

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
JANUARY 21, 2016**

**CALL TO ORDER  
AND ROLL CALL**

The regular meeting of the Whitefish Planning Board was called to order at 6:00 pm. Board members present were Chairman Ken Meckel, Councilor Richard Hildner, John Ellis, Jim Laidlaw, Rebecca Norton and Melissa Picoli. Ken Stein was absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring and Planner II Bailey Minnich represented the Whitefish Planning and Building Department.

There were approximately 22 people in the audience.

**PLANNING BOARD  
APPOINTMENTS**  
6:00 pm

Following discussion, Rebecca moved and Jim seconded to select Ken Meckel as the Whitefish Planning Board Chair and the motion passed unanimously. Richard moved and Jim seconded to select Melissa Picoli as the Vice Chair and the motion passed unanimously.

**APPROVAL OF  
MINUTES**  
6:05 pm

Rebecca moved and John seconded to approve the December 17, 2015 minutes with one amendment. The motion passed unanimously.

**COMMUNICATIONS  
FROM THE PUBLIC  
(ITEMS NOT ON  
THE AGENDA)**  
6:05 pm

Don Spivey, 117 Park Knoll Lane in Whitefish, said he has material to distribute for the record and asked when to do so. Director Taylor replied during the public hearing relevant to the issue.

**OLD BUSINESS:**  
6:05 pm

None.

**PUBLIC HEARING 1:  
REISCH FAMILY  
PARTNERSHIP  
CONDITIONAL USE  
PERMIT**  
6:06 pm

A request by Reisch Family Partnership for a Conditional Use Permit to operate a Bar/Tavern. The subject property is zoned WB-1 and is developed with an existing commercial building. The subject property is located at 845 Wisconsin Avenue, and can be legally described as Lot 3 in Kramer Add Amd Subdivision in S25, T31N, R22W.

**STAFF REPORT  
WCUP 15-20  
(Minnich)**

Planner Minnich reviewed her staff report and findings. To date, no comments have been received.

Staff recommended adoption of the findings of fact and conditions of approval within staff report WCUP 15-20, and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS  
OF STAFF**

Rebecca asked what the staff report meant regarding the height standard *appearing to be met* and Minnich replied she was not provided with side elevations. The zoning permits a maximum height of 35', which would be easily met since this is a primarily a one-story building, with a two-story portion.

**APPLICANT /  
AGENCIES**

Mark Johnson, 680 Stone Street in Kalispell, the project architect, said the staff report Minnich prepared was comprehensive. He said the maximum height of the building in the two-story portion is 22' and the building is appropriately sized for this type of use. It has a functioning fire system, proper exists and locations and they will comply with whatever requirements are imposed by the Building Department.

Richard asked if there were specific provisions for recycling and Mr. Johnson replied that the owners also own the adjacent Alpine Market and plan to include the cardboard recycling with the cardboard recycling done by Alpine Market. Since this is a Tap House, there is not as much waste associated with this type of business as is typical of a restaurant or bar, as most of the product will be served from kegs, etc.

**PUBLIC COMMENT**

None.

**MOTION / BOARD  
DISCUSSION**

Richard moved and Melissa seconded to adopt the findings of fact within staff report WCUP 15-20, with the eleven (11) Conditions of Approval as proposed by City Staff.

Rebecca said this seems like a very nice project.

John said he plans to vote in favor of this CUP, but he believes if the Board reads the definition of WB-1 in the City-County Growth Policy, it actually should not be approved. The WB-1 district is intended for limited commercial uses within or adjacent to residential districts to meet certain convenience services catering to the daily needs of those nearby residents living within one mile of the district. This Tap House would serve the whole community. This is an illustration that the WB-1 definition needs to be updated/changed. Since 46 parking spaces are a requirement, it is clear that automobiles are anticipated as being the primary means for getting to the building, which clearly illustrates that the WB-1 definition and Whitefish-County designation need to be changed.

Taylor noted that there are many different types of businesses that cater to a neighborhood. This building was previously used as a bar for ±25 years, a pizza place and the Dire Wolf, and frequented by people coming back from Whitefish Mountain, downtown, and residents from

Colorado/Wisconsin. The neighbors can walk to the Tap House rather than going downtown.

Melissa commented that she likes all the interesting food and beverage services coming into Whitefish, but suggested this would be a good time to address reducing single-use plastics. No food is planned to be made onsite, but there will probably be food served. She asked that the owners consider taking the lead to use dishes rather than one-use plastic items, even though that might be less convenient.

**VOTE**

The motion passed unanimously. The matter is scheduled to go before the Council on February 1, 2016.

**PUBLIC HEARING 2:  
AMENDMENT OF  
WHITEFISH CITY  
CODE TITLE 11,  
ZONING  
REGULATIONS**

6:20 pm

A request by the City of Whitefish for an amendment to Section 11-2S, WPUD, Planned Unit Development District, to clarify the blending of uses and density where a PUD overlays multiple underlying zones.

**STAFF REPORT  
WZTA 15-01  
(Taylor)**

Director Taylor reviewed his staff report and findings and distributed two recently received letters of support from Bruce Boody and Brian Wood of Bruce Boody's office, and Eric Mulcahy of Sands Surveying.

Staff recommended adoption of the findings of fact within staff report WZTA 15-01 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS  
OF STAFF**

Rebecca said she thought in the past that we have been doing it this way for ten years and Taylor replied it has been done this way since the PUD chapter was put in the Code, which was probably back in the 1980s. When they looked back, almost all the PUDs that have been approved had multiple zoning districts in them because if you are going to do a PUD they are usually on multiple tracts of land or a large area that spans multiple districts. Rebecca asked if we are different from Kalispell and Flathead County, would that impair us when/if going to a unified development code. We just got the whole doughnut rezoned to match our existing zoning and she thinks that eventually we should go to a unified code for the whole Flathead County. So when we have really different regulations like this she wonders if we are just creating our own little thing here or is it standard practice. Taylor replied they are not significantly different. The development requirements within a PUD are established within it as it is adopted, so

there is always a list of certain setbacks and differences. He said Kalispell has different zoning than the County and the County has different zoning districts than Whitefish. They have a few that are the same as ours, but they all have different setback requirements, etc. If the County decides a unified development code would be important like Missoula County did, that would be great, but he does not necessarily foresee that happening. The County does not have any building code requirements and he does not think there is much interest in that. We are focusing on Whitefish and what we can do within Whitefish to keep our community as solid as we can and allow good development to proceed. It allows enough flexibility for sites that do not meet all the standards, they might need some reduced setbacks or whatnot, but it also provides the City an opportunity to ask for things we want to see, like affordable housing, protecting environmental areas, adding trails, etc. We get a benefit when those things are adopted where if it was a standard subdivision, we may not be able to ask for those types of things.

Rebecca also asked about the Water Quality law, whether it would require them to be compliant regardless of what kind of building was going in, and Taylor replied yes, all developments have to meet the buffer requirements. Rebecca said so that should not really be considered an added benefit. Taylor replied certain areas have wetlands that do not meet our classification of "wetland" where there is not much of a setback requirement within our Water Quality Ordinance. Whether it is a manmade wetland or a stormwater pond, there are things we could require with a PUD to provide trails around, buffers, access, restoration or other things within a PUD so there are additional things we can do above the Water Quality Ordinance requirements. Chairman Meckel said we have done that on some projects in the past if he remembers correctly and Taylor replied yes.

John asked why the phrase "[r]esidential units may be distributed within a PUD without regard to the precise boundary lines of the underlying zoning", needs to be in Taylor's proposed change. Taylor said that may be redundant but it just makes it clear where a PUD is being developed it is not subject to the underlying zoning boundaries. You are creating a new exterior boundary that supersedes the existing interior zoning boundaries. That is implied within a PUD so it is a statement that may be superfluous. John said it leads him to the question of why isn't there some language about the commercial part that mirrors that. For instance, if you took the word "commercial" and substituted it for the word "residential", would that be a true statement? Taylor said not necessarily because if it is a residential

Planned Unit Development, even if it is on commercial property, you are still limited to 10 or 15 percent commercial within that project. For instance, within our WB-2 zoning district (the highway district or whatever you want to call it out along the strip), which is the area where we have the most undeveloped property within Whitefish, and also the area we are seeing people look at for housing development, whether apartments, low income housing, or affordable housing, you cannot do any residential in that district without a Planned Unit Development. So, if someone wanted to do a Planned Unit Development, with the residential it would be a residential Planned Unit Development, which would then limit the amount of commercial that could occur out on that property. If it is a non-residential Planned Unit Development, then there wouldn't be residential units to distribute.

John said it is his understanding that our Code allows mixed commercial and residential PUDs. Taylor replied there is a residential PUD and then there is a non-residential PUD. Within a non-residential PUD it does not necessarily preclude residential within that so there is a potential that someone could apply for some mixed use within a non-residential PUD, because it talks about any other use that could be justified, but someone would have to make a case for that. John asked if the 11-2S-3 standard applies to residential and non-residential PUDs. Taylor replied it is under the section of the Code that is specific to residential density, so when you are talking about density, it is specific to residential because it is how many units per acre, how many dwelling units can be placed on the property. It is under the chapter that talks about density bonuses and cash-in-lieu so is really applying specifically to residential types of planning development.

