



CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, May 4, 2020 at **6:00 p.m.** Remotely by WebEx

To register to attend the Meeting, and provide live comment, residents should go to the following web address and register.

<https://cityofwhitefish.webex.com/cityofwhitefish/onstage/g.php?MTID=e8e66b5f94a173049ac68fc9c8ce73707>

Event Number 967 298 273

- You will receive a calendar invite; in most cases it will automatically be added to your calendar. The calendar invite contains the information to join the meeting. Residents will not be able to join the meeting until approximately 5 minutes prior to the meeting time. OR
- For Audio call in
Audio conference: call the number below and enter the access code.
United States Toll
+1-408-418-9388
Access code: 267 106 300
- We encourage individuals who wish to provide public comment; submit a letter to the City Clerk, Michelle Howke at mhowke@cityofwhitefish.org, or deliver a letter by 5:00 at City Hall in the Utility Drop Box. Written comments should provide name, address, and should be short and concise; courteous and polite.
- The public is encouraged to submit written comments prior to the packet deadline, April 29, 2020 at 5:00 pm. All written comments received prior to the packet deadline will be included in the packet and available on the City's website for City Council meetings. All written comments received by 5:00 p.m. May 4th, will be provided to the City Council, and will be appended to the packet following the meeting. Public comment by those attending the meeting "live" via WebEx will be limited to three minutes per individual. At the end of "live" comment, the City Clerk will read the name and address of each individual providing written comments and state whether they support or oppose the proposal/application before the City Council.

Ordinance numbers start with 20-07. Resolution numbers start with 20-14.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) PRESENTATION
 - a) Flathead City-County Health Department – Update on COVID-19 – Hilary Hanson
 - b) [Whitefish Lake Institute](#) AIS Report and FY21 Budget (p.16)
- 4) COMMUNICATIONS FROM THE PUBLIC — (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-

up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

6) CONSENT AGENDA

- a) [Minutes](#) from April 20, 2020 Special Session (p.41)
- b) [Minutes](#) from April 20, 2020 Regular Session (p.42)

7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

- a) [Consideration](#) of a request from Goosebay Capital LLC, for a Conditional Use Permit to operate a bar/tavern located at 6191 Highway 93 South, zoned WB-2 (Secondary Business District) (WCUP 20-05) (p.52)
- b) [Consideration](#) of a request from Ronnie and Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings, located at 1515 Highway 93 West, zoned WRR-1 (Low-Density Resort Residential District) (WCUP 20-07) (p.80)
- c) [Consideration](#) of a request from Blackstar Partners, LLC for a Conditional Use Permit for a bar/tavern and expanding a microbrewery facility, located at 2 Central Avenue, zoned WB-3 (General Business District) (WCUP 20-06) (p.171)
- d) [Emergency Ordinance No. 20-](#) ; An Emergency Ordinance of the City of the City of Whitefish, Montana, amending Emergency Ordinance Nos. 20-04 and 20-06 to clarify rules for public participation in remote meetings, waiving a second reading (Only Reading) (p.209)
- e) [Emergency Ordinance No. 20-](#) ; An Emergency Ordinance of the City Council of the City of Whitefish, Montana, amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities, waiving the second reading (Only Reading) (p.216)

8) COMMUNICATIONS FROM FINANCE DIRECTOR

- a) [Resolution No. 20-](#) ; A Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the internal revenue code (p.226)

9) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.232)
- b) Other items arising between April 29th through May 4th

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

11) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)



The following Principles for Civil Dialogue are adopted on 2/20/2007 for use by the City Council and by all boards, committees and personnel of the City of Whitefish:

- We provide a safe environment where individual perspectives are respected, heard, and acknowledged.
- We are responsible for respectful and courteous dialogue and participation.
- We respect diverse opinions as a means to find solutions based on common ground.
- We encourage and value broad community participation.
- We encourage creative approaches to engage public participation.
- We value informed decision-making and take personal responsibility to educate and be educated.
- We believe that respectful public dialogue fosters healthy community relationships, understanding, and problem-solving.
- We acknowledge, consider and respect the natural tensions created by collaboration, change and transition.
- We follow the rules and guidelines established for each meeting.

Adopted by Resolution 07-09
February 20, 2007

(This page left blank intentionally to separate printed sections)

April 29, 2020

The Honorable Mayor Muhlfeld and City Council
City of Whitefish
Whitefish, Montana



Mayor Muhlfeld and City Councilors:

Monday, May 4, 2020 City Council Agenda Report

There will be no work session on Monday. No food will be provided.

THE REGULAR COUNCIL MEETING WILL BEGIN AT 6:00 PM, REMOTELY VIA WEBEX.

PRESENTATION

- a) Flathead City-County Health Department – Update on COVID-19 – Hilary Hanson
- b) [Whitefish Lake Institute](#) AIS Report and FY21 Budget (p.16)

COMMUNICATIONS FROM THE PUBLIC — (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

COMMUNICATIONS FROM VOLUNTEER BOARDS

CONSENT AGENDA

- a) [Minutes](#) from April 20, 2020 Special Session (p.41)
- b) [Minutes](#) from April 20, 2020 Regular Session (p.42)

RECOMMENDATION: Staff respectfully recommends the City Council approve the Consent Agenda.

Items ‘a & b’ are administrative matters.

PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))

- a) [Consideration](#) of a request from Goosebay Capital LLC, for a Conditional Use Permit to operate a bar/tavern located at 6191 Highway 93 South, zoned WB-2 (Secondary Business District) (WCUP 20-05) (p.52)

From Planner II Bailey Minnich’s transmittal report.

Summary of Requested Action: Montana Creative, on behalf of Goosebay Capital LLC, is requesting a Conditional Use Permit to operate a bar/tavern in an existing commercial building at 6191 Highway 93 South. The property is zoned WB-2 (Secondary Business District) and the Whitefish Growth Policy designation on the property is split with the front western portion as General Commercial and the rear eastern portion as High Density Residential.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to nine conditions set forth in the attached staff report.

Public Hearing: No members of the public spoke at the April 16, 2020 public hearing. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 16, 2020 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the application. In making their decision, the Planning Board adopted staff report WCUP 20-05 with Findings of Fact and recommended Conditions of Approval.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from Planning Staff and the Planning Board, approve WCUP 20-05, the Findings of Fact in the staff report and the nine conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item is a quasi-judicial matter.

- b) Consideration of a request from Ronnie and Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings, located at 1515 Highway 93 West, zoned WRR-1 (Low-Density Resort Residential District) (WCUP 20-07) (p.80)

From Senior Planner Wendy Compton-Ring's transmittal report.

Summary of Requested Action: Ronnie & Sharon Kyle are requesting a Conditional Use Permit to construct 52 condominium units in three buildings (two 18-unit buildings and one 16-unit building) at 1515 Highway 93 W. The site is developed with a single-family home and several detached accessory buildings to be removed as part of this project. The property is zoned WRR-1 (Low-Density Resort Residential District) and the Whitefish Growth Policy designates this property as 'Resort Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to twelve conditions set forth in the attached staff report.

Public Hearing: The applicant's consultants spoke and no members of the public spoke at the public hearing on April 16, 2020. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 16, 2020 and considered the request. Following the hearing, the Planning Board unanimously approved the request. In making their decision, the Planning Board adopted staff report WCUP 20-07 with Findings of Fact and recommended Conditions of Approval.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from Planning Staff and the Planning Board, approve WCUP 20-72, the Findings of Fact in the staff report and the twelve conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item is a quasi-judicial matter.

- c) [Consideration](#) of a request from Blackstar Partners, LLC for a Conditional Use Permit for a bar/tavern and expanding a microbrewery facility, located at 2 Central Avenue, zoned WB-3 (General Business District) (WCUP 20-06) (p.171)

From Director Dave Taylor's transmittal report.

Summary of Requested Action: Blackstar Partners LLC, with technical assistance from Montana Creative, is requesting a Conditional Use Permit in order to permit and expand an existing bar/lounge and enlarge the structure housing a microbrewery at 2 Central Avenue. The property is zoned WB-3 (General Business District). The Whitefish Growth Policy designates this property as 'Core Commercial'. The property is currently developed with a three-story commercial building.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to eleven (11) conditions set forth in the attached staff report.

Public Hearing: No members of the public, other than the applicant, spoke at the April 16, 2020 public hearing. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met via teleconference on April 16, 2020 and considered the request. Following the hearing, the Planning Board moved to recommend approval of the project, and the motion was approved unanimously.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from Planning Staff and the Planning Board, approve WCUP 20-06, the Findings of Fact in the staff report and the eleven (11) conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item is a quasi-judicial matter.

- d) [Emergency Ordinance No. 20-](#) ; An Emergency Ordinance of the City of the City of Whitefish, Montana, amending Emergency Ordinance Nos. 20-04 and 20-06 to clarify rules for public participation in remote meetings, waiving a second reading (Only Reading) (p.209)

From City Attorney Angie Jacobs staff report.

Introduction/History

On March 16, 2020, the City adopted Ordinance No. 20-04 with the purpose of reducing the spread of COVID-19. At the time Ordinance No. 20-04 was adopted, the City had little or no direction or guidance from the state or other cities regarding municipal operations during the COVID-19 emergency, including how to comply with Montana's "Sunshine Laws." As such, Ordinance No. 20-04 provided that in the event the Flathead City-County Health Department directed or suggested a moratorium on public gatherings, or in the event of a confirmed case of COVID-19 within Flathead County, City Council and Planning Board meetings would be cancelled through April 30, 2020.

On March 27, 2020, in response to a request lodged by local governments, the Montana Attorney General released a letter of advice clarifying how the "Sunshine Laws" should be applied during the COVID-19 emergency. The Attorney General opined that local government may conduct public meetings by electronic means during the emergency. He also approved guidelines for public meetings including: (1) cancelling all non-essential meetings; (2) limiting meetings to critical items only; (3) holding remote meetings; (4) noticing meetings as to inform the public of the method of which they will be held; and (5) providing remote communication systems that allow the reasonable opportunity for public comment.

In response, the City adopted Ordinance No. 20-06 which amended Ordinance No. 20-04 to allow Planning Board and City Council meetings to continue remotely. Ordinance No. 20-06 encouraged individuals to provide written comments and stated those written comments would be read into the record. The City also decided the Architectural Review Committee was essential and would hold meetings remotely.

Current Report

The City has now held two Planning Board meetings and two City Council meetings remotely through WebEx. While we have had a few technical glitches, the meetings have generally run fairly smoothly. However, prior to the last Council meeting, we received 67 written comments in response to the application for a Conditional Use Permit at 6045 Highway 93 South, many submitted just hours before the meeting. At the meeting, I opined the City was not required to read all 67 written comments into the record. The City has since received complaints from a few individuals that their comments were not read verbatim into the record.

Section 2-3-111, MCA, requires that the City provide the public a **reasonable** opportunity to submit comment, orally or in written form, prior to making a final decision. Nothing in state law requires that written comments submitted by the public be read verbatim into the record. Members of the public who wish to provide oral testimony in addition to written comments can do so through WebEx. Additionally, case law allows the Council to take reasonable measures to ensure that meetings are run in an efficient and orderly manner. *Denke v. Shoemaker*, 2008 MT 418, ¶¶ 49-50.

The proposed amendment to Ordinance Nos. 20-04 and 20-06 continues to encourage the public to submit written comments to the City Council, Planning Board and Architectural Review Committee. It provides that all comments received prior to the packet deadline will be included in the packet and available on the City's website. Comments submitted after the packet deadline up to an hour before the scheduled meeting will be provided to Council, Board and Committee members for their consideration and appended to the packet after the meeting. The proposed amendment sets a three-minute time limitation on "live" public comment via WebEx. Finally, it provides that at the end of "live" comment the City Clerk, or designee, will read the names and addresses of individuals who provided written comment and state whether they are in support of or opposition to the application/proposal that is being considered by Council, Board or Committee.

Financial Requirements/Impacts

There are no financial requirements or impacts associated with the proposed emergency ordinance.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from staff, adopt Emergency Ordinance No. 20-__; An Emergency Ordinance of the City of the City of Whitefish, Montana, amending Emergency Ordinance Nos. 20-04 and 20-06 to clarify rules for public participation in remote meetings, waiving a second reading.

This item is an administrative matter.

- e) [Emergency Ordinance No. 20-__](#); An Emergency Ordinance of the City Council of the City of Whitefish, Montana, amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities, waiving the second reading (Only Reading) (p.216)

From City Manager Dana Smith's staff report.

Introduction/History

In response to an alarming trend of individuals seeking refuge in small mountain communities from COVID-19 hotspots, the City Council adopted Ordinance No. 20-05 on April 5, 2020, prohibiting motels, hotels, and all other lodging facilities from accepting reservations and walk-ins for non-essential purposes through April 30, 2020. Ordinance No. 20-05 further required that all existing reservations for non-essential purposes through April 30, 2020 be cancelled and gave the City Manager the authority to extend the deadline.

On April 22, 2020, Governor Bullock issued a phased approach to reopen Montana, "Reopening the Big Sky," and issued a directive establishing conditions for "Phase One" of the plan. The directive provides that during Phase One, non-essential travel must be minimized. The directive also extended the requirement that all travelers that arrive in Montana from another state or country must self-quarantine for 14 days through the end of the emergency, unless modified by a subsequent directive.

In accordance with Ordinance No. 20-05 and the directive to minimize non-essential travel and extending quarantine requirements for travel from another state or country, Order 2020-01 (attached) was issued on April 23, 2020, extending the requirements of the Ordinance until May 10th. Order 2020-01 also provided for the City Council to hold a public hearing on May 4th to consider further extensions or modifications to Ordinance No. 20-05.

Current Report

After a detailed review of Governor Bullock's phased approach for reopening Montana and consideration of the safety of our citizens and the economic impact to our lodging facilities, a phased approach has been prepared in coordination with the Phases determined by Governor Bullock in the "Reopening the Big Sky" plan. Below is the proposed phased reopening plan for lodging facilities in Whitefish, which is also detailed in the amendments to Ordinance No. 20-05 in Exhibit A of the Emergency Ordinance.

City of Whitefish

Phased Reopening of Lodging Facilities

Phase One: All motels, hotels, short term rentals, and other lodging facilities are prohibited from accepting reservations and walk-ins for non-essential purposes during the COVID-19 emergency

for dates of service from the effective date of the Emergency Ordinance through Phase One of the "Reopening the Big Sky" with the duration of the Phase determined by Governor Steve Bullock. All existing reservations for non-essential purposes through Phase One must be cancelled.

Phase Two and Phase Three:

Montana Residents

All motels, hotels, short term rentals, and other lodging facilities may accept all reservations and walk-ins from Montana residents during Phase Two and Phase Three of the "Reopening the Big Sky" as determined by Governor Steve Bullock.

Out-of-State and Out-of-Country Residents

All motels, hotels, short term rentals, and other lodging facilities are prohibited from accepting reservations and walk-ins from out-of-state or out-of-country residents traveling for non-essential purposes until the directive issued by Governor Steve Bullock requiring that individuals traveling to Montana from another state or country self-quarantine for 14 days is lifted. All existing reservations for out-of-state and out-of-country residents traveling for non-essential purposes must be cancelled.

With the requirements for non-essential travel to be kept to a minimum and the mandatory quarantine for certain travelers extended, lodging restrictions are proposed to remain the same as originally required by Ordinance No. 20-05 during Phase One.

As we transition into Phase Two, at the direction of Governor Bullock, minimization of non-essential travel is no longer required, with the exception of vulnerable individuals who should continue to adhere to the stay at home guidance. Phase Two continues the mandatory quarantine for certain travelers coming into Montana from another state or country. Therefore, it is recommended that during Phase Two lodging facilities may provide accommodations to Montana residents for both essential and non-essential purposes, but out-of-state and out-of-country residents may only be provided accommodations for essential purpose, defined in Ordinance No. 20-05.

In the final Phase of the Governor's plan, all travel restrictions appear to be removed. While reviewing the "Reopening the Big Sky" plan, I noted that Phase Three had no restrictions or mention of travel. However, it does not directly state that the mandatory quarantine for certain travelers coming into Montana from another state or country will be lifted during Phase Three. Therefore, the proposed reopening plan continues to allow Montana residents to stay at lodging facilities for essential and non-essential purposes during Phase Three. Lodging facilities will continue to be prohibited from providing accommodations to out-of-state or out-of-country travelers only for non-essential travel until the mandatory quarantine directive is lifted by the Governor. With this phased approach, out-of-state or out-of-country visitors traveling for non-essential purposes may be able to stay in Whitefish lodging facilities during Phase Three, a subsequent directive, or not until when the emergency ends.

Financial Requirement

There is no financial requirement.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from staff, adopt Emergency Ordinance No. 20-__; An Emergency Ordinance of the City Council of the City of Whitefish, Montana, amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities, waiving the second reading (Only Reading).

This item is an administrative matter.

COMMUNICATIONS FROM FINANCE DIRECTOR

- a) [Resolution No. 20-__](#); A Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the internal revenue code (p.226)

From Finance Director Ben Dahlman's staff report.

Introduction/History

Increasing demands are being placed on the City's water treatment plant (WTP). The WTP treats water from Haskill Creek and Whitefish Lake using conventional filtration and disinfection. The existing WTP firm capacity is 3.0 MGD. DEQ has determined that future connections to the City water system necessitate treatment capacity expansion. The City has chosen a WTP expansion that will increase capacity to 5.0 MGD with the ability to increase to 7.0 MGD in the future.

The WTP will initially be expanded with site work, a building addition, new filter equipment, piping, valves, instrumentation, transfer pump, plumbing, HVAC, electrical, and controls to the 5.0 MGD capacity. Other improvements include a raw water intake pump and backup power, 3,000 feet of 8" sanitary sewer, and 2,900 feet of 24" water main.

The City has incurred preliminary design and engineering costs for the WTP. City Council also recently approved the purchase of equipment to be used for the planned facility and the City is expecting additional expenditures to occur in 2020 to prepare for construction. While we do not have confirmation, a State Revolving Fund (SRF) Water Revenue Bond application has been prepared and if approved will be a significant financing mechanism for the project. Additionally, a portion of the project will be cash funded. Water revenues will be the primary source of repaying the financing for this project.

Current Report

Using the SRF loan as a financing tool requires certain practices to be followed to remain compliant with federal tax-exempt bond regulations which apply to the proposed bond issue financing. The City's Bond Counsel, Dorsey & Whitney, LLP, has prepared the accompanying Reimbursement Resolution to address one of those regulations that allows the City to spend funds prior to the issuance of bonds and then be reimbursed for eligible expenditures. There are federal "safe harbor" and "de minimus" regulations which allow spending before bond issuance for most engineering fees. However, most bond issuers (state or cities) address advanced spending of bond proceeds to by approving a Reimbursement Resolution.

Estimated project costs and amount expected to be financed was required for the Reimbursement Resolution. Staff, the City's Engineering Firm, and Bond Counsel discussed

the estimated costs to be financed including design, engineering, construction, bond issuance costs, and bond reserves. These figures are only estimates at this time and will become more accurate as the project continues to move forward.

Financial Requirement

There is no financial requirement at this time.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 20-__; A Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the internal revenue code

This item is an administrative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.232)
- b) Other items arising between April 29th through May 4th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

ADJOURNMENT

Sincerely,

Dana Smith
City Manager, CPA

Table 1: Common Motions Used in a Meeting.¹

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Privileged Motions							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No
Subsidiary Motions							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. . ."	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed"	No	Yes	Yes (16)	No	Majority	(4)
Main Motions							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
Incidental Motions (11)							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing ... can be considered separately."	No	Yes	No	Yes	Majority	No
Renewal Motions (8)							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

¹ Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

*** Refer to Robert's Rules of Order Newly Revised**

- (1) The chair decides. Normally no vote is taken.
- (2) Only made by a member who voted on the prevailing side and is subject to times limits.
- (3) Only the negative vote may be reconsidered.
- (4) Only the affirmative vote may be reconsidered.
- (5) Debatable when applied to a debatable motion.
- (6) Majority with notice, or 2/3 without notice or majority of entire membership.
- (7) Majority or tie vote sustains the chair.
- (8) None of these motions (except Reconsider) are in order when business is pending.
- (9) Rules of order, 2/3 vote—Standing rules, majority vote.
- (10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).
- (11) The Incidental Motions have no precedence (rank). They are in order when the need arises.
- (12) A Main Motion if made when no business is pending.
- (13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.
- (14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.
- (15) Upon a call by a single member, the Orders of the Day must be enforced.
- (16) Has full debate. May go into the merits of the question which is the subject of the proposed action.
- (17) A 2/3 vote in negative needed to prevent consideration of main motion.

(This page left blank intentionally to separate printed sections)

**OUR LAKE
OUR FUTURE**
Whitefish Lake
**AQUATIC INVASIVE SPECIES
MANAGEMENT PROGRAM**

FY20 Summary Report and FY21 Budget Request



Prepared by:



550 East 1st Street #103
Whitefish, MT 59937

Prepared for:



P.O. Box 158
Whitefish, MT 59937

10 April 2020

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	HISTORICAL PROGRAM TASKS.....	2
3.0	FY21 BUDGET REQUEST & TASK ITEM DESCRIPTIONS	2
3.1	Beaver Lake Eurasian Watermilfoil (EWM) Management.....	2
3.2	Early Detection Monitoring (Microscopy and eDNA).....	3
3.3	Early Detection Snorkel Survey of Whitefish Lake.....	3
3.4	Program Administration and Reporting.....	7
4.0	What's New in FY21.....	4
4.1	2020 WLI Initiatives.....	4
5.0	2019 Whitefish AIS Program <i>OUR LAKE OUR FUTURE</i> Summary Statistics.....	5
6.0	Literature Cited	10
Appendix I	Montana FWP Statewide Watercraft Inspection Station Data.....	14
Appendix II	City of Whitefish AIS Management Program Budget Summary FY14-FY20.....	15
Appendix III	Our Lake Our Future 2020 Inspection Algorithm.....	18
Appendix IV	Eurasian Watermilfoil and Dreissenid Mussel eDNA reports.....	20

List of Figures & Tables

Figure 5.0.1	All Station Whitefish AIS Activity, 2019	6
Figure 5.0.2	All Station Whitefish Inspection / Exit Seal Relationship, 2017-2019	6
Figure 5.0.3	Monthly and Total Inspections and Exit Seal Removal, 2019	7
Figure 5.0.4	Exit Seal Application and Removal by Station, 2017-2019	7
Figure 5.0.5	Self-Certifications by Type, 2017-2019	8
Figure 5.0.6	Preventative Decontaminations, 2017-2019.....	8
Figure 5.0.7	Monthly and Total Preventative Decontaminations Performed in 2019.....	9
Table 3.0.1	FY21 Our Lake, Our Future: WLI Budget Request	2
Table 3.0.2	FY21 WLI Prevention & Decontamination Station Cost-Share.....	2
Table 3.1.1	Beaver Lake EWM Removal Summary 2012-2019.....	3
Table 3.2.1	List of Waterbodies to be Sampled for eDNA Analysis in 2021.....	3
Table 5.0.1	Key program summary data, 2019.....	5

1.0 Introduction

In 2013, the City of Whitefish began support of an Aquatic Invasive Species (AIS) Management Program as recommended by the Whitefish Lake Institute (WLI). The purpose of the program is to prevent the transfer of AIS to local waterbodies by utilizing various tools, including; early detection and monitoring, watercraft inspections and preventative decontamination of high-risk watercraft, public education, among others. Over time, the program has been successful in preventing the transfer of AIS to local waterbodies while building a stronger coalition of partners to address the issue.

In late 2016, dreissenid mussel larvae were found in Tiber Reservoir, east of the Continental Divide. In response, the Whitefish program became far more robust in 2017, including; watercraft inspection stations at both Whitefish City Beach and Whitefish Lake State Park and expanded season and hours, a prevention decontamination station, a self-certification process for lower risk watercraft, and public outreach activities and materials.

In 2018, the Whitefish AIS program re-branded to *Our Lake Our Future: Whitefish Lake Aquatic Invasive Species Management Program*. Additionally, Montana Fish, Wildlife & Parks (FWP) implemented a statewide inspection station data reporting application (via a tablet) to consistently capture data at all stations. All statewide program information is now found in an annual report (Montana FWP, 2019) and can be found in Appendix I.

In 2019, the Whitefish AIS Prevention and Decontamination Station was moved from Highway 93 South to the City Beach over-flow parking area. It was determined that this location would provide a permanent station solution and would reduce inconvenience to the boating public in need of the decontamination service. The City of Whitefish and WLI signed an MOU to describe the partnership. The City of Whitefish took over staffing and daily management of the station from WLI. This provided a cost-savings to WLI. In return, WLI continues ownership of the decontamination station and provides insurance, supplies, fuel, repairs, and on-going maintenance. In addition, WLI annually supports a portion of the financial staffing cost of the station for \$15,000.

Additionally in 2019, Montana Fish, Wildlife & Parks passed rule 12.5.709 requiring vessels and equipment traveling into the Flathead Basin that have been used on waters outside of the Flathead Basin be inspected at a department inspection station prior to launching within the Flathead Basin.

The *Our Lake Our Future: Whitefish Lake Aquatic Invasive Species Management Program* is vital to prevent AIS from affecting the ecological integrity of area waterbodies, the municipal drinking water supply, and the local economy. Nelson (2019) estimated the economic damages of invasive mussels to Montana at up to \$234 million per year. The figure reflects the direct mitigation costs and revenue lost to affected stakeholders. Not included in the study were indirect costs, such as; ecological damages to native species, lost jobs, and the personal and cultural benefits people derive from lakes and rivers. A full-cost accounting of the direct and indirect costs would far exceed \$234 million.

Resource management partners involved in the *Our Lake Our Future: Whitefish Lake Aquatic Invasive Species Management Program* include; Whitefish Lake State Park, Montana FWP, and Montana DNRC. Many community partners also support, or have supported the program including; Whitefish Community Foundation, Krummholz Fund (Joe & Cindy Gregory) and Tom and Teresa Quinn Fund both through the Whitefish Community Foundation; Don K Chevrolet, Flathead Conservation District, Glacier Nordic Club, The Lodge at Whitefish Lake, Whitefish County Water District, and Whitefish Marine & Powersports. The many and diverse partnerships greatly enhance our collective ability to prevent the deleterious effects of an AIS infestation in the Whitefish area.

2.0 Historical Program Tasks

Each year since 2013, the *Our Lake Our Future: Whitefish Lake Aquatic Invasive Species Management Program* has included specific task items recommended by WLI to reduce the threat of AIS to Whitefish area waterbodies. WLI and city staff have worked collaboratively to maximize management and financial efficiencies. The program is adaptive based on new information and the ability to leverage partnerships to strengthen our protection against AIS. Certain task items have remained consistent from the beginning of the program such as a watercraft inspection station at Whitefish City Beach, early detection monitoring for AIS, and control/eradication of Eurasian Watermilfoil (EWM) in Beaver Lake. Appendix II displays historic budget summary tables for the program.

3.0 FY21 Budget Request & Task Item Descriptions

The following tables represent program line items for WLI to complete and/or coordinate for *Our Lake Our Future: Whitefish Lake Aquatic Invasive Species Management Program* in FY20. Table 3.0.1 displays services recommended for completion by WLI and paid by the City. Each line item is described in Sections 3.1-3.4.

Table 3.0.1. FY21 *Our Lake, Our Future*: WLI Budget Request.

Task	Amount
Beaver Lake EWM Monitoring & Control (includes suction dredging activities)	\$1,000
eDNA Sample and Analysis	\$4,500
Snorkel Survey of Whitefish Lake	\$500
Program Administration & Reporting	\$1,000
Total	\$7,000

The final program cost to the City includes other expenditures by city departments not listed herein. Those costs include, but are not limited to, staffing costs, marketing collateral, signage, seals, stickers, etc.

Table 3.0.2 shows the WLI cost-share to the program for prevention and decontamination station operations.

Table 3.0.2. FY21 WLI Prevention & Decontamination Station Cost-Share.

Task	Budget
Station Staffing (per city MOU)	\$15,000
WLI Staff Time	\$2,000
Decontamination Station Fuels	\$200
Decontamination Station Supplies	\$500
Maintenance including winterization	\$500
Insurance	\$1,500
Total WLI Project Cost-Share	\$19,700

3.1 Beaver Lake Eurasian Watermilfoil (EWM) Management

The Beaver Lake EWM control/eradication effort began in 2012 as a multi-agency cooperative effort by deploying bottom barriers near the boat ramp. The bottom barriers were successful in eradicating the largest population patches of the infestation. After the bottom barrier effort, WLI and the City of Whitefish began suction dredge operations via a contractor to control/eradicate isolated patches of EWM. Suction dredging involves a diver identification survey of single plants or plant communities and then suction dredging the plants from the roots to prevent fragmentation. In 2018, diver surveys found no EWM in Beaver Lake indicating that EWM management efforts in Beaver Lake had been highly effective. In 2019, Montana FWP assumed management of the Beaver Lake EWM issue with support of WLI staff. Montana FWP divers found a small number of EWM plants and utilized a WLI suction dredger to remove them. After suction dredging, Montana FWP also installed bottom barriers supplied by WLI near the boat ramp. WLI continues to maintain a sediment curtain near the lake outlet to Beaver Creek to minimize the potential for downstream drift of plant fragments to Beaver Creek and Whitefish Lake.

Table 3.1.1. Beaver Lake EWM Removal Summary, 2012-2019.

Year	EWM Removed (lbs)*	Number of Plants
2012	23.5	No data available
2013	5	No data available
2014	<1	No data available
2015	<1	15
2016	<0.25	5
2017	<0.25	2
2018	No plants found	No plants found
2019	No data available	12

*Fresh weight

3.2 Early Detection Monitoring (Microscopy and eDNA)

The Northwest Montana Lakes Volunteer Monitoring Network, coordinated by WLI, collects water quality and AIS information at 41 program lakes in Northwest Montana, many in the Whitefish area. The program collects early detection microscopy samples for the presence/absence of dreissenid mussel veliger (larvae). Microscopy samples are analyzed by the Montana FWP lab in Helena. This technique is the standard for early detection monitoring because it allows for identification of an individual organisms. However, this technique is limited to a seasonal window based on dreissenid mussel life-cycles.

Environmental DNA (eDNA) analysis offers a complimentary detection technique without the need to identify an actual individual plant or animal, and samples can be collected throughout the year. The *Our Lake Our Future* Program utilizes eDNA analysis conducted by the University of Montana for dreissenid and EWM only. This early detection technique is still being refined and there remains concerns over false positives. Results from 2019 revealed no dreissenid mussels in any samples. Beaver Lake samples tested positive for EWM. The list of lakes proposed for sampling in FY20 appear in Table 3.2.1. Only Whitefish area waterbodies are sampled for eDNA.

Table 3.2.1. List of waterbodies to be sampled for eDNA analysis in FY21.

Waterbody	Number of Samples	
	Summer	early Fall
Whitefish	12	6
Beaver	3	3
Blanchard	2	2
BNSF Impoundment Outlet near Beaver Bay	1	1
Total Samples	30	

3.3 Early Detection Snorkel Survey of Whitefish Lake

An AIS early detection snorkel survey of Whitefish Lake targets select littoral areas of the lake with a high potential for dreissenid mussels or EWM infestation. The snorkel survey consists of a diver supported by a research vessel during the growth season for dreissenid mussels and EWM.

3.4 Program Administration and Reporting

Each year, WLI provides an *Our Lake Our Future: Whitefish Lake Aquatic Invasive Species Management Program* report detailing activities from the previous year and a proposed plan and budget for the next year. The report includes information that can be used to communicate program specifics to the public and data to inform the decision making process. Additionally, WLI is active in meetings, trainings and communications with city staff and other project partners throughout the year.

4.0 What's New in FY21

All project partners agree that the first three years of the *Our Lake Our Future: Whitefish Lake Aquatic Invasive Species Management Program* has been a very successful. The program is often cited statewide at conferences and meetings as a successful collaborative program at the local level. User data found in Section 5.0 shows that the public has an increased understanding of how the program operates, which equates to better compliance and protection. Changes to the program in FY21 will focus on adding value to the public interface and user convenience, and include:

- **Exit Seals**—New exit seal color (blue) to reduce confusion with the inspection seal (white).
- **Late Boater Program**—A boater can request an orange seal from inspection staff if they will exit the lake after 10pm. The seal will be self-applied and must be accompanied with the short version of the inspection form. The user must return to Whitefish Lake within 24 hours to avoid inspection/decontamination.
- **Inclement Weather Program**— Staff is not required to seal boats during an active thunderstorm. Boaters can come to the inspection station and ask for an orange seal that they can apply to their boat. The seal must be dated, initialed and entered into the seal log. The boater must return within 24 hours to receive an exit seal.
- **Non-Motorized Hand-launched Sticker Program**— Stickers for non-motorized users will now be valid for five years instead of the current annual requirement. Users will now only have to take the test every five years for these lower risk watercraft types.
- **City Beach Inspection Station Operation Hours**— The City Beach Inspection Station will open later at 7am all season long.
- **New Prevention and Decontamination Station Building**—Montana FWP is donating an inspection building to the City. The building and site improvements will occur at the City Beach Overflow Parking Area and will service prevention and decontamination needs, including storage for all materials needed for decontaminations, and off-season storage for the decontamination unit.

4.1 2020 WLI AIS Initiatives

Each year, WLI undertakes initiatives to complement The *Our Lake Our Future: Whitefish Lake Aquatic Invasive Species Management Program*. WLI is working on the following projects in 2020:

- **DNRC AIS Grant for Prevention & Decontamination Station**— On April 9, WLI was awarded a Montana DNRC grant to provide infrastructure needs for the permanent Prevention & Decontamination site location at the City Beach Overflow Parking Area. Task items for the grant include- planning and permitting, site improvements, placement of a permanent building, interior work, station supplies, replacement parts, and signage. Montana FWP has donated the actual Prevention and Decontamination Station building and will be delivering it to the site on April 29, 2020.
- **Whitefish Lake Economic Analysis**— In late 2019, WLI received a grant from the Cadeau Foundation for “A Study to Determine the Economic Impact of an Aquatic Invasive Species Invasion in Whitefish and Flathead Lakes.” WLI has contracted an economist at the Flathead Lake Biological Station to conduct the study. By applying economic research to both the largest lake (Flathead) and a headwaters lake (Whitefish)

in the watershed, we will gain a holistic representation of the potential economic impacts of an AIS infestation to the region.

- **eDNA Sampling of Additional Nearby Waterbodies**— In late 2019, WLI received a U.S. Forest Service Resource Advisory Committee grant to conduct eDNA sample collection on nearby waterbodies in 2020, including; Ashley Lake, Hungry Horse Reservoir, Tally Lake and Upper Stillwater Lake.
- **Volunteer Programs**— WLI administers and coordinates the Northwest Montana Lakes Volunteer Monitoring Network (NWMTLVMN) that engages citizen scientists to collect water quality data on 41 lakes in northwest Montana, and includes early detection monitoring (ocular and dreissenid microscopy sample collection). WLI was also awarded a contract by the Upper Columbia Conservation Commission to develop and coordinate the Upper Columbia Lakes Network (UCLN) that trains new watershed groups and supports existing groups in AIS early detection monitoring in the Montana portion of the Columbia River Basin.

5.0 2019 Whitefish AIS Program *Our Lake Our Future* Program Summary Statistics

Table 5.0.1 displays key program summary data for 2017-2019. Program components are presented in Figures 5.0.1 - 5.0.7.

Table 5.0.1. Key Program Summary Data, 2017-2019.

	2017	2018	2019
Watercraft Inspected	3,369	2,279	1,728
Preventative Decontaminations Performed	126*	215	159
Number of Exit Seals Removed	3,054	3,645	3,687
Total Number of Watercraft Visits at All Stations	6,549	6,139	5,574
Number of Exit Seals Attached	2,856	4,912	4,906
Number of Self-Certifications	501	710	687

*The decontamination station was not operational until July 19, 2017, after Montana FWP and the City of Whitefish signed an MOU.

In 2018 and 2019, there was a decline in the number of watercraft inspected and the total number of watercraft visits as compared to 2017. The most likely reason for the decline in total numbers were poor weather conditions in May and early June. Exit seal attachment and removal increased in 2018 and 2019 and show a greater proportion related to inspections (Figure 4.0.2). The increased efficiency of the exit seal program is most likely due to the education of the boating public and their understanding of the system after the first years of implementation. The success of exit seals reduces wait time for watercraft owners at the inspection stations and creates staff efficiency.

Preventative decontaminations were performed on 9.4% in 2018 and 9.2% in 2019 of all watercraft inspected. High-risk watercraft include; watercraft that have ballast tanks/bags not out of water for 30 days, watercraft from a mussel infested state or waterbody not out of water for 30 days, a watercraft with unverified standing water, or a watercraft that is too dirty to inspect. The inspection key algorithm can be found in Appendix III.

Issuance of non-motorized self-certification stickers increased in 2018 and 2019 following the first year of the program on-going public education efforts (Figures 4.0.5). Additionally, self-certifications became available to off-season users and early anglers in 2018. Montana summary statistics can be found in Appendix I and come from the Montana FWP website fwp.mt.gov.

Figure 5.0.1. All Station Whitefish AIS Activity, 2019.

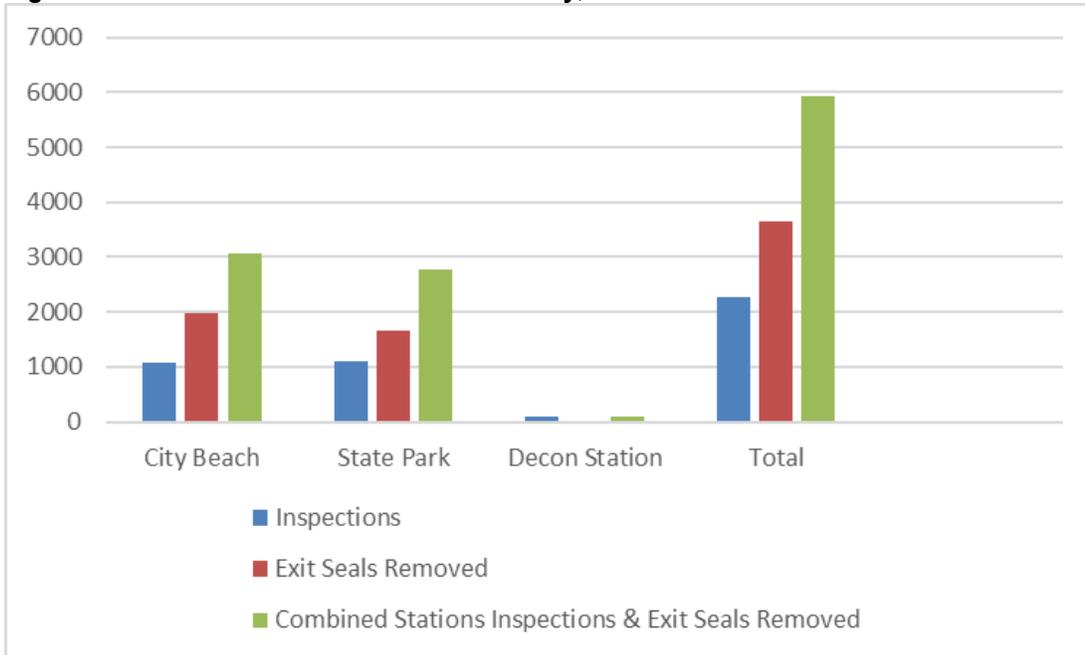


Figure 5.0.2. All Station Whitefish Inspection / Exit Seal Relationship 2017- 2019.

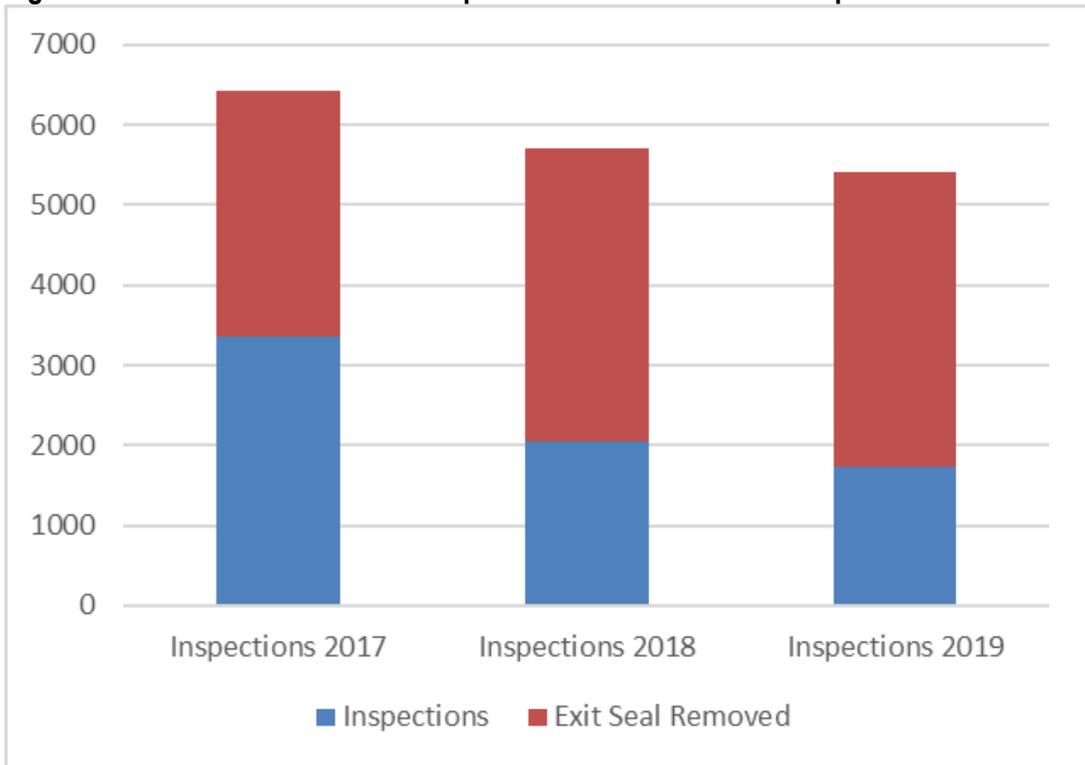


Figure 5.0.3. Monthly and Total Inspections and Exit Seal Removal in 2019.

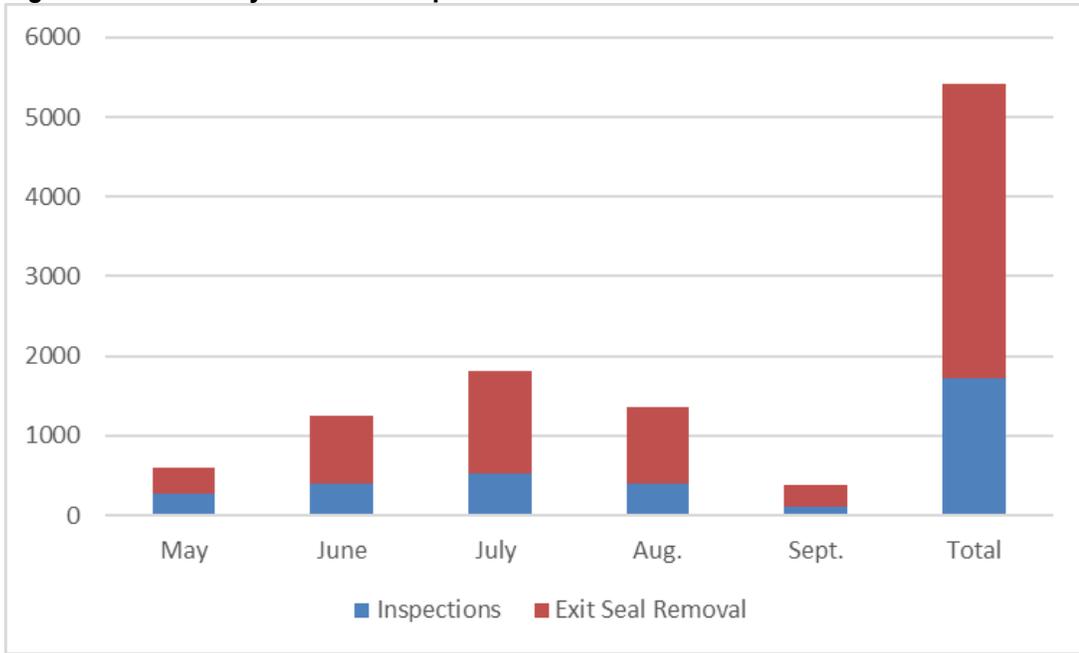


Figure 5.0.4. Exit Seal Application and Removal by Station, 2017-2019.

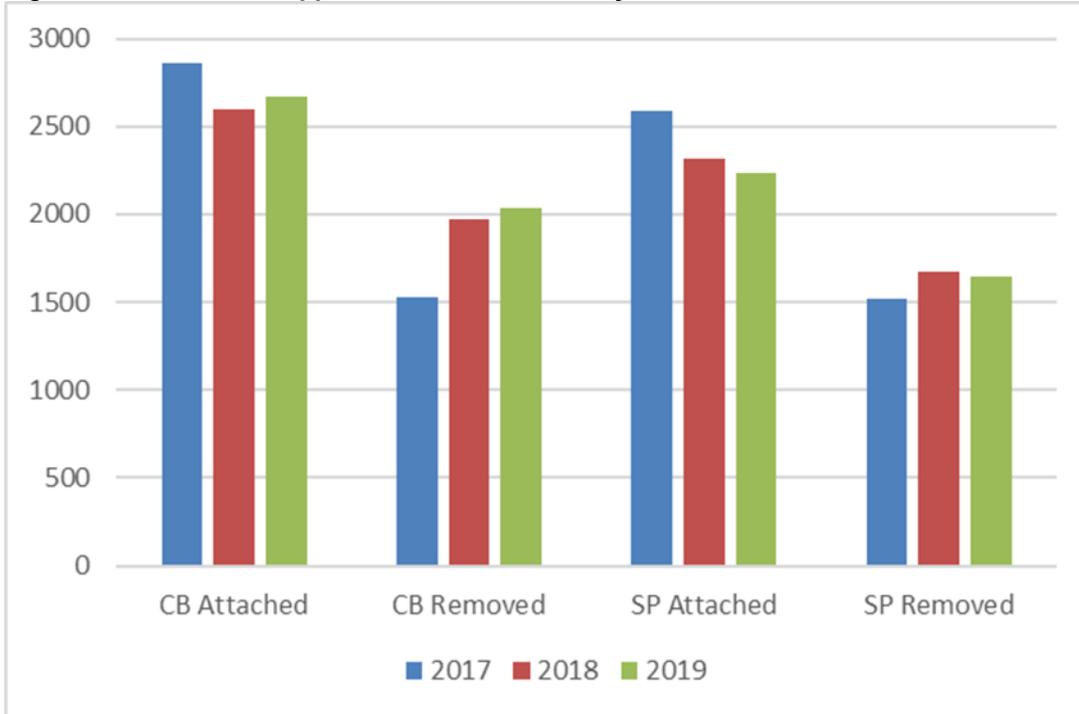
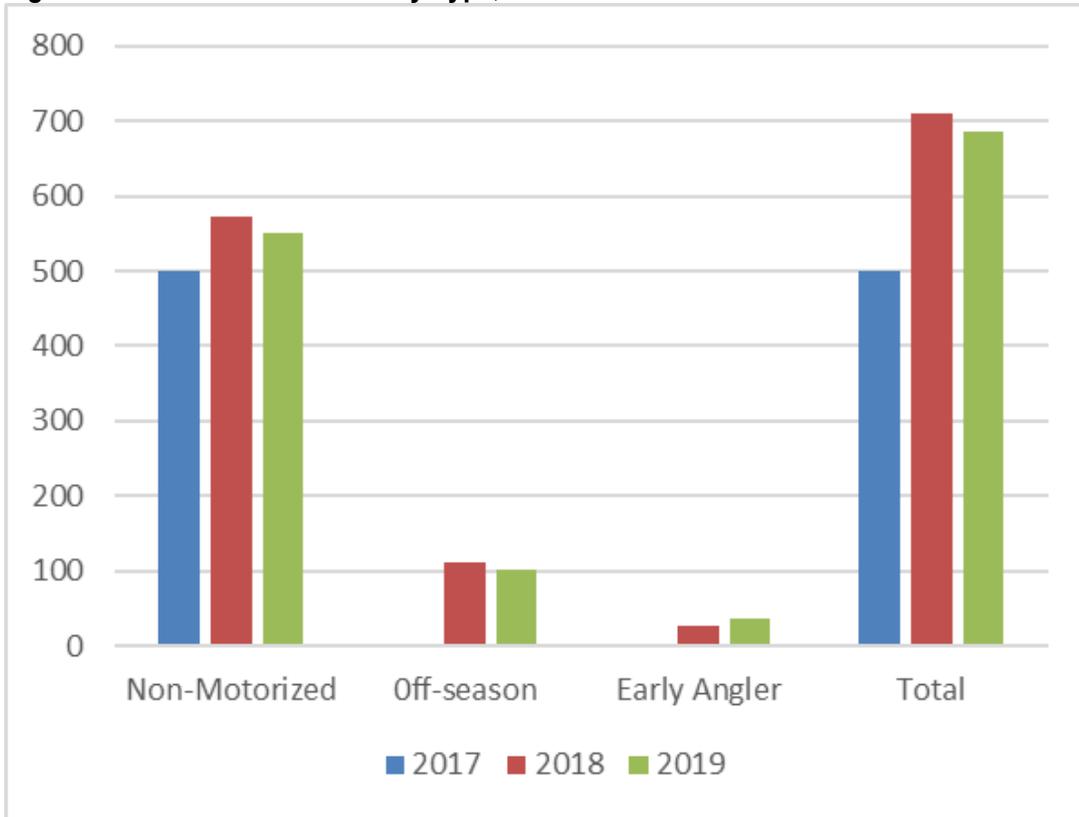
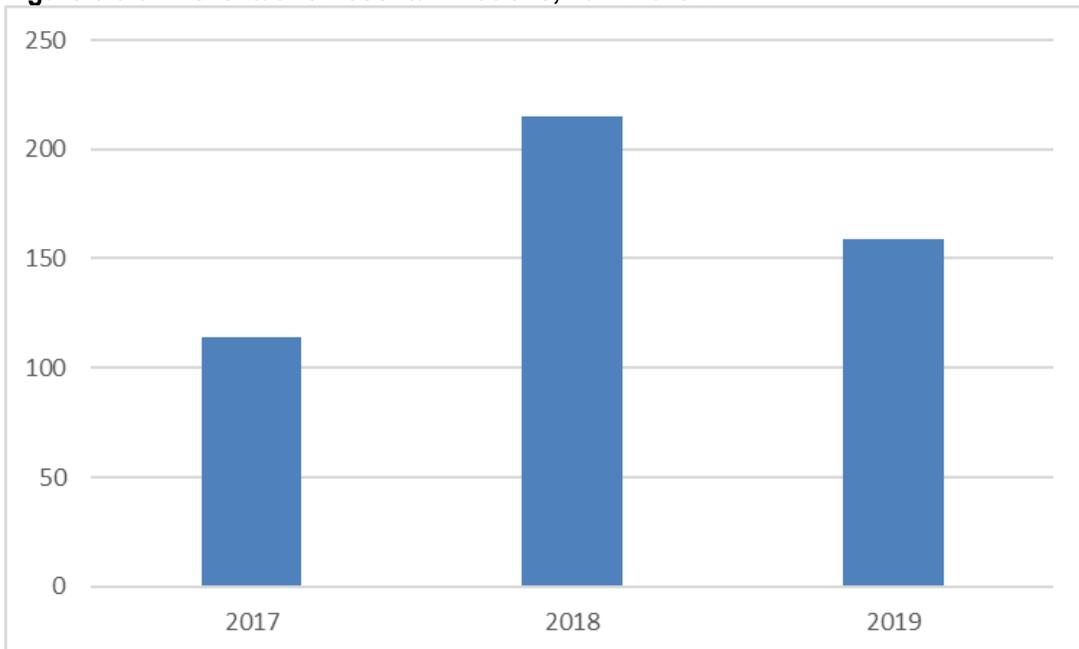


Figure 5.0.5. Self-Certifications by Type, 2017-2019*.



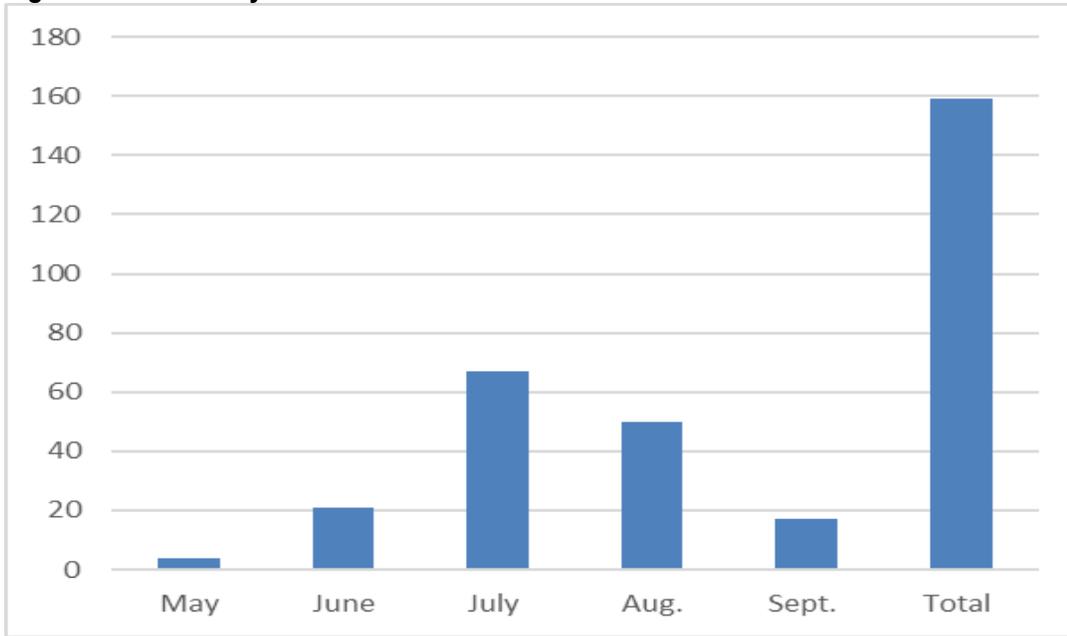
*Off-season and Early Angler programs implemented in 2018.

Figure 5.0.6. Preventative Decontaminations, 2017-2019*.



*In 2017, preventative decontaminations began on July 19, after an MOU was signed between Montana FWP and the City of Whitefish.

Figure 5.0.7. Monthly and Total Preventative Decontaminations Performed in 2019.



The *Our Lake Our Future* program provides a solid plan of defense against AIS in Whitefish. For this program to continue, it will take the continued leadership by City Council and dedication by city staff, and for WLI to galvanize other project partners and funding opportunities. AIS prevention efforts in Whitefish must also coordinate with broader state and regional efforts to protect our water quality and the local economy.

