

ZONING AND PLANNING BOARD MEETING MINUTES

July 14, 2022, Zoning & Planning Board meeting was called to order at 7:10PM 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, Mike McDonnell, Matt Jones, and City Planner Randy Carpenter were present at City Hall. Niki Griffis and Amy Laban was excused. No one attended via Zoom.

Scott Hazelton, Kevin Cook and Mike Stenberg were present at City Hall.

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 6/16/2022

Kelly Smith moved to approve the minutes. Mike McDonnell seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

There was no new business.

PUBLIC HEARINGS

Public Hearing and Recommendation on a Request by Three Forks Development, LLC to Amend the Zoning Code. The application to amend the City of Three Forks Ordinance Section 11-6B-1 RM Residential Medium Density District, to allow this zoning to again be utilized by the City.

Randy Carpenter explained the Residential Medium Density (RM) district (which allowed for higher density) was eliminated in 2003. The applicants wish to annex and develop the property southeast of town, using these regulations. "Basically the applicant would like to amend the text in the RM and allow RM to be reinstated," Randy explained to the Board. During the annexation they would like to zone it RM. This would allow any other property to utilize this zoning as well, if other land was designated as such, or when other properties annex they could also designate it as RM.

The minutes of 2003 indicated that because the conditional use process could be used for multi-family or the Planned Unit Development (PUD) process to use multi-family, this zoning district was no longer needed. "The bottom line this would allow smaller single-family lot sizes and by right, not extra permitting, multi-family uses," Randy explained. The other requirements are basically the same as the design standards. Randy noted the tables of permitted and conditionally permitted uses he included in the staff report, which includes examples from other cities. "You could argue that higher densities would increase congestion, but congestion itself is a relative term. People who have lived in Bozeman all their lives think that traffic is just terrible now, but someone who lived in a bigger city who just moved into Bozeman would say 'What are you talking about?'" Randy said. He continued reading his staff report to the Board, and ultimately recommended the proposed text amendment.

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Applicant Presentation: Scott Hazelton with Hyalite Engineering spoke on behalf of the applicant Kevin Cook. He said they agreed with Mr. Carpenter's staff report and were present if the Board had any questions.

Kevin Cook also spoke, saying he grew up in Belgrade and his dad has been involved in land development for many years. He looks forward to expanding the community and grow in an area which is not restricted by the floodplain regulations. "We have several developments going on in the Belgrade and Bozeman areas, and those are around 25-30 lots each. As far as water and sewer, everything is close by and this is a great opportunity to develop outside the floodplain. We are excited to get started and work with the City to hopefully provide more housing and possibly some commercial opportunities too. We have met with the school district and some other groups," Mr. Cook said. He also said he was available for any comments or questions.

Board Questions/Comments: Mike McDonnell asked if 'we were a little ahead of the game now' when we are still working to address the new Growth Policy. Randy Carpenter answered when the City adopts the new Growth Policy, it will then work on looking at updating the zoning code. "It is always preferable to adopt a Growth Policy, then get your zoning in place, then new development comes, but the way the market works an individual developer's decisions do not always line up with that plan," Randy said. Mike asked how much longer until the Growth Policy is done and Kelly Smith replied that we are pretty close. "We do have setbacks already though, and Randy's table shows that," she said. George Chancellor asked about clusters and what definition they would have saying, "How many is in a pile? My concern is that three city blocks could have high rise apartment buildings on them." Kelly Smith said the current height limit is 36-feet in regular residential. There was discussion regarding lot size requirements. Randy said, "By reinstating RM it does not mean that any developer gets to use it. These will have to apply for annexation first, and the requested designation, but the City may not allow the whole area requested to get that designation. There is nothing in the code that says you can only do X% for townhouses, and X% for single family, etc.," Randy said. There was discussion regarding affordability. Mike said, "I don't know how much we are shrinking down lot sizes, but how many more single-family does it really get you?" Kelly Smith answered this is shrinking the lot sizes about 3,000 square feet. Mr. Cook said with duplexes and triplexes you are able to go down to a zero-lot line, and so you can fit more homes in that space. Mike replied by asking if Mr. Cook thought it lowered the desirability of the neighborhood if there is too many medium homes. Mr. Cook said their intention is to have more availability for smaller units like a 'grandmother's unit' which is missing from the existing neighborhood. Mike replied that he believes we are still ahead of the game of adopting the Growth Policy. Mr. Cook questioned to Randy Carpenter that as the Growth Policy gets adopted, all these zoning districts will be adopted within that as the City goes through the zoning code update. "It depends on the timing, if you annexed in the next three months and annexed in as RM, any changes after that would not affect you," Randy answered. Kelly Smith questioned that as they subdivided wouldn't they have to adhere to the subdivision regulations. She gave an example of annexing, with zoning, but not platted (not subdivided yet) as small lots yet, that may be zoned for medium density but would still have go through the subdivision process to make new lot lines which would adhere to the subdivision regulates sizes for lots. "Because when you plat it out it is based on the ordinance in effect at that time, right?" Kelly asked. Randy Carpenter agreed and said, "I'm following you now." Kevin Cook said this change would allow them to plan for when they are ready to submit for development. Matt Jones said he is trying to separate this land, this 300-acres, from the big picture of the rest of land to be annexed and developed near the City of Three Forks and is considering if this is the best use for the whole of