Richard asked for a further explanation, when you limit the PUD to "like zoned," in other words, if you are going to have a PUD overlay, at least in the examples, those are all "like zones." Would those criteria still be there? Taylor replied it would. Again, if it is a residential PUD, then it would limit the commercial even if there was some commercial zoning in there. Deer Tracks is an example that was done a while ago that was exclusively on a WB-2 zoning district, a residential PUD exclusively on commercial, so like zones aren't always applicable. There is a provision where residential PUD's could have had a 10 or 15 percent commercial. They would have to establish with the plan where their 10 percent (without affordable housing) or 15 percent (with affordable housing) would be. Richard asked whether that is "commercial" and Taylor replied yes within any residential PUD, as established by Code. The Lakes had a component where they have a

lot that is set up for doing a small convenience store or something that was specific to that particular neighborhood in the future. It was never developed and is still vacant, but when that was approved that was their commercial component. Compton-Ring said at Cougar Ridge at Labrie and Wisconsin Avenue, they set aside a larger lot for professional offices or something. They subsequently came back and amended their plat and now that is where that triplex is located, but originally that was supposed to be some commercial plot. Taylor said he thought McGarry's was the product of an expired residential PUD where that was the commercial component.

Rebecca said when one PUD went in, neighbors were alarmed because they felt like their property values might be diminished because it was too close to their neighborhood so they complained about the PUD spanning several different zonings. Then they researched it and found that other municipalities give PUDs based on the underlying zone, residential/commercial, etc., and you have to stick to that in those other municipalities, but in ours, we can mix it all up. Taylor said that is not entirely true as we have some situations where you have some commercial property like on Highway 93 where the front part of it is within the WB-2 zoning district which has a much higher density than property that is behind that is more of a Suburban density. Because the commercial allows a much higher density, with the density averaging with the two units. So say the overall density of the property allows 20 units per acre with the mix of the two, where if the PUD was just on the portion that was the Suburban density, only five units per acre might be allowed. The concern was pushing higher density back into those areas. Within the design of a PUD, it states within the PUD chapter at the beginning that there are character things you have to go through for any PUD to meet, whether it is environmental concerns, compatibility with an existing neighborhood, etc. All those things are looked at and the developer has to make their case regarding where densities are most appropriate in a certain area and why. There are some sites that have some environmental concerns and obviously you want to push density away from those. Every project is different and every location is different so it is not always going to be the same case by case by case. That was one of the concerns that was brought up with density averaging when you have two different types of underlying zoning. There is no concern about commercial getting pushed back into the residential because there is the limitation built into the PUD chapter that only 15 percent commercial, if it has affordable housing, can be on the property. So you know the majority of the project is going to be residential. The PUD chapter encourages multiple types of housing projects, whether it

is single-family or multi-family. The purpose of it is to provide greater density in exchange for affordable housing. It will always have some impact to neighboring property owners. How many subdivisions have we seen where none of the neighbors object to development? They like an undeveloped tract of land where the deer roam, but the subdivision they live in was probably done with a PUD with the same issue. So the fact is as a community grows you have to find some place for these types of developments.

Richard asked about the chart on Page 5 where the Consideration from Section 11-7-10E says, "Prevent Overcrowding of Land and Avoid Undue Concentration of People". The first sentence of the Staff Analysis, "This amendment will help development spread density evenly across a site rather than concentrating it" seems to contradict that. Maybe "appropriately" should be substituted for the word "evenly".

**APPLICANT /  
AGENCIES**

None.

**PUBLIC COMMENT**

Don Spivey, 117 Park Knoll Lane in Whitefish, apologized in advance for a lot of people having comments, which were not included in the packet due to time constraints, but he will leave copies of everything. He distributed copies and read his three-page letter into the record. He has served on the Planning Board, Board of Adjustment, and Pedestrian and Bike Path committees and several other City committees for many years. His wife Judy has always supported him, as well as serving as a member and chair of the Housing Authority Board for ten years. They understand and support the need for affordable housing, but are opposed to the current wording of the WPUD regulations because he does not believe they support healthy growth for the entire community. They are not opposed to PUDs or "blending", but as written they do not believe the WPUD regulations support that type of usage. For this evening's discussion he proposed the following ways to look at Zoning Regulations:

1. For the Planning Staff – They provide a set of rules along with other relevant regulations which they can use to evaluate and take positions on and make recommendations about development proposals.
2. For the City and general citizenry – There are a set of regulations that help to manage the growth of the City in an orderly, safe manner consistent with the Growth Policy.
3. For the homeowner – They are intended to provide a sense of security that the character of their neighborhood and the

values of their properties are reasonably protected over time.

He asked to be allowed to return at the end of the presentation to present his conclusion and recommendations and Chairman Meckel agreed.

Tom Tornow, 309 Wisconsin Avenue in Whitefish, distributed a letter written by Barbara Morris, 1 Rock Creek Court, who he is representing. She is currently not in the area so asked him to speak on her behalf. He said he was speaking in opposition to the proposed text amendments and in support of the decision made by this Board on February 19, 2015, directing staff to prepare a comprehensive revision of the PUD chapter. That motion passed six to one and should be followed. He distributed an excerpt of Minutes from the February 19, 2015 Planning Board meeting for the record. Instead of following the Planning Board's decision made a year ago, he feels the Planning office has given a piecemeal approach tonight, which has several problems. The first is that it does not clarify the allowable density in a PUD. There has been no misunderstanding regarding the permissible density. What has happened is that the Planning office and the City have routinely approved Planned Unit Developments that are in direct violation of our Code. They brought that to their attention and the City's attention with regard to the Deer Park [sic] (Whitefish Crossing) application. He distributed a copy of the letter he wrote dated October 27, 2014, which identifies the parts of the Code that will give it this kind of density transfer. It is not a clarification of our existing Code; it is a reversal of our existing Code. What this proposed text amendment does is potentially increase the allowable density in every zone for every property. All a developer has to do is whisper "PUD" and the density can double or triple, and apparently according to what Dave was saying tonight, can now include up to 10 or 15 percent commercial. Imagine if you bought a property next to what you investigated and found out was a single-family residentially-zoned area and then a developer comes in and wants to put a commercial facility there. They would be told no, that is a residential zone, but if he whispers the word "PUD", now he can introduce a commercial component. You might say, well, it is only 10 or 15 percent, but if that 10 percent is next to your yard that is a significant change. His client's home is an example of what can, and almost did, happen in this regard. Barbara lives in a WR-1 zone, single-family residential, and the vacant land next to her is also W-1, which allows four units per acre. The property has some WB-2 next to the Highway, where it belongs, and that WB-2 allows 13 units per acre. With a PUD, that 13 units per acre density can be transferred back to that WR-1 zone and the lot

next to Barbara's home can be developed at between nine and 13 units per acre, which is more than double or triple what is allowed in the underlying zone. This text amendment effectively rezones every property, doubling or tripling the density without any of the procedural or substantive due process rights that come with a rezoning. When people buy their property if they do their job, they find out what their zoning is and the zoning of adjacent properties, and they rely on that. They understand that that could be changed through a rezoning process, but what they do not understand is that the density might be increased significantly by the use of a PUD without a rezoning, and he feels that is what is wrong with this proposed text amendment. It also rezones everyone's property without any of the criteria or justification as to when the density could be transferred. This proposed text amendment just says you can move it, as Mr. Ellis pointed out, anywhere in that zone. There is nothing to stop you from taking the 15 percent from the commercial zone and moving it back to the single-family residential zone. That is what he thinks Mr. Spivey was alluding to, that if the developer says, "I want to move it there", Planning staff has no basis for saying no because our Code says you can put it anywhere you want. And the Planning report also talks about the City benefitting from such things as an increase in buffering, trails or a transportation network, but this Code text amendment does not tie any of those benefits to this density transfer. It does not say you have to give us those in order to transfer the density, it says you can just transfer the density, and we are going to hope to get those things from you. So, at a minimum, this proposed text should be moved down to Section 11-2S-5 where the Code requires that the increased density be justified as a clear public benefit and directly relate to the purpose and intent of a PUD. So it is not just a carte blanche do whatever you want, it is saying if you can provide a clear public benefit and directly relate your proposal to the purpose and intent of a PUD, then we will consider allowing you to move this density.

Another problem is that this patchwork change that is proposed tonight creates even more conflicts with the Zoning Code. As pointed out in the letter he distributed, he believes he cited three provisions where the transfer of density was not permitted and this proposed text amendment fixes one of those, but does not fix the other two. So again, it is just a patchwork mending of a Code that as Member Ellis commented on needs to be revised in its entirety. One thing that the Planning office report did get right is that the density transfers have been opposed by neighboring citizens when the PUD process is abused by the developers, disrespecting the rights of the neighbors who

bought and built their homes in reliance on the density of the adjacent zoning. One recent example was the Park Knoll project. The Planning office told this Board and told the City Council that the density transfer was allowable through a PUD and clearly it was not so the neighborhood opposed that. The lesson that was learned from that was that this Code needs to be fixed, and needs to be fixed comprehensively, and this particular section needs a comprehensive fix. Another example is the low-income housing project on Highway 93, which did not get its tax credits from the State. And the lesson learned from there is this piecemeal, carte blanche, approach is not the right fix. What you need is a comprehensive rewrite of the PUD Code which is what the Board directed almost a year ago. The Board was on the right track then and should stay on that track and insist that this provision be revised in its entirety. In doing that, he would encourage the Board to take advantage of the community support, participation and expertise to fix that section in the manner that balances the interest of the developer with the rights of the existing citizens, and in a manner which provides the substantive, and procedural due process rights and gets the community the benefits in return for the density transfer so that there is a model that protects what we value in our community instead of selling out in favor of the developers. The Board can do that by sticking to the proposal it made a year ago and inviting people like Mr. Spivey and Mr. Hunt and himself to work in a committee with the Planning office, maybe with Citizens for a Better Flathead, and also with the developers, to come up with a comprehensive PUD development program. This is not a major section of the Zoning Code, it is only four or five pages, he thinks, and he would imagine it could be rewritten in a matter of a month or two. He understands that staff is overwhelmed and that is why he encourages them to draw from citizenry to help the staff and Board so that everybody buys into this revision rather than something that is not in the interests of the citizens.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, distributed copies of a six-page comment letter. She said some of her comments would be somewhat repetitive with those just heard, which she supports, so she summarized her nine comments as she read them into the record.