6.0 Literature Cited

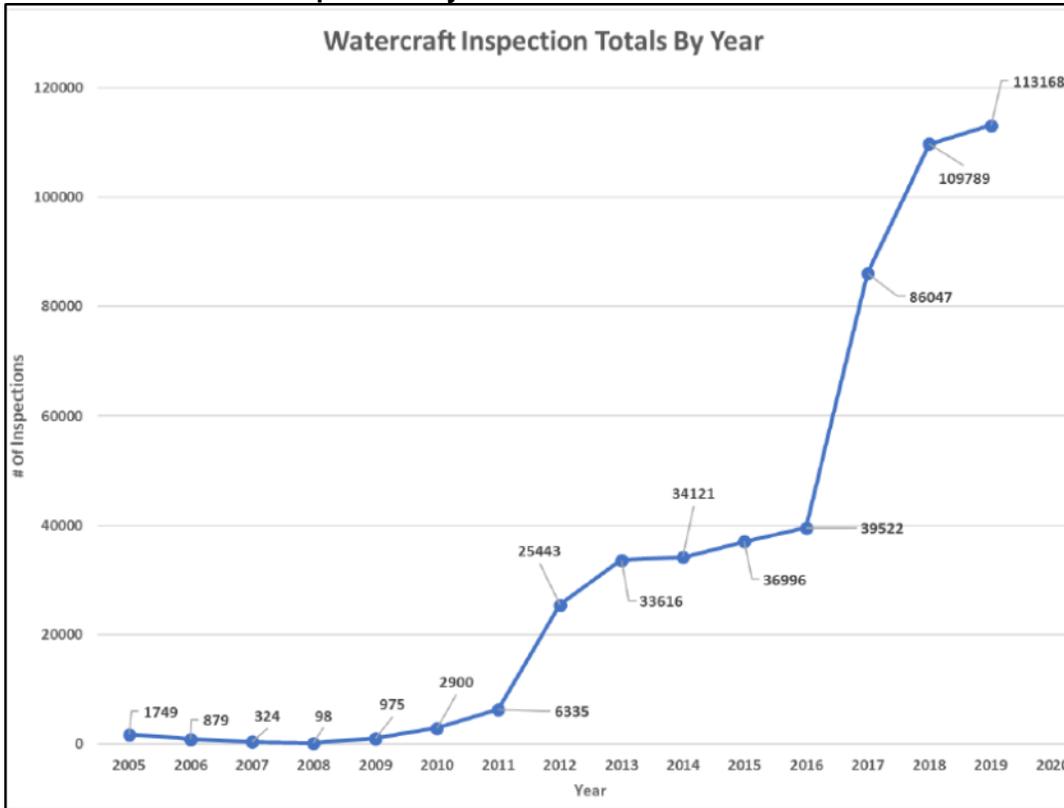
Montana Fish, Wildlife & Parks (2019). Watercraft Inspection Station Annual Report, 2019. Montana Fish Wildlife & Parks, Helena, Montana.

Nelson, Nanette (2019). Enumeration of potential economic costs of dreissenid mussels infestation in Montana. Flathead Lake Biological Station, University of Montana, Missoula, Montana.

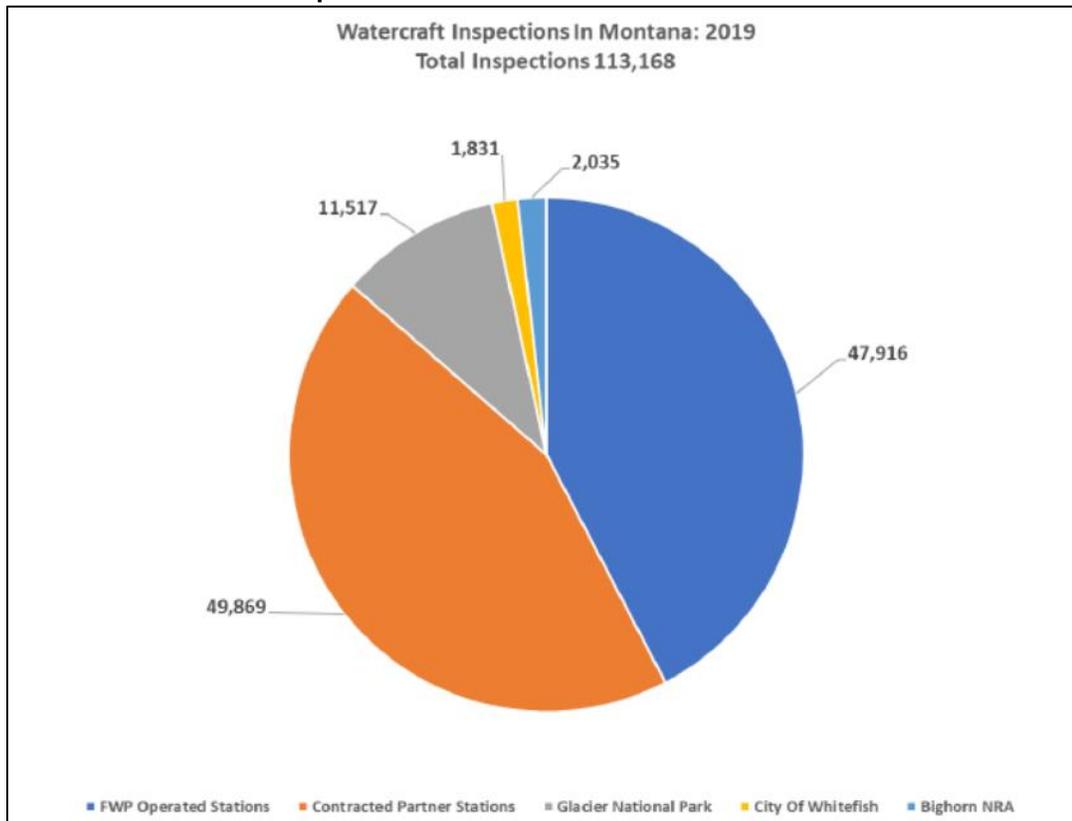
Appendix I

Montana FWP Statewide Watercraft Inspection Station Data

Number of Watercraft Inspections by Year in Montana



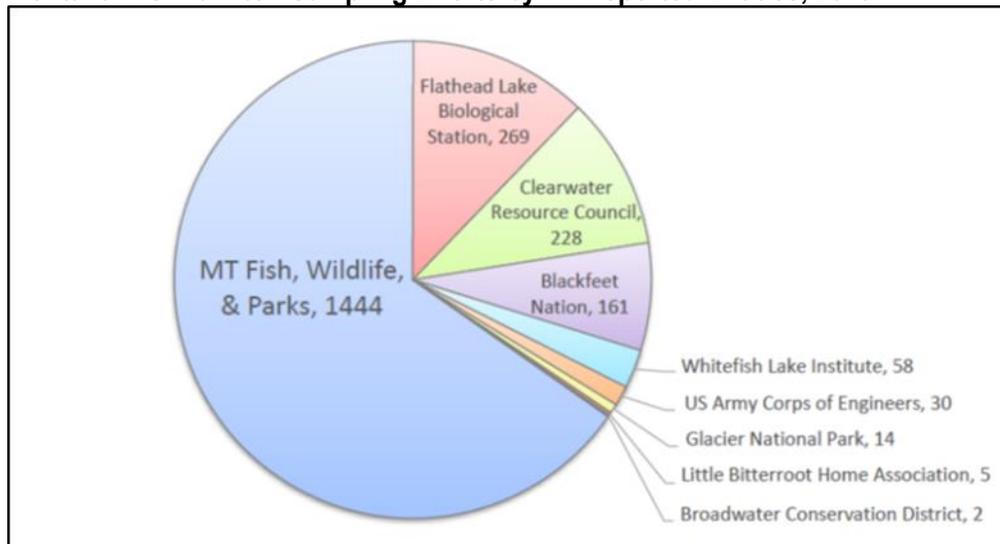
Number of Watercraft Inspected Statewide in 2019.



Montana AIS Stations and High Risk Findings, 2019.

Station	Out-of-State	In-State	Total	Zebra / Quagga Mussels	Vegetation	Standing Water	Illegal Bait	Illegal Fish	Total Observed
Border Stations									
Nashua	558	1535	2093	0	0	6	0	0	6
St. Regis	4166	1409	5575	0	35	32	0	0	67
Dillon	2165	599	2764	3	0	17	0	0	20
Eureka	1537	275	1812	0	1	4	0	0	5
Hardin	2561	3378	5939	4	5	42	0	1	52
Seville (Blackfeet Nation)	141	332	473	0	0	3	0	0	3
Troy	2196	3500	5696	0	21	39	0	5	65
Wibaux	929	428	1357	1	4	9	0	0	14
Continental Divide Stations									
Anaconda	2008	3579	5587	4	25	109	0	0	138
Browning (Blackfeet Nation)	1969	1953	3922	0	13	27	0	0	40
Highway 12 Helena	953	3169	4122	1	1	34	0	0	36
Sula	681	670	1351	0	1	21	0	0	22
Interior Stations									
Clearwater Junction (MSLA County)	2746	18675	21421	0	6	32	0	1	39
Broadus (PRCD)	194	33	227	0	2	22	0	0	24
St. Xavier (BCCD)	285	1035	1320	0	0	1	0	0	1
Flowing Wells (GCCD)	764	1695	2459	2	2	40	0	0	44
Fresno Reservoir	31	825	856	0	1	89	0	0	90
Ravalli (CSKT)	3310	10724	14034	1	14	37	0	0	52
Plains (CSKT)	639	2589	3228	0	35	15	0	0	50
Whitefish Lake (WU)	260	1571	1831	0	5	61	0	0	66
Parks									
Bighorn NRA Fort Smith (NPS)	1031	1004	2035	0	0	1	0	0	1
Tongue River Reservoir State Park	1105	1499	2604	0	1	29	0	0	30
Glacier National Park (NPS)	N/A	N/A	11517	0	N/A	N/A	N/A	N/A	0
Roving									
Swan Roving	76	616	692	0	0	0	0	0	0
Regional and Area Offices									
Total All Offices	212	585	797	0	1	17	0	0	18
Canyon Ferry Reservoir									
Canyon Ferry Totals	367	7553	7920	0	10	4518	0	1	4529
Tiber Reservoir									
Tiber Totals	47	1489	1536	0	157	1168	0	0	1325
Totals	30,931	70,720	113,168	16	340	6373	0	8	6737

Montana AIS Plankton Sampling Efforts by All Reported Entities, 2019.



Appendix II

City of Whitefish AIS Management Program Budget Summary FY14-FY20

(Note: Beginning in FY18, tables only include those costs contracted to WLI and do not include city department costs)

FY14 City of Whitefish AIS Management Program Budget Summary.

Task	Amount
Support Coram Boat Inspection Station	\$20,000
Support FBC AIS Consultant	\$5,000
Beaver Lake EWM Monitoring & Control	\$5,000
Early AIS Plant Detection Monitoring and Survey of Whitefish Lake	\$5,000
eDNA analysis of select NWMTLVMN Lakes	\$5,000
Total	\$40,000

FY15 City of Whitefish AIS Management Program Budget Summary.

Task	Amount
Support Coram Boat Inspection Station	\$15,000
Beaver Lake EWM Monitoring & Control	\$5,000
Early AIS Plant Detection Monitoring and Survey of Nearby Lakes	\$7,500
eDNA analysis of select NWMTLVMN Lakes	\$7,500
City Beach Boat Inspection Station	\$5,000
Total	\$40,000

FY16 City of Whitefish AIS Management Program Budget Summary.

Task	Amount
Beaver Lake EWM Monitoring & Control	\$5,000
Early AIS Plant Detection Monitoring and Survey of Nearby Lakes via NWMTLVMN	\$5,000
eDNA Analysis of Local Lakes	\$5,000
City Beach Boat Inspection Station	\$10,000
Commercial Use Permit Program Implementation and Level II Training	\$5,000
Support Browning Boat Inspection Station	\$5,000
Total	\$35,000

FY17 City of Whitefish AIS Management Program Budget Summary.

Task	Amount
Beaver Lake EWM Monitoring & Control	\$5,000
Early AIS Plant Detection Monitoring and Survey of Nearby Lakes	\$6,000
eDNA Analysis of Local Lakes	\$5,000
City Beach Boat Inspection Station	\$7,000
Individual Use Permit Program Implementation	\$2,000
Coordinate and Plan Watercraft Inspection & Decontamination Program	\$3,000
2016 Annual Management Report Preparation	\$2,000
Total	\$30,000

FY18 City of Whitefish AIS Management Program Budget Summary.

Task	Amount
Decontamination Station Staffing	\$11,220
Beaver Lake EWM Monitoring & Control	\$2,500
eDNA Analysis of Local Lakes	\$3,000
Annual AIS Management Report Preparation	\$1,000
AIS Education & Outreach	\$6,019
Total	\$23,739

FY19 City of Whitefish AIS Management Program Budget Summary.

Task	Amount
Beaver Lake EWM Monitoring & Control	\$3,350
eDNA Sampling	\$5,000
Snorkel Survey of Whitefish & Beaver Lake	\$500
Program Reporting	\$1,000
Tablets and Coding	\$1,300
AIS Education & Outreach	
• Brochure & Sign Update	\$3,250
• Utility Mailing	\$700
Inspection Forms	\$512
Seals	\$1,100
Stickers	\$750
Total	\$17,462

FY20 City of Whitefish AIS Management Program Budget Summary.

Task	Amount
Beaver Lake EWM Monitoring & Control	\$1,500
eDNA Sampling	\$5,000
Snorkel Survey of Whitefish Lake	\$500
Whitefish AIS Rapid Response Plan	\$1,000
Program Administration & Reporting	\$1,000
Total	\$9,000

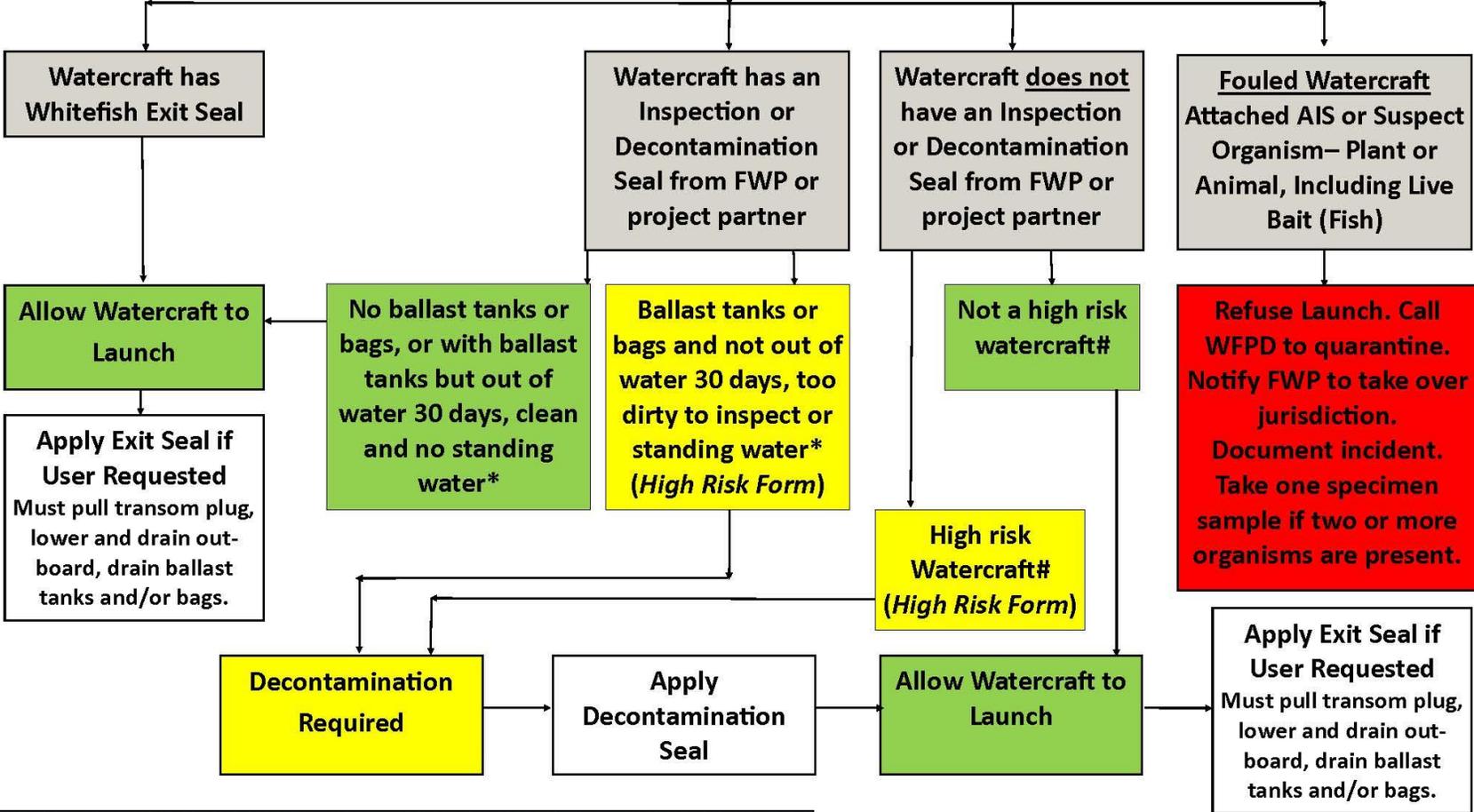
Appendix III

Our Lake Our Future Inspection Algorithm



Mandatory Inspection of Watercraft Prior to Launch

Transom plug must be out– remind owner to install after inspection.
Lower outboard motor to drain water– remind owner to raise after inspection.



- # High Risk Watercraft**
- Ballast Tanks/Bags not out of water 30 days
 - From Mussel Infested State or Waterbody not out of water 30 days
 - Any Unverified Standing Water*
 - Too Dirty to Inspect

*If, at the discretion of the inspector, standing water is determined to be caused by recent rain events, the interior of the watercraft must be drained and wiped dry. The inspection process can then be re-initiated without the watercraft being classified as high risk, provided no other high risk parameters are present.

Appendix IV

Eurasian Watermilfoil and Dreissenid Mussel eDNA Reports

2019 Water Sample Testing for Eurasian Watermilfoil: Environmental DNA for the Detection of Aquatic Invasive Species

ZOE DAHLQUIST, STEPHEN J. AMISH, CAROLINE MAUGHAN, AND GORDON LUIKART, Montana Conservation Genomics Laboratory, Flathead Lake Biological Station, Division of Biological Sciences, University of Montana, Missoula, MT

Introduction & Methods

We tested environmental DNA (eDNA) collected from July-September 2019 from four lakes for non-native Eurasian watermilfoil (*Myriophyllum spicatum*) and native northern watermilfoil (*Myriophyllum sibiricum*). In addition to testing for non-native milfoil, we test for closely related native milfoil because its detection indicates that effective sampling, preservation, and PCR amplification occurred.

We used a TaqMan real-time PCR (rt-PCR) species discrimination assay (Applied Biosystems) to test a total of 34 eDNA samples. These samples were collected using a plankton tow net. The threshold used for positive detection of milfoil is 100 copies of DNA per PCR reaction successfully amplified in at least two replicate reactions. This 100 copies is roughly equivalent to or less than the amount of DNA found in less than one eukaryotic cell. All sample handling, storage, and DNA extractions were conducted in a separate facility designated only for handling eDNA samples in order to prevent contamination by PCR amplification products.

A Custom Internal Positive Control (IPC) assay was used to differentiate true real-time PCR negatives, where no target DNA is present (e.g. Eurasian Milfoil DNA), from false negatives due to PCR inhibitors preventing amplification when target DNA is present. PCR inhibitors (e.g. naturally occurring compounds such as humic acid) can persist through the extraction process and prevent amplification of target DNA. Field samples that test negative for the target species' DNA due to PCR inhibition are identified by adding a known amount of IPC DNA to each sample before testing. The amount of PCR inhibitors in each field sample is then measured based on delayed amplification of IPC DNA relative to a control sample with no PCR inhibitors. If an amplification delay greater than 5 PCR cycles was observed in the field sample, it was diluted and re-tested.

Results & Discussion

Note that the statements below pertain only to the absence of Eurasian watermilfoil DNA in these SAMPLES. It is important to understand that negative results for SAMPLES do not definitively establish that Eurasian watermilfoil is absent from a given waterbody. 'No detection' results only increase our confidence that a waterbody is indeed free of Eurasian watermilfoil at the time of sampling. More sampling, with multiple methods including eDNA, can further increase our confidence. Nevertheless, these data make us cautiously optimistic that Whitefish, Tally, and Blanchard Lakes did not contain Eurasian watermilfoil at the time of sampling.

Preliminary results were provided October 5th 2019. The official results are as follows: We did NOT detect Eurasian watermilfoil in any samples collected from Whitefish, Tally, or Blanchard Lakes. However, we DID detect Eurasian watermilfoil in one sample collected from Beaver Lake in 2019 (Table 2). To further verify this presence of Eurasian milfoil DNA, we ran 6 more reps of the samples, 3 of which were diluted at a 1:3 ratio. This yielded only 2 of 9 reps amplifying, indicating a low concentration of the target DNA. This sampling site is near a known infestation of Eurasian milfoil where there has recently

**2019 Water Sample Testing for Dreissenid Mussels:
Environmental DNA for the Detection of Aquatic Invasive Species**

ZOE DAHLQUIST, STEPHEN J. AMISH, CAROLINE MAUGHAN, AND GORDON LUIKART, Montana Conservation Genetics Laboratory, Flathead Lake Biological Station, Division of Biological Sciences, University of Montana, Missoula, MT

Introduction & Methods

We tested for aquatic invasive zebra and quagga mussels (*Dreissena polymorpha* and *Dreissena rostriformis*) using a TaqMan quantitative PCR (qPCR) DNA assay on environmental DNA (eDNA) extracted from plankton tow net samples from four lakes. A total of 34 plankton tow net eDNA samples were tested. The threshold used for positive detection of mollusks is roughly equivalent to the signal generated from the amount of DNA found in 1/10 to 1/100 of a *Dreissenid* veliger (10 copies of the target gene sequence) per qPCR reaction. All sample handling, storage, and DNA extraction were conducted in a separate facility (locked laboratory) designated only for handling eDNA samples in order to prevent possible false positives or contamination of the extractions by PCR amplification products.

A Custom Internal Positive Control (IPC) assay was used to differentiate true real-time PCR negatives, where no target DNA is present (e.g. *Dreissenid* mussel DNA), from false negatives due to PCR inhibitors preventing amplification when target DNA is present. PCR inhibitors (e.g. naturally occurring compounds such as humic acid) can persist through the extraction process and prevent amplification of target DNA. Field samples that test negative for the target species' DNA due to PCR inhibition are identified by adding a known amount of IPC DNA to each sample before testing. The amount of PCR inhibitors in each field sample is then measured based on delayed amplification of IPC DNA relative to a control sample with no PCR inhibitors. If an amplification delay greater than 5 PCR cycles was observed in the field sample, it was diluted and re-tested.

Results & Discussion

Note that the statements below pertain only to the absence of *Dreissenid* mussel DNA in the SAMPLES. It is important to understand that these negative results for SAMPLES do not definitively establish that zebra and quagga mussels are absent from a given water body. Instead, lack-of-detection results increase our confidence that a water body is indeed free of *Dreissenid* mussels at the time of sampling. More sampling, with multiple methods including eDNA, would further increase our confidence in that conclusion. Nevertheless, these data make us cautiously optimistic that these lakes did not contain invasive *Dreissenid* mussels in 2019.

Preliminary results were provided October 9, 2019. The official results are as follows: we did NOT detect zebra or quagga mussels in any samples collected from Whitefish, Beaver, Tally, or Blanchard Lakes (Table 1). Several quality control steps were taken to insure there were no false positive or false negative test results. Field negative controls were taken to test sampling gear for potential DNA contamination in the event of a positive result. We included lab negative controls with each eDNA extraction and qPCR. No mollusk DNA was detected in any of the negative laboratory controls analyzed with field samples.

(This page left blank intentionally to separate printed sections)

WHITEFISH CITY COUNCIL MINUTES
April 20, 2020
SPECIAL SESSION 6:00 TO 6:30 PM

1. Call to Order

The City Council meeting was held remotely through WebEx to follow Governor Steve Bullocks Stay – at – Home Directive to help slow the spread of COVID-19. Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Hartman, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Building and Planning Director Taylor.

2. Interview- Architectural Review Committee (Essential Committee)

City Council interviewed Tracy Rossi and Leslie Lowe for the Architectural Review Committee.

3. Public Comment

None

4. Appointments

Councilor Sweeney made a motion, seconded by Councilor Feury to appoint Tracy Rossi as member-at-large and Leslie Lowe as Licensed Landscape Architect to the Architectural Review Committee, terms ending May 31, 2023. The motion passed unanimously.

5. Adjourn

Mayor Muhlfeld adjourned the meeting and opened the Regular Session at 6:30 pm.

Mayor Muhlfeld

Attest:

Michelle Howke, Whitefish City Clerk

WHITEFISH CITY COUNCIL

April 20, 2020

6:30 P.M.

1) CALL TO ORDER

The City Council meeting was held remotely through WebEx to follow Governor Steve Bullocks Stay – at – Home Directive to help slow the spread of COVID-19. Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Hartman, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Dahlman, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, and Planner II Bailey Minnich. Approximately 19 people were in attendance.

Mayor Muhlfeld honored Herb Peschel who passed away this week. Herb was a long-standing community member and volunteer on numerous city boards. He served on the Board of Adjustments from 1998 to current, and on the Whitefish Lake and Lakeshore Protection Committee from 2007 to current. On behalf of the community and the City Council Mayor Muhlfeld extended condolences to the Peschel family and wish Herb well in his next journey.

Mayor Muhlfeld announced he is limiting public comment to three minutes per comment with the exception of the applicant who is allowed up to thirty minutes. City Council and city staff have received numerous requests asking for Dr. Bukacek to be relieved of her position on the Flathead City-County Health Department Board. All emails received after the packet deadline and not included under agenda item 9a, have been forwarded to the City Council. These letters will not be read aloud and are a part of the public record. The Council has been made aware of each and every one of those letters. While the city does not have control over who is appointed to the Flathead City-County Health Board, Council will be considering at the end of the meeting writing a letter to the commissioners.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Councilor Norton to lead the audience in the Pledge of Allegiance.

3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

City Clerk read aloud a letter emailed from Citizens for a Better Flathead requesting corrections to the April 6th meeting. The letter is appended to the packet and the April 20, 2020 meeting minutes.

Rabbi Francine Roston provided an email that is appended to the packet and the April 20, 2020 minutes. She read her letter aloud regarding Dr. Bukacek.

Richard Hildner stated he appreciates Mayor Muhlfeld and City Council’s steadfast resolution to remain steadfast in protecting our community against COVID-19. He thanked the Council.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Qunell reported the Planning Board met on April 16th and recommended approval for three items that will be coming to the Council in May.

5) CONSENT AGENDA

- a) [Minutes](#) from April 5, 2020 Special Session (p.24)
- b) [Minutes](#) from April 6, 2020 Regular Session (p.28)

Councilor Norton had corrections to the April 5, 2020 minutes; add ‘[scheduled](#)’ under 3a title, add [are](#) after purposes, and ‘[Schott](#)’ to Lindsay under public comment for item 3a.

Councilor Norton made a motion, seconded by Councilor Hartman to approve the Consent Agenda as amended. The motion passed unanimously.

6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

- a) [CONTINUED](#)- Consideration of a request from Montana Commerce, LLC for a Conditional Use Permit to construct a gas station and convenience store located at 6045 Highway 93 S, zoned WB-2 (Secondary Business District) (WCUP 20-01) **Public Hearing remains open** [Letters between April 6th and April 15th; Letters received between April 15th and April 20th](#)(p.46)

Planner II Minnich commented on the written comments that were received. Staff received 66 comments after the packet was published. She spoke on some of the highlights of those comments. There is currently no moratorium on development within the highway corridor; this property is privately owned; the applicant does not have to show an economic need within the community for the Conditional Use Permit (CUP); the basis of whether we need it or not is not a criteria under the CUP guidelines; landscaping and tree density credits are required under the zoning regulations. This plan will be required to comply with all conditions and requirements at the time of building permit. This is not a zone change application. The property has been zoned WB-2 or of similar commercial zoning since the 1980’s. Commercial projects are required to pave all parking and areas used for driveway access. The private street was built to city standards; the city’s current water system is capable of supporting the internal fire suppression system.

Discussion followed between Council and Staff; there would be nothing to the Applicants adversity if they extended later after the pandemic. Clarification from the Applicant regarding surface runoff and the stormwater retention. Comments were received of concerns of excessive signage; this property is in the highway district and is allowed a free-standing sign that cannot exceed ten feet in height maximum. Properties with greater than 450 front footage, are allowed three free standing signs. Single tenant buildings are allowed a maximum of three building signs. Concerns this is against zoning regulations due to there cannot be retail over 5,000 square feet; a convenience store would be the square footage of what is being sold as convenience store items within the footprints, office space or other uses are not counted. This is not a violation of the zoning code.

Mayor Muhlfeld reopened the Public Hearing.

Jason Egeline, CWG Architects and Engineering, 650 Power Street, Helena, Montana, stated both Town Pump and the whole design team’s goal is to work with the city. This project has gone to Architectural Review Board where they completely redesigned the overall form, the massing, and materials of the project to meet the goals of maintaining the unique small town feel of Whitefish. The project contains a dedicated pedestrian entrance, landscaping which helps to create a more forested site. Town Pump does wish to build within the city limits. This approach is in line with the city’s desire to preserve open space within the county. Developing within the city limits also creates a stronger business to City partnership and tends to improve overall city taxes. He thanked the council again for their time.

Joe Murphy, Big Sky Civil and Environmental, 1324 5th Avenue Southwest, Great Falls, Montana, addressed some of the questions that came up. Today's underground tank systems are equipped with automatic line leak detection and automatic tank leak detention measures. If a leak were to occur in the underground product lines, it would send a detection immediately to the people who are keeping track of the records for that system. Around the fueling island area slabs, there is a valley gutter to catch all of the runoff. All the product goes to an oil-water separator which removes the petroleum hydrocarbons from the stream before it enters the on-site storm drainage. All of the city's requirements will be adhered to in terms of storm drain runoff, storm drain detention, and storm drain treatment and discharge. Montana Department of Transportation (MDT) is the governing authority for access to and from all Montana highway systems as part of the planning phase of this project and responded that a traffic impact study was already completed for this property several years ago. The original development would have generated much higher traffic volumes than the current proposal. The applicant retained the services with WGM in Missoula, to review and update the traffic study based on current and projected traffic volumes. The new report concluded, the intersection analysis predicts acceptable traffic operations at both site access points with level of service C or better for all vehicles, and no interruption of traffic on US Hwy 93 and Montana 40 approaches. He spoke with MDT about this intersection, and the proposed plan for a future roundabout. MDT reported there are no projects currently planned or scheduled. The applicant asked WGM to address the possibility of a roundabout and the exhibit provided in the presentation shows that the extent of the right-of-way required is quite insignificant. His professional opinion this development will not jeopardize construction of a future roundabout in MDT right of way. He thanked the Council for the opportunity to speak.

Dan Sampson, Construction and Development Manager for Town Pump, 1832 Whitman Avenue, Butte, Montana, stated while some may consider Town Pump a franchise, they are still Montana born and bred. They hold typical Montana values and as such they have taken great care in planning and design on this project to ensure that they produce a project that both the city of Whitefish and surrounding community can be proud of. Some of the concerns brought up during this process are, concerns about the Traffic Impact Study (TIS) that was completed in 2005; MDT deemed this traffic impact study adequate and did not require an additional analysis. Concerns were also raised about environmental protections; they employ state of the art protections that exceed state DEQ and federal EPA requirements. Concerns were also raised that MDT may be planning a future roundabout at the intersection of Hwy 40 and Hwy 93; while it is not required for the applicant, they hired WGM to research this possibility. The results of these efforts prove that this development will neither preclude nor adversely affect the future course of action chosen by MDT. There were concerns they would seek development of a casino at this location; the Whitefish code prevents this from being a viable concern. Concerns were raised about the existing mature rural trees; they are taking great care and time in this design to salvage all of the trees that can be salvaged while still meeting site design requirements. They have heard concerns that the implementation of this site would create issues due to large semi traffic idling on site for long periods of time or overnight; this will not be a truck stop. There will be no large semi specific parking or services at this location. This location is designed to serve the everyday traveler, tourist and local population. Concerns were raised that their claim to being a good member of the community and state are potentially false; not only do they strive to give back to the state and communities in which we reside by being good stewards they also give back to their charitable foundations. In the last five years they have donated nearly half a million dollars to the upper Flathead Valley consisting of Columbia Falls, Kalispell and Whitefish; \$51,000 of that have been direct donations within the City of Whitefish. They have presented technical data that proves that they have addressed all concerns and have complied with all code requirements.

Discussion followed between the Applicant and the Council. The fuel delivery trucks use both primary access to get in and out of the site. The applicant has never heard the requirement of monitoring wells being within 1,000 feet of the site.

City Clerk Howke reported as of 7:18 pm. tonight, she has received 67 written public comments in opposition of the project. All of the comments have been provided to the Council for their consideration. The comments that are not read in full will be appended to the packet on the website Tuesday afternoon. (The written comments can be viewed [Letters between April 6th and April 15th; Letters received between April 15th and April 20th](#)) City Clerk read into the record a letter from Stacy Almos, who opposed to the project for reasons it is unsafe, unnecessary, and an unsightly welcome to Whitefish. Mayor Muhlfeld asked attorney Jacobs if it is required for all 67 comments to be read aloud. Attorney Jacobs stated it is not necessary for City Clerk Howke to read all 67 comments since they were provided to the Council prior to the meeting and they will be appended to the packet. The public can provide verbal comments during tonight's Public Hearing.

Mayor Muhlfeld asked Moderator Chris Hunt to open the Public Hearing to those who were attending the meeting via WebEx.

Joan Vetter Ehrenberg, 744 Hidden Valley Drive, is concerned with access to the site; the site plan looks like every tree is gone on the interior of the property; and concerned about the sloping of the site and contamination running downhill. She is grateful the applicant is adding and respecting pedestrians and bike path routes. She would recommend the Council to urge additional protection of the old growth existing trees on the property and consider a park and ride or a stop for the shuttles.

Justin Holley, 2448 Big Mountain Road, stated there is an opportunity to make that spot something special for our town. It would be unfortunate to see another gas station. There is not a need and there is not an approval that has to happen based on need. He is concerned of the total number of signs and the signs lighting up the sky. He asks the Council to consider the message that is conveyed when people are driving through town by the first thing they see.

Leo Kean, 514 Pine Place, is concerned about the trees. Town Pump does not do anything for the betterment of Whitefish. It decreases the charm of our town; it is not a welcoming entrance. This is the wrong way for Whitefish develop and he would urge the Council to deny this CUP. It is not needed in Whitefish and it does not improve our town.

Erin Flaherty, 1060 Creekwood Drive, drives this everyday coming to and from the hospital. It is a beautiful way to enter town. A lot of the comments made about the excessive signage and the lack of trees need to be taken into consideration for any business along this corridor. She asked how the signage goes along with our dark sky's initiative. She would like to see a new transportation study conducted by the city.

There being no further public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for their consideration.

Councilor Norton made a motion, seconded by Councilor Hennen to deny WCUP 20-01. Councilor Norton has difficulty with three of the Findings of Fact. One is the site suitability; this is the entrance to our city. She has concerns with environmental constraints, and the traffic safety and the egress through the medical facility. She also stated not following our own planning in terms of letting the Highway 93 South Corridor Plan be completed, and getting the transportation plan

completed, would be shooting ourselves in the foot. She is not voting for this project. Her job is to represent the will of the people, and she has not seen hardly any comments in favor of this project.

Discussion followed between Councilors. This property has been zoned WB-2 or some form of that for the past 40 years. A conditional use permit is by grace and does not have to be approved. If the citizens of Whitefish do not think this is right for this corner and Council denies the CUP, the applicant has another option to come through with another project. Council operates within parameters and findings of fact, so it is a challenging vote. The public comment has been substantial of this decision. That corner is going to be chaotic and the traffic is going to be a nightmare. Whether or not we need this gas station is pretty irrelevant. Councilors do have to be guardians of the public interest, there are two side to consider. One side is what is the project coming in now, is this something that the public agrees with or not if they do not it is Councils job to determine whether they can legally deny the application. The list of permitted uses is far worse than what is being proposed. The project proposed for the TIS completed in 2005 would have generated more traffic than a gas station would. Runoff of petroleum are far more protected now than ever. The signage is going to be protected by our codes.

Discussion followed between Council and staff. It is staffs professional opinion it is not necessary to dedicate the private road to the City as a public road and confirms the traffic analysis performed by WGM was with current data and supports the analysis.

The motion to deny WCUP 20-01 failed on a 4-3 vote with Mayor Muhlfeld breaking the tie. Councilors Norton, Feury and Hennen voting in favor of the motion, Councilors Qunell, Sweeney, Hartman and Mayor Muhlfeld voting in opposition of the motion.

Councilor Sweeney made a motion, seconded by Councilor Hartman to approve WCUP 20-01. Councilor Sweeney stated also is not necessarily enthralled by the idea of having a gas station on that corner and agrees with a number of public comment. Town Pump has done a pretty good job working with the Architectural Review Committee and has come up with some solutions to some of the concerns. The private street does meet city standards; the Growth Policy is not a controlling or regulatory document, the zoning is. This property has been zoned WB-2 or an equivalent for over 40 years. Water pressure is more than sufficient; the pandemic is not a reason that we cannot act on this matter. It is not his highest and best use, but it is privately owned. The other opportunity the property could be used for without a CUP is a much worse problem for our entrance to Whitefish.

Councilor Sweeney made a motion, seconded by Councilor Qunell to amend Condition #12, the second story mezzanine must be used only as corporate office space or storage. (Later in the meeting it was brought to Councilor Sweeney's attention, this motion would be adding Condition #13 rather than amend Condition #12, Councilor Qunell agreed. The motion passed unanimously by roll call. (Conditions number correctly)

Councilor Sweeney made a motion, seconded by Councilor Hartman to add Condition #13 (#14); in order to preserve the Montana Department of Transportation's right to acquire additional right-of-way, to protect existing mature trees (particularly on the west portion of the property), and to allow more extensive space for screening and/or greenbelts, the building must be relocated from the west property line to protect and ensure the existing mature trees on the site be protected and preserved from damage during construction. The motion passed unanimously by roll call.

Councilor Sweeney made a motion seconded by Councilor Hartman to add Condition #14 (#15); the existing mature trees located along Highway 93 South and Highway 40 must be preserved and protected to the extent they are healthy and do not present a danger, and to the extent that they are or become damaged or diseased for any reason at any point they must and shall be replaced with a large-caliber tree and in as possible close location to the same spot as the tree that was removed. The motion passed unanimously by roll call.

Councilor Sweeney made a motion, seconded by Councilor Qunell to add Condition #15 (#16); the bicycle/pedestrian path from the northern boundary of the property to Highway 40 must be constructed to City standards and ten feet wide unless the Montana Department of Transportation requires a narrower path. The motion passed unanimously by roll call.

Councilor Sweeney made a motion, seconded by Councilor Hartman to add Condition #16 (#17); a casino, as defined by the Whitefish City Code, may not be and shall never be operated on any portion of the property. The motion passed unanimously by roll call.

Councilor Sweeney made a motion, seconded by Councilor Hartman to add Condition #17 (#18); not less than five rapid electrical vehicle charging stations (super charging stations) must be installed on the property, built upon build-out. The motion passed unanimously by roll call.

Councilor Sweeney made a motion, seconded by Councilor Qunell to add Condition #18 (#19); all refuse containers except those in-service islands must be converted to animal resistant containers at the time the City's garbage contractor is able to service such containers. The motion passed unanimously by roll call.

Councilor Sweeney made a motion, seconded by Councilor Qunell to add Condition #19 (#20); containers for recycling cardboard and other currently recyclable materials produced on-site must be provided. The motion passed unanimously by roll call.

Councilor Sweeney made a motion, seconded by Councilor Qunell to add Condition #20 (#21); there shall be no overnighting of over-the-road trucks or trailers on the site. The motion passed unanimously by roll call.

Discussion followed between Council and staff regarding signage on the property. **Councilor Hartman made a motion seconded by Councilor Qunell to add Condition #22, neon advertising or open signs are prohibited from being visible from the outside. The motion passed unanimously by roll call.**

Councilor Hartman stated one of the biggest dilemmas in voting in favor for this development is the reality there are permitted uses that would be much less appealing. Councilor Qunell said sometimes Council has to make tough choices, and this is one of those. Councilor Feury supported Councilor Norton's motion, he could argue this either way. A public sentiment is obviously overwhelmingly opposed to it, it is not legal grounds to deny a condition use permit. The arguments for are considerably stronger than the arguments against. He personally does not want to see a Town Pump there. He will support motion reluctantly. Councilor Norton would like the Council to remember the Council represents this town and the people that live here. Council is capable of saying no with the assumption that maybe someone will come back with even a better project. Mayor Muhlfeld stated he has sat up there for fourteen years, and he has always tried his very best to best represent our citizens, our citizens desires. Council always tries to cast a vote that is in the best interest of the community, but also keeps our city out of litigation. If Council were to deny this project, this evening, it would be located within 150 feet to the vacant property to the south of Highway 40 with zero

influence by the Whitefish City government. Council conditioned this application with ten strong conditions that make it a much better project and protects the interest of our community. This is a hard decision.

The original motion to approve with 21 Conditions of Approval passed on 4-2 vote with Councilors Hennen and Norton voting in opposition.

~~b) Consideration of a request from Michael Lancaster, on behalf of Triple S Land Group, LLC, for a Conditional Use Permit to construct a four-bedroom home to be leased to Chrysalis as a state licensed Type 1 Community Residential Facility for school-age girls located at 760 Salmon Run, zoned WR-2 (Two-family Residential District) (WCUP 20-03) (p.) Applicant withdrew the application March 11, 2020.~~

Mayor Muhlfeld called for a recess at 8:47 and reconvened at 8:52.

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Consideration to authorize to Bid the Water Plant Expansion Project and Purchase Sole Source Filters (p.196)
 - i) Resolution No. 20-13; A Resolution adopting a portion of state law allowing the City of Whitefish to purchase items under a "sole source" method, solely for the acquisition of a contact absorption clarifier treatment process for the Water Treatment Plant

Public Works Director Craig Workman gave his staff report that is provided in the packet on the website.

Councilor Qunell made a motion, seconded by Councilor Hennen to authorize staff to BID for the Water Plant Expansion Project. The motion passed unanimously by roll call.

Councilor Qunell made a motion, seconded by Councilor Hennen to approve Resolution No. 20-13; A Resolution adopting a portion of the state law allowing the City of Whitefish to purchase items under a "sole source" method, solely for the acquisition of a contact absorption clarifier treatment process for the Water Treatment Plan. The motion passed unanimously by roll call.

8) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.213)

Councilor Norton asked and City Manager Smith reported staff is looking for feedback from the Council and their thoughts for opening the City Beach Boat Launch and approval to move the Preliminary Budget due date to May 18th. After some discussion, Council agrees to defer opening the boat launch another two weeks and extend the Preliminary Budget to May 18th. Manager Smith also reported to the Council the One-Time Partial Rent Relief Program put together by the Whitefish Housing Authority, Whitefish Chamber of Commerce and the Whitefish Community Foundation. She asked if Council is interested in donating to the program. After some discussion, no direction was given to Manager Smith.

- b) Other items arising between April 15th through April 20th

Manager Smith updated the Council staff has submitted a request for public assistance from FEMA. The city has set up an incident command team and has taken this as an opportunity for training. She

does anticipate tomorrow or Wednesday to hear from the Governor about a phased reopening plan for Montana. City Hall will continue to take protective measures for the front office. Safety of the public and our staff is her top interest. Staff is monitoring CBG for extra funding through the CaresAct.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) [Letters](#) (multiple) regarding Dr. Bukacek position on the Flathead City-County Health Board - [Letters received between April 15th and April 20th](#)(p.222)

City Manager Smith reported in January, prior to the pandemic, she met with Kalispell City Manager Russell to be party to the interlocal agreement that the City of Kalispell has with the Flathead City-County Health Department. Whitefish is a second-class city, so we are required to have a health board. Currently, Whitefish has no authority managing or placing members on that board. We hope to in the future. The Council can recommend to the County Commissioners and the City of Kalispell to remove that member, but at this point we cannot take any action.

Councilor Sweeney feels it is important Whitefish become a member in the interlocal agreement on the health board. He would be in favor of a letter to the Commissioners and the City-County Health Department that Dr. Bukacek be removed and he would be happy to work with Attorney Jacobs on drafting that letter. The Council had unanimous support for the letter.

Council Comments

Councilor Sweeney stated there will be no credit given and probably no credit deserved to the vote that was taken tonight. He appreciates Town Pumps willingness to work with the city at the same time. He appreciates Councilor Norton's position and as stewards of the city and of the constituents one of Councils obligations is to ensure that the laws are applied equally to all and do what we can to protect the community. Councilor Norton stated it will take her a while to process what just happened. She has asked the community to use masks and demonstrated the correct way to take off the mask. She has noticed people are not adhering to the six-foot distancing which is the absolute minimum. Doctors, nurses and front-line workers are terrified of this disease. She asks the community to follow the CDC guidelines, the City-County Health Department guidelines, and do your part.

10) ADJOURNMENT

Mayor Muhlfeld adjourned the meeting at 9:30 p.m.

Mayor Muhlfeld

Attest:

Michelle Howke, Whitefish City Clerk



Kalispell, Montana 59903

citizens@flatheadcitizens.org

www.flatheadcitizens.org

April 20, 2020

To: The Whitefish City Council for consideration under Communications From the Public

We would simply like to ask that you correct your minutes from the April 6th meeting under comments from the public to correctly reflect the comments we made by written letter at that meeting. It appears the excerpt included in your minutes omitted some key information by accident.

Please replace the current text of the minutes summarizing our public comment with the following statement summarized from our letter:

Citizens for a Better Flathead submitted written comments encouraging the City Council to move forward with the 2020 Transportation Plan Update. They also asked the council to consider a revised timeline and work plan be developed for the Highway 93 South Corridor Plan so that this plan can best benefit from the findings and recommendations of the 2020 Transportation Plan Update.

Thank you for consideration of making this correction to your minutes.

(This page left blank intentionally to separate printed sections)

PLANNING & BUILDING DEPARTMENT
418 E 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



April 28, 2020

Mayor and City Council
City of Whitefish
PO Box 158
Whitefish MT 59937

RE: Goosebay Capital LLC, Bar/Tavern at 6191 Highway 93 S (WCUP 20-05)

Honorable Mayor and Council:

Summary of Requested Action: Montana Creative, on behalf of Goosebay Capital LLC, is requesting a Conditional Use Permit to operate a bar/tavern in an existing commercial building at 6191 Highway 93 South. The property is zoned WB-2 (Secondary Business District) and the Whitefish Growth Policy designation on the property is split with the front western portion as General Commercial and the rear eastern portion as High Density Residential.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to nine conditions set forth in the attached staff report.

Public Hearing: No members of the public spoke at the April 16, 2020 public hearing. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 16, 2020 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the application. In making their decision, the Planning Board adopted staff report WCUP 20-05 with Findings of Fact and recommended Conditions of Approval.

Proposed Motion:

- I move to approve WCUP 20-05, the Findings of Fact in the staff report and the nine conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item has been placed on the agenda for your regularly scheduled meeting on May 4, 2020. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Bailey Minnich, AICP, CFM
Planner II

Att: Exhibit A: Planning Board Recommended Conditions of Approval
Draft Minutes, Planning Board Meeting, 4-16-20

Exhibits from 4-9-20 Staff Packet

1. Staff Report – WCUP 20-05, 4-9-20
2. Adjacent Landowner Notice, 3-27-20
3. Advisory Agency Notice, 3-27-20
4. MDT Agency Comment, 4-6-20

The following was submitted by the applicant:

5. Application for Conditional Use Permit, 3-2-20

c: w/att Michelle Howke, City Clerk

c: w/o att Goosebay Capital, LLC
Montana Creative

Exhibit A
Goosebay Capital LLC
WCUP 20-05
Whitefish Planning Board
Recommended Conditions of Approval
April 16, 2020

1. The project must be in compliance with the site plan submitted on March 2, 2020, except as amended by these conditions. Minor deviations from the plans require review pursuant to §11-7-8E(8), WCC, and major deviations from the plans require review pursuant to §11-7-8, WCC. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. The Whitefish Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access, hydrants, and any extended fire suppression system will be reviewed by the Fire Department as part of the building permit. (IFC)
3. An engineered stormwater plan must be submitted for review and approval to the Public Works Department at the time of a building permit application if the cumulative amount of impervious surface is greater than 10,000 square feet. (City Engineering Standards, 2019)
4. The applicant must provide a minimum of two locking bicycle racks as close to the existing building as possible. (11-3-43(E)(8), 11-3-43(G)(4), WCC)
5. All on-site lighting must be dark sky compliant. (§11-3-25, WCC)
6. Changes to the refuse location must be reviewed and approved by the Public Works Department and Republic Services. (§4-2, WCC)
7. Compliance with the Landscaping Chapter will be confirmed at the time of building permit. (Chapter 4, WCC)
8. Approval from the Architectural Review Committee shall be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
9. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)

	<p>operators but do not have a signed lease yet. They plan to have a tower and rooftop area and turn some of first floor and second floor over from brewery operations to a restaurant/bar with a full kitchen.</p> <p>Scott asked if the area on the third floor is proposed to be open year round or just in the summer. Mr. Wallace said the outside space will have tables and be used seasonally, weather dependent, but the covered area may be used year round, or for longer periods than just the summer. Scott asked how large the enclosed elevator access space is and Mr. Wallace said maybe about 20' x 20'. It will be a neat, fun spot with a fabulous view and will be used year round.</p>
PUBLIC COMMENT	<p>Chair Qunell opened the public hearing and Director Taylor read the comment into the record in support of the project from Tom Britz, owner and CEO of Glacier Hops Ranch, 205 June's Way, Suite 1 in Whitefish. Mr. Britz said it is a good plan and perfect fit for our community. Reducing the brewing capacity and having a rooftop bar is a better, common sense use of valuable space in downtown Whitefish.</p> <p>No one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
MOTION / BOARD DISCUSSION	<p>Beckham moved and Scott seconded to adopt the findings of fact within staff report WCUP 20-06, with the eleven (11) conditions of approval, as proposed by City Staff.</p>
VOTE	<p>The motion passed unanimously. The matter is scheduled to go before the Council on May 4, 2020.</p>
PUBLIC HEARING 3: GOOSEBAY CAPITAL, LLC CONDITIONAL USE PERMIT REQUEST 7:19 pm	<p>A request by Goosebay Capital LLC, with technical assistance by Montana Creative, is requesting a Conditional Use Permit to operate a bar/tavern. The property is zoned WB-2 (Secondary Business District). The property is located at 6191 Highway 93 South and can be legally described as Tract 5HAB in S12, T30N, R22W, P.M.M., Flathead County.</p>
STAFF REPORT WCUP 20-05 (Minnich)	<p>Planner Minnich reviewed her staff report and findings. As of the writing of WCUP 20-05, one comment had been received from an advisory agency, the Montana Department of Transportation, regarding approval of any changes to existing access and potential work within the highway right of way must be permitted by MDT. No other comments have been received.</p>

	Staff recommended adoption of the findings of fact within staff report WCUP 20-05 and for approval of the conditional use permit to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Scott said it looks like this is a project for a lot of stuff beyond the existing building which is proposed to be turned into a bar/tavern. The drawing also depicts a coffee shop and car wash and Scott asked for clarification on exactly what is being voted on tonight. Minnich said the coffee shop and car wash are considered permitted accessory uses and the CUP being considered is only for the proposed use within the existing building.
APPLICANT / AGENCIES	Aaron Wallace, MT Creative, 158 Railway Street, said an application for a building permit for this project has already been submitted. And the Applicant has a request in for a beer/wine liquor license without food, which would allow them to have different hours. Mr. Wallace said Glacier Bank, which is the neighbor to this proposed project, is supportive. It will be an upgrade to the existing facility and provide food and restaurant in that area of town which is in short supply right now.
PUBLIC COMMENT	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Scott moved and Beckham seconded to adopt the findings of fact within staff report WCUP 20-05, with the nine (9) conditions of approval, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on May 4, 2020.
NEW BUSINESS <i>7:32 pm</i>	None.
GOOD AND WELFARE <i>7:33 pm</i>	<ol style="list-style-type: none"> 1. Matters from Board. Chair Qunell asked how everyone is doing in this unique situation and said he is not enjoying it! 2. Matters from Staff. Director Taylor said he appreciates everyone accommodating this unique format for the Planning Board meeting. He said Linville sent her apologies for being unable to attend tonight. She had to work today and was not able to attend

**GOOSEBAY CAPITAL LLC
CONDITIONAL USE PERMIT WCUP 20-05
EXHIBIT LIST
APRIL 9, 2020**

1. Staff Report – WCUP 20-05, 4-9-20
2. Adjacent Landowner Notice, 3-27-20
3. Advisory Agency Notice, 3-27-20
4. MDT Agency Comment, 4-6-20

The following was submitted by the applicant:

5. Application for Conditional Use Permit, 3-2-20

A.

OWNER:

Goosebay Captial LLC
818 Ballard Cayon Road
Solvang, CA 93463

TECHNICAL/PROFESSIONAL:

Aaron Wallace
MT Creative
158 Railway Street
Whitefish, MT 59937

B. SIZE AND LOCATION OF PROPERTY:

The property is located at 6191 Highway 93 S and is approximately 1.12 acres. The project can be legally described as Tract 5HAB in S12, T30N, R22W P.M.M., Flathead County.

C. EXISTING LAND USE:

The subject property is developed with an existing commercial building.

D. ADJACENT LAND USES AND ZONING:

North:	Commercial	WB-2
West:	Commercial	WB-2
South:	Commercial	WB-2
East:	Residential	WB-2/WPUD

E. ZONING DISTRICT:

The property is zoned WB-2 (Secondary Business District). The purpose of the WB-2 District is 'intended to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. This district depends on proximity to highways or arterial streets and may be located in business corridors or islands.'

F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation is split on the subject property. The front western portion is General Commercial which corresponds to the WB-2 zoning district.

Generally applied to the Hwy 93 corridor north of the Highway 40 intersection, this designation is defined by auto-oriented commercial and service uses. Specific land uses include retail, restaurants of all types and quality ranges (including those with drive-up facilities), professional offices, auto sales and services, hotels/motels, supermarkets, shopping centers or clusters, and convenience shopping, including the dispensing of motor fuels. Primary access is by automobile with ample parking provided on site. Development sites are properly landscaped to screen parking and drive areas and to provide a high-quality visual image. Zoning is generally WB-2, but higher density residential with WR-3 zoning, and mixed-use development may also be appropriate in this area.

The rear eastern portion is High Density Residential which does not correspond to the WB-2 zoning district.

Multi-family residential, mostly in the form of apartments, condominiums, and townhouses, are accounted for by this designation. Areas designated for High Density Residential development are mostly near the downtown and along major transportation routes. All multi-family structures are now subject to architectural review, and the City will be looking for a higher quality of site planning, architecture, and overall development high density projects have exhibited in the past. The applicable zones are WR-3 and WR-4, but WR-2 with a PUD option also allows for high densities.

G. UTILITIES:

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	Republic Services
Electric:	Flathead Electric Co-op
Natural Gas:	Northwestern Energy
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	City of Whitefish

G. PUBLIC COMMENTS:

A notice was mailed to adjacent landowners within 300-feet of the subject parcel on March 27, 2020. A notice was emailed to advisory agencies on March 27, 2020. A notice of the public hearing was published in the *Whitefish Pilot* on April 1, 2020. A sign was posted on the subject property on March 24, 2020. As of the writing of this report, one comment has been received from an advisory agency, the Montana Department of Transportation, regarding approval of any changes to existing access and potential work within the highway right of way must be permitted by MDT.

REVIEW AND FINDINGS OF FACT

This application is evaluated based on the "criteria required for consideration of a Conditional Use Permit," per Section 11-7-8(J) of the Whitefish Zoning Regulations.

- 1. Growth Policy Compliance:** The property is split with two Growth Policy designations, General Commercial along the western portion adjacent to Highway 93 South and High Density Residential along the rear eastern portion. As mentioned earlier, the designation of General Commercial is consistent with the WB-2 zoning district, but High Density Residential is consistent with the City's higher density residential zones such as WR-3 and WR-4. The subject property was developed in accordance with the General Commercial designation since the original zoning was established in the 1980s. No change to the property is proposed with this application.

Finding 1: The proposed use complies with the Growth Policy designation of General Commercial because the property has been developed commercially in accordance with the existing WB-2 (Secondary Business District) zoning and no change to the property is proposed with the application.

2. Compliance with regulations. The proposal is consistent with the purpose, intent, and applicable provisions of these regulations.

The property is zoned WB-2, Secondary Business District. The development proposal is consistent with the purpose and intent of the applicable regulations.

