**June 20, 2019,** Zoning & Planning Board meeting was called to order at 7:00PM in the City Council Chambers at 206 Main Street, Three Forks, MT 59752.

**PRESENT:** Planning and Zoning Board members John Zuelke, Kelly Smith, Erin Schattauer, Matt Jones and Chairman George Chancellor, as well as City Planner Randy Carpenter. Roger Nerlin and Doug Fairhurst were excused. Public Present were: Richard Williams.

**PUBLIC COMMENT** (items not on the agenda): There was no public comment on items not on the agenda.

**CONSENT AGENDA:** **Approval of Meeting Minutes of 3/21/2019.** John Zuelke moved to approve the minutes. Kelly Smith seconded the motion. Motion Passed Unanimously.

**NEW BUSINESS**

**Election of Board chairperson and vice-chairperson per 76-1-302**

george Chancellor explained he recently learned he is the liaison to the Council, not the Chair because he is on the Council. Section 76-1-302, Montana Code Annotated states the Board will elect its chairperson. George called for nominations.

John Zuelke said, “I nominate you.” (Meaning George Chancellor). There were no oppositions. Erin Schattauer seconded the “motion”. Motion Passed Unanimously.

George Chancellor nominated Matt Jones for Vice Chairman. Kelly Smith seconded the motion. Motion Passed Unanimously.

**pUBLIC HEARINGS**

**Public Hearing and Dcision on a request by AFM Contracting (Steve Johnston) for a Conditional Use Permit to Construct Two RESIDENTIAL DUPLEXES FOR THE PROPERTIES LOCATED AT LOT 1A & 2A, BLOCK 8A OF THE BUTTELMAN ADDITION (PLAT D-20-D), MORE COMMONLY REFERRED TO AS 602-604 W. FRONT STREET AND 606-608 W. FRONT STREETb**

Randy Carpenter read his staff report into the record, noting the proposed duplexes do not adhere to the lot coverage requirement nor the flood control regulation requirement. So, if the Zoning & Planning Board chooses to approve the request for a conditional use permit on each of these lots, he recommends the applicant apply for a variance request for both exceeding the lot coverage area and the flood control requirements. Other than that, the application does meet the requirements for a conditional use permit to have multi-family housing.

**Applicant Presentation:** Richard Williams introduced himself as the builder, and stated he is representing his partner of almost 30-years, Steve Johnston (the applicant). The garages are larger than normally planned, as they want to allow a truck to be able to be parked inside but they could shrink it by about 2-feet each way and meet the 40% lot area requirement. However, the design is so that people will park on the property and in the garage and not all over the neighborhood. He noted the design is single level as to not block neighbors’ view.

**Board Discussion:** George Chancellor asked if they plan to “saw off the back of the garage” in order to meet the 40%. Mr. Williams replied his plan would be to come off the front side where the porch is. This would make the required on-site external parking larger, but the inside parking smaller. George also asked about the boundary on Kansas Street – Kelly Smith interrupted the applicant has applied for variances and those discussions and decisions will be heard before the Board of Adjustments and Appeals, not the Zoning & Planning Board. George asked to see a better set of plans before building. Kelly again explained if the variances are approved the applicant will need to apply for a Zoning Permit and will need to submit more detailed plans.

**Public Comment:** There was no public comment.

**Board Comments/Questions:** Matt Jones asked how this application differs from the Folkvord Subdivision. He sees where the drainage of water goes, but will this drain the same and then put more water onto the gravel road? Matt also asked if the applicants had considered building one larger unit at all. Mr. Williams said no, they have two lots so had not thought of making one larger fourplex unit. Matt asked if the driveways are paved is that going to drain more water on the street, and in this case the trail? Kelly Smith said she has spoken with the applicant regarding retaining the water on his property is a requirement of the floodplain permit, which he will have to obtain prior to building. Mr. Williams said they have discussed having to build a small retaining wall to keep the water on these lots. Kelly explained about the ordinance allowing for looser regulations because of many city lots being less than ½ acre. Discussion regarding fill and the 15-feet floodplain setback versus the 10-feet building setback. Matt understands this is a Variance Board issue, but there is a house which was granted a variance to exceed the maximum lot coverage and there is very little area for grass or anything to absorb the water. Matt continued, “So, from a Zoning Board perspective are we putting too many units on one lot and exacerbating the problem?” Richard Williams said if that is what the Board is concerned with he could easily reduce the size to alleviate those concerns. There was discussion regarding proper drainage and what happens if, even though the applicant states they will do something, how the City enforces it down the road if no one builds it as stated. The discussion led to engineered designs being approved, and not even paving to keep as much water as possible on the subject property. John Zuelke said, for him, there is no concern regarding water draining onto the trail.

Randy Carpenter asked if the Board would accept, as a condition, that a professional engineer designs the water drainage and stamps it. That guarantees the water will not leave the site (in a 100-year flood event). John Zuelke said to just leave that with the Board of Adjustments to decide. Kelly Smith agreed with Matt Jones’ concerns, and because the City does get a lot of complaints on the Folkvord Subdivision’s drainage issues, that this Board make a condition to ensure the water does stay on the subject property. Continued discussion regarding mirror-imaging the design, pushing the two duplexes together to make a four-plex (which essentially removes the property line) so the driveways are on the exterior of the property lines – would that alleviate the drainage issue better? Randy Carpenter said that could not happen at this meeting; the applicant would have to resubmit with a plan the Board could review. George Chancellor said that design change may alleviate the flood mitigation issues, but it does not remove the request of exceeding the maximum of 40% lot coverage. Kelly Smith asked Randy Carpenter if the Board could approve the change with conditions, and let the landowner know the update and if agreed upon could it go on to the City Council like that? Randy Carpenter said the applicant would need to resubmit the application because of the plan changes, but we could probably waive the fee. George Chancellor asked if this is being tabled, or if the applicant needs to get the boundary on Kansas, making the structure smaller, drainage being engineered and concrete over the trail. Matt Jones said he did not feel it was the property owner’s responsibility to provide concrete trail replacement just because the trail goes in front of their property. He does not think this is the best plan and that it is too big for the lot size.

George Chancellor read a letter submitted by Ruth Wyrick opposing multi-family housing as **public comment**.

Kelly Smith moved to approve it if the variances get approved, or the property is changed to conform to the code if the variances are not approved, with a stamped engineering, a professional engineer plan to show the water will remain on the property in the event of a 100-year flood. Erin Schattauer seconded the motion. Motion Passed Unanimously.

**UPDATE ON THE PROGRESS OF THE GROWTH POLICY**

Randy Carpenter reported the Montana Department of Commerce has not yet issues Request for Proposals for the granting process to update the growth policy. They were supposed to be released in March but have not been yet. Randy will continue to monitor it and apply when ready.

Randy also stated for less than $1,000 the City could have an image projected on the wall so that everyone is on the same page – it would really help the audience and the Council all be able to see the same thing. (Kelly Smith will bring this up to the Budget Committee and Council to discuss.)

John Zuelke moved to adjourn. Kelly Smith seconded the motion. Motion Passed Unanimously. Meeting adjourned via consensus at 7:41 P.M.