1. Tom spoke to of the letter he gave the City in October 2014 and again as he pointed out I think you need to realize that the proposal before the Board tonight does not correct two of the legal issues that were raised in that letter. The proposed zoning is not consistent with the intent of the PUD standard statute found at 11-2S-1 which only refers to the ability

to vary standards and not densities to underlying permitted uses (provided citation). The proposed zoning amendment in the staff report and the scant and inadequate findings of fact failed to address or analyze how the proposed text amendment furthers, conflicts with or provides the benefits identified within the intent of the PUD section 11-2S-1. Those are important standards and as Tom noted they are bypassed in the way the zone changes are proposed tonight.

2. In this hearing it also needs to be made clear that PUD Blending or Density Averaging is being used to allow for more than just increased densities. It is being used to allow a developer to take permitted uses in one zone and to blend them into other zones so that they are not consistent with the underlying zoning. That is a big deal particularly when you have two very dissimilar zoning districts. It is also being used to justify taking affordable housing density bonuses that vary in the number of density that is allowed depending on the underlying zone. You get some of the highest density bonuses for commercial but when you take those affordable housing bonuses and put them into your low density residential again you are creating conflicts and abusing a system that should not be used in that way. Affordable housing is a critical issue in our community and this whole section need to be reviewed consistent with the new affordable housing study that is going on but also looking at if we are just giving away density and not getting the kind of affordable housing that we really need here in the community.

3. The proposed zoning text amendment violates the due process rights of adjoining property owners to raise objections to zone changes by making the blended uses a de facto legal through the Blending or Density Averaging. Referred to state statute 76-2-302 cited in written comments. If you go to our state statutes, there is not a statute written that contemplates PUDs but they are used quite frequently throughout the state but in using those we need to use them in compliance with state law and she would suggest that this is another area of legality that needs to be looked at for compliance. The rights to protest afforded adjoining property owners or of residents at large are diminished when blended zones are made de facto legal and no public hearing is held on specifically on the nature, suitability, or legality of the blending proposed as required under 76-2-305, which is the statute that requires and protects citizens' rights to a public hearing on zone changes, so again that legality needs to be looked at.

4. The staff report and proposed findings of fact provide an inadequate consideration of the proposed text and its compliance with the Whitefish Growth Policy as required by state statute. For example, the Whitefish Growth Policy calls for clustering not spreading of density or "blending density" and she provided the citation in her written comments. The Growth Policy identifies the need for density created by infill to address transportation impacts, which this proposed text amendment fails to consider. That was going to be a real issue in this proposed density out on Highway 93 in this affordable housing project there where increased density was not only going to increase transportation from that development but from a proposed hotel that is coming into the area as well. The proposed zoning text amendment that allows blending of densities across zones is too narrowly focused and does not adequately consider or review related policies and issues identified in the Whitefish Growth Policy, for example in the Growth Policy it says, "Through use of the planned unit development (PUD), densities up to 12 units per acre, and up to 18 per acre with affordable housing, are possible by code. And while such densities are not usually granted in a predominantly single-family area, the threat of erosion of the existing scale and character remain very real." In this situation, Barbara Morris and the neighbors of the Rivers Edge had to hire an attorney to slow down this railroad of increased density and inappropriate uses being applied in residential areas. All of these points to the real need for a comprehensive review and rewrite of this section of the Code.

5. Mayre would further suggest that as proposed the way the PUD regulation is being proposed would most likely meet the standards for spot zoning which has been significantly different from prevailing uses in the area applied to benefit a small number of folks and that it is rather a small change with separated landowners benefitting from the proposed change. So, that again is another reason to go back and rework these.

6. The lack of clearer PUD standards tie local government decision makers' hands by failing to provide clear public benefit criteria and standards on which they can rely on in approving or denying such proposals.

7. The proposed zoning text amendment fails to address the more comprehensive review of the City PUD zoning regulations as called for by resolution of the Whitefish Planning Board after consideration of an almost identical staff report and consideration of public comment at their February 19, 2015

meeting. Our prior comments above provide numerous examples of why a more comprehensive review of the City PUD regulations are needed.

8. A more comprehensive review is needed to not only address inadequacies of the current regulations but also potential best practices being used in other jurisdictions that could be an improvement over our current regulations. Issues or topics that merit further consideration should include:

- Reduced parking tied to affordable housing benefits. At the Whitefish Crossing hearing we gave the council and the planning a detailed study of how this is being done elsewhere in the county.
- Density credits for affordable housing tied to building the type of affordable housing Whitefish most needs. The affordable housing study soon to be underway needs to be incorporated in a comprehensive review of the PUD standards.
- Affordable housing benefits tied to providing energy efficiency and even design for solar and wind (roof design or heights can impact current future application of such energy uses). Energy costs are a significant impact to those seeking affordable housing options.

(There were additional suggestions and Mayre requested we read through her written comments.)

9. In conclusion she thinks it is important to move forward with a comprehensive review and encouraged the planning board to take action tonight to deny any further movement forward of the application before them, to go back to their comprehensive review and to put a moratorium on the use of blended zoning until the legality and fairness of this can be addressed for the community.

David Hunt, 113 Park Knoll Lane in Whitefish, came in on the earlier version of this proposed Code amendment and feels as do other presenters here that the proposed amendment still leaves the PUD Code unclear and Whitefish property homeowners vulnerable. He read his three-page letter and asked that his comments be included in the record. In conclusion, he recommended the Board not approve this proposed amendment and requested that a more deliberate study be undertaken to develop clear and unambiguous PUD code that works for the City, developers and residents. He recommended such effort consider the following:

1. Develop categories of PUD by use (Residential, Business, mixed use, etc.).

2. Clear specification of the underlying zones to which a PUD may apply within each category.
3. If blending is to be allowed,
  - a. Clear and non-conflicting code that addresses blending of density within a PUD.
  - b. Consider restrictions of PUD use across vastly different zones. For example, why allow WLR single family to be blended with WR-4 where densities can be as high as 57 rental or condominium units or 31 townhouse units/gross acre?

He encouraged collaboration between the Planning Staff, residents, any other lawyers that want to get involved and others as this process moves forward.

Wendy Coyne, 3 Rock Creek Court in the Rivers Edge area of Whitefish. She disagrees with what is proposed to happen with the zoning laws. She wanted to give her perspective of being a resident of Whitefish and what it has meant for her and the neighborhood in the last couple of months with the affordable housing. She has owned property in Whitefish for 16 years and became a permanent resident of Whitefish six years ago and bought her house in Rivers Edge. She knew there was a ten-acre piece of land just to the south of her and understood that part of it was commercially zoned and two-thirds of it was single-family residences. She also understood she was moving into a more urban environmental than further uptown, but she did research and knew the land behind her was going to be residential. Then this year everything changed because of this blended density. Affordable housing was agreed upon but all of a sudden they had blended density happening to them and they went from single-family to multiplex buildings possibly going in next to them, going from as Mr. Tornow pointed out densities of maybe four houses per acre to ten. So she went to the grant meetings at the state so the grant got denied. Everything was sided to the developer and in the blink of a moment, they saw that things were going to change where they live and pay taxes and where they bought because there was trust that the land behind them was zoned WR-1, as single residences. They trusted the zoning when they bought their property and found it can change in a moment. People cannot trust when they make a property purchase and it is giving potential buyers a bad taste of Whitefish. She does not feel that the proposal before us tonight is a move in the right direction, so she, too, asked that we look at this thing as a whole new deal and do it right.

Judy Spivey, 117 Park Knoll Lane in Whitefish, feels confident that

every person in the room including the hardworking Planning staff and volunteer Planning Board is happy to be part of this rare and wonderful little City. As the Planning board, their role in helping plan for the present and future of Whitefish is critical. It is not easy. Investors, developers and entrepreneurs, possess unlimited time, energy, and especially financial resources to achieve their goals. That is their job. The Planning Board's job of considering and recommending possible action regarding our current WPUD regulations is an enormous task, one that may not have been in their original job description. She understands that but also understands how imperative it is for all of us together to face the issue of updating the current WPUD regulations NOW. It must be done NOW. *Once the tarmac is laid down it's almost impossible to take it up.*

Robert Horne, 151 Wedgewood Lane in Whitefish, two houses in from the Dog Park. The issue before us tonight is a Code amendment to put in the Code a perfectly reasonable and logical practice that we have been doing for years. He was Planning Director from 2005-2007 and we did it then. It is very simple. If you have a PUD, say 10 acres that overlies two properties in two zoning districts, one five acres and one ten acres of equal size, this says that you can apply for a density of 7.5 dwelling units/acre. Not one unit per five acres on this one and one unit per ten acres on the other, it does not increase the density at all. He just heard things like it doubles and triples the density. It does NOT. We just had a situation a couple of years ago with the Residences on 2nd Avenue where the Kauffman property. About a quarter of the property which is mostly taken up by Cow Creek and was zoned WR-1. The other three-quarters of the property was zoned Whitefish Agricultural and the developer was requesting a zone change to WER. Without the ability to average the density, you could not have developed that property or you would have been cramming the most density in the most environmentally sensitive part of the parcel. That is the ways it is supposed to work. It gives the developer the opportunity to move that density around to respect the more critical parts of the site - to protect, respect and leave some open space and put the density in the most buildable parts of the site. He thinks a lot of folks are confusing what this section does. This section is in the section that tells the developer what he can APPLY for, only what he can APPLY for - that does not mean he is going to get it. This section does not negate all of the purpose and intent stated in the very first section of the Code – they are still there. They still have to be met. He heard some very well-meaning people, who are friends of his, really tell us things that are not characteristic of the way the PUD is actually administered. He heard things like, "The Planners don't like

it". Whether the Planners don't like it or don't dislike it, the Planners go according to the Code. So, the issue here before us tonight which once again is only to put in the Code what is a very reasonable practice that we have been doing for years and he would encourage approval of that. However, he has also had a chance to discuss this with the staff as they were kind enough to meet with him last month, so he is not blindsiding them by saying that he too agrees that the PUD section needs to be rewritten. The community has outgrown the PUD. It has become a more complex community, with a more complex set of issues and the PUD section just needs to be written to take that into account. Suffice to say that it needs a fresh look.