Setbacks:

The setbacks in the WB-2 are: 20-feet in the front, 20-feet when abutting a residential district or right-of-way, otherwise none in the side yard and 20-feet when abutting a residential district, otherwise, none in the rear yard. No changes are currently proposed for the existing building. The applicant shows two additional proposed buildings on the submitted site plan, which are not part of this application. These buildings will be reviewed for conformance at the time of development or building permit application.

Height:

The maximum height allowed in the WB-2 zoning is 35-feet. The existing building complies with the height requirements and any modifications to the building will be reviewed at the time of building permit application.

Figure 2: Location of existing building.



Lot Coverage:

There is no maximum lot coverage required in the WB-2 zoning.

Non-Residential Development Standards:

Since the proposed use will be located within an existing building that is not being modified with this application, many of the non-residential development standards do not apply at this time. However, the applicant is proposing to encourage pedestrian and bicycle access to the property by connecting the existing sidewalk along Highway 93 to the interior of the subject property and installing bike racks adjacent to the entrance of the building. The applicant must install a minimum of two bicycle racks based on the required number of parking spaces for the proposed use.

Finding 2: The project complies with the zoning regulations because all the zoning standards are being met or will be met with conditions of approval, and this will be reviewed at the time of building permit.

3. Site Suitability. The site must be suitable for the proposed use or development, including:

Adequate usable land area: The subject parcel is adequate to serve the proposed use.

Access that meets the standards set forth in these regulations, including emergency access: Access to the site is off Highway 93 South. All access requirements are being met with the existing approach. The Fire Marshal will review the building plan to ensure all emergency standards are being met.

Figure 3: Existing access to Highway 93 South.



Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The proposed development is not located within the 100-year floodplain and there are no other environmental constraints on-site.

Finding 3: Project is suitable for the site because there is adequate usable land area, the proposed access will meet emergency standards and there are no environmental constraints.

4. Quality and Functionality. The site plan for the proposed use or development has effectively dealt with the following design issues as applicable.

Parking locations and layout: Although the application is for a bar/tavern due to the type of beer and wine license transferring to the property, the applicant has stated it will be using the building for a restaurant. The Zoning Regulations have one general standard for restaurant and food/beverage establishments. Since the building is 2,400 square feet, 24 parking spaces are required for the proposed use. The proposed site plan is providing 28 parking spaces, exceeding the minimum number required by the zoning regulations. As mentioned previously, the submitted site plan also shows a proposed car wash and coffee kiosk which are not a part of this application. Any required parking for either of the additional uses would need to be met prior to approval of a building permit.

Traffic Circulation: The traffic circulation will remain unchanged as the property is currently paved for access and no changes are proposed to the existing approach. Traffic will access the site off Highway 93 S and can circulate around the entire building.

Open space: Open space is not required for the proposed use. The WB-2 zoning does not include a maximum permitted lot coverage, which can allow the full build-out of the subject property.

Fencing/Screening: The applicant is proposing a fence along the rear property line, adjacent to the residential use, and surrounding the interior patio along the north side of the building. The fencing will be 6-feet in height, compliant with the zoning regulations.

Landscaping: As the proposed use is commercial, the property must come into compliance with the current landscaping regulations. The rear of the subject property is adjacent to a residential use and therefore requires a minimum 20-foot landscaped buffer. The proposed site plan identifies areas for landscaping along the front and rear of the property, however compliance with the required amount of landscaped areas will be confirmed at the time of building permit.

Signage: Staff has not been shown any new proposed signage. All new signage is required to obtain a permit from the Planning & Building office.

Undergrounding of new and existing utilities: New utilities will be underground.

Finding 4: The quality and functionality of the proposed development has effectively dealt with the site design issues because the applicant is providing the required amount of parking spaces, traffic circulation will remain unchanged, the property must comply with current landscaping requirements, and the proposed fencing will comply with the maximum height restrictions.

5. Availability and Adequacy of Public Services and Facilities.

Sewer and Water: The property is served by both municipal water and sewer. It is adequate to serve the project.

Storm Water Drainage: The updated Engineering Standards for stormwater requires professionally designed stormwater plans when the cumulative amount of impervious area exceeds 10,000 square feet. The majority of the property is currently paved or used by the building. However, the submitted site plan does show future proposed buildings and parking areas. Prior to the issuance of a building permit, the applicant must provide calculations to the Public Works Department to determine if a stormwater plan is required.

Fire Protection: The Whitefish Fire Department serves the site and response times and access are good. The proposed use is not expected to have significant impacts upon fire services.

Police: The City of Whitefish serves the site; response times and access are adequate. The proposed use is not expected to have significant impacts upon police services.

Streets: Traffic will access the site off Highway 93 South. No frontage improvements are required or proposed.

Finding 5: Public services and facilities are adequate and available because municipal water and sewer serve the project, response times for police and fire are not anticipated to be affected due to the proposed development and the property will have adequate access off public roads.

6. Neighborhood/Community Impact:

Traffic Generation: No Traffic Impact Study is required at this time for the proposed use. Depending on the future build-out of the property, the Public Works Department could request a TIS prior to building permit approval. It is anticipated that the existing highway system will be able to handle the additional traffic.

Noise or Vibration: No impacts are anticipated beyond what would be expected from a typical restaurant.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from a typical restaurant. All outdoor lighting is required to be dark sky compliant.

Smoke, Fumes, Gas, and Odor: No impact is anticipated with regards to smoke, fumes or gas.

Hours of Operation: The hours of operation are proposed for 8am to 2am.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because noise, dust, smoke, odor or other environmental nuisances are not expected, all outdoor lighting is required to meet city standards, and existing roads are anticipated to handle any additional traffic.

7. Neighborhood/Community Compatibility:

Structural Bulk, Massing, and Scale: *Mass* is defined as a building's bulk, size and magnitude – the overall volume. *Scale* correlates to the spatial relationship with neighboring buildings. The proposed use will be located within an existing building. No expansion to the building is proposed at this time. Any changes to the exterior of the building require approval by the Architectural Review Committee.

Context of Existing Neighborhood: The existing neighborhood is a mixture of commercial and residential uses. It will be located next door to an existing restaurant, bar, casino, and liquor store. The residential use to the east was developed through a Planned Unit Development as the zoning is commercial WB-2.

Density: This project will not change the density of the neighborhood.

Finding 7: The project is compatible with the neighborhood and community because the existing building is not proposed to change in size, all exterior changes requires approval by the Architectural Review Committee, the existing neighborhood is a mixture of commercial and residential uses, including an existing bar, restaurant, and casino next door, and the project appears compatible with the surrounding community character.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 20-05 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project must be in compliance with the site plan submitted on March 2, 2020, except as amended by these conditions. Minor deviations from the plans require review pursuant to §11-7-8E(8), WCC, and major deviations from the plans require review pursuant to §11-7-8, WCC. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. The Whitefish Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access, hydrants, and any extended fire suppression system will be reviewed by the Fire Department as part of the building permit. (IFC)
3. An engineered stormwater plan must be submitted for review and approval to the Public Works Department at the time of a building permit application if the cumulative amount of impervious surface is greater than 10,000 square feet. (City Engineering Standards, 2019)
4. The applicant must provide a minimum of two locking bicycle racks as close to the existing building as possible. (11-3-43(E)(8), 11-3-43(G)(4), WCC)
5. All on-site lighting must be dark sky compliant. (§11-3-25, WCC)

6. Changes to the refuse location must be reviewed and approved by the Public Works Department and Republic Services. (§4-2, WCC)
7. Compliance with the Landscaping Chapter will be confirmed at the time of building permit. (Chapter 4, WCC)
8. Approval from the Architectural Review Committee shall be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
9. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)



The City of Whitefish would like to inform you that Goosebay Capital LLC, with technical assistance by Montana Creative, is requesting a Conditional Use Permit to operate a bar/tavern. The property is currently developed with an existing commercial structure that will be utilized for the proposed use and is zoned WB-2 (Secondary Business District). The property is located at 6191 Highway 93 South and can be legally described as Tract 5HAB in Section 12, Township 30N, Range 22W, P.M.M., Flathead County.

You are welcome to provide comments on the project. Comments can be in written or email format. The Whitefish Planning Board will hold a public hearing for the proposed project request on:

Thursday, April 16, 2020
6:00 p.m.
Whitefish City Council Chambers, City Hall
418 E 2nd Street, Whitefish MT 59937

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, May 4, 2020** at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department and on the Planning Department webpage – Current Land Use Actions: www.cityofwhitefish.org. The public is encouraged to comment on the above proposal and attend the hearing. Please send comments to the Whitefish Planning Department (address below) or email at bminnich@cityofwhitefish.org. Comments received by the close of business on Monday, April 6, 2020, will be included in the packets to Board members. Comments received after the deadline will be summarized to Board members at the public hearing.



VICINITY MAP

Please share this notice with your neighbors

PLANNING & BUILDING DEPARTMENT
PO Box 158
418 E Second
Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



Date: March 27, 2020
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, April 16, 2020 at 6:00 pm in the Whitefish City Council Chambers at **418 E Second Street**. During the meeting, the Board will hold a public hearing on the items listed below. Upon receipt of the recommendation from the Planning Board, the Whitefish City Council will hold a subsequent public hearing for all items on May 4, 2020. City Council meetings start at 7:10 pm at **418 E Second Street** in the Whitefish City Council Chambers on the second floor.

1. A request by Goosebay Capital LLC, with technical assistance by Montana Creative, is requesting a Conditional Use Permit to operate a bar/tavern. The property is zoned WB-2 (Secondary Business District). The property is located at 6191 Highway 93 South and can be legally described as Tract 5HAB in Section 12, Township 30N, Range 22W, P.M.M., Flathead County. (WCUP 20-05) Minnich
2. A request by Blackstar Partners, LLC, with technical assistance from Montana Creative for a Conditional Use Permit for a bar/tavern. The property is zoned WB-3 (General Business District) and is located at 2 Central Avenue and can be legally described as Lot 1, Block 27 of Whitefish Township in S36, T31N, R22W, P.M.M., Flathead County. (WCUP 20-06) Taylor
3. A request by Ronnie & Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings. The property is zoned WRR-1 (Lot-Density Resort Residential District). The property is located at 1515 Highway 93 W and can be legally described as Tract 1ABD in S35, T31N, R22W, P.M.M., Flathead County. (WCUP 20-07) Compton-Ring

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 418 E Second Street, during regular business hours, and the application and site plans are available [HERE](#). The full application packets along with public comments and staff report will be available on the City's webpage: www.cityofwhitefish.org under Planning Board six days prior to the Planning Board public hearing date noted above. Inquiries are welcomed. Interested parties are invited to attend the meeting and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: dtaylor@cityofwhitefish.org. For questions or further information regarding these proposals, phone 406-863-2410.

From: [Freyholtz, James](#)
To: [Bailey Minnich](#)
Cc: [Oliver, Dennis](#)
Subject: Goosebay Capital, LLC - CUP Request
Date: Monday, April 6, 2020 11:34:06 AM

Thank you for notifying MDT of the Conditional Use Permit request for the property located at 6191 Highway 93 South in Whitefish to operate a bar/tavern.

Any new access or change in use of an existing access typically requires an approach permit to be approved by the MDT. Also any work (landscaping, sidewalk, utilities, etc.) which will be within the highway right of way would need to be permitted by MDT. The owners should contact the MDT Kalispell Office to determine what permits may be needed.

Feel free to contact us if you have any questions.

*James Freyholtz, P.E.
Kalispell Area Traffic Engineer
Montana Department of Transportation (MDT)
(406) 751-2066*

EXTERNAL SENDER verified by City of Whitefish IT



City of Whitefish
 Planning & Building Dept
 418 E 2nd St | PO Box 158
 Whitefish, MT 59937
 Phone: 406-863-2460
 Fax: 406-863-2419

File #: _____
 Date: _____
 Intake Staff: _____
 Check #: _____
 Amount: _____
 Date Complete: _____

CONDITIONAL USE PERMIT

FEE ATTACHED \$ _____
 (see current fee schedule)

INSTRUCTIONS:

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: _____
- Submit the application fee, completed application, and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty-five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 418 E 2nd Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project Name: _____
 Street Address: _____
 Assessor's Tract No.(s) _____ Lot No(s) _____
 Block # _____ Subdivision Name _____
 Section _____ Township _____ Range _____

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process.

 Owner's Signature**

 Date

 Print Name

 Applicant's Signature

 Date

 Print Name

 Representative's Signature

 Date

 Print Name

***May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

B. APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- Eight (8) copies of the Conditional Use Permit Application
- Eight (8) copies of the written description of how the project meets the criteria in Section E
- Eight (8) copies of the Site Plan – drawn to scale, which shows in detail the proposed use, property lines and setback lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc.
- Housing Mitigation Plan (unless exempt)
- Where new buildings or additions are proposed, building sketches and elevations must be submitted
- Tree Preservation Plan – show a site plan with trees 6-inch DBH or greater to be preserved with project
- If the project is a multi-family development, complete the **Multi-Family Development Standards Supplemental**
- If the project is a mixed-use or non-residential development, complete the **Mixed-Use and Non-Residential Building Development Standards Supplemental**
- Electronic version of entire application (i.e. pdf)
- Any additional information requested during the pre-application process

When all application materials are submitted to the Planning & Building Department, the application will be scheduled for public hearing before the Planning Board and City Council.

C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

APPLICANT (if different than above):

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

OTHER TECHNICAL/PROFESSIONAL:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

D. DESCRIBE PROPOSED USE:

ZONING DISTRICT: _____

E. FINDINGS: The following criteria form the basis for approval or denial of the Conditional Use Permit. The burden of satisfactorily addressing these criteria lies with the applicant. Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the criteria, describe how it will be mitigated.

1. Describe how the proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy.

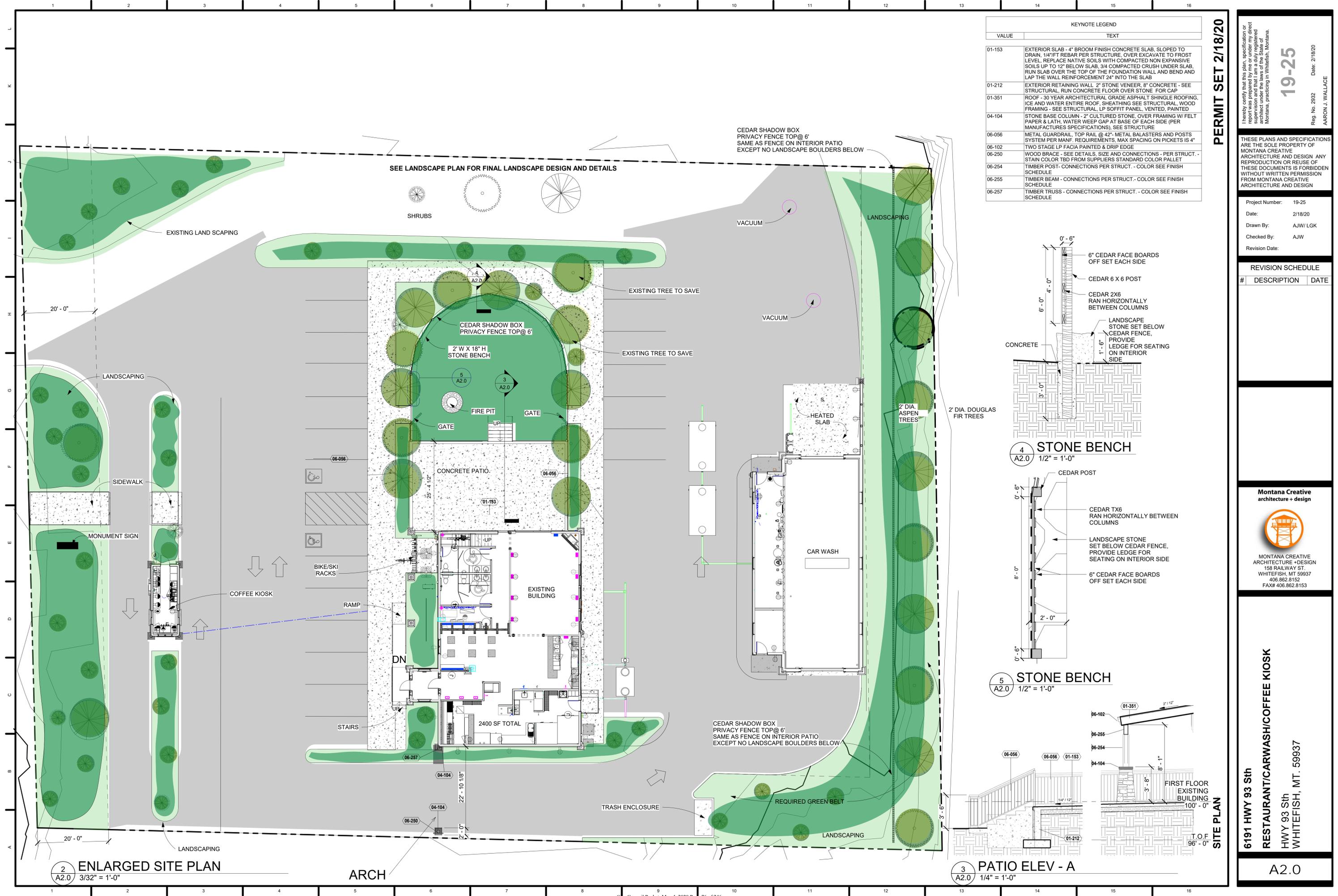
2. Describe how the proposal is consistent with the purpose, intent and applicable provisions of the regulations.

3. How is the property location suitable for the proposed use? Is there adequate usable land area? Does the access, including emergency vehicle access, meet the current standards? Are environmentally sensitive areas present on the property that would render the site inappropriate for the proposed use?

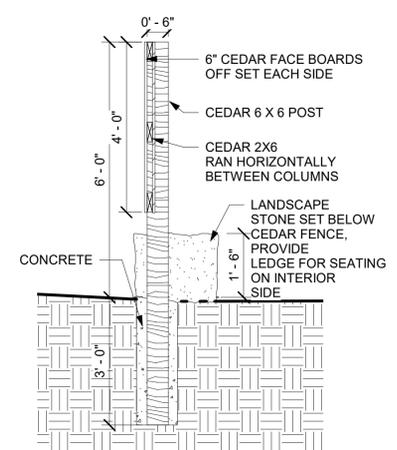
4. How are the following design issues addressed on the site plan?
 - a. Parking locations and layout
 - b. Traffic circulation
 - c. Open space
 - d. Fencing/screening
 - e. Landscaping
 - f. Signage
 - g. Undergrounding of new utilities
 - h. Undergrounding of existing utilities

5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
 - a. Sewer
 - b. Water
 - c. Stormwater
 - d. Fire Protection
 - e. Police Protection
 - f. Street (public or private)
 - g. Parks (residential only)
 - h. Sidewalks
 - i. Bike/pedestrian ways – including connectivity to existing and proposed developments

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.
 - a. Excessive traffic generation and/or infiltration of traffic into neighborhoods
 - b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

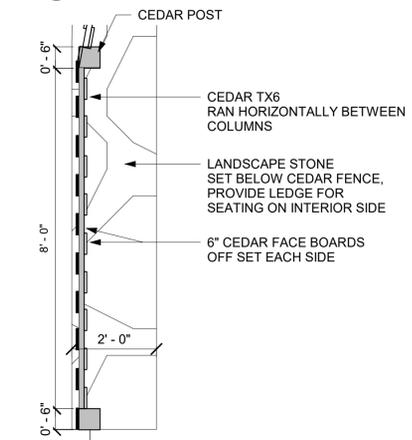


KEYNOTE LEGEND	
VALUE	TEXT
01-153	EXTERIOR SLAB - 4" BROOM FINISH CONCRETE SLAB, SLOPED TO DRAIN, 1/4" REBAR PER STRUCTURE. OVER EXCAVATE TO FROST LEVEL, REPLACE NATIVE SOILS WITH COMPACTED NON EXPANSIVE SOILS UP TO 12" BELOW SLAB, 3/4" COMPACTED CRUSH UNDER SLAB, RUN SLAB OVER THE TOP OF THE FOUNDATION WALL AND BEND AND LAP THE WALL REINFORCEMENT 24" INTO THE SLAB
01-212	EXTERIOR RETAINING WALL 2" STONE VENEER, 8" CONCRETE - SEE STRUCTURAL, RUN CONCRETE FLOOR OVER STONE FOR CAP
01-351	ROOF - 30 YEAR ARCHITECTURAL GRADE ASPHALT SHINGLE ROOFING, ICE AND WATER ENTIRE ROOF, SHEATHING SEE STRUCTURAL, WOOD FRAMING - SEE STRUCTURAL, LP SOFFIT PANEL, VENTED, PAINTED
04-104	STONE BASE COLUMN - 2" CULTURED STONE, OVER FRAMING W/ FELT PAPER & LATH, WATER WEEP GAP AT BASE OF EACH SIDE (PER MANUFACTURERS SPECIFICATIONS), SEE STRUCTURE
06-056	METAL GUARDRAIL, TOP RAIL @ 42" - METAL BALUSTERS AND POSTS SYSTEM PER MANF. REQUIREMENTS, MAX SPACING ON PICKETS IS 4"
06-102	TWO STAGE LP FACIA PAINTED & DRIP EDGE
06-250	WOOD BRACE - SEE DETAILS, SIZE AND CONNECTIONS - PER STRUCT. - STAIN COLOR TBD FROM SUPPLIERS STANDARD COLOR PALLET
06-254	TIMBER POST - CONNECTIONS PER STRUCT. - COLOR SEE FINISH SCHEDULE
06-255	TIMBER BEAM - CONNECTIONS PER STRUCT. - COLOR SEE FINISH SCHEDULE
06-257	TIMBER TRUSS - CONNECTIONS PER STRUCT. - COLOR SEE FINISH SCHEDULE



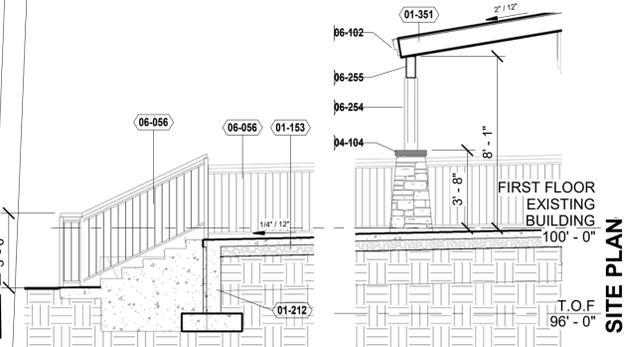
4
A2.0
1/2" = 1'-0"

STONE BENCH



5
A2.0
1/2" = 1'-0"

STONE BENCH



3
A2.0
1/4" = 1'-0"

PATIO ELEV - A

PERMIT SET 2/18/20

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

19-25

Reg. No. 2932 Date: 2/18/20
AARON J. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN

Project Number:	19-25
Date:	2/18/20
Drawn By:	AJW/LGK
Checked By:	AJW
Revision Date:	

REVISION SCHEDULE

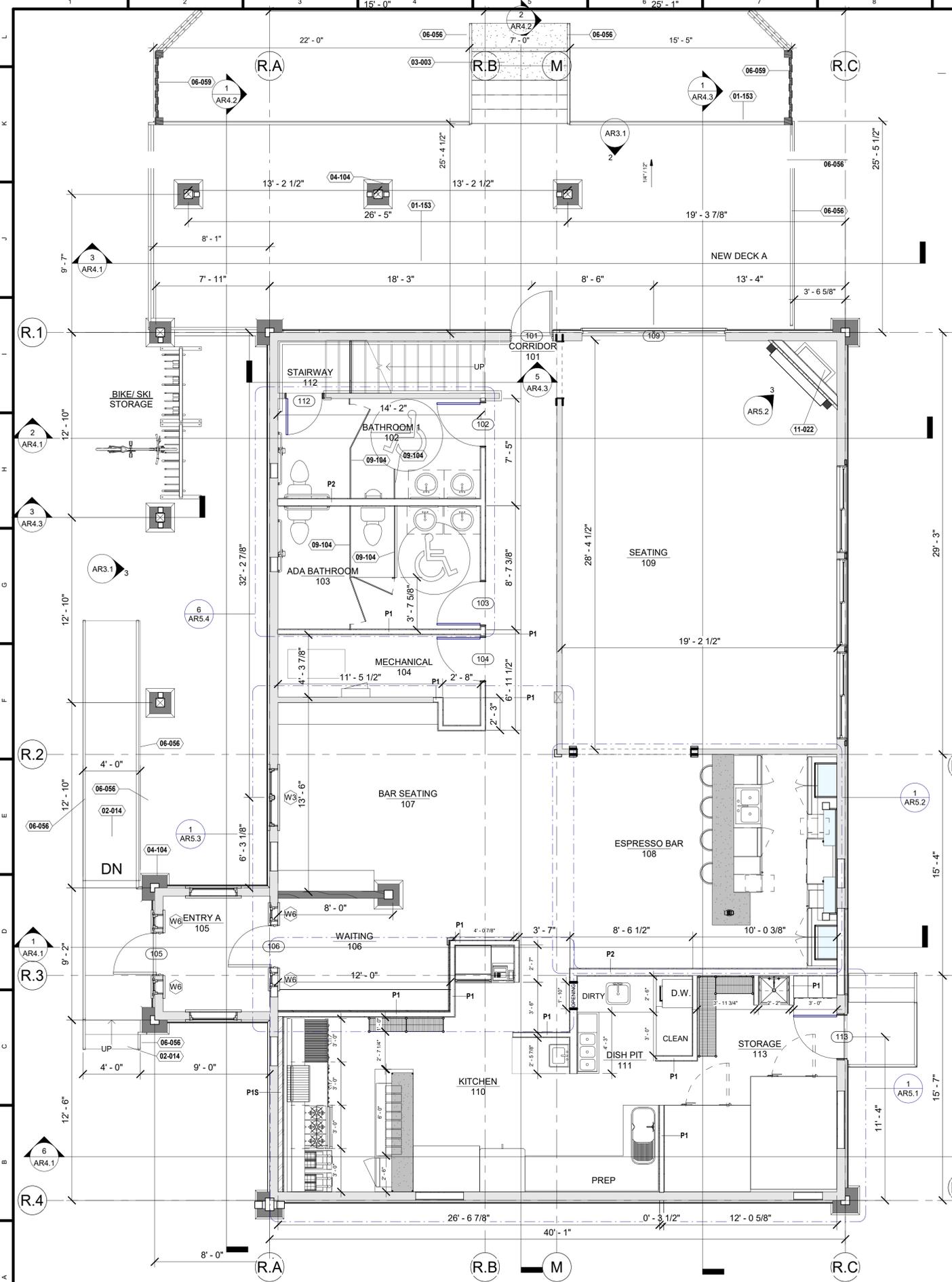
#	DESCRIPTION	DATE

Montana Creative
architecture + design

MONTANA CREATIVE ARCHITECTURE + DESIGN
158 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

6191 HWY 93 Sth
RESTAURANT/CARWASH/COFFEE KIOSK
HWY 93 Sth
WHITEFISH, MT. 59937

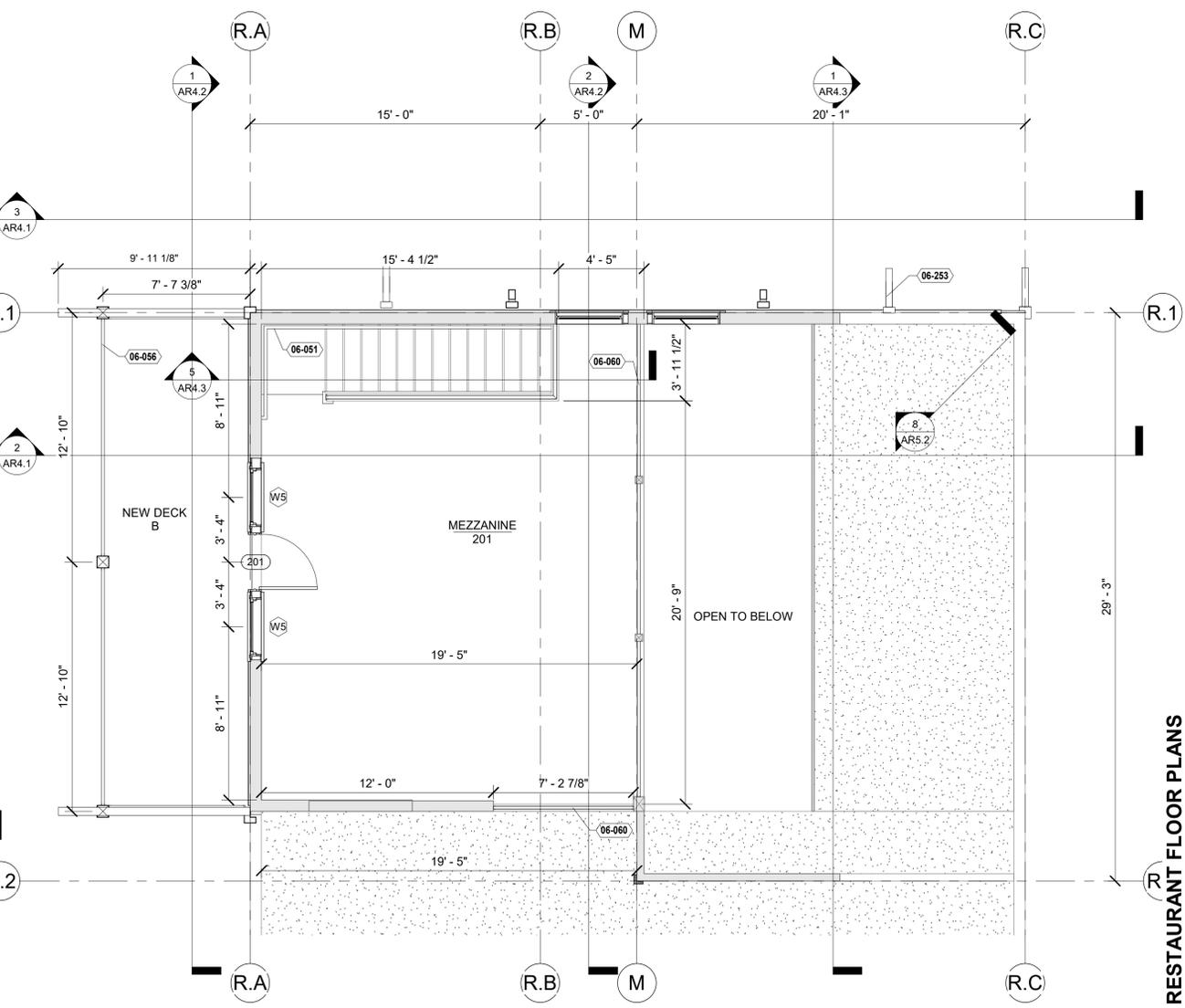
A2.0



2 AR2.2 1/4" = 1'-0" RESTAURANT FIRST FLOOR PLAN

- GENERAL NOTES:**
1. TYPICAL DOOR JAMB OFFSET IS 4" FROM FINISHED FACE OF ADJACENT WALL
 2. ALL FLOOR FINISHES TO BE SELECTED BY CONTRACTOR
 3. ALL WALL FINISHES ARE TO BE SELECTED BY CONTRACTOR
 4. PROVIDE ESCUTCHEON PLATES AT ALL KITCHEN AND BATH PIPE PENETRATIONS
 5. INSTALL FIRE BLOCKING IN ACCORDANCE WITH THE BUILDING CODE, FOR EXAMPLE:
 - A.) CONCEALED STUD WALLS & PARTITIONS, INCLUDING FURRED SPACES, AT THE CEILING & FLOOR LEVELS AND AT 10 FT. INTERVALS BOTH VERTICAL AND HORIZONTAL.
 - B.) AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES, (SOFFITS, DROPPED CEILINGS, COVE CEILINGS, ETC.).
 - C.) IN OPENINGS AROUND VENTS, PIPES, DUCTS, CHIMNEYS, AND SIMILAR OPENINGS.
 6. TERMINATE, GYP. BD. TO DISSIMILAR MATERIALS WITH GYP. BD. CASING BEAD AND SEALANT
 7. ALL VERTICAL WALL EDGES WILL RECEIVE A SQUARE CORNER.
 8. SEALANT AT ALL DISSIMILAR MATERIALS, MATCH BASE MATERIAL COLOR
 9. ALL SILL PLATES ON CONCRETE WILL BE PRESSURE TREATED
 10. SEE DETAILS FOR PARTITION TYPES.
 11. SEE STRUCTURAL DRAWINGS TO COORDINATE ALL FOUNDATION/FOOTING AND BEARING WALL DIMENSIONS.
 12. ALL DIMENSIONS ARE TO FACE OF STUD

KEYNOTE LEGEND	
VALUE	TEXT
01-153	EXTERIOR SLAB - 4" BROOM FINISH CONCRETE SLAB, SLOPED TO DRAIN, 1/4" FT REBAR PER STRUCTURE, OVER EXCAVATE TO FROST LEVEL, REPLACE NATIVE SOILS WITH COMPACTED NON EXPANSIVE SOILS UP TO 12" BELOW SLAB, 3/4 COMPACTED CRUSH UNDER SLAB, RUN SLAB OVER THE TOP OF THE FOUNDATION WALL AND BEND AND LAP THE WALL REINFORCEMENT 24" INTO THE SLAB
02-014	EXISTING CONCRETE RAMP AND STAIRWAY TO REMAIN, PATCH AS REQUIRED, NEW RAILING TO BE INSTALLED
03-003	CONCRETE STAIRS, RUN TO FROST LEVEL, BROOM FINISH, 1" DIA EDGE, TACTILE GROOVES ON STEPS.
04-104	STONE BASE COLUMN - 2" CULTURED STONE, OVER FRAMING W/ FELT PAPER & LATH, WATER WEEP GAP AT BASE OF EACH SIDE (PER MANUFACTURERS SPECIFICATIONS), SEE STRUCTURE
06-051	2-1/4" X 1-1/4" OVAL WOOD HAND RAIL AT 36" TO TOP OF RAIL, STANDARD PROFILES TBD BY OWNER, 1' EXTENSION AT TOP OF LANDINGS AND STAIRS, 1'-11" EXTENSION AT BOTTOM OF LANDINGS AND STAIRS, CONTINUOUS AT ALL INTERIOR CORNERS
06-056	METAL GUARDRAIL, TOP RAIL @ 42"- METAL BALUSTERS AND POSTS SYSTEM PER MANF. REQUIREMENTS, MAX SPACING ON PICKETS IS 4"
06-059	6" CEDAR SHADOW BOX PRIVACY FENCE, SEE DETAILS
06-060	NEW WOOD RAILINGS - 2" X 4" TO CAP, 42" HIGH WITH WOOD BALUSTERS @ 6" O.C. 4" MAX SPACING BETWEEN PICKETS, TO BE BUILT ON TOP OF EXISTING HALF WALL
06-253	TIMBER KNEE BRACE, CONNECTIONS PER STRUCT. - COLOR SEE FINISH SCHEDULE
09-104	PLASTIC BATHROOM PARTITION SYSTEM WITH PEDISTALS
11-022	FINAL COLOR TO BE SELECTED FROM MANF. STANDARD COLOR SYSTEM
11-022	DIRECT VENT GAS FIREPLACE UNIT, INSTALLED PER MANUFACTURERS RECOMMENDATIONS, FINAL UNIT TO BE SELECTED, ASSUME 36" X 36", 30,000 BTU UNIT



1 AR2.2 1/4" = 1'-0" RESTAURANT SECOND FLOOR PLAN

PERMIT SET 2/18/20

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

19-25

Reg. No. 2932 Date: 2/18/20

AARON J. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN

Project Number: 19-25
 Date: 2/18/20
 Drawn By: AJW / LGK
 Checked By: AJW
 Revision Date:

REVISION SCHEDULE		
#	DESCRIPTION	DATE

Montana Creative
 architecture + design

MONTANA CREATIVE ARCHITECTURE + DESIGN
 158 RAILWAY ST.
 WHITEFISH, MT 59937
 406.862.8152
 FAX# 406.862.8153

6191 HWY 93 Sth
 RESTAURANT/CARWASH/COFFEE KIOSK
 HWY 93 Sth
 WHITEFISH, MT. 59937

AR2.2

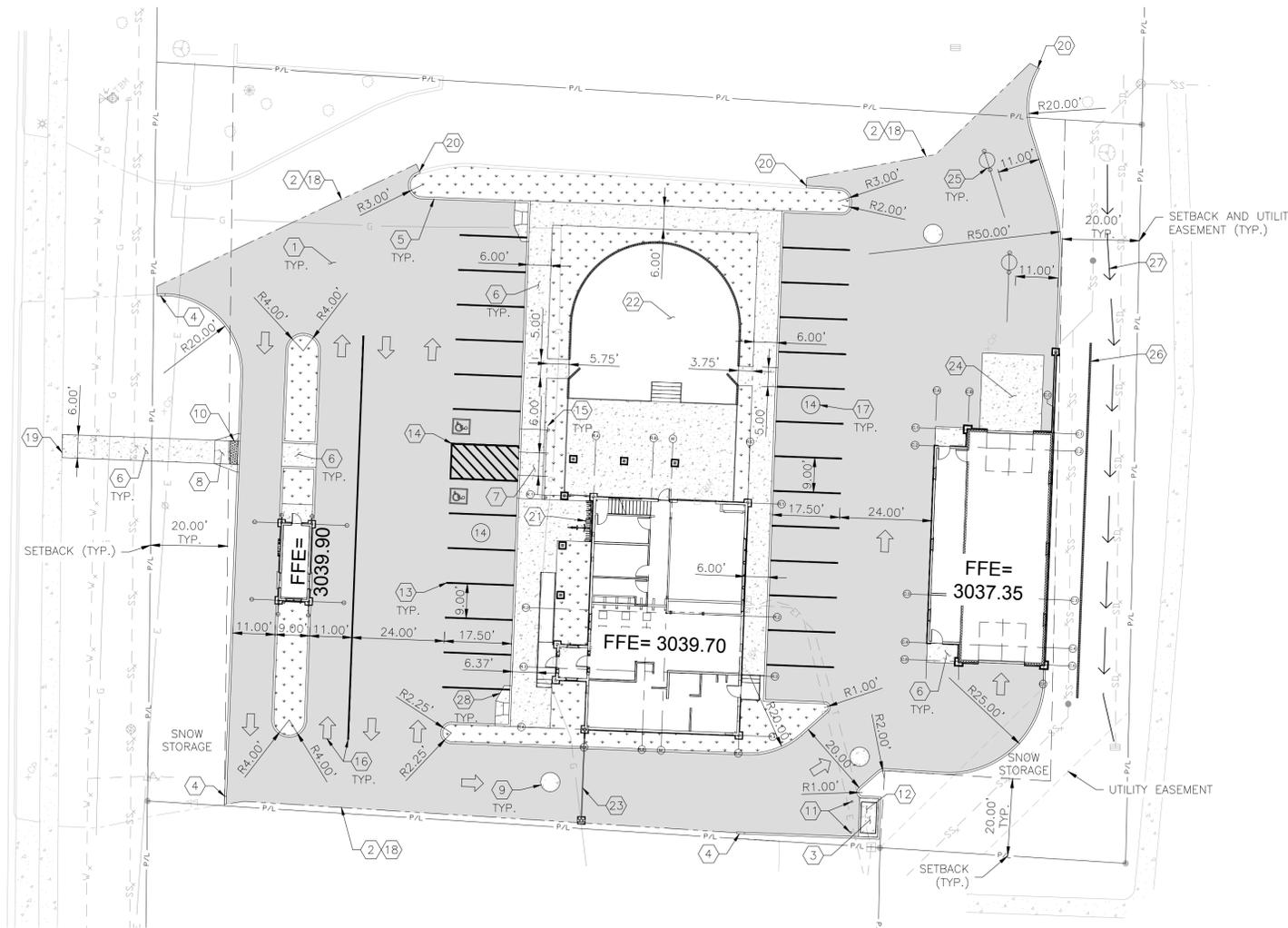


GENERAL NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE "DESIGN AND CONSTRUCTION STANDARDS" OF THE CITY OF WHITEFISH, AND SHALL BE COMPLETED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS. IN THE EVENT THAT A DESIGN ELEMENT DOES NOT REFLECT CITY STANDARDS, THE MATTER MUST BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER AND THE DIRECTOR OF PUBLIC WORKS. THE ENGINEER SHALL BE RESPONSIBLE FOR RECOMMENDING A SOLUTION OR ALTERNATIVE SOLUTIONS TO THE CITY FOR REVIEW AND APPROVAL.
- THESE PLANS HAVE BEEN CHECKED BY THE CITY OF WHITEFISH ONLY FOR CONFORMANCE WITH THE "DESIGN AND CONSTRUCTION STANDARDS." COMPLIANCE WITH DEVELOPMENT AGREEMENT CONDITIONS, AND FOR GENERAL CONCEPTUAL APPROVAL OF PUBLIC IMPROVEMENTS AS SHOWN. THE CITY'S REVIEW DOES NOT VERIFY OR ENSURE THE ACCURACY OF EXISTING OR PROPOSED DIMENSIONS, LINES, COORDINATES, OR GRADES SHOWN, INCLUDING ALL EXISTING UTILITIES SHOWN OR NOT SHOWN.
- UTILITY LOCATIONS SHOWN REFLECT AVAILABLE RECORD DATA. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT ALL UTILITY LINES SHOWN AND OTHER UTILITY LINES OTHERWISE LOCATED. THE CONTRACTOR SHALL CONTACT THE "MONTANA ONE CALL CENTER 1 U-DIG" AT (406) 752-6811 FOR UTILITY LOCATES GIVING A MINIMUM OF 2-FULL WORKING DAYS NOTICE PRIOR TO BEGINNING CONSTRUCTION." ONCE LOCATED IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN MARKINGS.
- BEFORE WORK BEGINS, THE CONTRACTOR SHALL OBTAIN A PERMIT TO WORK IN THE RIGHT-OF-WAY FROM THE CITY AND MUST NOTIFY THE CITY RIGHT-OF-WAY INSPECTION STAFF AT LEAST 24 HOURS IN ADVANCE OF COMMENCING CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR SHALL OBTAIN AND MAINTAIN A COMPLETE AND APPROVED SET OF CONSTRUCTION PLANS, THESE DRAWINGS, AND ANY REQUIRED PERMITS, SHALL BE AVAILABLE AT THE PROJECT SITE AT ALL TIMES AND SHALL BE MADE AVAILABLE TO THE CITY STAFF UPON REQUEST. IF CONSTRUCTION PLANS ARE NOT READILY AVAILABLE AT THE PROJECT SITE, THE DIRECTOR OF PUBLIC WORKS MAY ISSUE A STOP WORK ORDER AND HALT ALL CONSTRUCTION ACTIVITIES PENDING COMPLIANCE BY THE CONTRACTOR.
- THE CONTRACTOR AGREES TO COMPLY WITH THE PROVISIONS OF THE TRAFFIC CONTROL PLAN AND THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES," PART IV, FOR CONSTRUCTION SIGNAGE AND TRAFFIC CONTROL.
- ALL SURPLUS MATERIALS, TOOLS, AND TEMPORARY STRUCTURES, FURNISHED BY THE CONTRACTOR, SHALL BE REMOVED FROM THE PROJECT SITE BY THE CONTRACTOR. ALL DEBRIS AND RUBBISH CAUSED BY THE OPERATIONS OF THE CONTRACTOR SHALL BE REMOVED, AND THE AREA OCCUPIED DURING CONSTRUCTION ACTIVITIES SHALL BE RESTORED TO ITS ORIGINAL CONDITIONS, WITHIN 48 HOURS OF PROJECT COMPLETION, UNLESS OTHERWISE DIRECTED BY THE DIRECTOR OF PUBLIC WORKS.
- THE CONTRACTOR IS REQUIRED TO PROVIDE AND MAINTAIN EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE APPROVED EROSION CONTROL PLAN. THE DIRECTOR OF PUBLIC WORKS MAY REQUIRE THE CONTRACTOR TO PROVIDE ADDITIONAL EROSION CONTROL MEASURES DUE TO UNFORESEEN EROSION PROBLEMS OR IF THE PLANS DO NOT FUNCTION AS INTENDED.
- A PRE-CONSTRUCTION MEETING WITH THE CITY OF WHITEFISH IS REQUIRED PRIOR TO THE START OF CONSTRUCTION.
- ALL WORK SHALL BE PERFORMED BY CITY APPROVED CONTRACTORS.

CONSTRUCTION NOTES

- ASPHALT PAVING SECTION PER DETAIL 1/C5.2.
- ASPHALT TRANSITION PER DETAIL 2/C5.2.
- CONCRETE SECTION PER DETAIL 3/C5.2.
- CURB END TAPER PER DETAIL 4/C5.2.
- STRAIGHT CONCRETE CURB PER DETAIL SD-13/C5.0.
- CONCRETE SIDEWALK PER DETAIL 5/C5.2. WIDTH PER PLAN.
- SIDEWALK LAYDOWN PER DETAIL 6/C5.2.
- PEDESTRIAN RAMP PER DETAIL SD-15/C5.0.
- CONCRETE COLLAR PER DETAIL 7/C5.2.
- TACTILE WARNING STRIP PER DETAIL 8/C5.2.
- BOLLARD PER DETAIL 9/C5.2.
- SOLID WASTE ENCLOSURE PER ARCHITECTURAL PLANS.
- PAINT PARKING STALLS, 4" WIDE WHITE LINE, DIMENSIONS PER PLAN AND PER DETAIL 1/C5.3. DIMENSIONS ON PLAN ARE TYPICAL UNLESS NOTED OTHERWISE.
- ADA ACCESSIBLE PARKING STALLS WITH STRIPED ACCESS ISLAND PER DETAIL 1/C5.3.
- ADA SIGN PER DETAIL 2/C5.3.
- SYMBOLS AND STRIPING PER MUTCD. ALL PAINT TWO COATS (TYP).
- PARKING SPACE COUNT (TYP).
- MATCHING EXISTING ASPHALT (TYP).
- MATCH EXISTING SIDEWALK (TYP).
- MATCH CURB FLOWLINE (TYP).
- COVERED BIKE/SKI STORAGE.
- PATIO AREA PER LANDSCAPE PLANS.
- CAR WASH ARCH PER ARCHITECTURAL PLANS.
- CAR WASH SNOW MELT PAD PER ARCHITECTURAL PLANS.
- VACUUM ISLAND PER ARCHITECTURAL PLANS (TYP).
- FENCE PER ARCHITECTURAL PLANS.
- VEGETATED SWALE PER DETAILS 6/C5.3 & 7/C5.3.
- CONCRETE INLET APRON PER DETAIL SD-61/C5.1.



SITE LAYOUT PLAN



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Montana, practicing in Whitefish, Montana.

19-25

Reg. No. 2932 Date: 1/2/2020
AARON J. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: K19-043 (TDH)
Date: 2/26/2020
Drawn By: JLC
Checked By: DAP
Revision Date:



Montana Creative
architecture + design

MONTANA CREATIVE
ARCHITECTURE + DESIGN
158 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

SITE LAYOUT PLAN

6191 HWY 93 S
6191 HWY 93 S
WHITEFISH, MT 59937

C2.0

(This page left blank intentionally to separate printed sections)

PLANNING & BUILDING DEPARTMENT
418 E 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



April 28, 2020

Mayor and City Council
City of Whitefish
PO Box 158
Whitefish MT 59937

RE: 1515 Highway 93 W Condominiums (WCUP 20-07)

Honorable Mayor and Council:

Summary of Requested Action: Ronnie & Sharon Kyle are requesting a Conditional Use Permit to construct 52 condominium units in three buildings (two 18-unit buildings and one 16-unit building) at 1515 Highway 93 W. The site is developed with a single-family home and several detached accessory buildings to be removed as part of this project. The property is zoned WRR-1 (Low-Density Resort Residential District) and the Whitefish Growth Policy designates this property as 'Resort Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to twelve conditions set forth in the attached staff report.

Public Hearing: The applicant's consultants spoke and no members of the public spoke at the public hearing on April 16, 2020. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 16, 2020 and considered the request. Following the hearing, the Planning Board unanimously approved the request. In making their decision, the Planning Board adopted staff report WCUP 20-07 with Findings of Fact and recommended Conditions of Approval.

Proposed Motion:

- I move to approve WCUP 20-72, the Findings of Fact in the staff report and the twelve conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item has been placed on the agenda for your regularly scheduled meeting on May 4, 2020. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Wendy Compton-Ring, AICP
Senior Planner

Att: Exhibit A: Planning Board Recommended Conditions of Approval
Draft Minutes, Planning Board Meeting, 4-16-20

Exhibits from 4-16-20 Staff Packet

1. Staff Report – WCUP 20-07, 4-9-20
2. Adjacent Landowner Notice, 3-27-20
3. Advisory Agency Notice, 3-28-20

The following was submitted by the applicant:

4. Application for Conditional Use Permit, 3-2-20

The following were received after the Planning Board packet:

5. Email, Abelson, 4-16-20

c: w/att Michelle Howke, City Clerk

c: w/o att Ronnie & Sharon Kyle, 4960 Bluebonnet Blvd, suite A Baton Rouge, LA 70809
Fran Quiram, Cushing Terrell, 2 Main Street, suite 205 Kalispell, MT 59901
Eric Mulcahy, Sands Surveying 2 Village Loop Kalispell, MT 59901
Ryan Mitchell, RPA, PO Box 5100 Kalispell, MT 59901

Exhibit A
1515 Highway 93 W Condominiums
Conditional Use Permit WCUP 20-07
Whitefish Planning Board
Recommended Conditions of Approval
April 16, 2020

1. The project must comply with the site plan submitted on March 2, 2020, except as amended by these conditions. Minor deviations from the plans must require review pursuant to §11-7-8E(8) and major deviations from the plans must require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on- and off-site infrastructure must be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, streetlights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director will approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2019)
3. The existing driveway must be removed and restored with curb, gutter and boulevard landscaping. Applicant must coordinate with the Whitefish Parks Department for any street tree installation or removal. All maintenance of sidewalk, including shoveling, and boulevard, including any irrigation system, is the responsibility of the Homeowners' Association. (FOF #5)
4. Approval of the conditional use permit is subject to approval of detailed design of all on- and off-site improvements, including drainage. Through review of detailed drainage plans, applicant is advised that the number, density and/or location of building lots, shown on the conditional use permit may change depending upon constructability of on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan must include a strategy for long-term maintenance. Fill on-site must be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2019)
5. An approach permit must be obtained from the Montana Department of Transportation (MDT). In addition, a permit from MDT must be obtained for any work within the right-of-way. (Finding 3)

6. All areas disturbed because of road and utility construction must be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, must be removed throughout the life of the development by the recorded property owner. (§11-3-33, WCC)
7. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access, hydrants, and any extended fire suppression system will be reviewed by the Whitefish Fire Department as part of the building permit. (IFC)
8. All on-site lighting must be dark sky compliant. (§11-3-25, WCC)
9. Erosion control must be set up around the boundary of the wetland prior to the start of earthwork and remain in place until landscaping is complete. Any restoration plan for the wetland will require submittal of such plan to the Planning Department for review and approval.
10. Prior to submitting a building permit the following conditions must be met:
 - a. Compliance with the Landscaping Chapter will be confirmed at the time of building permit. (Chapter 4, WCC)
 - b. A tree preservation plan must be submitted along with the landscaping plan identifying healthy long-lived trees to be preserved within the landscaping. Such trees must be protected during construction with fencing maintained during construction. (Finding 4)
 - c. Approval from the Architectural Review Committee must be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
 - d. The location for refuse disposal and recycling must be reviewed and approved by the Public Works Department and Republic Service. (§4-2, WCC)
11. Compliance with the Legacy Homes Program approved housing mitigation plan will be met through the payment of \$26,386/unit at the time of certificate of occupancy for each unit. Building permit phasing must meet building code requirements. (§§11-1A-4A, 11-1A-4D, WCC)
12. This Conditional Use Permit is valid for 18 months from this date and terminates at the end of that time unless commencement of the authorized activity has begun. (§11-7-8H(2), WCC)

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
April 16, 2020**

<p>CALL TO ORDER AND ROLL CALL</p>	<p>Chair Steve Qunell called the regular meeting of the Whitefish Planning Board to order at 6:05 pm via WebEx videoconferencing. Board members present were Whitney Beckham, John Ellis, Scott Freudenberger, John Middleton and Toby Scott. Allison Linville was absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring and Planner II Bailey Minnich represented the Whitefish Planning and Building Department. Public Works Director Craig Workman and City Attorney Angela Jacobs also attended.</p> <p>There were approximately 13 people attending via videoconference in addition to the board and staff.</p>
<p>AGENDA CHANGES <i>6:05 pm</i></p>	<p>None.</p>
<p>APPROVAL OF MINUTES <i>6:05 pm</i></p>	<p>Ellis moved, and Scott seconded to approve the March 19, 2020 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:09 pm</i></p>	<p>None.</p>
<p>OLD BUSINESS: <i>6:09 pm</i></p>	<p>None.</p>
<p>PUBLIC HEARING 1: KYLE CONDITIONAL USE PERMIT REQUEST <i>6:09 pm</i></p>	<p>A request by Ronnie and Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings. The property is zoned WRR-1 (Lot-Density Resort Residential District). The property is located at 1515 Highway 93 W and can be legally described as Tract 1ABD in S35, T31N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-07 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-07, no public comments had been received. One public comment was received today and Compton-Ring will read it into the record during the public comment period.</p>

	<p>Staff recommended adoption of the findings of fact within staff report WCUP 20-07 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Chair Qunell asked if staff thought this method of collecting money for the Legacy Homes Program (paying for only one unit at a time as they sell each unit) would set a precedent for the future. Compton-Ring said they will be handled on a case-by-case basis and applicants can make a case for this method before the Council; the money will be paid when the Certificate of Occupancy is issued and staff and the Building Department are comfortable with it. Chair Qunell asked if the wetland exits off the property and Compton-Ring said she does not think so; it is just a low spot on the property.</p> <p>Scott asked about vehicle access to the parking lot depicted under buildings 1 and 2 and how vehicles get to building 3. Compton-Ring said buildings 2 and 3 share underground parking that connects the two buildings; vehicles park under both buildings 2 and 3. Scott asked and Compton-Ring said visitor waiting and parking is by the round-about near the entrance and in the parking areas under the buildings. Scott asked and Compton-Ring said the Applicant will have to coordinate with Republic Services regarding the location of trash receptacles. Scott asked and Compton-Ring said she thought bicycle parking may be in the underground parking areas, but that would be a question for the Applicant. Scott asked and Compton-Rings said there is already a sidewalk along Highway 93 W.</p>
<p>APPLICANT / AGENCIES</p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop in Kalispell, said he has read through the staff report and is comfortable with all conditions. The project will be constructed in phases. They will get all the units on a floor in a building done, get the Certificate of Occupancy for each unit and pay the cash-in-lieu of affordable housing. Mr. Mulcahy thinks that is a good way to do it. There will be designated visitor parking in each of the underground parking areas, along with occupant storage for kayaks, paddleboards, bikes, etc. There will be a staffed office in the northeast corner of building 2 and visitors can get directions there on where to go for visitor parking. There will also be bike racks in the front of the office so visitors can park their bikes and walk in to see whoever they are visiting. There will also be refuse containers under each building and at the time of pickup an employee will roll out the refuse containers. To work with the grade of the landscape, building 1 will have first floor parking and buildings 2 and 3 have underground parking. Mr. Mulcahy said with this project they looked at a number of different scenarios and came to this design with</p>

underground parking to create open areas or green space over 65% of the site and allow protection of the wetlands area. The Club House on the north is for unit owners and is a single-story structure with plaza and patio area around.

Scott asked and Mr. Mulcahy said there is a very slight slope up to the round-about from the underground parking so refuse containers will be moved on collection days with a golf cart, 4-wheeler or something similar, not pushed by employees.

