

**CITY-COUNTY PLANNING BOARD  
REGULAR MEETING  
February 21, 2018  
MINUTES**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Board members present were Dave Hebner, Alvin VanderVos, Dan Simser, Lindsay Schack, Bob Logar, Tom Wells, Austin Owens and Cory Taylor. Two members of the public were present. Also present were Mayor Glen Clements and Assistant Clerk/Treasurer Tonya Owens.

Excused: Town Planner Ralph Johnson

**PUBLIC COMMENT**

*Kristen Swensen, 9501 Frontage Rd:* She expressed her concern regarding a non-conforming use property along the interstate. The legal description is Minor Sub 399, S11, T01, R03, LOT 3, ACRES 12.899. The property falls within the one mile zoning jurisdiction. Kristen has been in contact with Town Planner Ralph Johnson. Ralph has indicated that a formal letter must be written to the Town Council for action to be taken.

*Nancy Clark, 6423 Pleasant St:* AmeriMont will be hosting a home buying class on March 6, 2018 from 5:30 pm- 7 pm. It is free of charge.

**OLD BUSINESS**

**RV/Camper Trailer Parking/Living**

Motion-Wells; Second-Taylor; Vote-Unanimous: Motion passed to recommend the proposed revision of the Town of Manhattan Zoning Ordinance Chapter 13, Off-Street Parking and Loading Part A, to the Town Council with the revision that a permit be obtained if the length of stay exceeds 7 days.

Ralph prepared a staff report.

*Bob Logar, Board Member:* He suggested sending a notice with the water/sewer bills in order to inform the public.

*Austin Owens, Board Member:* He suggested that the Belgrade News publish the notice. He also recommended that a permit be obtained if an occupied RV/camper on a property is longer than 7 days.

*Tom Wells, Board Member:* He questioned how the ordinance would be enforced. Town Code and Ralph's staff report was referenced. It would be enforceable by Town Code. The Town Council and/or the Town Attorney would take action.

The Board agreed to recommend a revision to the proposed amendment that a permit be required if the length of stay exceeds one week.

## **NEW BUSINESS**

### **Short-Term Rentals**

Motion-VanderVos; Second-Wells; Vote-Unanimous: Motion passed to table the short-term rental discussion until next meeting.

Currently, there is no code that addresses short-term rentals. The Board discussed that R-1 zoning, by definition, does not allow for short-term rentals. However, the language is not clear. Short-term rentals should be listed as either a conditional use, prohibited use, or permitted use. A conditional use permit would allow the Planning Board to review the property and the specific circumstance. The Board discussed accessory dwelling units and how one of the dwellings must be owner-occupied. They were also concerned with the public's safety and the importance of obtaining a certificate from the Gallatin County Health Department. The Board would like feedback from the community. They would like to discuss short-term rentals again at the next meeting.

*Tom Wells, Board Member:* He suggested that short-term rentals should be a conditional use permit that also requires neighbors' signatures.

*Lindsay Schack, Board Member:* She noted that short-term rentals would not increase the amount of traffic and that most of these rentals would attract good clientele.

### **Policy Regarding Board Members Attendance**

The board discussed the absence of the County appointed member, Carl Schutter, who has not been to a Planning Board meeting since March 18, 2015. The County informed the Board that Carl Schutter re-applied and was re-appointed in January 2017. In order for him to be removed from the Manhattan City-County Planning Board, there must be a formal written request to the County Commissioners or Mr. Schutter must resign. The Board discussed the options. Kristen Swensen requested that Dave Hebner send a written request to the County Commissioners. President Dave Hebner obliged.

### **President, Vice President, and Treasurer Election/Nomination**

Motion-VanderVos; Second-Wells; Vote-Unanimous: Motion passed to elect Lindsay Schack as President of Manhattan City-County Planning Board.

Motion-Taylor; Second-Owens; Vote-Unanimous: Motion passed to elect Tom Wells as Vice President of Manhattan City-County Planning Board.