Rhonda Fitzgerald, 412 Lupfer Avenue in Whitefish, said specifics have already been very well covered by people very informed on the subject who spent a lot of time reviewing it and she also appreciates Bob's perspective. Over the many decades that she has lived here she has always been impressed by the fact that the elected officials of the City and the City in general kind of default on the side with the people who live here and the understanding they have about where they live. We have a Growth Policy that talks about neighborhood integrity and character and the first part of the zone that Bob referenced is really important to people and they read it and they believe it. They believe that City staff works for them in making sure that it is followed through with. They believe the Planning Board serves to protect their interests, and of course, also to help people to create new businesses or grow their business. But she thinks that quite often the emphasis is on someone coming in and wanting to do something maybe a little outside the lines and we work really hard at finding a way for them to do something that the people that live around these projects really thought was not going to happen. She thinks that is a shame and she really hopes that we could all step back and think about the expectations of the people who live here because people who come here want the same kind of life that those of us who do live here have. She thinks if we don't honor the promise that we have made, that we are in trouble in the long run. So she hopes that we could all step back and think about what people expect from all of us.

Don Spivey, before concluding, he wanted to comment that the housing study just getting underway involving the City, the Chamber, and other interested parties, will go a long way towards helping all of us understand the true nature of Whitefish's housing needs and should also be helpful as regulation changes are considered in support of helping to satisfy those needs. This evening, many and varied reasons have been heard about why they as citizens support a rewrite

of the WPUD regulations. It is the same recommendation they made on February 19, 2015, which the Planning Board supported at that time. This evening we have heard even more reasons why that is needed and they hope the Planning Board would again choose to support one of the following recommendations:

1. Forward to Council a recommendation that they direct staff to initiate the process of rewriting the entire WPUD Regulations and at the same time issue a moratorium on any further PUD activity until that rewrite is completed. **OR**

2. Forward to Council a recommendation that they direct staff to initiate the process of rewriting the entire WPUD Regulations and at the same time issue a moratorium on the use of "blending" until that rewrite is completed and there is a better understanding of the need for blending and how and where it is applicable in Whitefish. **OR**

3. Forward to Council a recommendation that Council direct staff to explicitly remove "blending" totally from the WPUD Regulations.

Anne Moran, 432 West 3rd Street in Whitefish, reviewed the blended zoning proposed language and will not repeat all of what has been said before, but she agrees with a good deal of it, particularly the points Mr. Tornow made. She has worked on any number of PUDs during her career representing developers and landowners and thinks often times as Ms. Fitzgerald said we start to think very hard about economic growth and who we are bringing in and she thinks that is critical and important. But it is also important to remember that our residential investors are huge drivers of that. Many people who invest in residential property invest more money than many of our commercial people do. Many people who invest in residential property are the ones who provide the funding for the development that the developers come in here to do. She knows because she used to do the analysis on that and that is where the money comes from. When we make those investments, we have chosen to invest in a zoned area because that provides protection and predictability to protect our investments. If the City is ambiguous in how it maintains the consistency on that over time, it threatens their investments. It is very important in a situation like this that there is not ambiguity in what is put forward and to adhere to actions on record so as not to create more conflict in the community. There will be longer meetings, more people turning out and thinking things are not going to be worked through the way they should be. The other thing that concerns her about this is that she sees a lot of exposure for the City in terms of spot zoning in how this lays out and as a taxpayer has had to pay for

other damages and litigation that the City has lost in the past. She would prefer, as she is sure is the case with other taxpayers, not to have to pay for more conflicts. She appreciates the efforts the staff and Planning Board make but she hopes they will take a very close look at this because it has a lot of potentially unanticipated impacts.

**MOTION / BOARD  
DISCUSSION**

Melissa moved to deny the current proposed Code amendment WZTA 15-01 at this time in order to open conversation. Rebecca seconded the motion. Melissa said one of the difficulties she is having with the public comments around this issue is there seems to be a lot of language that feels like jabs at our City staff and it actually makes it difficult to really listen and to really hear the issues that are so well thought out and so important. She finds herself feeling really protective of the City staff instead of hearing what the public is saying and it makes it harder for her to really pay as much attention to what is being said even though what is being said is really, really important. She is a homeowner and she hears what is being said, but she trusts our staff and she has seen the work they put into it as someone who has gone through this process. She trusts that they have the City's best intention in mind. She asked that a lot of the underhanded comments be removed from the process because this is a really complicated one. She thinks a steering committee is probably in order and she hopes the environment for more supportive and efficient communication exists. She appreciated the opposing comments that were done with respect.

Rebecca agrees that the staff is really wonderful and we are fortunate with all the people that work for our City. She just thinks sometimes we do not realize that we have grown into a more sophisticated city than we thought we were. Every once in a while if there is a lot of public angst it is worth doing a deeper look at our policies, especially when we are eroding public trust of our public process.

John asked Richard if he has any sense that City Council is aware of the concerns from citizens about the current WPUD chapter and whether there is any inclination on the City Council's part for a review and rewrite of this. Richard said he cannot speak for the Council but knows the Council is anticipating some kind of resolution, or certainly at least some direction from this Board. He thinks Council is open to whatever this Board recommends and will then act appropriately. He does not agree with Rebecca that there is an erosion of public trust. He thinks the fact that we are all sitting together in this room having civil discourse and dialogue is a celebration of the democratic process. Before a vote takes place, he would like a restatement of the motion

so it is very clear to everyone what is being voted on. Chairman Meckel said the way he understands the motion is that this is a larger issue than it appears in the writing. If you look at the scope of what is actually being proposed, which is simply to define the density calculations in the current PUD, and we can discuss the broader issue later, but for now the question before us is the definition of how the areas in the densities are calculated in the current PUD and he wants everyone to remember that that is the one thing we are looking at now.

Melissa asked to rescind her motion but Rebecca (as second) did not agree. Chairman Meckel said it is important for everyone to understand that right now the process we are in is that we are addressing each other on the Board, so we are having a discussion about the question before us. Melissa asked whether approving this means that we do not have an opportunity to then start to address the bigger issue which is some of the conflicting language in the PUD. Chairman Meckel said in his opinion we can address the language in the PUD, but the question before us is the area calculation within the current PUD.

Rebecca asked if we approve what is presented does that close the discussion? Chairman Meckel said he did not think so, that we could address the PUD issue. Taylor said it is obvious that all of our Code has sections that are not perfect. They have worked and we have been able to utilize them over the years, but we are constantly doing minor, and sometimes major, updates. A lot of it just depends on the workload and how big a project is. We could rewrite the whole chapter and come up with a completely different way of looking at it, but that is a pretty involved process. Just like if we were going to do the same thing to our Sign Code or areas of the Code. They see a lot of PUDs and there is a lot they seem to work fine but obviously there is some interest in improving it. But forwarding this to the Council as it is written or with a couple of minor changes does not preclude us from wanting to look at the WPUD chapter and refine it and possibly rewrite the whole thing if that is what the Council wants to have done. Chairman Meckel said he thought the Planning Board can offer amendments to what we are looking at. If we approve this, we can approve it with amendments, including recommendations, to the Council.

Richard reiterated his request because he is hearing two different things and he does not think the motion is the same as what Chairman Meckel restated. He thinks we have a motion on the table with a

second and would like to have that restated so he is really aware and comfortable with what he is going to vote on. Then we can go back to what Chairman Meckel was just saying or we can go back to February 19, 2015. He does not know where it is going to go but he wants to have a good, clear statement. Chairman Meckel asked Melissa if her motion is to deny the area calculations. Melissa reiterated her motion that is on the table which she is not going to rescind because there is a second already attached to it is to deny the current proposed Code amendment WZTC 15-01 at this time in order to open up conversation. Chairman Meckel reiterated it is a motion to deny the revised amendment to clarify the allowed density where a PUD overlays multiple underlying zones as presented.

Melissa added that Mr. Hildner did clarify that that was an issue and she was mistaken in what she was denying. Chairman Meckel said it is to deny the density calculation as presented to us.

**VOTE**

The motion to deny the area calculation passed with Melissa, Rebecca, Jim and Richard voting in favor, and Chairman Meckel and John voting in opposition.

**MOTION / BOARD DISCUSSION**

Rebecca made a motion that we forward to Council a rewrite of the entire PUD chapter and a moratorium on blending until that is finished. John seconded.

John said as he said a year ago, the PUD chapter needs to be rewritten and it has been another year and he would urge the members of this Board to vote in favor of forwarding this matter to the City Council to direct staff to do it or say they are satisfied with what we have. Chairman Meckel said he wants the Council to know that a lot of the issue that was presented tonight is the different blending of zoning. Some people look at it as spot zoning and it is more than just density, if he understands this right it opens the barn door, as to say, for taking very unlike zones and blending them and creating basically, as the public sees it, a new zoning. That to him is a big concern with the issue we are looking at right now, so he would really like the City Council to understand that that is the issue that we are really looking at - taking extremely different zones and melding them together.