Beckham asked why they have chosen to do cash-in-lieu for the entire project rather than include any affordable housing units and Mr. Mulcahy said this is their first project to go through the Inclusionary Zoning (Legacy Homes) Program and it is an "upper end" project. To get the density they have a lot of upfront costs. Cash-in-lieu does not come without a price - 30% versus 20% - so he thinks the bonus of 10% offsets the decision to do all cash-in-lieu. Beckham said she is concerned that Inclusionary Zoning will come into money with nowhere to build and it was envisioned that affordable housing would be more spread out.

Beckham said she used to live right next door at 1625 Highway 93 W and knows this property had a large ravine with water present often and the wetland in the middle of property. She asked if there is an inlet and outlet on the west and east of property or how the water moves there. Mr. Mulcahy said Calypso looked at the wetlands and followed the water and it goes to a drain installed by the Montana Department of Transportation (MDOT). It is low quality and not continuous or jurisdictional. It is basically a wet field if you walk there and the previous landowners let their neighbors plow their snow into the field, which was a large source of the water.

Chair Qunell asked, considering our high groundwater, how deep the digging will be for the underground parking garages. Mr. Mulcahy said the geotechnical engineer bored test holes on site and felt the garages could be put in and maintained as dry garages. Mr. Mulcahy said he will let Fran Quiram with the architectural firm of Cushing Terrell address those specifics as they designed the buildings.

Freudenberger said the pictures in the staff report indicate it does not seem that wet and asked if they will dig some more depth in the wetlands and whether drainage goes to a culvert across Highway 93 W. Mr. Mulcahy said the water heads east on Highway 93 W and goes to another outlet near the Whitefish River. They would like to put

	<p>together a wetlands restoration plan and introduce attractive wetland plants to the area but did not want to go through the time and expense before knowing if they would get approval. They will proceed according to the included Condition and address the issue then.</p> <p>Beckham asked what time of year the ground were tests done and if multiple tests were done, i.e., in the spring, summer, and fall, to see if basements are sustainable. Mr. Mulcahy said there were not multiple tests, but the geotechnical engineer looks at the soils and that would indicate whether there is a presence of water. There are techniques available if necessary to move water around the buildings.</p> <p>Fran Quiram, Cushing Terrell, 2 Main Street, Suite 205, Kalispell, MT, said she had no specific comments to add and asked for questions. Beckham asked Ms. Quiram whether water will be stopped or redirected to add the basements. She also asked about water retention, whether there is a culvert that will take the water away under highway 93 W, whether the water moves through the property or simply holds it in place. Ms. Quiram said through report and investigation they determined it was maintained holistically (shown in blue on the engineering plans) and there was no flow. They will stay in place and not manipulate the performance of the wetlands. The wetland is not at all part of the plan for the basements. All site drainage - roofs, cul-de-sac, etc. - will be handled separately with no distribution to the wetland.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing and Compton-Ring read a comment received today from Eva Marie Abelson into the record in opposition to the density of the project.</p> <p>No one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Beckham asked for the rest of the Board's thoughts if moving forward we continue to get cash-in-lieu. Middleton said his impression is this is largely how the Inclusionary Zoning Program was designed to work. Cash-in-lieu is designed to help the Whitefish Housing Authority (WHA) working as the developer on projects such as the Snow Lot. The funds for the Snow Lot project are short and something like this would go a long way towards meeting that. He feels the highest and best use is not to have affordable housing in this project and there are other areas better suited. He said the WHA has not earmarked any capital that has not come in yet but in conjunction with the City the WHA is</p>

	<p>working on multiple options and any sort of cash-in-lieu will be a boon. Money can be earmarked for whatever the WHA sees fit.</p> <p>Chair Qunell said typical condominium complexes are tricky as far as the way they get sold because you do not actually own any ground in a condo so makes it more difficult to get a loan and a larger down payment is needed which makes condos tricky as affordable units.</p> <p>Freudenberger said there are also condominium association dues, etc., to consider which also make affordable housing of condos difficult.</p> <p>Scott moved and Middleton seconded to adopt the findings of fact within staff report WCUP 20-07, with the twelve (12) conditions of approval, as proposed by City Staff.</p>
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on May 4, 2020.
PUBLIC HEARING 2: BLACKSTAR PARTNERS, LLC CONDITIONAL USE PERMIT REQUEST 7:01 pm	A request by Blackstar Partners, LLC, with technical assistance from Montana Creative for a Conditional Use Permit for a bar/tavern. The property is zoned WB-3 (General Business District) and is located at 2 Central Avenue and can be legally described as Lot 1, Block 27 of Whitefish Township in S36, T31N, R22W, P.M.M., Flathead County.
STAFF REPORT WCUP 20-06 (Taylor)	<p>Director Taylor reviewed his staff report and findings. As of the writing of WCUP 20-06, no public comments had been received. One public comment was received a couple of days ago and Director Taylor will read it into the record during the public comment portion.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-06 and for approval of the conditional use permit to the Whitefish City Council.</p>
BOARD QUESTIONS OF STAFF	None.
APPLICANT/ AGENCIES	Aaron Wallace, MT Creative, 158 Railway Street in Whitefish, said the Applicant has been in negotiations with the former brewery operators but do not have a signed lease yet. They plan to have a tower and rooftop area and turn some of first floor and second floor over from brewery operations to a restaurant/bar with a full kitchen.

1515 Highway 93 W Condominiums
CONDITIONAL USE PERMIT
WCUP 20-07
April 9, 2020

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a Conditional Use Permit (CUP) to build 52-condominium units in three buildings at 1515 Highway 93 W. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, **April 16, 2020**. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, **May 4, 2020**.

PROJECT SCOPE

The applicant is proposing to construct 52 condominium units in three buildings (two 18-unit buildings and one 16-unit building) at 1515 Highway 93 W. The 16-unit building has two floors of condos and under-the-building parking. The two 18-unit buildings have subgrade parking and three floors of condos. The buildings contain a combination of two-, three- and four-bedroom units. Access to the project will be off Highway 93 W. The entrance into the project includes a large landscaped 'round-about' to slow traffic down as it enters the project before accessing parking under the buildings. Guest parking is located both along this entrance and under the buildings. The buildings are designed around a central open space which contains a clubhouse with resident amenities including BBQs, hot tubs, grassy areas and paved plaza spaces. The open space and buildings were designed around a very small wetland centrally located within the open space. Finally, a wide sidewalk loops around the entire open space providing connections to the buildings and the sidewalk along Highway 93 W.

This project complies with the Legacy Homes program by proposing to pay cash in lieu of units at 1.5x the fee in lieu rate, as it is in a Resort Residential zoning district. As part of the Legacy Home program, the applicant is using the following incentives: additional building height, density bonus and reduced parking.

A Conditional Use Permit is required for developments with multiple buildings on a single lot. (§11-2-3B(12))

A.

OWNER:

Karla McKellar
910 Columbia Ave
Whitefish, MT 59937

APPLICANT:

Ronnie & Sharon Kyle
4960 Bluebonnet Blvd, suite A
Baton Rouge, LA 70809

TECHNICAL/PROFESSIONALS:

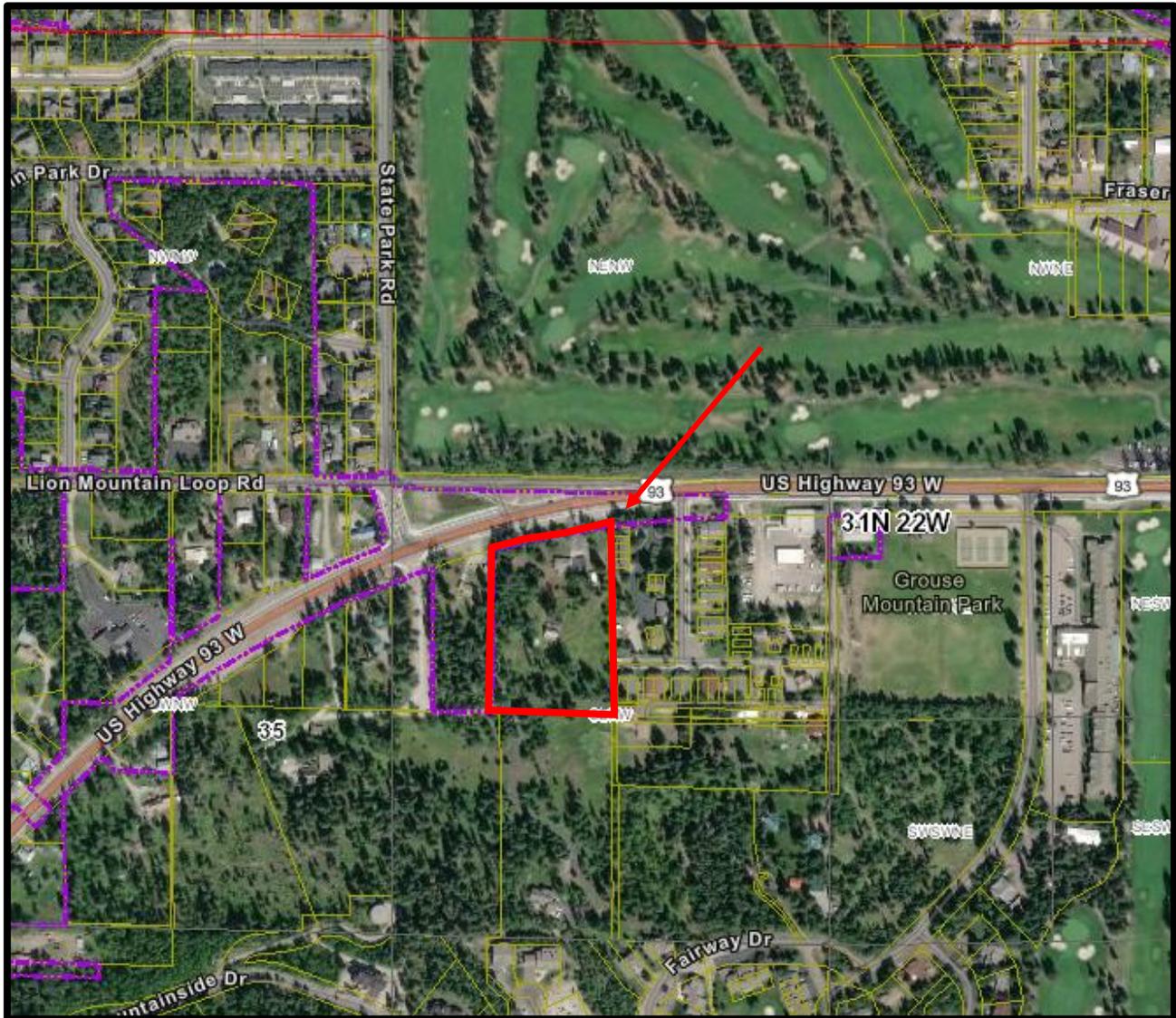
Fran Quiram, AIA
Cushing Terrell
2 Main Street, suite 205
Kalispell, MT 59901

Ryan Mitchell, PE
RPA
PO Box 5100
Kalispell, MT 59901

Eric Mulcahy, AICP
Sands Surveying
2 Village Loop
Kalispell, MT 59901

B. SIZE AND LOCATION OF PROPERTY:

The property is located at 1515 Highway 93 W and is approximately 4.47 acres. The project can be legally described as Tracts 1ABD in S35, T31N, R22W P.M.M., Flathead County.



C. EXISTING LAND USE:

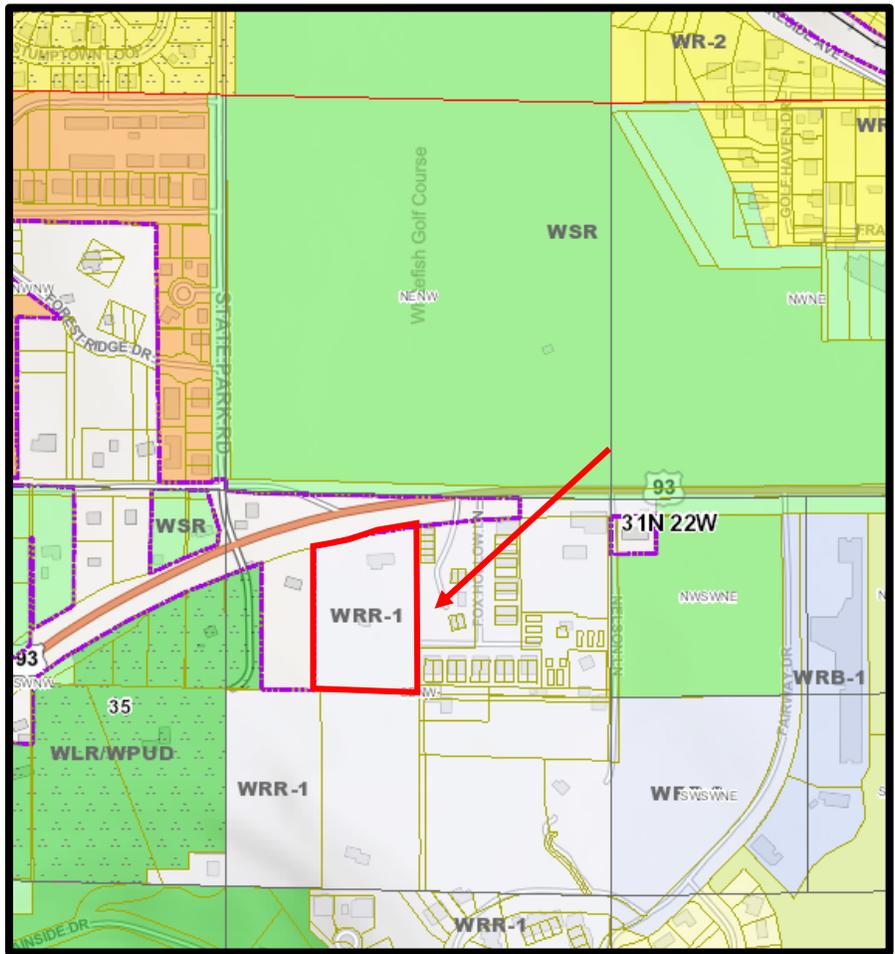
The subject property is developed with a single-family home and several outbuildings that will be removed as part of the project.

D. ADJACENT LAND USES AND ZONING:

North:	Whitefish Golf Course	WSR
South:	Residential	WRR-1
East:	Residential	WRR-1
West:	Residential	County R-3

E. ZONING DISTRICT:

The property is zoned WRR-1 (Low-Density Resort Residential District). The purpose of the WRR-1 District is 'intended to provide a low density setting for secondary residential resorts.'

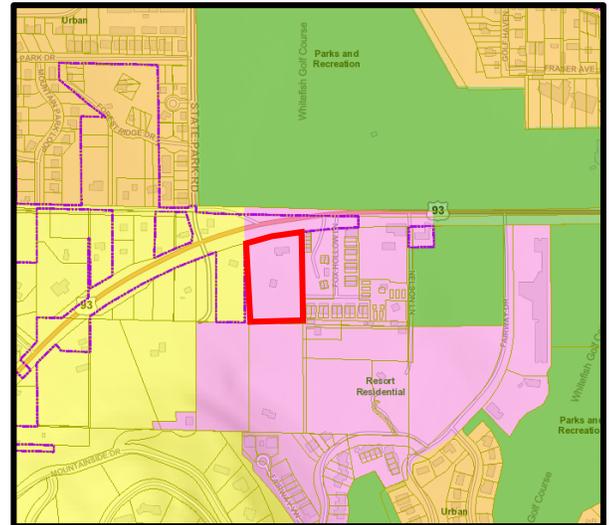


F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation is Resort Residential.

G. UTILITIES:

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	Republic Services
Electric:	Flathead Electric Co-op
Natural Gas:	Northwestern Energy
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	City of Whitefish



PUBLIC NOTICE

A sign was located on the property on March 24, 2020, a notice was mailed to adjacent landowners within 300-feet of the subject parcel on March 27, 2020, a notice was published in the *Whitefish Pilot* on April 1, 2020 and advisory agencies were noticed on March 27, 2020. As of the date of this staff report, we have received no written comments.

REVIEW AND FINDINGS OF FACT

This application is evaluated based on the "criteria required for consideration of a Conditional Use Permit," per §11-7-8(J) of the Whitefish Zoning Regulations.

1. Growth Policy Compliance. The project complies with the following 2007 Growth Policy Goals, as applicable.

Chapter 1, Natural Resources Element:

Critical Areas, Goal 1: Preserve and protect critical areas that are environmentally significant in terms of resource value and/or defining the community image and character of Whitefish.

Staff Analysis: This project is integrating a wetland into the design of the open space. While not a high quality or large wetland, the applicant designed the entire project around its protection.

Chapter 3, Land Use Element:

The Growth Policy designates this area as **Resort Residential** which is consistent with the WRR-1 zoning district.

Resort Residential: This designation is defined by resort residential development of all types and densities (in accordance with specific zoning). Included are one and two-family residential, rental cabins, vacation cottages, condominiums, and town homes. Commercial hotels and motels are not a part of this designation, but limited resort commercial is allowed. Zoning is generally WRR-1 and WRR-2.

Future Land Use, Goal 2: Preserve, enhance and manage environmentally sensitive areas such as river and stream banks, steep slopes, wetlands, forested areas and critical wildlife.

Future Land Use, Goal 5: Protect and preserve the special character, scale and qualities of existing neighborhoods while supporting and encouraging attractive, well-designed, neighborhood compatible infill development.

Staff Analysis: The type of project, resort residential, is consistent with both the zoning and the Growth Policy. The project is setting aside wetlands within the center of the project and designed the site plan to accommodate their location. The wetlands will be part of a well-designed open space area. The project is infill, as water and sewer are available and it is located within the city limits. The well-designed project is compatible with surrounding projects that are also multi-family oriented. The larger buildings are located toward the back of the project away from the street and large open space areas also help to mitigate the scale of the buildings.

Chapter 5, Housing Element:

Housing Element, Goal 2: Maintain a social and economic diversity of Whitefish through affordable housing programs that keep citizens and members of the workforce from being displaced.

Staff Analysis: This project will be contributing toward the Legacy Homes program by paying a fee in lieu of building the housing. These funds will be used for future affordable housing for the local workforce.

2015 Highway 93 W Corridor Plan: This plan did not make any recommended changes to the existing land use or the zoning.

Finding 1: The proposed use complies with Growth Policy Designation of Resort Residential because it is zoned WRR-1 (Low-Density Resort Residential District), the proposed use is consistent with the WRR-1 zone and it is implementing various aspects of the Growth Policy including protecting environmentally sensitive areas, compatible infill development, and providing a fee in lieu of housing for Whitefish's workforce.

2. Compliance with regulations. The proposal is consistent with the purpose, intent, and applicable provisions of these regulations.

The property is zoned WRR-1, Low-Density Resort Residential District. The development proposal is consistent with the purpose and intent of the applicable regulations.

Setbacks:

The setbacks in the WRR-1 are: 25-feet on the front, 15-feet on the sides for buildings with three or more units and 20-feet on the rear. The buildings are meeting all setback standards.

Parking:

The parking standard is 2.33 spaces for multi-family dwellings with two or more bedrooms. All units have two or more bedrooms; therefore, the required parking is 121 spaces (52 x 2.33). The applicant is using the Legacy Home Program reduced parking incentive which permits up to a 20% reduction in the parking requirements for two-bedroom or greater units. This would allow a reduction down to 97 parking spaces. The project is providing 112 spaces – 2.15 spaces per unit; therefore, this standard is being met.

Height:

The maximum height allowed in the WRR-1 zoning is 35-feet. Building height is another incentive the applicant is using. The Legacy Homes program permits building heights up to 40-feet; a 5-foot increase to the standard building height. The building height will be confirmed at the time of building permit.

Lot Coverage:

Lot coverage in the WRR-1 is 35%. It appears this standard is being met and will be confirmed at the time of building permit.

Legacy Homes Program:

The project is proposing 52 units – 20% of which are the Legacy Home obligation; therefore, this project is required to provide 10.4 units. A Housing Mitigation Plan was submitted as part of the application and it has been reviewed by the Whitefish Housing Authority. Because the project is in a Resort Residential District, they are proposing to pay the 1.5x fee in lieu of providing the units (§11-1A-4A(3)). For this project, the fee would be: **\$1,216,072** (10.4 x \$116,930). In the Housing Mitigation Plan, the applicant proposes to phase payment prior on a per unit basis at the time of Certificate of Occupancy, requiring the payment of \$23,386/unit. Staff will recommend this as a condition of approval. As part of the Legacy Homes Program and described previously, they are using the following incentives: parking reduction, density bonus and an increase in building height.

Multi-Family Design Standards:

The application includes a summary of how the project meets the purpose and intent of the Multi-Family Development Standards (§11-3-42). All the design standards have been considered and incorporated where appropriate and will be reviewed at the time of building permit.

Finding 2: The project complies with the zoning regulations because the property is zoned WRR-1, Low Density Resort Residential District, all the zoning standards are being met or will be met with conditions of approval, and these will be reviewed at the time of building permit.

3. Site Suitability. The site must be suitable for the proposed use or development, including:

Adequate usable land area: The subject parcel is adequate to serve the proposed use.

Access that meets the standards set forth in these regulations, including emergency access: The project will access off Highway 93 W and all access requirements are being met. Montana

Department of Transportation (MDT) reviewed the application and noted the change to the approach will likely require an approach permit and any work within the right-of-way will require a permit from MDT. They requested the applicant contact the Kalispell office to determine the proper permits for review and approval. Staff will recommend this as a condition of approval. The Fire Marshal will review building and engineering plans to ensure all emergency standards are being met.



Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The proposed development is not located within the 100-year floodplain. The property is rolling with the lower areas along the highway and in the center of the project. There are high points along the west and southern portions of the property. The applicant is taking advantage of these grades to provide underground parking. In the center of the property is a very small (3,533 square foot), low quality wetland. According to §11-3-29C(1)(e), wetlands between 1,000 and 10,000 square feet are exempt and do not require a buffer or setback. The site plan, as described previously, designed the entire project around preserving this wetland and locating it in the open space area as an amenity to the project. While there are no plans for restoration of this low-quality wetland, if the applicant wishes to do any future restoration work, staff will recommend a condition of approval that any restoration plan be reviewed and approved by the Planning Department. There are no other environmental constraints on-site.



Finding 3: Project is suitable for the site because there is adequate usable land area, the proposed access will meet emergency standards and will be reviewed by the Montana Department of Transportation, there is a small isolated wetland that will be preserved within the open space area and there are no other environmental constraints.

4. Quality and Functionality. The site plan for the proposed use or development has effectively dealt with the following design issues as applicable.

Parking locations and layout: As described previously, the amount of parking required is being met with the Legacy Homes Program incentive and the layout meets City standards.

Traffic Circulation: Traffic will access the site from Highway 93 W which was improved a number of years ago by Montana Department of Transportation. There is an existing left-hand turn bay that will be re-located further to the west to accommodate this development. Vehicles will access the property by circulating around the landscaped roundabout and accessing parking under each of the buildings. Vehicles will exit the site in the same manner.

Open space: According to the application, 65% of the project is in open space and the central courtyard area. The open space standard of 10% in the multi-family development standards is being exceeded. The open space has been well-planned to serve the needs of future residents.

Fencing/Screening: The application indicates fencing along the east side of the project and along the south side. Screening is not a requirement for this project. All fencing and retaining walls must meet the zoning requirements of §11-3-11.

Landscaping: A landscaping plan will be required and will be confirmed at the time of building permit which will also include Tree Density credits (§11-4). The applicant submitted a plan showing the locations of trees to be retained as part of the project. The applicant will receive credit for any trees retained.

Signage: Staff has not been shown any new proposed signage. All new signage is required to obtain a permit from the Planning & Building office.

Undergrounding of new and existing utilities: New utilities will be underground.

Finding 4: The quality and functionality of the proposed development has effectively dealt with the site design issues because there is adequate parking for the use, traffic circulation has been evaluated, and a landscaping plan will be required to meet current standards.

5. Availability and Adequacy of Public Services and Facilities.

Sewer: The property is served by municipal sewer and it is adequate to serve the project. Sewer is located in both Fox Hollow neighborhood to the east and in Highway 93 W.

Water: The project proposes to utilize the City water system which is located in Fox Hollow and Highway 93 W. The Montana Department of Environmental Quality has approved a deviation for the City of Whitefish to operate the Water Treatment Plant at rates exceeding the firm capacity of 3.0 MGD. This deviation is based on an analysis submitted by the City supporting the ability to add 1,500 additional equivalent residential units (ERUs). The analysis also shows 1,037 unconnected ERUs have been previously platted, which could be connected to the water system 'by right' based on current zoning. Therefore, DEQ will allow the City to create a maximum of 463 new ERUs. Both the City and DEQ will be monitoring the progress of these approvals. To date, the City has 462.5 allowable ERUs remaining in the deviation approval and this project will require 25 ERUs total.

Storm Water Drainage: A professionally designed stormwater plan will be required because the project will have more than 10,000 square feet of impervious area which includes both the new structures and the parking lot. Staff will add this as a condition of approval. The application indicates stormwater will be managed on-site with shallow stormwater detention basins. They are also showing a drainage pond between Building 1 and Highway 93 W.

Fire Protection: The Whitefish Fire Department serves the site and response times and access are adequate. The proposed use is not expected to have significant impacts upon fire services. The sidewalks within the open space also function as emergency access for the fire Department and include a turn around designed to meet emergency standards. In addition, the Fire Department will not enter the underground parking areas in an emergency, but will access the parking areas via exterior entrances that go directly into the parking garages.

Police: The City of Whitefish serves the site; response times and access are adequate. The proposed use is not expected to have significant impacts upon police services.

Streets: No new streets will be constructed as part of this project. No road improvements are required as part of this project, as Highway 93 W was reconstructed a number of years ago as part of a Montana State Department of Transportation project. The existing driveway will be eliminated, as access will be moving further to the west per the Montana Department of Transportation. Staff will make a condition of approval that the existing driveway be removed, and a curb and boulevard be restored. Depending on spacing, the driveway removal may require the installation of a street tree. Staff will recommend a condition of approval that all tree removal or installation in the boulevard be coordinated and approved by the Parks Department. As required on all public streets, the adjacent property owner is responsible for maintaining the boulevard and sidewalk along their frontage – this includes any irrigation and snow removal.

Finding 5: Public services and facilities are adequate and available because municipal water and sewer serve the project, stormwater will be managed on-site, response times for police and fire are not anticipated to be affected due to the proposed development, the property has adequate access off a public road and any modifications to the street trees will be reviewed by the Parks Department.

6. Neighborhood/Community Impact:

Traffic Generation: The applicant submitted a Traffic Impact Study to review traffic for the project. The Study found 283 new trips per day will be added to the existing streets; 19 AM peak hour trips and 23 PM peak hour trip will be generated by this proposal. This will account for 1-3% increase in traffic volumes. This will not cause studied intersections to fail and no mitigation measures are recommended with the development. The TIS also noted the change in access location – further to the west – requiring a lengthening of the existing left-hand turn bay and that this will not impact any existing or future approaches onto the highway.

Noise or Vibration: No impacts are anticipated beyond what would be expected from typical multi-family buildings.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from typical multi-family buildings.

Smoke, Fumes, Gas, and Odor: No impact is anticipated with regards to smoke, fumes or gas.

Hours of Operation: The hours of operation will be typical residential hours.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because noise, dust, smoke, odor or other environmental nuisances are not expected, all outdoor lighting is required to meet City standards, and existing roads are anticipated to handle any additional traffic.

7. Neighborhood/Community Compatibility:

Structural Bulk, Massing, and Scale: *Mass* is defined as a building's bulk, size and magnitude – the overall volume. *Scale* correlates to the spatial relationship with neighboring buildings. The proposed buildings will be three-story with one building along the highway and the remaining toward the south and west of the property. They are larger than adjacent buildings which are lower multi-family buildings and townhouses. The orientation on the lot and other treatments are designed to reduce the overall mass and bulk of the buildings. Mass, bulk, and scale are part of the review by the Architectural Review Committee, and this project will require review by the Committee as a condition of approval.

Context of Existing Neighborhood: The existing neighborhood is a mixture of multi-family, townhouses, golf course, Border Patrol buildings, Grouse Mountain Lodge and vacant properties with a development proposal to the west.

Density: This project will increase the density of the neighborhood. According to CAMA data, a single-family home has been in this location since 1946 so the neighborhood has been accustomed to one residence on a very large lot. However, since at least 1982, the property has been zoned WRR-1, Low Density Resort Residential District. The WRR-1 zoning district has a maximum density of 10 dwelling units per acre and this project is using the density incentive as permitted by the Legacy Homes Program to provide additional units. This project will be 11.63 dwelling units per acre (DUA).

Finding 7: The project is compatible with the neighborhood and community because the proposed building's scale and mass will be similar to surrounding buildings, the taller buildings are located to the south and west of the property, the existing neighborhood is a mixture of residential (single family and multi-family) and nonresidential uses, and the project appears compatible with the surrounding community character.

Finding 8: The property is located at 1515 Highway 93 W, Whitefish, Montana. It can be legally described as Tract 1ABD, in Section 35, Township 31W, Range 22N, P.M.M., Flathead County.

RECOMMENDATION

It is recommended the Whitefish Planning Board adopt the findings of fact within staff report WCUP 20-07 and this conditional use permit be recommended for **approval** to the Whitefish City Council and the deviation to the Legacy Homes Program for payment of the fee in phases be approved subject to the following conditions:

1. The project must comply with the site plan submitted on March 2, 2020, except as amended by these conditions. Minor deviations from the plans must require review pursuant to §11-7-8E(8) and major deviations from the plans must require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on- and off-site infrastructure must be submitted to

and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, streetlights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director will approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2019)

3. The existing driveway must be removed and restored with curb, gutter and boulevard landscaping. Applicant must coordinate with the Whitefish Parks Department for any street tree installation or removal. All maintenance of sidewalk, including shoveling, and boulevard, including any irrigation system, is the responsibility of the Homeowners' Association. (FOF #5)
4. Approval of the conditional use permit is subject to approval of detailed design of all on- and off-site improvements, including drainage. Through review of detailed drainage plans, applicant is advised that the number, density and/or location of building lots, shown on the conditional use permit may change depending upon constructability of on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan must include a strategy for long-term maintenance. Fill on-site must be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2019)
5. An approach permit must be obtained from the Montana Department of Transportation (MDT). In addition, a permit from MDT must be obtained for any work within the right-of-way. (Finding 3)
6. All areas disturbed because of road and utility construction must be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, must be removed throughout the life of the development by the recorded property owner. (§11-3-33, WCC)
7. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access, hydrants, and any extended fire suppression system will be reviewed by the Whitefish Fire Department as part of the building permit. (IFC)
8. All on-site lighting must be dark sky compliant. (§11-3-25, WCC)
9. Erosion control must be set up around the boundary of the wetland prior to the start of earthwork and remain in place until landscaping is complete. Any restoration plan for the wetland will require submittal of such plan to the Planning Department for review and approval.
10. Prior to submitting a building permit the following conditions must be met:

- a. Compliance with the Landscaping Chapter will be confirmed at the time of building permit. (Chapter 4, WCC)
 - b. A tree preservation plan must be submitted along with the landscaping plan identifying healthy long-lived trees to be preserved within the landscaping. Such trees must be protected during construction with fencing maintained during construction. (Finding 4)
 - c. Approval from the Architectural Review Committee must be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
 - d. The location for refuse disposal and recycling must be reviewed and approved by the Public Works Department and Republic Service. (§4-2, WCC)
11. Compliance with the Legacy Homes Program approved housing mitigation plan will be met through the payment of \$26,386/unit at the time of certificate of occupancy for each unit. Building permit phasing must meet building code requirements. (§§11-1A-4A, 11-1A-4D, WCC)
 12. This Conditional Use Permit is valid for 18 months from this date and terminates at the end of that time unless commencement of the authorized activity has begun. (§11-7-8H(2), WCC)

PLANNING & BUILDING DEPARTMENT
PO Box 158
418 E Second
Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



Date: March 27, 2020
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, April 16, 2020 at 6:00 pm in the Whitefish City Council Chambers at **418 E Second Street**. During the meeting, the Board will hold a public hearing on the items listed below. Upon receipt of the recommendation from the Planning Board, the Whitefish City Council will hold a subsequent public hearing for all items on May 4, 2020. City Council meetings start at 7:10 pm at **418 E Second Street** in the Whitefish City Council Chambers on the second floor.

1. A request by Goosebay Capital LLC, with technical assistance by Montana Creative, is requesting a Conditional Use Permit to operate a bar/tavern. The property is zoned WB-2 (Secondary Business District). The property is located at 6191 Highway 93 South and can be legally described as Tract 5HAB in Section 12, Township 30N, Range 22W, P.M.M., Flathead County. (WCUP 20-05) Minnich
2. A request by Blackstar Partners, LLC, with technical assistance from Montana Creative for a Conditional Use Permit for a bar/tavern. The property is zoned WB-3 (General Business District) and is located at 2 Central Avenue and can be legally described as Lot 1, Block 27 of Whitefish Township in S36, T31N, R22W, P.M.M., Flathead County. (WCUP 20-06) Taylor
3. A request by Ronnie & Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings. The property is zoned WRR-1 (Lot-Density Resort Residential District). The property is located at 1515 Highway 93 W and can be legally described as Tract 1ABD in S35, T31N, R22W, P.M.M., Flathead County. (WCUP 20-07) Compton-Ring

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 418 E Second Street, during regular business hours, and the application and site plans are available [HERE](#). The full application packets along with public comments and staff report will be available on the City's webpage: www.cityofwhitefish.org under Planning Board six days prior to the Planning Board public hearing date noted above. Inquiries are welcomed. Interested parties are invited to attend the meeting and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: dtaylor@cityofwhitefish.org. For questions or further information regarding these proposals, phone 406-863-2410.



City of Whitefish
 Planning & Building Dept
 418 E 2nd St | PO Box 158
 Whitefish, MT 59937
 Phone: 406-863-2460
 Fax: 406-863-2419

File #: _____
 Date: _____
 Intake Staff: _____
 Check #: _____
 Amount: _____
 Date Complete: _____

CONDITIONAL USE PERMIT

FEE ATTACHED \$ 5435.00

(see current fee schedule)

INSTRUCTIONS:

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: 12/19/19 and 2/20/20
- Submit the application fee, completed application, and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty-five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 418 E 2nd Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project Name: 1515 Hwy 93 Condominiums

Street Address: 1515 Highway 93 West, Whitefish

Assessor's Tract No.(s) 1ABD Lot No(s) N/A Block# N/A

Subdivision Name N/A

Section 35 Township 31 Range 22

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process.

 Owner's Signature**

 Date

 Print Name

 Applicant's Signature

 Date

 Print Name

 Representative's Signature

 Date

 Print Name

** May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

B. APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- Eight (8) copies of the Conditional Use Permit Application
- Eight (8) copies of the written description of how the project meets the criteria in Section E
- Eight (8) copies of the Site Plan – drawn to scale, which shows in detail the proposed use, property lines and setback lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc.
- Housing Mitigation Plan (unless exempt)
- Where new buildings or additions are proposed, building sketches and elevations must be submitted
- Tree Preservation Plan – show a site plan with trees 6-inch DBH or greater to be preserved with project
- If the project is a multi-family development, complete the **Multi-Family Development Standards Supplemental**
- If the project is a mixed-use or non-residential development, complete the **Mixed-Use and Non-Residential Building Development Standards Supplemental**
- Electronic version of entire application (i.e. pdf)
- Any additional information requested during the pre-application process

When all application materials are submitted to the Planning & Building Department, the application will be scheduled for public hearing before the Planning Board and City Council.

C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: Karla McKellar Phone: _____
Mailing Address: 910 Columbia Avenue
City, State, Zip: Whitefish, MT 59937
Email: _____

APPLICANT (if different than above):

Name: Ronnie and Sharon Kyle Phone: (225) 293 8400 (Sharon)
Mailing Address: 4960 Bluebonnet Blvd., Suite A
City, State, Zip: Baton Rouge, LA 70809
Email: sk@kylelaw.net and rgk@kyleandkyle.com

OTHER TECHNICAL/PROFESSIONAL:

Name: Fran Quiram, AIA; Cushing Terrell Phone: (406) 257-8172
Mailing Address: #2 Main Street, Suite 205
City, State, Zip: Kalispell, MT 59901
Email: FranQuiram@cushingterrell.com

Name: Ryan Mitchell, PE , Robert Peccia & Associates Phone: (406) 752-5025
Mailing Address: P.O. Box 5100
City, State, Zip: Kalispell, MT 59901
Email: ryan@rpa-kal.com

Name: Sands Surveying, Inc; Attn: Eric Mulcahy AICP Phone: (406) 755-6481
Mailing Address: 2 Village Loop
City, State, Zip: Kalispell, MT 59901
Email: eric@sandssurveying.com

D. DESCRIBE PROPOSED USE:

ZONING DISTRICT: WRR-1 (Low Density Resort Residential District)

E. FINDINGS: The following criteria form the basis for approval or denial of the Conditional Use Permit. The burden of satisfactorily addressing these criteria lies with the applicant. Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the criteria, describe how it will be mitigated.

1. Describe how the proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy.

The City of Whitefish adopted the Whitefish Highway 93 Corridor Plan in 2015 as a refinement of the Whitefish Growth Policy adopted in 2007. The Corridor Plan looks more closely at the existing and future conditions of the corridor and makes specific recommendation.

Whitefish Highway 93 Corridor Plan

The subject property to be in the West Residential Area. The corridor plan recognizes the WRR-1 zoning in this area but it appears that the recommendations are focused more to the north side of the highway along State Park road and the Highway. It is also clear that the plan predated the widening and redevelopment of Highway 93 West. Where the corridor plan states access is a concern, the reconstruction of the Highway addressed much of this concern particularly at the subject property where a left hand turn land was installed by the State. In fact the entire State Park Road, Highway 93 intersection was redesigned and extended south into a neighboring property. The Highway reconstruction also eliminated the controlled access into the neighboring Fox Hollow development.

The proposed future Land Use Map (Chapter IV Implementation) shows the subject property as Resort Residential. This designation supports the WRR-1 Resort Residential zoning

Conclusion

It appears that the Whitefish Highway 93 Corridor Plan supports the resort residential zoning and associated land uses which are the subject of the Conditional Use Permit application

2. Describe how the proposal is consistent with the purpose, intent and applicable provisions of the regulations.

The 1515 Highway 93 property is zoned WRR-1 (Low Density Resort Residential). The WRR-1 zoning allows multi-family resort residential uses with a Conditional Use Permit when the number of units exceeds four. The applicants are proposing 52 units. The WRR-1 allows a Density of 10 dwelling units per acre. There are 4.472 acres of property which allows 44 units of density

As the proposed development triggers the CUP, the development is also subject to the Whitefish Legacy Home Standards. The applicants are proposing to meet the Legacy Home Standards with the Cash-In-Lieu option. Where a typical contribution would be 20% to the Legacy Home Program, the Cash-In-Lieu option requires a 30% contribution.

To compensate the development community for providing homes below market rate and/or capital to benefit the Legacy Home Program, The City provides incentives to offset the developer costs: These incentives include:

- 20% density bonus (44 units + 8.8 Units = 52 units)
- 9.2% reduction in required parking The zoning regulations require 2.33 parking spaces per unit. The proposed 52 units require 121 parking spaces. The site plan is showing 112 parking spaces for the development which is nine stalls short or 9.2%. The project will still provide more than two parking stalls per unit. The Legacy Home Regulations allow up to a 20% reduction in parking.
- Increased Building Height (Increase height from 35-feet to 40-feet)

3. How is the property location suitable for the proposed use? Is there adequate usable land area? Does the access, including emergency vehicle access, meet the current standards? Are environmentally sensitive areas present on the property that would render the site inappropriate for the proposed use?

The property is 4.38 acres in size with 355 feet of frontage on Highway 93 West. The property has an existing left hand turn lane into the existing driveway. The applicants propose, with consultation of the MDOT, to move the approach into the property further west which will provide additional stacking in the turn lane. The proposed development was reviewed by the City Site Review Committee which include the City Fire Marshall and he concluded that the propose access complies with the City's Emergency Access Standards. We did identify 3533 square feet of wetland on the site. As the wetlands are less than 10,000 square feet and are isolated there are no setbacks from the wetlands. The development has been designed to protect the wetlands in place with no movement or filling but there will be some possible enhancements to the wetland vegetation to incorporate this into the overall court yard landscape design.

4. How are the following design issues addressed on the site plan?
 - a. Parking locations and layout – The majority of the parking resides subgrade or on grade parking below the building structures. Guest parking resides along the entrance loop as temporary positions. Refer to the Civil drawings for locations and parking count.
 - b. Traffic circulation – The site access is located in one location off of Highway 93. Cars will enter the site through a roundabout and then have the ability to enter below each building to access parking. Vehicle circulation on site is limited to the northwest corner.
 - c. Open space – due to the majority of the parking being located below the structures, there is an abundance of green space provided in the site. Outdoor amenities surround the Club House as well as individual unit outdoor space is provided.
 - d. Fencing/screening - The east side of the property will have fencing from building 1 to building 3. The will be fencing along the retaining wall between building 2 and building 3. The will be some low profile fencing around the first floor unit courtyards to define the private vs community space
 - e. Landscaping – The site will be planted with ground coverings, shrubs, deciduous and evergreen trees. Existing wetlands on site will remain with added plantings surrounding the perimeters. Concrete flatwork will be created to provide outdoor gathering spaces around the site.
 - f. Signage – Signage will be provided at the Main Entry and Roundabout for Wayfinding. We have not designed the signage but all signage will be subject to permit and compliance with the Whitefish Sign Regulations.
 - g. Undergrounding of new utilities – refer to the Civil drawings for locations of new utilities. All new utilities will be ran underground to preserve a natural and open space.
 - h. Undergrounding of existing utilities - refer to the Civil drawings for locations of new utilities. All new utilities will be ran underground to preserve a natural and open space

See attached traffic impact study, site plan, utility plan and architectural renderings for details on items a - h.
5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
 - a. Sewer
The project will connect to the City of Whitefish Public Wastewater System
 - b. Water
The project will connect to the City of Whitefish Public Water System.
 - c. Stormwater
Stormwater will be addressed on-site with shallow stormwater detention basins that overflow will leave the site at volumes no greater than predevelopment rates.

d. Fire Protection

Fire protection will be provided by the City of Whitefish Fire Department. The project will be both sprinkled and developed with fire hydrants. The Whitefish Fire Marshall has reviewed the plan for hydrant location and emergency vehicle access.

e. Police Protection

Police protection will be provided by the Whitefish Police Department.

f. Street (public or private)

The internal driveway/road access will be privately developed and maintained.

g. Parks (residential only)

The project is being developed with a large court yard and a club house that will include recreational amenities such as: sauna, hot tubs, workout facilities including cardio and weights.

h. Sidewalks

The project is being developed with internal walkways that connect to the new sidewalk and bike path along Highway 93. The project provides pedestrian mobility to downtown and recreation amenities around the City.

i. Bike/pedestrian ways – including connectivity to existing and proposed developments

The project is being developed with internal walkways that connect to the new sidewalk and bike path along Highway 93. The project provides pedestrian mobility to downtown and recreation amenities around the City.

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.

a. Excessive traffic generation and/or infiltration of traffic into neighborhoods

The subject property fronts Highway 93 which will also provide the primary access into the development. Highway 93 was recently reconstructed to include better left hand turning movements, pedestrian access, curb and gutters, and realignment of the State Park Road intersection. These improvements were planned with future growth envisioned along this corridor. This particular property has been zoned for Resort Residential densities for decades. The traffic generation from the proposed development densities is anticipated in both the land use plan and the highway reconstruction. Access to the proposed condominium development does not pass through any adjacent parcels and as a result, there should be no adverse impacts relating to traffic generation

b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

The proposed project is a residential development that is located in a resort residential neighborhood. The proposed project will not create any noise, vibration, etc. that is out of character with residential development. The result is not anticipated impact to adjacent properties.

7. What are the proposed hours of operation?

Hours of operation are typical of any residential development.

8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:

a. Structural bulk and massing & Scale – The buildings are placed on site to take advantage of the existing on site amenities while creating open green spaces. The main building structures are three stories tall, while the Club House is a single level. Common spaces and outdoor spaces create a lower scale environment throughout the site. As shown in the exterior concept imagery, the facades of the three story buildings have architectural elements that create projections and recess creating visual interest and breaking down the continuation of a three story structure. Natural materials are

planned for the exterior finishes, recognizing the project location and blending with adjacent structures in the area.

c. Context of existing neighborhood

The surrounding is a mix of resort residential dwelling and full time residents in both attached and detached structures. These local and part time residents enjoy the small town nature of Whitefish along with the abundant recreational offers such, as golf, skiing, hiking, biking, Whitefish Lake, and Glacier National Park. The proposed condominium development will offer resort residential housing for both local and part time residents as well.

d. Density

The project is 4.38 acres in size and the WRR-1 zoning allows 10 units per gross acre. The base density allows 44 units on the property. The Whitefish's Inclusionary zoning standards a 20% density bonus is provided to off-set the Legacy home requirement allows an additional 8.8 units. The 20 percent density bonus allows 52.8 units total. The Applicant is proposing 52 units with this project. The IZ unit count is 10.4 units and the regulations for cash-in-lieu of Legacy units are \$116,930.00 for whole units and \$77,954 for the fraction of a unit. The total cash-in-lieu of legacy housing amount is \$1,274,254.00.

e. Community Character

Directly to the east are the E/C Condominiums, the Fox Hallow Condominiums which are zoned WRR-1. To the west is the 93 LLC project which is a mixed density develop containing single family homes and multi-family units (approved PUD and Pre-Plat not yet constructed). To the north is the Whitefish Golf Course. Less than a ¼ mile to the east is the Grouse Mountain Hotel, restaurant, and conference facility. The existing condominiums are owned by a mix of full time and part time residents who enjoy the recreational amenities in and around Whitefish. The proposed residential units will also cater to a mix of full time and part time owners.

Neighboring developments are slightly less dense than the proposed project. However the proposed development is required to comply with the City's new Inclusionary Zoning (IZ) Regulations which require a 30% cash-in-lieu of affordable housing payment for the development of permanently affordable units. To offset the construction of IZ units on site, the applicants will make payments on a per unit basis totaling \$1,274,254.00 to the City.

To avoid large areas of parking lot, provide more green space, reduce impervious surfaces for drainage, and preserve more of the existing trees; parking for the development is located below the buildings. Building 1 parking will occupy the first floor of the structure. Parking for Buildings 2 and 3 will be subgrade and in the basement.



City of Whitefish
Planning & Building Dept
418 E 2nd St | PO Box 158
Whitefish, MT 59937
Phone: 406-863-2460
Fax: 406-863-2419

MULTI-FAMILY DEVELOPMENT STANDARDS

Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the standards, describe why and how this design will better implement the **multi-family development standards** ([link to §11-3-42](#)):

1. How does the project further the purpose and intent of the multi-family development standards?

The proposed development is located in an area zoned for Resort Residential. Properties to the east are already developed with multi-family resort residential use. Properties to the west and south are currently vacant but have the resort zoning. The property fronts Highway 93 with eth Whitefish Lake Golf Course directly across the highway. Less than a quarter mile to the west are the Grouse Mountain Resort facilities along with City tennis and park facilities. The project is compatible with the surroundings.

The property fronts Highway 93 which was recently reconstructed with sidewalks and bike paths. The property has excellent access to pedestrian facilities. Internally the project provides pedestrian linkages between buildings, parking, and clubhouse.

The project complies with all of the City setback standards. The applicant is utilizing the additional height up to 40-feet as allowed in the IZ regulations. Overall the site plan is developed to cluster the units into three buildings with parking under building. This allows the development to create a large court yard and significant green space along the eastern boundary where the majority of the neighbors live. The club house will be a single story providing plenty of light to the neighboring property. Building 1 and 2 are situated so that the short side of the structure faces the eastern neighbors reducing the visual impact. The buildings are also designed to step back on the third floor on the east side to allow additional light.

The site works with the topography of the site utilizing the grade to make the basement parking work for buildings 2 and 3. The grade allows the court yard to extend over the parking between building 2 and 3. Building 1 parking will be the first floor. Working with the topography also allows the project to build around the isolated wetlands areas and integrate them into the courtyard landscaping.

2. How does the project integrate the requirements of the orientation and multiple building standards?

The proposed development has a central court yard that is connected by walking paths, these paths and parking garages connect with a main entry that supports a landscaped roundabout. The main entry connects to the Highway 93 sidewalk and bike lanes which connect to the entire town. The roundabout provides for shared use from the entrance to the building and below building parking access points. The below grade

and first floor parking allows the development to embrace the street.

The project only consists of three residential buildings and a clubhouse. With the exception of the clubhouse all are three stories in height. The applicant is proposing a height of 40-feet as provided for in the IZ regulations. The buildings are oriented so that they don't create a long rectangular barracks profile to any neighboring property. The building orientation creates a nice entry feature as well as a large courtyard area towards the middle of the project but with connections to the east and southwest.

The primary stormwater retention area is located between Building 1 and Highway 93. This is also a stormwater collection area for the MDOT's Highway 93 infrastructure. The stormwater facility will have an organic shape.

3. How does the project include the requirements for off-street parking location and design?

All parking is proposed to be underbuilding. In building 1 the parking will be at the first floor level. In buildings 2 and 3 the parking will be subgrade or basement level. To get to building 2 parking one enters the parking area at the roundabout driving under building 2 to the parking under building 3. The Subgrade parking diagram in the application package shows the circulation as well and the pedestrian access in purple.

The Legacy Housing Regulations allow for a 20% reduction in parking. The applicants are only requesting a 9.2% reduction in required parking. Without IZ, the zoning regulations require 2.33 parking spaces per unit. The proposed 52 units would need 121 parking spaces. The proposed site plan is showing 112 parking spaces for the development which is nine stalls short or 9.2%. The proposed parking works out to 2.15 stalls per unit. This means the project has two stalls per unit plus eight guest stalls in the garage.

Each unit of the development will be provided a storage locker in the parking garage. This storage locker is intended for resident bicycles, skies, etc. A bike rack will also be provided next to the office in Building 2 for the use by guests and employees of the facility.

4. If fences or walls are included, how will be features meet city requirements?

Other than the Highway 93 frontage, the property does not connect to any other public lands or streets. There is a private street in the Fox Hallow development to the east but this property does not have legal access to that road system. The applicant is only proposing fencing between buildings and private courtyard areas to create privacy for the unit owners but also allowing pedestrian movement through paths and gates.

5. Describe how site lighting and support facilities will meet the standards.

The details for the site lighting have not been fully developed as of yet. However the site will be fully compliant with the Whitefish Zoning Regulations, they will be "Dark Sky" compliant, and they be fully shielded and energy efficient warm lighting.

Refuse will be stored in the below building parking areas and completely shielded from neighboring properties and public ways. At scheduled pick-up, employees will move the refuse containers to the main entry areas for transfer to the trucks. After which the refuse containers will be returned to their below building location

6. How is this project minimizing the impacts to existing topography and vegetation?

To the greatest extent possible the project is designed to use the topography. By cutting the parking in below buildings 2 and 3, the applicants were able to reduce the impervious surface areas and decrease the size of site retaining walls. By placing the parking of all three buildings below grade, the plan layout creates

significant courtyard areas. This allows the development to wrap around the two small wetland areas and incorporate them into the landscape feature of the site.

There will obviously be significant site disruption and vegetation removal but there will also be significant replanting of the site.

7. Provide a calculation of required open space and describe how the open space meets the required standards.

The multi-family development standards require a minimum 10% usable common area for the development. The subject property is 4.38 acres (190,792 square feet) and 10% of this equates to 19,079 square feet. The footprints of the four buildings and the roundabout/entrance area total 67,370 square feet or 35% of the site. Approximately 65% of the site is in courtyard and open space. It is worth noting that the club house and all of its amenities: sauna, hot tubes, workout facilities, and gathering areas; are for the benefit of each condominium owner/renter in the development. Not only is there a significant amount of open area for the residents, there are also roofed space provided for recreation and relaxation.

8. Describe how the project is meeting the neighborhood scale requirements.

The surrounding neighborhood consists of single family residential uses, duplex townhome uses, five-plex resort condos, Border Patrol Office, Grouse Mountain Lodge, and the Whitefish Lake Golf Course. There is no set density or scale with the existing land use pattern. This location in Whitefish along Highway 93 is in a transitional phase where some of these suburban agricultural holding on the edge of the City are converting to urban scale development and resort residential around significant amenities like the Whitefish Lake Golf Course.

The buildings are placed on the site to take advantage of the existing on site amenities while creating open green spaces. The main building structures are three stories tall, while the Club House is a single level. Common spaces and outdoor spaces create a lower scale environment throughout the site. As shown in the exterior concept imagery, the facades of the three story buildings have architectural elements that create projections and recess creating visual interest and breaking down the continuation of a three story structure. Natural materials are planned for the exterior finishes, recognizing the project location and blending with adjacent structures in the area.



City of Whitefish
 Planning & Building Dept
 418 E 2nd St | PO Box 158
 Whitefish, MT 59937
 Phone: 406-863-2460
 Fax: 406-863-2419

Date Submitted: _____

Associated File #: _____

HOUSING MITIGATION PLAN

INSTRUCTIONS:

- A Pre-Submission Meeting with city staff and the Legacy Homes Coordinator is required.
 Date of Meeting: 12/12/19
- Attach the following:
 - Standardized deed restriction(s) for the Legacy Homes
 - Site plan
 - Unit designs
 - Details on amenities and heating systems
 - Estimated utility costs for Legacy rental units; the monthly rental prices should be adjusted if heat, electric, or water utilities are not included (Appendix B of Legacy Homes Program Administration)
 - Estimated homeowner's association (HOA) structure and fees, if applicable
 - A separate narrative, as needed
- A complete Housing Mitigation Plan must accompany a land use permit application and will not be accepted alone (§11-1A-5, WCC).
- The Housing Mitigation Plan will be approved as part of the land use permit.

A. PROJECT INFORMATION:

Project Name: 1515 Hwy 93 Condominiums
 Street Address: 1515 Highway 93 West
 Assessor's Tract No.(s) 1ABD Lot No(s) N/A
 Block # N/A Subdivision Name N/A
 Section 35 Township 31 Range 22

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge.

 Applicant's Signature

 Date

 Print Name

B. INCENTIVES USED (check all that apply to this project; Planned Unit Development projects may use one column or the other but not both):

Conditional Use Permits:

- Reduced Parking for 2+ Bedroom: 20%
- Increased Maximum Bldg Height: 5-feet (3 floor max and not permitted in the WB-3 zoning district)
- Increase Lot Coverage: 10%
- Increase Density: 20%

Subdivision:

- Reduced Lot Size: 20%
- Reduce Lot Width: 10%
- Increase Lot Coverage: 10%
- Increase Density: 20%

C. LAND USE PERMIT TYPE ACCOMPANYING THIS HMP (check all that apply):

- Administrative Conditional Use Permit Minor Subdivision
 Conditional Use Permit Major Subdivision
 Planned Unit Development

D. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: Karla McKellar Phone: _____
Mailing Address: 910 Columbia Avenue
City, State, Zip: Whitefish, MT 59937
Email: _____

APPLICANT (if different than above):

Name: Ronnie and Sharon Kyle Phone: (225)293-8400
Mailing Address: 4960 Bluebonnet Blvd. Suite A
City, State, Zip: Baton Rouge, LA 70809
Email: ska@kylelaw.net and rgk@kyleandkyle.com

OTHER TECHNICAL/PROFESSIONAL:

Name: Sands Surveying, Inc. Attn: Eric Mulcahy AICP Phone: (406)755-6481
Mailing Address: 2 Village Loop
City, State, Zip: Kalispell, MT 59901
Email: eric@sandssurveying.com

----- For City Staff Use Only -----

- Approved: _____
 Approved with conditions: _____
 Denied: _____

PROJECT DETAILS

1. Total Number of Residential Units Proposed by Type:
 _____ Single-family detached homes
 _____ Single-family attached homes (townhouses); in what number of buildings _____
 _____ Multi-family (duplex, triplex, apartments, condominiums); in what number of buildings Three
 _____ TOTAL
 _____ Number of Legacy Home Units Required for Project (20% of TOTAL above)

2. Are the Legacy Units proposed to be integrated into the project?
 _____ Yes (Continue to Question 3)
No _____ No (Skip to Question 11)

3. _____ Number of Legacy Home Units Required for Project (See #1 above)

Type and Number of Legacy Homes Units Proposed On-Site:

_____ Single-family detached home
 _____ Single-family attached home (townhouses); in what number of buildings _____
 _____ Multi-family apartments; in what number of buildings _____
 _____ Multi-family condominiums; in what number of buildings _____
 _____ Fraction of unit left over, for which in-lieu fee (ILF) will be paid
 \$ _____ ILF to be paid (\$77,954 x fraction of unit)

4. If the type of Legacy units does not match the type of Market units (single-family detached or attached, townhome, multi-family, etc.), provide justification below. Note: If all Market units are single-family detached homes, up to half of the required Legacy units may be attached single-family homes (townhomes) and the type of Legacy units required will be based on the needs identified annually by the City.