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the town. He added, "From the City's side, it makes sense to me to continue to use the conditional use permit process and consider each application as they come forward." Randy Carpenter argued that Ralph Johnson's comment in 2003 would not be pertinent today; as housing prices were nowhere near where they are now. "The concern, and I'm not speaking up for this or any applicant, but entitlement risk is a real thing. I wasn't present for the discussion in 2003, but I would argue against getting rid of medium density then like I am now," Randy said. Matt Jones asked why it was recommended to remove it from the zoning uses back in 2003. Kelly Smith said she read over old minutes and they are too vague to know the exact reason. Randy said a lot of communities just think 'we do not want high density development; and that is probably what the discussion was at the time – something like 'six is too dense, we prefer four'. Concerns of taxes, infrastructure costs, affordability comes about by allowing more units. George Chancellor said he believes the City needs to finish some other things already in the works (Growth Policy, Capital Improvement Plan, and Zoning Code modifications) before jumping into this request.

Applicant Rebuttal: Kevin Cook said that medium density is more about the lot size for us, as a developer, than it is if we can fit a duplex, triplex, fourplex or a single family home on it. "It allows us to plan, it's just the lot size. A 7-,8,000 foot lot is a nice single-family home lot size. A lot of what the desire is to have single family units, and that would be what we plan for. It's the lot size that is a big one that the R district requires a 10,500 square foot lot...my costs per square foot as far as road, sewer, water lines, is the same. We still put in the same amount of lines and asphalt the same amount of roads, but it is divided among more lots if the single-family lots are a little smaller and help us accomplish a desirable price for a single-family lot," Kevin said.

Board Discussion: Matt Jones said if this were to be approved, the Board would move on to discuss setbacks. "Are you proposing smaller lots, with the same size homes you would put on a 10,500 square foot lot, with less setbacks, so that essentially you can fit one more home in say every three lots?" Matt asked. Mr. Cook said he is currently working on a subdivision called Woodland Park which has 8-foot setbacks. It is all single-family dwellings on medium residential lots. "I don't know if whomever I sell the lot to is going to build a 1200 or a 2400 square foot house, but with smaller lots you could still have a large home by building a two-story home," he said. "I also think about setbacks are a minimum – you don't have to go right up to the setback and lots of people choose not to build right up to them and leave yard space," he added. Kelly Smith said the existing smaller lots in town really push the setbacks by utilizing all the space up to the setbacks. For instance, the 50 foot lots existing people do build the full 30 feet they have available. Matt Jones said he would never buy a 7,000 square foot lot. Mr. Cook gave a lot of examples of developments with smaller lots and tighter setbacks that work successfully in Belgrade and Bozeman. Kelly Smith asked if they planned to phase this project, would they phase in as new sections of the Growth Policy are adopted. Mr. Cook said that is possible. Mike Stenberg, Hyalite Engineers, on behalf of the applicant, said this change would just give the developer some flexibility of not having to go through another conditional use permit process. Matt Jones asked what the timeline is for annexation, especially given the City's water supply constraints. Mr. Cook said there is already a parcel that has been annexed into the city's limits. They do plan on phasing in the remaining tracts for annexation.