Rebecca said the other part that people have spoken about is that the public that is already invested in Whitefish does not always feel like they are included in the impact on their own investment. They can actually have a lot of devaluation of their property if they are not

included in the final outcome. She thinks there must be something out there that works for both sides and maybe we can improve on what we have. We have a lot of citizens who are willing to participate in a committee if the Council decides to do that. People have researched things quite extensively already and that might keep us out of further lawsuits as well.

Richard would like to simplify it a little bit. He thinks Chairman Meckel's points are well taken, but based on the information received in the packet and again tonight from a variety of sources, this goes back to February 19, 2015, where this Board directed the Planning Department to rewrite the PUD section of the zone and he thinks we are cycling back to that – that the Motion speaks to that.

Rebecca said she knows it is a lot of work for the staff but she thinks if it was not such a big issue for our community we would not keep seeing the amount of turnout we have seen and so much investment, so she thinks it is worth our investment to do this for the public, as well as our own collective future. She is sorry to put more work on the staff, but thanked them.

As requested, the motion was reread, "Rebecca made a motion that we forward to Council a rewrite of the entire PUD chapter and a moratorium on blending until that is finished."

**VOTE**

The motion passed unanimously. The matter is scheduled to go before the Council on February 1, 2016.

**BREAK**

8:05 to 8:15 pm

Break.

**PUBLIC HEARING  
3:  
AMENDMENT OF  
WHITEFISH CITY  
CODE TITLES 11,  
12, 13 AND 14  
ZONING,  
SUBDIVISION,  
LAKE AND  
LAKESHORE  
PROTECTION  
REGULATIONS,  
AND FLOOD**

A request by the City of Whitefish for a variety of housekeeping amendments in §11-2-3B(5) and §11-2L-4, building height; change the term 'servant' to 'domestic worker' in the list of Permitted Uses in §11-2A-2, Agricultural District, §11-2B-2, Country Residential District, §11-2C-2, Suburban Residential District, §11-2D-2, Estate Residential District, §11-2E-2, One-Family Limited Residential District, §11-2F-2, One-Family Residential District, §11-2G-2, Two-Family Residential District, §11-2H-2, Low-Density Multi-Family Residential District, §11-2I-2, High Density Multi-Family Residential District, §11-2L-2, General Business District, §11-2N-2, Low Density Resort Residential District, §11-2O-2, Medium Density Resort Residential District, §11-2P-2, Limited Resort Business District, §11-2Q-2, General Resort Business District; §11-9-2, definitions add 'domestic worker' and 'building footprint;' add new subsections §11-1-4,

**CONTROL**  
8:20 pm

General Zoning Provisions, §12-1-4, General Provisions, §13-1-6, General Lake and Lakeshore Protection Provisions, §14-1-7, General Floodplain Regulations to add a burden of proof standard; §12-3-7A, Preliminary Plat Review Process; Minor Subdivisions, Waiver of Preliminary Plat, review criterion.

**STAFF REPORT**  
**WZTA 16-01**  
**(Compton-Ring)**

Senior Planner Compton-Ring reviewed her staff report and findings, which included five (5) different housekeeping text amendments.

Staff recommended adoption of the findings of fact within staff report WZTA 16-01 and for **approval** to the Whitefish City Council.

**BOARD**  
**QUESTIONS**  
**OF STAFF**

John asked about the fourth amendment concerning height limitations. He understands what a "chimney" is, but what about a "tank"? What if the brewery downtown wanted to put a 20' high tank on top of their building to hold grain, does this allow them to do that? Compton-Ring replied she was not sure what a "tank" is, and John said he did not know either. John asked what if someone downtown wanted to take a building that is currently within the height limitations and put a big gold dome on it that goes up 20'. Does this allow them to do that? Compton-Ring said she thought domes, belfries, spires, etc., might be for churches. John said his problem is he thinks it is so vague that someone can make pretty much anything fit. Compton-Ring said they are not proposing to add or change anything, but they just want to see equipment screened.

Richard said the current Code allows for tanks, so we are not adding anything and asked if tanks would have to meet the building height restrictions and now the screening. Compton-Ring said these are the things that are **exempt** from building height, and "tank" is one of them. She said it is probably a throwback from something long ago, and the Planning Board could certainly vote to take it out. She pointed out that no one has ever asked for it though.

**APPLICANT /**  
**AGENCIES**

None.

**PUBLIC COMMENT**

Rhonda Fitzgerald, 412 Lupfer Avenue in Whitefish, suggested the Planning Board could cross out all those things in §11-2-3B(5) that no longer fit. She said the whole Zoning document needs a rewrite, parts of it are over 30 years old. Parts of it were cut and pasted from other communities and the idea was that at some point someone would go in and say, "What's a tank", and she thinks it is awesome that John brought it up. She suggested they just cross certain things out.

Mayre Flowers, 35 4th Street West in Kalispell, appreciates these are important areas to clean up and would second what Ms. Fitzgerald just said to take the time right now to also clean up terms that are not applicable and in current use. She appreciated the fact that "servant" has been removed but wonders if "domestic worker" is the best term. She had no other suggestion. She also thinks clarifying the responsibility for the burden of proof is a very important clarification to make and she encourages and appreciates those efforts.

**MOTION / BOARD  
DISCUSSION**

Rebecca moved to accept the proposed Code amendments to Titles 11, 12, 13 and 14 contained in staff report WZC 16-01, with one correction to remove "tanks" from Page 11 under 11-2-3B(5), Use Regulations. Melissa seconded.

Richard offered a friendly amendment to include in the exclusions "fire and hose towers" and "monuments". He is not sure what is meant by "aerials", but he is concerned that if we keep that, we could be into cellphone towers. Taylor said "aerial" could include "antennae", and City Hall and the Fire Department have antennas that exceed the height limitation because it is exempt. Chairman Meckel asked if "aerials" will be a problem and Richard said he wanted to leave "aerials" in. Jim seconded the amendment.

John urged the Board to delete the whole section, not just pick items that seem bad tonight. Take "masts", for example. What if someone wanted to put a mast on their building that has sails on it and a big pirate flag on top of it? This would approve them doing that. He urged the Board to strike the fourth amendment in its entirety and let the Planning staff review it.

Richard withdrew his friendly amendment and Jim withdrew his second.

Now we are just back to voting on "tanks". Rebecca withdrew her motion and Melissa withdrew her second.

**PUBLIC HEARING  
4:  
AMENDMENT OF  
WHITEFISH CITY  
CODE TITLE 11,  
ZONING  
REGULATIONS  
8:40 pm**

A request for a Zoning Text Amendment by the City of Whitefish to amend Section 11-2 of the City Code to create a Whitefish Neighborhood Mixed Use Transition zone and a Whitefish Industrial Transition zone, Section 11-3 to provide development standards for Artisan Manufacturing, Live/Work Units, and Micro-Breweries and Micro-Distilleries; and Section 11-9 to add definitions of Business Incubators, Coffee Shops/Sandwich Shops, Live/Work Units, Artisan Manufacturing, Micro-brewery, Micro-distillery, Mixed-Use Environment, Mixed-Use Building, and Research Facilities as part of the implementation of the

Highway 93 West Corridor Plan.

**STAFF REPORT  
WZTA 15-03  
(Taylor)**

This matter was continued from the December 17, 2015 Whitefish Planning Board Meeting.

Director Taylor reviewed his staff report and findings.

Staff recommended adoption of the findings of fact within staff report WZTA 15-03 and for **approval** to the Whitefish City Council.

**BOARD  
QUESTIONS  
OF STAFF**

John asked what a "Class A manufactured home" is (listed as a permitted use). Dave replied a type of a mobile home built to certain building code standard, such as the manufactured homes you see along Highway 2 in Kalispell. Class B is an old-style trailer or pull trailer. Class A homes are built to modern building code standards offsite, and then moved onto a site and put on a permanent foundation. John also asked if there is any reason that in the WT-3 zone the language is continued about up to 42' height, with a roof pitch of 7/12 but is was taken out of WI-T. Taylor said we have talked about it here and in the Industrial District and there is opportunity as we are seeing if someone is going to develop a hotel a lot of times they want to go a little taller than 35', so we are seeing a lot of PUDs just because they want to go up a little higher but do not want to necessarily go to the Board of Adjustment for a height variance. One of the things that adding that does is encourages more attractive buildings as people will do a flat roof building right at 35' so they can get three floors.

Rebecca referred to Page 11 of WZTA 15-03 about requiring two parking spaces for the live/work units. She recalled Mayre Flower talking about the possibility of considering reducing that to one space in the future, as some communities do in urban areas. Taylor replied some of the parking will be very dependent on what the building is used for, and that could be considered. He does not think we will necessarily see live/work units in the Transitional Zone.

**APPLICANT /  
AGENCIES**

None.

**PUBLIC COMMENT**

Congressman Ryan Zinke, 409 West Second Street in Whitefish, where his family has been for over 75 years, gave a history of the five-year process they have gone through. They did a PUD with Planning staff to convert the two houses on their property into a B&B, which was approved by this Board. The PUD project included a microbrewery on the south side to include 300' of public access to the River and 150' of setback to make sure

the Whitefish public could enjoy Whitefish River. They decided to go with paddleboard and kayak manufacturing to make a light footprint and build a microbrewery on the property because the hours are limited. Congressman Zinke does not think a microbrewery is a backdoor for a bar. They are not selling gallons of beer, the law is very clear - three beers in a 24-hour period. The Chairman of the Corridor Study is right here, and the Corridor Study said that a microbrewery is exactly appropriate. He wants the River to be used by families, and with his project that part of the River can be used in perpetuity, which would not be the case if condos were put in. He sat through all these little hearings and feels there is not one credible reason why his project should not be approved. What he has seen is intimidation. When people intimidate the Board volunteers or professional staff, or ask the Board members to recuse themselves because they are sitting on a board, that is a concern. He asked that we honor the Corridor Study's intent, and the years that they went through it. He agrees to a Conditional Use Permit, but the area on the north side of the Highway is bounded by a highway, an industrial park and a railroad. It is not residential. He will work with the neighbors and make sure the project is appropriate and he will work with the Planning Board and staff to make sure that it is a win-win. That is his promise and intent. A Conditional Use Permit does that. It makes sure that the design is appropriate. The lot is large, he said he would give public access to down to the River and connect to the bike paths. His family runs the largest park in Whitefish, the Great Northern Peace Park on 20 acres. It is free for kids who sled and he provides that because he cares about Whitefish. Whether approved or not, he is done. Five years is a long time to go through a project, and he has tried to make this a win-win for Whitefish. He has compromised, looked at different things, brought professionals in and talked to everyone. What he is asking is that WT-3 should include a microbrewery under the conditions of a Conditional Use Permit. That is what the Corridor Study said. That is what the public hearings said and there is no argument against it that has any bearing. He then thanked the Board for their judgment and hard work.

Doug Wise, 1000 Birch Point Drive in Whitefish, bought a house here twenty years ago on Birch Point, which leads to Ramsey, which leads to Highway 93 and has lived here permanently for last eight years, so drives that Corridor every day. He is very excited that the construction has finished after three years. What an opportunity for that part of town to come alive. He is happy for the safety the sidewalks offer for pedestrians. It is exciting to see that Corridor turn into a vibrant part of Whitefish. The noise is really a factor due to the upwards of 40 trains a day, resulting in 180 whistles a day, and it being a state highway. We have an opportunity to develop 8/10ths of a mile, which has been improved and will continue

to improve. He asked us to ask ourselves if 93 West is any different than 93 coming into Whitefish. Is 93 West any different than Wisconsin. Is that section any different? He hopes that we will see the opportunity to develop a part of town that has been underdeveloped for years. Mr. Wise agrees with Rebecca that City has grown and they have done a phenomenal job downtown to keep the heart of Whitefish what it is today.

Doug Reed, 520 Somers Avenue in Whitefish, is the operator of the restaurant at the Whitefish Lake Golf Club and also the Chair of Highway 93 Corridor Study. He thanked everyone here tonight who participated in that Study, which took a couple of years. Mr. Reed thought the Planning staff did a good job on the Code amendments, and captured the spirit of what the Committee that met over the past couple of years was these Transitional Zones, the WI-T and the WT-3. They were looking for flexibility into the future; looking to entertain ideas that would still be protected by the Conditional use Permit and the Architectural Review Committee. He knows the brewery/distillery part is what had been talked about tonight and believes it belongs in the WT-3 and WI-T.

Hunter Homes, 216 Midway Drive in Columbia Falls, was on the Corridor committee, and has been on the trail committee for probably eight years. He came onto Corridor committee about mid-way through. His client bought the Idaho Timber site and there are people who are interested in that site but they cannot do anything without knowing exactly what they can do. They are looking at a project that will be so beneficial to the City as far as job base, taxes and TIF funds, but their hands are tied right now as they are not going to step forward unless they know what they can do. The 93 Corridor is beautiful and the sidewalks, but either side of the highway a mess. Not one homeowner is doing and improvement to their residential house on the north side. There are "For Sale" signs all along there. Right next to Karrow at Idaho Timber there is a lot where they have already been approved he believes for ten townhomes. Further down toward the River there is about seven lots that are on the market. The hairdresser moved out. Across the street, the vet moved out. Another home has been torn down. Everything is just stagnating and it looks terrible. It is not a corridor that looks great for a vacation village. This was a template to work off. Lots of hours and time was put in, with late night meetings. The public was involved, and now it is just being micromanaged and dissected to death. It is good plan to work off, but it is discouraging to volunteers like Mr. Hunter, Mr. Reed, Mr. Zinke, and everybody else. We are going to have another corridor plan, Wisconsin Avenue, coming up soon. Who is going to volunteer for that if all the hard work, time and money, the money paid to the company that came out of Missoula that

spent a lot of time coming up here to the public meetings, the work sessions. Why even go through all that process when it is being dissected item by item, letter by letter. This is a template to work off and everyone who comes before them with a development plan will have to go through the process and work off this plan. It has been here three times he thinks, and before the City Council three times. Every time it is on the agenda it is the last thing on the agenda. At City Council it did not come up until 11:00 at night. Everybody has jobs, kids, families, and then when it was put off until the next meeting, John Anderson, who was on the Council put it three months out. That was a slap in the face to everybody. This plan needs to come to fruition; it is a plan to work off so people can start to improve the Corridor into Whitefish. He saw in a statement that Idaho Timber would be a great place for affordable housing. That is not the highest and best use for affordable housing. The owner is in it to make a dollar. Everybody is in it to make a dollar. When someone's residence is for sale, they hope to make a dollar. All these properties need to be the highest and best use and they are all going to generate income for the City, especially along Highway 93 because it is not a neighborhood. No families are going to move in there; they are not going to let their kids run out in the street. Mr. Hunter thinks the Planning Board should approve this plan. No plan is perfect. He Appreciates everyone's hard work on this plan, but it has to move forward and cannot be dragged out any longer.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, handed out and discussed a two-page series of comments, questions and suggestions as follows:

1. Consistent with other zone changes you are considering tonight remove the term Servant Quarters from these zones and replace with Domestic Workers. (page 4 of staff report)
2. Under the WI-T District it is appropriate for the identified conditional to uses remain conditional as this allows in this relatively small district of approximately 45 acres in a residential corridor for the city council to appropriately condition or if warranted deny a proposed use.
3. Under the WT-3 District it is appropriate that Artisan Manufacturing and the other identified conditional uses remains conditional as this allows in this relatively small district of approximately 45 acres in a residential corridor for the city council to appropriately condition or if warranted deny a proposed use.
4. Add to the definitions for the three proposed zoning districts the clarification that: "No formula retail, restaurant, or hotel/lodging is permitted under this plan or in zoning districts created to implement this plan." Commercial development in this area that adjoins the downtown should be consistent with similar

limitations in the downtown core area. This is also more appropriate for a largely residential corridor.

5. In a memo by Dave Taylor to the city council on June 1, 2015 he outlined changes he had made to the plan based on public comment, which included listing Artisan Manufacturing (no alcohol production) as such. We would ask that the (no alcohol production) reference be retained in the wording for this zone change before you tonight.

6. We continue to have concerns that conditions for shared parking should not be allowed to be temporary (see page 6 of staff report) as building site development may preclude the addition of necessary parking should a shared parking agreement fail at any point. Conditions should be added to provide that space be reserved for all on site parking should a shared parking agreement fail.

7. The uses proposed to be permitted with a business incubator should be defined so that the public can better comment on the appropriateness of such uses in this district. Are on site retail sales permitted in this sector? Please clarify the total square footage allowances for a Business Incubator. What standards govern this? It only states that 3,600 square feet are allowed per use.

8. Given potential electromagnetic issues with a wireless transmission facility this should likely be considered a conditional use.

9. Why are there no minimum lot areas for the WI-T? How can you have permitted lot coverage of 70% when there is no minimum lot area? Should greater buffers be considered with such uses adjoin residential uses?

10. Under outdoor storage on page 9, if under #2 outdoor storage areas shall be screened, what is meant by "open outdoor storage areas" under #4?

11. Is an increase in building size only determined by building footprint or also by adding additional stories? (top of page 10)

12. We feel that the following standard for accessory retail base are excessive and should be reduced. To the greatest extent possible retail uses should be directed toward the downtown core area and not compete with permitted uses in the downtown core. Text should be added to assure this occurs. While H. may provide some guidance in this respect it does not seem sufficient.

"G. No more than 40% of gross floor area shall be used for retail sales, no more than 49% of the gross floor area shall be used for food and beverage consumption (outdoor seating areas not included in calculation).

H. With the exception of minor accessory items directly related to the use of the primary product (i.e., paddles or life preservers at a paddle board manufacturer) only items manufactured or assembled on site may be sold on the premises." (page 10)

13. What standards for accessory retail and food and beverage sales are established for Breweries and Distilleries. What the % of building space may be devoted indoor or outdoor for such uses? Definitions for Breweries and Distilleries should not necessarily be tied to state standards. As I understand testimony at the recent city council meeting indicated that the Great Northern Brewery produces only ½ of the allowed 10,000 barrels. It may be a wise now to add a separate definition for nano-breweries.

14. The definition of Coffee Shops/Sandwich Shops should state that (no "formula" businesses) are allowed. This restriction should also apply to hotels, motels, and other similar uses in these two districts.

15. The definition of Artisan Manufacturing should include the statement that alcohol production is NOT\* included in this definition. [*\*NOTE: The word "NOT" was inadvertently left out of Ms. Flowers' written comments; however, it was included when she read her comments into the record and corrected by Ms. Flowers in her written comments following the meeting.*]

16. Under Research Facilities the scope of permitted uses that would be considered testing biological and chemical should be more clearly defined and perhaps limited given the residential character of this corridor.

Additionally, Ms. Flowers said at the time this Study was being conducted the issue of affordable housing was raised in the need to retain the existing residential housing, and she would like it if there was some way to make sure there are opportunities for affordable housing, and provide an opportunity to come back and look at this with fresh eyes.

Anne Moran, 432 West 3rd Street in Whitefish, generally supports what has been put forth tonight, with the recognition that she supports the specific comments that Ms. Flowers has made, including a few of the technical aspects of the draft. She strongly supports that a microbrewery remains a conditional use in the Industrial Zone, and she strongly supports that artisan manufacturing continue to require a Conditional Use Permit and have the specific statement that it not include alcohol production. Looking at the history of this situation, it initiated when a use was proposed for land when the zoning did not support that use. A microbrewery was proposed for a piece of land that was zoned WR-3, which does not allow microbreweries. So a PUD was proposed which met

three of the City's 11 criteria for a PUD, but it moved forward regardless. The neighbors exercised their right by statute. Montana law recognizes that rezoning property within a certain proximity of a neighbor or another landowner is perhaps one of the most impactful things you can do to that original landowner. The statutes allow for landowners to petition to require a two-thirds majority vote for the zone change. That is what occurred on the microbrewery and what initiated the Corridor Study. If she were to look back as a member of that Corridor Study group and say there was one area where the whole process was flawed that she hopes the City and the Planning Board can learn from, it is that the end result of that Corridor Study has had impacts very similar to a neighborhood plan on the area, which is significant, it is not just along Highway 93. However, the representation of the people on the Committee did not reflect the usual representation of residents within an area for a neighborhood plan. Consequently, the people who had concerns had to bring them back to the Planning Board and the City Council through subsequent meetings. A great deal of thought went into the City Council's determinations that artisan manufacturing should not include microbreweries, should require CUPs and microbreweries should require CUPs. The City's current Industrial Zoning requires a CUP for a microbrewery, so she cannot imagine why we would not require that in the Transitional Industrial. A couple of the specific directives to the Corridor Study Committee from the Council were that the area continue to maintain its residential flavor in recognition of the fact that it had unusually close proximity to residential neighbors with lack of alleys and different zones in the area. A very specific directive that came through several times was that the intent was that this not be developed like Highway 93 South. She is very heartened to see that this is moving forward and agrees with Mr. Homes that it is time to get it taken care of. She hopes the Planning Board will continue to recognize that the residential investors are significant investors in the economics of this community and just like Idaho Timber, they want to know when they buy into an area that the City has zoned a certain way they can count on some predictability relative to that to protect their investments as well.

Barbara Palmer, West 3rd Street in Whitefish, one thing she noticed tonight is the people speaking very much in favor of the brewery do not live within a few hundred feet of the proposed brewery. It makes a big difference when you are that close. If she lived somewhere else, she might be standing here tonight. She read a letter from Susan Prilliman who lives a few hundred from Highway 2 on West 3rd Street, and is ill tonight. Ms. Prilliman is concerned that lines are getting blurred and zoning issues jumbled and confused. Zoning standards should not be reworked and massaged in ways that obfuscate with their language and

their intention to point where their citizens have trouble deciphering the potential long-term effect on their neighborhoods and communities. She is concerned that efforts are being made to support the interests of developers who want to get their foot in the back door by way of some confusing language or technicality that can be interpreted to their advantage. Our development standards need to benefit the whole community and need to be fair and predictable and understandable and to respect and protect the preservation of our neighborhoods and property owners. In regards to the Highway 93 West Corridor, specifically, very concrete decisions have been made by our City Council to disallow short-term rentals and alcohol-related businesses in Area B with the clear intention of guiding this Corridor in a way that will protect the surrounding neighborhoods and the character of the entrance into Whitefish. Our zoning needs to reflect these decisions and limit the scale of other retail uses whose potential impact could be far greater on this area. On the Idaho Timber site, microbreweries have been allowed as a conditional use. She thinks it is very important for such a high-impact use to go through the CUP process which will allow for the only real chance to mitigate some of the issues surrounding this type of use. Ms. Moran expressed how she feels very clearly.

Rhonda Fitzgerald thought the decision had been made about the uses in the zones and that this was just about definitions and clarity, so she is surprised by some of the conversation tonight because the City Council was very clear in that decision. It is very exciting that we have a WR-3, which is a denser residential zone where we can get some more modest-priced housing, close to town. She is glad that a lot of this Plan honors that residential aspect. She has been very excited in the last year and a half to see a lot of projects going in that are tasteful triplexes and more units, and some office remodeling up against the Highway. She thinks the most positive outcome for the community is unfolding there. Developers are investing in that property and building housing which she thinks is great. Artisan manufacturing is a brand new idea in Whitefish and she thinks it is very appropriate to have a Conditional Use Permit associated with it because we do not know what it is exactly. It would be really great if there was some review of what is proposed as these come forward. To just to make it an allowable use without conditioning is a path fraught with peril, so she hopes that will be kept as a conditional use in both zones. She also hopes they will add the requirement that "no formula retail" (bar, restaurant, retail, lodging) be applied to these zones because they are right next door to downtown and that would maintain the character of our community. Something like a McDonald's would qualify as a coffee shop/sandwich shop and she is not sure that is our vision for this mixed-use zone. Since short-term rentals are not allowed in

these zones, she hopes in regard to the live/work units that would be emphasized that it is clearly not a short-term rental because those are such potential illegal Air B&B type things, which are proliferating all over the country, and it will be just like the accessory apartments. Every accessory apartment in Whitefish is potentially an Air B&B and it is hard to control. She also suggested separating tasting rooms (which can be 49% of floor space) from the manufacture of liquor as she thinks that is a back door to obtaining a liquor license. She thinks the square footage allowable in the Industrial Transition zone should be limited to 7,500 square feet without a Conditional use Permit because that is a darn big building in Whitefish, Montana and she thinks we should know what is going in if it is bigger than that. Thanked everyone for their hard work.

Lola Zinke, 409 West 2nd Street, Whitefish, picked up an agenda on the way in and read the Principles for a Civil Dialogue. She thought that was very interesting because the second bullet point says, "... the respectful and courteous dialogue and participation." The last time she was here she was appalled and surprised by the lack of respect that many of the people in this room showed to the members of this Committee. She was unprepared for the type of feeling that she got from it. She thought it was disgusting. On the fifth bullet point, it says that you also "... encourage creative approaches to engage public participation." When she looks at that, she thinks about maybe the use of diagrams or building models, or plans or different things like that, but creative to her does not mean fiction. A lot of the dialogue that was presented was fiction and was like "Harry Potter". It was an alternate universe that she stepped in when she heard a lot of the discussion. She was unprepared for that. She presented what her husband and she have been trying to do for the past five years in an open, honest way. She hopes that we honor the intent of the original Corridor Study. What they are trying to do is something that will impact Whitefish in a positive way and improve Highway 93. So far, she feels like everything that they have done has improved Whitefish. When people come up and say "it's a backdoor to a bar", that "hundreds of gallons of liquor are going to be consumed there every night" or all these things, it is incorrect and disingenuous. Quite frankly, she does not think it is the right tenor for a small town to have because tomorrow everybody has to get up and they go to the grocery store and they run into each other at stoplights, and hopefully everybody can still say "hello" and be civil about it, but it should start here.

Andrea Beatty, 245 Diamond Court in Whitefish, has been a business owner for 13 years here in Whitefish. She is here to support Lola and Ryan. Looking down Highway 93 towards Canada, it is a mess. They own the property and want to do what they want to do. She is a fifth

generation Montanan and grew up on the east side of Montana and feels we are lucky to have the problems we have here because they are looking for business and people to invest over there. A brewery has limited hours. Ryan and Lola are not asking other than what the state already says is legal and she requested the Planning Board take that into consideration.

**MOTION / BOARD  
DISCUSSION**

John made a motion to approve staff report WZTA 15-03. Rebecca seconded.

Rebecca asked Taylor if there was a way to fix the shared parking (from Mayre Flowers' comments). Taylor replied within our parking standards for commercial businesses, we allow people to have a percentage of their parking off-site if it is within a certain distance. They have to have a signed lease agreement. Once the lease agreement expires, we expect them to meet their parking standard on-site, so that is something that we already do in our Code. The anticipation is there might end up being a facility, for instance on the Idaho Timber site, where there is a large parking area not necessarily completely being utilized. If there were a business nearby that needed additional parking, it would give them an opportunity if it is within 300' to make up some of their parking. Those lots are so big in what is anticipated to be the WT-3 that Taylor does not perceive it being an issue. There is enough room for people to provide their off-street parking. Having the opportunity if there are some environmental constraints, such as having to go closer to the River or whatever, to use a nearby lot that has a bigger parking area is an option. It is not necessarily easy to enforce those agreements, but we do require them to be notarized and filed. There have been instances where someone sold their business and did not want to honor that so the property owner either has to find someone else within 300' who will help and sign an Agreement to do that parking or their permit to do that use, which is a Conditional Use, is revoked. It is a Condition on their Conditional Use Permit if they choose to do that. Rebecca asked if it goes with the property or only with the Conditional Use Permit. Taylor said they will have to go through a Conditional Use Permit process and that would be the mechanism that would be used to enforce it.

Rebecca asked about the comment regarding live/work units not being allowed as short-term rentals and Taylor said the district does not allow short-term rentals, so it is already covered. Rebecca said another comment was for business incubators there is 3,600 square feet for total square footage but there is no standard. Taylor said you do not necessarily want to set a standard on how large a business incubator can be; it is hard to say what is adequate until someone comes with an idea. Rebecca asked about the Industrial zone being 7,500 square feet unless

there is a CUP to go above it. Taylor replied it is one thing to have constraints on large buildings and it is another thing to be an impediment to someone who wants to bring jobs into the community. It is a fine line deciding at what point is a building so big that it is going to be an issue. The Idaho Timber site already has a 29,000 square foot building on it. Rebecca asked if there is anywhere else in town that they do not have to get a Conditional Use Permit above 7,500 square feet and Taylor replied the WB-2 Highway District is 15,000. The only place that is 7,500 is the B-3 in downtown. Rebecca said it would be congruent with our downtown look and everything to keep it at 7,500. Taylor replied except we are not in the downtown, we are talking about an industrial site that is five acres. Taylor said the B-4 light industrial zone does not require any kind of conditional use for large buildings. Rebecca asked about research activities, the definitions and standards of biological and chemical agents being used. Taylor replied he would be in favor of striking those two and would not want one of those next to his house. Those are just different things that research facilities do. As a community we could decide that biological research, germ warfare research and things like that may not be wanted in our town since it's a Conditional Use. Rebecca asked if there is any way to talk about affordable housing in this. Taylor said the only thing in our Code that does anything to encourage affordable housing is our PUD standards right now. Obviously, a multifamily district may have some affordable housing built in. The condos that are being developed right now are not affordable for most people. But then again you are next to an amenity, the River, so it is not going to be that affordable there. The other side of the street, which is WR-3, on a highway, probably has more opportunity for affordable housing than the Transitional Zones.

Richard got the impression listening to everyone this evening that generally speaking most folks are if not content, accepting of the proposed amendments in the Transitional Zones for Highway 93 West, with the one exception which is the gorilla in the closet. It is here and we have discussed it and it is really the microbrewery that the Zinkes have proposed. He comes back to as he thinks about this certainly there are some things that may need some clarification which we can do as we move along but it is his belief and understanding that City Council **twice** has denied the idea of the brewery that has been proposed and he thinks for us to include it now, it would end up coming back to Council as a decision that has already been made. He would like to put it to rest now rather than put it to rest one more time later at Council. That is his one concern, but generally speaking as he listens to the concerns that everyone else had on all the other items, we are generally right there. We are at the point where it could go to Council for their consideration and deliberation. He looked at all the comments people made tonight and

made notes on the comments that were provided and feels with that one exception he would be comfortable and so would make a friendly amendment to delete the microbrewery/distillery proposal in the WT-3 Transition. Taylor said it is not in the WR-3, it is only in the Industrial Transition as a conditional use. Taylor said there are two different zonings, the Industrial Zone and the Mixed-Use Transitional Zone, and the Mixed-Use Transitional does not have microbreweries listed. In the Industrial Transitional, it is a conditional use in the draft.

Rebecca said one person brought up under the WT-3 artisan manufacturing that we need to have a CUP, as stated with no alcohol production. Taylor replied it is currently a Conditional Use Permit already for artisan manufacturing. What they asked for was possibly putting at the end of it saying "no alcohol production" as a further clarification and we could do that but anything that has alcohol production would fall under the microbrewery or micro-distillery definition, which would then trigger is it allowed in that zone or is it not?

Rebecca wanted to add some things and discussed that it seems a little dangerous not to have biological and chemical production more defined, but that could probably be flushed out more through the Council. There was also a comment about the electromagnetic issues, too. The third thing would be the formula retail bar/restaurant/hotel/lodging. Taylor told her it was already we already limited coffee shops and sandwich shops there to no formula. He suggested that the definition presented needed to be amended though, because definitions apply to the whole zoning district that would apply everywhere in the whole City limits. We shouldn't say no formula retail under the definition because we do allow formula retail everywhere in town except in the WB-3. Melissa asked about the possibility of limiting it in this Corridor. Taylor said we are limiting coffee shops and sandwich shops and there are not really any other types of retail listed in the allowed uses. You could put no formula hotels, which would require a boutique hotel, which might severely limit what could be done on the site period.

Rebecca made a motion to add to research facilities on the bottom of Page 12 that there be listed definitions and standards for biological and chemical agents. Melissa seconded the motion. John asked for clarification of the motion. Rebecca said maybe we could add, "if allowed by City standards" to the end of the definition of "Research Facilities" on Page 12 of WZTA-15-03, but what she really wanted to try to do was limit health impacts and asked the Planning staff and Board if they had any suggestions. Chairman Meckel said he thought that would be part of the hearings and the conditional uses on the facility itself and he thinks maybe

we are getting a little into the weeds here in his opinion. Rebecca offered to withdraw her motion. Taylor said it is a conditional use so if someone proposes something they will have an opportunity to explain what they are doing and how they will protect the public health. Rebecca asked if we have any standards concerning that already. Taylor said only building code standards and the health department would probably have some through the State. Rebecca withdrew her motion and Melissa withdrew her second.

Richard asked where we are as far as formula businesses. Chairman Meckel said in this document we do have it for grocery stores and coffee shops. Melissa pointed out that we only have it for coffee shops and sandwich shops. She wondered if we could somehow just say no formula businesses.

Rebecca made an amendment to the proposal that on Page 4 under Conditional Uses, ninth bullet point regarding hotels and motels that we add "No formula hotels or motels are allowed in this district." Melissa seconded the motion. Chairman Meckel understands the issue but he thinks we need to be careful about limiting opportunities.

Rebecca, Richard and Melissa voted in favor of adding "no formula" to hotels and motels, and Chairman Meckel, John and Jim were opposed, so the motion failed. Ms. Flowers brought up as a point of order that it was her understanding that Jim was not voting on this matter because he owns property in the district. Congressman Zinke brought up as a point of order that Ms. Flowers was out of order. Richard said whether or not a person recuses himself is not germane to the motions that we are dealing with right now, and it becomes Mr. Laidlaw's decision. Jim did not recuse himself under these circumstances and felt he had the best interests of the community in mind.

Melissa made a motion to amend WZTA-15-03 under the Property Development Standards beginning on Page 5 that we attempt a sentence that puts a blanket against formula businesses within this Transitional Zoning (WT-3 Zone). She thinks it is a very Important part of Whitefish, the entrance to Whitefish, and one of the things we have done really well so far is to keep it very inviting and beautiful and she would like to see it happen there as well. Rebecca seconded. Taylor asked that the board consider what businesses might be allowed within the list of permitted or conditional uses that might have a formula opportunity, within that mostly residential district that allowed professional offices. Taylor said potentially it could be personal services, a hair salon, H&R Block, consulting firm, professional office, or a nationwide mortgage company. Following

discussion, Melissa rescinded her motion and Rebecca withdrew her second.

Taylor suggested we add "and no larger than 2,000 square feet of gross floor area" under Conditional Uses on Page 8 following "Coffee shops and sandwich shops (no "formula" businesses)", and strike "with no more than 2,000 square feet of gross floor area" from the definition of Coffee Shops/Sandwich Shops on Page 12. Chairman Meckel made that motion and John seconded the motion.

The motion passed unanimously.

Rebecca wanted to make sure that the word "servant" under Permitted Uses in the WT-3 Zone be changed to "domestic worker" and Chairman Meckel said that was already going to be changed and an amendment was not necessary.

Chairman Meckel said walkable neighborhoods are important, too, and he remembers in many neighborhoods there are grocery stores and coffee shops in a residential zone and in his opinion they create quite a favorable atmosphere. So, like Taylor was asking a question on Point 3 on Page 2, WI-T Permitted Uses, "[c]offee shops and grocery stores are also not typically found as conditional uses ..." he actually thinks that in line with the work that was done by the Highway 93 Committee that it be considered that coffee shops and grocery stores be a conditional use in WT-3. He brought it up as an amendment for discussion that they be considered a conditional use is the WT-3 Zone. Richard thought that was the Council's direction, but Chairman Meckel said it was not. Taylor said the WI-T Zone was the Council's direction. Chairman Meckel said it was recognized in the Corridor Study as a possible use and the concept he is trying to bring up is coffee shops and grocery stores in that Zone as recognized by the Committee. He brought it up to see if we could get some input to the City Council. Chairman Meckel made a motion to allow coffee shops and grocery stores under conditional use in the WT-3 Zone and no formula as proposed by the Corridor Study. Melissa seconded. Rebecca liked his idea but thought they might be pretty big.

The motion failed with all voting in opposition except Chairman Meckel.

Taylor brought up what Ms. Flowers said regarding striking the word "open" in No. 4 under "outdoor storage and processes", so the sentence would read "Outdoor storage areas shall not be used to store waste or recycle materials. He thought that should be addressed. Chairman Meckel made a motion to strike "open" and John seconded the motion.

The motion passed unanimously.

**VOTE**

There being no further discussion, the motion passed unanimously. The matter is scheduled to go before the Council on February 16, 2016.

**NEW BUSINESS**

None.

10:52 pm

**GOOD AND WELFARE**

10:52 pm

1. Matters from Board. Rebecca asked Taylor about the fee Resolution mentioned in the Legal Notices section of the *Whitefish Pilot*. Taylor explained in the past applicants were required to go to Flathead County and pay \$75 to obtain adjacent property owner lists. State law recently changed and Flathead County will no longer provide the list to the public, but will supply it to an agency, so we will need to get the property list and charge the \$75 to applicants for items requiring a property owner list.

2. Matters from Staff. Compton-Ring distributed the Planning & Building Annual Report showing activity for the past year.

3. Poll of Board members available for the next meeting on February 18, 2016. All indicated they thought they would be available.

**ADJOURNMENT**

Jim made a motion and Richard seconded to adjourn the meeting at approximately 10:55 p.m. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board will be held on February 18, 2016, at 6:00 pm, at 1005 Baker Avenue.

/s/ Melissa Picoli Philips, Vice Chair of the Board  
Ken Meckel, Chair of the Board

/s/ Keni Hopkins  
Keni Hopkins, Recording Secretary

APPROVED AS **SUBMITTED** / CORRECTED: 2-18-16