5. Indicate the price Legacy units are to be offered at and the household income levels (percent of Area Median Income [AMI]) those units are meant to target. Rental units are meant to be affordable to households earning 60%-80% of AMI and the average price of all Legacy rental units in the project must be affordable to households earning 70% AMI. Ownership units are meant to be affordable to households earning 80.1%-120% AMI and the average price of all ownership Legacy units in the project must be affordable to households earning 100% AMI. Attach additional sheet if more rows are needed.

Sales Price	Monthly Rent ¹	Target Household Income (%AMI)	Type of Unit	Size of Unit (sf)	# Bedrooms in Unit	# of Units Offered at Price

¹ Indicate whether heat, electric, and water utilities are included in the rental prices provided. Rental prices must be reduced if these utilities are not included.

6. Number of bedrooms per unit in Project:

	All Units	Legacy	
	# Units	# Units	Proportion of Legacy Units for Each Bedroom Count
Studio/0 Bedroom			
1 Bedroom			
2 Bedroom			
3+ Bedroom			
Total			

The mix of the number of bedrooms offered in Legacy units must mirror the mix of bedrooms offered in the Market units, provided the mix is responsive to the needs and demographics of Whitefish residents. Legacy Homes with more than 3 bedrooms are not desirable. If Legacy bedroom numbers are not proportionate to Market bedroom numbers, provide rationale or justification:

7. The size of each Legacy unit may vary within a development, but no unit will be smaller than the minimum sizes, and the size of all units by type must meet the average sizes shown below.

# Bedrooms	Legacy Rental Units		Legacy Ownership Units	
	Minimum Size (sf)	Average Size (sf)	Minimum Size (sf)	Average Size (sf)
Studio/0 Bedroom	350	450	400	500
1 Bedroom	550	650	700	1,000
2 Bedroom	725	825	800	1,150
3 Bedroom	900	1000	1,100	1,300

Indicate the project's minimum and average size per Legacy unit type:

# Bedrooms	Legacy Rental Units		Legacy For-Sale Units	
	Minimum Size (sf)	Average Size (sf)	Minimum Size (sf)	Average Size (sf)
Studio/0 Bedroom				
1 Bedroom				
2 Bedroom				
3 Bedroom				

8. If a project's HOA's Covenants, Conditions and Restrictions (CC&Rs) define a minimum square footage for homes in the development, an exemption for Legacy Homes and their smaller square footages must be made. Provide the CC&R's and exemptions, if applicable.

9. Provide plans to illustrate, and indicate location of Legacy Homes relative to market rate units:

- Distributed evenly throughout development and/or buildings
- Clustered on same site as market rate units
- Different site from market rate units

Provide rationale or justification if Legacy units are not distributed evenly throughout the market rate units:

10. When phased construction is planned for a development, the proportion of Legacy units must be constructed in proportion to the market rate units constructed during each phase of development. Attach a proposed production schedule of Market and Legacy Homes, including issuance of building permits.

11. If the percentage of Legacy Homes provided on-site (plus a fractional ILF) in the project is less than 20%, what is the method of alternative compliance proposed?

- Provide Legacy Homes in off-site location
- Pay fee in lieu of Legacy Homes (\$116,930 x required units = \$ 1,247,254.00)
- Provide land in lieu of Legacy Homes
- Provide a combination of methods listed above
- Other method proposed

Describe why and how the alternative method of compliance is justified and how it helps the City achieve its housing goals as established in the Strategic Housing Plan and meet the needs of the most current Housing Needs Assessment. (attach narrative on separate piece of paper, if needed)

This is an upper end resort residential development with private roads and amenities. As such the Condo Association fees will be substantial in order to maintain the grounds, building exteriors, roads, and drainage facilities. The cash-in-lieu option comes at a premium dedication of 30% of the units which in this case provides the City and Housing Authority a substantial funding source for projects that can create a significant number of Legacy units.

12. Any other information to help City staff and the Whitefish Housing Authority determine compliance with the Legacy Homes Program.

As with any project, the applicants would like to phase the payment of their fee-in-lieu to correspond with the phasing of the buildings. There are three building so there would be three phases to the project. The applicants would like to take the total dollar amount owed for the inclusionary zoning and divide that number by the number total of units to get a per unit fee in lieu. The applicants will pay the pro-rata share of the fee-in-lieu payment prior to the issuance of the certificate of occupancy for each unit. The total payment equals $\$1,247,254 / 52 \text{ units} = \$ 23,985.65 \text{ /unit}$. This proposal would be no different than phasing in site built IZ units within each building.



1515 Hwy 93 Condominiums Traffic Impact Study

Whitefish, Montana



Prepared For:

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

March, 2020

130 South Howie Street
Helena, Montana 59601
406-459-1443

Table of Contents

A.	<i>Executive Summary</i>	1
B.	<i>Project Description</i>	1
C.	<i>Existing Conditions</i>	1
	<i>Adjacent Roadways</i>	1
	<i>Traffic Data</i>	2
	<i>Historic Traffic Data</i>	4
	<i>Level of Service</i>	4
	<i>Area Crash Data</i>	4
	<i>Level of Service</i>	4
D.	<i>Proposed Development</i>	5
E.	<i>Trip Generation and Assignment</i>	5
F.	<i>Trip Distribution</i>	7
G.	<i>Traffic Impacts Outside of the Development</i>	7
H.	<i>Impact Summary & Recommendations</i>	9

List of Figures

<i>Figure 1 – Proposed Development Site</i>	2
<i>Figure 2 – Highway 93 Seasonal Traffic</i>	3
<i>Figure 3 – Proposed Development</i>	6
<i>Figure 4 – Trip Distribution</i>	7

List of Tables

<i>Table 1 – Historic Traffic Data</i>	4
<i>Table 2 – Existing Level of Service Summary</i>	5
<i>Table 3 – Trip Generation Rates</i>	7
<i>Table 4 – Level of Service Summary with Development</i>	8

1515 Hwy 93 Condominiums

Traffic Impact Study

Whitefish, Montana

A. EXECUTIVE SUMMARY

The 1515 Hwy 93 Condominiums is a 4.3-acre/52-unit residential development located south of Highway 93 on the western edge of the City of Whitefish. Upon completion, the project would produce up to 283 new daily vehicle trips. As proposed, the 1515 Hwy 93 Condominiums would not create any new roadway capacity problems in this area. Overall, the 1515 Hwy 93 Condominiums will account for a 1% to 3% percent increase in traffic volumes on this section of Highway 93. No mitigation measures are recommended at this time with the development of the 1515 Hwy 93 Condominiums.

B. PROJECT DESCRIPTION

This document studies the possible effects on the surrounding road system from a proposed residential apartment complex located south of U.S. Highway 93. The property would be annexed into the City of Whitefish as part of the development. The document provides information regarding possible traffic impacts in the area and identifies traffic mitigation efforts that the development may require. The development would include up to 52 residential apartment units.

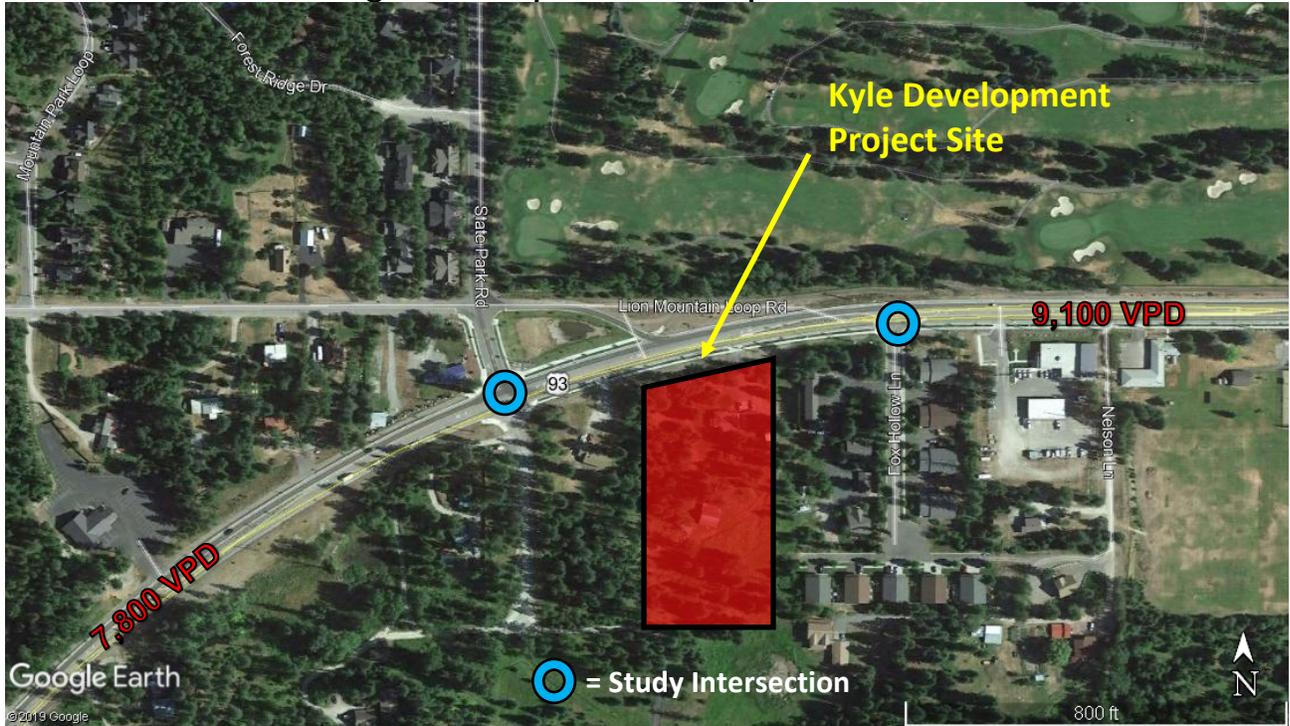
C. EXISTING CONDITIONS

The proposed development property currently consists of a 4.3-acre parcel of land located south of U.S. Highway 93 just east of State Park Road (Lion Mountain Road) on the west edge of the City of Whitefish. The property currently consists of one existing residential home. The surrounding area is comprised of a mix of residential areas along the Highway 2 corridor just south of the Whitefish Lake Golf Club. See **Figure 1** for a location map of the proposed development.

Adjacent Roadways

U.S. Highway 93 is a recently reconstructed three-lane principal arterial roadway that is the primary connection to the west and north from the community of Whitefish. In this area the road has an urban cross-section with a separated pedestrian sidewalk along the south side of the road. The adjacent land is comprised of a variety of residential and commercial land uses. The roadway has a posted speed limit of 45 MPH and a paved width of 48 feet with raised center medians. Traffic data available from MDT indicates that the road currently carries 9,100 VPD east of Lion Mountain Road.

Figure 1- Proposed Development Site



Lion Mountain Road & State Park Road are two collector routes that extend north and west from U.S Highway 93. The roads form a three-way STOP controlled intersection 200 feet north of Highway 93. Lion Mountain Road includes a one-way slip-lane from Highway 93 for right-turn traffic. These two routes provide access to the residential and recreational areas north of Highway 93.

Fox Hollow Lane is a local route which extends south from Highway 93 and provides access to 12 single family and duplex residential units. The road has a paved width of 26 feet and includes a sidewalk along the east side of the road. Fox Hollow Lane connects to Nelson Lane to the east.

Traffic Data

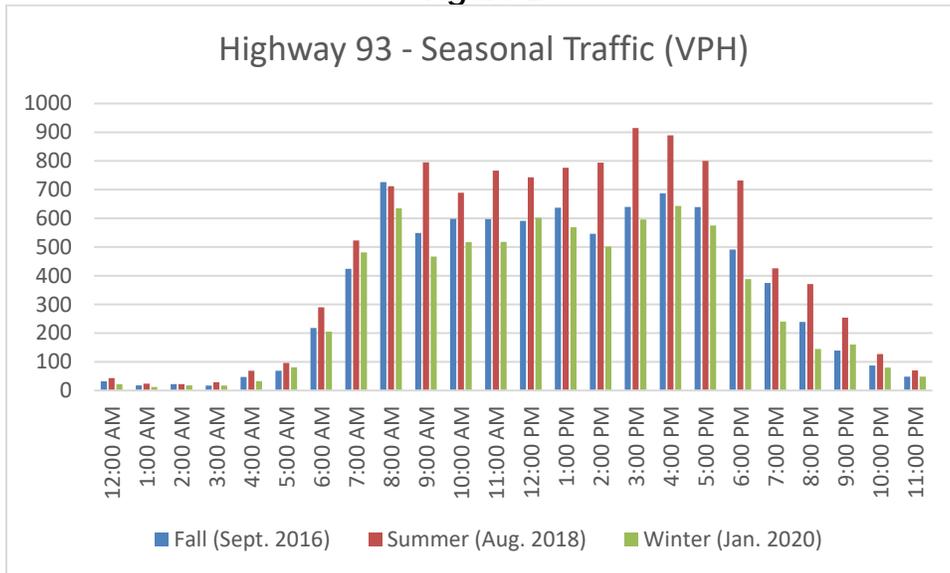
In January 2020 Abelin Traffic Services (ATS) collected traffic data at area intersections to evaluate current operation characteristics. These counts included peak-hour turning movement counts at nearby intersections. The peak-hour turning movement counts were performed at the intersection of Highway 93 with Lion Mountain Road (State Park Road) and Fox Hollow Lane. ATS also performed a 24-hour directional traffic count on U.S. Highway 93 to adjust for seasonal variations on the roadway (MDT Site # 15-4A-043). The raw traffic data is included

in **Appendix A** of this report.

The traffic data used for this analysis was seasonally adjusted using raw traffic data available from MDT for this section of Highway 93 and traffic data collected by ATS in January 2020. The data available from MDT shows summer traffic conditions along this section of Highway 93 are generally highest in the middle of the day and the afternoon, while fall and winter traffic volumes are highest in the morning and evening corresponding with normal commuter traffic trends. This information is shown on **Figure 2**. The figure shows the significant level of recreational traffic that occurs in this area during the summer months.

The traffic data collected in January 2020 by ATS was seasonally adjusted by 20% (increased) to match the established average annual peak-hour traffic volumes along this section of Highway 93. The MDT data also suggests that peak summer traffic volumes along this section of Highway 93 are 20% higher than the annual average. These values match closely with data available from MDT's permanent traffic volume recorder data for Highway 2 west of Kalispell (Site A-024). This count location suggests that January traffic volumes are 83% of the annual average and peak summer traffic volumes are 118% of the annual average.

Figure 2



ATS also collected vehicle speed data along this section of Highway 93 during the January count period. This information suggested that the average vehicle speed on Highway 93 is 41 MPH with an 85th percentile speed of 46 MPH for all recorded vehicles. This is in line with the posted 45 MPH speed limit along this section of road.

Historic Traffic Data

Abelin Traffic Services obtained historic traffic data for the surrounding road network from the Montana DOT. This data is presented in **Table 1**. The traffic data history shows that traffic volumes on this section of Highway 2 have increased at an annual rate of 2.6% over the last ten years.

Table 1 – Historic Traffic Data

Location	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
US 93 (Hwy 2) E of Lion Mtn Rd 15-4A-043	7,360	6,930	6,510	8,640	8,770	8,780	6,740	7,238	7,122	9,116
US 93 (Hwy 2) SW of Lion Mtn Rd 15-4A-044	4,280	5,100	4,770	6,200	4,590	6,200	4,550	5,343	7,933	7,806

Area Crash Data

ATS collected crash data for the study intersections from the MDT public crash database. This system contains records and basic information for all reported crashes which occur on public roads over the past five years. Intersection crashes are typically evaluated by the rate of Crashes per Million Vehicles Entering (MVE). Intersections with higher than normal crash rates are evaluated to determine if any crash trends exist which may be contributing to the observed crash trend.

The MDT database indicated that nine crashes were recorded in the last five years near the intersection of Highway 93 and Lion Mountain Road. The vehicle crash rate for this intersection is 0.54 crashes per MVE which is in line with statewide averages for highway intersections.

Level of Service

Using the data collected for this project, ATS conducted a Level of Service (LOS) analysis at area intersections. This evaluation was conducted in accordance with the procedures outlined in the Transportation Research Board's *Highway Capacity Manual (HCM) - Special Report 209* and the Highway Capacity Software (HCS) version 7.8. Intersections are graded from A to F representing the average delay that a vehicle entering an intersection can expect. Typically, a LOS of C or better is considered acceptable for peak-hour conditions.

Table 2 – Existing Level of Service Summary

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
Highway 93 & Lion Mountain Road*	10.5/18.2	B/C	9.4/14.5	A/B
Highway 93 & Fox Hollow Lane	12.6	B	10.0	B

*Northbound/Southbound LOS & Delay.

Table 2 shows the existing 2020 LOS for the area intersections. Based on the current traffic volumes for this area, all study intersections are functioning at an acceptable LOS and no roadway improvements are recommended to handle average traffic conditions. The LOS calculations are included in **Appendix C**.

D. PROPOSED DEVELOPMENT

The development to be constructed on this site includes 4.3 acres of land located south of U.S. Highway 93 which would be developed into a 52 unit residential condominium/townhouse project distributed between four residential buildings. Access to the 1515 Hwy 93 Condominiums would be provided through a new approach onto Highway 93 400 feet east of State Park Road. The existing residential driveway approach to the east would be eliminated. The project would include a fire access road which would connect to the existing section of Fox Hollow Lane to the east, but would not be open for public use. The project would include 112 on-site parking spaces to meet current City of Whitefish parking standards. The 1515 Hwy 93 Condominiums site plan is shown in **Figure 3**. The project is expected to be completed by the end of 2021.

E. TRIP GENERATION AND ASSIGNMENT

ATS performed a trip generation analysis to determine the anticipated future traffic volumes from the proposed developments using the trip generation rates contained in *Trip Generation* (Institute of Transportation Engineers, Tenth Edition). These rates are the national standard and are based on the most current information available to planners. A vehicle “trip” is defined as any trip that either begins or ends at the development site. ATS determined that the critical traffic impacts on the intersections and roadways would occur during the weekday morning and evening peak hours. According to the ITE trip generation rates, at full build-out the development would produce 19 AM peak hour trips, 23 PM peak hour trips, and 283 daily trips. See **Table 3** for detailed trip generation information.

Figure 3 – Proposed 1515 Hwy 93 Condominiums

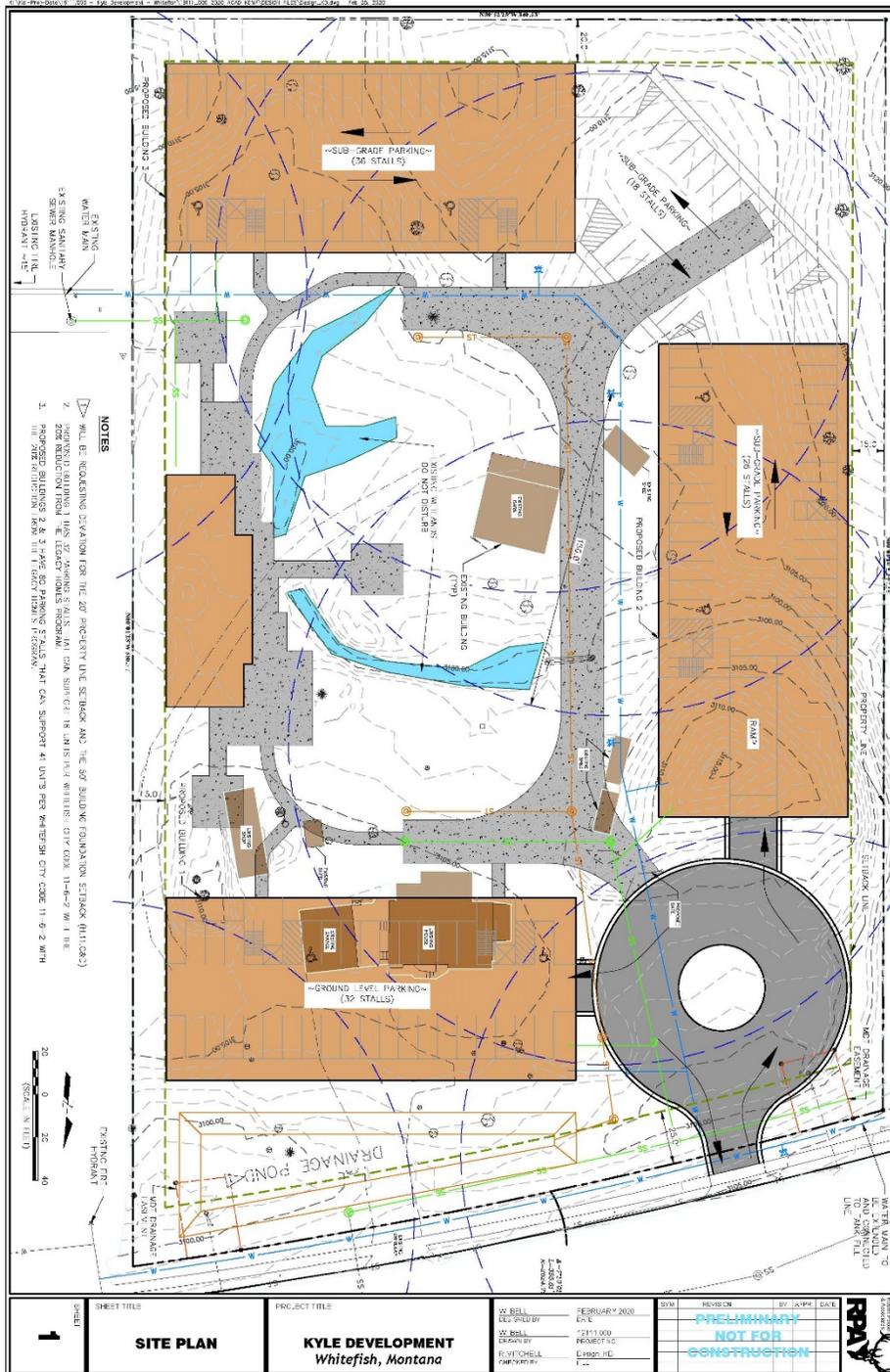


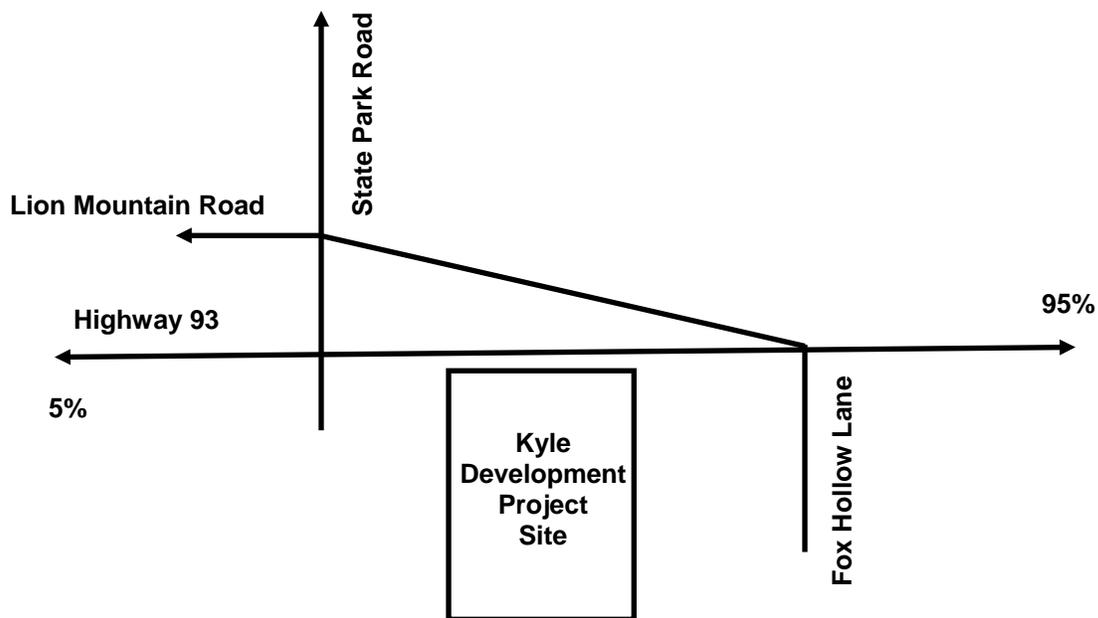
Table 3 - Trip Generation Rates

Land Use	Units	AM Peak Hour Trip Ends per Unit	Total AM Peak Hour Trip Ends	PM Peak Hour Trip Ends per Unit	Total PM Peak Hour Trip Ends	Weekday Trip Ends per Unit	Total Weekday Trip Ends
Apartment #221	52	0.36	19	0.44	23	5.44	283

F. TRIP DISTRIBUTION

The traffic distribution and assignment for the proposed subdivision was based upon the existing ADT volumes along the adjacent roadways and peak-hour volumes. Drivers are expected to distribute onto the surrounding road network as shown on **Figure 4**.

Figure 4 – Peak-Hour Trip Distribution



G. TRAFFIC IMPACTS OUTSIDE OF THE DEVELOPMENT

Using the trip generation and trip distribution rates, ATS determined the future Level of Service for the area intersections. The anticipated intersection LOS with the proposed development is shown in **Table 4**. The LOS calculations are included in **Appendix C** of this report. The table

indicates that the construction of the 1515 Hwy 93 Condominiums will not cause any new roadway capacity problems in this area. All nearby intersections will continue to function with acceptable delay with the proposed project.

The 1515 Hwy 93 Condominiums would increase traffic volumes on by approximately 300 VPD on Highway 93 east of the site or approximately 3% increase from current volumes. This increase will not have a noticeable impact on the downstream intersections within Whitefish. Traffic volumes west of the site will increase by less than 1%. The section of Highway 93 adjacent to the project currently has a two-way left-turn-lane which can but used to access the project site. The use of this existing turn lane would not impact any existing or possible future approach locations along Highway 93 and is similar in length to existing left-turn lanes to the east of the site on Highway 93.

Using the traffic data available from MDT, ATS performed an analysis of the summer traffic conditions at the site. This analysis was performed by comparing the annual average peak hour traffic data available from MDT for this section of Highway 93 to the data collected by MDT in August 2018. Based on this data, the AM and PM peak summer traffic volumes on this section of road are 20% higher than the annual average. An analysis of the traffic data with the 20% seasonal growth factor indicates that the intersection of Highway 93 and Lion Mountain Road may be experiencing LOS D conditions during the peak summer AM commuting hour between 7:30 and 8:30 AM. The results are shown in **Table 5**. This existing traffic condition will not be significantly effect by the proposed 1515 Hwy 93 Condominiums. The project will increase traffic volumes at this intersection by less than 1%. The other intersections along Highway 93 experience a minimal increase in overall delay during the peak summer traffic conditions (1 to 2 seconds per vehicle). No traffic mitigation measures are recommended the study intersections at this time.

Table 4 – Level of Service Summary with The 1515 Hwy 93 Condominiums

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
Highway 93 & Lion Mountain Road*	10.5/18.2	B/C	9.4/14.6	A/B
Highway 93 & New Approach	12.6	B	10.5	B
Highway 93 & Fox Hollow Lane	12.7	B	10.1	B

*Northbound/Southbound LOS & Delay.

Table 5 – Peak Summer Traffic Level of Service Summary With Development

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
Highway 93 & Lion Mountain Road*	11.1/26.4	B/D	9.6/17.6	A/C
Highway 93 & New Approach	14.0	B	11.1	B
Highway 93 & Fox Hollow Lane	14.2	B	10.5	B

*Northbound/Southbound LOS & Delay.

H. IMPACT SUMMARY & RECOMMENDATIONS

As proposed, the 1515 Hwy 93 Condominiums would not create any new roadway capacity problems in this area. Overall, the 1515 Hwy 93 Condominiums will account for a 1% to 3% percent increase in traffic volumes on this section of Highway 93. No mitigation measures are recommended at this time with the development of the 1515 Hwy 93 Condominiums.

APPENDIX A

Traffic Data

Highway 93
 LOCATION: Lion Mountain Road
 1/29/2020
 Passenger Cars

	South Leg				West Leg				North Leg				East Leg				TOTAL
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
7:30	0	0	0	0	0	66	3	0	0	0	18	0	16	24	0	0	127
7:45	0	0	0	0	0	54	1	0	0	0	30	0	11	24	0	0	120
8:00	0	0	0	0	0	81	1	0	0	0	42	0	12	21	0	0	157
8:15	1	0	0	0	0	67	1	0	0	0	30	0	19	35	0	0	153
4:30	0	0	0	0	0	28	1	1	0	0	27	1	20	51	0	0	128
4:45	0	0	0	0	0	24	2	1	0	0	21	1	23	67	0	0	138
5:00	0	0	0	0	0	43	0	2	0	0	21	2	22	63	0	0	151
5:15	0	0	0	0	0	25	0	1	0	0	20	1	31	57	0	0	134
	1	0	0	0	1	0	388	9	0	0	209	214	154	342	0	0	496

Heavy Trucks

	South Leg				West Leg				North Leg				East Leg				TOTAL
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
7:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TOTAL

	South Leg				West Leg				North Leg				East Leg				TOTAL
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
7:30	0	0	0	0	0	66	3	0	0	0	18	0	16	24	0	0	127
7:45	0	0	0	0	0	54	1	0	0	0	30	0	11	24	0	0	120
8:00	0	0	0	0	0	81	1	0	0	0	42	0	12	21	0	0	157
8:15	1	0	0	0	0	67	1	0	0	0	30	0	19	35	0	0	153
4:30	0	0	0	0	0	28	1	1	0	0	27	1	20	51	0	0	128
4:45	0	0	0	0	0	24	2	1	0	0	21	1	23	67	0	0	138
5:00	0	0	0	0	0	43	0	2	0	0	21	2	22	63	0	0	151
5:15	0	0	0	0	0	25	0	1	0	0	20	1	31	57	0	0	134

	2020-01-27	to	2020-02-02							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Week	Weekend	Week Day 85%
Hour	2020-01-27	2020-01-28	2020-01-29	2020-01-30	2020-01-31	2020-02-01	2020-02-02	Day Avg	Avg	Avg Speed
0 - 1	*	*	14	*	*	*	*	14	0	47
1 - 2	*	*	5	*	*	*	*	5	0	42.5
2 - 3	*	*	11	*	*	*	*	11	0	44
3 - 4	*	*	8	*	*	*	*	8	0	49
4 - 5	*	*	17	*	*	*	*	17	0	46
5 - 6	*	*	30	*	*	*	*	30	0	45
6 - 7	*	*	72	*	*	*	*	72	0	47
7 - 8	*	*	135	*	*	*	*	135	0	46
8 - 9	*	*	208	*	*	*	*	208	0	46.7
9 - 10	*	*	170	*	*	*	*	170	0	47.1
10 - 11	*	*	217	*	*	*	*	217	0	46.6
11 - 12	*	*	209	*	*	*	*	209	0	45.8
12 - 13	*	*	282	*	*	*	*	282	0	46.7
13 - 14	*	*	288	*	*	*	*	288	0	46.7
14 - 15	*	39	265	*	*	*	*	152	0	46.8
15 - 16	*	334	5	*	*	*	*	169.5	0	46.2
16 - 17	*	395	*	*	*	*	*	395	0	46.2
17 - 18	*	322	*	*	*	*	*	322	0	46.1
18 - 19	*	246	*	*	*	*	*	246	0	44.2
19 - 20	*	158	*	*	*	*	*	158	0	45.4
20 - 21	*	106	*	*	*	*	*	106	0	46
21 - 22	*	102	*	*	*	*	*	102	0	44.4
22 - 23	*	63	*	*	*	*	*	63	0	45
23 - 24	*	30	*	*	*	*	*	30	0	44
Totals	0	1795	1936	0	0	0	0			
% of Total	0%	48.11%	51.89%	0%	0%	0%	0%			

	2020-01-27	to	2020-02-02							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Week	Weekend	Week Day 85%
Hour	2020-01-27	2020-01-28	2020-01-29	2020-01-30	2020-01-31	2020-02-01	2020-02-02	Day Avg	Avg	Avg Speed
0 - 1	*	*	8	*	*	*	*	8	0	47.7
1 - 2	*	*	7	*	*	*	*	7	0	41
2 - 3	*	*	7	*	*	*	*	7	0	45
3 - 4	*	*	9	*	*	*	*	9	0	41
4 - 5	*	*	16	*	*	*	*	16	0	42
5 - 6	*	*	51	*	*	*	*	51	0	45.2
6 - 7	*	*	133	*	*	*	*	133	0	44
7 - 8	*	*	346	*	*	*	*	346	0	41.6
8 - 9	*	*	427	*	*	*	*	427	0	43.8
9 - 10	*	*	297	*	*	*	*	297	0	45.1
10 - 11	*	*	300	*	*	*	*	300	0	44.7
11 - 12	*	*	309	*	*	*	*	309	0	44.9
12 - 13	*	*	320	*	*	*	*	320	0	44.7
13 - 14	*	*	281	*	*	*	*	281	0	45.4
14 - 15	*	42	237	*	*	*	*	139.5	0	45.15
15 - 16	*	262	10	*	*	*	*	136	0	43.45
16 - 17	*	248	*	*	*	*	*	248	0	45.3
17 - 18	*	253	*	*	*	*	*	253	0	44.9
18 - 19	*	142	*	*	*	*	*	142	0	40.9
19 - 20	*	82	*	*	*	*	*	82	0	42.3
20 - 21	*	39	*	*	*	*	*	39	0	40.8
21 - 22	*	58	*	*	*	*	*	58	0	43
22 - 23	*	17	*	*	*	*	*	17	0	43
23 - 24	*	18	*	*	*	*	*	18	0	44.7
Totals	0	1161	2758	0	0	0	0			
% of Total	0%	29.62%	70.38%	0%	0%	0%	0%			

APPENDIX B

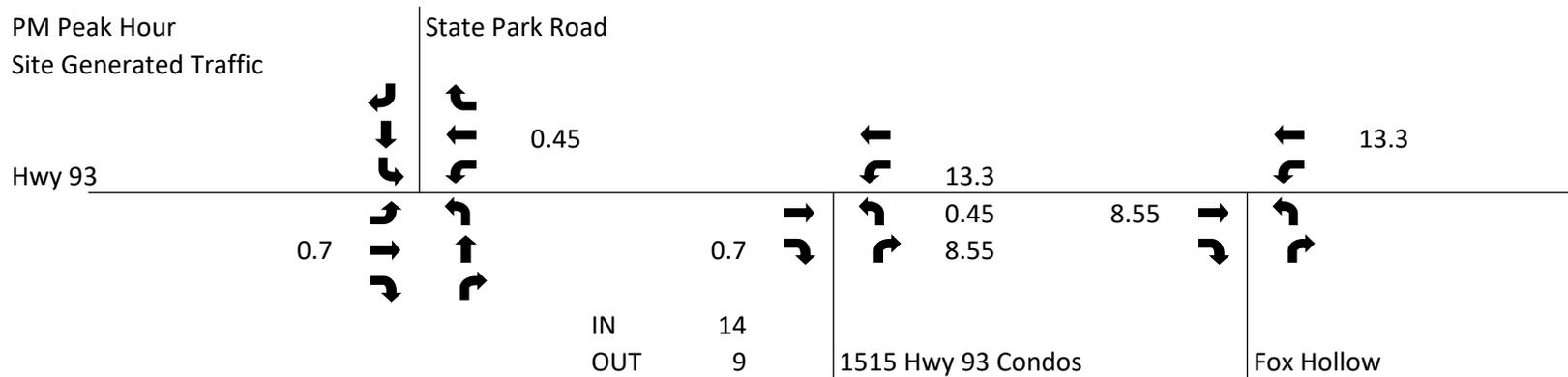
Traffic Model

1515 Hwy 93 Condominiums
Traffic Model

AM Peak Hour
Site Generated Traffic



PM Peak Hour
Site Generated Traffic



1515 Hwy 93 Condominiums

Seasonal Factor 1.2

Traffic Model

Peak Season

AM Peak Hour

Total Projected Traffic

2021

Hwy 93

State Park Road

11.1/26.4 B/D

6	↶	↷	69		14.0 B		14.2 B
0	↵	↶	122		190		196
242	↷	↷	0		6		6
<hr/>							
6	↷	↶	0	714	↶	1	730
467	↶	↶	0	0	↷	16	0
0	↷	↷	6				12

1515 Hwy 93 Condos

Fox Hollow

Peak Season

PM Peak Hour

Total Projected Traffic

2021

Hwy 93

State Park Road

9.6/17.6 A/C

12	↶	↷	127		11.1 B		10.5 B
0	↵	↶	363		490		506
121	↷	↷	0		16		17
<hr/>							
6	↷	↶	0	374	↶	1	385
249	↶	↶	0	1	↷	10	6
0	↷	↷	6				6

1515 Hwy 93 Condos

Fox Hollow

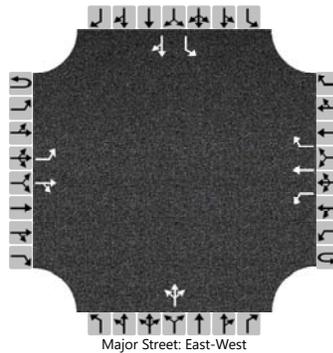
APPENDIX C

LOS Calculations

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Lion Mountain & Hwy 93		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2020			North/South Street	Lion Mountain Road		
Time Analyzed	Existing AM Peak Hour			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	1	1	0	0	1	1	1		0	1	0		1	1	0
Configuration		L		TR		L	T	R			LTR			L		TR
Volume (veh/h)		8	389	0		0	101	58		0	0	5		202	0	5
Percent Heavy Vehicles (%)		3				3				3	3	3		3	3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized					No											
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.1	6.5	6.2		7.1	6.5	6.2
Critical Headway (sec)		4.13				4.13				7.13	6.53	6.23		7.13	6.53	6.23
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.23				2.23				3.53	4.03	3.33		3.53	4.03	3.33

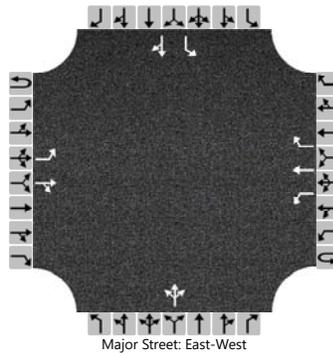
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		8				0					5			202		5	
Capacity, c (veh/h)		1414				1164					657			468		952	
v/c Ratio		0.01				0.00					0.01			0.43		0.01	
95% Queue Length, Q ₉₅ (veh)		0.0				0.0					0.0			2.1		0.0	
Control Delay (s/veh)		7.6				8.1					10.5			18.4		8.8	
Level of Service (LOS)		A				A					B			C		A	
Approach Delay (s/veh)		0.2				0.0				10.5				18.2			
Approach LOS										B				C			

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Lion Mountain & Hwy 93		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2020			North/South Street	Lion Mountain Road		
Time Analyzed	Existing PM Peak Hour			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	1	1	0	0	1	1	1		0	1	0		1	1	0
Configuration		L		TR		L	T	R			LTR			L		TR
Volume (veh/h)		5	206	0		0	302	106		0	0	5		101	0	10
Percent Heavy Vehicles (%)		3				3				3	3	3		3	3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized					No											
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.1	6.5	6.2		7.1	6.5	6.2
Critical Headway (sec)		4.13				4.13				7.13	6.53	6.23		7.13	6.53	6.23
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.23				2.23				3.53	4.03	3.33		3.53	4.03	3.33

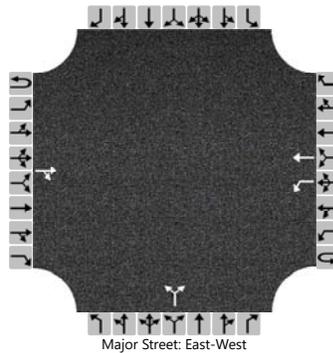
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		5				0					5				101		10
Capacity, c (veh/h)		1145				1359					832				460		735
v/c Ratio		0.00				0.00					0.01				0.22		0.01
95% Queue Length, Q ₉₅ (veh)		0.0				0.0					0.0				0.8		0.0
Control Delay (s/veh)		8.2				7.6					9.4				15.0		10.0
Level of Service (LOS)		A				A					A				C		A
Approach Delay (s/veh)		0.2				0.0				9.4				14.5			
Approach LOS										A				B			

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Fox Hollow		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2020			North/South Street	Fox Hollow		
Time Analyzed	Existing AM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound				
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R	
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12	
Priority																	
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0	
Configuration				TR		L	T				LR						
Volume (veh/h)			595	1		5	158			1		10					
Percent Heavy Vehicles (%)						3				3		3					
Proportion Time Blocked																	
Percent Grade (%)										0							
Right Turn Channelized																	
Median Type Storage	Undivided																

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

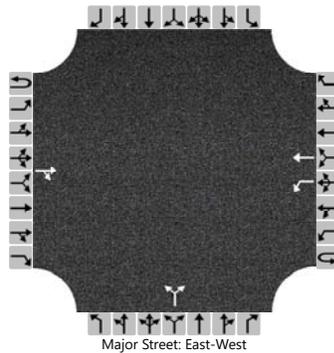
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)					5						11					
Capacity, c (veh/h)					976						486					
v/c Ratio					0.01						0.02					
95% Queue Length, Q ₉₅ (veh)					0.0						0.1					
Control Delay (s/veh)					8.7						12.6					
Level of Service (LOS)					A						B					
Approach Delay (s/veh)					0.3				12.6							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Fox Hollow		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2020			North/South Street	Fox Hollow		
Time Analyzed	Existing PM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			312	5		14	408			0		5				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

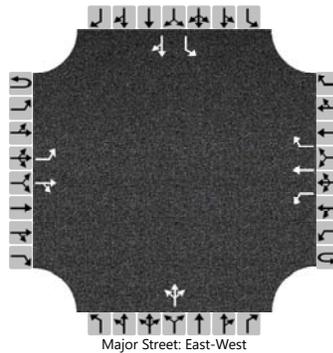
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						14						5				
Capacity, c (veh/h)						1237						724				
v/c Ratio						0.01						0.01				
95% Queue Length, Q ₉₅ (veh)						0.0						0.0				
Control Delay (s/veh)						7.9						10.0				
Level of Service (LOS)						A						B				
Approach Delay (s/veh)					0.3				10.0							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Lion Mountain & Hwy 93		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Lion Mountain Road		
Time Analyzed	Projected AM Peak Hour			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	1	1	0	0	1	1	1		0	1	0		1	1	0
Configuration		L		TR		L	T	R			LTR			L		TR
Volume (veh/h)		8	389	0		0	102	58		0	0	5		202	0	5
Percent Heavy Vehicles (%)		3				3				3	3	3		3	3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized					No											
Median Type Storage	Undivided															

Critical and Follow-up Headways

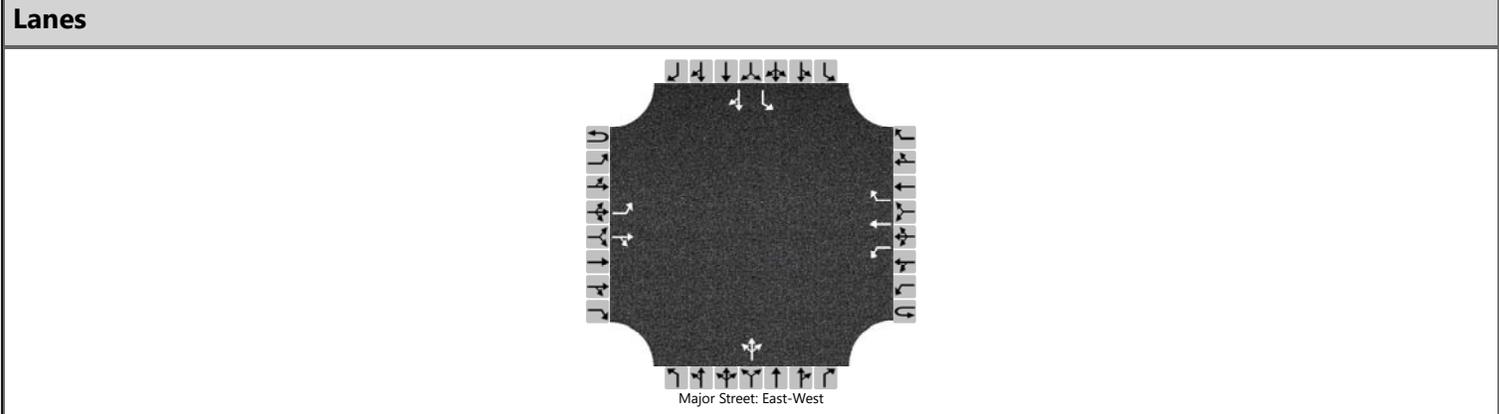
Base Critical Headway (sec)		4.1				4.1					7.1	6.5	6.2		7.1	6.5	6.2
Critical Headway (sec)		4.13				4.13					7.13	6.53	6.23		7.13	6.53	6.23
Base Follow-Up Headway (sec)		2.2				2.2					3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.23				2.23					3.53	4.03	3.33		3.53	4.03	3.33

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		8				0					5				202		5	
Capacity, c (veh/h)		1413				1164					657				467		950	
v/c Ratio		0.01				0.00					0.01				0.43		0.01	
95% Queue Length, Q ₉₅ (veh)		0.0				0.0					0.0				2.1		0.0	
Control Delay (s/veh)		7.6				8.1					10.5				18.5		8.8	
Level of Service (LOS)		A				A					B				C		A	
Approach Delay (s/veh)		0.2				0.0					10.5				18.2			
Approach LOS											B				C			

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Lion Mountain & Hwy 93		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Lion Mountain Road		
Time Analyzed	Projected PM Peak Hour			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	1	1	0	0	1	1	1		0	1	0		1	1	0
Configuration		L		TR		L	T	R			LTR			L		TR
Volume (veh/h)		5	207	0		0	303	106		0	0	5		101	0	10
Percent Heavy Vehicles (%)		3				3				3	3	3		3	3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized					No											
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1					7.1	6.5	6.2		7.1	6.5	6.2
Critical Headway (sec)		4.13				4.13					7.13	6.53	6.23		7.13	6.53	6.23
Base Follow-Up Headway (sec)		2.2				2.2					3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.23				2.23					3.53	4.03	3.33		3.53	4.03	3.33

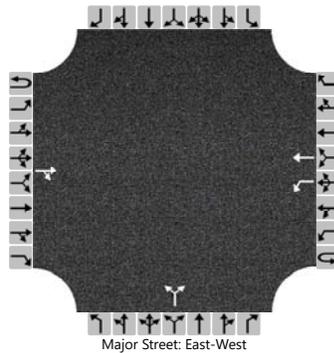
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		5				0					5				101		10
Capacity, c (veh/h)		1144				1358					831				459		734
v/c Ratio		0.00				0.00					0.01				0.22		0.01
95% Queue Length, Q ₉₅ (veh)		0.0				0.0					0.0				0.8		0.0
Control Delay (s/veh)		8.2				7.7					9.4				15.0		10.0
Level of Service (LOS)		A				A					A				C		A
Approach Delay (s/veh)		0.2				0.0				9.4				14.6			
Approach LOS										A				B			

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA	Intersection	Hwy 93 and Kyle Approach				
Agency/Co.	ATS	Jurisdiction	MDT				
Date Performed	1/21/2020	East/West Street	Highway 93				
Analysis Year	2021	North/South Street	Development Approach				
Time Analyzed	Projected AM Peak	Peak Hour Factor	1.00				
Intersection Orientation	East-West	Analysis Time Period (hrs)	0.25				
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			595	1		5	158			1		13				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

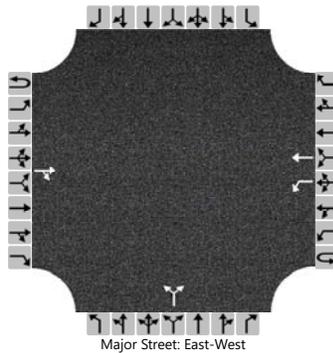
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						5						14				
Capacity, c (veh/h)						976						489				
v/c Ratio						0.01						0.03				
95% Queue Length, Q ₉₅ (veh)						0.0						0.1				
Control Delay (s/veh)						8.7						12.6				
Level of Service (LOS)						A						B				
Approach Delay (s/veh)					0.3				12.6							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Kyle Approach		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Development Approach		
Time Analyzed	Projected PM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound				
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R	
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12	
Priority																	
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0	
Configuration				TR		L	T				LR						
Volume (veh/h)			312	1		13	408			1		9					
Percent Heavy Vehicles (%)						3				3		3					
Proportion Time Blocked																	
Percent Grade (%)										0							
Right Turn Channelized																	
Median Type Storage	Undivided																

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

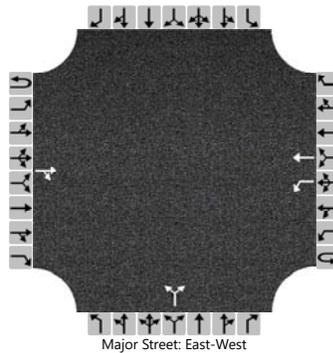
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)					13						10					
Capacity, c (veh/h)					1242						664					
v/c Ratio					0.01						0.02					
95% Queue Length, Q ₉₅ (veh)					0.0						0.0					
Control Delay (s/veh)					7.9						10.5					
Level of Service (LOS)					A						B					
Approach Delay (s/veh)					0.2				10.5							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Fox Hollow		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Fox Hollow		
Time Analyzed	Projected AM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			609	1		5	163			1		10				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

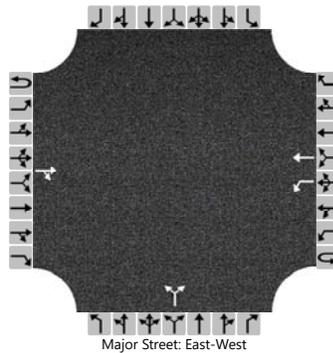
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)					5					11						
Capacity, c (veh/h)					964					477						
v/c Ratio					0.01					0.02						
95% Queue Length, Q ₉₅ (veh)					0.0					0.1						
Control Delay (s/veh)					8.8					12.7						
Level of Service (LOS)					A					B						
Approach Delay (s/veh)					0.3				12.7							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Fox Hollow		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Fox Hollow		
Time Analyzed	Projected PM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			321	5		14	421			0		5				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						14						5				
Capacity, c (veh/h)						1228						715				
v/c Ratio						0.01						0.01				
95% Queue Length, Q ₉₅ (veh)						0.0						0.0				
Control Delay (s/veh)						8.0						10.1				
Level of Service (LOS)						A						B				
Approach Delay (s/veh)					0.3				10.1							
Approach LOS									B							



LANDSCAPE PLAN



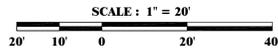
EXISTING SITE CONDITIONS

By: SANDS SURVEYING, Inc.
 2 Village Loop
 Kalispell, MT 59901
 (406) 755-6481

JOB NO: 506702
 DATE: October 15, 2019
 FOR: Ronney & Sharon Kyle

Topography of: C.O.S. 7406

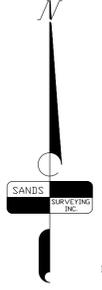
IN SEC.35, T.31N., R.22W., P.M.,M., FLATHEAD COUNTY



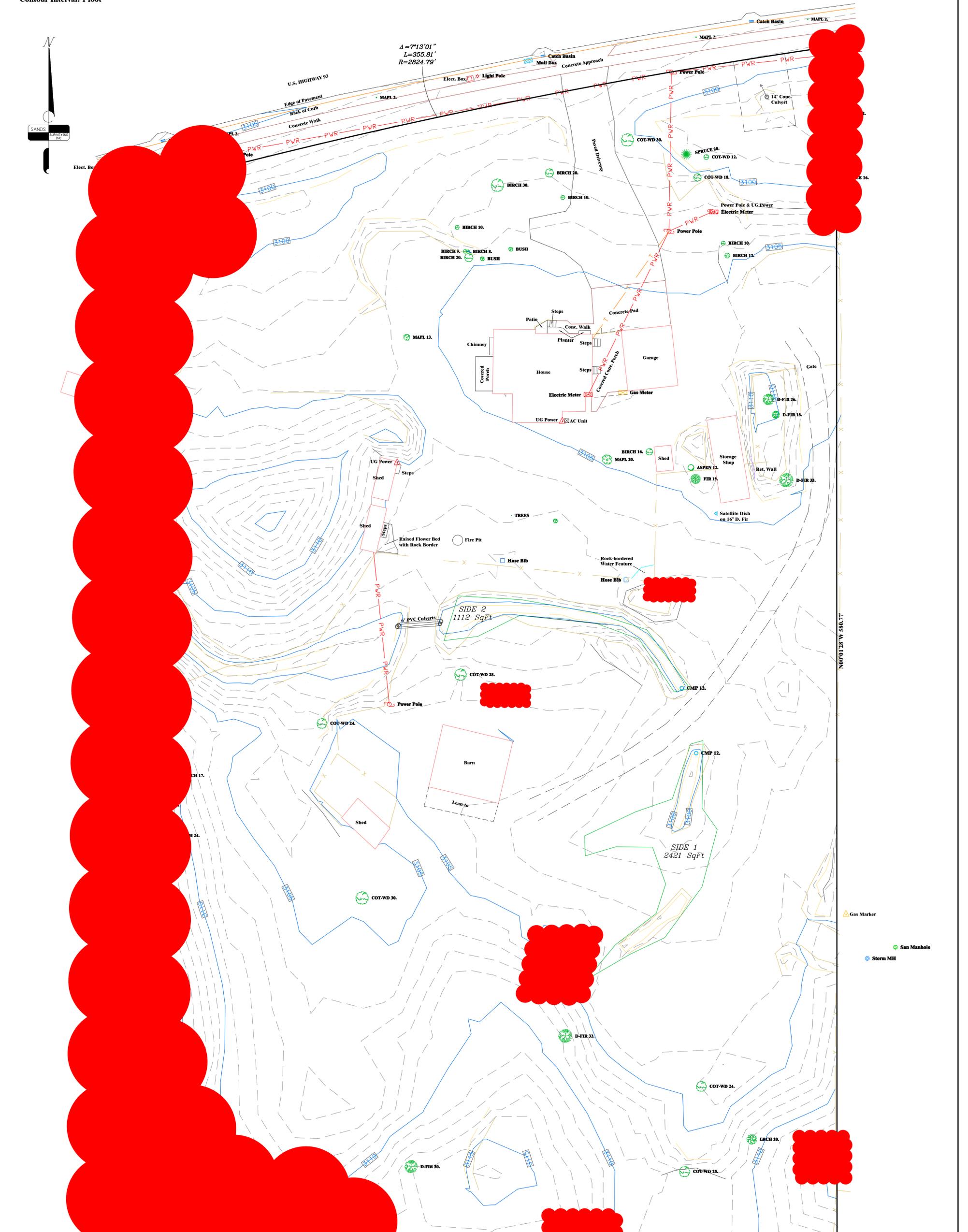
INDICATES LOCATIONS WHERE
 TREES/VEGETATION ARE TO BE
 PROTECTED/MAINTAINED
 DURING CONSTRUCTION

Notes:

Vertical Datum: NAVD 88
 Contour Interval: 1 foot



$A = 7^{\circ}13'01''$
 $L = 355.81'$
 $R = 2824.79'$



IMPORTANT

Prior to any demolition, excavation or other earthmoving activity on the site, the relevant authority shall be contacted for possible location of further underground services and detailed locations of all services.