The board discussed how the president and vice president should be appointed. President Dave Hebner referenced the Manhattan City-County By-Laws. If the process were to change, the by-laws would need to change first. It was also noted that Planning Board members have two year terms and must re-apply every two years to stay current on the Board.

### **PLANNER'S REPORT**

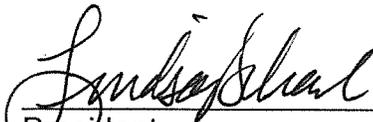
None

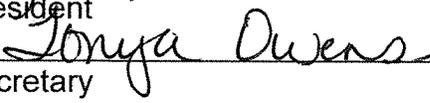
### **APPROVAL OF MINUTES – October 18, 2017**

Motion-Wells; Second-VanderVos; Vote- Unanimous: Motion passed to approve the minutes from October 18, 2017.

**ADJOURN**

Motion-VanderVos; Second-Schack; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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President

  
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Secretary

**CITY-COUNTY PLANNING BOARD  
REGULAR MEETING  
March 21, 2018  
MINUTES**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Board members present were Dave Hebner, Alvin VanderVos, Lindsay Schack, Bob Logar, Tom Wells, Austin Owens and Cory Taylor. Three members of the public were present. Also present were Town Planner Ralph Johnson, Assistant Clerk/Treasurer Tonya Owens and Mayor Glen Clements.

Excused: Dan Simser

**PUBLIC COMMENT**

None

**NEW BUSINESS**

**Meadow View Cemetery Boundary Realignment-Subdivision Exemption Claim**  
Motion-Wells; Second-VanderVos; Vote-Unanimous: Motion passed to recommend approval of the Meadow View Cemetery & Sheryl Pierce Subdivision Exemption Claim. Ralph read the staff report and explained the plat maps. The two parties involved are Meadow View Cemetery District and Sheryl Pierce. The agreement is to transfer land to be used for parking by the Meadow View Cemetery. The common address of the property is 7260 Meadow View Rd, Manhattan, MT 59741. The common boundary relocation creates two new tracts of land approximately 1.514 acres and 1.316 acres in size from two existing tracts of land. Prior business history appears to have no impact on the Subdivision Exemption. The proposed configuration of the tracts does not significantly alter the tracts conformance to the Manhattan City-County Growth Policy. The tracts of land in question have been historically used for agriculture.

**Pre-Application Meeting- Farmstead Lots 32 & 33**

The Planning Board reviewed lots 32 & 33 in the Farmstead Subdivision. Craig Bergstedt, Formation Architecture, proposed to create five duplexes on two lots. He would appreciate the Planning Boards recommendation on lot realignment, emergency access location, and what type of subdivision to apply for.

Ralph recommended he apply for a minor subdivision and a boundary realignment. He also recommended that Craig Bergstedt ask the Town Engineer and the Manhattan Fire Department for their recommendations.

*Bob Logar, Board Member:* He asked about street parking and emergency vehicle access.

Craig commented that there will be off-street parking and that the roads should be wide enough for emergency vehicles. The road would be public. This subdivision would have a separate HOA that would maintain the road. Lighting requirements would be regulated by the subdivision.

*Lindsay Schack, Board Member:* She commented that this type of housing is in demand for our community. Also, she suggested that Craig reach out to the neighboring commercially-zoned property owners.

Ralph recommended that Craig do a landscape plan to be reviewed by a landscape architect. He also suggested that roadway intersections be reviewed by the Town Engineer before moving forward. Also, he should ask the Town Attorney, Jane Mersen, if he could submit a boundary realignment and minor subdivision application simultaneously. Ralph also mentioned that he should contact the County GIS for road names.

## **OLD BUSINESS**

### **Short-Term Rentals**

The Planning Board discussed the definition for short-term rentals. Ralph stressed the importance of knowing the addresses of the short-term rentals for health and safety issues. The Board discussed the importance of these properties obtaining a license with the Department of Revenue and the Health Department. There is currently no hotel or motel businesses in competition with short-term lodging. The Board discussed the appropriate processes for regulating and approving short-term rentals. They questioned if they should be inspected by the building official and fire department.

*Tom Wells, Board Member:* He suggested that short-term rentals apply for a conditional use permit.