Mike Stenberg added the annexation agreement would spell out all the details on development for the parcels if annexed prior to the City getting more water supply. Mike Stenberg spoke regarding the conditional use process, and without the certainty of the zoning change, not knowing if each one would be approved. Matt

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Jones asked if multiple conditional use permits could be applied for on numerous lots if they were all the same. Randy Carpenter said yes.

Public Comment: There was no public present for comment, and no letters received. Chairman Chancellor closed public comment.

Matt Jones asked Randy Carpenter what the downside to this would be: the applicant would have to come before this board every time it wanted to build a row of townhouses? There was board discussion regarding overlapping buildings across the property lines, and that each building would have to go through the conditional use permit for each lot they intended to build on, as the ordinance is written now. The Board discussed with the applicant and his representatives how to process RM zoning as annexations occur. The discussion included the City's public design standards and how they come into play when there is development. Randy Carpenter stressed that if there are concerns about the density, when the Growth Policy (its current draft or whatever will be adopted) is finalized, the new draft allows for even more density than this request is proposing. Matt Jones said he envisions that RM could be good for Three Forks. "We accommodate this but screw up something else we haven't thought about yet. We did that with condos – by doing away with the control of a conditional use permit, do we lose the ability to say something like we did for condos we limited the number of dogs which differed from the regular ordinance?" Matt asked. Randy Carpenter replied said by allowing every home occupation by doing away with conditional uses for businesses for instance, then you lose that ambiguity. However, if you make every use conditional it becomes excessive. Randy said he believes the City could make some residential density or setbacks, overhangs, etc... that there is not a legitimate public interest if we can define that up front in the code. There was a lot of discussion regarding affordability, the housing styles in Bozeman and Belgrade that are very compact together, the overall feeling of Three Forks as a "small town", and more. Matt Jones said he would like to make a motion to approve based on what makes sense, per se. "I don't feel necessarily that this is what the City of Three Forks wants so I feel like if I made that motion it would die based on the conversation. Or I could make a motion to table it, which may not be what you want to hear, until we have the final discussions on the Growth Policy until we know that direction," Matt said.

George Chancellor moved to table this issue for three or more months until the Growth Policy comes through and we have a chance to look at some specific zoning ordinances. Mike McDonnell seconded the motion. Matt Jones asked for clarification on the zoning ordinances part of the motion. George explained he would like to see some specific drafts of medium density residential zoning language. Randy Carpenter suggested a friendly amendment to the motion: table it to see what the Growth Policy that is adopted says about future densities. Again the draft says, "Future residential shall reflect the pattern of Three Forks while at a slightly higher density." Randy added, "That statement is powerful, but if the Council chooses to strike it and have lower densities, it would change the Board's recommendation." Kelly Smith clarified the motion to table is only until the Growth Policy is approved and then look at medium density residential. George agreed.

Matt Jones moved to table this [application] until the Growth Policy is approved by the City Council. Mike *(There was already a motion on the table which did not get voted on. The Board's intention was that this second motion eliminated the first, as well as Randy's amendment to it, and cleaned it up with Matt's language.)* McDonnell seconded the motion.

Motion Passed Unanimously.

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Public Hearing and Recommendation on a Request by Three Forks Development, LLC. to Amend the Zoning Code. The application to amend the City of Three Forks Ordinance Section 11-6B-6 Yard Requirements: from “Side yard abutting interior lot lines, : Ten feet (10)” to “: Five feet (5)”

This item was pulled and not discussed due to the previous public hearing decision.

OLD BUSINESS

Public Hearing, Discussion, and Recommendation to Accept the Updated Draft of the Three Forks Growth Policy to the City Council

George Chancellor said he hopes everyone has read the latest draft. Kelly Smith said she, Crystal Turner and Randy Carpenter do have some edits and that they plan to meet tomorrow to discuss this and have a draft to the Zoning & Planning Board at the August meeting. Matt Jones asked how many more public hearings would be held before adoption of the Growth Policy. Kelly explained it already had one at the Zoning & Planning level, one with a resolution of intent at the City Council, and so it should have just one more at the Zoning & Planning level and hopefully final adoption at the Council meeting in September. Matt Jones said, “So if something was changed, worst case we could be looking at October adoption?” Kelly agreed but did not believe it would not be extended that far out.

Kelly Smith moved to adjourn. George Chancellor seconded the motion.

Motion Passed Unanimously.

Meeting was adjourned at 8:35PM.