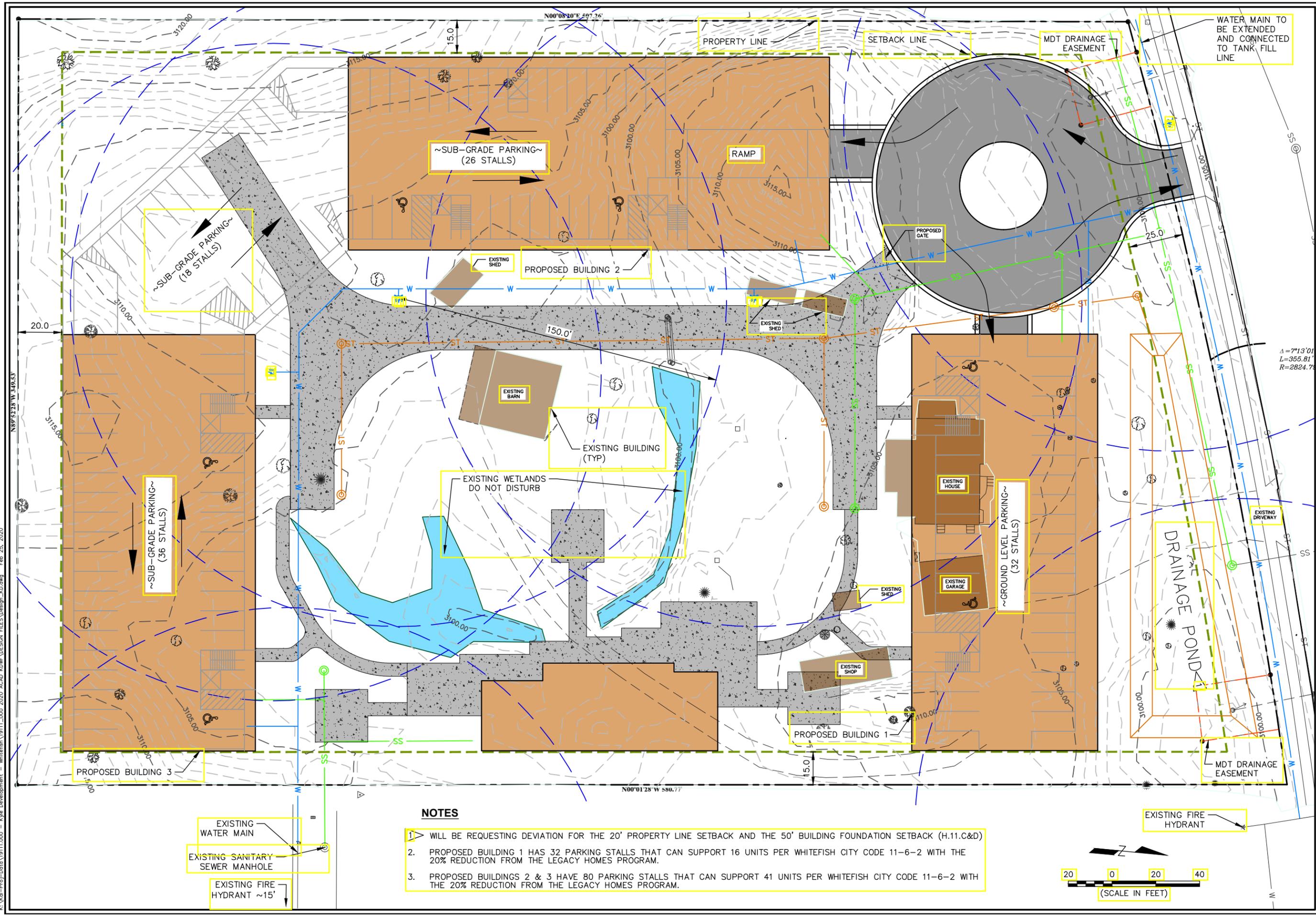
SYMBOL	REVISION	BY	DATE

FEBRUARY 2020	DESIGNED BY	W. BELL
DATE	DRAWN BY	W. BELL
19111.000	CHECKED BY	R. MITCHELL
PROJECT NO.	FILE	
Design_KD		

PROJECT TITLE
KYLE DEVELOPMENT
Whitefish, Montana

SHEET TITLE
SITE PLAN

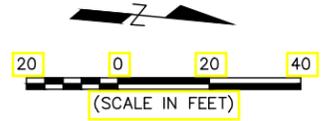
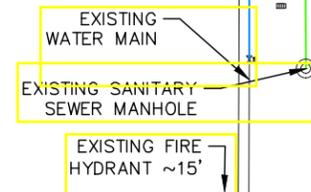
SHEET
1



K:\Kd-Proj-Data\19111.000 - Kyle Development - Whitefish\19111_000_2020_ACAD_KDWF\DESIGN_FILES\Design_KD.dwg Feb. 25, 2020

NOTES

1. WILL BE REQUESTING DEVIATION FOR THE 20' PROPERTY LINE SETBACK AND THE 50' BUILDING FOUNDATION SETBACK (H.11.C&D)
2. PROPOSED BUILDING 1 HAS 32 PARKING STALLS THAT CAN SUPPORT 16 UNITS PER WHITEFISH CITY CODE 11-6-2 WITH THE 20% REDUCTION FROM THE LEGACY HOMES PROGRAM.
3. PROPOSED BUILDINGS 2 & 3 HAVE 80 PARKING STALLS THAT CAN SUPPORT 41 UNITS PER WHITEFISH CITY CODE 11-6-2 WITH THE 20% REDUCTION FROM THE LEGACY HOMES PROGRAM.



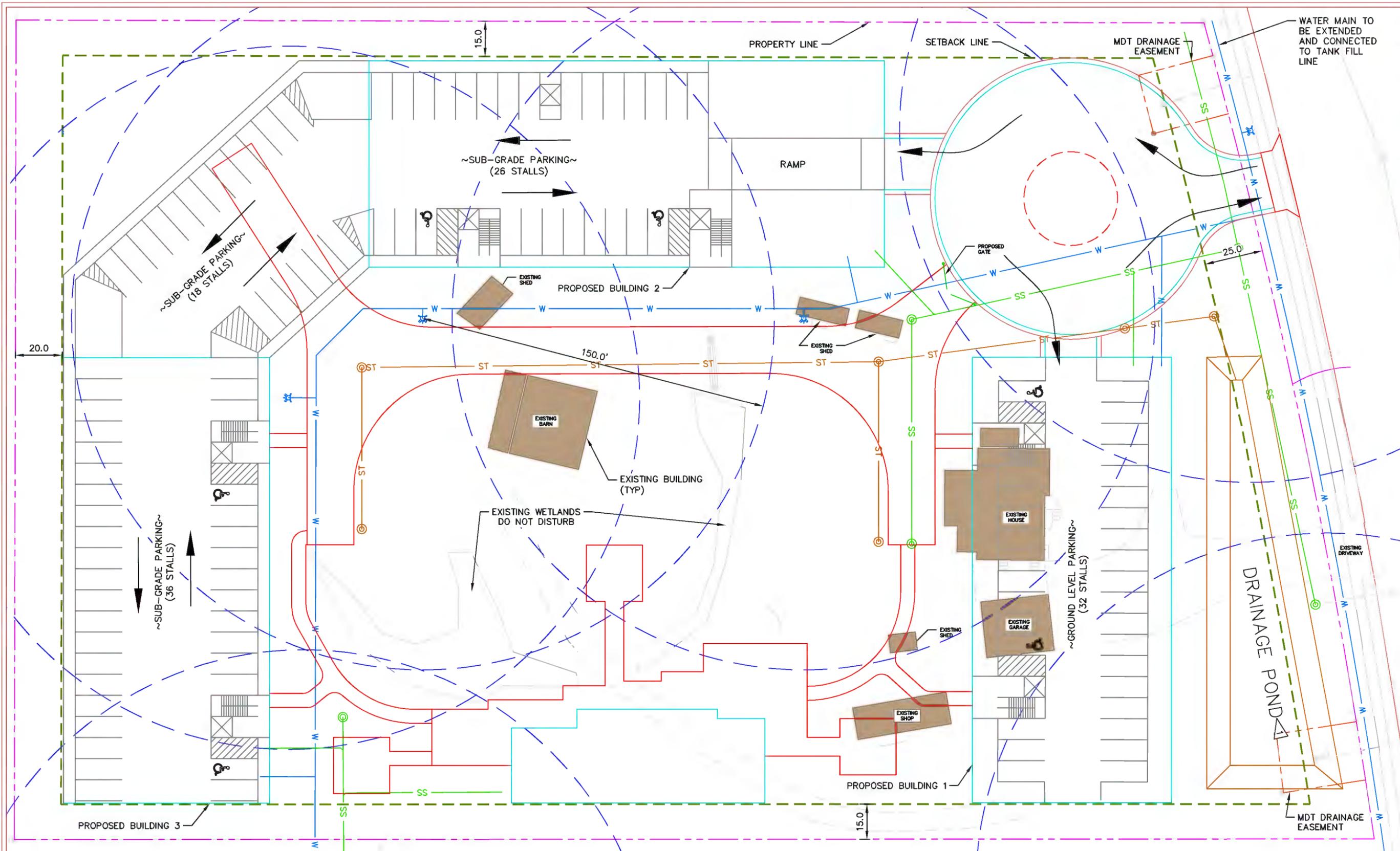
SYMBOL	REVISION	BY	APPR.	DATE

JANUARY 2020	DATE	19111.000	PROJECT NO.	FILE
W. BELL	DESIGNED BY	W. BELL	DRAWN BY	R. MITCHELL
	CHECKED BY			

PROJECT TITLE
KYLE DEVELOPMENT
 Whitefish, Montana

SHEET TITLE
SITE PLAN

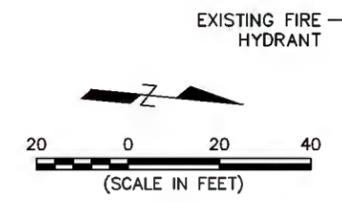
SHEET
1



NOTES

1. WILL BE REQUESTING DEVIATION FOR THE 20' PROPERTY LINE SETBACK AND THE 50' BUILDING FOUNDATION SETBACK (H.11.C&D)
2. PROPOSED BUILDING 1 HAS 32 PARKING STALLS THAT CAN SUPPORT 16 UNITS PER WHITEFISH CITY CODE 11-6-2 WITH THE 20% REDUCTION FROM THE LEGACY HOMES PROGRAM.
3. PROPOSED BUILDINGS 2 & 3 HAVE 80 PARKING STALLS THAT CAN SUPPORT 41 UNITS PER WHITEFISH CITY CODE 11-6-2 WITH THE 20% REDUCTION FROM THE LEGACY HOMES PROGRAM.

EXISTING WATER MAIN
 EXISTING SANITARY SEWER MANHOLE
 EXISTING FIRE HYDRANT ~15'



EXTERIOR CONCEPTS

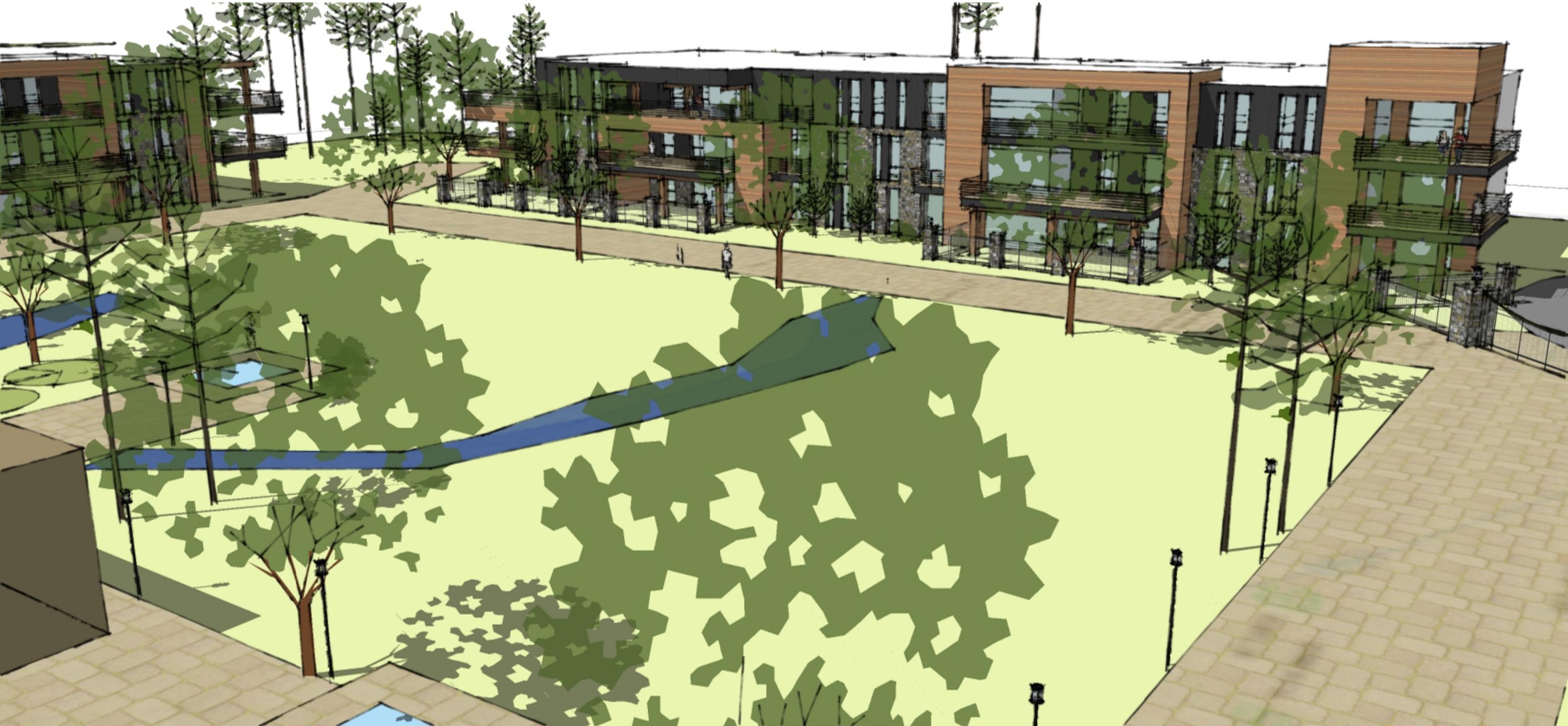


KYLE DEVELOPMENT

CUP SUBMITTAL 02.26.20

CUSHING TERRELL

EXTERIOR CONCEPTS



EXTERIOR CONCEPTS



KYLE DEVELOPMENT

CUP SUBMITTAL 02.26.20

CUSHING TERRELL

EXTERIOR CONCEPTS



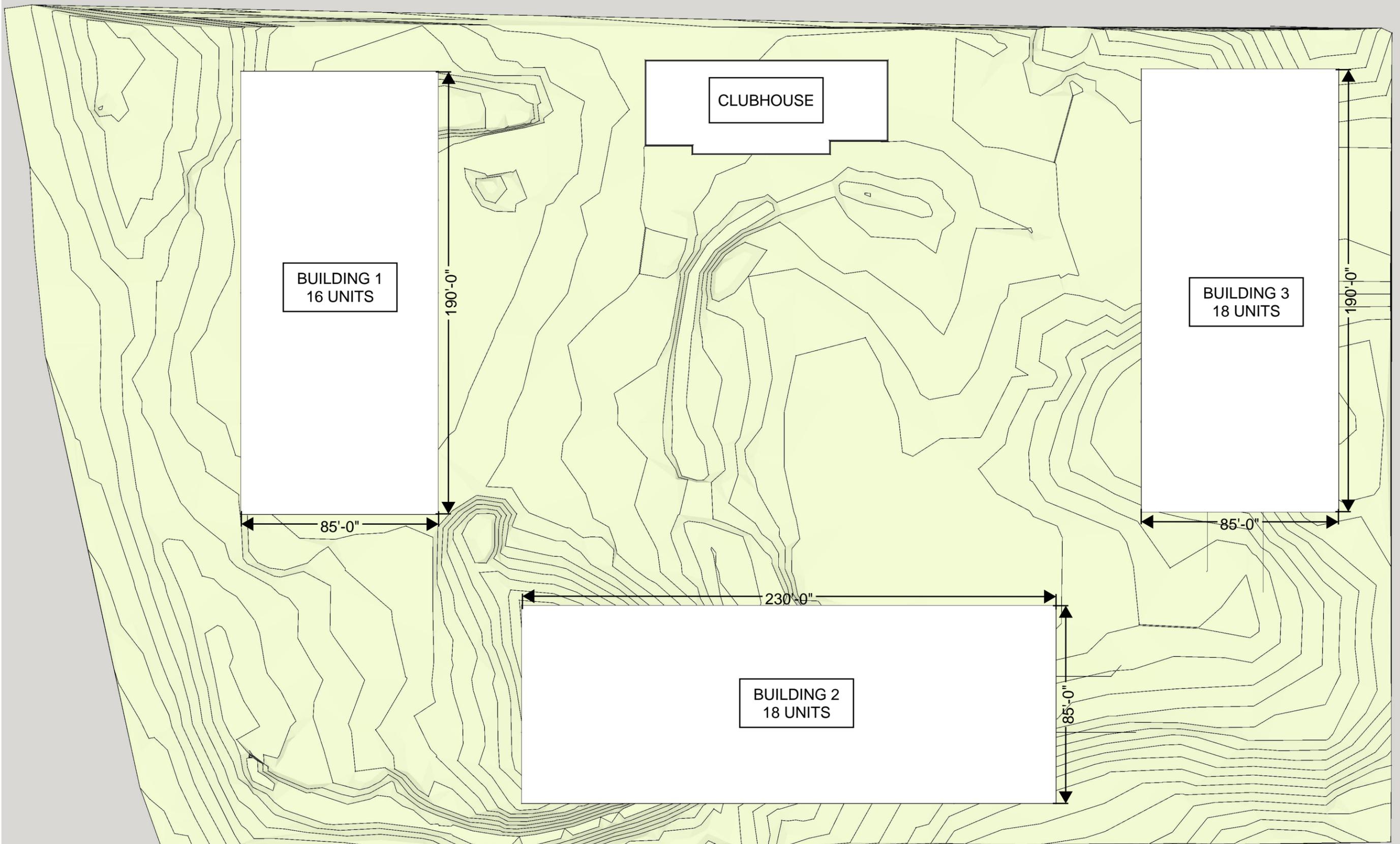
EXTERIOR CONCEPTS



KYLE DEVELOPMENT

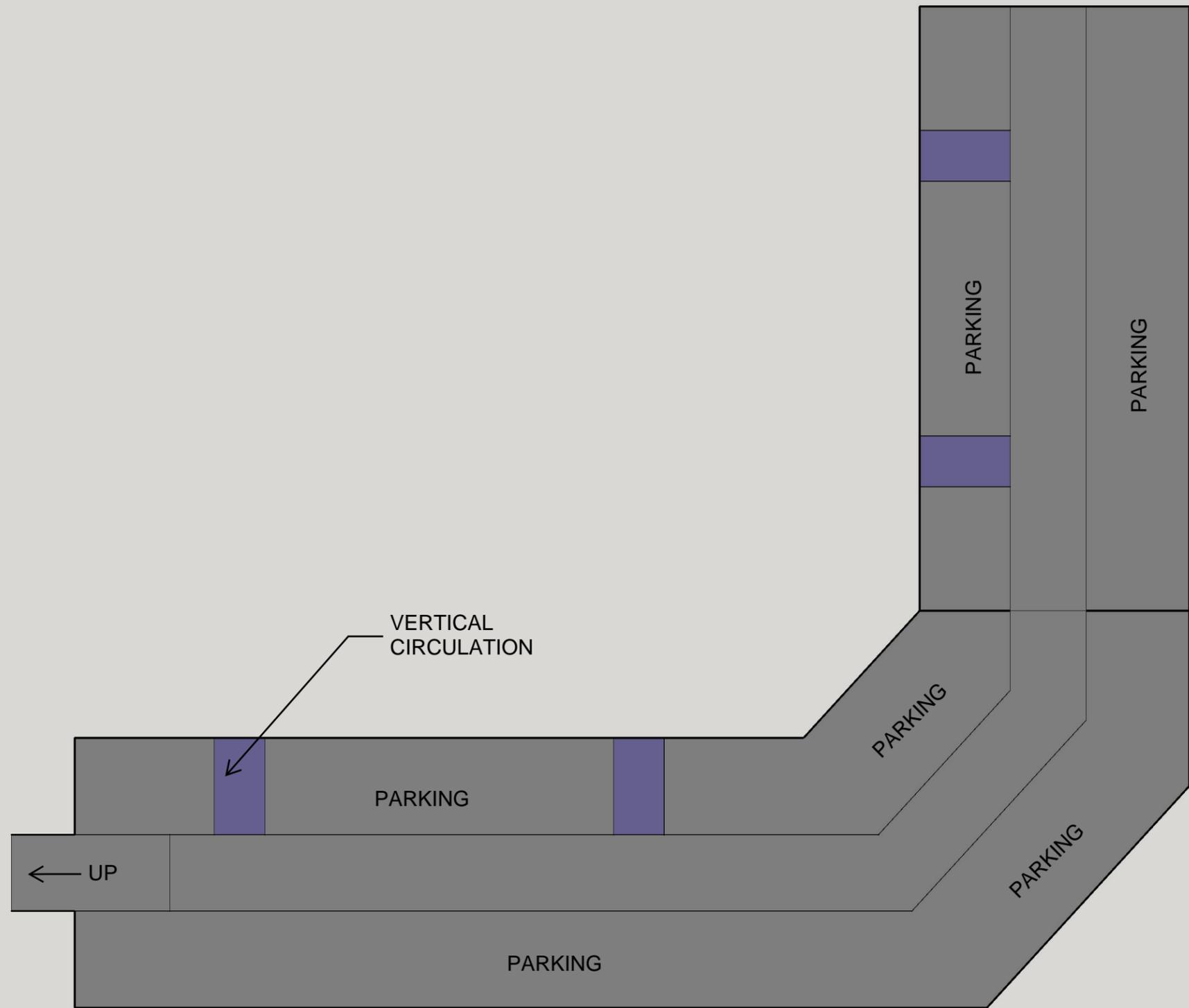
CUP SUBMITTAL 02.26.20

CUSHING TERRELL

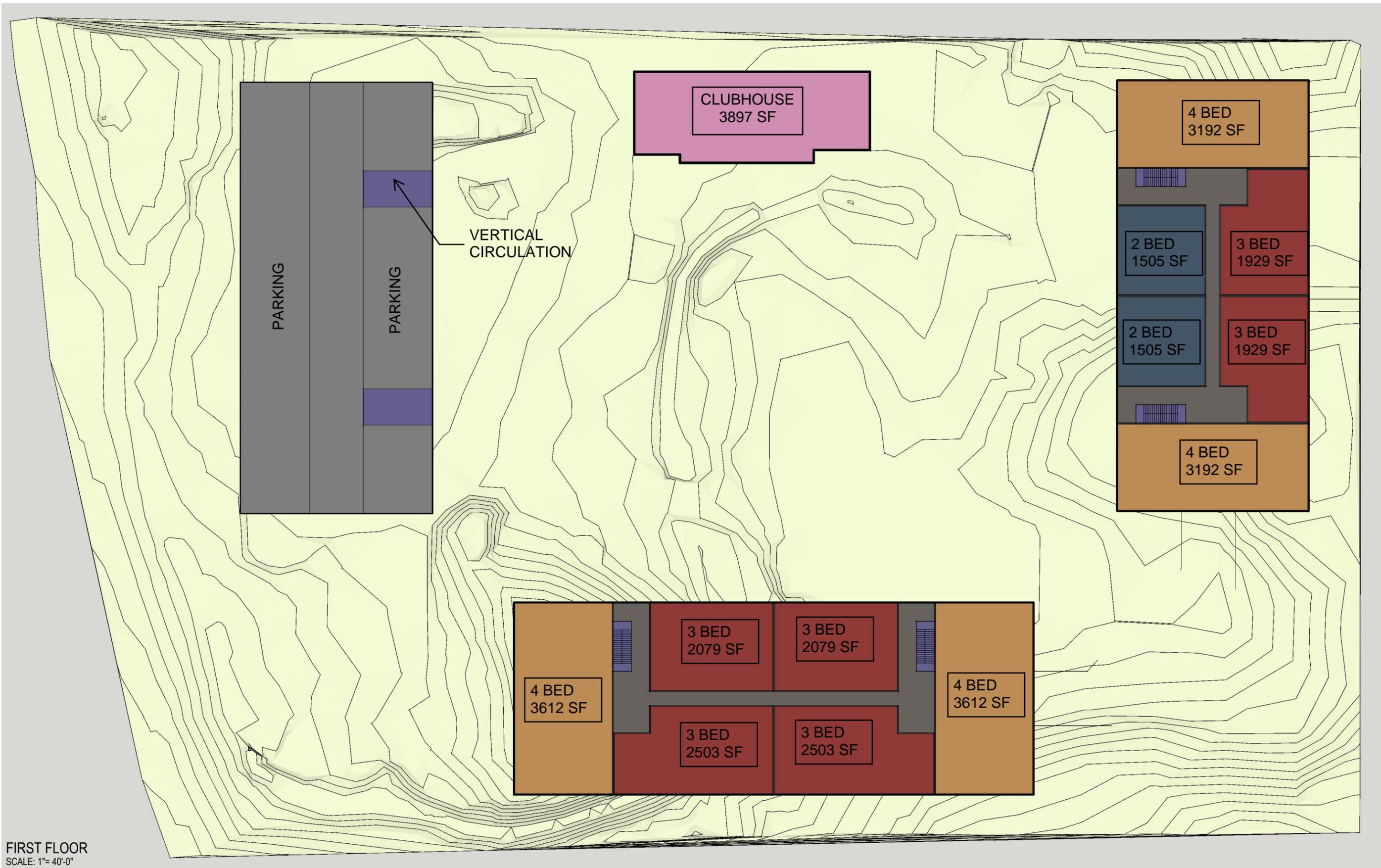


ROOF PLAN
SCALE: 1"= 40'-0"

TOTAL= 52 UNITS



SUBGRADE PARKING
SCALE: 1"= 40'-0"

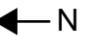


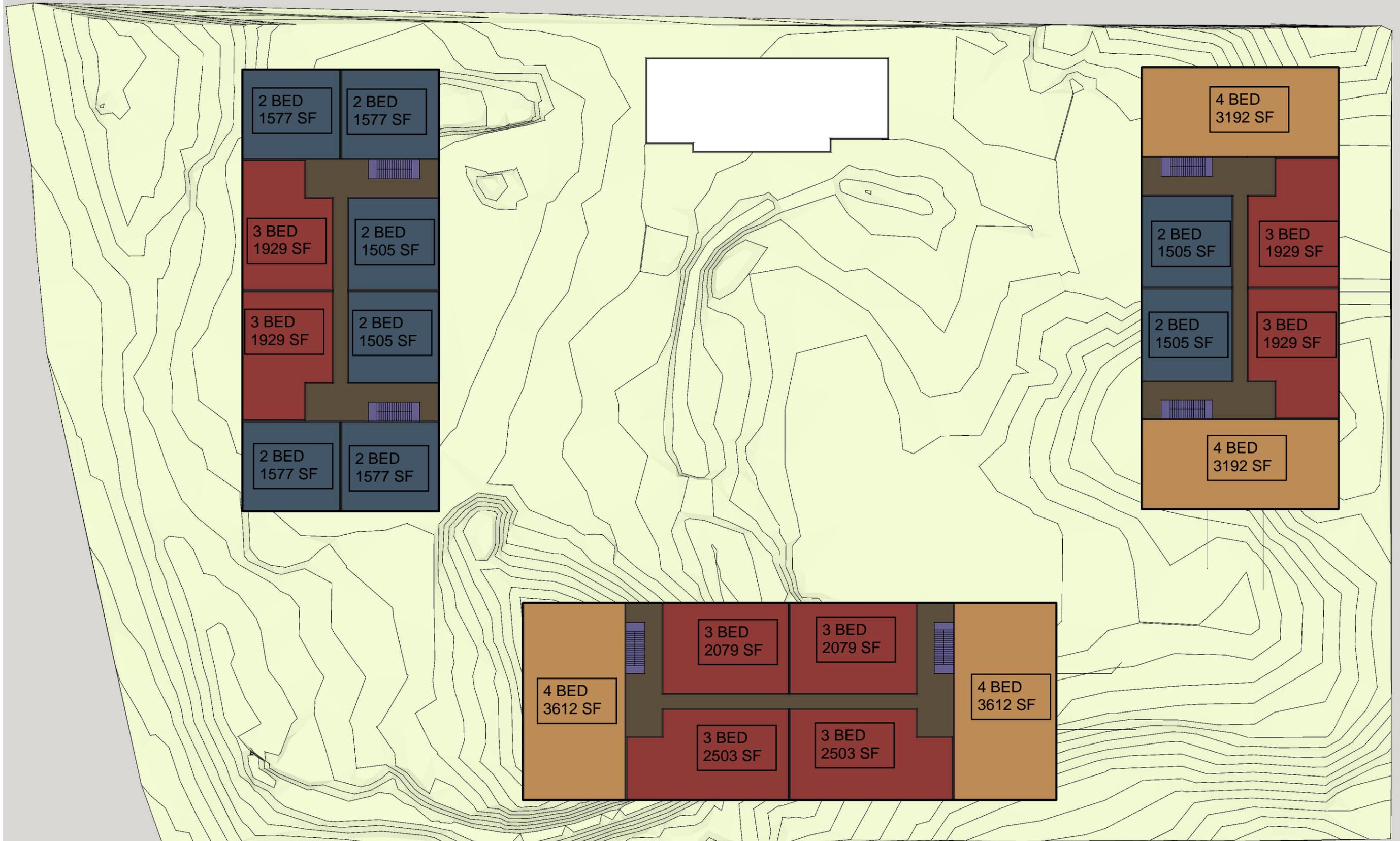
FIRST FLOOR
SCALE: 1"= 40'-0"





SECOND FLOOR
SCALE: 1"= 40'-0"





THIRD FLOOR
SCALE: 1"= 40'-0"



From: Eva Marie Abelson <[REDACTED]>
Sent: Thursday, April 16, 2020 11:47 AM
To: David Taylor <dtaylor@cityofwhitefish.org>
Subject: Slight rant

In regards to the “conditional-use permit for a 52-unit condominium project at 1515 U.S. 93”, I just want to say I’m appalled. What happened to the low density building days of Whitefish? Notwithstanding the fact that I own a property next door, in a *real* low density, 18 townhomes, on Fox Hollow Lane and I realize that paints me as a bonafide NIMBY, but the idea that this is happening all over Whitefish is just as unsettling. Just sayin’...

Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Wendy Compton-Ring
Sent: Wednesday, April 29, 2020 7:58 AM
To: Michelle Howke
Subject: FW: 1515 Hwy 93W project

From: David Taylor <dtaylor@cityofwhitefish.org>
Sent: Tuesday, April 28, 2020 6:41 PM
To: Wendy Compton-Ring <wcompton-ring@cityofwhitefish.org>
Subject: Fwd: 1515 Hwy 93W project

Get [Outlook for Android](#)

From: springkitten [REDACTED]
Sent: Tuesday, April 28, 2020 6:31:42 PM
To: David Taylor <dtaylor@cityofwhitefish.org>
Subject: 1515 Hwy 93W project

Mr Taylor,

I just found out about the Hwy 93W proposed condominium development. I am very concerned about the number of extra vehicles turning from it. I live off State Park Road and at times of the day (rush hour) it is almost impossible to turn left to go downtown.

I figure with 52 units; 2 people per unit, that could add 100 cars to rush hour at a busy place on 93. I clicked on the link to the proposed development to see where it would come out on 93. The link is broken.

I think that number of units is way too dense for this area. I am against having such a dense number of units there. The builder should down size the numbers. I do realize that the land will eventually be built on. I'd like to see it responsibly done. I don't consider 52 units responsible.

Carol Sanman
springkitten@mac.com

EXTERNAL SENDER verified by City of Whitefish IT

(This page left blank intentionally to separate printed sections)

PLANNING & BUILDING DEPARTMENT
418 E. 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



May 4, 2020

Mayor and City Council
City of Whitefish
PO Box 158
Whitefish MT 59937

RE: Blackstar Partners, LLC Conditional Use Permit; (WCUP 20-06)

Honorable Mayor and Council:

Summary of Requested Action: Blackstar Partners LLC, with technical assistance from Montana Creative, is requesting a Conditional Use Permit in order to permit and expand an existing bar/lounge and enlarge the structure housing a microbrewery at 2 Central Avenue. The property is zoned WB-3 (General Business District). The Whitefish Growth Policy designates this property as 'Core Commercial'. The property is currently developed with a three-story commercial building.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to eleven (11) conditions set forth in the attached staff report.

Public Hearing: No members of the public, other than the applicant, spoke at the April 16, 2020 public hearing. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met via teleconference on April 16, 2020 and considered the request. Following the hearing, the Planning Board moved to recommend approval of the project, and the motion was approved unanimously.

Proposed Motion:

- I move to approve WCUP 20-06, the Findings of Fact in the staff report and the eleven (11) conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item has been placed on the agenda for your regularly scheduled meeting on May 4, 2020. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



David Taylor, AICP
Director

Att: Exhibit A: Whitefish Planning Board Recommended Conditions of Approval
Draft Minutes, Planning Board Meeting, 4-16-20

Exhibits from 4-16-20 Staff Packet

1. Staff Report – WCUP 20-06, 4-16-20
2. Adjacent Landowner Notice, 3-31-20

The following were submitted by the applicant:

3. Application for Conditional Use Permit, 3-2-20

c: w/att Michelle Howke, City Clerk

c: w/o att Rob Isackson
Montana Creative

Exhibit A
Blackstar LLC
WCUP 20-06
Whitefish Planning Board
Recommended Conditions of Approval
May 4, 2020

1. The project must be in compliance with the application submitted on March 2, 2020, except as amended by these conditions. Minor deviations from the plans require review pursuant to §11-7-8E(8) and major deviations from the plans require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. Prior to any ground disturbing activities, a plan must be submitted for review and approval by the City of Whitefish Public Works Department. The plan must include, but may not necessarily be limited to, the following:
 - Dust abatement and control of fugitive dust.
 - Hours of construction activity.
 - Noise abatement.
 - Routing for heavy equipment, hauling, and employees, including signage to direct equipment and workers.
 - Construction office siting, staging areas for material and vehicles, and employee parking.
 - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
 - Notation of any street closures or need to work in public right-of-way. (Engineering Standards, Appendix K)
3. Prior to any construction, excavation, grading or other terrain disturbance, plans for all on and off-site infrastructure must be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, streetlights, sidewalks, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (Engineering Standards, Chapter 1)
4. The refuse and recycling location, if changed, must be reviewed and approved by the Public Works Department and Republic Services. (§4-2, WCC)
5. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access, hydrants, and any extended fire suppression system shall be reviewed by the Whitefish Fire Department as part of the building permit. (IFC)

6. All on-site lighting must be dark sky compliant. (§11-3-25, WCC)
7. Approval from the Architectural Review Committee must be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
8. Coordinate with Public Works Department regarding required Construction Encroachment Permits, which are issued independently from this Conditional Use Permit. (§7-2-1, WCC)
9. No outdoor live or broadcast music from the rooftop deck can occur past 10 p.m., nor can speakers be directed toward the sidewalk or street (§5-2-5-A, §11-2L-5, WCC)
10. Any new signage will require a sign permit. Any existing legal non-conforming signs such as wall mounted neon signs and the Black Star wall mounted sign cannot be replaced once removed.
11. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)

Whitefish Draft Planning Board Minutes of April 16, 2020

<p>PUBLIC HEARING 2: BLACKSTAR PARTNERS, LLC CONDITIONAL USE PERMIT REQUEST <i>7:01 pm</i></p>	<p>A request by Blackstar Partners, LLC, with technical assistance from Montana Creative for a Conditional Use Permit for a bar/tavern. The property is zoned WB-3 (General Business District) and is located at 2 Central Avenue and can be legally described as Lot 1, Block 27 of Whitefish Township in S36, T31N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-06 (Taylor)</p>	<p>Director Taylor reviewed his staff report and findings. As of the writing of WCUP 20-06, no public comments had been received. One public comment was received a couple of days ago and Director Taylor will read it into the record during the public comment portion.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-06 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>None.</p>
<p>APPLICANT / AGENCIES</p>	<p>Aaron Wallace, MT Creative, 158 Railway Street in Whitefish, said the Applicant has been in negotiations with the former brewery operators but do not have a signed lease yet. They plan to have a tower and rooftop area and turn some of first floor and second floor over from brewery operations to a restaurant/bar with a full kitchen.</p> <p>Scott asked if the area on the third floor is proposed to be open year round or just in the summer. Mr. Wallace said the outside space will have tables and be used seasonally, weather dependent, but the covered area may be used year round, or for longer periods than just the summer. Scott asked how large the enclosed elevator access space is and Mr. Wallace said maybe about 20' x 20'. It will be a neat, fun spot with a fabulous view and will be used year round.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing and Director Taylor read the comment into the record in support of the project from Tom Britz, owner and CEO of Glacier Hops Ranch, 205 June's Way, Suite 1 in Whitefish. Mr. Britz said it is a good plan and perfect fit for our community. Reducing the brewing capacity and having a rooftop bar is a better, common sense use of valuable space in downtown Whitefish.</p>

	No one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Beckham moved and Scott seconded to adopt the findings of fact within staff report WCUP 20-06, with the eleven (11) conditions of approval, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on May 4, 2020.

**BLACKSTAR PARTNERS, LLC
CONDITIONAL USE PERMIT
WCUP 20-06
EXHIBIT LIST
APRIL 16, 2020**

1. Staff Report – WCUP 20-06, 4-16-20
2. Adjacent Landowner Notice, 3-24-20

The following was submitted by the applicant:

3. Application for Conditional Use Permit, 3-2-20
4. Original CUP Approval, WUP 94-1

**BLACKSTAR PARTNERS, LLC
CONDITIONAL USE PERMIT
WCUP 20-06
APRIL 16, 2020**

A report to the Whitefish Planning Board and the Whitefish City Council regarding a request by Blackstar Partners LLC to permit and expand an existing bar/lounge and enlarge the structure housing a microbrewery at 2 Central Avenue. The request is scheduled before the Whitefish Planning Board for public hearing on April 16, 2020 and a subsequent hearing is set before the City Council on Monday, May 4, 2020.

PROJECT SCOPE

The applicant is requesting approval of a conditional use permit to permit and expand the bar/tavern area of the former Great Northern Brewing Company microbrewery. Bars/lounges and microbreweries require a Conditional Use Permit (CUP) in the WB-3 zoning district, and any expansion of such facilities or the building that houses them requires a new CUP.



The history of the liquor licenses for this facility and the CUP requirements is a bit convoluted. The site has an existing CUP for the building as an “industrial facility” obtained in 1994 for a microbrewery to operate with a tasting room. Around ten years ago the brewery tasting room was moved to just the first floor and another liquor license was obtained for the upstairs bar/lounge area. As two separate premises with two licenses, the upstairs bar was then permitted to stay open past the 8 p.m. State of Montana limitation for breweries. A new CUP for a bar/tavern in the WB-3 likely should have been required at that time but was not. Staff had assumed it was what we called a “cabaret” license (restaurant beer/wine), since they were selling just beer and wine and were also offering a food menu. Restaurant beer and wine licenses do not require a CUP under zoning requirements. The license the previous owners actually obtained was a “301” type (retail on-premises beer and wine), which is not associated with a restaurant like the “401” type (restaurant beer and wine) license is. We have since determined that “301” type licenses are not excluded from the CUP requirements like the “401”

licenses are. When the state quit using the term “cabaret” a few years back, staff changed the code to remove that term and rename them restaurant beer wine (RBW) licenses. Here is the current code definition of bar/lounge found under 11-9-2:

BAR/LOUNGE: An establishment licensed by the state of Montana for on premises consumption of alcoholic beverages. This definition is specifically meant to exclude holders of restaurant beer wine (RBW) licenses.

When the building recently sold, the liquor licenses were also sold. The new owners have purchased another “301” license for the second-floor bar area as a “401” RBW license was not available. Staff made the determination that since a CUP was not required for the upstairs premises by the City previously, even if in error, a new CUP would not be required unless they were expanding the bar/lounge premises, the brewery, or the building itself. The applicant opted to pursue a CUP since they want to remodel and expand the upstairs bar and restaurant area and expand their operating hours. They also intend to add outdoor seating on the roof at some point with a rooftop deck and service bar. This CUP allows them the opportunity to move forward with a building permit for their proposed expansion.

Under the zoning code Conditional Use Permit criteria, a new CUP is required if the previously permitted use or building devoted to that use is altered or expanded:

11-7-8-C. Alter Or Enlarge Structures: Structures or buildings devoted to any use which is permitted under the terms of these regulations, subject to the securing of a conditional use permit, may be altered, added to, enlarged, expanded or moved from one location to another on the lot only after securing a new conditional use permit.

While the brewery portion inside the building is not expanding, the building itself is expanding and was part of the original CUP. This CUP will allow for the brewery building expansion and will permit the upstairs bar as a retail off-premise beer and wine premises. Additionally, a condition of the original 1994 CUP had a condition that stated that the CUP for the microbrewery would terminate if the industrial use changed. This new CUP will run with the lot and building in perpetuity, as long as all conditions continue to be met.

A. Owner:
Blackstar Partners, LLC
940 Emmett Ave Ste 200
Belmont, CA 94002

Technical Assistance:
Montana Creative
158 Railway Street
Whitefish, MT 59937

B. Size and Location:
The subject property is addressed as 2 Central Avenue and is approximately 6,500 square feet.



Figure 1: Location of the subject property outlined in red.

C. Existing Land Use and Zoning:

The site is currently developed with a commercial three-story building. The property is zoned WB-3, General Business District. The purpose of the WB-3 District ‘is a broad commercial district, intended to accommodate financial, retail, government, professional, institutional and cultural activities.’ The subject property is located within the Old Town Central District of the WB-3.

D. Adjacent Land Uses:

North:	Civic	WB-3
West:	Commercial	WB-3
South:	Commercial	WB-3
East:	Commercial	WB-3

E. Growth Policy Designation:

The Growth Policy designation is Core Commercial which corresponds to the WB-3 zoning district.

“This designation describes the downtown area of Whitefish as well as surrounding transitional and mixed-use areas. The major uses are retail commercial, professional and government offices, financial institutions, restaurants and taverns, hotels, and art galleries and studios. The Commercial Core is also characterized by mixed and multi-use

developments such as residential above retail, mixed residential and office, and 'artist lofts' which may have residential, studio, and gallery components.

Urban forms in the Core are dense and usually multi-level. Street connectivity is high, with minimal or zero setbacks, and accessible, human scale storefronts. Character is decidedly pedestrian. On-street parking is provided for ease of accessibility, but parking serving employees and residents is generally located in parking structures or in small lot accessed from alleys. Streets in the Core are active, and streetscapes are attractive with street trees, planters, and street furniture. Architecture is of very high quality and contributes to the established local theme. Zoning is mostly WB-3, but the Commercial Core can also be implemented through WR-4.”

F. Utilities:

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	Republic Services
Gas:	Northwestern Energy
Electric:	Flathead Electric Co-op
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	Whitefish Fire Department

G. Public Notice:

A notice was mailed to adjacent landowners within 300-feet of the subject parcel on March 27, 2020. A notice was mailed to advisory agencies on March 27, 2020 and a notice was published in the *Whitefish Pilot* on April 1, 2020. As of the date of this report, staff has received no comments.



REVIEW AND FINDINGS OF FACT

This application is evaluated based on the "criteria required for consideration of a Conditional Use Permit," per §11-7-8J of the Whitefish Zoning Regulations.

1. **Growth Policy Compliance:**

The Growth Policy designates this area as Core Commercial which is consistent with the WB-3 zoning District.

Finding 1: The proposed use complies with Growth Policy Designation of Core Commercial because it is zoned WB-3 (General Business District) and the proposed uses are consistent with the permitted and conditional uses of the WB-3 zone.

2. **Compliance with regulations. The proposal is consistent with the purpose, intent, and applicable provisions of these regulations.**

The underlying zoning is WB-3 (General Business District). As mentioned previously, the purpose and intent of this zoning category is for a "broad commercial district, intended to accommodate financial, retail, government, professional, institutional and cultural activities."

Setbacks:

All remodel work will be within the existing building footprint. There are no setback requirements in the WB-3.

Height:

The zoning permits a maximum building height of 45-feet, 3 stories maximum. The building is currently three stories, although only the tank and roof access stair tower is above the second floor. The proposed rooftop deck expansion, including a new elevator and stair tower and covered service bar, will be required to meet zoning height requirements. The initial drawings show that the height standards appear to be met, and that will be confirmed at the time of building permit.

Finding 2: The project complies with the zoning regulations because all the zoning standards are being met or will be met with conditions of approval.

3. **Site Suitability. The site must be suitable for the proposed use or development:**

Adequate usable land area: The subject parcel is adequate to serve the proposed use. The subject property is currently developed with a two-story commercial building.

Access that meets the standards set forth in these regulations, including emergency access: Access to the building is not being changed, and the existing access meets requirements.

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The subject property is not located in an area with environmental constraints as it is in the downtown core area.

Finding 3: The project is suitable for the site because there are no environmental hazards present, the access to the property is via Central Avenue, Railway Street, or the existing alley, and there is adequate land area for the proposed use.



4. Quality and Functionality. The site plan for the proposed use or development has effectively dealt with the following design issues as applicable.

Parking locations and layout: There are no parking requirements for commercial uses in the WB-3.

Traffic Circulation: Traffic accessing the site will utilize city maintained public streets.

Open space: Open space is not a requirement for a conditional use permit.

Fencing/Screening: The application does not indicate any fencing and it is not a requirement.

Landscaping: No changes to the footprint of the existing building is proposed with the remodel. No additional landscaping is required.

Signage: Staff has not seen any proposed new signage. All new signage is required to obtain a sign permit from the Planning & Building office.

Undergrounding of new and existing utilities: No new utilities are being proposed.

Finding 4: Quality and functionality were addressed during the initial construction, no expansion to the existing footprint is being proposed. The applicant will submit for review any signage required.

5. Availability and Adequacy of Public Services and Facilities.

Sewer and water: City sewer and water are available on Central Avenue and Railway Street, sewer is available from the alley.

Storm Water Drainage: The downtown area has an existing storm water drainage system. The project will require review by the Public Works Department at the time of building permit.

Police and Fire Protection: The City of Whitefish serves the site, response times and access is adequate.

Streets: The site is accessed off Central Avenue along the front and a loading area off an alley at the rear of the property, extending from Railway to 1st Street. No improvements to the alley or Central Avenue are required.

Finding 5: Public facilities and services are available and adequate to serve the development because municipal water and sewer are available, response times for police and fire are not anticipated to be affected, the property has adequate access to Central Avenue and Railway Street.

6. Neighborhood/Community Impact:

Traffic Generation: No impact on traffic is anticipated.

Noise or Vibration: No impact is anticipated beyond the former use and what is expected from a commercial bar and brewery. Noise from the future rooftop deck is not anticipated to have any more impact than other bars with outdoor decks such as The Craggy Range next door, the Great Northern Bar across Central, or Casey's on 1st and Central. A condition will be placed on the approval that no outdoor live or broadcast music can occur past 10 pm.

Dust, Glare, or Heat: No impact is anticipated beyond what is expected from a typical commercial use.

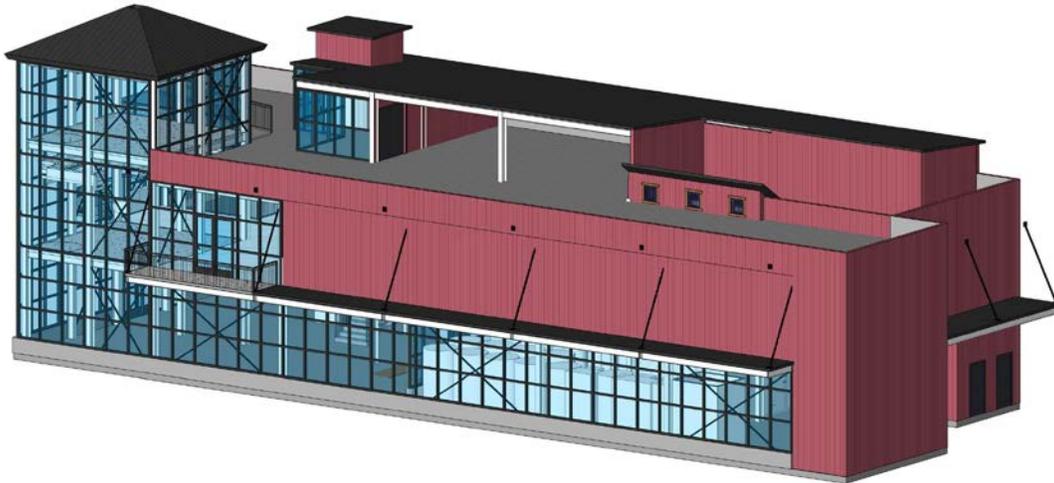
Smoke, Fumes, Gas, and Odor: The site will continue to have a brewery, but the amount of 'fresh baked bread' odor from the brewing process is not anticipated to increase.

Hours of Operation: The proposed brewery portion will continue to be open until 8 pm per state law, while the bar/tavern portion of the building may stay open as late as 2 am.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because no excessive noise, dust, smoke, odor or other environmental nuisances are expected, and noise concerns from the outdoor deck will not be greater than nearby uses and will additionally be mitigated by a special condition.

7. Neighborhood/Community Compatibility:

Structural Bulk, Massing and Scale: *Mass* is defined as a building's bulk, size and magnitude – the overall volume. *Scale* correlates to the spatial relationship with neighboring buildings. The proposal is to eventually add elevator and stair towers and a covered service bar on the third floor. Massing, bulk and scale are part of the review by the Architectural Review Committee with commercial projects. The building will remain three stories, and the new rooftop additions will be somewhat difficult to see from the street as they will be stepped back from the edge of the building.



Architect's Rendering of Proposed Exterior Addition

Context of Existing Neighborhood: The existing neighborhood is predominately commercial along this block, although there are some residential uses within the downtown, located above commercial buildings. While it is already taller than the adjacent building to the south, it is similar in scale to the O'Shaughnessy Center across Railway street. The proposed mixed-use building is not out of character with the existing neighborhood.

Density: There is no density requirement in the WB-3. Parking generally becomes the factor limiting the number of proposed units.

Finding 7: The project is compatible with the neighborhood and community because it is compatible with the adjacent commercial buildings, and the overall scale, mass and neighborhood context of any external additions will be reviewed by the Architectural Review Committee.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 20-06 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project must be in compliance with the application submitted on March 2, 2020, except as amended by these conditions. Minor deviations from the plans require review pursuant to §11-7-8E(8) and major deviations from the plans require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. Prior to any ground disturbing activities, a plan must be submitted for review and approval by the City of Whitefish Public Works Department. The plan must include, but may not necessarily be limited to, the following:
 - Dust abatement and control of fugitive dust.
 - Hours of construction activity.
 - Noise abatement.
 - Routing for heavy equipment, hauling, and employees, including signage to direct equipment and workers.
 - Construction office siting, staging areas for material and vehicles, and employee parking.
 - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
 - Notation of any street closures or need to work in public right-of-way. (Engineering Standards, Appendix K)
3. Prior to any construction, excavation, grading or other terrain disturbance, plans for all on and off-site infrastructure must be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, streetlights, sidewalks, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (Engineering Standards, Chapter 1)
4. The refuse and recycling location, if changed, must be reviewed and approved by the Public Works Department and Republic Services. (§4-2, WCC)
5. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access, hydrants, and any extended fire suppression system shall be reviewed by the Whitefish Fire Department as part of the building permit. (IFC)
6. All on-site lighting must be dark sky compliant. (§11-3-25, WCC)
7. Approval from the Architectural Review Committee must be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
8. Coordinate with Public Works Department regarding required Construction Encroachment Permits, which are issued independently from this Conditional Use Permit. (§7-2-1, WCC)

9. No outdoor live or broadcast music from the rooftop deck can occur past 10 p.m., nor can speakers be directed toward the sidewalk or street (§5-2-5-A, §11-2L-5, WCC)
10. Any new signage will require a sign permit. Any existing legal non-conforming signs such as wall mounted neon signs and the Black Star wall mounted sign cannot be replaced once removed.
11. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)



Public Notice of Proposed Land Use Action

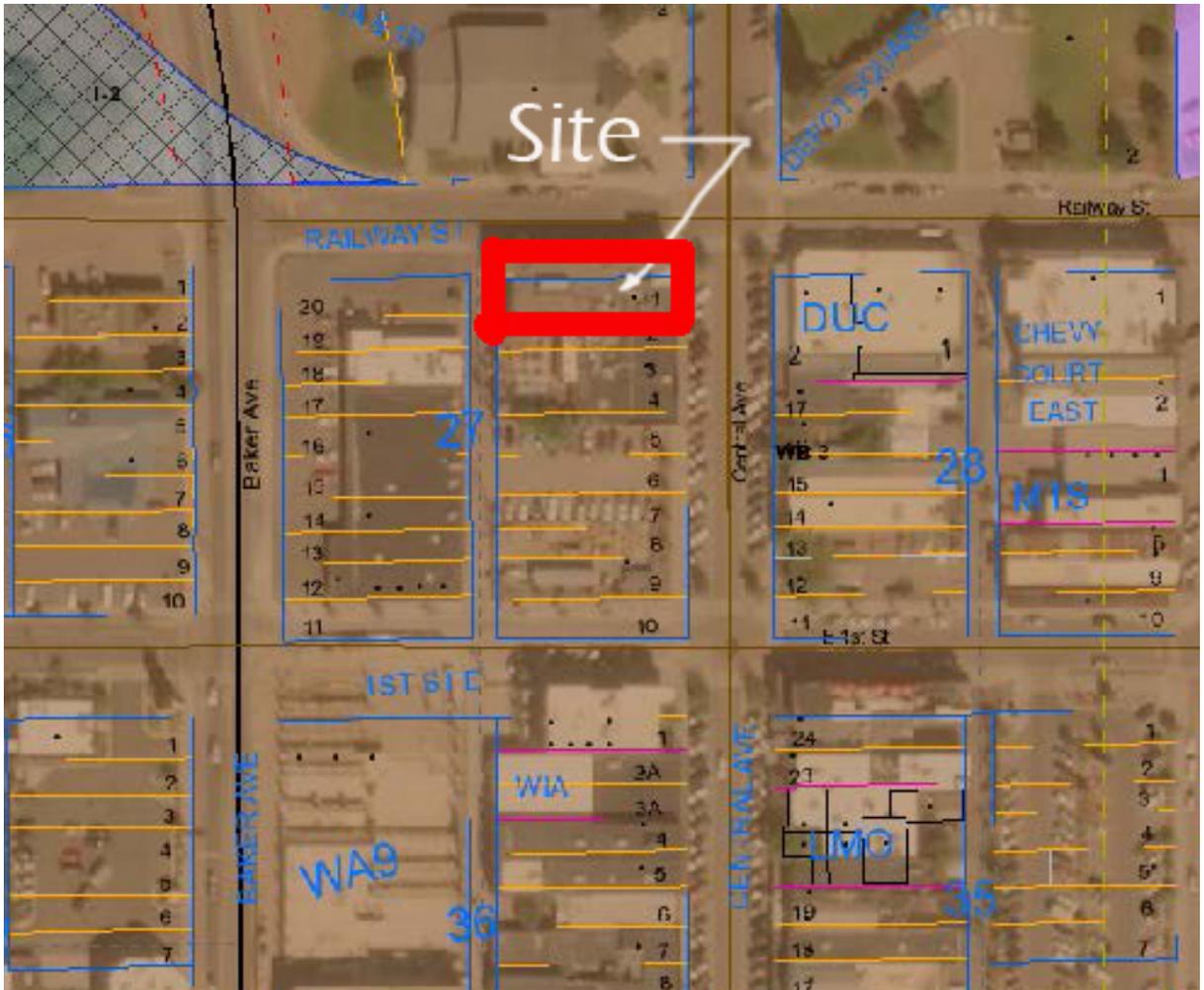
1. The City of Whitefish would like to inform you that Blackstar Partners, LLC, with technical assistance from Montana Creative, has applied for a Conditional Use Permit to expand a bar/tavern. The former Great Northern Brewery location is remodeling and expanding the bar area and hours of operation. The property is zoned WB-3 (General Business District) and is located at 2 Central Avenue and can be legally described as Lot 1, Block 27 of Whitefish Township in S36, T31N, R22W, P.M.M., Flathead County. (WCUP 20-06) Taylor

You are welcome to provide comments on the project. Comments can be in written or email format. The Whitefish Planning Board will hold a public hearing for the proposed project request on:

**Thursday, April 16, 2020
6:00 p.m.
Whitefish City Council Chambers, City Hall
418 E. 2nd Street, Whitefish MT 59937**

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, May 6, 2020** at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a floor plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 418 E. 2nd Street. The public is encouraged to comment on the above proposal in writing. Due to the current public health crises, attend the hearings in person is challenging as there are recommendations against public gatherings of ten or more individuals. In any case, the city will do its best to accommodate all public input. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at dtaylor@cityofwhitefish.org. Comments received by the close of business on **Wednesday, April 8, 2020**, will be included in the packet to the Planning Board members. Comments received after the deadline will be read to the Planning Board members at the public hearing.



