Randy said. George replied, "What are the changes that this NHB will be anything other than it is right now?" Randy answered he did not think this parcel would change but if someone came along and proposed a 100% residential in Central Business District. Kelly Smith corrected it is allowed, after a conditional use permit, and must adhere to residential setbacks. Randy stated, "Well maybe a better example would ADU's," (accessory dwelling units). He added, "The Council may not agree with this, but I think it is

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worth bringing to their attention.” Amy Laban said that thought had crossed her mind before tonight’s hearing. She did not have any reservations for this particular application because it is surrounded by NHB uses, but she agrees. George Chancellor and Kelly Smith agreed. Kelly added that it would be tacky to allow applications be submitted and paid for but not heard for one-year while the city works out the Growth Policy and Zoning rewrite. She will bring this to the Council’s attention at their next meeting.

Motion Passed Unanimously.

Meeting was adjourned at 7:47PM.