President Schack directed Ralph to create a definition for short-term rentals and to clarify current code definitions.

## **PLANNER'S REPORT**

The Conoco is changing their signage. It is conforming and the amount of signage is decreasing. They do not need to apply for a sign permit.

Pioneer Crossing has identified that they have infrastructure for nine existing lots to create a Phase IIA prior to getting final plat for Phase II. Ralph and the Town Engineers reviewed the request. Jane Mersen, Town Attorney, and the city water specialist, agreed they have adequate services. The Town Council approved the request for Phase IIA. The request would be no different than developing an empty lot.

Saddleview Subdivision was approved years ago. It is located east of the old lagoons near Yadon Road and Greenspur Road. Ralph showed the map to the Planning Board. The subdivision acquired the right to develop 47 acres. R-1 is the zoning regulation. The developer is interested in doing a PUD with multi-family housing as well as less dense housing. They would like to utilize the old lagoons. Ralph stressed to the developers that the intersection between Yadon Road and Dry Creek Road is unsafe. Also, that water is an issue. They only have surface water rights. It would be legal for them to connect 1/2 acre to 1 acre parcels to a common well. They need more water rights for a larger housing density. They also may need to develop Greenspur Road and/or Yadon Road. They would be required to connect to the sewer system.

The Board discussed the reality of a silent railroad crossing. They discussed the

importance of getting a third crossing and safe crossings. These needs may better serve the community than a silent crossing.

The County would like the Manhattan-City County Planning Board to update the growth policy. It is supposed to be reviewed every five years. President Schack inquired about the Planning Board's budget for the task.

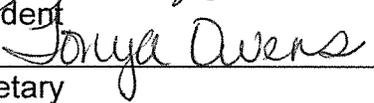
**APPROVAL OF MINUTES – February 21, 2018**

Motion-VanderVos; Second-Logar; Vote- Unanimous: Motion passed to approve the minutes from February 21, 2018.

**ADJOURN**

Motion-Owens; Second-Wells; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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President

  
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Secretary

**CITY-COUNTY PLANNING BOARD  
REGULAR MEETING  
April 18, 2018  
MINUTES**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Board members present were Dave Hebner, Alvin VanderVos, Dan Simser, Lindsay Schack, Bob Logar, and Carl Schutter. One member of the public was present. Also present were Town Planner Ralph Johnson and Assistant Clerk/Treasurer Tonya Owens.

Excused: Austin Owens, Tom Wells, Cory Taylor

**PUBLIC COMMENT**

None

**OLD BUSINESS**

**Short-Term Rentals**

Ralph discussed the research he found on short-term rentals. He explained that our code has too many subcategories for rentals. Any kind of rental, no matter the length of time, needs to have a license with the County Health Department. Rentals are defined as "public sleeping accommodations". The fees for the license would be dependent upon the size of the rental.

Ralph recommended that he revise the zoning ordinance. He also suggested that all rentals be licensed by the County Health Department, which should be a requirement through a conditional use permit. Leases do not fall under this category.

*Al Broudy, 108 N 4<sup>th</sup>:* He asked if an "airbnb" would fall under this category. Ralph answered yes.

**NEW BUSINESS**

**Al Broudy, 108 N 4<sup>th</sup>**

Al Broudy would like to build a second home on his property. Ralph referenced the zoning map. The property is zoned R-1. Ralph referenced the code. Ralph explained that Al could build an accessory dwelling unit if he applied for a conditional use permit. If he wanted to build anything larger, he would have to apply for a minor subdivision. However, the minimum square footage for a single-family residence is 1200 square feet. Al asked a number of questions regarding his property and the options he might have. Ralph and the Board answered them accordingly.

**Growth Policy Updates**

Ralph explained that the current growth policy cannot be uploaded to the Town of Manhattan's website because of the format. He proposed modifying the current growth policy into an 8 ½" x 11" digital format. He recommended that the zoning map be integrated with the Town's lots and blocks as well as with transportation, water and

sewer services. He recommended that the Board update the maps, have a growth study prepared and update impact fees. He explained that the recommended amendments would be presented to the Town Council as well as the County Commissioners. Ralph recommended that he approach TD&H to start digitizing the growth policy.