From: [Tom Britz](#)
To: [David Taylor](#)
Subject: Comment on Blackstar Partners LLC application
Date: Wednesday, April 15, 2020 7:29:27 PM

Hello Dave,

I would like to submit a positive comment in support of the plans for Blackstar Partners LLC application to modify the former Great Northern Brewery building.

I am keenly aware of the challenges of running a manufacturing (brewing) facility in a building located on some of the most valuable per-square foot commercial real estate in the Flathead Valley (Central Avenue, Whitefish). The facility and location is far better suited to have more interior space devoted to bar/restaurant (retail F&B') space than brewing (manufacturing) space. I am aware of and have seen soft proposals over the last several years to do exactly what Blackstar Partners LLC is proposing, knowing that all of the prior discussions were hampered by lack of capital. This is a good plan.

There is no question that the proposed modifications would make a better use of the building in downtown Whitefish, while retaining its now-historic use as a flagship brewery anchoring one end of Central Avenue.

"Craft" beer, as a segment, continues to grow in the U.S. The domestic Craft brewery movement has now reached over 8,275 Craft breweries, (that number was as of Dec., 2019, with volume is still growing at approximately 4% nationally, while beer overall as a category has been declining in the U.S.). Prior to the pandemic, there was still one new Craft brewery opening up somewhere in the U.S. every 9 1/2 to 10 hours. Furthermore, the pipeline remains robust, with about 2,000 more Craft breweries having received their TTB permits, but not yet producing, a consistent harbinger of future growth over the last half-dozen or so years.

"Craft Beer Tourism" is definitely a "thing". Regional clusters of Craft breweries, distilleries and wineries have fostered tourism that is encouraged at least in part, by the preponderance of Craft producers in a community. Frankly, the more, the better, in the eyes of many consumers. "Locavores" look for these Craft operators with the same enthusiasm as they look for locally-produced food at a restaurant. It is a perfect fit for a community that eschews franchise F&B operations.

By way of example, one of our customers is a custom soap company in Columbus, Ohio who was commissioned to create an IPA-aroma series of soap amenities for a new brewery/brewing-themed 32-room hotel, adjacent to the Brewdog Brewery. It opened in 2018. <https://www.brewdog.com/usa/locations/hotels/doghouse>

A rooftop beer garden/bar is a common-sense idea. While it may be novel to some in Whitefish, based on Casey's rooftop facility only a few years back, it is hardly novel in other communities. A tour of "Honky Tonk Row" in Nashville, literally across from the city's convention center and hockey arena features many multi-level and rooftop bars. It's not a new idea, but it is a good idea to allow flexible, comparatively cost-effective additional capacity during the peak tourist season in Whitefish.

The COVID-19 interruption will no doubt cause a percentage of U.S. Craft breweries to fail, based on my best industry intel at the moment. But even prior to this pandemic, increased competition for off-premise shelf space in grocery/C-stores was making the business model of any Craft brewery critically important to survive and thrive...anywhere. And that includes Whitefish. That is why it is so critical for the Planning & Zoning Commission to support a business model that can really thrive.

The best use of that space is to reduce the brewing capacity, and increase the taproom/restaurant square footage. It's honestly not a new idea. But it's the right idea, with capital behind it to make it be actually realized, to make downtown Whitefish a more robust center in this community.

Thank you for allowing input from the community.

Cheers,



Tom Britz

President/CEO - **Glacier Hops Ranch, Inc.**
p: 406-862-HOPS(4677) m: 406-250-5053
a: 205 June's Way, Suite 1, Whitefish, Montana 59937 USA
e: tom@glacierhopsranch.com
w: glacierhopsranch.com



Follow us on Facebook / Check us out on YouTube

EXTERNAL SENDER verified by City of Whitefish IT



City of Whitefish
 Planning & Building Dept
 418 E 2nd St | PO Box 158
 Whitefish, MT 59937
 Phone: 406-863-2460
 Fax: 406-863-2419

File #: _____
 Date: _____
 Intake Staff: _____
 Check #: _____
 Amount: _____
 Date Complete: _____

CONDITIONAL USE PERMIT

FEE ATTACHED \$ _____

(see current fee schedule)

INSTRUCTIONS:

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: _____
- Submit the application fee, completed application, and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty-five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 418 E 2nd Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project Name: _____

Street Address: _____

Assessor's Tract No.(s) _____ Lot No(s) _____

Block # _____ Subdivision Name _____

Section _____ Township _____ Range _____

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process.

 Owner's Signature**

 Date

 Print Name

 Applicant's Signature

 Date

 Print Name

 Representative's Signature

 Date

 Print Name

**May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

B. APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- Eight (8) copies of the Conditional Use Permit Application
- Eight (8) copies of the written description of how the project meets the criteria in Section E
- Eight (8) copies of the Site Plan – drawn to scale, which shows in detail the proposed use, property lines and setback lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc.
- Housing Mitigation Plan (unless exempt)
- Where new buildings or additions are proposed, building sketches and elevations must be submitted
- Tree Preservation Plan – show a site plan with trees 6-inch DBH or greater to be preserved with project
- If the project is a multi-family development, complete the **Multi-Family Development Standards Supplemental**
- If the project is a mixed-use or non-residential development, complete the **Mixed-Use and Non-Residential Building Development Standards Supplemental**
- Electronic version of entire application (i.e. pdf)
- Any additional information requested during the pre-application process

When all application materials are submitted to the Planning & Building Department, the application will be scheduled for public hearing before the Planning Board and City Council.

C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

APPLICANT (if different than above):

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

OTHER TECHNICAL/PROFESSIONAL:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

D. DESCRIBE PROPOSED USE:

ZONING DISTRICT: _____

E. FINDINGS: The following criteria form the basis for approval or denial of the Conditional Use Permit. The burden of satisfactorily addressing these criteria lies with the applicant. Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the criteria, describe how it will be mitigated.

1. Describe how the proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy.

2. Describe how the proposal is consistent with the purpose, intent and applicable provisions of the regulations.

3. How is the property location suitable for the proposed use? Is there adequate usable land area? Does the access, including emergency vehicle access, meet the current standards? Are environmentally sensitive areas present on the property that would render the site inappropriate for the proposed use?

4. How are the following design issues addressed on the site plan?
 - a. Parking locations and layout
 - b. Traffic circulation
 - c. Open space
 - d. Fencing/screening
 - e. Landscaping
 - f. Signage
 - g. Undergrounding of new utilities
 - h. Undergrounding of existing utilities

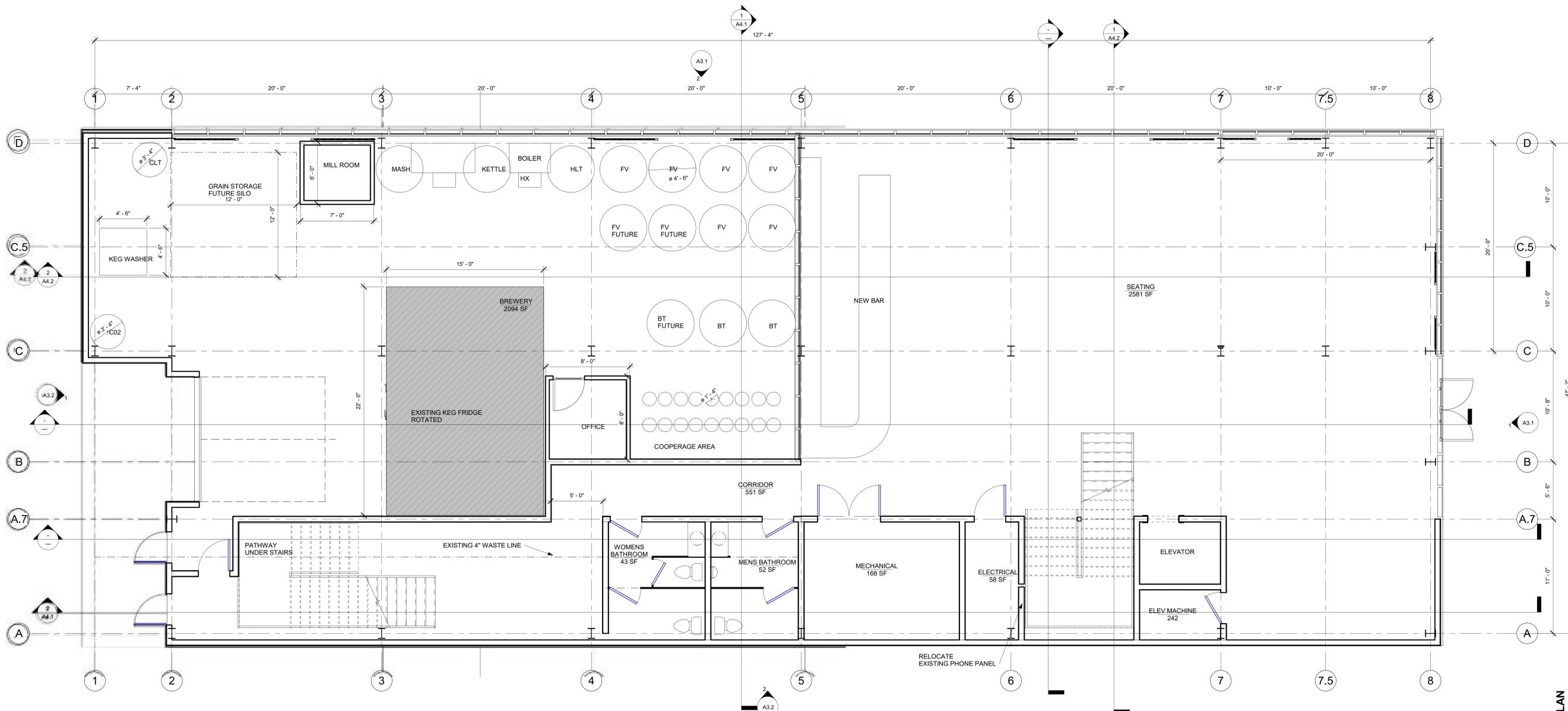
5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
 - a. Sewer
 - b. Water
 - c. Stormwater
 - d. Fire Protection
 - e. Police Protection
 - f. Street (public or private)
 - g. Parks (residential only)
 - h. Sidewalks
 - i. Bike/pedestrian ways – including connectivity to existing and proposed developments

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.
 - a. Excessive traffic generation and/or infiltration of traffic into neighborhoods
 - b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

7. What are the proposed hours of operation?

8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:

- a. Structural bulk and massing
- b. Scale
- c. Context of existing neighborhood
- d. Density
- e. Community Character



1
A2.1
FIRST FLOOR PLAN NEW
1/4" = 1'-0"

NEW FIRST FLOOR PLAN

NOT FOR CONSTRUCTION 2/3/2020

I hereby certify that this plan, specification or contract documents were prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.
2019
Reg. No. 2932 Date: 2/3/2020
AARON L. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: 2019
Date: 2/3/2020
Drawn By: Author
Checked By: Checker
Revision Date: 02/03/20

REVISION SCHEDULE

#	DESCRIPTION	DATE

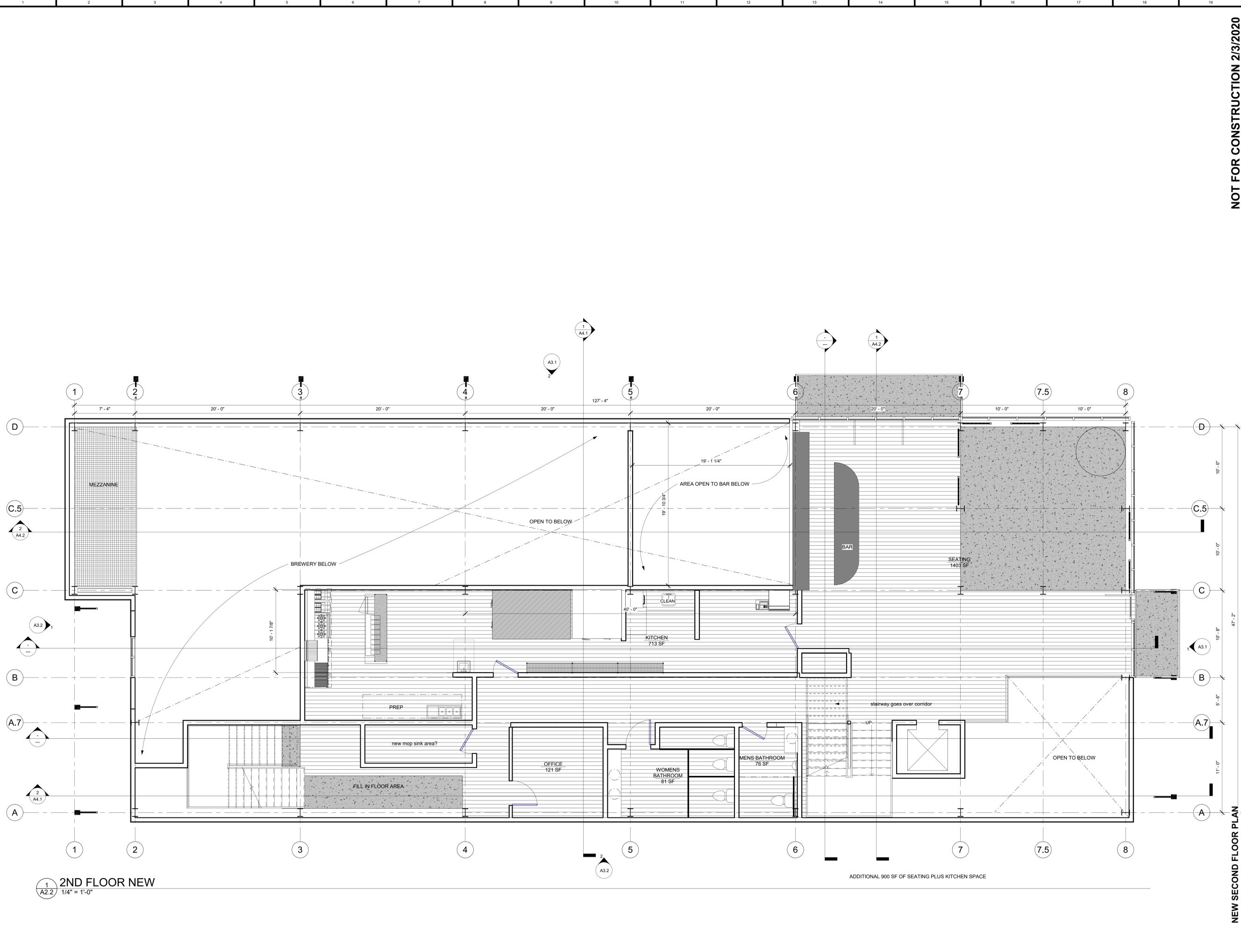
Montana Creative
architecture + design



MONTANA CREATIVE
ARCHITECTURE + DESIGN
156 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

BLACKSTAR RENOVATIONS
RESTAURANT/BREWERY
CENTRAL AVE
WHITEFISH, MT. 59937

A2.1



1
A2.2
2ND FLOOR NEW
1/4" = 1'-0"

NOT FOR CONSTRUCTION 2/3/2020

NEW SECOND FLOOR PLAN

I hereby certify that this plan, specification or contract documents were prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.
 Reg. No. 2932
 AARON L. WALLACE
 2019
 Date: 2/3/2020

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: 2019
 Date: 2/3/2020
 Drawn By: Author
 Checked By: Checker
 Revision Date: 02/03/20

REVISION SCHEDULE

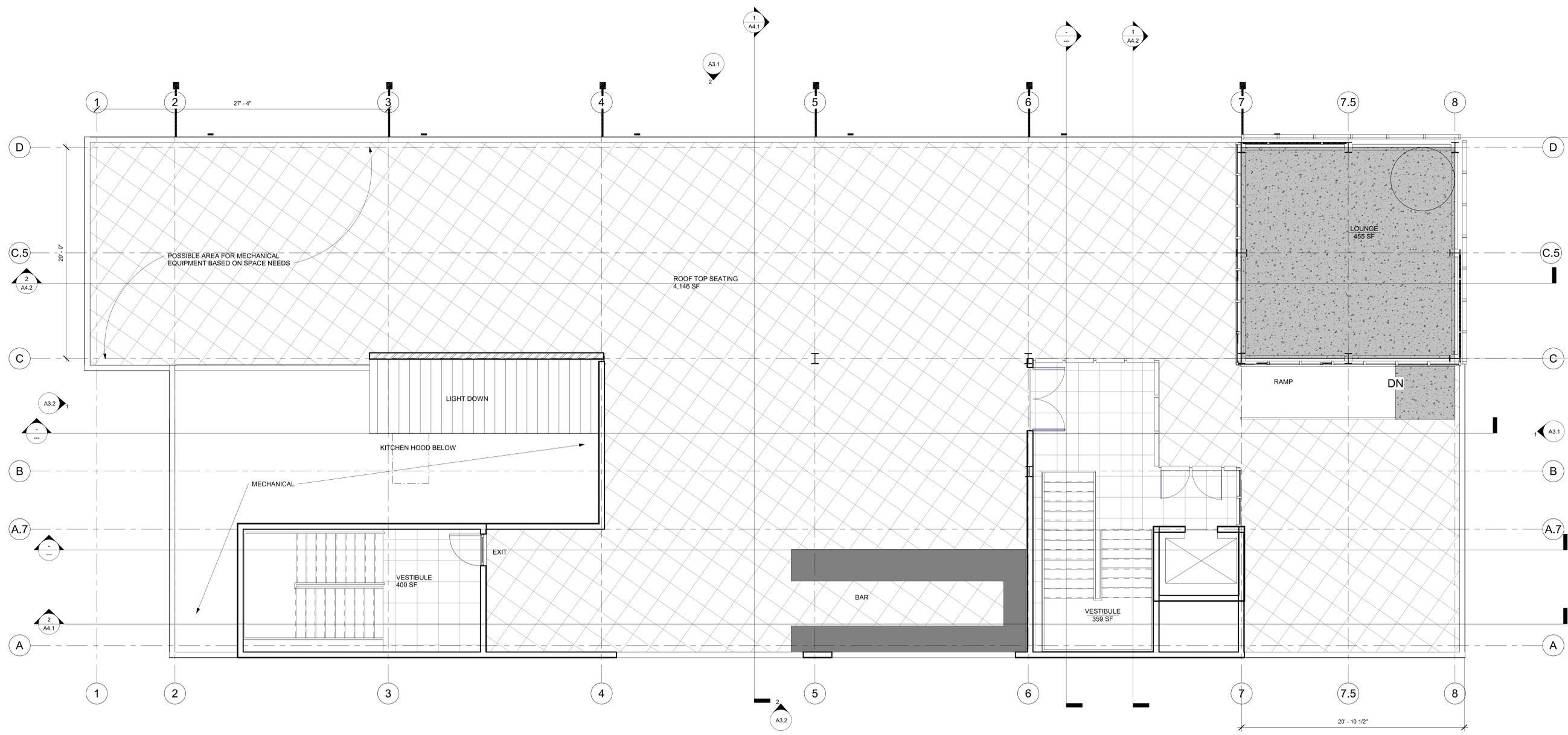
#	DESCRIPTION	DATE

Montana Creative
 architecture + design

 MONTANA CREATIVE
 ARCHITECTURE + DESIGN
 156 RAILWAY ST.
 WHITEFISH, MT 59937
 406.862.8152
 FAX# 406.862.8153

BLACKSTAR RENOVATIONS
 RESTAURANT/BREWERY
 CENTRAL AVE
 WHITEFISH, MT. 59937

A2.2



1
A2.3
1/4" = 1'-0"

NOT FOR CONSTRUCTION 2/3/2020

ROOF TOP PATIO

I hereby certify that this plan, specification or schedule of work was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.
 2019
 Reg. No. 2932 Date: 2/3/2020
 AARON L. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: 2019
 Date: 2/3/2020
 Drawn By: Author
 Checked By: Checker
 Revision Date: 02/03/20

REVISION SCHEDULE

#	DESCRIPTION	DATE

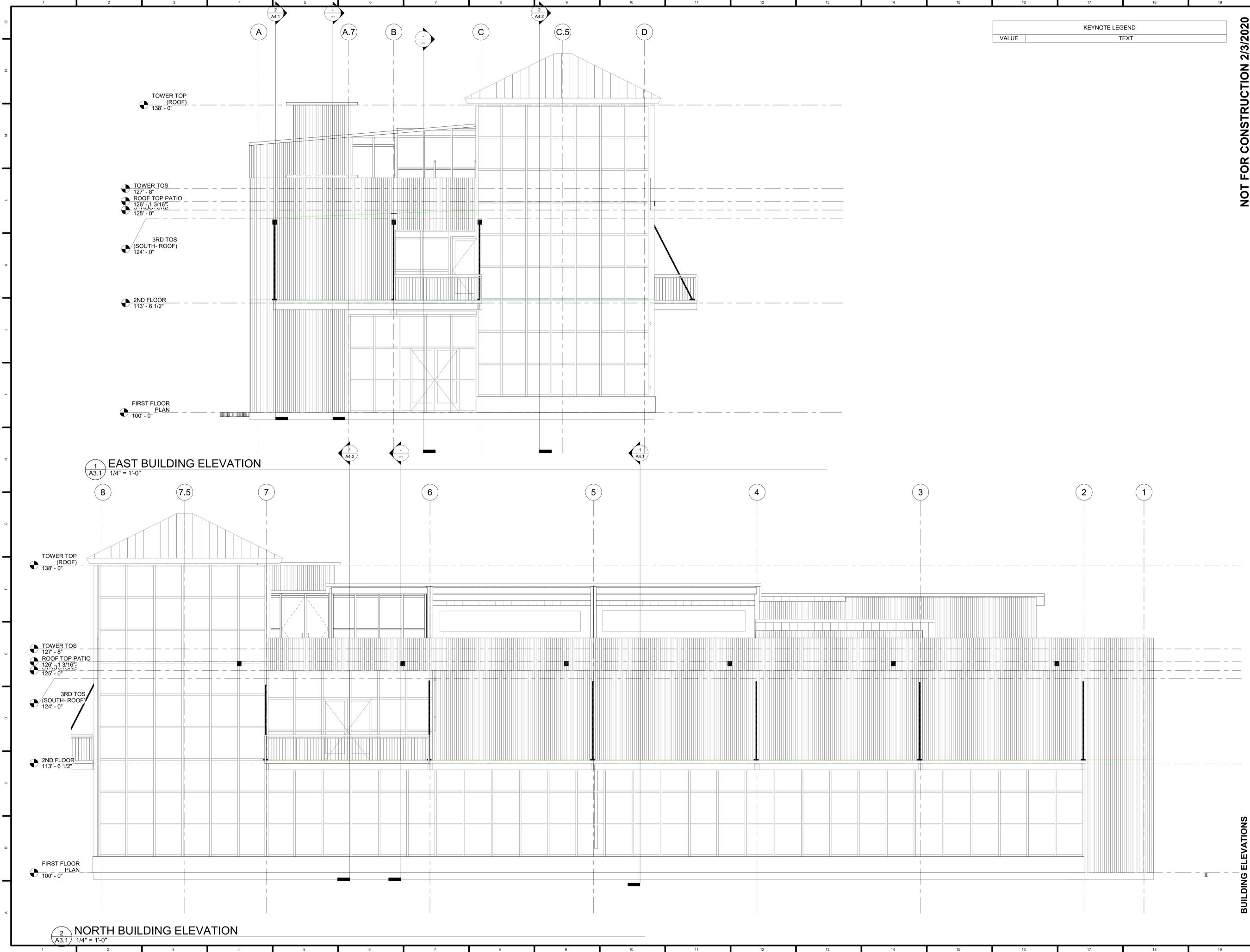
Montana Creative
 architecture + design



MONTANA CREATIVE
 ARCHITECTURE + DESIGN
 156 RAILWAY ST.
 WHITEFISH, MT 59937
 406.862.8152
 FAX# 406.862.8153

BLACKSTAR RENOVATIONS
RESTAURANT/BREWERY
 CENTRAL AVE
 WHITEFISH, MT. 59937

A2.3



KEYNOTE LEGEND	
VALUE	TEXT

NOT FOR CONSTRUCTION 2/3/2020

I hereby certify that this plan, specification or schedule of work was prepared by me or under my supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

2019

Reg. No. 2932 Date: 2/3/2020
 AARON L. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: 2019
 Date: 2/3/2020
 Drawn By: LGK
 Checked By: AJW
 Revision Date:

REVISION SCHEDULE

#	DESCRIPTION	DATE

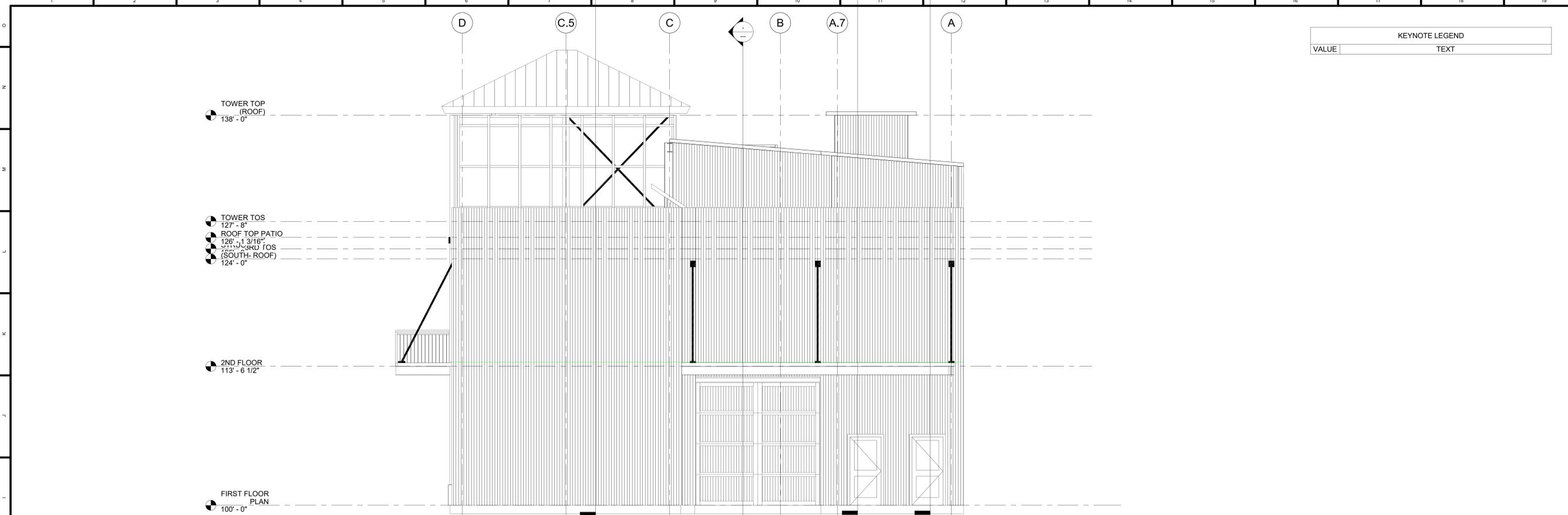
Montana Creative
 architecture + design



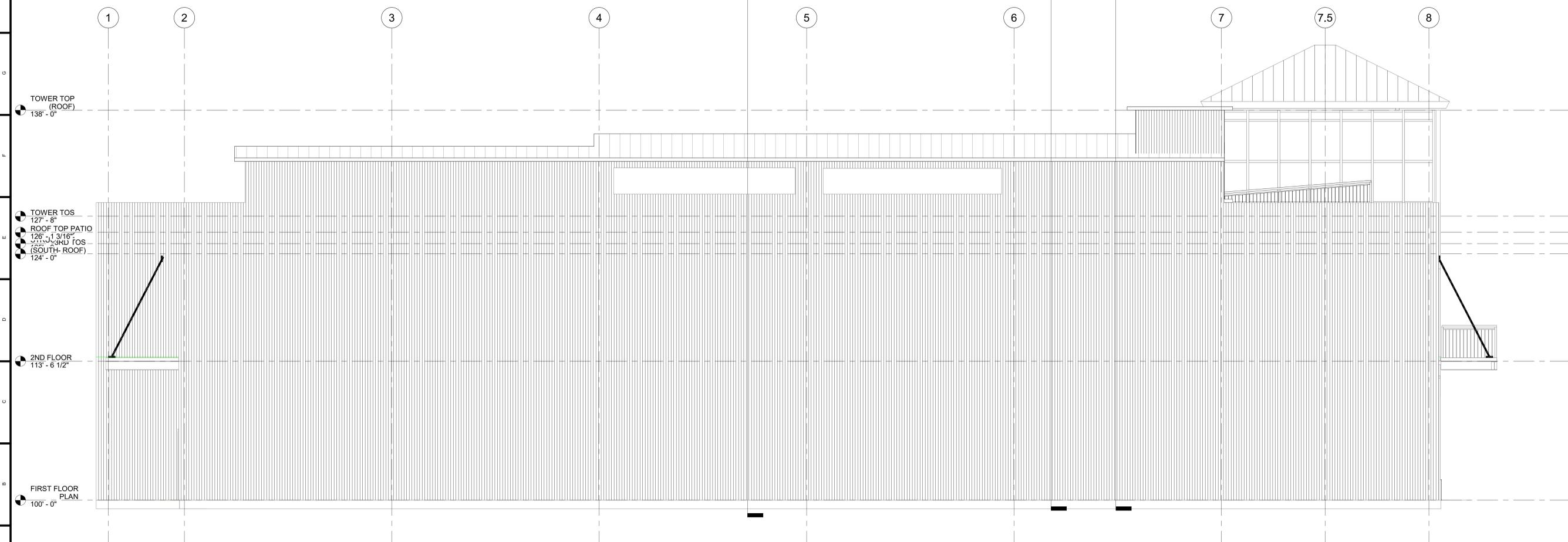
MONTANA CREATIVE
 ARCHITECTURE + DESIGN
 156 RAILWAY ST.
 WHITEFISH, MT 59937
 406.862.8152
 FAX# 406.862.8153

BLACKSTAR RENOVATIONS
 RESTAURANT/BREWERY
 CENTRAL AVE
 WHITEFISH, MT. 59937

A3.1



1 WEST BUILDING ELEVATION
A3.2 1/4" = 1'-0"



2 SOUTH BUILDING ELEVATION
A3.2 1/4" = 1'-0"

KEYNOTE LEGEND	
VALUE	TEXT

NOT FOR CONSTRUCTION 2/3/2020

I hereby certify that this plan, specification or schedule of work was prepared by me or under my supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

2019

Reg. No. 2932 Date: 2/3/2020
AARON L. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: 2019
Date: 2/3/2020
Drawn By: LGK
Checked By: AJW
Revision Date:

REVISION SCHEDULE

#	DESCRIPTION	DATE

Montana Creative
architecture + design



MONTANA CREATIVE
ARCHITECTURE + DESIGN
156 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

BLACKSTAR RENOVATIONS
RESTAURANT/BREWERY
CENTRAL AVE
WHITEFISH, MT. 59937

A3.2

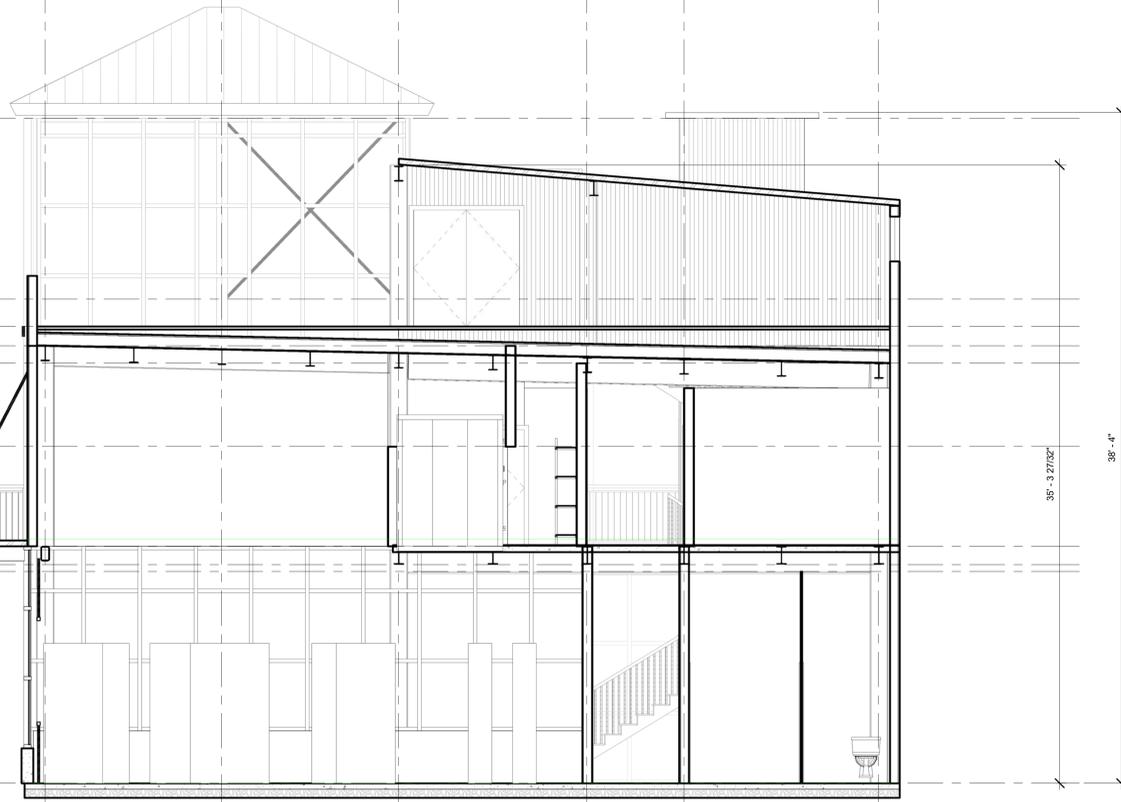
TOWER TOP (ROOF)
138' - 0"

TOWER TOS
127' - 8"
ROOF TOP PATIO
126' - 1 3/16"
STRUCTURE TOS
(SOUTH ROOF)
124' - 0"

SF PH
119' - 2 7/8"

2ND FLOOR
113' - 6 1/2"
FF PH 2/20"
112' - 1 1/8"

FIRST FLOOR PLAN
100' - 0"



KEYNOTE LEGEND	
VALUE	TEXT

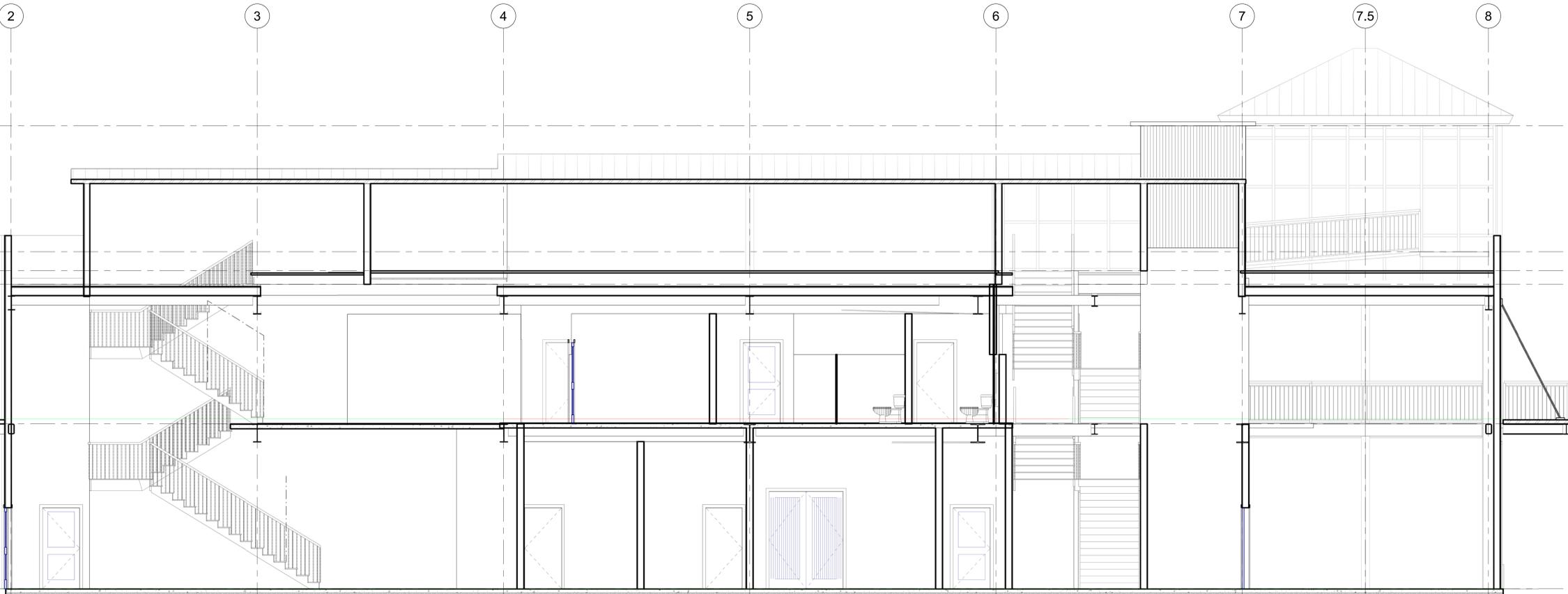
1 BUILDING SECTION - A
A4.1 1/4" = 1'-0"

TOWER TOP (ROOF)
138' - 0"

TOWER TOS
127' - 8"
ROOF TOP PATIO
126' - 1 3/16"
STRUCTURE TOS
125' - 0"

2ND FLOOR
113' - 6 1/2"

FIRST FLOOR PLAN
100' - 0"



2 BUILDING SECTION - B
A4.1 1/4" = 1'-0"

NOT FOR CONSTRUCTION 2/3/2020

I hereby certify that this plan, specification or schedule of work was prepared by me or under my supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.
2019
Reg. No. 2932 Date: 2/3/2020
AARON L. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: 2019
Date: 2/3/2020
Drawn By: Drafter
Checked By: Checker
Revision Date:

REVISION SCHEDULE

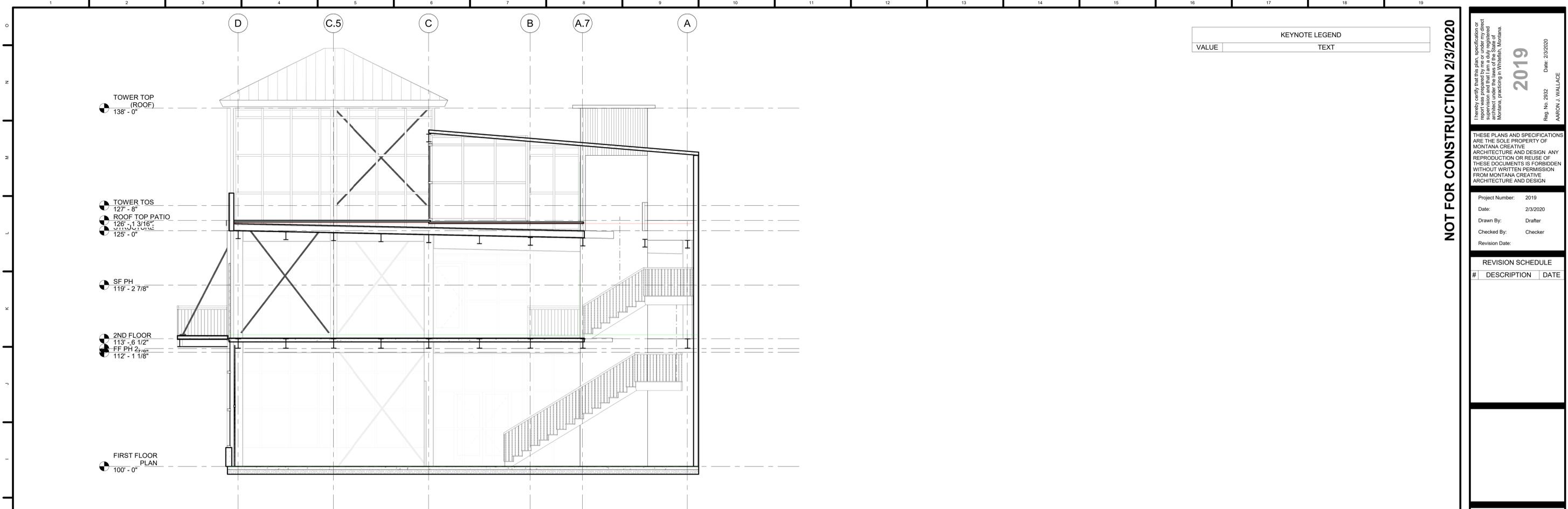
#	DESCRIPTION	DATE

Montana Creative
architecture + design

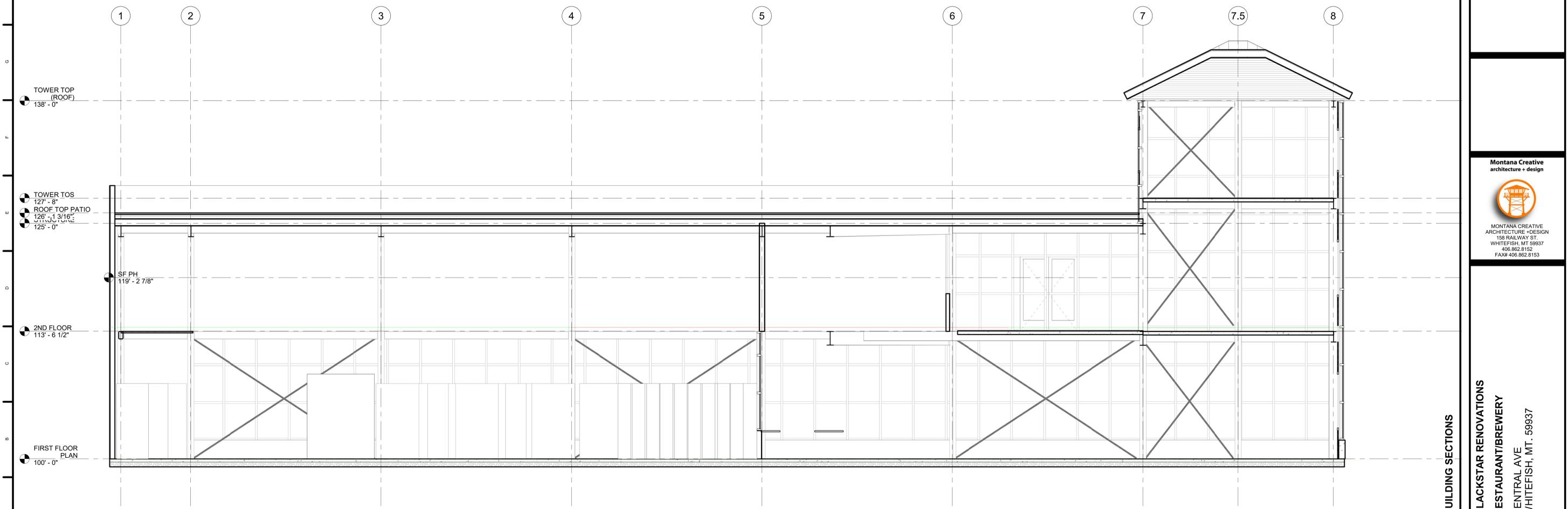
MONTANA CREATIVE
ARCHITECTURE + DESIGN
156 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

BLACKSTAR RENOVATIONS
RESTAURANT/BREWERY
CENTRAL AVE
WHITEFISH, MT. 59937

A4.1



1 BUILDING SECTION - C
A4.2 1/4" = 1'-0"



2 BUILDING SECTION - D
A4.2 1/4" = 1'-0"

KEYNOTE LEGEND	
VALUE	TEXT

NOT FOR CONSTRUCTION 2/3/2020

I hereby certify that this plan, specification or schedule of work was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

2019

Reg. No. 2932 Date: 2/3/2020
AARON L. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number:	2019
Date:	2/3/2020
Drawn By:	Drafter
Checked By:	Checker
Revision Date:	

REVISION SCHEDULE

#	DESCRIPTION	DATE

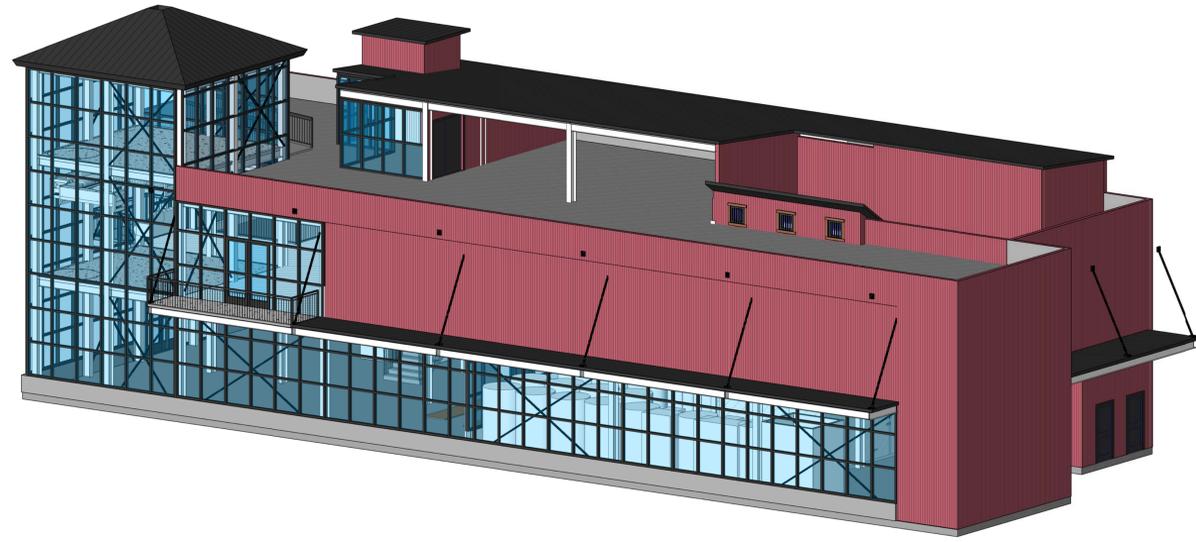
Montana Creative
architecture + design



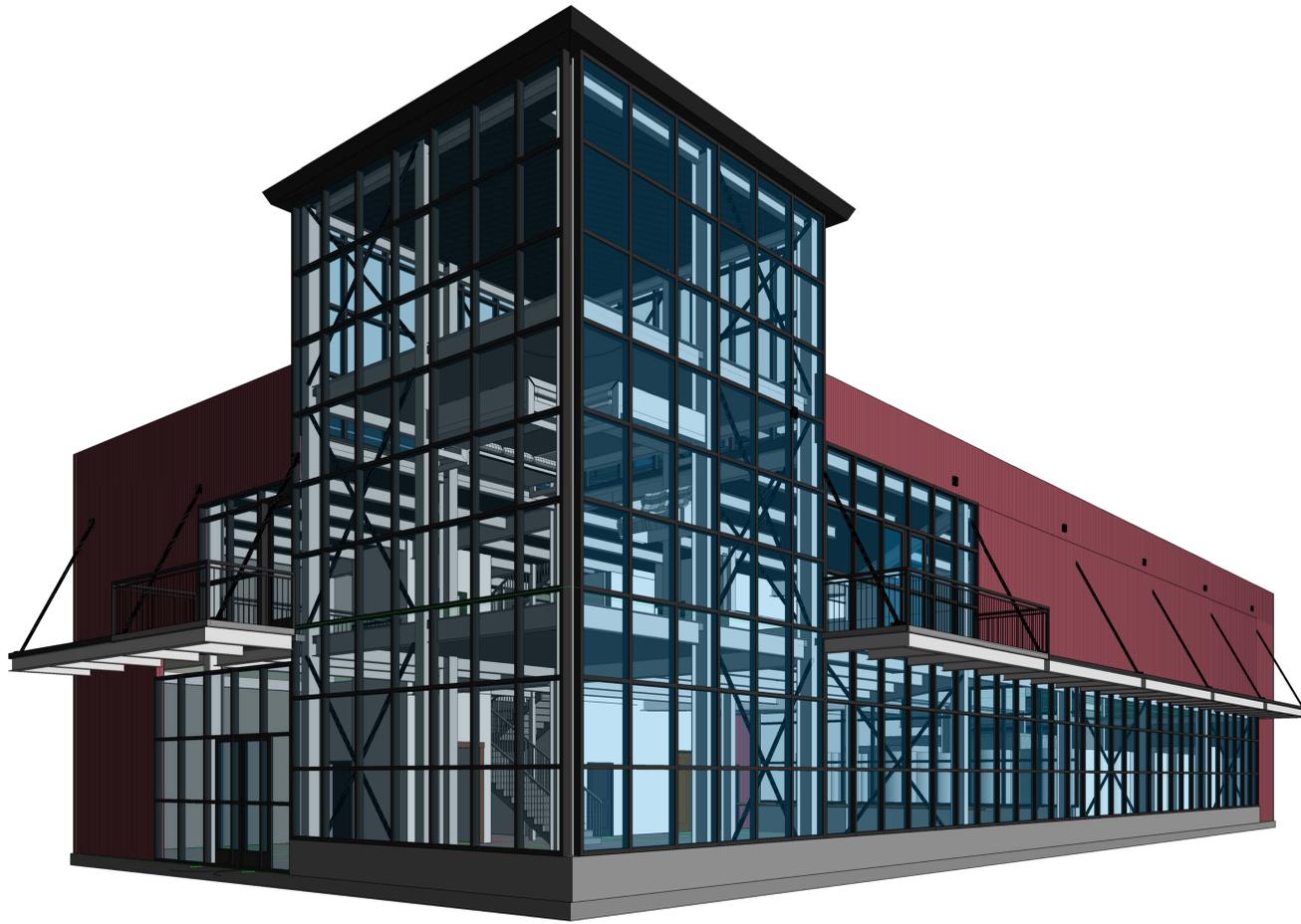
MONTANA CREATIVE
ARCHITECTURE + DESIGN
158 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

BLACKSTAR RENOVATIONS
RESTAURANT/BREWERY
CENTRAL AVE
WHITEFISH, MT. 59937

A4.2



1 {3D} Copy 1
A9.2



2 3D View 1
A9.2



3 3D View 2
A9.2

NOT FOR CONSTRUCTION 2/3/2020

I hereby certify that this plan, specification or contract was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.
2019
Reg. No. 2932 Date: 2/3/2020
AARON L. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: 2019
Date: 2/3/2020
Drawn By: Drafter
Checked By: Checker
Revision Date: 2/3/2020

REVISION SCHEDULE

#	DESCRIPTION	DATE

Montana Creative
architecture + design



MONTANA CREATIVE
ARCHITECTURE + DESIGN
156 RAILWAY ST.
WHITEFISH, MT. 59937
406.862.8152
FAX# 406.862.8153

PERSPECTIVES

BLACKSTAR RENOVATIONS
RESTAURANT/BREWERY
CENTRAL AVE
WHITEFISH, MT. 59937

A9.2

ATTACHMENT A
MCKENZIE RIVER CORPORATION CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
WHITEFISH CITY COUNCIL
JUNE 6, 1994

1. Construction shall comply with City zoning, building, fire, plumbing, and other applicable codes, as approved by the City Manager.
2. The proposed loading area and the adjoining alley (from Railway Street to First Street) shall be paved to meet City standards, consistent with zoning requirements that all parking and driveways be paved (Section 17.65.030) and to mitigate adverse air quality impacts of increased usage and truck traffic. The off-street loading space shall have a minimum size of 7' X 27' with 14'6" unobstructed vertical clearance (Section 17.60.010).
3. Truck shipments and deliveries shall be scheduled to avoid peak hours of downtown traffic and pedestrian usage.
4. The proposed landscaping shall be maintained in a neat, clean, healthful condition, including provision of a permanent irrigation system, pruning, weeding, fertilizing, and replacement of plants when necessary.
5. The property owner shall waive protest to the future creation of an SID to upgrade Central Avenue and Railway Street to City standards including curb, gutter, and sidewalk.
6. The building shall be fully sprinklered, as approved by the Whitefish Fire Marshall, due to the industrial nature of the building, significant public usage, and protection by a volunteer fire department overburdened by local growth.
7. A sign permit shall be obtained for signage on the site, in accordance with the Whitefish Zoning Jurisdiction Regulations.
8. Maximum projection of the proposed balconies over public right-of-way is four feet, in accordance with the Uniform Building Code.
9. Plans for sewer, water, off-street loading, alley improvements, and refuse storage shall be approved by the City Manager. All public improvements and specifications indicated in these plans shall be installed prior to occupancy; except, if weather prohibits such activity, as soon as practicable within a schedule approved by the Zoning Administrator.

10. A mitigation plan for demolition of the New Cadillac Hotel shall be approved by the Stumptown Historical Society and implemented prior to demolition, including the following: protect, remove, and donate to SHS any part of the building of historical value to be demolished, as selected by SHS; incorporate as much of the existing building into the new building as is feasible and cost effective, giving particular consideration to historically significant elements and commemoration of the New Cadillac Hotel; and archival documentation of the building by a professional photographer.
11. The facade design and exterior materials of the new building shall be compatible with and contribute to the architectural character of Central Avenue. The following design elements are encouraged: horizontal and vertical articulation, inset windows, an architecturally enhanced entryway, pedestrian orientation with a minimum 40% coverage of first floor street front by windows, quality exterior materials, and creative signage.
12. The development shall be constructed in accordance with the application materials submitted, except as required other wise by condition herein.
13. If the proposed industrial use changes, use of the building shall revert back to the permitted uses in the WB-3 zoning district.

TRANSMIT/WUP-94-1.REC

(This page left blank intentionally to separate printed sections)

EMERGENCY ORDINANCE NO. 20-__

An Emergency Ordinance of the City Council of the City of Whitefish, Montana, amending Ordinance Nos. 20-04 and 20-06 to clarify rules for public participation in remote meetings, waiving second reading.

