



AGENDA
HIGHWAY 93 SOUTH CORRIDOR PLAN
STEERING COMMITTEE
January 21, 2020

A Highway 93 South Corridor Plan Steering Committee meeting will be held Tuesday, January 21, beginning at 2:30 p.m. at the Whitefish City Hall City Council Chambers Conference Room at 418 East Second Street, Second Floor.

The agenda for the meeting will be:

- A.** Call to Order
- B.** Approval of Minutes from December 16, 2019 Meeting
- C.** Review Revised Segment A Goals and Objectives and Draft Future Land Use Map
- D.** Review Revised Segment B Goals and Objectives and Draft Future Land Use Map
- E.** Next Meeting
- F.** Public Comment
- G.** Adjournment



Highway 93S Corridor Steering Committee

DRAFT Meeting #17 Minutes

December 16, 2019

2:30 pm, 2nd Floor City Hall, Council Chambers Conference room

In Attendance:

Committee Members: Mark Pascoli, John Muhlfeld, John Middleton, Roger Sherman, Ryan Hennen, June Hanson (Steve Kane, Justin Lawrence, and Marilyn Nelson absent)

Staff: Dave Taylor, Hilary Lindh, Craig Workman, Karin Hilding

Public: Rhonda Fitzgerald, Mayre Flowers, Dave DeGrandpre, Amy Erickson

A. Meeting called to order at 2:35 pm

B. Approval of November 18, 2019 meeting minutes

C. Summary of Rationale to Expand Corridor Planning Area South of Blanchard Lake Road; Review Existing Zoning and Future Land Use Designations in Expanded Corridor Planning Area

H. Lindh presented a summary of why the Corridor Planning Area has been expanded south from Blanchard Lake Road and reviewed maps showing existing zoning, future land use designations, and where zoning and future land use are inconsistent.

D. Review and Provide Feedback on Draft Future Land Use Map – Segment C

H. Lindh discussed how future land use mapping is general and there is usually more than one zoning district that applies to each designation. She also outlined the purpose of revising the future land use map as part of the corridor plan and included the draft vision statement for the segment that the committee had previously vetted; staff added a sentence about limiting commercial uses to those generating relatively lower volumes of traffic. The committee discussed this language and suggested it be modified to clarify the meaning of 'lower' traffic volumes and to delete the word 'relatively'. The committee then reviewed the draft future land use map for the segment. There was some discussion about what the potential highway transition land use designation would mean. D. Taylor provided a draft of a possible highway transition zoning district and explained that the purpose of the transition district would be to limit or require conditional use permits for uses that could generate significant amount of daily traffic (such as a grocery store). The district would be a combination of (or transition between) the Business Service district to the south and the Secondary Business (WB-2) district to the north. When property owners request annexation into the City, the City would be able to assign this new district to the property as part of the annexation agreement. Staff provided Table 2 from the Commercial Node Concept discussion (see agenda item F.) to further illustrate how the transition district could be distinguished from the WB-2.

J. Muhlfeld noted that if the uses suggested in Table 2 were to be included in the plan, the committee needs to be able to go through the table line by line. D. Taylor clarified that the tables are to help the committee understand what the new zoning district could be like. If the committee is in favor of the concept of a transition district for future annexations, the plan would likely only discuss the district

conceptually and not in detail unless the committee wanted to flesh out the bones of it now. Actually creating a new zoning district would not happen unless City policy changes with regards to the Urban Growth Boundary and Council becomes willing to consider annexation south of Highway 40. At that time, a zoning text amendment to create the zone would be initiated and there would be a thorough review and public process to consider the details of the new zoning district.

E. Review Revised Segment C Goals and Objectives

Draft Segment C goals and objectives were presented to the committee in June 2019. Based on committee feedback in the months since, the goals and objectives were revised to reflect that the Corridor Planning Area has been expanded south and the plan will not make a recommendation regarding the Urban Growth Boundary (UGB) or to where City services should be extended. There was some discussion about the comments that committee member Steve Kane had sent in via email before the meeting and the resulting inclusion by staff of a potential Land Use Goal #5. His comment read, *“One topic that may deserve some comment in the goals and objectives draft document is in the area of infrastructure planning should the UGB be extended. What’s the City of Whitefish’s plan to meet the infrastructure (sewer and water) needs of future residents and businesses in Segment C given our current constraints? Should we have a statement in the draft document that discusses the City’s intent to plan for future infrastructure needs in Segment C?”* The potential goal #5 would ensure City-planned infrastructure upgrades will have the capacity to accommodate future needs in the Corridor. C. Workman stated that we could show in the plan the area to which the new wastewater treatment plant will be able to service for the next 20 years. The City is required by Department of Environmental Quality (DEQ) to plan for the entire future sewer service district, which encompasses the Corridor Planning Area. There was some discussion about whether having a goal like this was appropriate given that the plan isn’t making a recommendation to extend services further south. J. Middleton thinks the goal should be included if City policy ever changes with regards to the UGB; if the policy doesn’t change having the goal doesn’t hurt anything. M. Pascoli agreed.

Public Comment on E.

R. Fitzgerald suggested a goal be added to prefer infill in City limits over further development in Segment C. We have discussed this idea before and she thinks it’s important to include a specific goal. Regarding the land use goals #4 and 5 that would only apply if City policy changes to allow annexations south of Highway 40, she thinks these are premature and would take away from the vision for the segment and the purpose of expanding the Planning Area, which is to reaffirm the Growth Policy’s position to limit commercial development along the highway south of City limits. She suggested taking them out of the plan. She also suggested an intermittent raised median in Segment C might be appropriate and said we shouldn’t show a two-way, left-turn lane in the plan.

M. Flowers agreed with R. Fitzgerald’s comments. She asked that the committee not vote on anything that wasn’t listed in the agenda as a decision. She thought S. Kane’s comments to the committee should be made available to the public. Regarding Land Use Goal #5, she didn’t think the City taxpayers should be paying for infrastructure to accommodate future annexations, developers should pay for it. R. Sherman asked her for more explanation of this statement, and C. Workman clarified that taxpayers are funding the treatment plant, but that future development would pay for any delivery systems (sewer



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mains, lifts, etc.) or connections to the plant. Determining the capacity of the treatment plant is mandated by DEQ. J. Muhlfeld suggested re-wording the goal to clarify that the sewer service district is accommodated, as required by DEQ (not future residents or businesses of the Corridor). C. Workman and H. Lindh will work on the appropriate language for the goal. M. Flowers had two other comments: she suggested providing a map of high groundwater in the corridor to show where development without City sewer service might or might not be limited, and she asked for clarification on how the term 'commercial' is being used.

DeGrandpre reiterated his comments from previous meetings that the City can choose to put its head in the sand and pretend there will be no future growth in the Corridor south of City limits, or it can take control to some degree by extending services like Kalispell Planning Director Tom Jentz suggested.

F. Continue Discussion on (Revised) Commercial Node Graphic, Potential Development Standards, Names

Before presenting the revised graphic and associated tables, H. Lindh reviewed EPA and Urban Land Institute best practices and tools for improving the look of the commercial strip by restructuring it, first introduced to the committee in August 2018. Most of the best practices are related to the physical form and patterns of development, which can be influenced by development standards in the zoning regulations and by features of the highway and its right-of-way (ROW). A few of the best practices also relate to specific land uses, such as residential and commercial mixed with residential that could be permitted in the zoning regulations. Table 1 suggested modifications to the physical form and patterns of development for different areas of the corridor based on existing characteristics and Table 2 showed how the permitted and conditionally permitted uses in the WB-2 could be modified to vary land uses along the corridor. The land use modifications include best practices for restructuring the strip, but also address some of the economic development goals that the committee reviewed and discussed in May 2019, as well as what might or might not be an appropriate use given the size of typical lots across different segments of the corridor.

J. Muhlfeld and J. Hanson both agreed that the standard setbacks from the highway ROW to structures should be large with a lot of landscaping, combined with access from the back. At the very least, there should be some consideration given to the type of structure (massing, scale) and where along the corridor it's located to determine appropriate setbacks – there may need to be flexibility in the standards. The statement in the South Whitefish node that where the building is setback, there needs to be landscaping or public amenities rather than parking, should be carried over into the South Whitefish Boulevard segment.

Public Comment on F.

M. Flowers asked that the date and version of each handout be included. She had concerns that no setback or flexible setbacks would not achieve the goals of the plan. She requests examples of existing corridor developments with existing setbacks and what they would look like under the proposed changes. She would like to see a discussion about the greenbelt that is in the public highway ROW (as opposed to on private property). She thinks the update to the City's transportation plan (or the request for proposals from consultants to develop the plan) should involve the steering committee. She asked for an update on a new TIF district and thinks this information should be brought to the committee. She brought a copy of an email M. Nelson sent out to the committee members after November's meeting, and asked that it be part of the public record by being included in the meeting minutes (attached).

R. Fitzgerald noted there is mention of retail leakage on one of the presentation slides and thinks it shows a stealth attempt to get something past the committee. She said the Mayor already said no to new retail uses in the corridor. She suggested striking the word retail from slide 10 of the presentation. She agreed that the landscaped area should be added to the boulevard segment of Segment B in Table 1 and thought the threshold building size requiring a CUP in Segment A should be reduced to 7,500 sf to match the downtown districts. She acknowledged that the retail uses had been removed from Table 2 but notes that casinos are still listed as conditional uses in all areas currently zoned WB-2. Those need to be deleted in the areas without the Casino Overlay. She asked why truck stops were not struck as conditional uses from the South Whitefish Boulevard segment and why the focus on small uses in Segment C for the possible transition zoning district. J. Muhlfeld agreed that the language in the table needs to be cleaned up (delete casinos) and any mention of new retail in the corridor removed from all documents.

DeGrandpre wished all a Happy Holidays.

G. Next Meeting – Staff to send out a Doodle Poll to determine best date in January

H. Adjournment – 4:40pm

From: Marilyn Nelson
To: Hilary Lindh; David Taylor; John Middleton; John Muhlfeld; June Hanson (junerh@aol.com); Justin Lawrence (info@lakestream.com); Marilyn Nelson (nelson.marilyn@gmail.com); Mark Pascoli (mark.pascoli@gmail.com); Roger Sherman (rsherman614@gmail.com); Ryan Hennen; Steve Kane (stevepk.16@gmail.com)
Subject: Monday's Meeting
Date: Wednesday, November 20, 2019 12:21:44 PM
Attachments: Principles for Civil Dialogue.pdf

Dear Hilary, Dave and Steering Committee members,

I am writing to express my dismay at some of the events which transpired at our last meeting. A number of things took place that, in my opinion, are unacceptable on different fronts:

1. I witnessed a level of dismissal and disrespect from our chairman John Middleton towards members of the public that I have seldom seen in years of serving this community in many capacities. One example was in response to public testimony and occurred after it came to light that comments emailed to the committee were given an emailed response that some recipients perceived as dismissive. The other example was following the adjournment of the meeting when that adjournment was challenged by a member of the public.
2. John adjourned without a motion, second or vote, leaving at least one member of the public outraged that she was unable to offer commentary which she had been asked to postpone until the end of the meeting.
3. Our chairman and the planning staff met privately prior to our meeting, as I observed when arriving early.

Regarding these events, I would like to offer the following commentary:

We are asked to observe the Principles for Civil Dialogue, which were adopted by our Council in 2007 and which we all received upon our appointment to this committee. I have attached a copy for your reference, and would request that a copy of these guidelines be attached to future agendas for our committee, as is standard in many of the meetings conducted on behalf of the City.

I have heard from three members of the public that they felt dismissed, either by the words of our chairman during the meeting, or by the receipt from staff of an email admonishing them to be more informed so that their comments could be more effective. This kind of dialogue discourages public input and serves to distance the committee from valuable input from the community we serve. Contributing to the confusion regarding the agenda, which was the impetus for many of the public comments, was the fact that draft minutes for our previous meeting were not available to the public prior to the meeting. I request that draft minutes be posted to the City website in a reasonable time following each meeting. I would also request that any materials prepared by staff for review by the committee be available to the committee and the public several days prior to each meeting to allow all participants to become informed of the issues we will be asked to weigh in on.

We are tasked to observe Robert's Rules of Order which require certain protocols be observed in the conduction of meetings. In the case of Monday's meeting, I would request that the minutes reflect that the meeting was improperly adjourned and that the public will have an opportunity to weigh in as the first order of business at our next meeting.

Regarding the private meeting between staff and our chairman prior to the committee's

convening, is there a hidden agenda to which the rest of us are not privy? If so, I would appreciate being informed, as we cannot address issues of which we are not aware.

While I will stop short of requesting that John step down as our chairman, I do request that he and staff apologize to the members of the public who were offended by their actions. Perhaps then we can begin to restore this process to the collaborative endeavor it was designed to be. We all understand that Whitefish is undergoing extreme pressure coming from accelerated growth, which makes it even more imperative that members of the public feel welcome to participate in planning efforts that affect us all.

Thank you for your consideration.

--

Marilyn R Nelson, Co-Owner

Nelson Hardware, Inc.

Glacier Country Enterprises, LLC (dba Nelson's Ace Hardware)

Nelson Real Estate Holdings, LLC

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Cell: (406) 250-6424

EXTERNAL SENDER verified by City of Whitefish IT

From: [Hilary Lindh](#)
To: [Hilary Lindh](#)
Subject: Monday's Meeting
Date: Tuesday, January 14, 2020 3:34:48 PM

From: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Sent: Wednesday, November 20, 2019 1:36 PM
To: Marilyn Nelson <marilyn@nelsonhardware.com>; Hilary Lindh <hlindh@cityofwhitefish.org>; David Taylor <dtaylor@cityofwhitefish.org>; John Middleton <john@nprmt.com>; June Hanson (junerh@aol.com) <junerh@aol.com>; Justin Lawrence (info@lakestream.com) <info@lakestream.com>; Marilyn Nelson (nelson.marilyn@gmail.com) <nelson.marilyn@gmail.com>; Mark Pascoli (mark.pascoli@gmail.com) <mark.pascoli@gmail.com>; Roger Sherman (rlsherman614@gmail.com) <rlsherman614@gmail.com>; Ryan Hennen <rhennen@cityofwhitefish.org>; Steve Kane (stevepk.16@gmail.com) <stevepk.16@gmail.com>
Subject: RE: Monday's Meeting

Folks

I feel the need to chime in and respond to Marilyn's letter in the wake of Monday's meeting. A few points for you to consider before anyone (public or committee member) is made to feel marginalized or unappreciated:

- Misinformation was spread via email prior to Monday's meeting. The Committee never intended, nor advertised on the agenda, to discuss extending water and sewer services past Highway 40. Rather, the Committee intended to discuss how far south the Corridor Plan should extend, as advertised on the agenda.
- We are an advisory committee. As I pointed out at the meeting, this body is charged with making recommendations, NOT decisions. The Montana Supreme Court has held the public participation statutes (cited by one member of the public) do not apply to advisory committees. We are an advisory committee. The Supreme Court has also held the statutes requiring "agencies" to adopt guidelines to encourage public participation applies ONLY to state agencies. With that said, from my perspective, our staff has gone above and beyond what is required under state law to notify/advertise/and otherwise inform that public as to the nature of what will be discussed at each and every meeting.
- Even if the public participation statutes applied to the committee, which they again do not, it is only required to "give adequate" notice of the topics that will be discussed. The agenda clearly did so. There is no requirement that the City post "draft" minutes, provide information sent to the Committee members to the public, or adopt or create "development fact sheets". As I stated, as a City and certainly as a committee, we are committed to being as open and transparent with this process as possible, and we encourage public input and participation. I do not agree that draft minutes need to be distributed prior to a meeting unless **a majority** of the committee members indicate that is their preference. One individual, either public member or committee member, cannot dictate process...Believe it or not, staff is pretty maxed out right now and the Council has set lofty and ambitious goals for the coming years. There are times when committee information comes "hot off the press" immediately prior to

a meeting, and to impose these requirements would place undue hardship on their abilities to perform ALL of the duties of their positions, not just the responsibilities of this committee.

- In my 14+ years of public service in this community, 8 of which chairing the Whitefish City Council, I have never once asked for a motion to adjourn. Nor have I been advised by our City Attorney to do so.
- Hilary's email was in no way intimidating, or an attempt to admonish the public to be more informed so that their comments could be more effective. I think the intent of Hilary's email was to convey that there was some misinformation distributed on what the Committee would actually be recommending on Monday; which again, was related to the planning area boundary, NOT extension of services, which we have all agreed is and will remain a Council decision. Her email is included below for the record:

Thank you for your comments. We will forward them to the Highway 93 South Steering Committee for their consideration. You should be aware of the actual issues the Steering Committee is discussing with regard to Highway 93 South so that your comments can be the most informed and effective. The Steering Committee has already decided they will not be making a recommendation on how far south the City should extend water and sewer services, that policy decision will be made by the City Council. What the Steering Committee will be discussing is how far south the corridor plan should address goals and policies for future development on Highway 93 South. Though the City currently has no jurisdiction or control over land use south of Highway 40 without future annexation, the new Corridor Plan provides an opportunity to reaffirm through a new planning document Whitefish's desire to limit the expansion of commercial strip development south along the highway corridor in order to give the city greater influence over any decisions on future development or zoning changes made by the county.

- In response to Marilyn's request, which was also recommended to me by a member of the public last week, I have no interest in bringing Crandall Arambula on board. I think staff has the knowledge, skills and abilities necessary to carry out the marching orders we were given by Council. I find it quite frankly a bit insulting to our own staff when these suggestions are made. Hilary is doing an excellent job with this committee and process.
- I suggest we add to the next agenda a discussion on civil discourse and agree with Marilyn that the Principles for Civil Dialogue be included in the packet.

These are polarizing topics, and like many other planning efforts in town, there is always the tendency for these processes to divide (even if intermittently). I ask that we all work for the common good of Whitefish and respect each other's opinions; because at the end of the day, we are all neighbors and volunteers donating our time to do what is best for our community.

At the end of this process, I'm confident we will arrive at a plan that we can all agree on and be proud of. Thank you all very much for your time and efforts.

Regards, John

John M. Muhlfeld, Mayor

City of Whitefish

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