**PLANNER'S REPORT**

Ralph met with the owners of the property to the west of the camper court. The property owners are proposing a high density townhouse PUD. The property does not fall within city limits. The Town may be positively impacted by impact fees and commerce. A traffic study may need to be considered. The Town Engineers may recommend that the developers connect Wooden Shoe to the Fabrick Addition. Emergency services would have a difficult time accessing the property. The developers have surface water rights.

Lindsay disclosed that she has been approached by the developers. She explained her position on the Board and recommended that they pursue an engineer's expertise until the subdivision is passed by the Planning Board. She referred them to the Town Engineer and Town Attorney.

Ralph said that he is receiving about one phone call a week concerning new residential subdivisions.

Ralph mentioned that the road between Nixon Gulch and the School District will be paved within two years.

Ralph acknowledged that Centennial Village, Phase II, is selling and that the subdivision has adequate water rights. The new owners would be required to improve the Nixon Gulch/Pioneer Crossing intersection in Phase II.

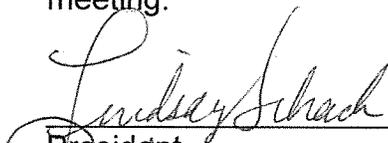
Ralph stated that the Town Council directed him to prepare a letter regarding the non-conforming use property along the interstate near Backyard Storage.

**APPROVAL OF MINUTES – March 21, 2018**

Motion-Logar; Second-Hebner; Vote- Unanimous: Motion passed to approve the minutes from March 21, 2018.

**ADJOURN**

Motion-VanderVos; Second-Logar; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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President

  
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Secretary

**CITY-COUNTY PLANNING BOARD  
REGULAR MEETING  
May 16, 2018  
MINUTES**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Board members present were Dave Hebner, Alvin VanderVos, Dan Simser, Lindsay Schack, Bob Logar, Tom Wells, and Carl Schutter. Five members of the public were present. Also present were Town Planner Ralph Johnson and Assistant Clerk/Treasurer Tonya Owens.

Excused: Austin Owens, Cory Taylor

**PUBLIC COMMENT**

None

**NEW BUSINESS**

**502 E. Main- Sign Application**

Motion-VanderVos; Second-Hebner; Vote-Unanimous: Motion passed to approve the sign application for 502 E. Main St., Corder & Associates, with the condition that the total wall sign area not exceed 36 square feet.

Ralph read the staff report. No signage currently exists on the building. Total area of the proposed signage is approximately 48 square feet. One projecting sign is proposed with an area of 7 square feet. The building frontage is 26 linear feet. Total area of wall signage proposed is 41 square feet. The total proposed wall signage exceeds the maximum area of 36 square feet. The staff recommended approval of the four signs with the condition that the total wall sign square footage not exceed 36 square feet.

*Ty Heaps, Corder & Associates:* He agreed to the conditions.

**157 E. Woodenshoe- Conditional Use Application**

Motion-Logar; Second-Wells; Vote-Unanimous: Motion passed to recommend approval of the conditional use permit at 157 E. Woodenshoe Lane for a caretaker facility. The property is located in the Farmstead Subdivision, Lot 34, and is zoned L-1.

Ralph read the staff report. The applicant is proposing a caretaker facility to provide a live/work arrangement. Caretaker facilities are a conditional use permit in L-1 zoning. The proposal includes adequate parking, setback requirements, and promotes general health and welfare. The application is complete and the staff recommended approval. The Board asked if the Farmstead Design Review Board approved the building. The applicants explained that they have.

*Tom Wells, Board Member:* He expressed concern with hours of operation considering the adjoining residential neighbors.

Ralph explained that L-1 zoning does not limit hours of operation.

*Lindsay Schack, Board Member:* She asked how future caretaker facilities could be regulated to assure that the residents are associated with the businesses.

### **Formation Architecture- Sign Application**

Motion-VanderVos; Second-Wells; Vote-Unanimous: Motion passed to approve the sign application for Formation Architecture at 103 S. Broadway.

Ralph read the staff report. The maximum area of signage allowed for the building is 200 square feet. The applicant is proposing one projecting sign totaling 3 square feet. No other signs are proposed. The staff recommended approval of one projecting sign totaling 3 square feet.

### **PLANNER'S REPORT**

Motion-Logar; Second-Wells; Vote-Unanimous: Motion passed to direct Ralph to create a definition for caretaker facilities which will be presented to the Town Council. Ralph explained that the Town of Manhattan Zoning Ordinance fails to define "caretaker facilities". He proposed that one be created. He read aloud definitions that the American Planning Association has accepted. The Board thoroughly discussed the definition options. Considering the Board's thoughts, Ralph recommended that "caretaker facilities" be defined as "a single-family dwelling unit on a non-residential premises occupied by the person who oversees the non-residential operation 24 hours a day and his/her family in an area not to exceed 50% of the total building area". The Board directed Ralph to prepare the definition for "caretaker facilities" in order to present it to the Town Council. The Town Council may choose to adopt the definition. The Town Council is not required to have a public hearing because "caretaker facilities" is already an adopted use for L-1 zoning.

Ralph reported further about the definitions of Bed and Breakfast, Boarding/Lodging House, Guesthouse, Home Occupation, Cottage Industry and Rooming Unit. He explained that while researching "airbnbs", he found that the Montana Department of Public Health and Human Services requires licenses for all public accommodations if rented for less than 28 days in duration to the same tenant. The Board directed Ralph to add "a public accommodation" to the end of each definition of the terms listed above. The definition modifications would require all lodging accommodations rented for less than 28 days by a single occupant to be licensed with the Gallatin City-County Health Department.

Ralph stated that he has communicated with commercial developers. They would need adequate water rights in order to develop.

### **APPROVAL OF MINUTES – April 18, 2018**

Motion-Logar; Second-VanderVos; Vote- Unanimous: Motion passed to approve the minutes from April 18, 2018.

### **ADJOURN**

Motion-Simser; Second-Wells; Vote- Unanimous: Motion passed to adjourn the meeting.

*Lynette Schach*  
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President

*Jonny Owens*  
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Secretary

**CITY-COUNTY PLANNING BOARD  
REGULAR MEETING  
September 19, 2018  
MINUTES**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Board members present were Dave Hebner, Alvin VanderVos, Dan Simser, Lindsay Schack, Tom Wells, and Cory Taylor. Five members of the public were present. Also present was Assistant Clerk/Treasurer Tonya Owens and Town Planner Randy Carpenter.

Excused: Bob Logar, Jennifer Bowen, Carl Schutter

**PUBLIC COMMENT**

None

**OLD BUSINESS**

**Short-Term Rentals**

The Board discussed having Town Planner Randy Carpenter take over this project. The Board will review his research at a later date.

**NEW BUSINESS**

**120 W. Main- Sign Application**

Motion-Wells; Second-Schack; Vote-Unanimous: Motion passed to approve the sign application for 120 W. Main St.

Schack read the staff report. The applicant requested two small wall mounted signs. Total square feet is 8.3. Staff approved the two signs at 120 W. Main St.

**Manhattan Depot- Conditional Use Permit Application**

Motion-VanderVos; Second-Taylor; Vote-Unanimous: Motion passed to recommend approval of the conditional use permit for use of a "casino" at 214 W. Main St.

Schack read the staff report. The Planning Board reviewed the staff report and proposed drawings. The applicant applied for a CUP for use of a "casino" located at 214 W. Main St. The previous establishment had gaming machines at this location. Staff recommended approval for use of a "casino" at 214 W. Main St. with the number of gaming machines meeting the State's designation.

*Kathy Bushnell, Jackpot Casinos:* She explained that the atmosphere would be a family-friendly sports bar with a full liquor license. The gaming area and liquor store would have a separate entrance and be separate from the restaurant. The maximum number of gaming machines allowed is twenty.

**“A Seat at the Table”- Presentation**

Susan Boyle presented “A Seat at the Table” by PowerPoint. The organization is a coalition. “A Seat at the Table” encourages residents to meet at local, comfortable places to discuss important community issues. The goal is to engage more people in order to fully understand community needs. “A Seat at the Table” is looking for hosts. Please sign up to become a host at [www.atthetablegv.org](http://www.atthetablegv.org).

**Ralph Johnson-Town Planner Resignation**

Ralph Johnson has resigned as Town Planner and Randy Carpenter has been appointed as the new Town Planner.

**Austin Owens-Planning Board Member Resignation**

Austin Owens has resigned as Board Member and Jennifer Bowen has taken his place.

**PLANNER’S REPORT**

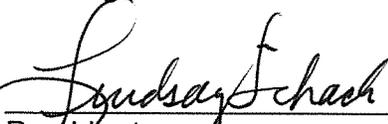
None

**APPROVAL OF MINUTES – May 16, 2018**

Motion-VanderVos; Second-Wells; Vote-Unanimous: Motion passed to approve the minutes from May 16, 2018.

**ADJOURN**

Motion-VanderVos; Second-Schack; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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President

  
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Secretary

**CITY-COUNTY PLANNING BOARD  
REGULAR MEETING  
November 21, 2018  
MINUTES**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Board members present were Dave Hebner, Alvin VanderVos, Lindsay Schack, Bob Logar, Tom Wells, Cory Taylor, Carl Schutter, and Jennifer Bowen. Seven members of the public were present. Also present were Town Planner Randy Carpenter and Assistant Clerk/Treasurer Tonya Owens.  
Excused: Dan Simser

**PUBLIC COMMENT**

*Mark Henry, 305 Spruce:* He asked if the growth policy would be discussed at this meeting.

**NEW BUSINESS**

**125 S. Broadway, Edward Jones- Sign Application**

Motion-Wells; Second-Logar; Vote-Unanimous: Motion passed to approve the sign application for Edward Jones at 125 S. Broadway.

Randy read the staff report. There is currently no signage on the building. The proposed sign is 32.18 sq. ft., which conforms to zoning. Randy recommended approval of the sign application.

**202 N. 3<sup>rd</sup>- Powner, Accessory Dwelling Unit**

Motion-Logar; Second-VanderVos; Vote-Unanimous: Motion passed to recommend approval of the Accessory Dwelling Unit for 202 N. 3<sup>rd</sup> St.

Randy read the staff report for an accessory dwelling unit at 202 N. 3<sup>rd</sup> St. The property is located in R-1 residential zoning. The application does meet all requirements. The proposed use is appropriate for the area and will comply with the standard regulations of the zoning district. Public notice must be considered. Staff recommended approval of the application.

*Myles Mattson, Contractor:* He discussed the specifics of the project. The building currently exists and there will be no changes to the exterior of the building. The height will stay the same.

The Board asked questions about the ADU. The apartment will be used as a rental. There is currently parking space and an alley exists as access.

**PLANNER'S REPORT**

Randy discussed a growth policy update. The Board asked questions about the budget for the project. A grant has been found to aid in the process. The Town Council would have to approve the budget for the project. Gallatin County is currently in the process of updating their growth policy. Randy discussed that it is important to collaborate with

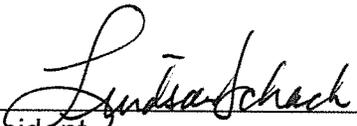
the county as the Manhattan Growth Policy is updated. The population of Gallatin County is predicted to double in size in the next twenty-five years. Lindsay noted the importance of an updated Growth Policy and the value of Manhattan residents' input. The public asked questions concerning the current regulations of VRBOs.

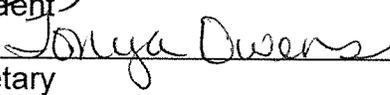
**APPROVAL OF MINUTES – September 19, 2018**

Motion-VanderVos; Second-Wells; Vote- Unanimous: Motion passed to approve the minutes from September 19, 2018.

**ADJOURN**

Motion-Bowen; Second-Logar; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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President

  
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Secretary