WHEREAS, on March 11, 2020, the World Health Organization declared a global pandemic due to the spread of Novel Coronavirus "COVID -19;" and

WHEREAS, on March 12, 2020, Governor Steve Bullock declared a state of emergency related to COVID-19; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency related to COVID-19; and

WHEREAS, on March 16, 2020, the City of Whitefish adopted emergency Ordinance No. 20-04, enacting measures to reduce the spread of COVID-19 and waiving a second reading; and

WHEREAS, among other things, Ordinance No. 20-04 provided that in the event the Flathead City-County Health Department directed or suggested a moratorium on public gatherings, or in the event of a confirmed case of COVID-19 within Flathead County, City Council and Planning Board meetings would be cancelled through April 30, 2020; and

WHEREAS, on March 18, 2020, the Flathead County Board of Commissioners declared a state of emergency related to COVID-19; and

WHEREAS, on March 19, 2020, Mayor John Muhlfeld declared a state of emergency related to COVID-19; and

WHEREAS, on March 24, 2020, Governor Steve Bullock issued a Directive Implementing Executive Orders 2-2020 and 3-2020, providing measures for the operation of local government ("the Directive"); and

WHEREAS, the Directive allows local governments to modify office hours and certain conditions of employment dictated by state law, to toll and hold in abeyance certain statutory deadlines dictated by state law and other regulations, and to find ways to provide for the right of public participation consistent with social distancing, including virtual participation; and

WHEREAS, on March 27, 2020, the Montana Attorney General issued a letter of advice stating local governments may conduct public meetings by means including electronic communication or other forms of remote participation during the COVID-19 emergency and approving guidelines for such meetings; and

WHEREAS, on April 6, 2020, the City adopted Ordinance No. 20-06 to amend Ordinance No. 20-04 and thereby implement the Directive and the Montana Attorney General's letter of advice; and

WHEREAS, in accordance with Ordinance No. 20-06, the City has held City Council and Planning Board meetings remotely and provided for public participation; and

WHEREAS, the City desires to clarify the guidelines set forth in Ordinance No. 20-06 regarding public participation in order to conduct more effective and efficient remote meetings; and

WHEREAS, § 7-5-104, MCA, authorizes the City Council to waive the second reading of an ordinance passed in response to an emergency and provides such ordinance is effective upon passage; and

WHEREAS, an emergency ordinance requires a two-thirds vote of the whole City Council for passage and remains effective for no more than 90 days; and

WHEREAS, §§ 2-3-103 through 2-3-111, MCA, provide that public agencies must ensure that prior to a final agency decision is taken that is of significant interest to the public, adequate notice is given and the public is allowed a reasonable opportunity to participate; and

WHEREAS, § 2-3-112, MCA, provides §§ 2-3-103 through 2-3-111, MCA, do not apply to an agency decision that must be made to address an emergency situation affecting the public health, welfare, or safety; and

WHEREAS, COVID-19 constitutes an emergency situation affecting the public health, safety and general welfare and implementing the Directive, attached hereto as Exhibit A, is in the best interests of the City and its inhabitants; and

WHEREAS, amending Ordinance Nos. 20-04 and 20-06 to clarify the rules for public participation in remote meetings is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Whitefish, Montana:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: Ordinance Nos. 20-04 and 20-06 are hereby amended as set forth in Exhibit A. All other portions of the Ordinances remain unchanged.

Section 3: This Emergency Ordinance shall take effect immediately upon its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
WHITEFISH, MONTANA, THIS _____ DAY OF _____ 2020.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

Exhibit A

Section 4: During City Council and Planning Board meetings, occupancy of the City Council Chambers will be limited in accordance with the recommendations of the CDC (or other federal authority) or as otherwise dictated by the Flathead City-County Health Department or state or federal law. If occupancy at meeting is greater than that recommended or dictated, the City will accommodate individuals in other locations within City Hall and provide the opportunity for public comment in a rotating manner. The public is encouraged to submit written comments ~~rather than physically attend meetings~~ prior to the packet deadline. ~~Any written comments received after the packet has been published but prior to the start of the meeting will be read aloud at the meeting by City Staff.~~ All written comments received prior to the packet deadline will be included in the packet and available on the City's website for City Council, Planning Board, and Architectural Review Committee meetings. All comments received up to one hour prior to the scheduled meeting will be provided to the City Council, Board or Committee members and appended to the packet following the meeting. Public comment by those attending the meeting "live" via WebEx will be limited to three minutes per individual. At the end of "live" comment, the City Clerk, or designee, will read the name and address of each individual providing written comment and state whether such individual supports or opposes the proposal/application before the City Council, Board or Committee.

Staff Report



To: Mayor John Muhlfeld and City Councilors

From: Angela Jacobs, City Attorney

Date: April 29, 2020

Re: Emergency Ordinance Amending Emergency Ordinance Nos. 20-04 and 20-06 to Clarify Rules for Public Participation in Remote Meetings

Introduction/History

On March 16, 2020, the City adopted Ordinance No. 20-04 with the purpose of reducing the spread of COVID-19. At the time Ordinance No. 20-04 was adopted, the City had little or no direction or guidance from the state or other cities regarding municipal operations during the COVID-19 emergency, including how to comply with Montana's "Sunshine Laws." As such, Ordinance No. 20-04 provided that in the event the Flathead City-County Health Department directed or suggested a moratorium on public gatherings, or in the event of a confirmed case of COVID-19 within Flathead County, City Council and Planning Board meetings would be cancelled through April 30, 2020.

On March 27, 2020, in response to a request lodged by local governments, the Montana Attorney General released a letter of advice clarifying how the "Sunshine Laws" should be applied during the COVID-19 emergency. The Attorney General opined that local government may conduct public meetings by electronic means during the emergency. He also approved guidelines for public meetings including: (1) cancelling all non-essential meetings; (2) limiting meetings to critical items only; (3) holding remote meetings; (4) noticing meetings as to inform the public of the method of which they will be held; and (5) providing remote communication systems that allow the reasonable opportunity for public comment.

In response, the City adopted Ordinance No. 20-06 which amended Ordinance No. 20-04 to allow Planning Board and City Council meetings to continue remotely. Ordinance No. 20-06 encouraged individuals to provide written comments and stated those written comments would be read into the record. The City also decided the Architectural Review Committee was essential and would hold meetings remotely.

Current Report

The City has now held two Planning Board meetings and two City Council meetings remotely through WebEx. While we have had a few technical glitches, the meetings have generally run fairly smoothly. However, prior to the last Council meeting, we received 67 written comments in response to the application for a Conditional Use Permit at 6045 Highway 93 South, many submitted just hours before the meeting. At the meeting, I opined the City was not required to read all 67 written comments into the record. The City has since received complaints from a few individuals that their comments were not read verbatim into the record.

Section 2-3-111, MCA, requires that the City provide the public a **reasonable** opportunity to submit comment, orally or in written form, prior to making a final decision. Nothing in state law requires that written comments submitted by the public be read verbatim into the record. Members of the public who wish to provide oral testimony in addition to written comments can do so through WebEx. Additionally, case law allows the Council to take reasonable measures to ensure that meetings are run in an efficient and orderly manner. *Denke v. Shoemaker*, 2008 MT 418, ¶¶ 49-50.

The proposed amendment to Ordinance Nos. 20-04 and 20-06 continues to encourage the public to submit written comments to the City Council, Planning Board and Architectural Review Committee. It provides that all comments received prior to the packet deadline will be included in the packet and available on the City's website. Comments submitted after the packet deadline up to an hour before the scheduled meeting will be provided to Council, Board and Committee members for their consideration and appended to the packet after the meeting. The proposed amendment sets a three-minute time limitation on "live" public comment via WebEx. Finally, it provides that at the end of "live" comment the City Clerk, or designee, will read the names and addresses of individuals who provided written comment and state whether they are in support of or opposition to the application/proposal that is being considered by Council, Board or Committee.

Financial Requirements/Impacts

There are no financial requirements or impacts associated with the proposed emergency ordinance.

Recommendation

Staff respectfully requests that the City Council approve Emergency Ordinance 20-__.

(This page left blank intentionally to separate printed sections)

EMERGENCY ORDINANCE NO. 20-__

An Emergency Ordinance of the City Council of the City of Whitefish, Montana, Amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities, waiving a second reading.

WHEREAS, on March 11, 2020, the World Health Organization declared a global pandemic due to the spread of Novel Coronavirus "COVID-19;" and

WHEREAS, on March 12, 2020, Governor Steve Bullock declared a state of emergency related to COVID-19; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency related to COVID-19; and

WHEREAS, on March 16, 2020, the City of Whitefish adopted emergency Ordinance No. 20-04, enacting measures to reduce the spread of COVID-19 and waiving a second reading; and

WHEREAS, on March 18, 2020, the Flathead County Board of Commissioners declared a state of emergency related to COVID-19; and

WHEREAS, on March 19, 2020, Mayor John Muhlfeld declared a state of emergency related to COVID-19; and

WHEREAS, on March 27, 2020, Governor Steve Bullock issued a "stay at home" directive effective at 12:01 a.m. on March 28 through April 10, 2020; and

WHEREAS, on March 30, 2020, President Donald Trump extended social distancing guidelines to April 30, 2020; and

WHEREAS, on March 30, 2020, Governor Bullock issued a directive requiring that individuals traveling to Montana from another state or country self-quarantine for 14 days; and

WHEREAS, as of March 31, 2020, there have been 823,479 reported cases of COVID-19 globally and 175,067 reported cases of COVID-19 in the United States; and

WHEREAS, there has been a recent trend of individuals leaving areas with high concentrations of COVID-19 to "shelter in place" in hotels, motels, short term rentals, and other lodging facilities in small mountain communities such as the City; and

WHEREAS, the individuals traveling to the City to "shelter in place" for non-essential purposes present a health risk for the public; and

WHEREAS, on April, 5, 2020, the City adopted Ordinance No. 20-05 which prohibited motels, hotels, and all other lodging facilities from accepting reservation for non-essential

purposes through April 30, 2020, and gave the City Manager the authority to extend the deadline; and

WHEREAS, on April 22, 2020, Governor Bullock issued a directive for "Reopening the Big Sky" that provides for a phased re-opening of Montana and established conditions for "Phase One" of the re-opening; and

WHEREAS, Governor Bullock's directive provides that during Phase One, non-essential travel must be minimized and that all travelers that arrive in Montana from another state or country must self-quarantine for 14 days; and

WHEREAS, on April 23, 2020, City Manager Dana Smith, through Order 2020-01, extended the April 30, 2020, deadline until May 10, 2020; and

WHEREAS, protecting the public's health is a valid objective for the exercise of the City's police power; and

WHEREAS, § 7-5-104, MCA, authorizes the City Council to waive the second reading of an ordinance passed in response to an emergency and provides such ordinance is effective upon passage; and

WHEREAS, an emergency ordinance requires a two-thirds vote of the whole City Council for passage and remains effective for no more than 90 days; and

WHEREAS, §§ 2-3-103 through 2-3-111, MCA, provide that public agencies must ensure that prior to a final agency decision being taken that is of significant interest to the public, adequate notice is given and the public is allowed a reasonable opportunity to participate; and

WHEREAS, § 2-3-112, MCA, provides §§ 2-3-103 through 2-3-111, MCA, do not apply to an agency decision that must be made to address an emergency situation affecting the public health, welfare, or safety; and

WHEREAS, COVID-19, and its possible spread through infected individuals "sheltering in place" in motels, hotels, short term rentals, and other lodging facilities located within the City constitutes an emergency situation affecting the public health, safety and general welfare; and

WHEREAS, adopting a phased plan for reopening motels, hotels, short term rentals, and other lodging facilities in accordance with Governor Bullock's directive is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Whitefish, Montana, that Ordinance No. 20-05 is amended as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: Ordinance No. 20-05 is amended as set forth in Exhibit A.

Section 3: This Emergency Ordinance shall take effect immediately upon its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS _____ DAY OF _____ 2020.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

Exhibit A

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: All motels, hotels, short term rentals, and other lodging facilities are prohibited from accepting reservations and walk-ins for non-essential purposes during the COVID-19 emergency for dates of service from the effective date of the Emergency Ordinance through ~~April 30, 2020~~ Phase One of the "Reopening the Big Sky" with the duration of the Phase determined by Governor Steve Bullock. All existing reservations for non-essential purposes through ~~April 30, 2020, Phase One~~ must be cancelled.

~~Section 3: All motels, hotels, short term rentals, and other lodging facilities may accept reservations for essential purposes including government, health care, law enforcement, domestic violence victims, personnel responding to the COVID-19 emergency, essential workers as defined by federal and state guidance, family members of those seeking medical treatment, and those individuals that have a medical recommendation to quarantine outside their home.~~

Section 3: All motels, hotels, short term rentals, and other lodging facilities are prohibited from accepting reservations and walk-ins from out-of-state or out-of-country residents traveling for non-essential purposes until the directive issued by Governor Steve Bullock requiring that individuals traveling to Montana from another state or country self-quarantine for 14 days is lifted. All existing reservations for out-of-state and out-of-country residents traveling for non-essential purposes must be cancelled.

~~Section 4: The City Manager is authorized to extend the April 30, 2020, deadline in accordance with federal, state and local guidance.~~

Section 4: All motels, hotels, short term rentals, and other lodging facilities may accept all reservations and walk-ins from Montana residents during Phase Two and Phase Three of the "Reopening the Big Sky" as determined by Governor Steve Bullock.

Section 45: Essential purposes are defined as government, health care, law enforcement domestic violence victims, personnel responding to the COVID-19 emergency, essential workers as defined by federal and state guidance, family members of those seeking medical treatment, and those individuals that have a medical recommendation to quarantine outside their home.

Section 56: Violation of this Ordinance may result in revocation of the business license issued by the City.

Section 67: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 78: This Emergency Ordinance shall take effect immediately upon its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

Staff Report



To: Mayor Muhlfeld and City Councilors

From: Dana Smith, City Manager

Date: April 28, 2020

Re: An Emergency Ordinance of the City Council of the City of Whitefish, Montana, Amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities.

Introduction/History

In response to an alarming trend of individuals seeking refuge in small mountain communities from COVID-19 hotspots, the City Council adopted Ordinance No. 20-05 on April 5, 2020, prohibiting motels, hotels, and all other lodging facilities from accepting reservations and walk-ins for non-essential purposes through April 30, 2020. Ordinance No. 20-05 further required that all existing reservations for non-essential purposes through April 30, 2020 be cancelled and gave the City Manager the authority to extend the deadline.

On April 22, 2020, Governor Bullock issued a phased approach to reopen Montana, “Reopening the Big Sky,” and issued a directive establishing conditions for “Phase One” of the plan. The directive provides that during Phase One, non-essential travel must be minimized. The directive also extended the requirement that all travelers that arrive in Montana from another state or country must self-quarantine for 14 days through the end of the emergency, unless modified by a subsequent directive.

In accordance with Ordinance No. 20-05 and the directive to minimize non-essential travel and extending quarantine requirements for travel from another state or country, Order 2020-01 (attached) was issued on April 23, 2020, extending the requirements of the Ordinance until May 10th. Order 2020-01 also provided for the City Council to hold a public hearing on May 4th to consider further extensions or modifications to Ordinance No. 20-05.

Current Report

After a detailed review of Governor Bullock’s phased approach for reopening Montana and consideration of the safety of our citizens and the economic impact to our lodging facilities, a phased approach has been prepared in coordination with the Phases determined by Governor Bullock in the “Reopening the Big Sky” plan. Below is the proposed phased reopening plan for lodging facilities in Whitefish, which is also detailed in the amendments to Ordinance No. 20-05 in Exhibit A of the Emergency Ordinance.

City of Whitefish
Phased Reopening of Lodging Facilities

Phase One: All motels, hotels, short term rentals, and other lodging facilities are prohibited from accepting reservations and walk-ins for non-essential purposes during the COVID-19 emergency for dates of service from the effective date of the Emergency Ordinance through Phase One of the "Reopening the Big Sky" with the duration of the Phase determined by Governor Steve Bullock. All existing reservations for non-essential purposes through Phase One must be cancelled.

Phase Two and Phase Three:

Montana Residents

All motels, hotels, short term rentals, and other lodging facilities may accept all reservations and walk-ins from Montana residents during Phase Two and Phase Three of the "Reopening the Big Sky" as determined by Governor Steve Bullock.

Out-of-State and Out-of-Country Residents

All motels, hotels, short term rentals, and other lodging facilities are prohibited from accepting reservations and walk-ins from out-of-state or out-of-country residents traveling for non-essential purposes until the directive issued by Governor Steve Bullock requiring that individuals traveling to Montana from another state or country self-quarantine for 14 days is lifted. All existing reservations for out-of-state and out-of-country residents traveling for non-essential purposes must be cancelled.

With the requirements for non-essential travel to be kept to a minimum and the mandatory quarantine for certain travelers extended, lodging restrictions are proposed to remain the same as originally required by Ordinance No. 20-05 during Phase One.

As we transition into Phase Two, at the direction of Governor Bullock, minimization of non-essential travel is no longer required, with the exception of vulnerable individuals who should continue to adhere to the stay at home guidance. Phase Two continues the mandatory quarantine for certain travelers coming into Montana from another state or country. Therefore, it is recommended that during Phase Two lodging facilities may provide accommodations to Montana residents for both essential and non-essential purposes, but out-of-state and out-of-country residents may only be provided accommodations for essential purpose, defined in Ordinance No. 20-05.

In the final Phase of the Governor's plan, all travel restrictions appear to be removed. While reviewing the "Reopening the Big Sky" plan, I noted that Phase Three had no restrictions or mention of travel. However, it does not directly state that the mandatory quarantine for certain travelers coming into Montana from another state or country will be lifted during Phase Three. Therefore, the proposed reopening plan continues to allow Montana residents to stay at lodging facilities for essential and non-essential purposes during Phase Three. Lodging facilities will

continue to be prohibited from providing accommodations to out-of-state or out-of-country travelers only for non-essential travel until the mandatory quarantine directive is lifted by the Governor. With this phased approach, out-of-state or out-of-country visitors traveling for non-essential purposes may be able to stay in Whitefish lodging facilities during Phase Three, a subsequent directive, or not until when the emergency ends.

Financial Requirement

There is no financial requirement.

Recommendation

Staff respectfully recommends that the City Council approve the Emergency Ordinance amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities.

OFFICE OF THE CITY MANAGER

P.O. Box 158 · Whitefish, MT 59937 · (406) 863-2400 · Fax: (406) 863-2419



ORDER 2020-01

WHEREAS, on March 11, 2020, the World Health Organization declared a global pandemic due to the spread of Novel Coronavirus "COVID-19;" and

WHEREAS, on March 12, 2020, Governor Steve Bullock declared a state of emergency related to COVID-19; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency related to COVID-19; and

WHEREAS, on March 16, 2020, the City of Whitefish adopted emergency Ordinance No. 20-04, enacting measures to reduce the spread of COVID-19 and waiving a second reading; and

WHEREAS, on March 18, 2020, the Flathead County Board of Commissioners declared a state of emergency related to COVID-19; and

WHEREAS, on March 19, 2020, Mayor John Muhlfeld declared a state of emergency related to COVID-19; and

WHEREAS, on March 27, 2020, Governor Steve Bullock issued a "stay at home" directive effective at 12:01 a.m. on March 28 through April 10, 2020; and

WHEREAS, on March 30, 2020, President Donald Trump extended social distancing guidelines to April 30, 2020; and

WHEREAS, on March 30, 2020, Governor Bullock issued a directive requiring that individuals self-quarantine for 14 days when traveling to Montana from another state or country; and

WHEREAS, Emergency Ordinance 20-05, An Emergency Ordinance of the City Council of the City of Whitefish, Montana, prohibiting motels, hotels, short term rentals, and all other lodging facilities from accepting reservations for non-essential purposes through April 30, 2020 was adopted by the City Council on April 5, 2020; and

WHEREAS, Emergency Ordinance 20-05 authorized the City Manager to extend the April 30, 2020 deadline in accordance with federal, state, and local guidance; and

WHEREAS, on April 22, 2020, Governor Steve Bullock issued a directive providing guidance for the phased reopening of Montana and establishing conditions for Phase One, which

requires individuals to minimize non-essential travel; and

WHEREAS, on April 22, 2020, Governor Steve Bullock extended the directive requiring that individuals self-quarantine for 14 days when traveling to Montana from another state or country; and

WHEREAS, as of April 23, 2020, there have been 2,544,792 reported cases of COVID-19 globally and 873,137 reported cases of COVID-19 in the United States; and

WHEREAS, there is a trend of individuals leaving areas with high concentrations of COVID-19 to "shelter in place" in hotels, motels, short term rentals, and other lodging facilities in small mountain communities such as the City; and

WHEREAS, the individuals traveling to the City to "shelter in place" for non-essential purposes continue to present a health risk for the public; and

WHEREAS, prohibiting motels, hotels, short term rentals, and other lodging facilities from accepting reservations or walk-ins for non-essential purposes through May 10, 2020, is in the best interests of the City and its inhabitants.

NOW, THEREFORE, AS AUTHROIZED BY EMERGENCY ORDINANCE 20-05, THE CITY MANAGER OF THE CITY OF WHITEFISH HEREBY ORDERS THE FOLLOWING:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: Emergency Ordinance 20-05, An Emergency Ordinance of the City Council of the City of Whitefish, Montana, prohibiting motels, hotels, short term rentals, and all other lodging facilities from accepting reservations for non-essential purposes through April 30, 2020, is extended to May 10, 2020.

Section 3: The City Council will hold a public hearing to consider future extensions of or modifications to Emergency Ordinance 20-05 at the next City Council meeting scheduled for May 4, 2020, at 6:00 p.m.

Section 4: This order is effective April 23, 2020.



Dana Smith, City Manager

(This page left blank intentionally to separate printed sections)

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Whitefish, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on May 4, 2020; that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 4th day of May, 2020.

Michelle Howke, City Clerk

RESOLUTION NO. _____

RESOLUTION RELATING TO FINANCING OF CERTAIN
PROPOSED PROJECTS; ESTABLISHING COMPLIANCE
WITH REIMBURSEMENT BOND REGULATIONS UNDER
THE INTERNAL REVENUE CODE

BE IT RESOLVED by the City Council of the City of Whitefish, Montana (the “City”),
as follows:

1. Recitals.

(a) The United States Department of Treasury has promulgated Treasury Regulations, Section 1.150-2 (the “Regulations”), governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. The Regulations require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) The City desires to comply with requirements of the Regulations with respect to a certain project hereinafter identified.

2. Official Intent Declaration.

(a) The City proposes to undertake certain improvements to the City’s municipal water system, generally consisting of expanding the capacity of the water treatment plant, including site work and an addition to the building; new filter equipment, piping, valves, instrumentation, transfer pump, plumbing, HVAC, electrical and control systems; a new raw water intake and backup power; installation of 3,000 feet of 8” sanitary sewer main and 2,900 feet of 24” water main; and related improvements (the “Project”).

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

(c) The City reasonably expects to reimburse a portion of the expenditures made for costs of the Project out of the proceeds of debt in an estimated maximum aggregate principal

amount of \$11,000,000 (the “Bonds”) after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations. Costs of the Project in excess of the proceeds of the Bonds are expected to be paid from proceeds of grants and amounts the City has on hand and available therefor.

3. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the portion of Project costs for which the Bonds are being issued, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

4. Reimbursement Allocations. The City Finance Director shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Project and shall specifically identify the actual original expenditure being reimbursed.

Passed by the City Council of the City of Whitefish, Montana, this 4th day of May, 2020.

Mayor

Attest: _____
City Clerk

Staff Report



To: Mayor Muhlfeld and City Council
From: Benjamin Dahlman, Finance Director
Date: April 28, 2020
Re: Reimbursement Resolution for WTP Expansion Project

Introduction/History

Increasing demands are being placed on the City's water treatment plant (WTP). The WTP treats water from Haskill Creek and Whitefish Lake using conventional filtration and disinfection. The existing WTP firm capacity is 3.0 MGD. DEQ has determined that future connections to the City water system necessitate treatment capacity expansion. The City has chosen a WTP expansion that will increase capacity to 5.0 MGD with the ability to increase to 7.0 MGD in the future.

The WTP will initially be expanded with site work, a building addition, new filter equipment, piping, valves, instrumentation, transfer pump, plumbing, HVAC, electrical, and controls to the 5.0 MGD capacity. Other improvements include a raw water intake pump and backup power, 3,000 feet of 8" sanitary sewer, and 2,900 feet of 24" water main.

The City has incurred preliminary design and engineering costs for the WTP. City Council also recently approved the purchase of equipment to be used for the planned facility and the City is expecting additional expenditures to occur in 2020 to prepare for construction. While we do not have confirmation, a State Revolving Fund (SRF) Water Revenue Bond application has been prepared and if approved will be a significant financing mechanism for the project. Additionally, a portion of the project will be cash funded. Water revenues will be the primary source of repaying the financing for this project.

Current Report

Using the SRF loan as a financing tool requires certain practices to be followed to remain compliant with federal tax-exempt bond regulations which apply to the proposed bond issue financing. The City's Bond Counsel, Dorsey & Whitney, LLP, has prepared the accompanying Reimbursement Resolution to address one of those regulations that allows the City to spend funds prior to the issuance of bonds and then be reimbursed for eligible expenditures. There are federal "safe harbor" and "de minimus" regulations which allow spending before bond issuance for most engineering fees. However, most bond issuers (state or cities) address advanced spending of bond proceeds to by approving a Reimbursement Resolution.

Estimated project costs and amount expected to be financed was required for the Reimbursement Resolution. Staff, the City's Engineering Firm, and Bond Counsel discussed the estimated costs to be financed including design, engineering, construction, bond issuance costs, and bond

reserves. These figures are only estimates at this time and will become more accurate as the project continues to move forward.

Financial Requirement

There is no financial requirement at this time.

Recommendation

Staff respectfully recommends that the City Council approve the Reimbursement Resolution that establishes compliance with reimbursement bond regulations under the Internal Revenue Code.

(This page left blank intentionally to separate printed sections)

CITY MANAGER'S REPORT

April 28, 2020



COVID-19 PANDEMIC UPDATE

We are about mid-way through the second month of the City's response to the COVID-19 pandemic and the timeline of significant events provided at the end of this report continues to grow. The City continues to provide accurate, timely, and valuable information to our citizens and interested parties through various media outlets and is working hard to ensure the safety and wellbeing of our community members and employees. The most recent release of the Governor's "Reopening the Big Sky" phased approach has given some insight into how the future may look for us, but the timing and duration of each of the three phases is still unknown.

While we anticipate a reopening of City Hall on May 4th, we continue to have a significant portion of our City Hall team working remotely. We do not anticipate a noticeable change in the level of service for our customers as we have learned to work together in more remote settings during the past month.

The Whitefish Parks & Recreation Department has released a phased reopening plan for our parks and park facilities on April 27th. I have attached the plan for your review.

During the next two weeks, while we are busy preparing the City's Proposed Preliminary Budget, we will take a deep dive in to the revenue impacts from the various closures and limited operations of our local businesses. As of today, Resort Tax collections for March 2020 are down about 40% from March 2019. The 40% decrease has not been adjusted for amounts that may still be outstanding for that month, but we do not expect that collections from delinquent accounts will increase collections enough to at least remain flat with the prior year. Furthermore, we are anticipating April to have an even larger decrease. We will provide an updated analysis of revenues at the June 1, 2020, City Council meeting.

THE WAVE BOARD

Every Monday the Wave Board has been holding a conference call to discuss the impacts from the COVID-19 pandemic and a plan moving forward. The Wave applied and was approved for a loan through the Small Business Administration Paycheck Protection Program. While a loan at first, the Board anticipates the amount utilized to cover payroll, and possibly some utilities, will be forgiven. Under Governor Bullock's phased approach, gyms and pools cannot open during Phase One, but there are limited operations allowed starting in Phase Two. To prepare for a reopening the Board is working with local Whitefish doctors and a retired County Health Officer to ensure the precautionary measures taken are effective and the best approach possible to ensure the health and wellbeing of members and employees.

CITY COUNCIL GOALS FOR FY20 AND FY21

While delayed by our COVID-19 response, Department Directors and I are working on both the City Council goal updates from the third quarter of FY20 and the proposed goals for FY21 that will be provided to the City Council no later than the first meeting in June.

REMINDERS AND OTHER INFORMATION

City Hall is closed to the public through May 1st. After careful planning and implementation of safety precautions, we plan to reopen City Hall on Monday, May 4th. Please expect some changes to public access and operations within City Hall as detailed in the attached report. We will continue to offer most of our

services remotely and encourage customers to take advantage of our remote payment options. We will continue to have someone available to help answer questions or direct calls through our main line at 406-863-2400, Monday thru Friday, 8 a.m. to 5 p.m., excluding holidays.

NEXT COUNCIL MEETING

The next City Council meeting will be held remotely via WebEx on Monday, May 18th. A work session will be held for committee interviews followed directly by the regular City Council meeting.

Respectfully submitted,



Dana M. Smith, CPA
City Manager

COVID-19 Pandemic Timeline of Significant Events

March 15th – “Governor Bullock Directs the Closure of Public K-12 Schools for Two Weeks; Strongly Recommends Social Distancing Measures to Slow the Spread of COVID-19.”

March 15th – City Administrative Policies for employees issued covering Travel Restrictions, Telecommuting/Remote work, and accrued leave use during school closures due to COVID-19.

March 16th – Emergency Ordinance adopted by City Council cancelling all non-essential meetings, waiving resort tax late fees, waiving late fees and shut-offs for utilities, closing public restrooms, approving two weeks of paid emergency sick leave for employees who are directed by the Flathead City-County Health Department or a licensed physician to be isolated or quarantined due to COVID-19, and authorizing City Hall to be closed to the public.

March 17th – Letters to residents and businesses from the City Manager and a letter to the community from Mayor Muhlfeld were emailed to the City’s notification list and posted on the City’s website.

March 17th – Park Board closed park facilities, restrooms, and playgrounds.

March 18th – City Hall officially closed to the public through March 27th.

March 18th – Letter to residents regarding certain park closures emailed to the City’s notification list and posted on the City’s website.

March 18th – Community update video series started with an update from Mayor Muhlfeld.

March 18th – City Administrative Policy issued for emergency paid sick leave adopted by City Council.

March 18th – Families First Coronavirus Response Act (FFCRA) became law and required updates to the Emergency Paid Sick Leave Policy. FFCRA also expanded FMLA benefits to employees who cannot work due to having children out of school or daycare due to COVID-19 and provides for 2/3 of the rate of pay for the 10 weeks after the two unpaid weeks.

March 19th – Declaration of a State of Emergency by Mayor Muhlfeld.

March 19th – Flathead City-County Health Officer ordered closure of restaurants, bars, gyms, casinos, cinemas, etc. through March 30th.

March 19th – City assisted Flathead County by sending a request to hotels/motels meeting specific criteria to respond to a survey for potential identification as overflow sites if the need arises.

March 20th – “Governor Bullock Announces Closure of Dine-In Food Service and Alcoholic Beverage Businesses, and Other Activities that Pose Enhanced Risks to Curtail Spread of COVID-19.”

March 22nd – Community update video from City Manager.

March 23rd – City Administrative Policies issued to align previously issued Emergency Paid Sick Leave Policy with new FFCRA and to expand FMLA coverage.

March 24th – Governor extended school closures and mandates social distancing.

March 24th – Community update video from Mayor Muhlfeld.

March 24th – City Hall closure to the public extended to April 10th.

March 25th – Community update with Whitefish Community Foundation highlighting available resources.

March 26th – Governor Bullock issued the Stay-at-Home Directive through April 10th.

March 26th – Flathead City-County Health Officer ordered additional closures for salons, body art establishments, and massage services through April 10th.

March 26th – Community update video from City Manager.

March 27th – All park facilities are closed with the exception of open space parks. Signs were placed at all parks regarding closures. Signs were also placed on trash receptacles requesting people to “pack in, pack out” to lessen the risk to employees and the frequency needed to haul trash while the City is operating essential services only.

March 27th – Community tourism update from Whitefish Convention and Visitors Bureau.

March 27th – Glacier National Park closed to all visitors until further notice. State and Federal public lands started closures of campsites and restrictions for day-use only.

March 29th – Community update from Mayor Muhlfeld.

March 30th – City began operating at essential service levels to follow the Governor’s Stay-at-Home Directive. Most employees in City Hall are working remotely unless their position requires duties to be completed in the office. Public Works Department crews operating out of the Water Treatment Plant, Wastewater Treatment Plant, and the Public Works Shop have been reduced by about 50% and are alternating paid days off under the emergency sick leave. Building inspectors continue to operate as normal and will adjust with demand. Parks and Recreation staff operating out of the Parks Shop are primarily on paid leave under the emergency paid sick leave through April 10th with some minor remote work and garbage service as needed. The Library is closed and those with remote work are doing so. Police, Court, and Fire are operating with normal staffing levels and taking extra precautions for safety.

March 30th – Governor Bullock issued directive for mandatory quarantine for those traveling into Montana from out of State. Montana National Guard will assist in checking temperatures at airports and rail stations.

March 30th/31st – Letter emailed and mailed to all licensed short-term rental and lodging properties in Whitefish requesting the businesses to voluntarily refrain from booking stays for visitors traveling for non-essential purposes through April 30th as supported by the new federal guidelines.

March 31st – Governor Bullock’s new directive temporarily stops evictions, foreclosures, and cancellations of utilities. Late fees and penalties are also prohibited through April 10th.

April 2nd - Governor Bullock issued a new directive designating childcare as an essential business with certain requirements for operations and limiting the number children.

April 5th – City Council held a remote special session and adopted an emergency ordinance prohibiting motels, hotels, short-term rentals, and other lodging facilities from accepting reservations for non-essential purposes through April 30, 2020, with possible extensions in accordance with federal, state, and local guidance.

April 5th – Letter emailed to all short-term rental and lodging properties from the City Manager notifying them of the new emergency ordinance.

April 6th – Letters mailed to all short-term rental and lodging properties from the City Manager notifying them of the new emergency ordinance.

April 6th – The first remote regular City Council meeting was held. The City Council adopted an emergency ordinance clarifying the authority of the City Manager, addressing the ability for remote City Council, Planning Board, and Architectural Review Committee meetings, amending the original emergency ordinance, and identifying certain deadlines tolled and held in abeyance in accordance with a directive issued by Governor Bullock.

April 7th – Flathead City-County Health Department issued a public notice confirming community spread of COVID-19.

April 7th – Governor Bullock extended the previously issued directives including the directive to stay at home, the closure of dine-in food service and alcoholic beverage businesses, closure of public schools, and others through April 24th.

April 7th – Governor Bullock also issued two new directives. One directive waives the required two-mill emergency levy in order to access new funding coming into the state through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act and the other provides protective measures for first responders.

April 7th – City Hall closure to the public extended to April 24th.

April 9th – Frequently Asked Questions and example confirmation form for essential short-term lodging arrangements posted to the City’s website as referenced in letter mailed on April 6th.

April 10th – First lawsuit filed against a Montanan City for their response to the pandemic. Known information so far is that the lawsuit is related to the opening of a golf course and the failure of the City to meet the CDC guidelines relating to masks. City Attorney Jacobs is looking into this case to learn more.

April 13th – Flathead City County Health Department issued a statement regarding the first death of a Flathead County resident from COVID-19.

April 13th – Community Update from the CEO of North Valley Hospital, Kevin Abel.

April 14th – Governor Bullock announced the release of the first Interim Analysis of COVID-19 Cases in Montana (as of 4/10/2020 10 pm).

April 14th – City Administrative Policy 2020-08 issued to address operational and personnel policy changes in response to COVID-19. This policy includes updates to the travel policy, meetings, remote work, leave use, etc.

April 16th – First remote Whitefish Planning Board meeting held.

April 16th – Governor Bullock announced the creation of the Coronavirus Relief Fund Task Force. The Task Force, comprised of business owners, nonprofits, and local government representatives, will help determine how the \$1.25 billion appropriated to Montana from the Federal CARES Act should be used.

April 17th – Community Update from Assistant Police Chief, Bridger Kelch.

April 22nd – Governor Bullock announced the phased approach “Reopening the Big Sky,” provides directives for Phase One with certain businesses allowed to open, extends the mandatory 14-day quarantine of certain travelers coming into Montana from another state or country, extends certain waivers provided in other directives, and lifts the Stay-at-home Directive on April 26, 2020.

April 23rd – Flathead City-County Health Department provides additional guidance for businesses preparing to reopen under Phase One.

April 23rd – Community Update from Mayor Muhlfeld and City Manager regarding the phased reopening of Montana.

April 23rd – In accordance with Ordinance 20-05, City Manager issues order extending the prohibition of non-essential stays in Whitefish lodging facilities until May 10th with a plan for the City Council to review a phased reopening plan on May 4th.

April 23rd – City Hall closure extended to May 1, 2020. Anticipated reopening on May 4th.

April 25th – Community Update from Whitefish Legacy Partners featuring guidelines and reminders for recreating safely on the Whitefish Trail System.

April 26th – Whitefish School District Board of Trustees decides to continue with remote learning through the end of school year.

April 27th – In accordance with Ordinance 20-04, City Manager issues Order 2020-02 that cancels all City Board, Commission and Committee meetings through Phase One, with the exception of City Council, Planning Board and the Architectural Review Committee which will be held remotely via WebEx, clarifying remote meeting participation, temporarily waives all late fees and service shut off for delinquent water and sewer accounts through May 24, 2020, temporarily waives resort tax delinquency fees through May 24, 2020, and keeps public restrooms located in the parking structure and the O'Shaughnessy Center closed through Phase One.

April 27th – City Administrative Policy issued to clarify operations in accordance with state and local guidance for Phase One, Phase Two, and Phase Three.

April 27th – City releases information about public access and operational changes at City Hall in preparation for reopening date of May 4th.

April 27th – Whitefish Parks & Recreation release phased reopening plan for parks and park facilities.



The City of Whitefish Parks and Recreation Department looks forward to providing recreation opportunities and spaces for our community. In consideration of Governor Bullock’s guidelines and directives, as well as CDC and the City-County Health Department guidelines, outlined in blue, we have developed a phased approach to reopening parks.

The green sections of the plan are the initial guidelines the Parks and Recreation Department will follow. However, we will continually assess measures as we move through each phase. This plan is meant to balance the need for and benefits of recreation while operating within the guidelines set forth for social distancing and sanitation measures. It is important to note that this is a fluid document and may be revised as needed.

While we prepare to reopen parks, we will work diligently to secure appropriate sanitation resources, develop necessary signage, train staff on new protocols, and obtain necessary PPE for our staff and program participants. We will continue to keep our community updated as we move through the phases of the plan.

We ask that you are patient with us as we work through each phase of the plan, and we ask that all citizens abide by all established rules and requirements to keep our community safe. Please direct all questions to the Parks and Recreation Department by calling 863-2470.

We look forward to recreating with you all again soon.

Whitefish Parks and Recreation Reopening Plan Phase I – Preparation

- Vulnerable individuals continue to follow stay at home guidance
- All individuals when in public should maximize physical distance
- Limit groups to 10 people where physical distancing cannot be achieved
- Minimize non-essential travel
- Childcare settings and youth activities can become operational if physical distancing can be achieved and with limited group size
- Outdoor recreation opportunities can be provided with physical distancing requirements and sanitation protocols

Parks and Trails	<ul style="list-style-type: none"> • Essential services: garbage pickup, construction management (site visits), preparation of parks for reopening and providing necessary protocols and PPE for staff • No park or park amenity will be opened until parks have been prepared for reopening with appropriate measurements for social distancing and sanitation • Open parks and trails <ul style="list-style-type: none"> ○ All bicycle and pedestrian paths and trails ○ The Whitefish Trail (expect bathroom closures and limited garbage facilities) ○ All open space parks • Closed parks and amenities: <ul style="list-style-type: none"> ○ All playgrounds ○ All basketball courts ○ All pickleball and tennis courts ○ Skate park ○ Dog park ○ Public restrooms ○ Garbage labeled “Pack in /Pack out” • Please be aware that Crowded Parks = Closed Parks
Facilities	<ul style="list-style-type: none"> • Essential services: construction management (site visits), preparation of facilities for reopening and providing necessary protocols and PPE for staff • No facility will be opened until it has been prepared for reopening with appropriate measurements for social distancing and sanitation • Facilities eligible for opening pending appropriate sanitization measure in place: <ul style="list-style-type: none"> ○ Gazebos with proper physical distancing, groups of no more than 10 people, and appropriate sanitation measures (no rentals at this time) • Closed public facilities: <ul style="list-style-type: none"> ○ Armory ○ Ice Den ○ Public restrooms ○ City Beach Concessions
Urban Forestry	<ul style="list-style-type: none"> • Assist with opening of parks and parks maintenance • Begin Cash in Lieu of Street Trees and Adopt A Trees

	<ul style="list-style-type: none"> • Minimal Urban Forestry Maintenance
City Beach	<ul style="list-style-type: none"> • Boat launch remains in off-season status (online, self-certification for launching access) while Rangers are trained in appropriate protocols and guidelines and launch is prepped for reopening • Dock installation • Decontamination Station prepped for reopening • AIS inspections begin at State Park when open
Recreation	<ul style="list-style-type: none"> • Current programming cancelled • Before and After School will not reopen this year • Online, virtual programming offered through Facebook, Instagram, and WebEx continues • Preparation of modified programming
Boards and Committees	<ul style="list-style-type: none"> • Board and committee meetings cancelled: <ul style="list-style-type: none"> ○ Park Board ○ Tree Advisory ○ Bicycle Pedestrian Committee ○ Connect Whitefish ○ LLAC ○ Whitefish Trails Operations Committee
Special Events	<ul style="list-style-type: none"> • Special events remain cancelled

Whitefish Parks and Recreation Reopening Plan Phase II – Reopening

- Vulnerable individuals continue to follow stay at home guidance
- All individuals when in public should maximize physical distance
- Limit groups to 50 people where physical distancing cannot be achieved
- Minimize non-essential travel
- Childcare settings and youth activities can become operational with physical distancing and with limited group sizes
- Outdoor recreation opportunities can be provided with physical distancing requirements and sanitation protocols

Parks and Trails	<ul style="list-style-type: none"> • Standard parks maintenance • Parks and park amenities eligible for reopening with reduced capacity guidelines: <ul style="list-style-type: none"> ○ Pickleball, tennis, and basketball courts with social distancing and appropriate sanitation measures ○ WAG Dog Park with social distancing guidelines and appropriate sanitation measures ○ Skate Park with social distancing and appropriate sanitation measures ○ Public restrooms with appropriate sanitation measures ○ Garbage • Closed parks and amenities: <ul style="list-style-type: none"> ○ All playgrounds
Facilities	<ul style="list-style-type: none"> • Standard facility maintenance • Facilities eligible for reopening with reduced capacity guidelines: <ul style="list-style-type: none"> ○ Stumptown Ice Den with proper physical distancing, limited group size, appropriate sanitation facilities and measures ○ Armory with proper physical distancing, limited group size, and appropriate sanitation measures ○ Gazebo rentals resume ○ Public restrooms ○ City Beach Concessions with proper physical distancing and sanitation measures in place
Urban Forestry	<ul style="list-style-type: none"> • Standard urban forestry practices
City Beach	<ul style="list-style-type: none"> • Boat launch opens with protocols and guidelines for social distancing and sanitation • Decontamination Station opens • AIS inspections provided at State Park and City Beach
Recreation	<ul style="list-style-type: none"> • Online, virtual programming offered through Facebook, Instagram, and WebEx continues • Modified programming that maximizes physical distancing and limits group size
Boards and Committees	<ul style="list-style-type: none"> • Board and committee meetings cancelled: <ul style="list-style-type: none"> ○ Park Board ○ Tree Advisory ○ Bicycle Pedestrian Committee ○ Connect Whitefish ○ LLAC ○ Whitefish Trails Operations Committee
Special Events	<ul style="list-style-type: none"> • Special events permitted with physical distancing guidelines, limited group size, and appropriate sanitation measures in place

Whitefish Parks and Recreation Reopening Plan Phase III – Complete Opening

- Vulnerable individuals practice physical distancing and continue to take precautionary measures
- All individuals should limit contact time with others and limit time in crowded spaces
- Non-essential travel can resume
- Childcare settings and youth activities can resume considering limited time spent in crowded environments
- Outdoor recreation opportunities can resume, and playgrounds can open
- No limit to group size, but physical distancing should still be observed

Parks and Trails	<ul style="list-style-type: none"> • Standard parks maintenance • All parks and park amenities are open with reminders of revised social distancing guidelines
Facilities	<ul style="list-style-type: none"> • Standard facility maintenance • All facilities are open with reminders of revised social distancing guidelines
Urban Forestry	<ul style="list-style-type: none"> • Standard urban forestry practices resume
City Beach	<ul style="list-style-type: none"> • Boat launch remains open with revised protocols and guidelines for social distancing • Decontamination Station remains open • AIS inspections provided at State Park and City Beach
Recreation	<ul style="list-style-type: none"> • Programming can resume with consideration of social distancing and limited time spent in crowded environments
Boards and Committees	<ul style="list-style-type: none"> • Board and Committee Meetings Resume <ul style="list-style-type: none"> ○ Park Board ○ Tree Advisory ○ Bicycle Pedestrian Committee ○ Connect Whitefish ○ LLAC ○ Whitefish Trails Operations Committee
Special Events	<ul style="list-style-type: none"> • Special events can resume with no limit to group size

CITY HALL PUBLIC ACCESS AND OPERATIONAL CHANGES



The health and well-being of our employees and community members is our top priority. The City continues to work closely with the Flathead City-County Health Department (FCCHD) and other local partners to ensure a coordinated response to the novel coronavirus (COVID-19) that is consistent with the latest guidance from the Centers for Disease Control and Prevention (CDC), the Montana Department of Public Health and Human Services (DPHHS), and directives issued by Governor Bullock.

On April 22, 2020, Governor Steve Bullock issued a directive providing guidance for the phased reopening of Montana and establishing conditions for Phase One of the “Reopening the Big Sky” (Reopening Plan). The Reopening Plan provides for three phases and contains no specific dates when the State of Montana will move into the next phase. Phase One lifted the Stay-at-Home Directive and officially commenced on April 26, 2020. Below is a summary of guidelines under the Reopening Plan for each phase:

All Phases:

- Continue to practice good hygiene
 - Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces
 - Avoid touching your face
 - Sneeze or cough into a tissue or the inside of your elbow
 - Disinfect frequently used items and surfaces as much as possible
 - Strongly consider using non-medical face coverings when in public, especially in circumstances that do not readily allow for appropriate physical distancing
- People who feel sick should stay home
 - Do not go to work or school
 - Contact and follow the advice of your medical provider
 - Follow local health department guidance on isolation and quarantine

Phase One:

- Vulnerable individuals should continue to follow stay at home guidance
- Accommodations for vulnerable individuals should be considered
- All individuals when in public should maximize physical distance from others
- Limit groups to 10 people where physical distancing cannot be achieved
- Minimize non-essential travel
- Continue telecommuting/remote work when possible and feasible
- Provide alternate work schedules to meet social distancing guidelines
- Close personnel and facility common areas or enforce strict social distancing protocol

Phase Two:

- Vulnerable individuals continue to follow stay at home guidance
- Accommodations for vulnerable individuals should be considered
- All individuals when in public should maximize physical distance
- Limit groups to 50 people where physical distancing cannot be achieved
- Travel restrictions remain in effect for those returning to Montana when traveling from out-of-state
- Continue telecommuting/remote work when possible and feasible
- Provide alternate work schedules for social distancing guidelines

Phase Three:

- Vulnerable individuals practice physical distancing and continue to take precautionary measures
- All individuals should limit contact time with others and limit time in crowded spaces
- Travel can resume to normal
- Full staffing of the workplace can resume

Based on the detailed requirement of each phase of the Reopening Plan, City Hall will reopen to the public during Phase One with normal business hours. Precautionary and protective measures and policies must be in place prior to reopening. The expected reopening date is May 4, 2020. Please prepare for your visit and plan to adhere to the following policies when coming to City Hall:

1. **Entrance and Exit Access Points.** During Phase One and Phase Two the main front doors to City Hall on the corner of Baker Avenue and East 2nd Street will operate as the entrance for all public accessing City Hall. The door on Baker Avenue, closest to the parking structure, will operate as the exit. For emergencies, the front doors and second floor door may be used as an exit for all employees and customers. The second-floor door will remain locked as an employee only entrance and exit during Phase One and Phase Two. When the State is under Phase Three all doors will return to normal operations.
2. **Plastic Barriers and Social Distancing Markers.** Protective plastic barriers will be temporarily installed at each counter serving the public and markings placed on the floor will indicate proper social distancing (6-feet). The lobby seating area may be closed if proper social distancing is determined to be impossible or repeatedly violated. These protective measures will remain in place until the public health emergency ends.
3. **Masks Required for Public Access.** All individuals from the public entering the building are required to wear a mask during Phase One and notice will be posted on the front doors. Disposable masks will be available for those visitors who need one in the City Hall vestibule. For those individuals who should not wear a mask in accordance with CDC guidelines, forehead infrared thermometers will be available as an alternative. During Phase Two and Phase Three masks will not be required due to the protective plastic barriers at each front counter but are strongly recommended.

4. **Masks Required for City Employees.** City employees who cannot maintain 6-foot physical distance from others, such as those interacting with the public at the front counters or those meeting in an office, will wear a cloth face covering during those interactions unless instructed otherwise by a doctor or recommended by the CDC during Phase One. During Phase Two and Phase Three masks will not be required due to the protective plastic barriers at each front counter but are strongly recommended.

5. **Self-check Health Assessment Stations.** In accordance with the guidance from Governor Bullock and the Flathead City-County Health Department, all employees and public entering City Hall will complete a self-check health assessment during Phase One and Phase Two of the Reopening Plan.

For the public, a self-check health assessment station will be setup in the City Hall vestibule. A questionnaire will be posted for the public to ask themselves the following questions prior to proceeding further:

In the last 48 hours have I experienced:

- a. An elevated temperature/fever of 100.4 or higher?
- b. Coughing?
- c. Chills, feeling very warm, flushed appearance or sweating with no activity?
- d. Shortness of breath or difficulty breathing?
- e. Loss of taste or smell?
- f. Sore throat?
- g. Unexplained muscle pain?
- h. A fever and taken a medication to reduce the fever?

The self-check health assessment station will also have a forehead infrared thermometer available for the public to use. Strict disinfecting procedures and supplies will be provided for before and after use. This step is required if a mask is not worn as stated above.

Individuals who answers yes to any of the questions or has an elevated temperature after checking their own temperature with the forehead infrared thermometer, will be directed to proceed no further, exit the City Hall vestibule, and to contact the department they would like to do business remotely by phone (406-863-2400) or email.

6. **Cleaning and Disinfecting Procedures.** Hand sanitizer will be provided to City employees and the public visiting City Hall when availability of the product allows. However, frequent proper hand washing is still strongly recommended as it has been determined to be more effective than hand sanitizer.

Front counters and main door handles will be disinfected every two hours or more frequently as time allows during normal business hours. Pens used by the public will be properly disinfected after each use. Other frequently touched surfaces will be disinfected daily.

The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.

Michelle Howke

From: Pauline Murray [REDACTED]
Sent: Monday, May 4, 2020 2:56 PM
To: Michelle Howke
Cc: [REDACTED]
Subject: Conditional Use Permit for 52 units - Comment

Pauline Murray
Grouse Mountain
[REDACTED]

I have a few questions and concerns about this project.

1- With the water treatment plant at almost capacity, how can Whitefish keep approving more high density housing? What are the impacts to water treatment? There are 5 or 6 being built now.

2- What kind of road improvements are planned?

*Is there a 2nd entrance onto 93? Where would it be?

*The Fairway Drive off of 93 is not in very good repair today.

*What kind of capacity is that road built for, speed, amount of traffic?

*How will the increase in traffic effect the soccer field and its parking when games are planned? That can be a pretty busy/dangerous area when games are happening?

*Has the park weighed in on this plan?

3- How many condominium housing units does Whitefish need. Are the ones currently under construction sold out? How many units are in construction and not sold, how many approved and in the pipeline?

4- The quaintness and feel of Whitefish is disappearing with each historic house being torn down to build vacation condominiums. The unique experience that Whitefish had will soon be gone if all that is left are vacation rentals, condominiums, bars and restaurants.

5- When will a decision be made on this project?

Pauline Murray

Sent from my iPad
EXTERNAL SENDER verified by City of Whitefish IT

Citizens for a Better Flathead



Citizens for a Better Flathead PO Box 2198 Kalispell, MT 59903 406-756-8993 www.FlatheadCitizens.org

May 4, 2020

To: Whitefish City Council

RE: Emergency Ordinance No. 20-__; An Emergency Ordinance of the City of the City of Whitefish, Montana, amending Emergency Ordinance Nos. 20-04 and 20-06 to clarify rules for public participation in remote meetings, waiving a second reading (Only Reading) (p.209)

I would ask that you consider other solutions to the proposed Emergency Orders before you to better insure that the public comment is meaningfully considered as opposed to the city clerk being asked to judge and assert that a public comment is either for or against an item you are considering :

1. Every public hearing before you should be allocated a minimum of 30 minutes of public comment both oral and comments read into the public record during this emergency.
2. If public comment cannot be completed within this thirty-minute period, then any item that is not required to be decided under a set statutory time line should be continued to the next council meeting.
3. If an issue is of significant concern to the public, as was the Town Pump decision, and the public comment cannot be read into the public hearing record, and there is a statutory deadline, you should use the authority provided you under the State guidance to change the statutory deadline and move the item to the next council meeting.
4. The role of public comment at all meeting is not merely to inform the decision maker of public concerns but to allow the public to hear and consider public comment made at a meeting and to better informed themselves for future public comment. Some public may want to choose to speak at a meeting that perhaps they merely were attending to learn more.
5. Complex, well-researched and lengthy comments as we regularly submit deserve to be heard as well as brief heart-felt comments. Neither should be relegated to a mere for or against.

May 4, 2020

Dana Smith, City Manager

City of Whitefish

418 E. 2nd Street

Whitefish, Montana 59937

Dana,

Concerning the local and state regulations that “Main Street” businesses and organizations re-opened under on April 27th and May 4th, 2020 respectively.

What precautions are these businesses and organizations taking that would lessen the exposure to the Coronavirus-19 OVER lodging facilities?

To compare tattoo parlors, hair care facilities, stores and individual businesses (open 4/27/20) and restaurants, taverns, casinos, breweries and distilleries (open 5/4/20) with certain Whitefish lodging facilities that are and have been exercising proper cleaning, sanitizing and social distancing practices. There is NO guarantee that these above-referenced businesses or eateries are NOT serving non-essential employees that do not reside here nor work here.

In particular, for example, my Hampton Inn & Suites in Whitefish. Prior to the City’s closure to non-essential travelers we had ceased our continental breakfast, closed our pool, hot tub and fitness center and have followed all social distancing measures that have been set forth by the City of Whitefish, State of Montana and Federal governments. As well, we utilize Hilton Hotel’s corporate cleanliness guides.

It seems that the precautions we have undertaken meet or exceed these government mandates. Perhaps I may suggest the City, County or State conduct inspections if you will of individual properties that adhere to the most stringent of protocols. That way there is no mass openings but allowances for lodging facilities that follow or exceed protocol to re-open.

Respectfully,

Matt Sease

General Manager

Hampton Inn & Suites- Whitefish

Michelle Howke

From: McCann [REDACTED]
Sent: Thursday, April 30, 2020 12:58 PM
To: Michelle Howke
Subject: public comment for COVID19

Dear Mr. Mayor and Whitefish Council Members,

I would like you to support placing restrictions on the movements of tourists this summer. This will create some short term financial hardships, but there is a very paramount need to protect our citizens' health and long term financial well-being.

Thank you,

Paul McCann

[REDACTED]

Whitefish, Mt

P.S. American Airlines has a flight from New York City to Kalispell. This summer a trip fare is only \$130.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sue Basta [REDACTED]
Sent: Monday, May 4, 2020 5:11 PM
To: Michelle Howke
Subject: Short term accomodations - keep closed for now

I am against the city of whitefish opening up short term accommodations, hotels, bnb, airbnb, vrbo at this time.

I just heard on CNN today that there are new national projections of possibly up to 150,000 deaths anticipated due to corona virus. These new projections are based on the fact that people are not adhering to the rules of masks, washing hands, disinfecting, staying home, social distancing, not traveling, etc. Cell phone tracking is showing people traveling and large group clusterings.

Opening up tourism and short-term accommodations in Whitefish at this time will contribute to this new national projection. Its too early.

Respectfully,

Sue Basta

[REDACTED]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT